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General Docket

US Court of Appeals for the Ninth Circuit

Court of Appeals Docket #: 05-15743

Filed: 4/28/05

Nsuit: 1442 Jobs (USpl)

EEOC v. Am. Home Furnishings

Appeal from: District of Arizona (Tucson)

Case type information:

- 1) civil
- 2) US
- 3)

Lower court information:

District: 0970-4 : CV-02-00472-RCC
 presiding judge: Raner C. Collins, District Judge
 Date Filed: 9/19/02
 Date order/judgment: 3/23/05
 Date NOA filed: 4/15/05

Fee status: paid-----
Prior cases:

None

Current cases:

None

Docket as of April 10, 2007 11:16 pm

Page 1

05-15743 EEOC v. Am. Home FurnishingsEQUAL EMPLOYMENT OPPORTUNITY
COMMISSION

Plaintiff - Appellee

Mary Joleen O'Neill, Esq.

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[COR LD NTC gov]

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION

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(See above)

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EEOC - EQUAL EMPLOYMENT

OPPORTUNITY COMMISSION

Appellate Section

1801 "L" St., NW

Washington, DC 20507

v.

AMERICAN HOME FURNISHINGS,
INC.

Defendant - Appellant

Michael Danoff, Esq.

FAX 505/266-4330

505/262-2383

[COR LD NTC ret]
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Docket as of April 10, 2007 11:16 pm

Page 2

05-15743 EEOC v. Am. Home Furnishings

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Plaintiff - Appellee

v.

AMERICAN HOME FURNISHINGS, INC.

Defendant - Appellant

Docket as of April 10, 2007 11:16 pm

Page 3

05-15743 EEOC v. Am. Home Furnishings

4/28/05 DOCKETED CAUSE AND ENTERED APPEARANCES OF COUNSEL. CADS SENT (Y/N): y. setting schedule as follows: CADS is past due; CADS must be filed no later than 5/5/05; appellant's designation of RT is due 4/25/05; appellee's designation of RT is due 5/5/05; appellant shall order transcript by 5/16/05; court reporter shall file transcript in DC by 6/15/05; certificate of record shall be filed by 6/22/05; appellant's opening brief is due 8/1/05; appellees' brief is due 8/31/05; appellants' reply brief is due 9/14/05; [05-15743] (kkw)

5/2/05 Filed Michael Danoff for Appellant American Home Furnis Civil Appeals Docketing Statement served on 4/22/05 (to CONFATT) [05-15743] [05-15743] (gva)

5/9/05 Received notice of appearance of Anne Noel Occhialino as csl for EEOC; served on 5/3/05 (Casefile) [05-15743] (gva)

5/20/05 Filed Bonnie Brunetti's motion to extend time to file Reporter's Transcript until 6/15/05 (PROMO) [5443556] [05-15743] (gva)

5/25/05 Filed order PROMO: (Deputy Clerk: cag) Court Reporter Bonnie Brunette's mtn for an ex.tm.f rts is granted. The rt is due 8/1/05. The order does not waive the mandatory fee reduction. ... The opening br is due 9/10/05. The ans br is due 10/10/05, and the optional rpy br is due 14 days after service of the ans br. A copy of this order shall be provided to the court reporter at the district court. [05-15743] (gva)

7/25/05 Received Anne Noel Occhialino for Appellee EEOC letter dated 7/20/05 re: ... appeal is premature ... (moatt) [05-15743] (gva)

8/22/05 Filed order (Appellate Commissioner) Appellee's letter dated July 20, 2005 suggests that the notice of appeal is premature. The parties shall address the timeliness of the notice of appeal in their briefs. Within 14 calendar days after the date of this order, appellant shall designate any reporter's transcripts or serve on appellee a statement

that appellant does not intend to order any transcripts. See 9th Cir. R. 10-3.1(a). If appellant fails to comply with this order, the Clerk shall dismiss this appeal for failure to prosecute. See 9th Cir. R. 42-1. If appellant designates transcripts, the transcripts will be due September 12, 2005. The opening brief and excerpts of record are due October 24, 2005; the answering brief is due November 23, 2005; and the optional reply brief is due within 14 days after service of the answering brief. (MOATT) [05-15743] (ru)

8/23/05 Filed certificate of record on appeal RT filed in DC 8/3/05 [05-15743] (gva)

Docket as of April 10, 2007 11:16 pm

Page 4

05-15743 EEOC v. Am. Home Furnishings

9/2/05 Received copy of transcript designation and ordering form filed in DC (sent to case file) (gva)

9/2/05 Received letter dated 8/30/05 re: ... aplt has ordered rts as reflected in the transcript order filed 4/25/05 and the supplemental rts ordered 8/22/05 ... (Casefile) [05-15743] (gva)

10/26/05 Filed original & 15 copies Appellant American Home Furnis's opening brief (Informal: n) 50 pages w/white covers; 5 Excs.; served on 10/24/05; minor defcy: (blue covers are req). Notified csl. [05-15743] (gva)

11/7/05 Recived notice of appearnace of Susan R. Oxford as csl for Aple EEOC; served on 11/4/05 (Casefile) [05-15743] (gva)

11/7/05 Filed EEOC late motion for reconsideration of 8/22 order or, in the alternative, for an ex.tm.f aple's ans br; served on 11/4/05 (moatt) [5624671] (gva)

11/8/05 Received Appellant American Home Furnis satisfaction of (minor): (blue covers) (RECORDS) [05-15743] (gva)

11/17/05 Filed Appellant American Home Furnis response opposing appellee's motion to hold in abeyance [5624671-1] served on 11/16/05 MOATT [05-15743] (gar)

12/6/05 Received Susan R. Oxford for Appellee EEOC letter dated 11/30/05 re: ... the dc has scheduled a hearing on the EEOC's motion for equitable relief for Monday 12/5/05. ... (MOATT) [05-15743] (gva)

12/9/05 Filed (faxed) Aple EEOC reply to aplt AHF's response to EEOC's motion to hold appeal in abeyance or, alternatively, to extend EEOC's time to file its answer brief; served on 11/22/05 (MOATT) [05-15743] (gva)

2/7/06 Filed order MOATT: (Appellate Commissioner) ... the NOA shall be held in abeyance pending the dc's resolution of the pending mtn. Within 5 days after the dc's ruling on the pending mtn, aplt shall notify this ct in writing of the ruling and shall advise whether aplt intends to prosecute ths appeal, and whether aplt seeks leave to submit new briefing. To appeal the dc's ruling on the post-judgment mtn, a NOA or an amended NOA must be timely filed. The clerk shall serve a copy of this order on the dc. [05-15743] (gva)

5/19/06 Received notice of appearance of Anne Noel Occhialino as
csl for EEOC (Casefile) [05-15743] (gva)

Docket as of April 10, 2007 11:16 pm

Page 5

05-15743 EEOC v. Am. Home Furnishings

5/22/06 Filed Appellant American Home Furnishings' motion to
prosecute the appeal and leave to submit new briefing;
served on 5/23/06 (MOATT) [05-15743] (gva)

6/1/06 Filed attorney for Appellant Civil Appeals Docketing
Statement served on 5/31/06 (to CONFATT) [05-15743]
[05-15743] (sf)

6/2/06 Received copy of amended notice of appeal from district
court (Casefile) (gva)

6/14/06 Filed order MOATT (CAJ) ... On 5/22/06, aplt filed a late
"notificatin to prosecute the appeal" which will be
construed a request to lift the stay of aplt proceedings.
So construed, the motion is granted. Aplt has also filed an
amended NOA to include the order granting aple's mtn for
equitable relief. the NOA is so amended and briefing
resumes. Aplt shall file a supplemental opening br and excs
by 7/19/06; the ans br is due 8/18/06; and the optional rpy
br is due within 14 days after service of the ans br.
[05-15743] (gva)

6/15/06 Filed order CONFATT (bls) This case is under consideration
for inclusion in the Mediation Program. A settlement
assessment conference will be held by telephone on 7/10/06,
at 10:30 am Pacific SF Time. ... The br sch previously set
by the ct remains in effect. [05-15743] (gva)

7/6/06 Filed Appellant American Home Furnis's motion to extend
time to file supplemental brief; served on 7/3/06 (PROMO)
[05-15743] (gva)

7/11/06 Filed order PROMO: (Deputy Clerk: tah) The aplt's mtn for
an ex.tm.f the supplemental opening br is granted. The
supplemental opening br is due 8/21/06. The ans br is due
9/20/06. The optional rpy br is due 14 days after service
of the ans br. [05-15743] (gva)

7/18/06 Filed order CONFATT (MAC) The assessment conference,
previously set for 7/10/06 is rescheduled to 7/20/06 at
1:00 pm Pacific time (2:00 pm Mountain Time; 4:00 pm
Eastern Time). [05-15743] (gva)

7/21/06 Filed order CONFATT (mac) Due to a conflict that has arisen
for the Circuit Mediator, the assessment conference,
previously scheduled for July 20, 2006, is continued to
July 28, 2006, at 1:00pm Pacific Time. [05-15743]
[05-15743] (eu)

Docket as of April 10, 2007 11:16 pm

Page 6

05-15743 EEOC v. Am. Home Furnishings

8/1/06 Filed order CONFATT (MAC) On 7/28/06, a telephone
conference was held with Circuit Mediator Margaret
Corrigan. ... On or before 8/14/06, csl for aplt shall
serve a written offer on aple's csl and the Circuit

Mediator. ... The ct will initiate a further conference by telephone on 9/6/06, at 1:00 pm P.T. (2:00 p.m, Mountain Time; 4:00 p.m E.T). ... [05-15743] (gva)

8/21/06 Filed original & 15 copies Appellant American Home Furnis supplemental brief of 15 pages; 5 Supplemental Excs; served on 8/18/06 [05-15743] (gva)

8/22/06 Filed supplemental/amended certificate of record; dated 8/17/06 [05-15743] (gva)

8/25/06 Received Anne Noel Occhialino for Appellee EEOC letter dated 8/21/06 re: terminate the appearance of her colleague Susan Oxford. Although she took over the appeal in this case while I was on maternity leave, I am again the aty responsible for this appeal. ... (Casefile) [05-15743] (gva)

9/21/06 Filed original & 15 copies appellee EEOC's 49 pages brief, 5 Supplemental Excs.; served on 9/20/06 [05-15743] (gva)

10/2/06 14 day oral extension by phone of time to file Appellant's reply brief. [05-15743] appellant's reply brief due October 24, 2006. (amt)

10/6/06 Received Appellant American Home Furnis letter dated 10/03/06 re: confirmation of extension of time to file reply brief. [05-15743] (dv)

10/17/06 Filed original and 15 copies American Home Furnis reply brief, (Informal: no) 17 pages; served on 10/16/06 [05-15743] (crw)

11/24/06 Filed order CONFATT (MAC) The court has detemined that this appeal will not be selected for inclusion in the Mediation Program. All further inquiries regarding this appeal should be directed to the Clerk's office. Counsel are requested to contact the Circuit Mediator should circumstances develop that warrant further settlement discussions while the appeal is pending. [05-15743] (mj)

11/29/06 Calendar check performed [05-15743] (rei)

12/7/06 FILED CERTIFIED RECORD ON APPEAL: 4 CLERK'S RECORDS, 6 TRANSCRIPTS, & 1 BULKY DOCUMENT. [05-15743] (sd)

12/18/06 Calendar materials being prepared. [05-15743] [05-15743] (sv)

12/27/06 CALENDARED: San Francisco February 13, 2007 9:00 am Courtroom 3 [05-15743] (mw)

Docket as of April 10, 2007 11:16 pm

Page 7

05-15743 EEOC v. Am. Home Furnishings

1/30/07 Filed order (Deputy Clerk: jf) ... This case shall b submitted on the briefs and record, without oral argument, on 2/13/07, at SF CA (phoned/faxed) [05-15743] (gva)

2/13/07 SUBMITTED ON THE BRIEFS TO: Stephen R. REINHARDT, Pamela A. RYMER, Barry G. SILVERMAN. [05-15743] (sa)

2/16/07 FILED MEMORANDUM DISPOSITION: AFFIRMED. (Terminated on the Merits after Submission Without Oral Hearing; Affirmed; Written, Unsigned, Unpublished. Stephen R. REINHARDT, Pamela A. RYMER, Barry G. SILVERMAN). FILED AND ENTERED

JUDGMENT. [05-15743] (gva)

2/23/07 Filed Appellee EEOC bill of costs, \$266.10 served on
2/22/07 [05-15743] (gva)

4/10/07 MANDATE ISSUED. Costs taxed \$266.10 against Am. Home
Furnishings. [05-15743] (gva)

Docket as of April 10, 2007 11:16 pm

Page 8

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Description:	dkt report	Case Number:	05-15743
Billable Pages:	8	Cost:	0.64