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General Docket

US Court of Appeals for the Ninth Circuit

Court of Appeals Docket #: 02-17305

Filed: 12/3/02

Nsuit: 1442 Jobs (USpl)

EEOC v. Peabody Coal Company

Appeal from: District of Arizona (Phoenix)

Case type information:

- 1) civil
- 2) US
- 3)

Lower court information:

District: 0970-2 : CV-01-01050-MHM
 presiding judge: Mary H. Murguia, Distict Judge
 court reporter: Merilyn A. Sanchez, Court Reporter
 Date Filed: 6/13/01
 Date order/judgment: 9/26/02
 Date NOA filed: 11/21/02

Fee status: USA: no fee required-----
Prior cases:

None

Current cases:

None

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02-17305 EEOC v. Peabody Coal CompanyEQUAL EMPLOYMENT OPPORTUNITY
COMMISSION

Plaintiff - Appellant

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EEOC - EQUAL EMPLOYMENT

OPPORTUNITY COMMISSION

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EQUAL EMPLOYMENT OPPORTUNITY

COMMISSION

3300 North Central Ave.

Phoenix, AZ 85012-9688

v.

PEABODY COAL COMPANY
 Defendant - Appellee

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EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Plaintiff - Appellant

v.

PEABODY COAL COMPANY

Defendant - Appellee

DELBERT MARIANO; THOMAS SAHU

Applicants in intervention

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12/3/02 DOCKETED CAUSE AND ENTERED APPEARANCES OF COUNSEL. CADS SENT: yes. The brfing schedule is as follows: CADS is past due; CADS must be filed no later than 12/10/02 for Ralph E. Chamness; aplt's designation of RT is due 12/2/02; aple's designation of RT is due 12/11/02; aplt shall order transcript by 12/23/02; court reporter shall file transcript in DC by 1/21/03 for Merilyn A. Sanchez; certificate of record shall be filed by 1/28/03; aplt's opening brf is due 3/10/03; aple's brf is due 4/8/03; aplt's rpy brf is due 4/22/03. [02-17305] (jr)

12/10/02 Filed Civil Appeals Docketing Statement served on 12/4/02 (to CONFATT) [02-17305] [02-17305] (gar)

12/10/02 rec'd notice of appearance of Lawrence J. Rosenfeld, Mary E. Bruno and John F. Lomax, Jr. as counsel for Peabody. CASEFILE [02-17305] (gar)

12/23/02 Filed order CONFATT (vls) This case is under consideration for incl in the mediation program. A settlement assessment conference will be held by phone on 1/14/03 at 11:00am pacific time...The br sched prev set by the ct remains in effect. [02-17305] (gar)

1/13/03 Filed certificate of record on appeal RT filed in DC TR not specified. [02-17305] (gar)

1/16/03 Filed order CONFATT (SL) Case not selected for mediation program. The br sched set forth in the ct's order filed 12/3/02 shall remain in effect... [02-17305] (gar)

3/10/03 Filed original and 15 copies Appellant EEOC opening brief (Informal: n) 26 pages and five excerpts of record in 1volumes; served on 3/7/03 [02-17305] (gar)

3/20/03 Filed Aple, Peabody Coal's request for oral arrgument, served 3/19/03. CASEFILE as per MOATT [02-17305] (gar)

4/3/03 14 day oral extension by phone of time to file Appellee's brief. [02-17305] appellees' brief due 4/22/03;the optional reply brief is due 14 days from service of the answering brief. (cg)

4/23/03 Filed original and 15 copies appellee Peabody Coal Company's 53 pages brief, 5 suppl Exc.in 1 vol: ; served on 4/22/03 [02-17305] (gar)

5/1/03 14 day oral extension by phone of time to file Appellant's reply brief. [02-17305] appellants' reply brief due

5/23/03; (cg)

5/28/03 Filed original and 15 copies EEOC reply brief, (Informal:
n) 21 pages; served on 5/23/03 [02-17305] (gar)

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9/17/03 Calendar check performed [02-17305] (mw)

12/5/03 Calendar materials being prepared. [02-17305] [02-17305]
(rei)

12/11/03 CALENDARED: San Francisco February 12, 2004 9:00 a.m.
Courtroom 2 ** moved to Ctrm 1 ** [02-17305] (mw)

2/4/04 Filed Peabody Coal Company additional citations, served on
2/3/04 PANEL [02-17305] (gar)

2/12/04 ARGUED TO Procter R. HUG, Arthur L. ALARCON, William A.
FLETCHER; SUBMISSION DEFERRED. [02-17305] (cg)

2/13/04 Filed order (Procter HUG; Arthur L. ALARCON; William A.
FLETCHER,): The parties are ordered to file simultaneous
suppl br concerning the implications for this case, if any,
of this ct's decision in National Wildlife v. Espy (CITE).
Br are to be no longer than 10 pages of text and will be
filed whein 10 days of the date of this order. Submission of
this case is deferred pndg further order of the ct. PHONED.
[02-17305] (gar)

2/26/04 FILED CERTIFIED RECORD ON APPEAL: 2 CLERK'S RECORDS, 1
REPORTER'S TRANSCRIPT, & 1 BULKY DOCUMENT.(ORIGINAL)
[02-17305] (sd)

2/27/04 Filed original and 15 copies Appellant EEOC supplemental
brief of 6 pages, served on 2/26/04 PANEL [02-17305] (gar)

3/1/04 Filed original and 15 copies Appellee Peabody Coal Company
supplemental brief of 11 pages, served on 2/27/04 PANEL
[02-17305] (gar)

10/1/04 rec'd notice of appearance of Susan Oxford (Withdrew as
counsel: attorney Benjamin N. Gutman for EEOC) CASEFILE
[02-17305] (gar)

3/10/05 Filed order (Procter R. HUG, Arthur L. ALARCON, William A.
FLETCHER,): Case(s) [02-17305] ordered SUBMITTED.
[02-17305] (gar)

3/10/05 FILED OPINION: REVERSED REMANDED (Terminated on the
Merits after Oral Hearing; Reversed; Written, Signed,
Published. Procter R. HUG; Arthur L. ALARCON; William A.
FLETCHER, author.) FILED AND ENTERED JUDGMENT.
[02-17305] (gar)

3/23/05 Filed Appellant EEOC bill of costs, served on 3/22/05.
TOTAL: \$176.10 [02-17305] (gar)

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4/22/05 [5408854] Filed original and 50 copies Appellee Peabody Coal Company petition for panel rehearing and petition for rehearing en banc 18 p.pages, served on 4/21/05 PANEL AND ALL ACTIVE JUDGES AND ANY INTERESTED SENIOR JUDGES [02-17305] (gar)

5/18/05 Filed order (Procter R. HUG, Arthur L. ALARCON, William A. FLETCHER,): denying petition for rehearing and enbanc rehearing [5408854-1] [02-17305] (gar)

5/26/05 MANDATE ISSUED with costs taxed against aple in the amount of \$176.10 [02-17305] (gar)

8/11/05 Received letter from the Supreme Court dated 8/3/05 re: time ext to file cert until 9/15/05. CASEFILE [02-17305] (gar)

9/23/05 Received notice from Supreme Court: petition for certiorari filed Supreme Court No. 05-353 filed on 9/15/05. [02-17305] (gar)

1/30/06 Filed Supreme Court order, certiorari denied on 1/23/06. Supreme Court No. 05-353 [02-17305] (gar)

4/20/06 NO ORIGINAL RECORD (jas)

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PACER Service Center			
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PACER Login:	hs0328	Client Code:	eeoc
Description:	dkt report	Case Number:	02-17305
Billable Pages:	7	Cost:	0.56