UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

CIVIL APPEALS DOCKETING STATEMENT

PLEASE TYPE OR PRINT. ATTACH ADDITIONAL PAGES IF NECESSARY

TITLE IN FULL:	DISTRICT: Northern, CA	JUDGE: Illston, S.

TITLE IN FULL:

Vernell Lundberg, et al.
    v.
County of Humboldt, et al.

DISTRICT: Northern, CA   **JUDGE:** Illston, S.

DATE COMPLAINT FILED: 10-30-97   DISTRICT COURT DOCKET NUMBER: C97-03989 SI

DATE NOTICE OF APPEAL FILED: 9-7-05   IS THIS A CROSS-APPEAL? YES   NO X

HAS THIS MATTER BEEN BEFORE THIS COURT PREVIOUSLY? _X_ YES ___NO
IF YES STATE WHEN:

CASE NAME: Headwaters Forest Defense v. County of Humboldt

CITATION: 276 F.3d 1125   DOCKET NUMBER: 98-17250

CHECK AS MANY AS APPLY

JURISDICTION		DISTRICT COURT DISPOSITION		
1 FEDERAL	2 APPELLATE	1 STAGE OF PROCEEDINGS	2 TYPE OF JUDGMENT/ ORDER APPEALED	3 RELIEF
(X) FEDERAL QUESTION ( ) DIVERSITY ( ) OTHER (SPECIFY):	X FINAL DECISION OF DISTRICT COURT ( ) INTERLOCUTORY DECISION APPEALABLE AS OF RIGHT ( ) INTERLOCUTORY ORDER CERTIFIED BY DISTRICT JUDGE (SPECIFY) ( ) OTHER (SPECIFY)	( ) PRE-TRIAL ( ) DURING TRIAL X AFTER TRIAL	( ) DEFAULT JUDGMENT X JUDGMENT/COURT DECISION ( ) DISMISSAL/JURISDICTION ( ) JUDGMENT/JURY VERDICT ( ) DISMISSAL/MERITS ( ) SUMMARY JUDGMENT ( ) JUDGMENT NOV ( ) DECLARATORY JUDGMENT ( ) DIRECTED VERDICT ( ) OTHER (SPECIFY)	( ) DAMAGES: AMOUNT SOUGHT $ N/A AMOUNT (X GRANTED: ( ) DENIED:$ 1.00 X INJUNCTIONS X PRELIMINARY OR ( ) PERMANENT ( ) GRANTED OR X DENIED

BRIEF DESCRIPTION OF NATURE OF ACTION AND RESULT BELOW:
This case involves a claim of excessive force under 42 U.S.C. section 1983. Following two mistrials (hung juries) the third trial resulted in a jury verdict of one dollar ($1.00) for each plaintiff. The Court denied the defendants' post-trial motions and granted plaintiffs' motion for entitlement to attorneys' fees. Plaintiffs' motion with respect to the amount of fees to be awarded is currently pending in the District Court.

ISSUES PROPOSED TO BE RAISED ON APPEAL:
Appellate issues include, but are not limited to, entitlement to attorneys' fees following a nominal damage award, excessive force (Fourth Amendment) and qualified immunity.

BASED ON YOUR PRESENT KNOWLEDGE:

Does this appeal involve a question of first impression? _____ Yes _X_ No

Will the determination of this appeal turn on the interpretation or application of a particular case or statute?
_X_ Yes _____ No   If yes, provide

Case name/statue: __Farrar v. Hobby__
___42 U.S.C. section 1988___
Citation: ___506 U.S. 103 (1992)___
Docket number, if unreported:_____
_____

Is there any case now pending or about to be filed in this court or any other court or administrative agency which:

a)   Arises from substantially the same case or controversy as this appeal?
_____ Yes _X_ No

b)   Involves an issue that is substantially the same, similar or related to an issue in this appeal?
_____ Yes _X_ No

Case name: _____
_____
Citation: _____
Court or Agency:_____
Docket number, if unreported: _____
_____

Will this appeal involve a conflict of law within the Ninth Circuit?
_____ Yes _X_ No

Among circuits? _X_ Yes _____ No
If yes, explain briefly:
__Viability of excessive force claim__
__without physical or mental injury, or__
__compensable pain.__

DOES THIS APPEAL INVOLVE ANY OF THE FOLLOWING:

_____ Possibility of settlement;

_____ Likelihood of a motion to expedite the appeal;

_____ Multiple parties on either side for whom joint briefing is possible;

_____ Likelihood of motions to intervenue on appeal;

_X_ Likelihood of motions to file amicus briefs;

_____ Likelihood of motions to stay appeal pending resolution of a related case. Identify case name, docket number and court or agency:

_____
_____
_____

_____ Other procedural complexities:

_____
_____
_____

COUNSEL FOR APPELLANT(S):
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I CERTIFY THAT A COPY OF THIS CIVIL APPEALS DOCKETING STATEMENT WAS SUBMITTED TO THE CLERK OF DISTRICT COURT OR THE U.S. COURT OF APPEALS, AND THAT IT WAS SERVED ON EACH PARTY/COUNSEL SHOWN ON THE ATTACHED SERVICE LIST.

_____ Sept 07, 2005
         SIGNATURE   DATE

REMEMBER TO ATTACH COPIES OF ORDER/JUDGMENT APPEALED FROM
AND SERVICE LIST WITH TELEPHONE NUMBERS