

Court: US COURT OF APPEALS FOR THE NINTH CIRCUIT

Case Title: FRANK, ET AL v. UNITED AIRLINES, INC

Appeal From: NORTHERN DISTRICT OF CALIFORNIA (SAN FRANCISCO)

Date Filed: 09/14/1998

CASE INFORMATION

Case Number: [98-16687](#)

Fee Status: PAID

Case Type: APPEALS

Case Subtype: CIVIL

PRIVATE

Nature of Suit: 3442 JOBS (FED)

Key Nature of Suit: CIVIL RIGHTS; EMPLOYMENT (110.25)

LOWER COURT INFORMATION

District: 0971-3

Lower Court Docket Number: 92-CV-692

Trial Judge(s): [CHARLES A. LEGGE](#), DISTRICT JUDGE

Court Reporter(s): ROSITA FLORES

Date Filed: 02/07/1992

Date Order/Judgment: 08/03/1998

Date NOA Filed: 08/26/1998

OTHER CASES

Current Case(s):

| Relationship: | Lead Docket: | Member Docket: | Start Date: | End Date: |
|----------------------|---------------------|-----------------------|--------------------|------------------|
| COMPANION | 98-15638 | -- | 09/14/1998 | -- |

NAMES

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DOCKET PROCEEDINGS

| ENTRY #: | DATE: | DESCRIPTION: |
|----------|------------|---|
| -- | 10/12/2001 | RECORD RETURNED. (SEE CONTROL CARD FOR DE- TAILS.) (STEV) [98-16687] |
| -- | 03/09/2001 | FILED SUPREME COURT ORDER, CERTIORARI DENIED ON 3/5/01. SUPREME COURT NO. 00-948 [98-15638, 98- 16687] (HH) [98-15638 98-16687] |

-- 12/14/2000 RECEIVED NOTICE FROM SUPREME COURT: PETITION FOR CERTIORARI FILED SUPREME COURT NO. 00-948 FILED ON 12/8/00. [98-15638, 98-16687] (HH) [98-15638 98-16687]

-- 10/23/2000 RECEIVED LETTER FROM THE SUPREME COURT DATED 10/20/00 RE: APPLICATION FOR AN EXT OF TIME WITHIN WHICH TO FILE A PETITION FOR A WRIT OF CERTIORARI...EXTENDED THE TIME TO AND INCLUDING 12/9/00. (CASEFILES) [98-15638, 98-16687] (HH) [98-15638 98-16687]

-- 08/21/2000 MANDATE ISSUED [98-15638, 98-16687] (HH) [98-15638 98-16687]

-- 08/11/2000 FILED ORDER (STEPHEN R. REINHARDT, DIARMUID F. O'SCANLAIN, WILLIAM A. FLETCHER,): ...THE PETITION FOR REHEARING AND THE PETITION FOR REHEARING EN BANC ARE DENIED. [98-15638, 98-16687] (HH) [98-15638 98-16687]

-- 08/10/2000 FILED ORDER (STEPHEN R. REINHARDT, DIARMUID F. O'SCANLAIN, WILLIAM A. FLETCHER,): APLTS' PETITION FOR REHEARING/CLARIFICATION, FILED 7/12/00, IS DENIED. [98-15638, 98-16687] (HH) [98-15638 98-16687]

-- 07/24/2000 FILED ORIGINAL AND 50 COPIES AIR TRANSPORT ASSOC.'S AMICUS CURIAE BRIEF OF 12 PAGES (IN SUPPORT OF PETITION); SERVED ON 7/21/00 (PANEL AND ALL ACTIVE JUDGES) [98-15638, 98-16687] (HH) [98-15638 98-16687]

-- 07/24/2000 RECEIVED AMICUS AIR TRANSPORT ASSOC.'S SATISFACTION OF (MAJOR) BRIEF DEFICIENCY (ORIG AND 50 CORRECTED AMICUS BRIEF), SERVED ON 7/21/00 [98-15638, 98-16687] (HH) [98-15638 98-16687]

-- 07/24/2000 FILED ORIGINAL AND 50 COPIES EMPLOYERS GROUP AND CELC'S AMICUS CURIAE BRIEF OF 8 PAGES (IN

SUPPORT OF PETITION); SERVED ON 7/7/00 (PANEL AND ALL ACTIVE JUDGES) [98-15638, 98-16687] (HH) [98-15638 98-16687]

- 07/24/2000 FILED ORDER (STEPHEN R. REINHARDT, DIARMUID F. O'SCANNLAIN, WILLIAM A. FLETCHER,): THE MOTIONS BY EMPLOYERS GROUP AND CALIFORNIA EMPLOYMENT LAW COUNCIL AND AIR TRANSPORT ASSOCIATION OF AMERICA FOR LEAVE TO FILE AMICUS CURIAE BRIEFS IN SUPPORT OF THE APLE'S PETITION FOR REHEARING AND PETITION FOR REHEARING EN BANC ARE GRANTED. THE AMICUS BRIEFS, RECVD 7/12/00 AND 7/19/00, ARE ORDERED FILED, AND SHALL BE CIRCULATED TO THE FULL COURT. [98-15638, 98-16687] (HH) [98-15638 98-16687]
- 07/19/2000 FILED AIR TRANSPORT ASSOC.'S MOTION FOR LEAVE TO FILE BRIEF AS AMICUS CURIAE IN SUPPORT OF DEFT-APLE'S PETITION FOR REHEARING OR REHEARING EN BANC; SERVED ON 7/18/00 [3953375] (TO PANEL) (HH) [98-15638 98-16687]
- 07/19/2000 RECEIVED ORIGINAL AND 50 COPIES AMICUS CURIAE AIR TRANSPORT ASSOC.'S AMICUS BRIEF (IN SUPPORT OF APLE'S PETITION), 8 PAGES; SERVED ON 7/18/00 (DEFICIENT: PRINT TOO SMALL) NOTIFIED COUNSEL. (TO PANEL) [98-15638, 98-16687] (HH) [98-15638 98-16687]
- 07/13/2000 RECEIVED CERTIFICATE OF COMPLIANCE AND ADD'L 23 COPIES OF AMICUS BRIEF FROM EMPLOYERS GROUP AND CELC. [98-15638, 98-16687] (HH) [98-15638 98-16687]
- 07/12/2000 [3948882] FILED ORIGINAL AND 50 COPIES APPELLEE UNITED AIRLINES, INC.'S PETITION FOR REHEARING WITH SUGGESTION FOR REHEARING EN BANC; 15 P.PAGES, SERVED ON 7/12/00 (PANEL AND ALL ACTIVE JUDGES) [98-15638, 98-16687] (HH) [98-15638 98-16687]
- 07/12/2000 [3948858] FILED ORIGINAL AND 3 COPIES APLTS PETITION FOR REHEARING, (PANEL) 15 P.PAGES, SERVED ON

7/12/00 [98-16687] (KKW) [98-16687]

- 07/12/2000 FILED EMPLOYERS GROUP AND CELC'S MOTION FOR LEAVE TO FILE BRIEF AS AMICUS CURIAE; SERVED ON 7/7/00 [3948389] (TO PANEL ONLY ALONG WITH BRIEF) (HH) [98-15638 98-16687]
- 07/12/2000 RECEIVED ORIGINAL AND 27 COPIES EMPLOYERS GROUP AND CALIFORNIA EMPLOYMENT LAW COUNSEL'S AMICUS CURIAE BRIEF (IN SUPPORT OF PETITION), 8 PAGES; SERVED ON 7/7/00 (DEFICIENT: MOTION TO FILE PENDING/PANEL; NO CERT. OF COMPLIANCE, NEED 23 ADD'L COPIES) NOTIFIED COUNSEL. [98-15638, 98-16687] (HH) [98-15638 98-16687]
- 07/06/2000 RECEIVED "APLE UNITED AIRLINES INC.'S PROOF OF SERVICE RE EXTENSION OF TIME TO FILE PETITION FOR REHEARING." [98-16687] (KKW) [98-16687]
- 06/30/2000 FILED MOTION OF APPELLANT AND DEPUTY CLERK ORDER :(DEPUTY CLERK: CRW) GRANTING MOTION ORDER TO EXTEND TIME TO FILE A PETITION FOR REHEARING [3942682-1] PETITION FOR REHEARING DUE 7/12/00. (MOTION RECVD 6/30/00) [98-16687] (CRW) [98-16687]
- 06/28/2000 FILED MOTION AND CLERK ORDER :(DEPUTY CLERK: KKW) APLE'S REQUEST FOR EXTENSION OF TIME TO FILE PETITION FOR REHEARING AND REHEARING EN BANC IS GRANTED. THE PETITION IS NOW DUE 7/12/00. (MOTION RECVD 6/28/00) [98-16687] (KKW) [98-16687]
- 06/21/2000 FILED OPINION: REVERSED IN PART, AFFIRMED IN PART, AND REMANDED. EACH PARTY SHALL BEAR ITS OWN COSTS ON APPEAL. (TERMINATED ON THE MERITS AFTER ORAL HEARING; AFFIRMED (IN PART) AND REVERSED (IN PART); WRITTEN, SIGNED, PUBLISHED. STEPHEN R. REINHARDT; DIARMUID F. O'SCANLAIN, CONCURRING IN PART AND DISSENTING IN PART; WILLIAM A. FLETCHER, AUTHOR.) FILED AND ENTERED

JUDGMENT. [98-15638, 98-16687] (HH) [98-15638 98-16687]

-- 07/12/1999 ARGUED AND SUBMITTED TO STEPHEN R. REINHARDT, WILLIAM A. FLETCHER [98-15638, 98-16687] (AH) [98-15638 98-16687]

-- 05/25/1999 CALENDARED: SAN FRAN JUL 12 1999 9:00 AM COURT-ROOM 1 [98-15638, 98-16687] (AW) [98-15638 98-16687]

-- 05/22/1999 CALENDAR MATERIALS BEING PREPARED. [98-15638, 98-16687] [98-15638, 98-16687] (AW) [98-15638 98-16687]

-- 05/08/1999 CALENDAR CHECK PERFORMED [98-15638, 98-16687] (AW) [98-15638 98-16687]

-- 04/05/1999 FILED CERTIFIED RECORD ON APPEAL: 12 CLERK'S RECORDS, 10 REPORTER'S TRANSCRIPTS, 8 BULKY DOCUMENTS, (ORIGINAL). [98-15638, 98-16687] (STEV) [98-15638 98-16687]

-- 03/01/1999 FILED ORIGINAL AND 15 COPIES LESLIE FRANK, PAT PARNELL, SUSAN BRODERICK, CAROLE KIRK, NICHKOL MELANSON, SANDRA HUFF, DIANE DAVIS, SHARON BENJAMIN, SHARRON K. TAYLOR, BLAND LANE, JOAN BALLA WEAVER, DONNA DURKIN, AND ELLEN MCCORMICK'S REPLY BRIEF, (INFORMAL: NO) 13 PAGES; SERVED ON 2/24/99 [98-16687] (OT) [98-16687]

-- 02/11/1999 FILED ORIGINAL AND 15 COPIES APPELLEE UNITED AIRLINES, INC 19 PAGES BRIEF, 05 SUPPL EXC. 01 VOL., SERVED ON 2/10/99 [98-16687] APPELLANTS' REPLY BRIEF DUE 2/24/99,, ; (OT) [98-16687]

-- 01/15/1999 RECEIVED APLTS' LESLIE FRANK, PAT PARNELL, AND SUSAN BRODERICK'S SATISFACTION OF (MINOR) BRIEF DEFICIENCY. 5 COPIES OF THE DC DKT SHEET FOR THE

EXC OF RECORD. RECORDS [98-16687] (OT) [98-16687]

- 01/12/1999 14 DAY ORAL EXTENSION BY PHONE OF TIME TO FILE APPELLEE UNITED AIRLINES, INC IN 98-16687'S BRIEF. [98-16687] APPELLEES' BRIEF DUE 2/10/99; REPLY BRIEF IS DUE 14 DAYS . . . (JLC) [98-16687]
- 12/31/1998 FILED ORIGINAL AND 15 COPIES APLTS LESLIE FRANK, PAT PARNELL, BRODERICK, CAROLE KIRK, NICHKOL MELANSON, SANDRA HUFF, DIANE DAVIS, SHARON BENJAMIN, SHARRON K. TAYLOR, BLAND LANE, JOAN BALLA WEAVER, DONNA DURKIN AND ELLEN MCCORMICK'S OPENING BRIEF (INFORMAL: NO) 24 PAGES; 05 EXCERPTS OF RECORD (01 EXC.VOL);SERVED ON 12/28/98 (MINOR DEFCY: NO DC DKT SHEET IN EXC.) NOTIFIED COUNSEL, MINOR BRIEF DEFICIENCY RESPONSE DUE 1/15/99. [98-16687] (OT) [98-16687]
- 12/09/1998 14 DAY ORAL EXTENSION BY PHONE OF TIME TO FILE APPELLANT IN 98-16687 BRIEF. [98-16687] APPELLANTS' BRIEF DUE 12/28/98,, ; APPELLEES' BRIEF DUE 1/27/99; OPTIONAL REPLY BRIEF DUE 14 DAYS FROM SERVICE OF ANSWERING BRIEF (CB) [98-16687]
- 10/09/1998 CASE REJECTED FROM CIRCUIT MEDIATION PROGRAM. (MLM) [98-16426 98-16467 98-16687 98-16707 98-16715 98-16748 98-16756 98-16776 98-16777 98-16838]
- 09/16/1998 REC'D NOTICE OF REPRESENTATION OF EDITH J. BENAY ATTY FOR PLTFS' DAVID J. REIS AND DOUGLAS E. DEXTER FOR UNITED AIRLINES, INC (CASEFILE) [98-16687] (OT) [98-16687]
- 09/14/1998 FILED ATTY EDITH J. BENAY FOR APLTS' ELLEN MCCORMICK, DONNA DURKIN, JOAN BALLA WEAVER, BLAND LANE, SHARRON K. TAYLOR, SHARON BENJAMIN, DIANE DAVIS, SANDRA HUFF, NICHKOL MELANSON, CAROLE KIRK, SUSAN BRODERICK, PAT PARNELL, AND LESLIE FRANK'S CIVIL APPEALS DOCKETING STATEMENT SERVED ON 9/1/98 (TO CONFATT) [98-16687]

[98-16687] (OT) [98-16687]

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09/14/1998

DOCKETED CAUSE AND ENTERED APPEARANCES OF COUNSEL. CADS SENT (Y/N): NO. SETTING SCHEDULE AS FOLLOWS: APPELLANT'S DESIGNATION OF RT IS DUE 9/8/98; APPELLEE'S DESIGNATION OF RT IS DUE 9/15/98; APPELLANT SHALL ORDER TRANSCRIPT BY 9/25/98; COURT REPORTER SHALL FILE TRANSCRIPT IN DC BY 10/26/98; CERTIFICATE OF RECORD SHALL BE FILED BY 11/2/98; APPELLANT'S OPENING BRIEF IS DUE 12/14/98; APPELLEES' BRIEF IS DUE 1/11/99; APPELLANTS' REPLY BRIEF IS DUE 1/25/99. [98-16687] (OT) [98-16687]