

Search for Case

Help

# General Docket

## US Court of Appeals for the Ninth Circuit

Court of Appeals Docket #: 06-17261

Filed: 12/6/06

Nsuit: 1442 Jobs (USpl)

EEOC, et al v. Peabody Western Coal, et al

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: Elizabeth Lemke, Court Reporter  
 court reporter: Merilyn A. Sanchez, Court Reporter  
 Date Filed: 6/13/01  
 Date order/judgment: 10/2/06  
 Date NOA filed: 11/27/06

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

02-17305 PRH ALA WAF  
 Date filed: 12/3/02 Date disposed: 3/10/05 Disposition: rv.rmd/opn

## Current cases:

None

Docket as of June 21, 2007 11:19 pm

Page 1

-----  
06-17261 EEOC, et al v. Peabody Western Coal, et al

EQUAL EMPLOYMENT OPPORTUNITY  
 COMMISSION  
 Plaintiff - Appellant

Susan R. Oxford, Esq.  
 FAX 202/663-7202  
 202/663-4791  
 7th Floor  
 [COR LD NTC gov]  
 EEOC - EQUAL EMPLOYMENT  
 OPPORTUNITY COMMISSION  
 Appellate Section  
 1801 "L" St., NW  
 Washington, DC 20507

Katherine Kruse, Trial Attorney  
 FAX 602/640-5009  
 602/640-5029  
 Suite 690  
 [COR LD gov]  
 EQUAL EMPLOYMENT OPPORTUNITY  
 COMMISSION  
 3300 North Central Ave.  
 Phoenix, AZ 85012-9688

DELBERT MARIANO  
 Intervenor - Appellee

Tod F. Schleier, Esq.  
 FAX 602/230-9250  
 602/277-0157

Suite 1090  
 [COR LD ret]  
 Bradley H. Schleier, Esq.  
 FAX 602/230-9250  
 602/277-0157  
 Suite 1090  
 [COR LD NTC ret]  
 James M. Jellison, Esq.  
 FAX 602/230-9250  
 602/277-6009  
 Suite 1090  
 [COR LD ret]  
 JELLISON LAW OFFICES, PLC  
 3101 N. Central Ave.  
 Phoenix, AZ 85012

THOMAS SAHU  
 Intervenor - Appellee

Tod F. Schleier, Esq.  
 (See above)  
 [COR LD ret]  
 James M. Jellison, Esq.  
 (See above)  
 [COR LD ret]

v.

PEABODY WESTERN COAL COMPANY  
 Defendant - Appellee

Mary E. Bruno, Esq.  
 FAX 602/445-8602  
 602/445-8000  
 Suite 700

Docket as of June 21, 2007 11:19 pm

Page 2

---

06-17261 EEOC, et al v. Peabody Western Coal, et al

[COR LD ret]  
 Lawrence J. Rosenfeld, Esq.  
 FAX 602/445-8100  
 602/445-8502  
 Ste. 700  
 [COR LD NTC ret]  
 John F. Lomax, Jr., Esq.  
 FAX 602/445-8602  
 602/445-8000  
 Suite 700  
 [COR LD ret]  
 GREENBERG TRAUIG, LLP  
 2375 E. Camelback Rd.  
 Phoenix, AZ 85016

NAVAJO NATION, Rule 19  
 defendant  
 Defendant - Appellee

Louis Denetsosie, Esq.  
 928/871-6345  
 [COR LD NTC ret]  
 ATTORNEY GENERAL  
 NAVAJO NATION DEPARTMENT OF  
 JUSTICE  
 P.O. Box 2010  
 Window Rock, AZ 86515

Paul E. Frye, Esq.  
 FAX 505/296-9401  
 505/296-9400  
 Suite 310  
 [COR LD NTC ret]  
 Lisa M. Enfield, Esq.  
 FAX 505.296-9401  
 505/296-9400

Suite 310  
 [COR LD ret]  
 FRYE LAW FIRM  
 10400 Academy NE  
 Albuquerque, NM 87111

Docket as of June 21, 2007 11:19 pm

Page 3

06-17261 EEOC, et al v. Peabody Western Coal, et al

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION;

Plaintiff - Appellant

DELBERT MARIANO; THOMAS SAHU

Intervenors - Appellees

v.

PEABODY WESTERN COAL COMPANY; NAVAJO NATION, Rule 19  
 defendant

Defendants - Appellees

Docket as of June 21, 2007 11:19 pm

Page 4

06-17261 EEOC, et al v. Peabody Western Coal, et al

12/6/06 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 12/13/06; appellant's designation of RT is due 12/7/06; appellee's designation of RT is due 12/18/06,, ; appellant shall order transcript by 12/27/06; court reporter shall file transcript in DC by 1/29/07, ; certificate of record shall be filed by 2/5/07 ; appellant's opening brief is due 3/15/07; appellees' brief is due 4/16/07,, ; appellants' reply brief is due 4/30/07; [06-17261] (gar)

12/12/06 Filed certificate of record on appeal. RT filed in DC 12/7/06. [06-17261] (bb)

12/13/06 Filed Susan R. Oxford for Appellant EEOC Civil Appeals Docketing Statement served on 12/2/06 (to CONFATT) [06-17261] [06-17261] (mhf)

12/18/06 Received copy of transcript designation and ordering form filed in DC (sent to case file) (mhf)

1/16/07 Filed order CONFATT (vls) This case under consideration for inclusion in the Mediation Program. Within 21 days of the date of this order, counsel for all parties intending to file brfs in this matter are requested to inform Stephen Liacouras, Circuit Mediator, in writing, by fax at (415) 556-9725, of their clients' views....This communication shall not be served on the opposing party and shall not be filed with the court....The existin brfing sch remains in effect pending the determination whether the case will be selected for inclusion in the Mediation Program. [06-17261] (bb)

1/16/07 Received copy of District Court order filed on 1/8/07 withdraw Karen E. Nutter as counsel for plaintiffs.

[06-17261] (bb)

2/27/07 Filed order CONFATT (vls) This case is under consideration for inclusion in the Mediation Program. See Fed. R. App. P. 33 and Ninth Cir. R. 33-1. A settlement assessment conference will be held by telephone on 3/20/07, at 11:00 am Pacific (SF) time. If the appeal settles or a motion to dismiss pursuant to Fed. R. App. P. 42(b) is filed prior to the conference, please inform the Mediation Assistant via fax immediately. The briefing schedule previously set by the court is amended as follows: appellant shall file an opening brief on or before 4/16/07; appellees shall file an answering brief on or before 5/16/07; appellant may file an optional reply brief within 14 days from the service date of the answering brief. appellees' brief due,, ; [06-17261] (mj)

Docket as of June 21, 2007 11:19 pm

Page 5

---

06-17261 EEOC, et al v. Peabody Western Coal, et al

3/23/07 Filed order CONFATT (SL) A further assessment conference will be held on 5/23/07 at 11:00 a.m. PST. In order to participate, the participants shall call (866) 312-4784, and give authorization code 349677 to the attendant. [06-17261] (bb)

4/24/07 Filed order CONFATT (SL) A further assessment conference will be held on 5/7/07 at 1:00 p.m. PST. In order to participate, the participants shall call (866) 312-4784, and give authorization code 6841507 to the attendant. [06-17261] (bb)

5/17/07 Filed order CONFATT (SL) The further assessmsnt conference previoulsy scheduled for 5/23/07, is canceled. The court has determined that this appeal will not be selected for iclusion in the Mediation Program. As stated in the court's 3/23/07 order: appellant shall file an opening brief on or before 6\*25/07; appellees shall file an answering brief on or before 7/25/07; appellant may file an optional reply brief within 14 days from the service date of the answering brief. Counsel are requested to contact the undersigned at (415) 355-7915 shold circumstances develop taht warrant further settlement discussions while the appeal is pending., setting schedule as follows: appellants' brief, excerpts of record are due 6/25/07; appellees' brief due 7/25/07,, ; [06-17261] (lee)

6/21/07 Filed motion of Appellant EEOC extend time to file appellant's opening brief until 7/25/07 and deputy clerk order :(Deputy Clerk: lbs) granting motion to extend time to file appellant's opening brief [6211356-1] appellants' opening brief due 7/25/07; appellees' brief due 8/24/07; and the opt rpy brf is due 14 days after service of the answering brf. If aples req addl time to file the answering brf, aples may file a motion for more time....CITE. (Motion recvd 6/14/07) [06-17261] (bb)

Docket as of June 21, 2007 11:19 pm

Page 6

---

**PACER Service Center**

**Transaction Receipt**

07/24/2007 09:44:37

<b>PACER Login:</b>	hs0328	<b>Client Code:</b>	eeoc
<b>Description:</b>	dkt report	<b>Case Number:</b>	06-17261
<b>Billable Pages:</b>	6	<b>Cost:</b>	0.48

---