

PROTO, STD, TERMED

**U.S. District Court
DISTRICT OF ARIZONA (Phoenix Division)
CIVIL DOCKET FOR CASE #: 2:96-cv-00229-RGS**

USA v. City of Phoenix
Assigned to: Judge Roger G Strand
Demand: \$0
Cause: 42:2000e Job Discrimination (Employment)

Date Filed: 01/25/1996
Date Terminated: 11/20/1998
Jury Demand: Plaintiff
Nature of Suit: 442 Civil Rights:
Jobs
Jurisdiction: U.S. Government
Plaintiff

Plaintiff

United States of America

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Date Filed	#	Docket Text
01/25/1996	1	COMPLAINT FILED (MAP) (Entered: 01/31/1996)
01/31/1996	2	WAIVER of Service upon dft City of Phoenix ; waiver sent on 1/29/96 (TCA) (Entered: 02/02/1996)
02/13/1996	3	STANDARD CIVIL TRACK INITIAL ORDER by Judge Roger G. Strand this action...is designated a standard track case (cc: all counsel) re: order [3-1] (LAD) (Entered: 02/13/1996)
03/20/1996	4	ANSWER by dft City of Phoenix (TCA) (Entered: 03/21/1996)
04/12/1996	5	ORDER SETTING RULE 16 PRELIMINARY PRETRIAL CONFERENCE by Judge Roger G. Strand prel scheduling conf set for 3:30 7/1/96 (cc: all counsel) (LAD) (Entered: 04/12/1996)
06/20/1996	6	JOINT CASE MANGEMENT REPORT (TCA) (Entered: 06/21/1996)
07/01/1996	7	MINUTE ENTRY Judge Inits: RGS Crt Rptr: M.SANCHEZ ; prel scheduling conf held;initial discls due 7/8/96; discovery ddl set for 3/15/97 ; dispositive motions due 4/16/97 ; Pretrial conference set for 9:00AM, 6/30/97;3-5 day jury trial set for 9:30AM, 7/22/97 [cc: All cns] [7] (former emp) (Entered: 07/01/1996)
07/10/1996	8	NOTICE of compliance of initial disclosure statement pursuant to FRCivP 26(a) by dft City of Phoenix (TCA) (Entered: 07/12/1996)

10/03/1996	9	ATTORNEY SUBSTITUTION: terminating attorney Robert Donald Bartels for USA and substituting attorney W Scott Bales (TCA) (Entered: 10/03/1996)
10/07/1996	10	ORDER by Judge Roger G. Strand that asst US Attorney Scott Bales be and hereby is substituted as counsel of record for pla in place of asst US Attorney Robert Bartels (cc: all counsel) re: order [10-1] (TCA) (Entered: 10/07/1996)
10/07/1996	11	ATTORNEY APPEARANCE for pla USA by Sharyn A Tejani (TCA) (Entered: 10/08/1996)
10/22/1996	12	NOTICE by pla USA OF TAKING DEPO OF Frank B Enriquez, Richard Jaramillo, Andrew A Magdaleno, Leo Mesquita, Ralph Escobar on 11/18/96; Manuel Balli, Terence Knigge, Robert J Heingardner, Joanie Poole, Cheryl Gibbons, Anthony Gaticia on 11/19/96; Larry Leister, Lonnie Crabtree, Tony Nunez, Ralph Deleon, Gary Standard, Janie Gonzalez on 11/20/96; Dave Deneau, Edward Stanton, Frank Gonzalez, David De La Torres, Leonard Lara, Patricia Gloria on 11/21/96; DeArtis Davis, Dave Johnson, Dale Larsen, Mike Whiting, James A Colley on 11/25/96; Manuel Baldinado, Don Johnson on 11/26/96 (TCA) (Entered: 10/25/1996)
12/23/1996	13	NOTICE by pla USA OF TAKING DEPO OF...See Doc for Names, dates and times (MAP) (Entered: 12/23/1996)
01/07/1997	14	MINUTE ENTRY Judge Inits: RGS Crt Rptr: M.SANCHEZ Telecon held re discovery. Dft objects to pltf calling 10 more depositions. Counsel can not agree; court directs counsel to file appropriate motion. Counsel to continue to attempt to resolve.[cc: all cnsl] [14] re: minute entry [14-1] (former emp) (Entered: 01/07/1997)
01/09/1997	15	Joint MOTION to extend discovery deadline by pla USA, dft City of Phoenix [15-1] (TCA) (Entered: 01/13/1997)
01/22/1997	16	ORDER by Judge Roger G. Strand granting motion to extend discovery deadline by pla USA, dft City of Phoenix [15-1] ; discovery ddl set for 5/16/97 ; dispositive motions due 6/16/97 ; Pretrial conference set for 3:30 10/20/97 ; jury trial set for 9:30 12/16/97 (cc: all counsel) (TCA) (Entered: 01/22/1997)
01/27/1997	17	NOTICE of initial disclosure statement pursuant to FRCivP 26(a) by pla USA (former emp) (Entered: 01/29/1997)
01/31/1997	18	MOTION for protective order by dft City of Phoenix [18-1] (TCA) (Entered: 02/03/1997)

01/31/1997	19	CERTIFICATION by dft City of Phoenix re motion for protective order (TCA) (Entered: 02/03/1997)
02/18/1997	20	MEMORANDUM by pla USA in Opposition to dfts motion for protective order [18-1] (TCA) (Entered: 02/19/1997)
02/25/1997	21	REPLY by dft City of Phoenix to response to motion for protective order by dft City of Phoenix [18-1] (TCA) (Entered: 02/26/1997)
04/08/1997	22	Joint MOTION to extend the discovery deadline by pla USA, dft City of Phoenix [22-1] (TCA) (Entered: 04/09/1997)
04/15/1997	23	ORDER by Judge Roger G. Strand granting motion to extend the discovery deadline by pla USA, dft City of Phoenix [22-1] ; discovery ddl set for 7/16/97 ; dispositive motions due 8/18/97 ; Pretrial conference set for 9:00 11/24/97 ; jury trial set for 9:30 12/16/97 (cc: all counsel) (TCA) (Entered: 04/15/1997)
04/17/1997	24	ORDER by Judge Roger G. Strand granting motion for protective order by dft City of Phoenix [18-1] (cc: all counsel) (TCA) (Entered: 04/17/1997)
05/27/1997	25	NOTICE by pla USA of service of first set of interrogatories and first req for production of documents (TCA) (Entered: 05/28/1997)
06/24/1997	26	NOTICE by pla USA of supplemental disclosures pursuant to FRCP 26(a)(1)(e)(1) (TCA) (Entered: 06/25/1997)
06/24/1997	27	NOTICE by dft City of Phoenix of service of request for admissions request for production of documents and non-uniform interrogatories (TCA) (Entered: 06/25/1997)
06/27/1997	28	NOTICE by dft City of Phoenix of Service (MAP) (Entered: 07/01/1997)
06/27/1997	29	NOTICE by dft City of Phoenix of Service (MAP) (Entered: 07/01/1997)
07/08/1997	30	NOTICE by dft City of Phoenix of Service (MAP) (Entered: 07/09/1997)
07/15/1997	31	NOTICE by dft City of Phoenix of service of third supplemental disclosure statement (TCA) (Entered: 07/17/1997)
07/16/1997	32	Joint MOTION to extend the discovery deadline by pla USA [32-1] (TCA) (Entered: 07/17/1997)
07/17/1997	33	ORDER by Judge Roger G. Strand granting motion to extend the discovery deadline by pla USA [32-1] ; discovery ddl set for

		9/2/97 ; dispositive motions due 10/3/97 ; Pretrial conference set for 9:00 1/12/98 ; jury trial set for 9:30 2/24/98 (cc: all counsel) (TCA) (Entered: 07/17/1997)
07/23/1997	34	NOTICE by pla USA of response to dfts request for admissions first set of non-uniform interrogatories and request for production of documents (TCA) (Entered: 07/23/1997)
07/23/1997	35	RECEIPT of Answers by pla USA to dft City of Phoenix's non-uniform interrogatories (first set) (TCA) (Entered: 07/23/1997)
07/23/1997	36	RECEIPT from pla USA answers to dft City of Phx request for admissions (TCA) (Entered: 07/23/1997)
07/30/1997	37	ORDER by Judge Roger G. Strand striking Pltf's answers to City of Phx's non-unfrm intrrgs pur to Rule 1.2(a)(2) (cc: all counsel) (MAP) (Entered: 07/30/1997)
07/30/1997	38	ORDER by Judge Roger G. Strand striking Pltf's answers to City of Phx's req for admissions [36] pur to Rule 1.2(a)(2) (cc: all counsel) (MAP) (Entered: 07/30/1997)
08/13/1997	39	NOTICE by dft City of Phoenix OF TAKING DEPO OF Gerald Yacobucci MD on the following date(s): 8/20/97 (TCA) (Entered: 08/15/1997)
10/06/1997	40	MOTION for leave to file motion for sumjgm by dft City of Phoenix [40-1] (lodged documents at dkt clerk's desk) (TCA) (Entered: 10/07/1997)
10/09/1997	41	ORDER by Judge Roger G. Strand granting motion for leave to file motion for sumjgm by dft City of Phoenix [40-1] (cc: all counsel) (TCA) (Entered: 10/09/1997)
10/09/1997	42	MOTION for summary judgment by dft City of Phoenix [42-1] (TCA) (Entered: 10/09/1997)
10/09/1997	43	STATEMENT OF FACTS by dft City of Phoenix re motion for summary judgment by dft City of Phoenix [42-1] (TCA) (Entered: 10/09/1997)
10/09/1997	44	NOTICE OF HEARING by dft City of Phoenix setting motion for summary judgment by dft City of Phoenix [42-1] at 9:00 12/22/97 (TCA) (Entered: 10/09/1997)
11/10/1997	45	OPPOSITION by pla USA to motion for summary judgment by dft City of Phoenix [42-1] (TCA) (Entered: 11/13/1997)
11/10/1997	46	STATEMENT OF FACTS by pla USA re motion response volumes I & II (TCA) (Entered: 11/13/1997)

11/13/1997	47	MOTION to substitute declaration and memorandum in support thereof by pla USA [47-1] (TCA) (Entered: 11/14/1997)
11/26/1997	48	Response and OBJECTIONS by dft City of Phoenix to USA statement of facts [46-1] (TCA) (Entered: 11/28/1997)
11/26/1997	49	STIPULATION by parties to continue time to file the reply memorandum by one day(lodged doc at dkt clrk's desk) (TCA) Modified on 11/28/1997 (Entered: 11/28/1997)
12/02/1997	50	ORDER by Judge Roger G. Strand granting stipulation accepting for filing the dfts reply memorandum in support of its motion for sumjgm on 11/26/97 (cc: all counsel) (TCA) (Entered: 12/02/1997)
12/02/1997	51	REPLY by dft City of Phoenix to response to motion for summary judgment by dft City of Phoenix [42-1] (TCA) (Entered: 12/02/1997)
12/10/1997	52	ORDER by Judge Roger G. Strand granting motion to substitute declaration and memorandum in support thereof by pla USA [47-1] declaration of Thomas R Ivan signed on 11/12/97 is substituted for the declaration of Thomas R Ivan signed on 11/6/97 (cc: all counsel) (TCA) (Entered: 12/10/1997)
12/22/1997	53	MINUTE ENTRY Judge Inits: RGS Crt Rptr: Cathy Taylor taking under advisement on 12/22/97 the motion for summary judgment by dft City of Phoenix [42-1] [53-1] (TCA) (Entered: 12/24/1997)
12/31/1997	54	ORDER by Judge Roger G. Strand denying motion for summary judgment by dft City of Phoenix [42-1] (cc: all counsel) (MAP) (Entered: 12/31/1997)
01/12/1998	55	MINUTE ENTRY Judge Inits: RGS Crt Rptr: M.SANCHEZ ; pretrial conference held. IT IS ORDERED setting jury trial of 5 days for 9:30AM, 4/22/98. FURTHER ORDERED referring this matter to a Mag/Judge for settlement conf. The Clerk draws and assigns Mag/Judge Virginia Mathis for settlement conference; that Court will advise counsel of date and time. [cc: all cns] [55] (former emp) (Entered: 01/12/1998)
01/16/1998	56	ORDER by Mag Judge Virginia A. Mathis that she hereby recuses herself from this action; case is reassigned, by random lot, to Magistrate Judge Sitver (cc: all counsel/MS) re: order [56-1] (MAP) (Entered: 01/16/1998)
01/23/1998	57	ORDER by Mag Judge Morton Sitver settlement conference set for 9:30 3/30/98 , before Mag Judge Morton Sitver (cc: all

		counsel) (MAP) (Entered: 01/23/1998)
01/23/1998	58	ORDER by Judge Roger G. Strand jury trial set for 9:30 4/22/98 (cc: all counsel) (MAP) (Entered: 01/23/1998)
01/30/1998	59	NOTICE by dft City of Phoenix of Potential Trial Conflict (MAP) (Entered: 02/02/1998)
03/05/1998	60	MOTION to continue trial by dft City of Phoenix [60-1] (KMG) (Entered: 03/06/1998)
03/13/1998	61	RESPONSE by pla USA to motion to continue trial by dft City of Phoenix [60-1] (KMG) (Entered: 03/13/1998)
03/27/1998	62	ORDER by Judge Roger G. Strand granting motion to continue trial by dft City of Phoenix [60-1], vacating [58-2] order ; jury trial reset for 1:30 5/27/98 (cc: all counsel) (KMG) (Entered: 03/27/1998)
03/30/1998	63	MINUTE ENTRY Judge Inits: MS [57-1], before Mag Judge Morton Sitver [57-2], [57-3] ; settlement conference held [cc: all counsel] [63-2] (KMG) (Entered: 03/31/1998)
04/22/1998	64	MINUTE ORDER jury trial set for 5/27/98 is vacated and reset to 9:30AM, 8/5/98 (cc: all counsel) [64-2] (former emp) (Entered: 04/22/1998)
04/28/1998	65	NOTICE by pla USA of pretrial disclosures pursuant to FRCP 26(a)(3) (KMG) (Entered: 04/28/1998)
05/11/1998	66	OBJECTIONS by dft City of Phoenix to notice [65-1]; the plts pretrial disclosure pursuant to Rule 26(a)(3), FRCP (KMG) (Entered: 05/13/1998)
07/02/1998	67	NOTICE by dft City of Phoenix of Potential Trial Conflict (KMG) (Entered: 07/06/1998)
07/06/1998	68	NOTICE of (and actual disclosure) compliance of pretrial disclosure statement pursuant to FRCivP 26(a) with witness list by dft City of Phoenix (KMG) Modified on 07/07/1998 (Entered: 07/07/1998)
07/21/1998	69	MOTION to strike three witnesses from the plt's list of witnesses plt anticipates calling at the trial by dft City of Phoenix [69-1] (KMG) (Entered: 07/22/1998)
07/23/1998	70	STIPULATION to continue trial at the earliest possible time after 10/1/98 by attys for plt and dft (KMG) (Entered: 07/23/1998)
07/30/1998	71	MINUTE ORDER Pursuant to stipulation, jury trial set for

		8/5/98 is vacated and reset to 9:30AM, 11/18/98 (cc: all counsel) [71] (former emp) (Entered: 07/30/1998)
08/03/1998	72	RESPONSE (Opposition) by pla USA to motion to strike three witnesses from the plt's list of witnesses plt anticipates calling at the trial by dft City of Phoenix [69-1] (KMG) Modified on 08/04/1998 (Entered: 08/04/1998)
08/07/1998	73	ORDER by Judge Roger G. Strand granting stipulation jury trial re-set for 9:30 11/18/98 (cc: all counsel) (MAP) (Entered: 08/07/1998)
08/10/1998	74	REPLY by dft City of Phoenix to response to motion to strike three witnesses from the plt's list of witnesses plt anticipates calling at the trial by dft City of Phoenix [69-1] (KMG) (Entered: 08/11/1998)
10/09/1998	75	ORDER by Judge Roger G. Strand in re [73-2]; that no later than 11/13/98 the parties shall jointly file a description of the case to be read to the jury. FUR ORD that no later than twenty-four hours prior to trial, the parties will submit an original and two copies of their witness lists. FUR ORD that no later than 11/13/98 the parties shall jointly file a proposed set of voir dire questions. FUR ORD that all proposed jury instructions are required to be lodged with the Court on or before 11/13/98. (cc: all counsel) (KMG) (Entered: 10/09/1998)
10/13/1998	76	ORDER by Judge Roger G. Strand granting motion to strike three witnesses from the plt's list of witnesses plt anticipates calling at the trial by dft City of Phoenix [69-1] ; (cc: all counsel) (KMG) (Entered: 10/13/1998)
10/16/1998	77	MOTION to exclude (Strike) certain witnesses from being called at the trial by pla USA [77-1] (KMG) (Entered: 10/20/1998)
10/16/1998	78	MOTION in limine to exclude all evidence related to five areas by pla USA [78-1]; Excluding the following: 1) that Mr. Ivan is lying or incorrect about the contents or name of the Ralph Excobar Award; 2) that Mr. Ivan was suspended in May 1993 because of his stmts in an internal investigation; 3) the decisions and reports of the Civil Service Board Hearing Officer w/respect to Mr. Ivan's second suspension; 4) Mr. Ivan's failure to gain employment w/police agencies in Az. prior to emplyment w/City of Phoenix; 5) any evidence re how much money Mr. Ivan earned after he left his job as a Parks Mechanic. (KMG) (Entered: 10/20/1998)

10/26/1998	79	RESPONSE (in Opposition) by dft City of Phoenix to motion to exclude (Strike) certain witnesses from being called at the trial pla USA [77-1] (KMG) (Entered: 10/27/1998)
10/30/1998	80	RESPONSE (Opposition) by dft City of Phoenix to motion in limine to exclude all evidence related to five areas by pla USA [78-1]; Excluding the following: 1) that Mr. Ivan is lying or incorrect about the contents or name of the Ralph Award; 2) that Mr. Ivan was suspended in May 1993 because of his stmts in an internal investigation; 3) the decisions reports of the Civil Service Board Hearing Officer to Mr. Ivan's second suspension; 4) Mr. Ivan's failure to gain employment w/police agencies in Az. prior to emplyment w/City of Phoenix; 5) any evidence re how much money Mr. Ivan earned after he left his job as a Parks Mechanic. (KMG) (Entered: 11/02/1998)
11/03/1998	81	MOTION in limine to exclude evidence by dft City of Phoenix [81-1] (former emp) (Entered: 11/04/1998)
11/04/1998	82	REPLY by pla USA to response to motion to exclude (Strike) certain witnesses from being called at the trial by pla USA [77-1] (former emp) (Entered: 11/04/1998)
11/05/1998	83	SUPPLEMENTAL MOTION in limine re issues of Mrs Ivan's testimony by dft City of Phoenix [83-1] (former emp) (Entered: 11/06/1998)
11/05/1998	84	ATTORNEY SUBSTITUTION: terminating attorney W Scott Bales for USA, attorney Janet Napolitano for USA and substituting attorney Ann Elizabeth Harwood (former emp) (Entered: 11/06/1998)
11/06/1998	86	REPLY by pla USA to response to motion in limine to exclude all evidence related to five areas by pla USA [78-1]; Excluding the following: 1) that Mr. Ivan is lying or incorrect about the contents or name of the Ralph Excobar Award; 2) that Mr. Ivan was suspended in May 1993 because of his stmts in an internal investigation; 3) the decisions and reports of the Civil Service Board Hearing Officer w/respect to Mr. Ivan's second suspension; 4) Mr. Ivan's failure to gain employment w/police agencies in Az. prior to emplyment w/City of Phoenix; 5) any evidence re how much money Mr. Ivan earned after he left his job as a Parks Mechanic. (KMG) (Entered: 11/09/1998)
11/09/1998	85	ORDER by Judge Roger G. Strand granting attorney substitution; that Assistant U.S. Attorney Anne E. Harwood be and hereby is substituted as counsel of record for plt, in place of Assistant U.S. Attorney Scott Bales and former U.S. Attorney

		Janet Napolitano. (cc: all counsel) (KMG) (Entered: 11/09/1998)
11/12/1998	89	RESPONSE by pla USA to motion in limine re issues of Mrs Ivan's testimony by dft City of Phoenix [83-1], motion in limine to exclude evidence by dft City of Phoenix [81-1] (KMG) (Entered: 11/16/1998)
11/13/1998	88	MINUTE ORDER jury trial set for 1:30PM, 11/18/98 , , ; settlement conference set for 9:30AM, 11/18/98 before Mag/Judge Morton Sitver. (cc: all counsel) [88] (former emp) (Entered: 11/13/1998)
11/13/1998	90	MOTION to strike witnesses Curtis Malaise and Mike O'Neil by dft Phoenix, City of [90-1] (KMG) (Entered: 11/18/1998)
11/13/1998	91	SUPPLEMENTAL set of Jury Instructions by dft Phoenix, City of (KMG) (Entered: 11/18/1998)
11/13/1998	92	Voir dire (Special Interrogatories) submitted by dft Phoenix, City of (KMG) (Entered: 11/18/1998)
11/13/1998	93	RESPONSE by pla USA to motion in limine re issues of Mrs Ivan's testimony by dft City of Phoenix [83-1] (KMG) (Entered: 11/18/1998)
11/13/1998	94	SECOND MOTION to strike documents that dft listed in its pretrial disclosures as documents the City expects to offer as exhibits by pla USA [94-1] (KMG) (Entered: 11/18/1998)
11/13/1998	95	SECOND MOTION in limine to exclude evidence in the trial concerning two areas: (1) The City's claim that Mr. Ivan was denied light duty form 11/1993-4/1994; and (2) the City's claim that Mr. Ivan was denied light duty in 5/1994 by pla USA [95-1] (KMG) (Entered: 11/18/1998)
11/13/1998	96	OBJECTIONS by pla USA to [91-1] dfts Supplemental Jury Instructions (KMG) (Entered: 11/18/1998)
11/13/1998	97	SUPPLEMENTAL Jury Instructions by pla USA (KMG) (Entered: 11/18/1998)
11/13/1998	98	Supplemental Jury Instructions Index by pla USA (KMG) (Entered: 11/18/1998)
11/13/1998	99	OBJECTIONS by dft Phoenix, City of to [97-1] plts Supplemental Instructions and form of verdict. (KMG) (Entered: 11/18/1998)
11/13/1998	100	Agreed to Jury Instructions by pla USA, dft Phoenix, City of

		(KMG) (Entered: 11/18/1998)
11/13/1998	101	Agreed to Jury Instructions Index by pla USA, dft Phoenix, City of (KMG) (Entered: 11/18/1998)
11/13/1998	102	Proposed Voir dire submitted by pla USA, dft Phoenix, City of (KMG) (Entered: 11/18/1998)
11/13/1998	103	Proposed Description of Case to read to Jury by pla USA, dft Phoenix, City of (KMG) (Entered: 11/18/1998)
11/16/1998	104	RESPONSE (Opposition) by dft Phoenix, City of to Second Motion to Strike documents that dft listed in its pretrial disclosures as documents the City expects to offer as exhibits by pla USA [94-1] (KMG) (Entered: 11/18/1998)
11/16/1998	105	RESPONSE (Opposition) by dft Phoenix, City of to Second Motion in Limine to exclude evidence in the trial concerning two areas: (1) The City's claim that Mr. Ivan was denied light duty form 11/1993-4/1994; and (2) the City's claim that Mr. Ivan was denied light duty in 5/1994 by pla USA [95-1] (KMG) (Entered: 11/18/1998)
11/16/1998	106	REPLY by dft Phoenix, City of to response to motion in limine to exclude evidence by dft City of Phoenix [81-1] (KMG) (Entered: 11/18/1998)
11/16/1998	107	REPLY by dft Phoenix, City of to response to motion in limine re issues of Mrs Ivan's (wife) giving testimony by dft City of Phoenix [83-1] (KMG) (Entered: 11/18/1998)
11/16/1998	108	WITNESS LIST for trial by dft Phoenix, City of (KMG) (Entered: 11/18/1998)
11/17/1998	109	WITNESS LIST by pla USA (KMG) (Entered: 11/19/1998)
11/20/1998	110	SETTLEMENT AGREEMENT: by Judge Roger G. Strand terminating case (cc: all counsel) (KMG) (Entered: 11/20/1998)