

CLOSED, RCMND

**United States District Court
Eastern District of Wisconsin (Milwaukee)
CIVIL DOCKET FOR CASE #: 2:97-cv-00857-CNC**

Lemon, et al v. IUOE, et al
Assigned to: Chief Judge Charles N Clevert, Jr
Demand: \$0
Case in other court: USCA Lemon 11/12/99, :99- -04101
Cause: 42:2000e Job Discrimination (Employment)

Date Filed: 08/12/1997
Date Terminated: 03/30/2007
Jury Demand: Plaintiff
Nature of Suit: 442 Civil Rights: Jobs
Jurisdiction: Federal Question

Plaintiff

Jeff Lemon

represented by **Charles J Barnhill , Jr**
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Plaintiff

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Plaintiff

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Plaintiff

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Plaintiff

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Plaintiff

Pat Haynes

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Plaintiff

Craig Anderson

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Plaintiff

John Beamon
TERMINATED: 03/19/1999

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Plaintiff

Bobby Maybern
TERMINATED: 12/30/1998

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Plaintiff

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Plaintiff

Mary Preston
TERMINATED: 01/19/1999

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Plaintiff

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Plaintiff

Bobby Sanford
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Plaintiff

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V.

Defendant

International Union of Operating Engineers
TERMINATED: 03/19/1999

Defendant

Donald W Shaw, Sr
TERMINATED: 10/20/1997

Defendant

International Union of Operating Engineers Local 139 AFL-CIO

represented by **Brian C Hlavin**
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Defendant

**Wisconsin Operating Engineers Joint
Apprentice Committee**
TERMINATED: 10/09/1997

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estate of

Jimmy Lee
TERMINATED: 12/30/1998

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estate of

John Beamon

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V.

Movant

Fox O'Neill & Shannon SC
TERMINATED: 10/23/2001

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Date Filed	#	Docket Text
08/12/1997	1	COMPLAINT–Class action (Summons(es) issued); jury demand Consent Forms Distributed for Magistrate Judge Gorence (wied,) (Entered: 08/13/1997)
08/12/1997	2	CERTIFICATE of interest by plaintiff Jeff Lemon, plaintiff Karen Meyer, plaintiff John Duncan, plaintiff Odell Williams, plaintiff Virgil Eiland, plaintiff Pat Haynes, plaintiff Craig Anderson, plaintiff John Beamon, estate of Jimmy Lee, plaintiff Bobby Maybern, plaintiff Shirley Nyman, plaintiff Mary Preston, plaintiff Franklin Edmonds, plaintiff Bobby Sanford (wied,) (Entered: 08/13/1997)
08/12/1997		FILING FEE PAID: on 8/12/97 in the amount of \$ 150.00, receipt # 89831. (wied,) (Entered: 08/13/1997)
09/04/1997	3	CERTIFICATE of INTEREST by defendant Local 139 IUOE (wied,) (Entered: 09/05/1997)

09/04/1997	4	REFUSAL to Consent to Proceed before Magistrate Judge by defendant Local 139 IUOE (wied,) (Entered: 09/05/1997)
09/04/1997	5	ANSWER by defendant Local 139 IUOE to [1-1] with attached certificate of service. (wied,) (Entered: 09/05/1997)
09/09/1997	6	MOTION by defendant OEJAC, WI Area to dismiss (wied,)
09/09/1997	7	BRIEF by defendant OEJAC, WI Area in support of motion to dismiss [6-1] (wied,)
09/10/1997	8	RETURN OF SERVICE executed of defendant Donald W Shaw Sr on 8/25/97 (wied,)
09/10/1997	9	RETURN OF SERVICE executed of defendant OEJAC, WI Area on 8/18/97 (wied,)
09/10/1997	10	RETURN OF SERVICE executed of defendant Local 139 IUOE on 8/15/97 (wied,)
09/10/1997	11	CONSENT to Proceed before Magistrate Judge by plaintiff Jeff Lemon, plaintiff Karen – Meyer, plaintiff John Duncan, plaintiff Odell Williams, plaintiff Virgil Eiland, plaintiff Pat Haynes, plaintiff Craig Anderson, plaintiff John Beamon, estate of Jimmy Lee, plaintiff Bobby Maybern, plaintiff Shirley Nyman, plaintiff Mary Preston, plaintiff Franklin Edmonds, plaintiff Bobby Sanford (wied,)
09/12/1997	12	MOTION by defendant Donald W Shaw Sr to dismiss party (wied,) (Entered: 09/15/1997)
09/12/1997	13	BRIEF by defendant Donald W Shaw Sr in support of motion to dismiss party [12-1] (wied,) (Entered: 09/15/1997)
09/12/1997	14	CERTIFICATE of service by defendant Donald W Shaw Sr (wied,) Modified on 09/16/1997 (Entered: 09/15/1997)
09/18/1997	15	LETTER from plaintiffs' Attorney Michael R. Bauer requesting a status conference to consider referring this matter to mediation pursuant to prior agreement among counsel. (wied,)
09/19/1997	16	LETTER from defendant Local 139 IUOE's Attorney Marianne Goldstein Robbins in response to the correspondence of Atty. Michael Bauer dated 9/16/97 advising that she is not aware of any present agreement, among counsel representig the parties in this action, to proceed to mediation. However, she has no objection to establishing a status conference promptly. (wied,)
09/23/1997	17	AMENDED ANSWER Re: [5-1] by defendant Local 139 IUOE with attached certificate of service (wied,) Modified on 09/24/1997 (Entered: 09/24/1997)
09/29/1997	18	NOTICE of hearing by the Court ; status hearing set for 3:30 10/15/97 (cc: all counsel) (wied,) (Entered: 09/30/1997)
10/09/1997	19	JOINT STIPULATION to dismiss the Wisconsin Area Operating Engineers Joint Apprentice Committee by plaintiffs and defendant OEJAC, WI Area (wied,) (Entered: 10/10/1997)
10/09/1997	20	ORDER by Mag Judge Patricia J. Gorence dismissing party OEJAC, WI Area without costs and with prejudice. (cc: all counsel) (wied,) (Entered: 10/10/1997)
10/15/1997	21	HEARING MINUTES: ; telephone status conference set for 3:00 1/22/98 ; status hearing held 10/15/97 ; Parties have advised the court that they have decided to engage in private mediation for a 3 month period; defendant's answer to mandatory interrogatories and any supplementation of the plaintiff's answers to mandatory interrogatories will be stayed pending further order by the court. (wied,) (Entered: 10/20/1997)
10/20/1997	22	SCHEDULING ORDER Mag Judge Patricia J. Gorence; See hearing minutes (cc: all counsel) (wied,)
10/20/1997	23	MOTION by plaintiff Jeff Lemon, plaintiff Karen – Meyer, plaintiff John Duncan, plaintiff Odell Williams, plaintiff Virgil Eiland, plaintiff Pat Haynes, plaintiff

		Craig Anderson, plaintiff John Beamon, estate of Jimmy Lee, plaintiff Bobby Maybern, plaintiff Shirley Nyman, plaintiff Mary Preston, plaintiff Franklin Edmonds, plaintiff Bobby Sanford to dismiss (wied,) (Entered: 10/21/1997)
10/20/1997	23	ORDER by Mag Judge Patricia J. Gorence granting motion to dismiss [23-1], granting motion to dismiss party [12-1] and terminating party Donald W Shaw with prejudice and without costs or attorney fees to any party herein (cc: all counsel) (wied,) (Entered: 10/21/1997)
01/09/1998	24	STATUS REPORT by Attorney Marianne Robbins requesting the court to postpone the status conference for a month. (wied,) (Entered: 01/12/1998)
01/13/1998	25	NOTICE of hearing by the Court ; telephone status hearing set for 2:00 3/3/98 (cc: all counsel) (wied,)
03/02/1998	26	LETTER from Attorney Marianne Robbins dated 2/27/98 requesting the telephone status conference scheduled for 3/3/98 at 2:00 be postponed until early April. (wied,)
04/07/1998	27	HEARING MINUTES: ; scheduling conference set for 2:00 4/29/98 (wied,) (Entered: 04/08/1998)
04/08/1998	28	SCHEDULING ORDER Mag Judge Patricia J. Gorence; See hearing minutes. (cc: all counsel) (wied,)
04/29/1998	29	HEARING MINUTES: ; discovery ddl set for 12/1/98 ; telephone status conference set for 2:15 7/15/98 ; plaintiffs are to file their supplemental mandatory interrogatories by 6/1/98; plaintiffs are to file their motion for class certification by 6/1/98; defendants are to file their mandatory interrogatories by 7/1/98. (wied,) (Entered: 04/30/1998)
04/29/1998	30	SCHEDULING ORDER Mag Judge Patricia J. Gorence; See hearing minutes. (cc: all counsel) (wied,) (Entered: 04/30/1998)
05/04/1998	31	ATTORNEY APPEARANCE for plaintiffs by Charles J. Barnhill (wied,)
05/14/1998	32	MOTION by defendant Local 139 Operating Engineers for protective order (vlh,) (Entered: 05/15/1998)
05/18/1998	33	MOTION by defendant Local 139 Operating Engineers for protective order with Exhibit A (wied,)
05/18/1998	34	AMENDED MEMORANDUM of law by defendant Local 139 Operating Engineers in support of amended motion for protective order [33-1] (wied,)
05/18/1998	35	TELEPHONIC HEARING MINUTES: held 5/18/98 Parties agreed to stay the deposition, plaintiff's will file a response to motion for a protective order. Court Reporter: none (wied,) (Entered: 05/19/1998)
05/22/1998	37	CERTIFICATE of Interest by plaintiffs' (wied,) (Entered: 05/26/1998)
05/22/1998	36	BRIEF by plaintiffs' in opposition to motion for protective order [33-1] (wied,) (Entered: 06/04/1998)
05/27/1998	38	REPLY BRIEF by defendant Operating Engineers, defendant Local 139 Operating Engineers in support of motion for protective order [33-1], motion for protective order [32-1] (wied,)
05/29/1998	39	LETTER from plaintiffs with latest update regarding plaintiffs' attempts to notice a deposition of Local 139 (wied,)
06/01/1998	40	MOTION by plaintiffs' to certify class action (wied,) (Entered: 06/02/1998)
06/01/1998	41	BRIEF by plaintiffs in support of motion to certify class action [40-1] (wied,) (Entered: 06/02/1998)
06/01/1998	42	CERTIFICATE of Service by plaintiffs (wied,) (Entered: 06/02/1998)
06/02/1998	43	MOTION by plaintiffs for leave to file first amended complaint with attached copy of Amended Complaint (wied,) Modified on 06/03/1998 (Entered: 06/03/1998)

06/02/1998	44	CERTIFICATE of Service by plaintiffs (wied,) (Entered: 06/03/1998)
06/09/1998	45	MOTION by plaintiffs' for protective order , and/or to clarify discovery obligations (wied,) Modified on 06/09/1998
06/09/1998	46	CERTIFICATE of Service by plaintiffs' (wied,)
06/15/1998	47	BRIEF by defendant Operating Engineers, defendant Local 139 Operating Engineers in opposition to motion for protective order [45-1] and or to motion to clarify discovery obligations [45-2] (wied,)
06/16/1998	48	CERTIFICATE of Service of Defendants' Opposition to Motion for Protective Order and or to Clarify Discovery Obligations by defendant Operating Engineers, defendant Local 139 Operating Engineers (wied,)
06/22/1998	49	NOTICE of telephonic hearing by the Court setting hearing on motion for protective order [45-1] 2:00 6/29/98, setting hearing on motion to clarify [45-2] 2:00 6/29/98, setting hearing on motion for leave to file first amended complaint [43-1] 6/29/98, setting hearing on motion to certify class action [40-1] 2:00 6/29/98, setting hearing on motion for protective order [33-1] 2:00 6/29/98, setting hearing on motion for protective order [32-1] 2:00 6/29/98 The Court will initiate the call. (cc: all counsel) (wied,) (Entered: 06/23/1998)
06/22/1998	51	BRIEF by defendant Operating Engineers, defendant Local 139 Operating Engineers in opposition to motion to certify class action [40-1] (wied,) (Entered: 06/23/1998)
06/22/1998	52	AFFIDAVIT of David Noll (wied,) (Entered: 06/23/1998)
06/22/1998	53	CERTIFICATE of Service by defendant Operating Engineers, defendant Local 139 Operating Engineers (wied,) (Entered: 06/23/1998)
06/22/1998		REMARK - There is No Docket # 50 (ers,) (Entered: 06/27/2002)
06/24/1998	54	MOTION by plaintiffs' for attorney Judson H. Miner to appear pro hac vice (wied,)
06/24/1998	55	AFFIDAVIT of Judson H. Miner in support of motion for admission pro hac vice (wied,)
06/24/1998	56	CERTIFICATE of service by plaintiffs' (wied,)
06/24/1998	57	Amended BRIEF FILED by defendant Operating Engineers, defendant Local 139 Operating Engineers in opposition to motion for class certification (wied,)
06/25/1998	58	BRIEF by defendant Operating Engineers, defendant Local 139 Operating Engineers in opposition to motion for leave to file first amended complaint [43-1] (wied,) (Entered: 06/26/1998)
06/25/1998	59	AFFIDAVIT of Counsel (wied,) (Entered: 06/26/1998)
06/25/1998	60	CERTIFICATE of service by defendant Operating Engineers, defendant Local 139 Operating Engineers (wied,) (Entered: 06/26/1998)
06/26/1998	61	MOTION by plaintiffs' to file corrected first amended complaint with attached proposed First Amended Complaint (corrected) (wied,) Modified on 03/22/1999
06/26/1998	62	MOTION by plaintiffs' to strike affidavit of David Noll and to permit plaintiffs to proceed with class discovery (wied,)
06/26/1998	63	CERTIFICATE of Service by plaintiffs' (wied,)
06/29/1998	64	LETTER from plaintiffs' withdrawing the motion to Proceed Pro Hac Vice for Judson Miner. They will be filing papers to admit Mr. Miner to the Eastern District of Wisconsin. (wied,)
06/29/1998	65	MOTION by defendant Operating Engineers, defendant Local 139 Operating Engineers to strike Exhibit A of plaintiffs' motion to strike (wied,)
06/29/1998	66	BRIEF by defendant Operating Engineers, defendant Local 139 Operating Engineers in opposition to motion to strike affidavit of David Noll and to permit

		plaintiffs to proceed with class discovery [62-1] and ... (wied,) Modified on 07/10/1998
06/29/1998	66	... Brief by International Union of Operating Engineers, IUOE Local 139 in support of motion to strike Exhibit A of plaintiffs' motion to strike [65-1] (wied,) Modified on 07/10/1998
06/29/1998	67	CERTIFICATE of Service by defendant Operating Engineers, defendant Local 139 Operating Engineers (wied,)
06/29/1998	68	LETTER from defendant Operating Engineers, defendant Local 139 Operating Engineers stating that there were three errors in defendant Local 139's Brief in Opposition to Motion for Leave to File First Amended Complaint. The errors are explained in the letter. (wied,) (Entered: 06/30/1998)
06/29/1998	69	HEARING MINUTES: denying motion to strike Exhibit A of plaintiffs' motion to strike [65-1] without prejudice, denying motion to strike affidavit of David Noll and to permit plaintiffs to proceed with class discovery [62-1] without prejudice, granting motion to file corrected first amended complaint [61-1] to the extent it dismisses the International Union of Operating Engineers as a defendant, denying motion for attorney Judson H. Miner to appear pro hac vice [54-1] without prejudice, denying motion for protective order [45-1] without prejudice, denying motion for protective order [33-1] without prejudice, denying motion for protective order [32-1] The plaintiffs shall file their reply brief in support of their motion for class certification by 8/3/98. The defendants shall file their sur-reply brief in opposition to plaintiff's motion by 8/18/98. The plaintiffs shall file their reply brief in support of thier motion for leave to file their first amended complaint by 7/17/98. The telephone scheduling conference scheduled for 7/15/98 at 2;15 pm is cancelled. Court Reporter: None (wied,) (Entered: 07/01/1998)
06/29/1998	70	SCHEDULING ORDER Mag Judge Patricia J. Gorence ; Status hearing cancelled SEE heraing minutes for details. (cc: all counsel) (wied,) (Entered: 07/01/1998)
07/02/1998	71	ATTORNEY APPEARANCE for plaintiffs, for estate of Jimmy Lee by Glenn M. Stoddard, Edward R. Garvey (wied,) Modified on 07/10/1998
07/15/1998	72	MOTION by plaintiffs' for extension of time to 8/17/98 in which to file plaintiffs' reply memorandum in support of class certification with exhibits A-C (wied,)
07/15/1998	73	REPLY BRIEF by plaintiffs' in support of motion for leave to file first amended complaint [43-1] with exhibits A-D (wied,)
07/15/1998	74	CERTIFICATE of service by plaintiffs' (wied,)
07/20/1998	75	BRIEF by defendant Local 139 Operating Engineers in opposition to motion for extension of time to 8/17/98 in which to file plaintiffs' reply memorandum in support of class certification [72-1] (wied,)
07/20/1998	76	CERTIFICATE of service by defendant Local 139 Operating Engineers (wied,)
07/20/1998	79	AFFIDAVIT of Counsel (wied,) Modified on 08/27/1998 (Entered: 08/11/1998)
07/28/1998	77	LETTER from plaintiffs' stating that the plaintiffs' computer consultant will be occupied until 8/4/98, and will be unable to review defendant's computer tapes until that time, and is additional ground to extend plaintiffs' time to file their reply brief in support of class certification. (wied,) (Entered: 07/29/1998)
07/29/1998	78	ORDER by Mag Judge Patricia J. Gorence granting motion for extension of time to 8/17/98 in which to file plaintiffs' reply memorandum in support of class certification [72-1] The defendant's sur-reply brief in opposition to the plaintiffs' motion for class certification shall be filed no later than 9/18/98. (cc: all counsel) (wied,) Modified on 08/27/1998
08/17/1998	80	REPLY BRIEF by plaintiffs' in support of motion to certify class action [40-1] (wied,) Modified on 08/27/1998
08/17/1998	81	CERTIFICATE of Interest by plaintiffs' (wied,) Modified on 08/27/1998 (Entered: 08/25/1998)

09/18/1998	82	MOTION by defendant Local 139 Operating Engineers to strike Exhibit A of plaintiffs' reply brief concerning class certification (wied,) Modified on 09/21/1998 (Entered: 09/21/1998)
09/18/1998	83	BRIEF by defendant Local 139 Operating Engineers in support of motion to strike Exhibit A of plaintiffs' reply brief concerning class certification [82-1] (wied,) (Entered: 09/21/1998)
09/18/1998	86	CERTIFICATE of Service by defendant Local 139 Operating Engineers (wied,) (Entered: 09/21/1998)
09/18/1998	87	Defendant's surreply BRIEF FILED by defendant Local 139 Operating Engineers in opposition to plaintiff's motion for class certification. (wied,) (Entered: 09/21/1998)
09/18/1998	88	AFFIDAVIT of Marianne Goldstein Robbins (wied,) (Entered: 09/21/1998)
09/18/1998	89	AFFIDAVIT of Denise Johannsen (wied,) (Entered: 09/21/1998)
09/18/1998	90	AFFIDAVIT of Harvey Tom Tucker (wied,) (Entered: 09/21/1998)
09/18/1998	91	AFFIDAVIT of Calvin Shields (wied,) (Entered: 09/21/1998)
09/18/1998	92	Unsigned AFFIDAVIT of Hal Sider (wied,) Modified on 09/22/1998 (Entered: 09/21/1998)
09/18/1998	94	AFFIDAVIT of Dale A. Miller (wied,) (Entered: 09/29/1998)
09/18/1998	84	MOTION by defendant Local 139 Operating Engineers for judgment on the pleadings , or for summary judgment dismissing the complaint in its entirety (wied,) (Entered: 10/30/1998)
09/18/1998	85	BRIEF by defendant Local 139 Operating Engineers in support of motion for judgment on the pleadings [84-1], of motion for summary judgment dismissing the complaint in its entirety [84-2] (wied,) (Entered: 10/30/1998)
09/22/1998	93	ORIGINAL Document Re: [92-1] SIGNED Affidavit (wied,)
09/29/1998	95	MOTION by plaintiffs to set briefing schedule (wied,)
09/29/1998	96	CERTIFICATE of Service by plaintiffs (wied,)
10/05/1998	97	Notice of motion and MOTION by plaintiffs' for order pursuant to Rule 30 (b)(7) , and an extension of the discovery deadline (wied,)
10/05/1998	98	AFFIDAVIT of Glen Stoddard (wied,)
10/05/1998	99	CERTIFICATE of Service by plaintiffs' (wied,)
10/06/1998	100	HEARING MINUTES: by Mag Judge Patricia J. Gorence denying motion for order pursuant to Rule 30 (b)(7) [97-1], granting motion an extension of the discovery deadline [97-2], granting motion to set briefing schedule [95-1] the plaintiffs shall file their response to the defendants' motion for judgment on the pleadings by 10/16/98. The plaintiffs shall file their response to the defendants motion to strike Exhibit A of the plaintiffs' reply brief concerning class certification by 10/24/98; discovery ddl set for 1/29/99 Court Reporter: None (wied,) (Entered: 10/09/1998)
10/08/1998	101	ORDER by Mag Judge Patricia J. Gorence SEE 10/6/98 Hearing Minutes for details. (cc: all counsel) (wied,) (Entered: 10/09/1998)
10/13/1998	102	STIPULATION and Protective ORDER by Mag Judge Patricia J. Gorence : that the computer data provided by defendant Local 139 to plaintiffs' counsel which includes names and/or addresses of individual union members is designated and will be treated as "confidential". SEE order for additional information. (cc: all counsel) (wied,) (Entered: 10/14/1998)
10/15/1998	103	Amended ORDER by Mag Judge Patricia J. Gorence It is ordered that plaintiffs' motion for an extension of the discovery deadline is granted, all other dates set forth in the court's 10/8/98 order remain as stated. (cc: all counsel) (wied,)

10/16/1998	105	CERTIFICATE of Service by plaintiffs' (wied,) (Entered: 10/19/1998)
10/16/1998	104	BRIEF by plaintiffs' in opposition to motion for judgment on the pleadings [84-1], to motion for summary judgment dismissing the complaint in its entirety [84-2] (wied,) (Entered: 10/30/1998)
10/26/1998	106	BRIEF by plaintiffs' in opposition to motion to strike Exhibit A of plaintiffs' reply brief concerning class certification [82-1]. Exhibits A-B attached. (wied,) Modified on 10/26/1998
10/26/1998	107	CERTIFICATE of Service by plaintiffs' (wied,)
10/26/1998	108	REPLY BRIEF by defendant Operating Engineers, defendant Local 139 Operating Engineers in support of motion for judgment on the pleadings or summary judgment dismissing the complaint in its entirety [84-1] (wied,)
10/26/1998	109	CERTIFICATE of Interest by defendant Operating Engineers, defendant Local 139 Operating Engineers (wied,)
10/28/1998	110	Memo in RESPONSE to defendant's reply brief by plaintiffs' (wied,)
11/06/1998	111	REPLY BRIEF by defendant Operating Engineers, defendant Local 139 Operating Engineers in support of motion to strike Exhibit A of plaintiffs' reply brief concerning class certification [82-1] (wied,) (Entered: 11/09/1998)
11/06/1998	112	CERTIFICATE of Service by defendant Operating Engineers, defendant Local 139 Operating Engineers (wied,) (Entered: 11/09/1998)
11/16/1998	113	MOTION by plaintiffs' for leave to file surreply memorandum with syrreply memorandum attached. (wied,) (Entered: 11/17/1998)
11/16/1998	114	CERTIFICATE of Service by plaintiffs' (wied,) (Entered: 11/17/1998)
11/20/1998	115	BRIEF by defendant Operating Engineers, defendant Local 139 Operating Engineers in opposition to motion for leave to file surreply memorandum [113-1] (wied,)
11/20/1998	116	CERTIFICATE of Service by defendant Operating Engineers, defendant Local 139 Operating Engineers (wied,)
11/27/1998	117	REPLY BRIEF by plaintiffs' in support of motion for leave to file surreply memorandum [113-1] (wied,) (Entered: 11/30/1998)
11/27/1998	118	CERTIFICATE of Service by plaintiffs' (wied,) (Entered: 11/30/1998)
11/27/1998	119	MOTION by plaintiffs'f to supplement record in connection with statement of Dale Miller. (wied,) (Entered: 11/30/1998)
12/14/1998	120	BRIEF by defendant Local 139 Operating Engineers in opposition to motion to supplement record in connection with statement of Dale Miller. [119-1] (wied,) (Entered: 12/15/1998)
12/14/1998	121	AFFIDAVIT of Marianne Goldstein Robbins (wied,) (Entered: 12/15/1998)
12/14/1998	122	CERTIFICATE of Service by defendant Local 139 Operating Engineers (wied,) (Entered: 12/15/1998)
12/21/1998	123	REPLY BRIEF by plaintiffs' in support of motion to supplement record in connection with statement of Dale Miller. [119-1] (wied,)
12/21/1998	124	CERTIFICATE of Service by plaintiffs' (wied,)
12/24/1998	125	MOTION by plaintiffs' for extension of discovery cutoff (wied,)
12/24/1998	126	CERTIFICATE of service by plaintiffs (wied,)
12/30/1998	127	STIPULATION and ORDER by Mag Judge Patricia J. Gorence : terminating party Bobby Sanford, party Bobby Maybern, party Jimmy Lee without prejudice and without costs to either party (cc: all counsel) (wied,)

12/30/1998	128	STIPULATION and Protective ORDER by Mag Judge Patricia J. Gorence : protective order (cc: all counsel) (wied,)
01/07/1999	129	BRIEF by defendant Local 139 Operating Engineers in opposition to motion for extension of discovery cutoff [125-1] (wied,) Modified on 01/08/1999 (Entered: 01/08/1999)
01/14/1999	130	REPLY BRIEF by plaintiffs in support of motion for extension of discovery cutoff [125-1]; exhibits A-D attached (vlh,)
01/19/1999	131	STIPULATION and ORDER by Mag Judge Patricia J. Gorence : terminating party Mary Preston without prejudice and without costs (cc: all counsel) (wied,)
01/22/1999	132	MOTION by defendant Local 139 Operating Engineers to compel discovery (wied,) (Entered: 01/25/1999)
01/22/1999	133	BRIEF by defendant Local 139 Operating Engineers in support of motion to compel discovery [132-1] (wied,) (Entered: 01/25/1999)
01/22/1999	134	AFFIDAVIT of Marianne Goldstein Robbins (wied,) (Entered: 01/25/1999)
01/22/1999	135	CERTIFICATE of Service by defendant Local 139 Operating Engineers (wied,) (Entered: 01/25/1999)
02/04/1999	136	MOTION by plaintiff to disqualify counsel for defendants (wied,)
02/04/1999	137	BRIEF by plaintiff in support of motion to disqualify counsel for defendants [136-1] (wied,)
02/04/1999	138	AFFIDAVIT of Glenn Stoddard in support of motion to disqualify counsel for defendants (wied,)
02/04/1999	139	CERTIFICATE of service by plaintiffs (wied,)
02/16/1999	140	MOTION by defendant Local 139 Operating Engineers for sanctions Pursuant to 1927 (wied,)
02/16/1999	141	BRIEF by defendant Local 139 Operating Engineers in opposition to motion to disqualify counsel for defendants [136-1] and..... (wied,)
02/16/1999	141	BRIEF by defendant Local 139 Operating Engineers in support of motion for sanctions Pursuant to 1927 [140-1] (wied,)
02/16/1999	142	BRIEF by plaintiffs in opposition to motion to compel discovery [132-1] (wied,)
02/16/1999	143	AFFIDAVIT of Glenn Stoddard in opposition to defendant's motion to compel discovery (wied,)
02/16/1999	144	CERTIFICATE of service by plaintiffs (wied,)
02/16/1999	145	AFFIDAVIT of Marianne Goldstein Robbins (wied,) (Entered: 02/19/1999)
02/16/1999	146	CERTIFICATE of Service by defendant Local 139 Operating Engineers (wied,) (Entered: 02/19/1999)
02/22/1999	147	BRIEF FILED by plaintiffs – further submission in support of their motion to extend discovery until 6/1/99 (wied,)
02/22/1999	148	CERTIFICATE of Service by plaintiffs (wied,)
02/23/1999	149	BRIEF in opposition to plaintiff's further submission in support of their motion to extend discovery FILED by defendant Operating Engineers, defendant Local 139 Operating Engineers (wied,)
02/25/1999	150	REPLY BRIEF by plaintiff Jeff Lemon, plaintiff Karen Meyer, plaintiff John Duncan, plaintiff Odell Williams, plaintiff Virgil Eiland, plaintiff Pat Haynes, plaintiff Craig Anderson, plaintiff John Beamon, plaintiff Shirley Nyman, plaintiff Franklin Edmonds in support of motion for extension of discovery cutoff [125-1] (wied,)

02/25/1999	151	CERTIFICATE of Service by plaintiffs (wied,)
03/01/1999	152	REPLY BRIEF by defendant Local 139 Operating Engineers in support of motion to compel discovery [132-1] (wied,)
03/01/1999	153	AFFIDAVIT of Marianne Goldstein Robbins (wied,)
03/01/1999	154	CERTIFICATE of Service by defendant Local 139 Operating Engineers (wied,)
03/04/1999	155	MOTION by defendant Local 139 Operating Engineers to file surreply in opposition to plaintiffs' request to extend discovery cutoff to June 1, 1999 with Surreply attached. (wied,) Modified on 03/04/1999
03/04/1999	156	AFFIDAVIT of Marianne Goldstein Robbins (wied,)
03/04/1999	157	CERTIFICATE of Service by defendant Local 139 Operating Engineers (wied,)
03/05/1999	158	BRIEF by plaintiffs in opposition to motion to file surreply in opposition to plaintiffs' request to extend discovery cutoff to June 1, 1999 [155-1] (wied,)
03/05/1999	159	CERTIFICATE of Service by plaintiff s (wied,)
03/10/1999	160	REPLY BRIEF by plaintiff in support of motion to disqualify counsel for defendants [136-1] and (wied,)
03/10/1999	160	BRIEF by plaintiff in opposition to motion for sanctions Pursuant to 1927 [140-1] (wied,)
03/10/1999	161	Supplemental AFFIDAVIT of Glenn Stoddard in support of motion to disqualify counsel for defendants (wied,)
03/10/1999	162	CERTIFICATE of Service by plaintiff (wied,)
03/11/1999	163	MOTION by defendant Local 139 Operating Engineers to compel Karen Meyer's production of documents , and for leave to extend and complete her deposition (wied,)
03/11/1999	164	BRIEF by defendant Local 139 Operating Engineers in support of motion to compel Karen Meyer's production of documents [163-1], of motion for leave to extend and complete her deposition [163-2] (wied,)
03/11/1999	165	AFFIDAVIT of Marianne Goldstein Robbins with exhibits A-M. (wied,) Modified on 03/11/1999
03/11/1999	166	CERTIFICATE of Service by defendant Local 139 Operating Engineers (wied,)
03/19/1999	167	BRIEF by plaintiffs in opposition to motion to compel Karen Meyer's production of documents [163-1], with exhibits A-F attached. (wied,) Modified on 03/19/1999
03/19/1999	168	CERTIFICATE of Service by plaintiffs (wied,)
03/19/1999	169	ORDER by Mag Judge Patricia J. Gorence granting defendant's motion to compel discovery [132-1] in part, and denying in part, granting motion for extension of discovery cutoff [125-1], denying motion to file surreply opposition to plaintiffs' request to extend discovery to June 1, 1999 [155-1] as moot, granting motion to file corrected first amended complaint [61-1], granting motion for leave to file first amended complaint [43-1], and that the plaintiffs' motion to disqualify counsel for the defendants be held in abeyance pending receipt of additional submissions from counsel for defendnat Local 139. Counsel for the defendant shall file such submissions within 14 days of the date of this order. It is further ordered that a telephone scheduling conference with counsel for the parties shall be held on 3/30/99 at 2:30 pm to discuss a revised discovery deadline. RECOMMENDATION that the motion for sanctions Pursuant to 1927 [140-1] be denied, and that motion for judgment on the pleadings [84-1], or in the alternative for summary judgment, which this court has construed as a motion to dismiss be denied by Mag Judge J. Gorence Recommendation randomly assigned to JWR. (wied,) Modified on 11/13/2002 (Entered: 03/22/1999)

03/19/1999	170	First AMENDED COMPLAINT (Corrected) Re: [1-1] by plaintiff Jeff Lemon, plaintiff Karen Meyer, plaintiff John Duncan, plaintiff Odell Williams, plaintiff Virgil Eiland, plaintiff Pat Haynes, plaintiff Craig Anderson, plaintiff John Beamon, plaintiff Shirley Nyman, plaintiff Franklin Edmonds (wied,) Modified on 03/22/1999 (Entered: 03/22/1999)
03/22/1999	171	NOTICE that correct date &time for sched conf call is 3/30/99 at 2:30 P.M. (vlh,) (Entered: 03/23/1999)
03/26/1999	172	LETTER from defendants' counsel re: submissions pertaining to March 19th, 1997 (sic) order (vlh,)
03/26/1999	173	ORDER by Mag Judge Patricia J. Gorence that submission of corredpondence between defendants' counsel and her clients,including any signed waivers, should be filed ex parte and in camera with the court. Any such documents shall be retained as sealed confidential documents. Submission of these documents will not constitute a waiver of the attorney-client privilege with respect to these documents. (cc: all counsel) (wied,) (Entered: 03/29/1999)
03/30/1999	174	HEARING MINUTES: by Mag Judge Patricia J. Gorence ; discovery ddl set for 9/30/99 ; motion filing ddl set for 10/15/99 ; status hearing held 3/30/99 Court Reporter: None (wied,) (Entered: 03/31/1999)
03/30/1999	175	SCHEDULING ORDER Mag Judge Patricia J. Gorence SEE 3/30/99 Hearing Minutes for details. (cc: all counsel) (wied,) (Entered: 03/31/1999)
04/02/1999	176	AFFIDAVIT of Maryianne Goldstein Robbins with attached sealed exhibits (vlh,) (Entered: 04/05/1999)
04/02/1999	177	CERTIFICATE of service by defendant Local 139 Operating Engineers (vlh,) (Entered: 04/05/1999)
04/02/1999	178	Appeal and OBJECTIONS by defendant Local 139 Operating Engineers to Recommendation Re: [169-1] (wied,) (Entered: 04/15/1999)
04/05/1999	179	REPLY BRIEF by defendant Local 139 Operating Engineers in support of motion to compel Karen Meyer's production of documents [163-1], motion for leave to extend and complete her deposition [163-2] (wied,) (Entered: 04/06/1999)
04/05/1999	180	CERTIFICATE of Service by defendant Local 139 Operating Engineers (wied,) (Entered: 04/06/1999)
04/07/1999	181	CERTIFICATE of Service by defendant Local 139 Operating Engineers (wied,)
04/09/1999	182	Opposition to defendant's objections to recommendation and order of Magistrate Judge Gorence FILED by plaintiffs with Exhibits A-F attached. (wied,) Modified on 04/09/1999
04/09/1999	183	CERTIFICATE of Service by plaintiffs (wied,)
05/03/1999	184	ORDER by Mag Judge Patricia J. Gorence denying motion to strike Exhibit A of plaintiffs' reply brief concerning class certification [82-1], denying motion to supplement record in connection with statement of Dale Miller. [119-1], denying motion for leave to file surreply memorandum [113-1], denying in part and granting in part motion to compel Karen Meyer's production of documents [163-1] and motion for leave to extend and complete her deposition [163-2], denying motion to disqualify counsel for defendants [136-1] RECOMMENDATION that the motion to certify class action br granted as follows: The plaintiffs Lemon, Meyer, Duncan, William, Eiland, Haynes, Anderson, Nyman and Edmonds should be certified to bring this action on behalf of themselves and pursuant to Fed. R. Civ. P.23(b)(2) on behalf of 1) all females who were or are members of the union at least as of 11/21/91, and thereafter, 2) all African-American, Hispanics, Asians, or Native Americans who are or were members of the union at least as of 7/4/92. They should be allowed to proceed on the various Title VII claims set forth in the complaint with the exception of the claim based on the manner in which the defendant recruits new members and the training of apprentices claim. [40-1] by Mag Judge Patricia J. Gorence. ritten objections to this recommendation and order may be filed with the clerk of courts within 10 days of service of this document. (wied,) Modified on 11/13/2002 (Entered: 05/04/1999)

05/07/1999	185	ANSWER by defendant Local 139 Operating Engineers to [170-1] (wied,) (Entered: 05/10/1999)
05/07/1999	186	CERTIFICATE of Service by defendant Local 139 Operating Engineers (wied,) (Entered: 05/10/1999)
05/11/1999	187	MOTION by defendant for reconsideration and to vacate recommendations on class certification pending reconsideration (vlh,) (Entered: 05/12/1999)
05/11/1999	188	AFFIDAVIT of Marianne Goldstein Robbins with attached Exhibit A (vlh,) (Entered: 05/12/1999)
05/11/1999	189	CERTIFICATE of service by defendant (vlh,) (Entered: 05/12/1999)
05/14/1999	190	ORDER by Mag Judge Patricia J. Gorence that the court's May 3, 1999 recommendation regarding the plaintiffs' motion for class certification be vacated. The plaintiffs' motion for class certification will be reconsidered in light of the defendant's surreply brief in opposition to the plaintiffs' motion for class certification. (cc: all counsel) (wied,) (Entered: 05/17/1999)
05/20/1999	191	OBJECTIONS by defendant Local 139 Operating Engineers to 5/3/99 Recommendation [184-1] (vlh,)
05/20/1999	192	BRIEF by defendant Local 139 Operating Engineers in support of objections to recommendation (vlh,)
05/20/1999	193	AFFIDAVIT of Marianne Goldstein Robbins with attached exhibits (vlh,)
05/20/1999	194	CERTIFICATE of service by defendant Local 139 Operating Engineers (vlh,)
05/21/1999	195	LETTER from counsel for defendant Local 139 Operating Engineers with correction to footnote 15 of brief in support of objections to magistrate's recommendation (vlh,)
05/26/1999	196	LETTER from defendant Local 139 Operating Engineers stating that their objections to Magistrate Judge Gorence's Recommendation are moot. (wied,)
06/11/1999	197	RECOMMENDATION granting motion to certify class action [40-1] in part and denying in part by Mag Judge Patricia J. Gorence. The plaintiffs should be certified to bring this action on behalf of themselves and pursuant to Fed. R. Civ. P. 23(b)(2) on behalf of 1) all females who were or are members of the union at least as of 11/21/91, and thereafter, 2) all African-Americans, Hispanics, Asians or native Americans who are or were members of the union at least as of 7/4/92. They should be allowed to proceed on the following Title VII claims set forth in the complaint: 1) refusal to refer union members who are not white males to jobs in the same manner and with the same frequency as white male members claim, 2) improper manipulation of the union referral procedures to insure that white male union members are sent to more jobs and longer lasting jobs than other union members, 3) the failure to give members who are not white males proper credit for past experience. It is further recommended that the United States district judge enter an order denying the plaintiffs' motion for class certification in the following respects: The plaintiffs Virgil Eiland and the Estate of John Beamon should not be certified to bring this action as representatives of the class. The plaintiffs should not be allowed to proceed with the following claims: 1) the claim based on the manner in which the defendant recruits new members, 2) the training of apprentices claim, 3) the claim based on retaliation and threats to retaliate against members of Local 139 who complain about the discriminatory manner in which the union is run, 4) the claim that the defendant hired white males almost exclusively for Local 139 staff positions, 5) the claim based on the defendant's failure to keep records required by law and destruction of other record in an effort to cover-up Local 139's discriminatory practices, 6) the claim based on denial of union members access to records necessary to determine the extent of the defendant's discriminatory conduct, 7) the claim based on the denying union members access to records necessary to determine the extent of the defendant's discriminatory conduct, 8) "stalling" and stonewalling the EEOC investigation of Local 139's practices claim, and 9) failure to represent class members claim. (wied,) Modified on 06/14/1999 (Entered: 06/14/1999)

06/23/1999	198	DECISION AND ORDER by Senior Judge John W. Reynolds adopting 3/19/99 RECOMMENDATION [169-1], denying motion for judgment on the pleadings [84-1] or, in the alternative, for summary judgment [84-2], & denying motion for sanctions pursuant to 28 U.S.C. Sec. 1927 [140-1]. Plaintiffs to effect service of amended summons & 3/19/99 first amended complaint on defendant Int'l Union of Operating Engineers, Local 139 by 7/23/99. Magistrate judge's 3/19/99 order granting leave to file corrected first amended complaint is affirmed. 3/19/99 order is reversed in part as to Local 139's motion to compel. Action returned to Magistrate Judge Gorence for further pretrial proceedings. (cc: all counsel) (vlh,) (Entered: 06/29/1999)
06/28/1999	199	OBJECTIONS by defendant Local 139 Operating Engineers to 6/11/99 recommendation [197-1] (vlh,) (Entered: 06/29/1999)
06/28/1999	200	AFFIDAVIT of Terry McGowan (copy) (vlh,) (Entered: 06/29/1999)
06/28/1999	201	AFFIDAVIT of Marianne Goldstein Robbins with attached exhibits A-G (vlh,) Modified on 06/29/1999 (Entered: 06/29/1999)
06/28/1999	202	CERTIFICATE of service by defendant Local 139 Operating Engineers (vlh,) (Entered: 06/29/1999)
07/02/1999		AMENDED SUMMONS issued as to defendant Local 139 Operating Engineers (vlh,) (Entered: 07/06/1999)
07/08/1999	203	ORIGINAL document re: [200-1] (vlh,)
07/12/1999	204	BRIEF FILED by plaintiffs in opposition to defendant's objections [199-1] to 6/11/99 recommendation (vlh,)
07/12/1999	205	CERTIFICATE of service by plaintiffs (vlh,)
07/12/1999	206	ORDER by Senior Judge John W. Reynolds adopting portion of 5/3/99 RECOMMENDATION [184-1] which 1) denies pltf's motion to supplement record in connection w/statement of Dale Miller; 2) denies pltf's motion f/leave to file surreply; 3) denies pltf's motion to disqualify counsel for deft; 4) denies deft's motion to strike Ex. A; 5) grants in part & denies in part deft's motion to compel Karen Meyer's production of documents; & 6) grants in part & denies in part deft's motion f/leave to extend & complete Karen Meyer's deposition (cc: all counsel) (vlh,) (Entered: 07/13/1999)
07/22/1999	207	CERTIFICATE of service of first amended complaint (corrected) by plaintiffs (vlh,)
08/05/1999	208	ANSWER by defendant Local 139 Operating Engineers to first amended complaint (corrected) [170-1]; certificate of service attached (vlh,) (Entered: 08/06/1999)
09/22/1999	212	STIPULATION concerning plaintiffs' psychological examinations by plaintiffs and defendants (not original signatures) (wied,) Modified on 09/29/1999 (Entered: 09/29/1999)
09/23/1999	211	STIPULATION by plaintiffs and defendants concerning expert witnesses (not original signatures) (wied,) Modified on 09/29/1999 (Entered: 09/29/1999)
09/24/1999	209	DECISION AND ORDER by Senior Judge John W. Reynolds adopting RECOMMENDATION [197-1] in part and granting in part & denying in part motion to certify class action [40-1]. See order for details. (cc: all counsel) (vlh,) (Entered: 09/27/1999)
09/28/1999	210	ORDER by Mag Judge Patricia J. Gorence ; discovery ddl set concerning expert witnesses 2/15/00 ; motion filing ddl set for 3/1/00 That the plaintiffs shall designate its experts and produce any documents they have in response to Defendant's Sixth Set of Interrogatories and Seventh Request to Produce Documents except as provided in paragraph 2 of this order by 9/30/99. The plaintiffs shall produce reports dependent on computer information by 11/1/99. The defendant shall name their experts who can be anticipated without review of plaintiff's expert reports or depositions by 10/20/99. The defendant shall designate any additional experts with reports from all experts by 12/15/99. The plaintiffs shall produce any reply expert report by 1/8/00. It is further ordered that Franklin

		Edmonds will be by Dr. Ross Lynch after 9/30/99. (cc: all counsel) (wied,) Modified on 10/06/1999
09/28/1999	222	STIPULATION re: deposition of Franklin Edmonds by plaintiffs and defendant (wied,) (Entered: 09/30/1999)
09/28/1999	223	CERTIFICATE of Service by plaintiffs and defendant (wied,) (Entered: 09/30/1999)
09/29/1999	213	MOTION by plaintiffs for entry of judgment on plaintiff's referral claim (vlh,)
09/29/1999	214	BRIEF by plaintiffs in support of motion for entry of judgment on plaintiff's referral claim [213-1] with attached exhibits 1-11 (ORIGINAL ONLY FILED this date & submitted to judge's chambers.) (vlh,)
09/29/1999	215	CERTIFICATE of service by plaintiffs (vlh,)
09/29/1999	216	MOTION by defendant Local 139 Operating Engineers to quash subpoena and for protective order (vlh,) (Entered: 09/30/1999)
09/29/1999	217	BRIEF by defendant Local 139 Operating Engineers in support of motion to quash subpoena [216-1] & for protective order [216-2] (vlh,) (Entered: 09/30/1999)
09/29/1999	218	AFFIDAVIT of Marianne Goldstein Robbins (vlh,) (Entered: 09/30/1999)
09/29/1999	219	CERTIFICATE of service by defendant Local 139 Operating Engineers (vlh,) (Entered: 09/30/1999)
09/29/1999	220	MOTION by Fox O'Neill & Shannon to quash subpoena and for protective order (vlh,) (Entered: 09/30/1999)
09/29/1999	221	AFFIDAVIT of William Smeaton (vlh,) (Entered: 09/30/1999)
09/29/1999	222	ORDER by Mag Judge Patricia J. Gorence that the resumption of Franklin Edmonds' deposition shall be held on 10/1/99 at 10:00 at the office of defendants' counsel (cc: all counsel) (wied,) (Entered: 09/30/1999)
10/05/1999	224	STIPULATION and ORDER by Mag Judge Patricia J. Gorence: that the resumption of Franklin Edmonds' deposition shall be held on 10/1/99 at 10:00 at the office of defendant's counsel (cc: all counsel) (wied,) (Entered: 10/06/1999)
10/05/1999	225	CERTIFICATE of Service by defendant Local 139 Operating Engineers (wied,) (Entered: 10/06/1999)
10/05/1999	226	STIPULATION and ORDER Concerning Expert Witnesses by Mag Judge Patricia J. Gorence : ; discovery re: experts ddl set for 2/15/00 SEE order for details. (cc: all counsel) (wied,) (Entered: 10/06/1999)
10/05/1999	227	CERTIFICATE of Service by defendant Local 139 Operating Engineers (wied,) (Entered: 10/06/1999)
10/20/1999	228	RESPONSE by plaintiffs to motions to quash subpoena & for protective order [220-1], [220-2], [216-1], [216-2] (vlh,)
10/20/1999	229	CERTIFICATE of service by plaintiffs (vlh,)
10/20/1999	230	EXPERT WITNESS list submitted by defendant with attached exhibits A, B, & C (vlh,)
10/20/1999	231	CERTIFICATE of service by defendant (vlh,)
10/22/1999	232	BRIEF by defendant Local 139 Operating Engineers in opposition to motion for entry of judgment on plaintiff's referral claim [213-1] (wied,) (Entered: 10/25/1999)
10/22/1999	233	AFFIDAVIT of of Counsel (SEALED) (wied,) (Entered: 10/25/1999)
10/22/1999	234	CERTIFICATE of Service by defendant Local 139 Operating Engineers (wied,) (Entered: 10/25/1999)

11/03/1999	235	REPLY BRIEF by defendant Local 139 Operating Engineers in support of motion to quash subpoena [220-1], motion for protective order [220-2] (wied,) (Entered: 11/04/1999)
11/03/1999	236	CERTIFICATE of Service by defendant Local 139 Operating Engineers (wied,) (Entered: 11/04/1999)
11/08/1999	237	REPLY BRIEF by plaintiff Jeff Lemon, plaintiff Karen Meyer, plaintiff John Duncan, plaintiff Odell Williams, plaintiff Virgil Eiland, plaintiff Pat Haynes, plaintiff Craig Anderson, plaintiff Shirley Nyman, plaintiff Franklin Edmonds, plaintiff Mary Preston in support of motion for entry of judgment on plaintiff's referral claim [213-1] (wied,)
11/08/1999	238	AFFIDAVIT of of Counsel (wied,)
11/08/1999	239	CERTIFICATE of Service by plaintiffs (wied,)
11/12/1999	240	APPEAL Order from USCA that the Petition for Permission to Appeal is GRANTED. The petitioner shall pay the required appellate fees to the Clerk of the District Court within ten days. (wied,)
11/12/1999	240	Appeal Notice to USCA by defendant Local 139 Operating Engineers from USDC decision (cc: all counsel) (wied,) (Entered: 12/02/1999)
11/22/1999		Appeal Fee Paid by defendant Local 139 Operating Engineers in amount of \$ 100.00 (OK per Eric at USCA) (Receipt # 105289) (wied,)
11/22/1999	241	LETTER from defendant Local 139 Operating Engineers to the USCA re: payment of appellate fees (wied,)
12/02/1999		SHORT RECORD Transmitted to USCA Re: [240-1] (cc: all counsel) (wied,) (Entered: 12/03/1999)
12/08/1999	242	Designation of Record on Appeal by defendant Local 139 Operating Engineers To include item numbers 1,5,12,17,19,20,23,52,59,61,65,66,69,78,82,83,88-91,93,94, 121,127,134,145,165,169,170,178,184,185,187,188,190-193,197 - 199,200,201,206,208-210,213,214,232,233,238,240,241 (wied,) Modified on 12/08/1999
12/08/1999	243	STIPULATION and ORDER by Mag Judge Patricia J. Gorence that Franklin Edmonds will be examined by Dr. Ross Lynch on 1/25/00 at 9:00 am. The scheduling order will be changed to require the defendant to provide the report of identified expert, Dr. Ross Lynch by 2/15/00. (cc: all counsel) (wied,) Modified on 12/30/1999 (Entered: 12/09/1999)
12/09/1999		Re: [240-1] Appeal Number: 99-4101 received from USCA (wied,)
12/10/1999	244	Designation of Record on Appeal by plaintiff Jeff Lemon, plaintiff Karen Meyer, plaintiff John Duncan, plaintiff Odell Williams, plaintiff Virgil Eiland, plaintiff Pat Haynes, plaintiff Craig Anderson, plaintiff Shirley Nyman, plaintiff Franklin Edmonds, plaintiff Mary Preston To include item numbers 40,41,62,106,119,123,182,204,237 (wied,)
12/15/1999	245	WITNESS list - Designation of Experts submitted by defendant Local 139 Operating Engineers (wied,) (Entered: 12/16/1999)
12/29/1999	246	STIPULATION and ORDER by Mag Judge Patricia J. Gorence: that on 1/31/99 at 9:00 Shirley Nyman will be examined by Dr. Ross Lynch with respect to claims of mental anguish, her employability and mitigation of damages. The exam will last approx. 4 hours.Defendant has until 2/15/00 to provide the report of Dr. Lynch with respect to Shirley Nyman. (cc: all counsel) (wied,) (Entered: 01/04/2000)
12/29/1999	247	LETTER from defendant Local 139 Operating Engineers enclosing stipulation and proposed order (wied,) (Entered: 01/04/2000)
12/30/1999		Appeal Record Prepared (wied,)
01/14/2000	248	STIPULATION and ORDER by Mag Judge Patricia J. Gorence: that on 1/31/99 (sic) Shirley Nyman will be examined by Dr. Ross Lynch with respect to claims of mental anguish, her employability and mitigation of damages. The scheduling

		order will be changed to provide that defendant has until 2/15/00 to provide the report of Dr. Ross Lynch with respect to Shirley Nyman. (cc: all counsel) (wied,) (Entered: 01/18/2000)
01/28/2000	249	MOTION by defendant Local 139 Operating Engineers to supplement record with three affidavits of counsel and expert report of Hal Sider attached (wied,) Modified on 01/31/2000 (Entered: 01/31/2000)
01/28/2000	250	BRIEF by defendant Local 139 Operating Engineers in support of motion to supplement record [249-1] (wied,) (Entered: 01/31/2000)
01/28/2000	251	CERTIFICATE of Service by defendant Local 139 Operating Engineers (wied,) (Entered: 01/31/2000)
01/28/2000	252	AFFIDAVIT of Heather Rastorfer (wied,) (Entered: 02/01/2000)
01/28/2000	253	AFFIDAVIT of John J. Brennan (wied,) (Entered: 02/01/2000)
01/28/2000	254	AFFIDAVIT of Marianne Goldstein Robbins (wied,) (Entered: 02/01/2000)
02/03/2000	255	MOTION by plaintiffs for leave to supplement the record (wied,)
02/03/2000	256	BRIEF by plaintiffs in support of motion for leave to supplement the record [255-1] (wied,)
02/03/2000	257	AFFIDAVIT of Charles Barnhill (wied,)
02/03/2000	258	CERTIFICATE of Service by plaintiffs (wied,)
02/10/2000	259	MOTION by defendant Local 139 Operating Engineers to compel Franklin Edmonds to produce authorization for release of medical record of drug treatment , and to dismiss Edmonds' claims for damages (wied,)
02/10/2000	260	BRIEF by defendant Local 139 Operating Engineers in support of motion to compel Franklin Edmonds to produce authorization for release of medical record of drug treatment [259-1], of motion to dismiss Edmonds' claims for damages [259-2] (wied,)
02/11/2000	261	MOTION by defendant Local 139 Operating Engineers for order to treat defendant's motion and its supporting documentation as confidential pursuant to Rule 7.11 and Local RULE 5.06 (wied,)
02/11/2000		MARGINAL ORDER by Mag Judge Patricia J. Gorence granting motion for order to treat defendant's motion and its supporting documentation as confidential pursuant to Rule 7.11 and Local RULE 5.06 [261-1] (cc: all counsel) (wied,) (Entered: 02/14/2000)
02/14/2000	262	SUPPLEMENT to Designation of Experts by defendant Local 139 Operating Engineers (wied,)
02/23/2000	263	BRIEF by plaintiffs in opposition to motion to compel Franklin Edmonds to produce authorization for release of medical record of drug treatment [259-1], to motion to dismiss Edmonds' claims for damages [259-2] (wied,)
02/23/2000	264	AFFIDAVIT of Franklin Edmonds with attached exhibits (wied,)
02/23/2000	265	AFFIDAVIT of Glenn M. Stoddard (wied,)
02/23/2000	266	CERTIFICATE of Service by plaintiff (wied,)
03/01/2000	268	Notice of Motion and MOTION by defendant Local 139 Operating Engineers for summary judgment (wied,) (Entered: 03/02/2000)
03/01/2000	269	PROPOSED Findings of Fact submitted by defendant Local 139 Operating Engineers (wied,) (Entered: 03/02/2000)
03/01/2000	270	MOTION by defendant Local 139 Operating Engineers to seal affidavits pursuant to Local Rule 7.11 and Local Rule 5.06 (wied,) (Entered: 03/02/2000)
03/01/2000	271	BRIEF by defendant Local 139 Operating Engineers in support of motion for summary judgment [268-1] (wied,) (Entered: 03/02/2000)

03/01/2000	272	Notice of Motion and MOTION by defendant Local 139 Operating Engineers for summary judgment on all claims asserted by Virgil Eiland (wied,) (Entered: 03/02/2000)
03/01/2000	273	BRIEF by defendant Local 139 Operating Engineers in support of motion for summary judgment on all claims asserted by Virgil Eiland [272-1] (wied,) (Entered: 03/02/2000)
03/01/2000	274	PROPOSED Findings of Fact on all claims of plaintiff Virgil Eiland submitted by defendant Local 139 Operating Engineers (wied,) (Entered: 03/02/2000)
03/01/2000	275	AFFIDAVIT of Dale Miller (wied,) (Entered: 03/02/2000)
03/01/2000	276	AFFIDAVIT of John J. Brennan (wied,) (Entered: 03/02/2000)
03/01/2000	277	AFFIDAVIT of John J. Brennan (wied,) (Entered: 03/02/2000)
03/01/2000	278	CERTIFICATE of Service by defendant Local 139 Operating Engineers (wied,) (Entered: 03/02/2000)
03/01/2000	279	AFFIDAVIT of David Noll in Support of Summary Judgment (SEALED) (wied,) (Entered: 03/02/2000)
03/01/2000	280	AFFIDAVIT of of Counsel (SEALED) (wied,) (Entered: 03/02/2000)
03/01/2000	281	AFFIDAVIT of David Noll in Support of Summary Judgment (wied,) (Entered: 03/02/2000)
03/01/2000	282	Supplemental REPORT from Hal Sider (wied,) (Entered: 03/02/2000)
03/01/2000	283	AFFIDAVIT of Willie D. Ellis (wied,) (Entered: 03/02/2000)
03/01/2000	284	AFFIDAVIT of Terry McGowen (wied,) (Entered: 03/02/2000)
03/01/2000	285	AFFIDAVIT of Dale Miller (wied,) (Entered: 03/02/2000)
03/01/2000	286	AFFIDAVIT of Terry McGowan (wied,) (Entered: 03/02/2000)
03/01/2000	287	AFFIDAVIT of Cecil Argue (wied,) (Entered: 03/02/2000)
03/01/2000	288	CERTIFICATE of Service by defendant Local 139 Operating Engineers (wied,) (Entered: 03/02/2000)
03/02/2000	267	Appeal Record Request received from USCA USCA Number: 99-4101 (wied,)
03/06/2000		RECORD on Appeal sent to USCA consisting of 3 vol pleadings, 10 loose pleadings USCA Number: 99-1401 re [240-1] (cc: all counsel) (wied,) (Entered: 03/07/2000)
03/07/2000	289	ORIGINAL Document Re: [281-1] (wied,)
03/07/2000	290	Supplemental REPORT from Hal Sider (wied,)
03/07/2000	291	CERTIFICATE of Service by defendant Local 139 Operating Engineers (wied,)
03/08/2000	292	Notice of Motion and MOTION by plaintiffs for leave to conduct discovery , and to stay the 30-day period for responding to defendant's summary judgment motions (wied,) Modified on 03/08/2000
03/08/2000	293	CERTIFICATE of Service by plaintiffs (wied,)
03/08/2000	294	Amended BRIEF by defendant Local 139 Operating Engineers in support of motion for summary judgment on all claims asserted by Virgil Eiland [272-1] (wied,) (Entered: 03/09/2000)
03/08/2000	295	Amended PROPOSED Findings of Fact submitted by defendant Local 139 Operating Engineers (wied,) (Entered: 03/09/2000)
03/08/2000	296	AFFIDAVIT of John J. Brennan (wied,) (Entered: 03/09/2000)
03/08/2000	297	CERTIFICATE of Service by defendant Local 139 Operating Engineers (wied,) (Entered: 03/09/2000)

03/08/2000	298	ORDER by Mag Judge Patricia J. Gorence denying motion for leave to supplement the record [255-1], denying motion to supplement record [249-1] (cc: all counsel) (wied,) (Entered: 03/09/2000)
03/10/2000	299	REPLY BRIEF by defendant Local 139 Operating Engineers in support of motion to compel Franklin Edmonds to produce authorization for release of medical record of drug treatment [259-1], motion to dismiss Edmonds' claims for damages [259-2] (wied,) (Entered: 03/13/2000)
03/10/2000	300	AFFIDAVIT of Heather Rastorfer (wied,) (Entered: 03/13/2000)
03/10/2000	301	AFFIDAVIT of Marianne Goldstein Robbins (wied,) (Entered: 03/13/2000)
03/10/2000	302	CERTIFICATE of Service by defendant Local 139 Operating Engineers (wied,) (Entered: 03/13/2000)
03/11/2000	303	LETTER from defendant Local 139 Operating Engineers that they will file its response to the motion for leave to conduct discovery and to stay the period for responding to defendant's summary judgment by 3/14/00 (wied,) (Entered: 03/13/2000)
03/14/2000	304	BRIEF by defendant Local 139 Operating Engineers in opposition to motion for leave to conduct discovery [292-1], to motion to stay the 30-day period for responding to defendant's summary judgment motions [292-2] (wied,) (Entered: 03/15/2000)
03/14/2000	305	AFFIDAVIT of Marianne Goldstein Robbins (wied,) (Entered: 03/15/2000)
03/14/2000	306	CERTIFICATE of Service by defendant Local 139 Operating Engineers (wied,) (Entered: 03/15/2000)
03/24/2000	307	REPLY BRIEF by plaintiff in support of motion to stay the 30-day period for responding to defendant's summary judgment motions [292-2] (wied,)
03/24/2000	308	MOTION by plaintiffs to strike supplemental report of Hal Sider pursuant to Rule 26 (wied,)
03/24/2000	309	BRIEF by plaintiffs in support of motion to strike supplemental report of Hal Sider pursuant to Rule 26 [308-1] (wied,)
03/24/2000	310	CERTIFICATE of Service by plaintiffs (wied,)
04/07/2000	311	Notice of Motion and MOTION by defendant Local 139 Operating Engineers to file surreply with surreply (wied,) Modified on 04/10/2000 (Entered: 04/10/2000)
04/07/2000	312	PROPOSED Affidavit of Counsel in support of surreply in opposition to motion for leave to conduct discovery and to stay briefing submitted by defendant Local 139 Operating Engineers (wied,) (Entered: 04/10/2000)
04/07/2000	313	BRIEF by defendant Local 139 Operating Engineers in opposition to motion to strike supplemental report of Hal Sider pursuant to Rule 26 [308-1] (wied,) (Entered: 04/10/2000)
04/07/2000	314	AFFIDAVIT of Counsel in opposition to plaintiffs' motion to strike defendant's supplemental expert report (wied,) (Entered: 04/10/2000)
04/07/2000	315	CERTIFICATE of Service by defendant Local 139 Operating Engineers (wied,) (Entered: 04/10/2000)
04/24/2000	316	REPLY BRIEF by plaintiffs in support of motion to strike supplemental report of Hal Sider pursuant to Rule 26 [308-1] (wied,)
04/24/2000	317	BRIEF by plaintiffs in opposition to motion to file surreply [311-1] (wied,)
04/24/2000	318	CERTIFICATE of Service by plaintiffs (wied,)
06/23/2000	319	MOTION by plaintiff to re-certify the class under Rule 23(b)(2) and Rule 23(D)(2) and (D)(5) (wied,)
06/23/2000	320	BRIEF by plaintiff in support of motion to re-certify the class under Rule 23(b)(2) and Rule 23(D)(2) and (D)(5) [319-1] (wied,)

06/23/2000	321	CERTIFICATE of Service by plaintiff (wied,)
07/10/2000	322	MANDATE/CERTIFIED COPY from the USCA USCA Number: 99-4101 class certification under Rule 23(b)(2) is vacated and this case is remanded back to District Court with directions to consider alternative class certification under the options presented in this opinion and Jefferson. [Appeal [240-1] (wied,) (Entered: 07/11/2000)
07/17/2000	323	MOTION by defendant Local 139 Operating Engineers for order denying class certification to plaintiffs under any Fed. R. Civ. P. 23(b) alternative (wied,) (Entered: 07/18/2000)
07/17/2000	324	BRIEF by defendant Local 139 Operating Engineers in support of motion for order denying class certification to plaintiffs under any Fed. R. Civ. P. 23(b) alternative [323-1] (wied,) (Entered: 07/18/2000)
07/17/2000	325	AFFIDAVIT of Marianne Goldstein Robbins in support of defendant's motion for an order denying class certification to plaintiffs (wied,) (Entered: 07/18/2000)
07/17/2000	326	BRIEF by defendant Local 139 Operating Engineers in opposition to motion to re-certify the class under Rule 23(b)(2) and Rule 23(D)(2) and (D)(5) [319-1] (wied,) (Entered: 07/18/2000)
07/17/2000	327	CERTIFICATE of Service by defendant Local 139 Operating Engineers (wied,) (Entered: 07/18/2000)
07/26/2000	328	Uncontested MOTION by plaintiffs for two-week extension of time to file reply brief (wied,)
07/26/2000	329	CERTIFICATE of Service by plaintiffs (wied,)
07/31/2000		MARGINAL ORDER by Mag Judge Patricia J. Gorence granting motion for two-week extension of time to file reply brief [328-1] (cc: all counsel) (wied,)
08/01/2000	330	ORDER by Mag Judge Patricia J. Gorence denying William Smeaton's motion to quash subpoena [220-1], denying motion for protective order [220-2]; the plaintiffs shall not notice the deposition of Mr. Smeaton for the final day of the month, denying defendant's motion to quash subpoena [216-1], denying motion protective order [216-2] RECOMMENDATION that for entry of judgment on plaintiff's referral claim [213-1] be denied by Mag Judge Patricia J. Gorence (wied,) Modified on 11/13/2002 (Entered: 08/02/2000)
08/02/2000	331	ORDER by Mag Judge Patricia J. Gorence granting defendant's motion to compel Franklin Edmonds to produce authorization for of medical record of drug treatment [259-1] RECOMMENDATION that defendant's motion to dismiss Edmonds' claims for damages [259-2] be denied by Mag Judge Patricia J. Gorence (wied,) Modified on 11/13/2002 (Entered: 08/03/2000)
08/03/2000		MARGINAL ORDER by Mag Judge Patricia J. Gorence granting motion to seal affidavits [270-1] (cc: all counsel) (wied,) Modified on 08/11/2000
08/04/2000	332	ORDER by Mag Judge Patricia J. Gorence denying plaintiffs' motion for leave to conduct discovery [292-1] and to stay the 30-day period for responding to the defendant's summary judgment motion as moot, denying defendant's motion to file surreply [311-1], granting plaintiffs' motion to strike supplemental report of Hal Sider pursuant to Rule 26 [308-1] RECOMMENDATION that defendant's motion for summary judgment on all claims asserted by Virgil Eiland [272-1] be denied, and that the defendant's motion for summary judgment [268-1] be denied by Mag Judge Patricia J. Gorence (wied,) Modified on 11/13/2002 (Entered: 08/07/2000)
08/15/2000	333	REPLY BRIEF by plaintiff in support of motion to re-certify the class under Rule 23(b)(2) and Rule 23(D)(2) and (D)(5) [319-1] (wied,)
08/15/2000	334	MOTION by plaintiffs to strike defendant's brief in support of motion for an order denying certification to plaintiffs under any Fed. R. Civ. P.23(b) alternative (wied,)
08/15/2000	335	BRIEF by plaintiff in support of motion to strike defendant's brief in support of motion for an order denying certification to plaintiffs under any Fed. R. Civ.

		P.23(b) alternative [334-1] (wied,)
08/15/2000	336	CERTIFICATE of Service by plaintiffs (wied,)
08/18/2000	337	OBJECTIONS to the Magistrate Judge's Recommendation to the Honorable John W. Reynolds dated 8/4/00 by defendant Local 139 Operating Engineers (wied,) (Entered: 08/21/2000)
08/18/2000	338	BRIEF in Support of Objections tot he Magistrate Judge's Recommendation FILED by defendant Local 139 Operating Engineers (wied,) (Entered: 08/21/2000)
08/18/2000	339	AFFIDAVIT of Marianne Goldstein Robbins in support of objections to the Magistrate Judge's recommendation (wied,) (Entered: 08/21/2000)
08/18/2000	341	BRIEF in Support of Defendant's Appeal of Magistrate's order of 8/4/00 striking defendant's supplemental expert report FILED by defendant Local 139 Operating Engineers (wied,) (Entered: 08/21/2000)
08/18/2000	342	CERTIFICATE of Service by defendant Local 139 Operating Engineers (wied,) (Entered: 08/21/2000)
08/18/2000	340	APPEAL by Defendants to the District Judge of the Magistrate's Order of August 4, 2000 Striking Defts's Supplemental Expert Report Re: [332-1] (ers,) (Entered: 04/02/2001)
08/22/2000	343	ORDER for random reassignment by Senior Judge John W. Reynolds; case randomly reassigned to Judge Charles N. Clevert (cc: all counsel) (vlh,) (Entered: 08/23/2000)
09/01/2000	344	BRIEF by defendant IN OPPOSITION to motion to strike defendant's brief in support of motion for an order denying certification to plaintiffs under any Fed. R. Civ. P.23(b) alternative [334-1] (ers,) (Entered: 09/05/2000)
09/01/2000	345	CERTIFICATE Of Service (ers,) (Entered: 09/05/2000)
09/05/2000	346	STIPULATION by plaintiff, defendant, THAT Plaintiffs may file responses to both the objections &"Appeal" on or before 9/27/00 &THAT Deft may file replies to Plaintiffs responses no later than 3 weeks, or 21 days after receipt of Plaintiffs responses. (ers,) (Entered: 09/06/2000)
09/06/2000	347	ORDER Regarding Briefing Schedule by Judge Charles N. Clevert THAT on or before 9/27/00, Plaintiffs shall file responses to (1) Deft's objections to the Magistrate's order of 8/4/00 denying Defts motion for summary judgment &(2) Defts appeal of the Magistrate's Order of 8/4/00, striking Deft's supplemental expert report. Deft may file replies to Plaintiffs responses within 21 days of service of the responses. (cc: all counsel) (ers,)
09/07/2000	348	STIPULATION by plaintiff, defendant, THAT The Plaintiffs responses to both objections shall be filed on 9/7/00. Deft may file a reply no later than 3 weeks after receipt of Plaintiffs responses (ers,)
09/19/2000	349	REPLY BRIEF by plaintiff in support of motion to strike defendant's brief in support of motion for an order denying certification to plaintiffs under any Fed. R. Civ. P.23(b) alternative [334-1] w/ attached Exhibit A-C (ers,)
09/19/2000	350	CERTIFICATE Of Service (ers,)
09/27/2000	351	AMSWER BRIEF FILED by plaintiffs TO Defendants Appeal of Magistrate's Order of 8/4/00 Striking Defts Supplemental Expert Report w/ attached Exhibits A-I (ers,)
09/27/2000	352	CERTIFICATE Of Service (ers,)
09/29/2000	353	BRIEF FILED by plaintiff IN OPPOSITION to Defts Objections to the Magistrate Judge's Recommendation to the Honorable John W. Reynolds dated 8/4/00 (ers,)
10/16/2000		APPEAL Record Returned, consisting of 3 vol pleadings, 10 loose pleadings USCA Number: 99-4101 re appeal [240-1] (wied,)

10/18/2000	354	REPLY BRIEF by defendant in support of Appeal of Magistrate's Order of 8/4/2000 Striking Defts Supplemental Expert Report. Brief submitted pursuant to Court's Scheduling Order dated 9/6/00 (ers,) (Entered: 10/19/2000)
10/18/2000	355	AFFIDAVIT of Marianne Goldstein Robbins In Support of Defts Reply Brief In Support of Appeal of Magistrate's Order of 8/4/2000 Striking Defts Supplemental Expert Report (ers,) (Entered: 10/19/2000)
10/18/2000	356	REPLY BRIEF by defendant in support of Objections to the Magistrate Judge's Recommendation dated 8/4/00 (ers,) (Entered: 10/19/2000)
10/18/2000	357	CERTIFICATE Of Service (ers,) (Entered: 10/19/2000)
02/12/2001	358	DECISION AND ORDER: by Judge Charles N. Clevert DENYING AS MOOT Plaintiffs motion to strike defendant's brief in support of motion for an order denying certification to plaintiffs under any Fed. R. Civ. P.23(b) alternative [334-1], DENYING Defts motion for order denying class certification to plaintiffs under any Fed. R. Civ. P. 23(b) alternative [323-1] (cc: all counsel) (ers,) (Entered: 02/14/2001)
02/20/2001	359	LETTER from defendant Local 139 Operating Engineers by Atty Robbins saying they would like the Court to consider the parties submissions relative to Defts motion for an Order denying class certification when it considers Plaintiffs motion to Certify Class Action (ers,)
03/27/2001	360	LETTER from plaintiffs by Atty Siskind saying that per the request of the Court are the briefs to the Court of Appeals referred to in Plaintiffs reply in support of their motion to recertify the class i.e., the appeal brief, the amended response &the amended reply. Also enclosed is the amicus brief filed by the NAACP Legal Defense and Educational Fund &the Chicago Lawyers Committee for Civil Rights Under Law (ers,) (Entered: 04/02/2001)
03/29/2001	361	LETTER from defendant by Atty Ribbins saying that they have received a covering letter, w/o enclosures, from Plaintiffs' counsel to the Court dated 3/26/01. That in addition to the documents requested by the Court, the Plaintiff has enclosed a brief filed by the NAACP. They would like to advise the Court that this brief was not considered by the Court of Appeals. They are enclosing a copy of the Order denying the motion of the NAACP for leave to file an amicus brief. (ers,) (Entered: 04/02/2001)
03/30/2001	362	LETTER from the Court to Mr. Barnhill saying that on 3/26/01, the Law Clerk to Judge Clevert spoke w/ Atty Sara Siskind to request that the copies of Plaintiffs submissions to the Seventh Circuit, referenced in Plaintiffs Reply Brief in Support of Motion to Re-Certify the Class Under 23(b)(2) &23(d), be sent to the Court overnight. The enclosed brief of the NAACP Legal Defenses &Educational Fund &the Chicago Lawyer's Committee for Civil Rights Under Law was sent in error. As Defts counsel noted, the brief was not even filed before the Seventh Circuit. Therefore the Court is returning the brief to their office. (ers,) (Entered: 04/02/2001)
03/30/2001	363	LETTER from plaintiffs by Atty Siskind saying that Defts Counsel Ms. Robbins had copies of all the briefs..thus she did not enclose them, but instead, so that she would know exactly what was enclosed, identified them precisely in her cover sheet. Her letter of today states that the NAAVCP brief was never filed. Ms. Siskind did not know this, but knowing it now, withdraw it from submissiom to the Court. The mistate was hers. (ers,) (Entered: 04/02/2001)
03/30/2001	364	ORDER by Judge Charles N. Clevert ADOPTING order motion RECOMMENDATION [332-1], ADOPTING order motion [331-1], ADOPTING order motion RECOMMENDATION [330-1], DENYING W/O PREJUDICE motion to dismiss Edmonds' claims for damages [259-2], DENYING W/O PREJUDICE motion for entry of judgment on plaintiff's claim [213-1], DENYING W/O PREJUDICE motion for summary judgment [268-1], DENYING W/O PREJUDICE motion for summary judgment on all claims asserted by Virgil Eiland [272-1] THAT the Deft's Appeal of US Magistrate Judge Gorence's 8/4/00 order striking Defts supplemental report of Dr. Hal Sider is DISMISSED AS MOOT. THAT NO additional dispositive motions shall be filed until after this Courts determination of the pending motion for class certification (cc: all counsel) (ers,)

		(Entered: 04/02/2001)
04/11/2001	365	DECISION AND ORDER: by Judge Charles N. Clevert granting motion to re-certify the class under Rule 23(B)(2) and Rule 23(D)(2) and (D)(5) [319-1]; further, that pltf's be allowed to proceed as class the represenatives; all potential class members will be provided with notice ; the parties shall submit a proposed form of notice to the court by 5/3/01. (cc: all counsel) (kmm,)
04/25/2001	366	MOTION by defendant Local 139 Operating Engineers TO AMEND ITS DECISION & ORDER GRANTING PLAINTIFFS MOTION TO RECERTIFY CLASS TO EXPRESSLY LIMIT THE CLASS TO INJUNTIVE & DECLARATORY RELIEF AND MAKE CERTIFICATION CONDITIONAL & TO REQUIRE PLAINTIFFS COUNSEL TO REPORT ON BEHALF OF EACH CLASS MEMBER, THE ABSENCE OF ANY MONETARY CLAIM OR THE APPROXIMATE AMOUNT, TIME FRAME & NATURE OF ANY MONETARY CLAIM & ANY PROPOSED TRIAL FORMAT (ers,) (Entered: 04/26/2001)
04/25/2001	367	BRIEF by defendant Local 139 Operating Engineers IN SUPPORT of Motion TO AMEND ITS DECISION & ORDER GRANTING PLAINTIFFS MOTION TO RECERTIFY CLASS TO EXPRESSLY LIMIT THE CLASS TO INJUNTIVE & DECLARATORY RELIEF AND MAKE CERTIFICATION CONDITIONAL & TO REQUIRE PLAINTIFFS COUNSEL TO REPORT ON BEHALF OF EACH CLASS MEMBER, THE ABSENCE OF ANY MONETARY CLAIM OR THE APPROXIMATE AMOUNT, TIME FRAME & NATURE OF ANY MONETARY CLAIM & ANY PROPOSED TRIAL FORMAT [366-1] (ers,) (Entered: 04/26/2001)
05/03/2001	368	PROPOSED COPY OF NOTICE to the Class by defendant Local 139 Operating Engineers by Atty Robbins which is submitted in accordance w/ the Court's Order of 4/11/01 (ers,)
05/03/2001	369	LETTER from plaintiffs by Atty Barnhill saying that the parties have not been able to agree on a class notice. To resolve the differences between them the parties propose to submit their drafts separately (Plaintiffs is enclosed) and to submit to the Court any authority supporting their positions in a submission of no greater than 5 pages in length by 5/11. (ers,)
05/10/2001	370	BRIEF by plaintiff Jeff Lemon, Karen Meyer, John Duncan, Odell Williams, Virgil Eiland, Pat Haynes, Craig Anderson, Shirley Nyman, Franklin Edmonds, Mary Preston in opposition to motion TO AMEND ITS DECISION & ORDER GRANTING PLAINTIFFS MOTION TO RECERTIFY CLASS TO EXPRESSLY LIMIT THE CLASS TO INJUNTIVE DECLARATORY RELIEF AND MAKE CERTIFICATION CONDITIONAL & TO REQUIRE PLAINTIFFS COUNSEL TO REPORT ON BEHALF OF EACH MEMBER, THE ABSENCE OF ANY MONETARY CLAIM OR THE AMOUNT, TIME FRAME & NATURE OF ANY MONETARY CLAIM & ANY PROPOSED TRIAL FORMAT [366-1] (kah,)
05/10/2001	371	CERTIFICATE OF SERVICE by plaintiffs Jeff Lemon, Karen Meyer, John Duncan, Odell Williams, Virgil Eiland, Pat Haynes, Craig Anderson, Shirley Nyman, Franklin Edmonds, Mary Preston (kah,)
05/11/2001	372	BRIEF FILED by defendant Local 139 Operating Engineers In Support of Defendants Draft of Class Notice (ers,) (Entered: 05/14/2001)
05/11/2001	373	MODIFIED PROPOSED NOTICE by plaintiffs (ers,) Modified on 05/14/2001 (Entered: 05/14/2001)
05/11/2001	374	BRIEF FILED by Plaintiffs IN SUPPORT of their Proposed Notice (ers,) (Entered: 05/14/2001)
05/11/2001	375	CERTIFICATE OF SERVICE by plaintiffs (ers,) (Entered: 05/14/2001)
05/14/2001	376	ORDER by Judge Charles N. Clevert DENYING motion TO AMEND ITS DECISION & ORDER GRANTING PLAINTIFFS MOTION TO RECERTIFY CLASS TO EXPRESSLY LIMIT THE CLASS TO INJUNTIVE & DECLARATORY RELIEF AND MAKE CERTIFICATION CONDITIONAL & TO REQUIRE PLAINTIFFS COUNSEL TO REPORT ON BEHALF OF EACH

		CLASS MEMBER, THE ABSENCE OF ANY MONETARY CLAIM OR THE APPROXIMATE AMOUNT, TIME FRAME &NATURE OF ANY MONETARY CLAIM &ANY PROPOSED TRIAL FORMAT [366-1] (cc: all counsel) (ers,) (Entered: 05/15/2001)
05/14/2001	377	CORRECTED DECISION AND ORDER: by Judge Charles N. Clevert GRANTING Plaintiffs Motion to Recertify the Class under Rule 23(B)(2) &Rule 23(D)(2) &(D)(5) THAT Defendant International Union of Operating Engineers, Local 139 has unlawfully refused to refer Union members who are not white males to jobs in the same manner &w/ the same frequency as white male members (2) that Deft International Union of Operating Engineers, Local 139 has improperly manipulated referral procedures to insure that white male Union members are sent to more, &longer lasting, jobs than other Union members. THAT Plaintiffs, Jeff Lemon, Karen Meyer, John Duncan, Odell Williams, Pat Haynes, Craig Anderson, Shirley Nyman &Franklin Edmonds are deemed able to fairly &adequately protect the interests of the class, &will be allowed to proceed as class representaives for all females who were or are members of the Union as of 11/21/91 &thereafter, &all African Americans, Hispanics, Asians or Native Americans who are or were members of the Union as of 7/4/92 &thereafter. THAT all potential class members be provided w/notice that advises that (A) the court will exclude the member from the class if the member so requests by a specified time (B) the judgment, whether favorable or not will include all members who do not request exclusion may, if the member desires, enter an appearance through counsel. THAT on or before 5/3/01, the parties shall submit to the court a proposed form of notice. counsel) (ers,) (Entered: 05/15/2001)
06/05/2001	378	LETTER from defendant Local 139 Operating Engineers by Atty Marianne Goldstein Robbins saying that their office has not received any information or notice to class members &that the Court assumed that she was aware that the Court had approved the form of the notice (ers,)
06/06/2001	379	CLASS NOTICE APPROVED by Judge Clevert. (ers,) (Entered: 06/07/2001)
06/29/2001	380	HEARING MINUTES: by Judge Charles N. Clevert ; Telephonic Status Conference held 6/29/01; Telephonic Status Conference set for 8:30 9/27/01 Court Reporter: Cindy Bohman . The Court directs the transcript of this conference be Sealed until this matter is presented to the union executive board (ers,) Modified on 08/02/2001 (Entered: 08/02/2001)
08/02/2001	382	CERTIFICATE Of Service by Chad Bartell (ers,)
08/02/2001	381	MOTION by Edward R. Garvey &Glenn M. Stoddard FOR ORDER SEALING &TREATING AS CONFIDENTIAL DESIGNATED DOCUMENTS (ers,)
08/02/2001	383	MOTION by Edward R. Garvey &Glenn M. Stoddard FOR HEARING ON SETTLEMENT (SEALED) UNSEALED per Order of 8/17/01 (ers,) Modified on 08/21/2001
08/02/2001	384	BRIEF by Edward R. Garvey &Glenn M. Stoddard IN SUPPORT of motion FOR HEARING ON SETTLEMENT [383-1] SEALED (ers,)
08/02/2001	385	DECLARATION (July 31, 2001) of Edward R. Garvey SEALED (ers,)
08/08/2001	386	BRIEF by plaintiffs Responding to the Garvey Firms's motion FOR ORDER SEALING &TREATING AS CONFIDENTIAL DESIGNATED DOCUMENTS [381-1] (SEALED) UNSEALED Per Order OF 8/17/01 (ers,) Modified on 08/21/2001
08/08/2001	387	BRIEF by plaintiffs IN OPPOSITION to Garveys Firm motion FOR HEARING ON SETTLEMENT [383-1] w/ attachments (SEALED) UNSEALED Per Order of 8/17/01 (ers,) Modified on 08/21/2001
08/08/2001	388	CERTIFICATE OF SERVICE by plaintiffs (ers,)
08/08/2001	393	LETTER from plaintiffs by Atty Charles Barnhill asking the Court to accept for filing Under Seal plaintiffs' Response of Settling Plaintiffs to Motion of Garvey Law Firm, Plaintiffs' Response to the Garvey Firms' Request That the Document Relating to its Motion be filed Under Seal, and a Certificate of Service (ers,)

		Modified on 08/16/2001 (Entered: 08/16/2001)
08/13/2001	389	BRIEF by defendant SAYING THEY DO NOT OBJECT to Edward Garvey &Glen Stoddard's motion FOR ORDER SEALING &TREATING AS CONFIDENTIAL DESIGNATED DOCUMENTS [381-1] (ers,)
08/13/2001	390	MOTION by defendant Local 139 Operating Engineers FOR ORDER SEALING &TREATING AS CONFIDENTIAL; DEFTS BRIEF IN OPPOSITION TO MOTION FOR HEARING, DATED 8/9/01 (ers,)
08/13/2001	391	CERTIFICATE OF SERVICE by defendant Local 139 Operating Engineers (ers,)
08/13/2001	392	BRIEF FILED by defendant Local 139 Operating Engineers IN OPPOSITION TO MOTION FOR HEARING, DATED 8/9/01 (SEALED) UNSEALED Per Order of 8/17/01 (ers,) Modified on 08/21/2001
08/17/2001	394	ORDER by Judge Charles N. Clevert DENYING motion FOR ORDER SEALING &TREATING AS CONFIDENTIAL; DEFTS BRIEF IN OPPOSITION TO MOTION FOR HEARING, DATED 8/9/01 [390-1], DENYING Garvey &Stoddard's motion FOR HEARING ON SETTLEMENT [383-1], GRANTING motion FOR ORDER SEALING &TREATING AS CONFIDENTIAL DESIGNATED DOCUMENTS As to the Memorandum in support of of Motion for Hearing on Settlement (384) &the 7/31 Declaration of Edward R. Garvey (385) &is DENIED as to the Notice of Motion &Motion for Hearing on Settlement (383) [381-1]. THAT the Clerk of Court is directed to unseal th following documents: Garvey &Stoddard;s Notice of Motion &Motion for Hearing on Settlement (Doc # 383); Plaintiffs Response to the Garvey Firm's Request that the Documents Relating to its Motion be filed under Seal (Doc #386); Response of Settling Plaintiffs to Motion of Garvey Law Firm (Doc# 387) &Defts Brief In Opposition to Motion for Hearing on Settlement (#392) (cc: all counsel) (ers,) (Entered: 08/20/2001)
09/21/2001	395	NOTICE by plaintiffs by Atty Michael Bauer of change of address to the Law Firm of Lawton &Cates (ers,)
09/28/2001	396	HEARING MINUTES: by Judge Charles N. Clevert ; telephonic status conference held 9/28/01 re: settlement agreement Court Reporter: Terry Bucko (ers,) (Entered: 10/03/2001)
10/10/2001	397	LETTER from plaintiffs by Atty Garvey saying that it is their expectation that they will be in a position to report to the Court by 10/18/01 whether or not there is a settlement to be proposed for Court approval or the need for assistance of the Magistrate. (ers,) (Entered: 10/11/2001)
10/12/2001	398	LETTER from defendant by Atty Goldstein Robbins saying that the parties met on 10/2/01 &resolved the pending issues which had been raised during the conference call. That parties cannot agree w/ the suggestion of Mr. Garvey's letter dated 10/0/01, that further negotiations or the assistance of the Magistrate may be appropriate (ers,)
10/22/2001	399	LETTER from plaintiffs by Atty Garvey saying that having the Magistrate assist the parties to support a settlement would be appreciated. (ers,)
10/23/2001	400	LETTER from the Court to Counsel saying that this case is being transferred to Judge Gorence for mediation. If the parties are able to resolve their differences sooner, the attorneys are to inform the court &Judge Gorence promptly. (ers,)
10/23/2001	401	ORDER by Judge Charles N. Clevert Case REFERRED FOR MEDIATION to Mag Judge Patricia J. Gorence (cc: all counsel) (ers,)
11/02/2001	402	LETTER from counsel for defendant Local 139 Operating Engineers providing dates they will be available for mediation (kah,) (Entered: 11/06/2001)
11/05/2001	403	HEARING MINUTES: by Mag Judge Patricia J. Gorence ; mediation/settlement conference set for 10:00 11/26/01 Court Reporter: none (kah,) (Entered: 11/08/2001)

11/08/2001	404	ORDER re: MEDIATION by Mag Judge Patricia J. Gorence; mediation will be conducted on 11/26/01 at 10:00 in Rm 264; a mediation conference statement and a separate ex parte letter shall be sent to Rm 264 10 DAYS PRIOR TO THE MEDIATION (cc: all counsel) (kah,)
11/26/2001	405	HEARING MINUTES: by Mag Judge Patricia J. Gorence mediation/settlement conference continued to 9:30 12/4/01 (cms,) (Entered: 11/27/2001)
11/27/2001	406	NOTICE of hearing by the Court mediation continued to 12/4/01 at 9:30 mediation held 11/26/01 (cc: all counsel) (cms,) (Entered: 11/28/2001)
11/30/2001	410	LETTER from plaintiff Jeff Lemon regarding qualifications and experience with attachments (cms,) (Entered: 12/17/2001)
12/04/2001	408	HEARING MINUTES: by Mag Judge Patricia J. Gorence ; telephone status conference set for 2:00 1/9/02 ; Mediation/Settlement Conference held 12/4/01 ; Atty Charles Barnhill shall send a copy of the revised Consent Decree to the pltf's, w/a copy to this court, by 12/17/01; pltf's counsel shall advise the court & the pltf's in writing by 12/17/01, as to the status of the parties attempt to resolve monitor & confidentiality issues in the settlement agreement. Court Reporter: none (kah,) (Entered: 12/10/2001)
12/10/2001	409	ORDER by Mag Judge Patricia J. Gorence: SEE above hearing minutes for details. (cc: all counsel) (kah,)
01/07/2002	411	LETTER from plaintiff Jeff Lemon regarding the resume of Attorney Rocky L. Coe Esq. (cms,) (Entered: 01/08/2002)
01/08/2002	412	LETTER from plaintiff Jeff Lemon regarding the monitor (cms,) (Entered: 01/09/2002)
01/09/2002	413	HEARING MINUTES: by Mag Judge Patricia J. Gorence ; telephone status conference set for 2:30 1/23/02 telephone status conference held 1/9/02; Tape AB 709; 1239-2814 (cms,) Modified on 01/09/2002
01/09/2002	414	NOTICE of hearing by the Court telephone status conference set for 1/23/02 at 2:30. (cc: all counsel) (cms,) Modified on 01/09/2002
01/10/2002		REMARK docket # 407, plaintiff's confidential statement of position re: mediation, removed from docket (cms,)
01/23/2002	415	HEARING MINUTES: by Mag Judge Patricia J. Gorence the defendant will notify the court by 1/25/02 if the person interviewed will be an acceptable monitor. Mr Garvey will also let the court know by 1/25/02 if the plaintiffs' agree to this monitor. A telephone status conference will be held on 1/28/02 at 9:30 a.m. A telephone status conference held 1/23/02. Reporter: Tape AB 710; 952-1876 (cms,) Modified on 01/24/2002 (Entered: 01/24/2002)
01/24/2002	416	NOTICE of hearing by the Court telephone status conference set for 9:30 1/28/02 (cc: all counsel) (cms,)
01/28/2002	417	HEARING MINUTES: by Mag Judge Patricia J. Gorence ; telephone conference set for 1:30 2/14/02 ; telephone status conference held 1/28/02; Parties have agreed to a monitor and are to work out the provisions of the settlement. Tape AB 711; 192-711 (cms,)
01/28/2002	418	NOTICE of hearing by the Court a telephone status conference has been set for 2/14/02 at 1:30 p.m. (cc: all counsel) (cms,)
02/08/2002	419	NOTICE of hearing by the Court telephone status conference set for 2:00 2/14/02 (cc: all counsel) (cms,) Modified on 02/13/2002
02/14/2002	420	HEARING MINUTES: by Mag Judge Patricia J. Gorence telephone status conference held 2/14/02; telephone status conference set for 2:00 2/25/02 Court discusses status of the case. Parties are still in disagreement with the confidentiality issue. Tape AB 714; 729-1422 (cms,)
02/25/2002	421	TRANSCRIPT of 12/4/02 settlement filed (cms,)

02/25/2002	422	HEARING MINUTES: by Mag Judge Patricia J. Gorence telephone status conference set for 2:00 2/27/02 Parties are still in the process of reviewing the proposed confidentiality agreement. Tape AB 717; 6-863 (cms,) (Entered: 02/26/2002)
02/26/2002	423	LETTER from Atty Rocky L. Coe to set facts straight ¬ let Atty Garvey's summation of our conversation infer that there is a question of whether I was or am interested in the monitor positon or that questions should be belatedly raised about my prior audit. It sems only fair that the choices of two thirds of the actively remaining Plaintiffs in the industry, deserves first amendment consideration to at least be heard (ers,)
02/27/2002	424	HEARING MINUTES: by Mag Judge Patricia J. Gorence ; telephone status conference held 2/27/02 ; Parties have reached a settlement agreement. Parties will submit the appropriate settlement documents to the court along with the notice by 3/15/02. Tape AB 718; 702-1505 (cms,) (Entered: 02/28/2002)
03/22/2002	425	LETTER (Copy) from plaintiff Franklin Edmonds to Atty Barnhill, Jr (ers,) (Entered: 03/25/2002)
03/27/2002	426	LETTER from plaintiffs by Atty Garvey saying that mediation is completed &they would like to schedule a hearing for preliminary approval of the negotiated settlement with Defendant (ers,)
04/05/2002	427	NOTICE by the Court ; Hearing to Consider preliminary approval of a Settlement Agreement &Notice to Class will be held 9:30 4/23/02 (cc: all counsel) (ers,) (Entered: 04/08/2002)
04/16/2002	428	STIPULATION by plaintiff, defendant, Concerning Consent Decree. That the Consent decree should be amended to replace the reference on page 16, third line from the bottomi, Subsection III B.2.b from paragraph 4 elow, to paragraph c. below. w/ attached Consent Decree w/ attached Exhibits (ers,)
04/16/2002	429	Complete &Permanent Release &Settlement Agreement from defendants w/ attachments Engineers (ers,)
04/17/2002	430	MOTION by plaintiffs by Atty Bauer FOR PRELIMINARY APPROVAL OF CLASS SETTLEMENT (ers,)
04/17/2002	431	BRIEF by plaintiffs IN SUPPORT of motion FOR PRELIMINARY APPROVAL OF CLASS SETTLEMENT [430-1] w/ attached Side Agreement &attached Exhibits (ers,) Modified on 04/17/2002
04/17/2002	432	CERTIFICATE OF SERVICE by plaintiffs (ers,)
04/19/2002	433	BRIEF FILED by defendant Local 139 Operating Engineers by Atty Robbins In Support of Preliminary Approval of Settlement (ers,)
04/23/2002	434	HEARING MINUTES: by Judge Charles N. Clevert Court Reporter: Cindy Bohman. On Hearing on Proposed Settlement. Based upon the Settlement Agreement &the attached Consent Decree, filed 4/16/02, the Court directs counsel to proceed w/ the filing &dissemination of a Notice of Final Hearing (ers,) (Entered: 05/03/2002)
05/02/2002	435	ORDER by Judge Charles N. Clevert GRANTING Plaintiffs motion FOR PRELIMINARY APPROVAL OF CLASS SETTLEMENT [430-1] The Notice of Class Action &Proposed Settlement (attached as Exhibit 1) A Fairness hearing shall be held on 6/26/02 at 1:30 p.m. (cc: all counsel) (ers,) (Entered: 05/06/2002)
05/06/2002	436	SECOND STIPULATION CONCERNING CONSENT DECREE by plaintiff, defendant (ers,)
05/06/2002	437	CERTIFICATE OF SERVICE by defendant (ers,)
05/14/2002	438	LETTER from defendant Operating Engineers by member Sue Taggart objecting to the proposed settlement &does not want to participate in any proposed settlement, &is opting out. (ers,)

05/20/2002	439	LETTER from plaintiffs by Atty Bauer saying that all of the named Plaintiffs have signed the settlement agreement & Consent decree. (ers,)
05/28/2002	440	LETTER from plaintiff by Atty Garvey saying that the Plaintiffs be given an opportunity to meet w/ Professor Clauss. the monitor selected by counsel for both sides, in order to answer questions & discuss her views regarding the implementation of the settlement. A meeting was held with the Professor, two of the Class Representatives & the Business Manager of Local 139. There was a good exchange between the parties. (ers,)
06/18/2002	441	MOTION by plaintiffs FOR FINAL APPROVAL OF CLASS SETTLEMENT (ers,)
06/18/2002	442	BRIEF by plaintiff IN SUPPORT of motion FOR FINAL APPROVAL OF CLASS SETTLEMENT [441-1] w/ attachments (ers,)
06/18/2002	443	AFFIDAVIT of Michael R. Bauer (ers,)
06/24/2002	444	LETTER from defendant Operating Engineers by Atty Robbins relies on its brief in support of Preliminary Approval of Settlement in the upcoming hearing for final approval of the settlement (ers,)
06/28/2002	445	ORDER by Judge Charles N. Clevert dismissing case THAT the Court has jurisdiction over the subject matter of this action & over the parties for purposes of entering this Decree. The terms of this Decree are fair, reasonable & adequate to the class as a whole. THIS Decree conforms to the Federal Rules of Civil Procedures & is not in derogation of the rights or privileges of any person & will be in the best interest of the parties, & those for whom the Plaintiffs seek relief. The Court retains jurisdiction to enforce this Decree. Except as provided in paragraph 4, this action is Dismissed on the merits & w/ prejudice & w/o costs or attorneys fees to any party. (cc: all counsel) (ers,) (Entered: 07/01/2002)
07/01/2002	446	LETTER from plaintiffs by Atty Bauer saying that Plaintiffs counsel agree w/ the analysis provided by Atty Robbins & that they do not have any objections to the Proposed Order Approving the Settlement & entering the Judgment of Dismissal (ers,)
07/15/2002	447	LETTER from defendant by Atty Robbins requesting that judgment be entered on the Court's Order (ers,)
07/16/2002	448	JUDGMENT: by Deputy Clerk – Approved by Judge Clevert. THAT this action came before the court on 6/28/02. The issues have been decided & a decision has been rendered. THAT this case is Dismissed (cc: all counsel) (ers,) (Entered: 07/17/2002)
07/26/2006	<u>449</u>	MOTION to Enforce Consent Decree by Franklin Edmonds (the court construes complaint from 06-cv-592 as a motion for this case; see hearing minutes # 10). (kah,) (Entered: 08/30/2006)
08/15/2006	<u>450</u>	LETTERS (courtesy copies) from Franklin Edmonds to Brian Hlavin and Carin Clauss (originally docketed in 06-c-592). (kah,) (Entered: 08/30/2006)
08/25/2006	451	DOCUMENTS RECEIVED from Franklin Edmonds (IN PAPER FORMAT) – (originally filed in 06-c-592). (kah,) (Entered: 08/30/2006)
08/28/2006	452	ENVELOPE RECEIVED from Franklin Edmonds consisting of 3 cassette tapes (originally filed in 06-c-592). (kah,) (Entered: 08/30/2006)
09/01/2006	453	DOCUMENTS RECEIVED from Franklin Edmonds – (IN PAPER FORMAT). (kah) (Entered: 09/06/2006)
09/01/2006	454	DOCUMENTS RECEIVED from Franklin Edmonds consisting of Monitor's Report and attachments – (IN PAPER FORMAT). (kah) (Entered: 09/06/2006)
09/01/2006	<u>455</u>	MINUTES/ORDER: Status Conference held on 9/1/06. Court sets the following schedule: Pltf is to state in writing, by 10/2/06, what he contends are the Union's current violations and identify with particularity the evidence which supports his claims; and the Union is to file a response by 10/23/06. Court will convene for a HEARING on 11/13/06 at 10:00 AM in Courtroom 222. See Minutes for additional

		information.(Tape #2:37:06 to 3:19:12.) ((kwb), C. N. Clevert, Jr.) (Entered: 09/25/2006)
09/28/2006	<u>456</u>	RESPONSE filed by Franklin Edmonds to the court's order of 9/1/06 re: violations by deflt. (kmm)
10/23/2006	<u>457</u>	REPLY filed by International Union of Operating Engineers , International Union of Operating Engineers Local 139 AFL-CIO, Wisconsin Area Operating Engineers Joint Apprentices Committee to Plaintiff Franklin Edmonds' Response to Report Submitted by Court-Appointed Monitor. (Attachments: # <u>1</u> Exhibit A to C)(Hlavin, Brian) Modified text on 10/25/2006 (kah).
10/24/2006	<u>458</u>	REPLY of the Court-Appointed Monitor to Mr. Edmonds Response to Her Report from Carin Ann Clauss. (kah) (Entered: 11/09/2006)
11/13/2006	<u>460</u>	MINUTES: Oral Argument Hearing held on 11/13/06. Monitor Clauss reports compliance with Consent Decree. Mr. Edmonds contends that the Out-of-Work Lists have not been posted appropriately. Attorney Hlavin is to report in 1 week on whether the Union agrees to extend the Consent Decree for the limited purpose of giving class members a final opportunity to contact Professor Clauss re any issues/complaints as to the operation of the referral list within the last 60-90 days. See Minutes for additional information. (Tape #10:34:03 to 10:46:33 and 10:50:07 to 11:45:05) ((kwb), C. N. Clevert, Jr.) (Entered: 12/04/2006)
11/15/2006	<u>459</u>	RESPONSE filed by all defendants to Request of Court for Additional and Final Notice. (Hlavin, Brian)
12/05/2006	<u>461</u>	LETTER from Franklin C. Edmonds re: his case. (kah) (Entered: 12/06/2006)
12/12/2006	<u>462</u>	LETTER from John Duncan re: this case. (kah)
01/05/2007	<u>463</u>	LETTER from John Duncan re: case. (kah)
01/09/2007	<u>464</u>	LETTER from Carin Ann Clauss recommending the Consent Decree be allowed to expire in accordance with its original terms. (kah) (Entered: 01/10/2007)
01/23/2007	<u>465</u>	LETTER from Franklin Edmonds re: filing an appeal. (kah)
02/21/2007	<u>466</u>	LETTER from Carin Ann Clauss w/attached courtesy copy of letter to Mr. Edmonds. (kah)
02/21/2007	<u>467</u>	LETTER from Carin Ann Clauss informing the court of an error made in letter to Mr. Edmonds (doc 466). (kah)
02/28/2007	<u>468</u>	LETTER from Franklin Edmonds requesting copies of minutes (copies mailed 3/1/07). (kah) (Entered: 03/01/2007)
03/12/2007	<u>469</u>	MOTION for Removal of Carin Clauss as court appointed monitor by Franklin Edmonds. (kah) (Entered: 03/13/2007)
03/22/2007	<u>470</u>	RESPONSE to Motion filed by International Union of Operating Engineers Local 139 AFL-CIO re <u>469</u> MOTION for removal of court-appointed monitor and request for hearing. (Hlavin, Brian)
03/26/2007	<u>471</u>	LETTER from Carin Ann Clauss to Franklin Edmonds re: complaint faxed on 3/21/07. (kah)
03/30/2007	<u>472</u>	ORDER signed by Judge Charles N Clevert Jr on 3/30/07 denying <u>449</u> Motion to Enforce; denying <u>469</u> Motion for Removal of court appointed monitor, and allowing consent decree to expire. (cc: all counsel) ((mj), C. N. CLEVERT, JR.)
03/30/2007		Copy of Order on Motion to Enforce, Order on Motion for Removal <u>472</u> sent via U.S. Mail to Charles J. Barnhill, Jr.; Franklin Edmonds;Edward R. Garvey;Jill M. Hartley ((mj), C. N. CLEVERT, JR.)