

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
(Western Division – Los Angeles)
CIVIL DOCKET FOR CASE #: 2:03-cv-07424-R –CT**

Richard Alan Moran, et al v. Allan H Selig, et al
Assigned to: Judge Manuel L. Real
Referred to: Magistrate Judge Carolyn Turchin
Demand: \$0
Case in other court: 9th CCA, 04-55647
Cause: 42:1981 Civil Rights

Date Filed: 10/16/2003
Date Terminated: 03/15/2004
Jury Demand: Plaintiff
Nature of Suit: 442 Civil Rights: Jobs
Jurisdiction: Federal Question

Plaintiff

Richard Alan Moran

*individually and on behalf of all similarly
situated retired Major League Baseball
players*

represented by **Jason L Rumsey**
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Plaintiff

Ernest Fazio

*individually and on behalf of all similarly
situated retired Major League Baseball
players*

represented by **Jason L Rumsey**
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John R DaCorsi
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Plaintiff

Mike Colbern

*individually and on behalf of all similarly
situated retired Major League Baseball
players*

represented by **Jason L Rumsey**
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John R DaCorsi
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V.

Defendant

represented by

Allan H Selig
*as Commissioner of Major League
Baseball*
also known as
Bud Selig

Amy B Regan
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Defendant

New York Yankees Baseball Club
an entity of unknown form

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Defendant

Atlanta Braves Inc
a Delaware corporation

represented by **Richard Marmaro**
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Defendant

Detroit Tigers Inc
a Michigan corporation

represented by **Richard Marmaro**
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Defendant

St Louis Cardinals Baseball Club
an entity of unknown form

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Defendant

Boston Red Sox Baseball Club, –
an entity of unknown form

represented by **Richard Marmaro**
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Defendant

Florida Marlins Baseball Club
an entity of unknown form

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Defendant

Anaheim Angels LP
a California limited partnership

represented by **Richard Marmaro**
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Defendant

Arizona Diamondbacks Baseball Club
an entity of unknown form

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Defendant

Baltimore Orioles Inc
a Maryland corporation

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Defendant

Chicago Cubs Inc
an Illinois corporation

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Defendant

Chicago White Sox Baseball Club, –
an entity of unknown form

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Defendant

Cincinnati Reds Baseball Club, –
an entity of unknown form

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Defendant

**Cleveland Indians Baseball Company
Inc, –**
an Ohio corporation

represented by **Richard Marmaro**
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Defendant

Colorado Rockies Baseball Club
an entity of unknown form

represented by **Richard Marmaro**
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Defendant

Houston Astros Baseball Club
an entity of unknown form

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Defendant

**Kansas City Royals Baseball
Corporation**
a Missouri corporation

represented by **Richard Marmaro**
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Defendant

Los Angeles Dodgers, Inc
a Delaware corporation

represented by **Richard Marmaro**
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Defendant

Milwaukee Brewers Baseball Club Inc
a Wisconsin corporation

represented by **Richard Marmaro**
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Defendant

Minnesota Twins Baseball Club, –
an entity of unknown form

represented by **Richard Marmaro**
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Defendant

Montreal Expos Baseball Club
an entity of unknown form

represented by **Richard Marmaro**
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Defendant

New York Mets Baseball Club
an entity of unknown form

represented by **Richard Marmaro**
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Defendant

The Phillies
a Pennsylvania limited partnership

represented by **Richard Marmaro**
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Defendant

Pittsburgh Pirates Inc
a Pennsylvania corporation

represented by **Richard Marmaro**
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Defendant

San Diego Padres Baseball Club
an entity of unknown form

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Defendant

San Francisco Giants Enterprises LLC
a Delaware limited liability company

represented by **Richard Marmaro**
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Defendant

Seattle Mariners Baseball Club, –
an entity of unknown form

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Defendant

Tampa Bay Devil Rays Baseball Club
an entity of unknown form

represented by **Richard Marmaro**
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Defendant

Texas Rangers Baseball Club
an entity of unknown form

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Defendant

Oakland Athletics Limited Partnership
a Delaware limited partnership

represented by **Richard Marmaro**
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Defendant

Toronto Blue Jays Baseball Club
an entity of unknown form

represented by **Richard Marmaro**
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Lary Alan Rappaport

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ATTORNEY TO BE NOTICED

Defendant**Does***1 through 10, inclusive*

Date Filed	#	Docket Text
10/16/2003	1	COMPLAINT filed Summons(es) not issued referred to Discovery Carolyn Turchin (rrey) (Entered: 10/21/2003)
10/16/2003	2	CERTIFICATION AND NOTICE OF INTERESTED PARTIES filed by plaintiffs Richard Alan Moran, Ernest Fazio, Mike Colbern (rrey) (Entered: 10/21/2003)
10/17/2003	<u>3</u>	NOTICE TO COUNSEL ORDER by Judge Manuel L. Real. This case has been assigned to the calendar of Judge Manuel L Real. Counsel are advised that the Court expects strict compliance with the provisions of the Local Rules and the FRCP. Noncompliance may lead to the imposition of sanctions which may include the striking of pleadings and entry of judgment or dismissal of the aciton (see document for further details) (rl) (Entered: 10/22/2003)
10/29/2003		SUMMONS issued as to defendants regarding an answer to the complaint (rl) (Entered: 10/30/2003)
12/09/2003	<u>4</u>	STIPULATION and ORDER by Judge Manuel L. Real: IT IS SO ORDERED that in accordance with the provisions of Rule 4(d) of the FRCP, defendants by their attorneys, Proskauer Rose hereby waive service of the summons and Complaint on all defendants. 12/1/03 shall be deemed the date upon which a request for waiver of service was made and sent pursuant to Rule 4 of the FRCP, and accordingly all defendants shall have 60 days from that date (ie until 1/30/04) to answer or otherwise respond to the Complaint and the time within which plaintiffs shall be required to move for certification of this action as a class action shall be, and it hereby is enlarged to 3/14/04 (rl) (Entered: 12/09/2003)
12/09/2003	4	WAIVER OF SERVICE of SUMMONS by defendants sent by plf on 12/1/03 (rl) (Entered: 12/09/2003)
12/09/2003	5	APPLICATION AND ORDER of Non-Resident Attorney to Appear in a Specific Case filed for defendant Allan H Selig by Amy B Regan. Designating Lary Alan Rappaport as local counsel. Approved by Judge Manuel L. Real (Fee pd) (rl) (Entered: 12/12/2003)
12/09/2003	6	APPLICATION AND ORDER of Non-Resident Attorney to Appear in a Specific Case filed for defendant Allan H Selig by Howard L Ganz. Designating as local counsel Richard Marmaro and/or Lary Alan Rappaport. Approved by Judge Manuel L. Real (Fee pd) (rl) (Entered: 12/12/2003)
01/30/2004	7	CERTIFICATION AS TO Interested Parties filed by Defendants (ca,) (Entered: 02/06/2004)
01/30/2004	8	NOTICE OF MOTION AND MOTION to Dismiss Ccomplaint and/for MOTION for Summary Judgment filed by Defendants Anaheim Angels LP, Arizona Diamondbacks Baseball Club, Atlanta Braves Inc, Baltimore Orioles Inc, Boston Red Sox Baseball Club -, Chicago Cubs Inc, Chicago White Sox Baseball Club -, Cincinnati Reds Baseball Club -, Cleveland Indians Baseball Company Inc -, Colorado Rockies Baseball Club, Detroit Tigers Inc, Florida Marlins Baseball Club, Houston Astros Baseball Club, Kansas City Royals Baseball Corporation, Los Angeles Dodgers, Inc, Milwaukee Brewers Baseball Club Inc, Minnesota

		Twins Baseball Club –, Montreal Expos Baseball Club, New York Mets Baseball Club, New York Yankees Baseball Club, Oakland Athletics Limited Partnership, Pittsburgh Pirates Inc, San Diego Padres Baseball Club, San Francisco Giants Enterprises LLC, Seattle Mariners Baseball Club –, Allan H Selig, St Louis Cardinals Baseball Club, Tampa Bay Devil Rays Baseball Club, Texas Rangers Baseball Club, The Phillies, Toronto Blue Jays Baseball Club. Motion set for hearing on 3/15/2004 at 10:00 AM before Honorable Manuel L. Real. Lodged Order, Statement Uncontroverted facts. (sm,) (Entered: 02/10/2004)
01/30/2004	9	MEMORANDUM OF POINTS AND AUTHORITIES in Support of MOTION to Dismiss Complaint and/or for MOTION for Summary Judgment 8 filed by Defendants Anaheim Angels LP, Arizona Diamondbacks Baseball Club, Atlanta Braves Inc, Baltimore Orioles Inc, Boston Red Sox Baseball Club –, Chicago Cubs Inc, Chicago White Sox Baseball Club –, Cincinnati Reds Baseball Club –, Cleveland Indians Baseball Company Inc –, Colorado Rockies Baseball Club, Detroit Tigers Inc, Florida Marlins Baseball Club, Houston Astros Baseball Club, Kansas City Royals Baseball Corporation, Los Angeles Dodgers, Inc, Milwaukee Brewers Baseball Club Inc, Minnesota Twins Baseball Club –, Montreal Expos Baseball Club, New York Mets Baseball Club, New York Yankees Baseball Club, Oakland Athletics Limited Partnership, Pittsburgh Pirates Inc, San Diego Padres Baseball Club, San Francisco Giants Enterprises LLC, Seattle Mariners Baseball Club –, Allan H Selig, St Louis Cardinals Baseball Club, Tampa Bay Devil Rays Baseball Club, Texas Rangers Baseball Club, The Phillies, Toronto Blue Jays Baseball Club. (sm,) (Entered: 02/10/2004)
01/30/2004	10	DECLARATION of Robert D Manfred Jr in support of MOTION to Dismiss Complaint and/or MOTION for Summary Judgment 8 filed by Defendants Anaheim Angels LP, Arizona Diamondbacks Baseball Club, Atlanta Braves Inc, Baltimore Orioles Inc, Boston Red Sox Baseball Club –, Chicago Cubs Inc, Chicago White Sox Baseball Club –, Cincinnati Reds Baseball Club –, Cleveland Indians Baseball Company Inc –, Colorado Rockies Baseball Club, Detroit Tigers Inc, Florida Marlins Baseball Club, Houston Astros Baseball Club, Kansas City Royals Baseball Corporation, Los Angeles Dodgers, Inc, Milwaukee Brewers Baseball Club Inc, Minnesota Twins Baseball Club –, Montreal Expos Baseball Club, New York Mets Baseball Club, New York Yankees Baseball Club, Oakland Athletics Limited Partnership, Pittsburgh Pirates Inc, San Diego Padres Baseball Club, San Francisco Giants Enterprises LLC, Seattle Mariners Baseball Club –, Allan H Selig, St Louis Cardinals Baseball Club, Tampa Bay Devil Rays Baseball Club, Texas Rangers Baseball Club, The Phillies, Toronto Blue Jays Baseball Club. (sm,) (Entered: 02/10/2004)
02/12/2004	11	SUPPLEMENTAL LOCAL RULE 7.1–1 CERTIFICATION AS to Interested Parties filed by Defendants Anaheim Angels LP, Arizona Diamondbacks Baseball Club, Atlanta Braves Inc, Baltimore Orioles Inc, Boston Red Sox Baseball Club, Chicago Cubs Inc, Chicago White Sox Baseball Club, Cincinnati Reds Baseball Club, Cleveland Indians Baseball Company Inc, Colorado Rockies Baseball Club, Detroit Tigers Inc, Does, Florida Marlins Baseball Club, Houston Astros Baseball Club, Kansas City Royals Baseball Corporation, Los Angeles Dodgers, Inc, Milwaukee Brewers Baseball Club Inc, Minnesota Twins Baseball Club, Montreal Expos Baseball Club, New York Mets Baseball Club, New York Yankees Baseball Club, Oakland Athletics Limited Partnership, Pittsburgh Pirates Inc, San Diego Padres Baseball Club, San Francisco Giants Enterprises LLC, Seattle Mariners Baseball Club –, Allan H Selig, St Louis Cardinals Baseball Club, Tampa Bay Devil Rays Baseball Club, Texas Rangers Baseball Club, The Phillies, Toronto Blue Jays Baseball Club. (jp,) (Entered: 02/19/2004)
03/01/2004	12	OBJECTIONS to EVIDENCE submitted in support of MOTION to Dismiss the complaint and/or for summary judgment 8 filed by Plaintiffs Mike Colbern, Ernest Fazio, Richard Alan Moran. (rl,) (Entered: 03/03/2004)
03/01/2004	13	DECLARATION of Jason L Rumsey in support of Plaintiffs' opposition to MOTION to Dismiss and/or for Summary Judgment 8 filed by Plaintiffs Mike Colbern, Ernest Fazio, Richard Alan Moran. (rl,) (Entered: 03/03/2004)
03/01/2004	14	STATEMENT OF GENUINE ISSUES of material fact in support of opposition to MOTION to Dismiss and/or for Summary Judgment MOTION 8 filed by Plaintiffs

		Mike Colbern, Ernest Fazio, Richard Alan Moran. (rl,) (Entered: 03/03/2004)
03/01/2004	15	OPPOSITION to MOTION to Dismiss Case and/or for Summary Judgment 8 filed by Plaintiffs Mike Colbern, Ernest Fazio, Richard Alan Moran. (rl,) (Entered: 03/03/2004)
03/01/2004	16	DECLARATION in support of MOTION for certification of class action and in support of Plaintiffs' opposition to Dismiss and/or for Summary Judgment 8 filed by Plaintiffs Mike Colbern, Ernest Fazio, Richard Alan Moran. (rl,) (Entered: 03/03/2004)
03/01/2004	17	DECLARATION of Bill Helper in support of motion of rcertification of class action. 16 filed by Plaintiffs Mike Colbern, Ernest Fazio, Richard Alan Moran. (yc,) (Entered: 03/09/2004)
03/01/2004	18	DECLARATION of Eugene Pentz in support of motion for certificatio of class action. 16 filed by Plaintiffs Mike Colbern, Ernest Fazio, Richard Alan Moran. (yc,) (Entered: 03/09/2004)
03/01/2004	19	DECLARATION of Bill Abernathie in support of motion fo rcertification of class action. filed by Plaintiffs Mike Colbern, Ernest Fazio. (yc,) (Entered: 03/09/2004)
03/08/2004	20	RESPONSE to plaintiffs objections to evidence submitted in support of defendants MOTION to Dismiss the complaint and/or for summary judgment. 8 filed by Defendants (yc,) (Entered: 03/09/2004)
03/08/2004	21	REPLY memorandum of points and authorities in support of defendants MOTION to Dismiss the complaint and/or for summary judgment. 8 filed by Defendants (Entered: 03/09/2004)
03/12/2004	22	NOTICE OF MOTION AND MOTION for certification of class action: Memorandum of points ans authorities in support of motion. filed by Plaintiffs Mike Colbern, Ernest Fazio, Richard Alan Moran. Motion set for hearing on 4/19/2004 at 10:00 AM before Honorable Manuel L. Real. Lodged PROPOSED ORDER. (yc,) (Entered: 03/15/2004)
03/12/2004	23	DECLARATION of Jason L. Rumsey in support MOTION to Certify Class 22 filed by Plaintiffs Mike Colbern, Ernest Fazio, Richard Alan Moran. (yc,) (Entered: 03/15/2004)
03/12/2004	24	DECLARATION in support of MOTION for certification of class action 22 and in support of plaintiff's opposition to motion to Dismiss and or for Summary Judgment 8 , filed by Plaintiffs Mike Colbern, Ernest Fazio, Richard Alan Moran. (yc,) (Entered: 03/15/2004)
03/12/2004	25	APPENDIX OF NON-FORUM AUTHORITIES SUBMITTED IN SUPPORT OF MOTION to Certify Class 22 filed by Plaintiffs Mike Colbern, Ernest Fazio, Richard Alan Moran. (yc,) (Entered: 03/15/2004)
03/12/2004	26	DECLARATION of John R DaCorsi in support of plaintiffs MOTION to Certify Class 22 filed by Plaintiffs Ernest Fazio, Richard Alan Moran. (yc,) (Entered: 03/15/2004)
03/12/2004	27	PROOF OF SERVICE filed by Plaintiffs Mike Colbern, Ernest Fazio, Richard Alan Moran. re Notice to counsel_3 Order,, was served on 3/11/04. (yc,) (Entered: 03/15/2004)
03/15/2004	<u>28</u>	ORDER by Judge Manuel L. Real, re Statement of uncontroverted facts and conclusion of law in support of MOTION to Dismiss complaint and/or Summary Judgment 8 (see document for details)(yc,) (Entered: 03/17/2004)
03/15/2004	<u>29</u>	ORDER by Judge Manuel L. Real, IT IS HEREBY ORDERED THAT defendants motion is GRANTED for Summary Judgment. 8 , (Made JS-6. Case Terminated.)(yc,) (Entered: 03/17/2004)
03/15/2004	30	MINUTES held before Judge Manuel L. Real :The court grants MOTION to Dismiss Case 8 , and sign the proposed order and uncontroverted facts and conclusions of law. Defendants shall submit a proposed judgment. Court Reporter: Leonore LeBlanc. (yc,) (Entered: 03/19/2004)

03/24/2004	<u>31</u>	JUDGMENT by Judge Manuel L. Real, IT IS ORDERED, ADJUDGED AND DECREED That plaintiff take nothing by their complaint, Judgment is hereby entered in favor of defendants and each of them and against plaintiffs and each of them and defendants are hereby awarded their reasonable costs of suit in the amount of \$ _____ against plaintiffs and each of them. (yc,) (Entered: 03/25/2004)
03/25/2004	33	NOTICE of entry of judgment filed by defendants. (yc,) (Entered: 04/06/2004)
04/02/2004	32	RECEIPT OF REPORTERS TRANSCRIPT of proceedings for the following dates: 3/15/04 Court Reporter: Leonore A. LeBlanc (weap,) (Entered: 04/05/2004)
04/02/2004		TRANSCRIPT filed for proceedings held on 3/15/04. Court Reporter: Leonore A. LeBlanc. (weap,) (Entered: 04/05/2004)
04/06/2004		PLACED IN FILE – NOT USED re (proposed order) (yc,) (Entered: 04/08/2004)
04/09/2004	34	NOTICE OF APPEAL to 9th CCA filed by plaintiff Mike Colbern. Appeal of Judgment <u>31</u> Filed On: 03/24/04; Entered On: 03/25/04. Filing fee \$ 255., Paid, receipt number 63251, payment on 4/12/04. cc: Jason L. Rumsey, DaCorsi & Placencio; Howard L. Ganz, Proskauer Rose LLP; Richard Marmaro, Proskauer Rose LLP. (cbr,) Modified on 4/12/2004 (ghap,). Modified on 4/12/2004 (ghap,). (Entered: 04/09/2004)
04/09/2004	35	REPRESENTATION STATEMENT re Appeal to Circuit Court, 34 . (cbr,) (Entered: 04/09/2004)
04/09/2004		Civil Appeals Docketing Statement received from plaintiff Mike Colbern forwarded to 9th CCA. RE: Appeal to Circuit Court 34 . (cbr,) (Entered: 04/09/2004)
04/13/2004	36	TRANSCRIPT DESIGNATION AND ORDERING FORM For Dates: 3/15/04; hearing on motion for summary judgment; Court Reporter: Leonore LeBlanc; Re: Appeal to Circuit Court, 34 . (ghap,) (Entered: 04/13/2004)
04/19/2004	37	NOTIFICATION by Circuit Court of Appellate Docket Number 04–55647, 9th CCA regarding Appeal to Circuit Court, 34 filed by Mike Colbern. (ghap,) (Entered: 04/19/2004)
06/14/2004	38	CERTIFICATE OF RECORD Transmitted to USCA re Appeal to Circuit Court, 34 filed by Mike Colbern; Court of Appeals Case Number: 04–55647. (ghap,) (Entered: 06/14/2004)
11/03/2005	39	RECORD ON APPEAL sent to Circuit Court re: Appeal number, 04–55647 Record consists of 1 thru 2 volumes, 1 transcript, and 3 brown folders document numbers: 17, 18, and 19. (cbr,) (Entered: 11/03/2005)
05/31/2006	<u>40</u>	MANDATE of 9th CCA filed as to Appeal Number Info from USCA (A–8) 37 , Appeal to Circuit Court, 34 , CCA # 04–55647. The judgment of said district court, appeal is affirmed. Mandate received in this district on 6/5/06. (ghap,) (Entered: 06/17/2006)
09/22/2006	41	APPEAL RECORD RETURNED from 9th CCA Received: Volume(s): 1 through 2; 2 Brn Folders #17 & #18; Transcripts(s): 1; RE: Appeal Record Sent to USCA (A–26) 39 (car,) (Entered: 09/29/2006)