

**U.S. District Court  
District of Vermont (Burlington)  
CIVIL DOCKET FOR CASE #: 2:14-cv-00162-wks**

National Federation of the Blind et al v. Scribd, Inc.  
Assigned to: Judge William K. Sessions III  
Cause: 28:1331 Fed. Question: Civil Rights Violation

Date Filed: 07/29/2014  
Date Terminated: 11/19/2015  
Jury Demand: None  
Nature of Suit: 446 Civil Rights:  
Americans with Disabilities – Other  
Jurisdiction: Federal Question

**Plaintiff**

**National Federation of the Blind**  
*on behalf of its members and itself*

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**Plaintiff**

**Heidi Viens**

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V.

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**ENE Evaluator**

**ENE Evaluator**

TERMINATED: 12/02/2015

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Date Filed	#	Docket Text
07/29/2014	<u>1</u>	COMPLAINT against Scribd, Inc. filed by Heidi Viens, National Federation of the Blind. Summons issued. (Attachments: # <u>1</u> Civil Cover Sheet)(law) (Entered: 07/29/2014)
07/29/2014	<u>2</u>	NOTICE OF APPEARANCE by Emily J. Joselson, Esq on behalf of National Federation of the Blind, Heidi Viens. (law) (Entered: 07/29/2014)
07/29/2014	<u>3</u>	NOTICE OF APPEARANCE by James T. DeWeese, Esq on behalf of National Federation of the Blind, Heidi Viens. (law) (Entered: 07/29/2014)
07/29/2014	<u>4</u>	CORPORATE DISCLOSURE STATEMENT pursuant to Local Rule 7.1(a) by National Federation of the Blind. (law) (Entered: 07/29/2014)
07/29/2014	<u>5</u>	MOTION for Appearance Pro Hac Vice of Daniel F. Goldstein, Gregory P. Care, Laurence Paradis, Haben Girma, and Rebecca Rodgers filed by National Federation of the Blind, Heidi Viens. (Attachments: # <u>1</u> Affidavit of Daniel F. Goldstein, # <u>2</u> Certificate of Good Standing, # <u>3</u> Affidavit of Gregory P. Care, # <u>4</u> Certificate of Good Standing, # <u>5</u> Affidavit of Laurence Paradis, # <u>6</u> Certificate of Good Standing, # <u>7</u> Affidavit of Haben Girma, # <u>8</u> Certificate of Good Standing, # <u>9</u> Affidavit of Rebecca J. Rodgers, # <u>10</u> Certificate of Good Standing)(jlh) (Entered: 07/29/2014)
07/30/2014	6	ORDER granting <u>5</u> Motion for Admission Pro Hac Vice of Daniel F. Goldstein, Gregory P. Care, Laurence Paradis, Haben Girma and Rebecca Rodgers. Signed by Judge William K. Sessions III on 07/30/14. (This is a text-only Order.) (eae)

		(Entered: 07/30/2014)
09/04/2014	<u>7</u>	WAIVER OF SERVICE Returned Executed: Scribd, Inc. waiver sent on 7/29/2014, answer due 9/29/2014 (Joselson, Emily) Text clarified on 9/5/2014 (jlh). (Entered: 09/04/2014)
09/22/2014	<u>8</u>	NOTICE OF APPEARANCE by Gary F. Karnedy on behalf of Scribd, Inc.(Karnedy, Gary) (Entered: 09/22/2014)
09/22/2014	<u>9</u>	STIPULATED MOTION for Extension of Time to File Answer re: <u>1</u> Complaint filed by Scribd, Inc. (Karnedy, Gary) Event/text clarified on 9/22/2014 (law). (Entered: 09/22/2014)
09/24/2014	<u>10</u>	ORDER granting <u>9</u> Stipulated Motion for Extension of Time to Answer re <u>1</u> Complaint. Signed by Judge William K. Sessions III on 09/24/14. (This is a text-only Order.) (eae) (Entered: 09/24/2014)
10/28/2014	<u>11</u>	CORPORATE DISCLOSURE STATEMENT pursuant to Local Rule 7.1(a) by Scribd, Inc. (law) (Entered: 10/28/2014)
10/28/2014	<u>12</u>	MOTION for Appearance Pro Hac Vice of Tonia Ouellette Klausner, Esq. filed by Scribd, Inc. (Attachments: # <u>1</u> Declaration of Tonia Ouellette Klausner, # <u>2</u> Certificate of Good Standing)(jlh) (Entered: 10/29/2014)
10/29/2014	<u>13</u>	MOTION to Dismiss for Failure to State a Claim filed by Scribd, Inc.. (Attachments: # <u>1</u> Certificate of Service)(Karnedy, Gary) (Entered: 10/29/2014)
10/30/2014	<u>14</u>	ORDER granting <u>12</u> Motion for Admission Pro Hac Vice of Tonia Ouellette Klausner. Signed by Judge William K. Sessions III on 10/30/14. (This is a text-only Order.) (eae) (Entered: 10/30/2014)
11/07/2014	<u>15</u>	STIPULATED MOTION for Extension of Time to File Response/Reply as to <u>13</u> MOTION to Dismiss for Failure to State a Claim filed by National Federation of the Blind, Heidi Viens. (Attachments: # <u>1</u> Certificate of Service)(Joselson, Emily) (Entered: 11/07/2014)
11/07/2014	<u>16</u>	ORDER granting <u>15</u> STIPULATED MOTION for Extension of Time to File Response/Reply as to <u>13</u> MOTION to Dismiss for Failure to State a Claim. Signed by Judge William K. Sessions III on 11/07/14. (This is a text-only Order.) (eae) (Entered: 11/07/2014)
12/29/2014	<u>17</u>	MEMORANDUM by National Federation of the Blind, Heidi Viens in Opposition of <u>13</u> MOTION to Dismiss for Failure to State a Claim (Goldstein, Daniel) (Main Document 17 replaced on 12/30/2014) (jlh). (Additional attachment(s) added on 12/30/2014: # <u>1</u> Table of Contents, # <u>2</u> Appendix) (jlh) (Entered: 12/29/2014)
12/30/2014	<u>18</u>	NOTICE OF DOCKET ENTRY CORRECTION re: <u>17</u> Memorandum in Opposition filed by Heidi Viens, National Federation of the Blind. The main document image contained that of the Table of Contents and Appendix. The document has been broken apart and reattached to the docket. The corrected documents are now attached to <u>17</u> as well as this entry. (Attachments: # <u>1</u> Table of Contents, # <u>2</u> Appendix) (jlh) (Entered: 12/30/2014)
01/22/2015	<u>19</u>	REPLY to Response to <u>13</u> MOTION to Dismiss for Failure to State a Claim filed by Scribd, Inc. (Attachments: # <u>1</u> Certificate of Service)(Karnedy, Gary) Text clarified on 1/23/2015 (jlh). (Entered: 01/22/2015)
02/02/2015	<u>20</u>	NOTICE of Hearing re: <u>13</u> MOTION to Dismiss for Failure to State a Claim . Motion Hearing set for 3/3/2015 01:30 PM in Burlington Courtroom 542 before Judge William K. Sessions III.(jam) (Entered: 02/02/2015)
02/10/2015	<u>21</u>	UNOPPOSED MOTION to Request Transcriptionists for Plaintiffs' Attorney filed by National Federation of the Blind, Heidi Viens. (Attachments: # <u>1</u> Affidavit of Haben Girma, # <u>2</u> Text of Proposed Order, # <u>3</u> Certificate of Service)(Joselson, Emily) (Entered: 02/10/2015)
02/11/2015	<u>22</u>	ORDER granting <u>21</u> Unopposed Motion to Request Transcriptionists for Plaintiffs' Attorney. Signed by Judge William K. Sessions III on 2/10/2015. (law) (Entered: 02/11/2015)

02/26/2015	<u>23</u>	SUPPLEMENTAL DOCUMENT(S) re: <u>13</u> MOTION to Dismiss for Failure to State a Claim by National Federation of the Blind, Heidi Viens. (Attachments: # <u>1</u> Certificate of Service)(DeWeese, James) Link corrected on 2/26/2015 (jlh) (Entered: 02/26/2015)
02/27/2015	<u>24</u>	SUPPLEMENTAL DOCUMENT(S) re: <u>17</u> Memorandum in Opposition of <u>13</u> MOTION to Dismiss for Failure to State a Claim by National Federation of the Blind, Heidi Viens. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Certificate of Service)(DeWeese, James) Link added on 3/1/2015 (law). (Entered: 02/27/2015)
03/03/2015	25	MINUTE ENTRY for proceedings held before Judge William K. Sessions III: Motion Hearing held on 3/3/2015 re <u>13</u> MOTION to Dismiss for Failure to State a Claim . Danial Goldstein, Esq., Gregory Care, Esq., Emily Joselson, Esq., James DeWeese, Esq., Haben Girma, Esq. & Meghan Sidhu, Esq. present for pltf's; Tonia Ouellette Klausner, Esq. & Gary Karnedy, Esq. present for dft. Court makes inquiries. Statements by counsel. Motion Taken Under Advisement: <u>13</u> MOTION to Dismiss for Failure to State a Claim . (Court Reporter: JoAnn Carson, Capitol Court Reporters, Inc.) (jam) (Entered: 03/04/2015)
03/10/2015	<u>26</u>	TRANSCRIPT of Hearing on Motion to Dismiss held on 3/3/2015 before Judge Sessions. Court Reporter/Transcriber JoAnn Carson, Capitol Court Reporters, Inc., telephone number 802-863-6067. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER.. Redaction Request due 4/3/2015. Redacted Transcript Deadline set for 4/13/2015. Release of Transcript Restriction set for 6/11/2015. (jam) (Entered: 03/10/2015)
03/10/2015	<u>27</u>	SUPPLEMENTAL MEMORANDUM by Scribd, Inc. re: <u>13</u> Motion to Dismiss (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Certificate of Service)(Karnedy, Gary) Text clarified, link added on 3/11/2015 (jlh) (Entered: 03/10/2015)
03/10/2015	<u>28</u>	MOTION to File Supplemental Memorandum re <u>13</u> Motion to Dismiss filed by Scribd, Inc. (Attachments: # <u>1</u> Certificate of Service)(Karnedy, Gary) Link corrected on 3/11/15 (jlh) (Entered: 03/10/2015)
03/11/2015	29	ORDER granting <u>28</u> Motion To File Supplemental Memorandum. Signed by Judge William K. Sessions III on 3/11/2015. (This is a text-only Order.) (eae) (Entered: 03/11/2015)
03/19/2015	<u>30</u>	OPINION AND ORDER denying <u>13</u> Motion to Dismiss for Failure to State a Claim. Signed by Judge William K. Sessions III on 3/19/2015. (law) (Entered: 03/19/2015)
03/24/2015	<u>31</u>	NOTICE of Attorney Substitution by Michele B. Patton, Esq as to National Federation of the Blind, Heidi Viens (Attachments: # <u>1</u> Certificate of Service)(Patton, Michele) (Entered: 03/24/2015)
04/02/2015	<u>32</u>	MOTION for Appearance Pro Hac Vice of Greg A. Garbacz, Natalie P. Vance, and Lindsey N. Heaton filed by Scribd, Inc. (Attachments: # <u>1</u> Affidavit of Lindsey N. Heaton, # <u>2</u> Certificate of Good Standing, # <u>3</u> Affidavit of Greg A. Garbacz, # <u>4</u> Certificate of Good Standing, # <u>5</u> Affidavit of Natalie P. Vance, # <u>6</u> Certificate of Good Standing, # <u>7</u> Certificate of Service)(jlh) (Entered: 04/02/2015)
04/02/2015	<u>33</u>	ANSWER to <u>1</u> Complaint <i>and Affirmative Defenses</i> by Scribd, Inc.. (Attachments: # <u>1</u> Certificate of Service)(Karnedy, Gary) (Main Document 33 replaced on 4/3/2015) (jlh). (Entered: 04/02/2015)
04/03/2015	<u>34</u>	ENE LETTER re: Potential Evaluators sent; responses due by 4/20/2015. (hbc) (Entered: 04/03/2015)
04/03/2015	35	ORDER granting <u>32</u> Motion for Admission Pro Hac Vice of Greg A. Garbacz, Natalie P. Vance, and Lindsey N. Heaton. Signed by Judge William K. Sessions III on 4/3/2015. (This is a text-only Order.) (eae) (Entered: 04/03/2015)
04/03/2015	<u>36</u>	NOTICE OF DOCKET ENTRY CORRECTION re: <u>33</u> Answer to Complaint filed by Scribd, Inc. The document image was incomplete and has been replaced on the docket. The corrected document is now attached to <u>33</u> as well as this entry. (jlh)



		(Entered: 04/03/2015)
04/07/2015	<u>37</u>	MOTION for Certification of Order for Interlocutory Review and MOTION to Stay Action Pending Further Appellate Proceedings filed by Scribd, Inc. (Attachments: # <u>1</u> Certificate of Service)(Karnedy, Gary) (Main Document 37 replaced on 4/21/2015) (law). (Entered: 04/07/2015)
04/20/2015	<u>38</u>	ENE Evaluator Selection Response by National Federation of the Blind, Heidi Viens, Scribd, Inc.(Goldstein, Daniel) Text/filers clarified on 4/20/2015 (law). (Entered: 04/20/2015)
04/20/2015	<u>39</u>	ENE Evaluator Richard T. Cassidy, Esq. assigned. (hbc) (Entered: 04/20/2015)
04/21/2015	<u>40</u>	NOTICE OF DOCKET ENTRY CORRECTION re: <u>37</u> MOTION for Certification of Order for Interlocutory Review filed by Scribd, Inc. The document image has been replaced as some of the signature were omitted. The completed document is now attached to <u>37</u> and this entry. (law) (Entered: 04/21/2015)
04/24/2015	<u>41</u>	MEMORANDUM by National Federation of the Blind, Heidi Viens in Opposition of <u>37</u> MOTION for Certification of Order for Interlocutory Review (Attachments: # <u>1</u> Certificate of Service)(Joselson, Emily) (Entered: 04/24/2015)
05/11/2015	<u>42</u>	REPLY to Response re <u>37</u> MOTION for Certification of Order for Interlocutory Review filed by Scribd, Inc. (Attachments: # <u>1</u> Certificate of Service)(Karnedy, Gary) Text clarified on 5/11/2015 (jlh). (Entered: 05/11/2015)
05/11/2015	<u>43</u>	Entry has been removed from docket. (Entered: 05/11/2015)
05/11/2015	<u>44</u>	NOTICE OF DOCKET ENTRY REMOVAL. Document 43 has been removed from the docket as the the signature on the document did not match the signature of the e-filer in accordance with the Administrative Procedures. (jlh) (Entered: 05/11/2015)
05/12/2015	<u>45</u>	MOTION to Withdraw as Attorney filed by Scribd, Inc. (Attachments: # <u>1</u> Certificate of Service)(law) (Entered: 05/12/2015)
05/13/2015	<u>46</u>	ORDER granting <u>45</u> Motion to Withdraw as Attorney. Signed by Judge William K. Sessions III on 5/13/2015. (This is a text-only Order.) (eae) (Entered: 05/13/2015)
05/18/2015	<u>47</u>	PROPOSED Stipulated Discovery Schedule/Order by National Federation of the Blind, Heidi Viens.(Goldstein, Daniel) (Entered: 05/18/2015)
05/20/2015	<u>48</u>	LETTER to counsel re: [47 Proposed Stipulated Discovery Schedule/Order non-compliant; case may be placed on the master calendar unless a new stipulated schedule is filed. (law) (Entered: 05/20/2015)
05/21/2015	<u>49</u>	PROPOSED Stipulated Discovery Schedule/Order by National Federation of the Blind, Heidi Viens.(Goldstein, Daniel) (Entered: 05/21/2015)
05/28/2015	<u>50</u>	DISCOVERY CERTIFICATE – Initial Disclosures by Scribd, Inc..(Karnedy, Gary) (Entered: 05/28/2015)
05/28/2015	<u>51</u>	DISCOVERY CERTIFICATE – Initial Disclosures by National Federation of the Blind, Heidi Viens.(Goldstein, Daniel) (Entered: 05/28/2015)
05/28/2015	<u>52</u>	STIPULATED DISCOVERY SCHEDULE/ORDER Discovery due by 12/2/2015. Motions due by 1/15/2016. Early Neutral Evaluation set for 11/17/2015 at 10:00 AM. Ready for Trial by 5/1/2016. Signed by Judge William K. Sessions III on 5/28/2015. (law) (Entered: 05/28/2015)
05/29/2015	<u>53</u>	DISCOVERY CERTIFICATE – Notice of Deposition of <i>Scribd, Inc.</i> by National Federation of the Blind, Heidi Viens.(Girma, Haben) (Entered: 05/29/2015)
05/29/2015	<u>54</u>	OPINION AND ORDER <i>denying</i> <u>37</u> Motion for Certification of Order for Interlocutory Review and <i>denying as moot</i> MOTION to Stay Action Pending Further Appellate Proceedings. Signed by Judge William K. Sessions III on 5/29/2015. (law) (Entered: 05/29/2015)
06/18/2015	<u>55</u>	PROPOSED Stipulated Protective Order by National Federation of the Blind, Heidi Viens. (Care, Gregory) (Entered: 06/18/2015)

07/02/2015	<u>56</u>	DISCOVERY CERTIFICATE – Interrogatories and Request to Produce <i>to Heidi Viens and National Federation of the Blind</i> by Scribd, Inc..(Karnedy, Gary) (Entered: 07/02/2015)
07/02/2015	<u>57</u>	DISCOVERY CERTIFICATE – Interrogatories <i>to Defendant</i> by National Federation of the Blind, Heidi Viens.(Joselson, Emily) (Entered: 07/02/2015)
07/02/2015	<u>58</u>	DISCOVERY CERTIFICATE – Interrogatories and Request to Produce by National Federation of the Blind, Heidi Viens.(Care, Gregory) (Entered: 07/02/2015)
07/07/2015	<u>59</u>	STIPULATED PROTECTIVE ORDER Discovery Matter. Signed by Judge William K. Sessions III on 7/7/2015. (law) (Entered: 07/07/2015)
07/09/2015	<u>60</u>	JOINT MOTION to Amend the Discovery Schedule/Order filed by Scribd, Inc., National Federation of the Blind, Heidi Viens (Attachments: # <u>1</u> Text of Proposed Order Amending for 30 Days, # <u>2</u> Text of Proposed Order Amending for 60 Days, # <u>3</u> Certificate of Service)(Karnedy, Gary) Text clarified on 7/10/2015 (jlh). Filers added on 7/13/2015 (jlh). (Entered: 07/09/2015)
07/09/2015	<u>61</u>	NOTICE OF APPEARANCE by Stuart P. Meyer on behalf of Scribd, Inc.. (Attachments: # <u>1</u> Certificate of Service)(Meyer, Stuart) (Entered: 07/09/2015)
07/09/2015	<u>62</u>	Entry has been removed from the docket. (Entered: 07/09/2015)
07/10/2015	63	NOTICE OF DOCKET ENTRY REMOVAL. Document 62 has been removed from the docket as it can not be filed electronically. (jlh) (Entered: 07/10/2015)
07/15/2015	<u>64</u>	DISCOVERY CERTIFICATE re: Amended Rule 26 Disclosure Statement by Scribd, Inc..(Karnedy, Gary) (Entered: 07/15/2015)
07/28/2015	<u>65</u>	ORDER AMENDING Discovery Schedule/Order Pending Settlement Negotiations for Thirty (30) Days re: <u>60</u> JOINT MOTION to Amend the Discovery Schedule/Order. Discovery due by 1/4/2016. Motions due by 2/15/2016. Early Neutral Evaluation set for 11/17/2015 at 10:00 AM. Ready for trial by 6/1/2016. Signed by Judge William K. Sessions III on 7/28/2015. (law) (Entered: 07/28/2015)
07/28/2015	<u>66</u>	ORDER AMENDING First Amended Discovery Schedule/Order Pending Settlement Negotiations for Sixty (60) Days re: <u>60</u> JOINT MOTION to Amend the Discovery Schedule/Order. Discovery due by 3/4/2016. Motions due by 4/15/2016. Early Neutral Evaluation set for 11/17/2015 at 10:00 AM. Ready for trial by 8/1/2016. Signed by Judge William K. Sessions III on 7/28/2015. (law) (Entered: 07/28/2015)
08/04/2015	<u>67</u>	MOTION for Appearance Pro Hac Vice of Liwen Mah, Laurence Pulgram filed by Scribd, Inc. (Attachments: # <u>1</u> Affidavit of Liwen Mah, # <u>2</u> Certificate of Good Standing, # <u>3</u> Affidavit of Laurence Pulgram, # <u>4</u> Certificate of Good Standing, # <u>5</u> Certificate of Service)(jlh) (Entered: 08/05/2015)
08/06/2015	68	ORDER granting <u>67</u> Motion for Admission of Liwen A. Mah and Laurence F. Pulgram Pro Hac Vice. Signed by Judge William K. Sessions III on 8/6/2015. (This is a text-only Order.) (eae) (Entered: 08/06/2015)
10/07/2015	<u>69</u>	DISCOVERY CERTIFICATE – Request to Produce ( <i>Second Set</i> ) by Scribd, Inc..(Karnedy, Gary) (Entered: 10/07/2015)
10/07/2015	<u>70</u>	MOTION to Withdraw as Attorney filed by Scribd, Inc. (Karnedy, Gary) (Entered: 10/07/2015)
10/09/2015	71	ORDER granting <u>70</u> Motion to Withdraw as Attorney. Signed by Judge William K. Sessions III on 10/9/2015. (This is a text-only Order.) (eae) (Entered: 10/09/2015)
10/22/2015	<u>72</u>	DISCOVERY CERTIFICATE re: Notices of Deposition of Heidi Viens, Mark Riccobono, Marc Mauer by Scribd, Inc..(Karnedy, Gary) Text clarified on 10/23/2015 (jlh). (Entered: 10/22/2015)
11/19/2015	<u>73</u>	STIPULATED MOTION to Dismiss <i>Pursuant to F.R.C.P. 41(a)(2)</i> filed by Scribd, Inc.. (Attachments: # <u>1</u> Text of Proposed Order)(Karnedy, Gary) (Entered: 11/19/2015)



11/19/2015	<u>74</u>	ORDER granting <u>73</u> STIPULATED MOTION to Dismiss Pursuant to F.R.C.P. 41(a)(2). Signed by Judge William K. Sessions III on 11/19/2015. (jam) (Entered: 11/19/2015)
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