

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

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SHARON BLACKMON-MALLOY, <i>et al.</i>,)	
)	
Plaintiffs,)	
)	
v.)	Civ. Action No. 01-2221
)	(EGS/JMF)
UNITED STATES CAPITOL POLICE BOARD,)	
)	
Defendant.)	
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REPORT AND RECOMMENDATION

This case was referred to me by Judge Sullivan for a Report and Recommendation on whether any class members are entitled to relief from his September 30, 2004 Memorandum Opinion and Order granting defendant’s motion to dismiss without prejudice to reconsideration of claims that conform to the timely counseling and mediation requirements of the Congressional Accountability Act (“CAA”). Briefing followed on Plaintiffs’ Motion for Reconsideration, which Judge Sullivan denied without prejudice in a minute order on August 4, 2005. He also referred the matter to me for this Report. A status conference was then held on March 16, 2006, to resolve various issues of organization and to establish a procedure and timeline for submission of evidence supporting the claims that individual Plaintiffs are entitled to relief under Judge Sullivan’s Order. Parties were instructed to work together to complete two charts provided by this Court, Chart A and Chart B, in facilitation of Judge Sullivan’s Minute Order of August 4, 2005, and detail, for each Plaintiff and each claim, the exact cause of action and pertinent information regarding their exhaustion of administrative remedies.

The Court has received and reviewed the charts and now finds that the majority of the claims must be dismissed for failure to exhaust administrative remedies or failure to provide required support, while a small group of claims satisfies the requirements set forth in Judge Sullivan's orders.

Also before me are Plaintiffs' Motion for an Evidentiary Hearing [#134]; Plaintiffs' Fourth Motion to Withdraw as Counsel [#135]; Defendant's Motion to Strike [#139]; Defendant's Motion to Temporarily Re-Instate Co-Counsel Agreement [#146]; and Plaintiffs' Second Motion for an Evidentiary Hearing or Motion for Leave to Submit Affidavits for the Record [#148]. In a separate Order to accompany this Report and Recommendation, both motions for a hearing will be denied, as will the request to submit additional affidavits for the record; the motions to withdraw, to strike, and to re-instate the co-counsel agreement will be granted.

I. BACKGROUND

Plaintiffs Sharon Blackmon-Malloy, Dale Veal, Vernier Riggs, Luther Peterson, Duvall Phelps, Larry Ikard, and Frank Adams filed a class complaint in this action, Civil Action 01-2221, under the CAA,¹ on behalf of themselves and all current or retired African-American United States Capitol Police Officers, alleging that the United States Capitol Police Board ("USCP") engaged in a pattern and practice of race discrimination against its African-American officers. Plaintiffs, all African American, seek compensatory damages and injunctive relief on behalf of all African-American officers of the United States Capitol Police force employed at any time between November 4, 1998,

¹ As Judge Sullivan indicates in his Order of September 30, 2004, Plaintiffs' Complaint was also filed under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e, and the Civil Rights Act of 1991, 42 U.S.C. § 1981a. Because these laws were not applicable to legislative branch employees prior to the CAA, the Court will construe these statutes as incorporated by the CAA. See 42 U.S.C. § 1301 et seq.

and the present.

Count I of the Joint Second Amended Complaint alleges disparate treatment based on race (a) in personnel decisions, such as promotions, other selections, work assignments, discipline, and termination; (b) by creation of a hostile work environment; and (c) through harassment and retaliation against African-American officers who oppose discrimination. Count II alleges the USCP has maintained a system of promotions, other selections, work assignments, discipline, and termination that has had a disparate impact on African-American employees. Count III alleges that Plaintiffs Mary Jane Rhone, a civilian USCP employee, and Thomas Spavone, a Hispanic officer, have been subjected to a hostile work environment based on their known associations with African-American officers.

Consolidated with this action are the following cases: Blackmon-Malloy v. United States Capitol Police Board, Civil Action 02-1859; Fields v. United States Capitol Police Board, Civil Action 02-1346; Ross v. United States Capitol Police Board, Civil Action 02-2481; Fields v. United States Capitol Police Board, Civil Action 03-1505; Macon v. United States Capitol Police Board, Civil Action 03-1592; Bolden-Whitaker v. United States Capitol Police Board, Civil Action 03-2644; Young v. United States Capitol Police Board, Civil Action 04-320; Adams v. United States Capitol Police Board, Civil Action 04-943; Adams v. United States Capitol Police Board, Civil Action 05-491; and Adams v. United States Capitol Police Board, Civil Action 06-653.

II. LEGAL STANDARD UNDER THE CAA

The CAA provides the exclusive procedure for current or former legislative branch employees to file suit alleging employment discrimination. See 42 U.S.C. §

2000e-16(a).² As described in Judge Sullivan's Order, prior to filing suit, the CAA requires the exhaustion of certain administrative remedies, including (a) a request for counseling within 180 days of the alleged violation of law, pursuant to section 402; (b) attendance at a counseling session in person; (c) a request for mediation within 15 days of receiving notice of the end of the counseling period, pursuant to section 403; and (d) attendance at a mediation session in person. 2 U.S.C. §§ 1402, 1403(a). A district court has jurisdiction over any action commenced under the CAA only upon completion of counseling and mediation. 2 U.S.C. § 1408(a).

Unlike Title VII, the CAA specifically limits jurisdiction to cases where a plaintiff has timely exhausted administrative remedies. Blackmon-Malloy v. United States Capitol Police Bd., 338 F. Supp. 2d 97, 103 (D.D.C. 2004) (Sullivan, J.). Similarly, only when a plaintiff timely complies with the counseling and mediation requirements of the CAA does the United States, as sovereign, waive immunity and subject itself to suit. See id. Plaintiffs bear the burden of persuasion to establish subject matter jurisdiction in response to a Rule 12(b)(1) Motion to Dismiss. See Thompson v. Capitol Police Board, 120 F. Supp. 2d 78, 81 (D.D.C. 2000). Bare allegations of exhaustion are not enough to establish subject matter jurisdiction in the face of a challenge. Blackmon-Malloy, 338 F. Supp. 2d at 107.

In a class action, vicarious exhaustion of required administrative remedies is barred by the plain meaning of the CAA. Id. at 105. Section 1361(e) of the CAA states that “[o]nly a covered employee who has undertaken and completed the procedures described in sections 1402 [counseling] and 1403 [mediation] of this title may be granted a remedy under part A of this subchapter.” 2 U.S.C. § 1361(e). For a court to allow

² All citations to the United States Code are to the electronic versions available in Westlaw and Lexis.

vicarious exhaustion would effectively render section 1361(e) of the CAA null and void by asserting jurisdiction over claims of individuals who failed to request or attend counseling and mediation. Blackmon-Malloy, 338 F. Supp. 2d at 105. Furthermore, nothing in the explicit language of the CAA “permits one person to fulfill the requirement of others.” Id. at 107. Attendance at counseling and mediation is required by the employee in person; “mediation is a process that requires, at the very least, meetings involving the parties and a neutral. It also requires an employee’s presence.” Id. at 109.³

III. JUDGE SULLIVAN’S ORDER

In his Order of September 30, 2004, dismissing Plaintiffs’ complaints without prejudice to reconsideration of those Plaintiffs’ claims that conform to counseling and mediation requirements, Judge Sullivan ordered Plaintiffs, when moving for reconsideration in the lead action, to “clearly state (and provide appropriate documentation for) the allegedly discriminatory act, the date the act occurred, the date counseling was requested, the date the claimant attended counseling, the date mediation was requested, and the date a mediation session was attended.” Blackmon-Malloy, 338 F. Supp. 2d at 113. Furthermore, the Court indicated that it would not consider claims that do not appear in the Complaint. Id.

As to the above-mentioned consolidated cases, Judge Sullivan also ordered Plaintiffs in those actions to explain how the claims met the exhaustion requirements identified in his Order. Id. In doing so, each Plaintiff was to “detail the allegedly

³ In their Memorandum filed on June 2, 2006 [#135], Plaintiffs urge me to reconsider Judge Sullivan’s determination that vicarious exhaustion of administrative remedies through an attorney is inadequate to establish jurisdiction, and to “reconsider applying Foster v. Gueory [] for the proposition that the mediation requirement may be satisfied by one Plaintiff on behalf of all Plaintiffs.” Plaintiffs’ Memorandum of Law on Representation by Counsel in Mediation at 3 n.2. I have no authority to do so and will order the Memorandum stricken from the record.

discriminatory act, the date the act occurred, the date counseling was requested, the date the claimant attended counseling, the date mediation was requested, and the date a mediation session was attended.” Id. To facilitate compliance with Judge Sullivan’s Order, at the status conference of March 16, 2006, this Court provided sample charts, designated Chart A and Chart B, for parties to create a “side-by-side chart stating with clarity and precision for each plaintiff the exact cause of action that a plaintiff has, the precise factual and legal predicates for each claim, whether administrative proceedings were commenced and concluded for that plaintiff, and, if so, the detailed nature of those proceedings and defendant’s precise defenses to the plaintiff’s claims.” Minute Order, August 4, 2005.

In response to Judge Sullivan’s orders and following submission by Plaintiffs of charts detailing their claims, this Court painstakingly examined each claim by each Plaintiff to determine whether that Plaintiff satisfied the administrative requirements, according to the CAA, for that specific claim. The extensive amount of research the Court had to perform to verify the assertions made by counsel should not have been necessary. Implicit in Judge Sullivan’s Order was the presumption that the charts submitted by counsel were to be an accurate summary of what the pleadings contained. Unfortunately, in several instances, the representations in counsel’s charts were contradicted by Plaintiffs’ sworn declarations. Additionally, in several other instances, counsel’s charts made representations of facts as to which Plaintiffs’ declarations were silent. Thus, the charts were nothing more than a place to start.

IV. EXHAUSTION OF ADMINISTRATIVE REMEDIES

As stated previously, to sustain a claim under the CAA, a plaintiff must show the

following: (1) a request for counseling within 180 days of the alleged violation; (2) attendance at counseling, in person; (3) request for mediation within 15 days of the close of counseling; and (4) attendance at mediation, in person.

According to the charts submitted by counsel, only fourteen Plaintiffs in these consolidated actions exhausted the administrative requirements for either all or some of their claims. Those claims are collected in Appendix A. The remaining claims for which counsel's charts show a failure to exhaust administrative remedies are collected in Appendix B and are recommended for dismissal with prejudice.

Unfortunately the analysis cannot simply end here. The claims in Appendix A must be divided further because counsel's representations in the charts submitted to the Court are at times inaccurate and unsupported by the accompanying documentation. Where a Plaintiff's sworn statement does not confirm the assertions made by counsel, a separate appendix, Appendix C, lists those claims from Appendix A that should be dismissed *without* prejudice for failing to exhaust administrative remedies, at least until those Plaintiffs can supplement their declarations with that necessary support. Appendix D lists those claims from Appendix A that counsel identified as being exhausted and where exhaustion is supported by the corresponding Plaintiff's declaration. In short, the only presently viable claims are those listed in Appendix D.

Note that the analysis that follows is based solely on information contained in the complaints, the charts submitted by counsel, and Plaintiffs' declarations. The Court recognizes, however, that, in several instances, the government points to other evidence in support of its argument that Plaintiffs' representations are not correct. Thus, there may be a factual dispute between the parties, the resolution of which may be left until after the

Court has determined which claims survive. Upon final determination of surviving claims, the Court can decide how to resolve the factual matters for purposes of jurisdiction, including whether the presentation of additional evidence or a hearing may be necessary.

I now address each Plaintiff from Appendix A who appears to satisfy the administrative requirements for at least one claim according to the charts submitted by counsel.

1. Frank Adams

Frank Adams has continuously served on the United States Capitol Police force since 1991 and is currently a Lieutenant assigned to the Senate Chamber section. Plaintiffs' Motion for Reconsideration of the Court's September 30, 2004 Memorandum Opinion and Order ("Mot. for Recon."), Ex. 75, Declaration of Plaintiff Frank Adams ("F. Adams Decl."), at 1. He is a plaintiff in the lead case and a pro se plaintiff in three consolidated cases, Civil Actions 04-943, 05-491, and 06-653. Lieutenant Adams alleges, *inter alia*, discriminatory practices in the ranking procedures that affected his participation in the promotional examination process, undermining behavior by his white supervisors when attempting to discipline his subordinates, frivolous internal affairs investigations, retaliation, a hostile work environment, and reduced responsibilities due to this and other discriminatory behavior. See Joint Second Amended Class Action Compl. ("Second Amend. Compl.") ¶ 28; Adams v. United States Capitol Police Bd., Civ. No. 04-943, Compl. ¶ 1; Adams v. United States Capitol Police Bd., Civ. No. 05-491, Compl. ¶ 1; Adams v. United States Capitol Police Bd., Civ. No. 06-653 Compl. ¶ 6. In total, he

alleges 57⁴ incidents spanning the time period from November 30, 1994, to July 1, 2004. See Notice of Filing, Exhibit, “Chart B,” 6/20/2006, docket #141 (hereinafter “Johnson Chart B”), at 1-6, 8-10.

According to counsel’s chart, Lieutenant Adams exhausted the administrative requirements under the CAA for 33 of the alleged incidents, where he is represented by counsel for 17 of those claims, relating to incidents between November 2000 and March 2001 brought under the lead case (the “represented claims”), and where 16 are designated pro se, relating to incidents in 2003 and 2004 (the “pro se claims”). Those 33 claims are listed in Appendix A. The Court recommends dismissal of the other 24 claims for failure to exhaust administrative remedies and includes them in Appendix B.

Though the chart provided by counsel indicates that the administrative requirements for those claims listed in Appendix A were exhausted, nothing before the Court clearly verifies Lieutenant Adams’s personal participation in mediation other than the Plaintiffs’ Motion for Reconsideration, which asserts that Lieutenant Adams attended mediation in person. Plaintiffs’ Motion for Reconsideration of the Court’s September 30, 2004 Memorandum Opinion and Order (“Mot. for Recon.”) at ¶ 13. Though Lieutenant Adams’s name does appear on the sign-in sheet for counseling attendance on April 28, 2001, see Mot. for Recon., Ex. 5, his sworn declaration is silent as to his personal attendance at counseling and mediation relating to the represented claims, see F. Adams Decl. at 1. Nonetheless, the Defendant concedes jurisdiction as to Lieutenant Adams’s claims for hostile work environment and adverse actions filed in the lead case.

Memorandum in Opposition to Plaintiffs’ Motion for Reconsideration of the Court’s

⁴ Though counsel Gebhardt’s chart submitted to the Court also lists three incidents for Frank Adams, no additional information is provided as to those claims, and they appear to be duplicated in Johnson Chart B. Therefore the Court has disregarded the three claims included in Gebhardt’s chart.

September 30, 2004 Memorandum Opinion and Order (“Opp.”) at 3, 49. The Court therefore recommends proceeding with those claims from the lead case and includes them in Appendix D.

In Civil Action 04-943, Lieutenant Adams asserts exhaustion of administrative remedies by including dates for the counseling and mediation periods. He fails, however, to confirm his personal attendance at either. Adams, Civ. No. 04-943, Compl. ¶ 4. The same is true with Lieutenant Adams’s other two pro se complaints. See Adams, Civ. No. 05-491, Compl. ¶ 4; Adams, Civ. No. 06-653, Compl. ¶ 4. Though counsel submits dates for administrative exhaustion of many of Lieutenant Adams’s pro se claims, Lieutenant Adams’s sworn statement and Plaintiffs’ Motion for Reconsideration are silent as to his actual compliance with the exhaustion requirements. Without supporting documentation, Lieutenant Adams presents only bare allegations of compliance with administrative requirements, which Judge Sullivan found inadequate for a claim to proceed. Blackmon-Malloy, 338 F. Supp. 2d at 107. The Court therefore recommends dismissal of these claims without prejudice until such evidence is provided and includes them in Appendix C.⁵

2. Shafton Adams

Shafton Adams, a pro se plaintiff in the lead case, has served on the United States Capitol Police force in various capacities since July 16, 1984, and currently serves as a Special Agent assigned to the Security Services Bureau, Physical Security Division. Mot. for Recon., Ex. 12, Declaration of Plaintiff Shafton Adams (“S. Adams Decl.”) ¶ 2. He alleges a hostile work environment for events that took place between 1997 and 2000. S.

⁵ It is unclear to which complaint each pro se claim in counsel’s chart relates, and as such the Court can make no distinctions in its appendices.

Adams Decl. ¶ 4.

According to counsel, Special Agent Adams has completed the administrative requirements for his claim, and so it is included in Appendix A. See Plaintiffs' Notice of Filing, Attachment 1, "Resorted Chart B," 6/09/2006, docket #137 (hereinafter "Gebhardt Chart B"), at 1. His sworn declaration supports the claim of exhaustion made by counsel.⁶ S. Adams Decl. ¶¶ 7-8, 11. The Defendant argues that the Court lacks jurisdiction due to factual disputes regarding the timeliness of Special Agent Adams's non-selection claim, the facts to which Special Agent Adams attests in his declaration, and his credibility. Opp. at 21-22. No dispute is raised regarding Special Agent Adams's attendance at counseling and mediation. Indeed, the Defendant acknowledges Special Agent Adams complied with the counseling and mediation requirements. Opp. at 2. The factual disputes raised by the government are not dispositive of Special Agent Adams's claims for the purposes of this Report and Recommendation because the only issue now before the Court is whether he has documented his claim of exhaustion.

None of the details regarding Special Agent Adams's claim appear in the Complaint. His only presence in the Complaint is as a class member with a "provable claim[] of discrimination with respect to matters alleged in this Complaint." Second Amend. Compl. ¶ 46. Furthermore, counsel failed to include Special Agent Adams in the chart ordered by this Court to provide details surrounding each plaintiff's cause of action and linking each claim to a specific paragraph in the appropriate complaint. See Order, 3/31/2006, Exhibit A, "Chart A" (hereinafter "Court Chart A"); Response to Order of the

⁶ It should be noted, however, that counsel's chart differs from the declaration of Special Agent Adams included with Plaintiff's Motion for Reconsideration. According to Gebhardt Chart B, Special Agent Adams received his end of counseling notification on May 30, 2006. See Gebhardt Chart B at 1. In his declaration, Special Agent Adams states his counseling ended on May 16, 2006. Despite the discrepancy, either date satisfies the administrative requirements for present purposes.

Court, 06/02/2006, Attachment 1, "Chart A." (hereinafter "Counsel Chart A").⁷ The details of his claim do appear in Plaintiffs' Motion for Reconsideration and sworn statement. Mot. for Recon. ¶ 12; S. Adams Decl. ¶ 4. Therefore, with his apparent exhaustion of administrative remedies, the hostile work environment claim survives this stage and is included in Appendix D.

3. Sharon Blackmon-Malloy

Sharon Blackmon-Malloy has been on the United States Capitol Police force since October 12, 1982, and currently serves as a Sergeant assigned to the Training Division. Mot. for Recon., Ex.14, Declaration of Sharon Blackmon-Malloy ("Blackmon-Malloy Decl."), Attachment A, ¶ 2. She is a plaintiff in three suits, including the lead case and consolidated Civil Actions 02-1859 and 04-320. She alleges, *inter alia*, discriminatory non-promotion, a hostile work environment, disparate treatment, and retaliation. See Second Amend. Compl. ¶ 22; Blackmon-Malloy v. United States Capitol Police Bd., Civ. No. 02-1859, Compl. ¶ 1; Young v. United States Capitol Police Bd., Civ. No. 04-320, Compl. ¶¶ 28, 36. The Defendant concedes jurisdiction as to the hostile work environment and non-promotion claims filed in the lead case. See Opp. at 24, 49-50.

According to counsel, Sergeant Blackmon-Malloy exhausted administrative remedies for all four claims relating to the three different actions, which appear in Appendix A.⁸ See Gebhardt Chart B at 2.⁹ As Sergeant Blackmon-Malloy supports all of

⁷ Indeed, counsel failed to include many Plaintiffs in their supplements and corrections to Chart A. See Counsel Chart A. Moreover, counsel provided no additional information linking each Plaintiff's claim to the appropriate paragraph of the complaint as ordered, resulting in the Court having to take substantial amount of time to perform the work asked of counsel.

⁸ Of the Plaintiffs to present exhausted administrative requirements as to Civil Action 04-320, Sergeant Blackmon-Malloy is the only one to unequivocally assert attendance at a counseling session on October 27, 2003. See Blackmon-Malloy Decl. ¶ 8(b).

the assertions made by counsel in her declaration, the Court recommends proceeding with all four of her claims. See Blackmon-Malloy Decl. ¶¶ 6, 7. Therefore, all of her claims are included in Appendix D.

4. Regina Bolden-Whitaker

Regina Bolden-Whitaker, a plaintiff in the lead case as well as in consolidated Civil Action 03-2644, has worked for the United States Capitol Police since August 21, 1985, and currently serves as a Private First Class in the Senate division. Mot. for Recon., Ex.15, Declaration of Regina Bolden-Whitaker (“Bolden-Whitaker Decl.”), Attachment A, ¶ 2. She alleges a total of four claims, including various forms of retaliation, non-selection, and a hostile work environment, relating to incidents in May 2001 and April 2003. Second Amend. Compl. ¶ 34; Bolden-Whitaker v. United States Capitol Police Bd., Civ. No. 03-2644, Compl. ¶ 17.

Officer Bolden-Whitaker satisfied administrative requirements for two claims of retaliation according to charts submitted by counsel, and therefore those two claims are listed in Appendix A. See Gebhardt Chart B at 2. In one incident that is part of Civil Action 01-2221, Officer Bolden-Whitaker alleges she was placed on restrictive duty for not wearing protective body armor despite a medical condition precluding her from wearing the body armor. Second Amend. Compl. ¶ 34. She confirms personally attending both counseling and mediation relating to this claim, which the Defendant does not dispute. See Bolden-Whitaker Decl. ¶ 8; Opp. at 27. The Defendant argues, however,

⁹ It is again worth noting counsel’s omissions in Gebhardt’s Chart B, where only one counseling date is listed though Sergeant Blackmon-Malloy asserts she attended at least three. Blackmon-Malloy Decl. ¶ 6(c). Also, the date provided by counsel for this plaintiff’s attendance at mediation, June 30, 2001, conflicts with her own account of attending mediation on June 22, 2001. See id. Again, the discrepancies are not a factor in resolution of the claims’ viability but the errors should be highlighted to urge counsel to avoid making any such inadvertent misrepresentations to the Court in the future.

that the 2001 Complaint could not encompass this particular claim, for which mediation did not conclude until December 2001—after the Complaint was filed. *Opp.* at 27.

Furthermore, the Defendant claims her participation in mediation was in bad faith. *Id.* at 27-28. Neither argument is a basis for dismissal at this stage, and the Court recommends proceeding with this claim and includes it in Appendix D.

In the other incident to which counsel attests completion of administrative requirements, involving Civil Action 03-2644, Officer Bolden-Whitaker alleges retaliatory disciplinary action. *See* Civ. No. 03-2644, Compl. ¶ 17; Gebhardt Chart B at 2. Though the language in Bolden-Whitaker's declaration as to this incident differs slightly from her clear assertion of personal attendance at counseling and mediation regarding the previously mentioned retaliation claim, *cf.* Bolden-Whitaker Decl. ¶ 7 and ¶ 8, Plaintiffs' Motion for Reconsideration clearly claims Officer Bolden-Whitaker attended counseling and mediation in person regarding her 2003 claim. *Mot. for Reconsideration*, ¶ 20. Therefore, the Court recommends also proceeding with this claim and includes it in Appendix D.

The other two claims are recommended for dismissal for failure to exhaust administrative requirements. Though she complied with all other requirements, Officer Bolden-Whitaker did not personally attend mediation sessions for the events beginning in 2001 that resulted in hostile work environment and non-selection claims brought under Civil Action 01-2221 because she was recovering from surgery and on approved sick leave. *See* Bolden-Whitaker Decl. ¶ 6. Officer Bolden-Whitaker does not indicate a request to extend the mediation period to accommodate her recovery, nor any efforts to

reschedule mediation for a time she could attend.¹⁰ She also acknowledges that she did not take the 2000 promotion exam. Bolden-Whitaker Decl., Attachment A, at 10. The Court therefore recommends the dismissal of these two claims and includes them in Appendix B.

5. Clinton Bradford

Clinton Bradford, who has served on the United States Capitol Police force since June 1988, is currently serving as a Private First Class in the House Division. Mot. for Recon., Ex. 17, Declaration of Plaintiff Clinton O. Bradford (“Bradford Decl.”) ¶ 2. According to counsel, Officer Bradford, a pro se class member in Civil Action 01-2221, alleges two claims, one of discriminatory non-promotion and the other of a hostile work environment. See Gebhardt Chart B at 2-3. Counsel asserts that Officer Bradford satisfied administrative requirements for both claims, and thus both are included in Appendix A.¹¹

Like Special Agent Adams, Officer Bradford’s only mention in the Complaint is as a class member with a “provable claim[] of discrimination with respect to matters alleged in this Complaint.” Second Amend. Compl. ¶ 46. Furthermore, counsel failed to include Clinton Bradford in the chart submitted to the Court for the purpose of detailing each plaintiff’s claim. See Counsel Chart A.

The details of Officer Bradford’s claims do, however, appear in his declaration

¹⁰ It is worth noting that the recuperation period could not have been longer than two months, as Officer Bolden-Whitaker attended counseling regarding her inability to use body armor on September 26, 2001. See Bolden-Whitaker Decl. ¶ 8.

¹¹ According to the supporting declaration, Officer Bradford attended counseling a second time on May 5, 2001, though Gebhardt Chart B omits this information. See Gebhardt Chart B at 2-3; Bradford Decl. ¶ 9. Also, Gebhardt Chart B does not fully comport with the declaration; Officer Bradford asserts the end of counseling notice issued on May 16, 2001, while the chart lists the date as May 30, 2001. Id. Again, these discrepancies, while noteworthy, do not affect the analysis of whether the plaintiff exhausted his administrative requirements.

and Plaintiffs' Motion for Reconsideration, thus confirming his completion of administrative requirements for his claims. Bradford Decl. at ¶¶ 8, 13; Mot. for Recon. ¶¶ 7, 13. The Defendant disputes the timeliness of Officer Bradford's claim and his full participation in the 2000 promotion process. Opp. at 30-31. The Defendant does not dispute his attendance at counseling and mediation sessions, though it does argue the alleged violations were not the subject of Officer Bradford's counseling request. Opp. at 32. These factual issues may require further consideration, but the fact that Officer Bradford has provided ample support for his exhaustion of administrative remedies mandates segregating Officer Bradford's claims as viable and including them in Appendix D.

6. Arnold Fields

Arnold Fields is a Private First Class in the Senate Division of the United States Capitol Police and has served on the force since August 18, 1986. Mot. for Recon., Ex. 18, Declaration of Plaintiff Arnold Fields ("Fields Decl.") ¶ 1. He is a plaintiff in four actions, the lead case as well as Civil Actions 02-1346, 03-1505, and 03-2644, bringing claims of hostile work environment, discriminatory disciplinary and evaluation procedures, and retaliation relating to multiple incidents spanning the time period of early 2001 to March 2003.¹² Second Amend. Compl. ¶ 33; Fields v. United States Capitol Police Bd., Civ. No. 02-1346, Compl. ¶ 7; Fields v. United States Capitol Police Bd., Civ. No. 03-1505, Compl. ¶¶ 7-20; Bolden-Whitaker v. United States Capitol Police Bd., Civ. No. 03-2644, Compl. ¶ 18. Officer Fields failed to exhaust the administrative remedies for two claims from Civil Action 01-2221 involving the disciplinary action and a hostile

¹² While not a named plaintiff, Officer Fields appears in the complaint in Civil Action 04-320, which discusses retaliation and assault on Officer Fields by a white sergeant. See Young v. United States Capitol Police, Civ. No. 04-320, Compl. ¶ 31.

work environment in early 2001, as he did not personally attend mediation for those claims according to counsel. Gebhardt Chart B at 5. Those claims are recommended for dismissal in Appendix B.

Officer Fields appears to have satisfied administrative requirements for three other sets of claims for hostile work environment and retaliation—filed in Civil Actions 02-1346, 03-1505, and 03-2644—and those are included in Appendix A. Because in his declaration Officer Fields supports the data provided by counsel, see Fields Decl. ¶¶ 7-9, the Court recommends proceeding with those claims, listed in Appendix D.

7. Tammie Green

Tammie Green, a member of the United States Capitol Police force since 1998, currently serves as a Private First Class in the House Division. Mot. for Recon., Ex. 41, Declaration of Plaintiff Tammie D. Green (“Green Decl.”) ¶ 2. She is named as a plaintiff in the lead case and in Civil Action 04-320, though the only claim for which counsel now includes Officer Green as a plaintiff relates to the subject of the 2004 lawsuit, the sergeant’s 2003 promotion process.¹³ See Gebhardt Chart B at 7; Mot. for Recon. ¶ 24. The other two claims, apparently connected to the lead case, are recommended for dismissal for failure to exhaust administrative remedies and are included in Appendix B.

Officer Green’s claim for discrimination stems from non-promotion following the 2003 sergeant’s promotion exam. Young v. United States Capitol Police Bd., Civ. No. 04-320, Compl. ¶ 27. The details of her particular claim are absent from the Complaint, though her claim is explained in Chart A and Plaintiffs’ Motion for Reconsideration. See

¹³ Note that the questionable status of Officer Green’s representation is now resolved with the Court’s order granting counsel’s motion to withdraw as to plaintiff Tammie Green.

Court Chart A at 4; Mot. for Recon. ¶ 24. Counsel indicates Officer Green completed all of the administrative requirements as to the 03-420 claim. See Gebhardt Chart B at 7. However, Officer Green's declaration is silent as to her personal attendance at counseling on October 9, 2003. See Green Decl. at ¶ 12. The absence of any declaration of counseling attendance is highlighted by Officer Green's assertion of personally attending mediation on October 27, 2003. Id. Without supporting documentation of Officer Green's personal attendance at counseling, the Court recommends dismissal of this claim without prejudice until such evidence is provided and includes it in Appendix C.

8. Ave Maria Harris

Ave Maria Harris, a Private First Class in the United States Capitol Police force, has served on the force since January 14, 1987. Mot. for Recon., Ex. 45, Declaration of Plaintiff Ave Maria Harris ("Harris Decl.") ¶ 2. She is named as a plaintiff in the lead case and in Civil Action 03-2644. In the lead case, Officer Harris only appears as a class member with a "provable claim[] of discrimination with respect to matters alleged in this Complaint," the details of which are omitted. See Second Amend. Compl. ¶ 46. According to counsel's chart, any claim relating to incidents prior to 2003 must be dismissed for Officer Harris's failure to attend mediation sessions. See Gebhardt Chart B at 7. As such, the earlier claim of Officer Harris is included in Appendix B.

In the remaining claim, Officer Harris alleges retaliation and a hostile work environment due to the Capitol Police's investigation and discipline of her for failing to respond to an alarm while on her break. Bolden-Whitaker v. United States Capitol Police Bd., Civ. No. 03-2644, Compl. ¶ 19; Mot. for Recon. ¶¶ 20, 22. Officer Harris appears to have exhausted the required administrative remedies as to her claim filed in Civil Action

03-2644, warranting inclusion in Appendix A. See Gebhardt Chart B at 7.

According to counsel's chart, Officer Harris personally attended counseling in relation to the claim in Civil Action 03-2644 on July 1, 2003. Gebhardt Chart B at 7. However, nothing filed with the Court supports the assertion. Pleadings suggest that only Officer Bolden-Whitaker attended counseling and mediation in relation to the retaliation claim in Civil Action 03-2644. Mot. for Recon. ¶ 20. Officer Harris acknowledges in her declaration that her request for counseling was received on July 1, but she does not indicate attendance at any counseling session, only that her counseling request was "[r]eceived." Harris Decl. ¶ 7. Additionally, Plaintiffs' Motion for Reconsideration avers Officer Harris's attendance at mediation, but not at counseling. Mot. for Recon. ¶ 22. Therefore, the Court recommends dismissal for this claim without prejudice until such time that Officer Harris provides evidence of her attendance at counseling and mediation. The claim is included in Appendix C.

9. Larry Ikard

Larry Ikard, a plaintiff in the lead case, has been continuously employed by the United States Capitol Police since April 20, 1982, and is now a Sergeant in the House Division First Relief with the Uniform Services Bureau. Mot. for Recon., Ex. 78, Declaration of Plaintiff Larry A. Ikard ("Ikard Decl.") at 1. He alleges discrimination in the 1999 K-9 selection process and a hostile work environment. Second Amend. Compl. ¶ 27. In light of counsel's representation that Officer Ikard did not personally attend counseling and mediation sessions in relation to these claims, the Court recommends their dismissal and includes those claims in Appendix B.

According to the chart submitted by counsel, Sergeant Ikard, acting pro se,

exhausted administrative remedies pursuant to a 2003 non-promotion claim in Civil Action 04-320, and so the Court includes that claim in Appendix A. Johnson Chart B at 7; see also Mot. for Recon. ¶ 24. However, Sergeant Ikard is not named in Civil Action 04-320 and no documentation supports counsel's submission of dates for Sergeant Ikard's completion of administrative requirements for that claim. See Ikard Decl.; Mot. for Recon. ¶ 24. Therefore, the Court recommends dismissal of this claim and includes it in Appendix C.

10. Derrick Macon

Derrick Macon has been employed by the United States Capitol Police force since 1985 and now serves as an officer in the Senate Division. Mot. for Recon., Ex. 79, Declaration of Plaintiff Derrick Macon ("Macon Decl.") ¶ 2. In the lead case, Officer Macon brings claims relating to discrimination in promotion and discipline, and to a hostile work environment. Second Amend. Compl. ¶ 43. He is also proceeding pro se as the plaintiff in Civil Action 03-1592, asserting age discrimination and retaliation for his lawsuit in the lead case. Macon v. United States Capitol Police Bd., Civ. No. 03-1592, Compl. ¶¶ 3-12. According to counsel's chart, Officer Macon exhausted the administrative remedies for all of his claims, and therefore they are included in Appendix A. See Johnson Chart B at 7, 10.¹⁴

There are problems with each of Officer Macon's claims, however. For the claims alleged in the lead case, arising out of events that counsel indicates occurred on November 30, 2000, counsel represents that Officer Macon attended counseling in person

¹⁴ Gebhardt Chart B also lists one of Officer Macon's pro se claims, but provides no data as to completion of administrative requirements and erroneously captions the claim under unrelated case 02-CV-1592. Gebhardt Chart B at 11. The Court assumes this mistakenly duplicates data from the reference in Johnson Chart B at 7 and thus disregards it.

on April 12, 2001, the same day counseling was requested. Johnson Chart B at 7. Counsel further asserts that “Officer Macon attended counsel (sic) on April 28, 2001.”

Memorandum in Support of Plaintiffs’ Reply to Defendant’s Opposition to Plaintiffs’ Motion for Reconsideration of the Court’s September 30, 2004 Memorandum Opinion

and Order (“Reply”) ¶ Y. But this is flatly contradicted by Officer Macon’s own declaration, in which he states that he “filed a request for counseling but did not attend because [he] was instructed that [he] did not have to personally attend a counseling session because several class members would be representing the entire class.” Macon Decl. ¶ 8; see also Opp. at 11. Therefore, the Court recommends dismissal of this claim for failure to exhaust administrative remedies and includes it in Appendix B.

As to the retaliation and age discrimination alleged in Civil Action 03-1592, counsel indicates Officer Macon completed administrative requirements for his pro se claims. See Johnson Chart B at 10. However, nothing in the pleadings or Officer Macon’s declaration supports the information in counsel’s chart. See Civ. No. 03-1595, Compl. ¶ 15; Reply ¶ Y. The absence of any documentation leaves only bare assertions of exhaustion, and accordingly the Court recommends dismissal of these claims without prejudice until evidentiary support is provided. These claims are included in Appendix C.

11. Brent Mills

Brent Mills has served on the United States Capitol Police force since October 3, 1990, and he has been a Private First Class since 1993, currently assigned to Senate Division 2. Mot. for Recon., Ex. 80, Declaration of Plaintiff Brent Allan Mills (“Mills Decl.”) ¶ 2. Officer Mills is a plaintiff in the lead case as well as a pro se plaintiff in

Civil Action 04-320.

In the lead case, Officer Mills alleges discrimination in being denied a promotion. Second Amend. Comp. ¶ 41. The declaration of Officer Mills that should inform the Court of his exhaustion of administrative remedies, however, is actually an incomplete draft, containing numerous errors and instructions on how to complete the declaration rather than the actual needed information. See Mills Decl. ¶¶ 5-6, 9-12. For example, the declaration is blank where Officer Mills was apparently to insert the dates indicating when he participated in counseling. Mills Decl. ¶ 9 (“I participated in counseling with the Office of Compliance on the following date(s) [blank]”). Moreover, the declaration claims Officer Mills initiated counseling for his claims relating to the lead case on April 12, 2001, Mills Decl. ¶ 8, while he impossibly attended mediation and received his end-of-mediation notice for this claim prior to counseling in the year 2000, Mills Decl. ¶¶ 12-13. This is further contradicted by counsel’s chart, which indicates Officer Mills attended counseling but did not attend mediation in person. Johnson Chart B at 7. With all of the discrepancies and gaps relating to Officer Mills’s claim in the lead case, the Court recommends dismissing this claim for failure to exhaust administrative requirements, and notes the claim in Appendix B.

Officer Mills proceeds pro se as to one claim relating to the 2003 promotion process. See Young v. United States Capitol Police Bd., Civ. No. 04-320, Compl. ¶¶ 19, 27. Counsel provides dates demonstrating exhaustion of administrative requirements for that claim, and so it appears in Appendix A. Johnson Chart B at 10.¹⁵ The supporting

¹⁵ The data for exhaustion of Officer Mills’s pro se claim relating to the 2003 sergeant’s promotion process appears in both Gebhardt’s chart and Johnson’s chart. Gebhardt’s chart, however, fails to indicate any attendance at counseling. See Gebhardt Chart B at 12. Apparently a duplication, the Court disregards the inclusion of this claim in Gebhardt Chart B.

documentation, however, is silent as to the dates provided in counsel's chart. See Mills Decl.; Mot. for Recon. ¶ 24. Therefore, the Court recommends dismissal of this claim without prejudice, until such time that Officer Mills can provide evidentiary support of exhaustion. The Court includes this claim in Appendix C.

12. Duvall Phelps

Duvall Phelps was a Private First Class in the House Division in the United States Capitol Police force for 25 years, from October 6, 1975, until October 31, 2000. Mot. for Recon., Ex. 25, Declaration of Plaintiff Duvall W. Phelps ("Phelps Decl.") ¶ 3. Officer Phelps is a named plaintiff in the lead case and in Civil Action 03-2644. In the lead case, he alleges his departure from the force was the result of a constructive discharge. Second Amend. Compl. ¶ 26. As a result of that action, Officer Phelps claims retaliation and a hostile work environment when he was denied building access and his credentials were taken. Bolden-Whitaker v. United States Capitol Police Bd., Civ. No. 03-2644, Compl. ¶ 20.

According to counsel, Officer Phelps satisfied the administrative requirements for all of his claims, which are included in Appendix A. See Gebhardt Chart B at 14. Officer Phelps confirms exhaustion of administrative requirements in his declaration. Phelps Decl. ¶¶ 8-9. Though the Defendant argues that the date of the cause of action accrued at the time Officer Phelps agreed to the early retirement, not the date when the early retirement became effective, and that his attendance at mediation did not involve his own claims, Opp. at 39-40, for present purposes the Court recommends all of Officer Phelps's claims proceed at this stage and includes them in Appendix D.

13. Vernier Riggs

Currently a Lieutenant in the United States Capitol Police force assigned to the House Division, Vernier Riggs has been with the force since August 21, 1985. Mot. for Recon., Ex. 26, Declaration of Plaintiff Vernier Riggs (“Riggs Decl.”) ¶ 2. She is a plaintiff in the lead case, alleging, *inter alia*, retaliation, discriminatory evaluation, and the denial of a promotion. Second Amend. Compl. ¶ 24. She also appears in Civil Action 04-320, though she is not named as a plaintiff, for being singled out at roll call for wearing a white short-sleeve shirt. Young v. United States Capitol Police Bd., Civ. No. 04-320 Compl. ¶ 29. According to counsel’s chart, Lieutenant Riggs now brings claims only of retaliation and a hostile work environment, for which she completed all administrative requirements. Gebhardt Chart B at 15. These claims are included in Appendix A.

The Defendant disputes the officer’s personal attendance at mediation relating to the substance of her claims. Gebhardt Chart B at 15; Opp. at 13-14. According to counsel’s chart, Lieutenant Riggs attended mediation on June 30, 2001. Id. Lieutenant Riggs asserts, however, she attended a mediation session on June 22, 2001.¹⁶ Riggs Decl. ¶ 13. As either date would satisfy administrative remedies, and the factual dispute may require additional analysis, the Court recommends the claims proceed and includes them in Appendix D.

14. Richard Webb

Finally, Richard Webb is a Private First Class on the United States Capitol Police force assigned to the “Patrol Mobile Responds” (sic) unit. Mot. for Recon., Ex. 83,

¹⁶ In another notable error, counsel indicates Lieutenant Riggs attended one of her many counseling sessions on April 12, 2001. Gebhardt Chart B at 15. In her declaration, Lieutenant Riggs claims her first counseling session was not until April 28, 2001. Riggs Decl. ¶ 10.

Declaration of Plaintiff Richard R. Webb (“Webb Decl.”) ¶ 2. He has served on the force since January 31, 1989. Id. As a plaintiff in the lead case, he alleges discrimination in the K-9 selection process and a hostile work environment, though the details of those claims are absent from the Complaint. Johnson Chart B at 7; see also Webb Decl.; Second Amend. Compl. ¶ 46. As counsel confirms that Officer Webb did not appear personally at any mediation sessions related to those claims, the Court recommends their dismissal for failure to exhaust administrative remedies and includes those claims in Appendix B. See Johnson Chart B at 7; Webb Decl. ¶ 13.

Officer Webb is also a named plaintiff in Civil Action 04-320, in which he alleges discriminatory non-promotion. Young v. United States Capitol Police Bd., Civ. No. 04-320, Compl. ¶¶ 5, 27. That claim is included in Appendix A since Officer Webb apparently satisfied the administrative requirements for it. See Johnson Chart B at 11.¹⁷ However, no evidence exists in any of the pleadings to support the data provided by counsel. Therefore, the Court recommends dismissal of this claim without prejudice until such time as adequate evidence is presented. It is included in Appendix C.

V. SUMMARY OF CLAIMS

As a result of the Court’s analysis of the multiple pleadings and resolution of discrepancies and errors of counsel, eight Plaintiffs currently present claims to the Court that satisfy the administrative requirements set forth by Judge Sullivan: Frank Adams, Shafton Adams, Sharon Blackmon-Malloy, Regina Bolden-Whitaker, Clinton Bradford, Arnold Fields, Duvall Phelps, and Vernier Riggs. Additional claims of Plaintiffs Frank

¹⁷ As with the pro se claim of Officer Mills, the data for exhaustion of Officer Webb’s pro se claim relating to the 2003 sergeant’s promotion process appears in both Gebhardt’s chart and Johnson’s chart. Gebhardt’s chart, however, fails to indicate any attendance at counseling. See Gebhardt Chart B at 19. Apparently a duplication, the Court disregards the inclusion of this claim in Gebhardt Chart B.

Adams, as well as claims of Tammie Green, Ave Maria Harris, Larry Ikard, Derrick Macon, Brent Mills, and Richard Webb may be viable following supplementation to their declarations to attest to their exhaustion of administrative remedies. The factual disputes specific to certain claims, including those of Shafton Adams, Regina Bolden-Whitaker, Clinton Bradford, Duvall Phelps, and Vernier Riggs, will require additional consideration once the appropriate claims from Appendices C and D are consolidated into one amended complaint. All other claims, for these and all other Plaintiffs, must be dismissed for failure to exhaust administrative remedies under the CAA.

VI. OTHER OUTSTANDING MOTIONS

Also before the Court are several other requests, each of which may be succinctly addressed here and will be ruled on in a separate Order.

In light of this Court's Report and Recommendation, Plaintiffs' Motion for an Evidentiary Hearing and Plaintiffs' Second Motion for an Evidentiary Hearing or Motion for Leave to Submit Affidavits for the Record will be denied. Plaintiffs already submitted affidavits with their Motion for Reconsideration; furthermore, any additional pleadings on the matter would violate Judge Sullivan's Minute Order of June 14, 2005.

The Fourth Motion to Withdraw as Counsel, filed by attorney Joseph D. Gebhardt and the firm of Gebhardt & Associates, LLP, will be granted; counsel may withdraw representation as to Plaintiffs Clinton Bradford, Robert Braswell, Tammie Green, and Dale Veal. The Motion to Temporarily Re-Instate Co-Counsel Agreement, filed by attorney Nathaniel D. Johnson, will also be granted.

Defendant's Motion to Strike the Memorandum filed by Plaintiffs will also be granted. Plaintiffs' Memorandum, which, in essence, requests yet another

reconsideration of Judge Sullivan's Order on Defendant's Motion to Dismiss, violates Judge Sullivan's Minute Order that no additional pleadings be filed in this matter. See Minute Order, June 14, 2005. Furthermore, the Memorandum improperly requests relief this Court is without authority to provide. Defendant's Motion will be granted and the Memorandum will be ordered stricken.

VII. CONCLUSION

After closely analyzing the many filings by Plaintiffs in these consolidated cases, correcting multiple errors by counsel, and filling in other necessary gaps to determine which claims, if any, remain viable, the Court recommends:

DISMISSING WITH PREJUDICE all claims included in Appendix B for Plaintiffs' failure to exhaust administrative remedies;

DISMISSING WITHOUT PREJUDICE all claims included in Appendix C. Although Plaintiffs appear to have exhausted the administrative remedies for these claims, they have failed to provide the Court with the appropriate supporting documentation or other evidence. Counsel should be granted leave to supplement the declarations of those Plaintiffs in Appendix C; and

UPHOLDING all claims included in Appendix D for Plaintiffs' having exhausted the administrative requirements and for providing supporting evidence thereof.

The Court will separately order counsel to submit supporting affidavits to establish the exhaustion of administrative requirements as to claims **ONLY** included in Appendix C within fourteen days of the date of this Report and Recommendation, or April 2, 2007. Following counsel's submission, the Court will make a final recommendation as to which claims from Appendix C should be included in an amended

complaint with those claims included in Appendix D. Upon the filing of an amended complaint, the Court may better determine how to appropriately address the factual disputes presented for specific claims.

Failure to file timely objections to the findings and recommendations set forth in this report may waive your right of appeal from an order of the District Court adopting such findings and recommendations. See Thomas v. Arn, 474 U.S. 140 (1985).

_____/s/_____
JOHN M. FACCIOLA
UNITED STATES MAGISTRATE JUDGE

Dated: March 19, 2007

Blackmon-Malloy v. United States Capitol Police Board (01-2221)

APPENDIX A: Claims Represented as Exhausted according to Counsel Charts
(Discrepancies between Counsel Submissions and Declarations of Plaintiffs Noted in Bold)

	Plaintiff	Case Number	Counsel	Alleged Violation(s): (1) promotion, (2) discipline, (3) hostile work environment, or (4) others per incident	Date of alleged violation	180th day after alleged violation	Date counseling requested	Date Counseling attended in person	Date end of counseling notice received	Date of mediation request	Date mediation attended in person
1	ADAMS, FRANK	Civ. A. 01-2221	NJA	(2) discipline (3) HWE	11/11/2000	05/11/2001	04/12/2001	04/28/2001	05/30/2001	06/05/2001	07/23/2001
2		Civ. A. 01-2221	NJA	(2) discipline (3) HWE	11/16/2000	05/16/2001	04/12/2001	04/28/2001	05/30/2001	06/05/2001	07/23/2001
3		Civ. A. 01-2221	NJA	(3) HWE	11/17/2000	05/17/2001	04/12/2001	04/28/2001	05/30/2001	06/05/2001	07/23/2001
4		Civ. A. 01-2221	NJA	(3) HWE	11/20/2000	05/20/2001	04/12/2001	04/28/2001	05/30/2001	06/05/2001	07/23/2001
5		Civ. A. 01-2221	NJA	(2) discipline (3) HWE	11/30/2000	05/30/2001	04/12/2001	04/28/2001	05/30/2001	06/05/2001	07/23/2001
6		Civ. A. 01-2221	NJA	(2) discipline (3) HWE	12/01/2000	06/01/2001	04/12/2001	04/28/2001	05/30/2001	06/05/2001	07/23/2001
7		Civ. A. 01-2221	NJA	(3) HWE	12/10/2000	06/10/2001	04/12/2001	04/28/2001	05/30/2001	06/05/2001	07/23/2001
8		Civ. A. 01-2221	NJA	(3) HWE	12/13/2000	06/13/2001	04/12/2001	04/28/2001	05/30/2001	06/05/2001	07/23/2001
9		Civ. A. 01-2221	NJA	(2) discipline (3) HWE	12/23/2000	06/23/2001	04/12/2001	04/28/2001	05/30/2001	06/05/2001	07/23/2001
10		Civ. A. 01-2221	NJA	(2) discipline (3) HWE	01/07/2001	7/7/2001	04/12/2001	04/28/2001	05/30/2001	06/05/2001	07/23/2001
11		Civ. A. 01-2221	NJA	(1) promotion (3) HWE (4) retaliation	01/12/2001	07/12/2001	04/12/2001	04/28/2001	05/30/2001	06/05/2001	07/23/2001
12		Civ. A. 01-2221	NJA	(2) discipline (3) HWE (4) retaliation	01/12/2001	07/12/2001	04/12/2001	04/28/2001	05/30/2001	06/05/2001	07/23/2001
13		Civ. A. 01-2221	NJA	(3) HWE	01/21/2001	07/21/2001	04/12/2001	04/28/2001	05/30/2001	06/05/2001	07/23/2001
14		Civ. A. 01-2221	NJA	(3) HWE	01/22/2001	07/22/2001	04/12/2001	04/28/2001	05/30/2001	06/05/2001	07/23/2001
15		Civ. A. 01-2221	NJA	(1) promotion (3) HWE (4) retaliation	04/02/2001	10/02/2001	04/12/2001	04/28/2001	05/30/2001	06/05/2001	07/23/2001
16		Civ. A. 01-2221	NJA	(3) HWE	01/11/2001	07/11/2001	04/12/2001	04/28/2001	05/30/2001	06/05/2001	07/23/2001
17		Civ. A. 01-2221	NJA	(3) HWE	03/30/2001	09/30/2001	04/12/2001	04/28/2001	05/30/2001	06/05/2001	07/23/2001
18	?	Pro Se	(3) HWE (4) Retaliation	07/15/2003	01/15/2004	12/09/2003	12/09/2003	01/08/2004	01/20/2004	03/15/2004	
19	?	Pro Se	(3) HWE (4) Retaliation	07/01/2003	01/01/2004	12/09/2003	12/09/2003	01/08/2004	01/20/2004	03/15/2004	
20	?	Pro Se	(3) HWE (4) Retaliation	10/27/2003	04/27/2004	12/09/2003	12/09/2003	01/08/2004	01/20/2004	03/15/2004	
21	?	Pro Se	(3) HWE (4) Retaliation	10/28/2003	04/28/2004	12/09/2003	12/09/2003	01/08/2004	01/20/2004	03/15/2004	
22	?	Pro Se	(3) HWE (4) Retaliation	07/30/2003	02/29/2004	12/09/2003	12/09/2003	01/08/2004	01/20/2004	03/15/2004	
23	?	Pro Se	(3) HWE (4) Retaliation	08/01/2003	02/01/2004	12/09/2003	12/09/2003	01/08/2004	01/20/2004	03/15/2004	
24	?	Pro Se	(3) HWE (4) Retaliation	08/15/2003	02/15/2004	12/09/2003	12/09/2003	01/08/2004	01/20/2004	03/15/2004	
25	?	Pro Se	(3) HWE (4) Retaliation	11/18/2003	05/18/2004	12/09/2003	12/09/2003	01/08/2004	01/20/2004	03/15/2004	
26	?	Pro Se	(3) HWE	11/20/2003	05/20/2004	12/09/2003	12/09/2003	01/08/2004	01/20/2004	03/15/2004	
27	?	Pro Se	(3) HWE (4) Retaliation	11/30/2003	05/18/2004	12/09/2003	12/09/2003	01/08/2004	01/20/2004	03/15/2004	
28	?	Pro Se	(3) HWE	11/30/2003	05/18/2004	12/09/2003	12/09/2003	01/08/2004	01/20/2004	03/15/2004	
29	?	Pro Se	(3) HWE (4) Retaliation	12/28/2003	06/08/2004	12/09/2003	12/09/2003	01/08/2004	01/20/2004	03/15/2004	
30	?	Pro Se	(3) HWE (4) Retaliation	03/23/2004	09/23/2004	08/16/2004	08/16/2004	09/18/2004	09/20/2004	10/20/2004	
31	?	Pro Se	(3) HWE (4) Retaliation	06/15/2004	12/23/2004	08/16/2004	08/16/2004	09/18/2004	09/20/2004	10/20/2004	
32	?	Pro Se	(1) promotion (3) HWE (4) retaliation	07/01/2004	01/01/2005	08/16/2004	08/16/2004	09/18/2004	09/20/2004	10/20/2004	
33	?	Pro Se	(3) HWE (4) Retaliation	07/01/2004	01/01/2005	08/16/2004	08/16/2004	09/18/2004	09/20/2004	10/20/2004	
34	ADAMS, SHAFTON	Civ. A. 01-2221	Pro Se	(3) HWE	Pl: Oct.-Nov. 2000 Def: Plaintiff fail to establish acts within 180 days of counseling request	Pl: Mar.-Apr. 2001; Def: earlier than 4/12/2001	04/12/2001	04/12/2001	05/30/2001; Declaration indicates 5/16/2001	06/05/2001	07/23/2001
35	BLACKMON-MALLOY, SHARON	Civ. A. 04-320	GA	(1) Lt. Promotion Exam 2003	05/10/2003	11/06/2003	10/27/2003	10/27/2003	12/03/2003	12/04/2003	12/23/2003

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	Plaintiff	Case Number	Counsel	Alleged Violation(s): (1) promotion, (2) discipline, (3) hostile work environment, or (4) others per incident	Date of alleged violation	180th day after alleged violation	Date counseling requested	Date Counseling attended in person	Date end of counseling notice received	Date of mediation request	Date mediation attended in person
36		Civ. A. 01-2221	GA	(1) Sgt. Promotion Exam	11/04/2000	05/03/2001	04/12/2001; Declaration indicates two additional counseling dates	04/12/2001	05/30/2001	06/05/2001	7/25/2001 6/30/2001
37		Civ. A. 01-2221	GA	(3) HWE	02/23/2001	08/22/2001	04/12/2001; Declaration indicates two additional counseling dates	04/12/2001	05/30/2001	06/05/2001	07/25/2001
38		Civ. A. 02-1859	GA	(4) Retaliation (smoke)	11/08/2001	05/07/2002	04/08/2002	04/08/2002	05/08/2002	05/22/2002	05/22/2002
39	BOLDEN-WHITAKER, REGINA	Civ. A. 01-2221	GA	(4) Retaliation (body armor counseling)	5/**/2001	11/**/2001	09/26/2001	09/26/2001	10/26/2001	11/07/2001	Pl: 12/6/2001 Def: Bad Faith
40		Civ. A. 03-2644	GA	(4) Retaliation	04/10/2003	10/07/2003	07/11/2003	07/11/2003	08/07/2003	08/11/2003	09/04/2003
41	BRADFORD, CLINTON	Civ. A. 01-2221	Pro Se	(1) 2000 Sgt.'s promotion process	Pl: 11/2000 Def: Never completed 2000 exam process	Pl: 5/2001 Def: N/A	04/12/2001	04/12/2001; Declaration also indicates 5/5/2001	05/30/2001; 5/16/2001 per Decl.	06/05/2001	07/25/2001
42		Civ. A. 01-2221	Pro Se	(3) HWE	Pl: 2/21/2001 Def: 3/3/2000	Pl: 8/20/2001 Def: 8/30/2000	04/12/2001	04/12/2001; Declaration also indicates 5/5/2001	05/30/2001; 5/16/2001 per Decl.	06/05/2001	07/25/2001
43	FIELDS, ARNOLD	Civ. A. 02-1346	GA	(3) HWE/Retaliation	8/6/2001 , 8/29/2001	02/25/2002	01/17/2002	01/17/2002	02/19/2002	02/25/2002	03/14/2002
44		Civ. A. 03-1505	GA	(3) HWE/Retaliation	10/7/2002, 10/24/2002, 11/6/2002, 1/9/2003, 1/27/2003	07/26/2003	02/11/2003	02/11/2003	02/13/2003	02/14/2003	03/26/2003
45		Civ. A. 03-2644	GA	(3) HWE/Retaliation	Pl: 3/27/2003 See pleadings re Def. Motion to Dismiss for parties' dispute as to timeliness and adverse action	09/23/2003	07/01/2003	07/01/2003	08/06/2003	08/06/2003	09/04/2003
46	GREEN, TAMMIE	Civ. A. 04-320	Pro Se	(1) 2003 Sgt.'s promotion process	Pl: 5/10/2003 Def: lacks standing	11/06/2003	10/09/2003	10/09/2003	10/14/2003	10/15/2003	10/27/2003

Blackmon-Malloy v. United States Capitol Police Board (01-2221)
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	Plaintiff	Case Number	Counsel	Alleged Violation(s): (1) promotion, (2) discipline, (3) hostile work environment, or (4) other per incident	Date of alleged violation	180th day after alleged violation	Date counseling requested	Date Counseling attended in person	Date end of counseling notice received	Date of mediation request	Date mediation attended in person
47	HARRIS, AVE MARIA	Civ. A. 03-2644	GA	(2) & (4) (retaliatory discipline)	PI: 3/27/2003 See pleadings re Def. Motion to Dismiss for parties' dispute as to timeliness and adverse action	09/23/2003	06/27/2003	07/01/2003	08/06/2003	08/06/2003	09/04/2003
48	IKARD, LARRY	Civ. A. 04-320	Pro Se	(1) 2003 promotion	05/10/2003	11/06/2003	10/09/2003	10/09/2003	10/14/2003	10/15/2003	10/27/2003
49	MACON, DERRICK	Civ. A. 01-2221	NJA	(1) promotion (2) discipline (3) HWE	11/30/2000	04/30/2001	04/12/2001	04/12/2001; ¶ 8 of Decl. says no attendance	05/30/2001	06/05/2001	P: 6/22/2001; D: None
50		Civ. A. 03-1592	Pro Se	(3) HWE (4) Age Discrimination	03/09/2003	09/05/2003	03/12/2003	03/14/2003	03/20/2003	03/26/2003	04/28/2003
51		Civ. A. 03-1592	Pro Se	(3) HWE (4) Retaliation	03/08/2003	09/04/2003	03/26/2003	03/27/2003	03/28/2003	03/28/2003	05/01/2003
52	MILLS, BRENT	Civ. A. 04-320	Pro Se	(1) 2003 promotion	P: 5/10/2003, D: lacks standing	11/06/2003	10/09/2003	10/09/2003	10/14/2003	10/15/2003	10/27/2003
53	PHELPS, DUVALL	Civ. A. 01-2221	GA	(2) Discipline/Termination	PI: 10/31/2000 Def: 6/16/2000	PI: 4/29/2001 Def: 12/13/2000	04/28/2001	4/28/2001 4/30/2001 5/5/2001	05/30/2001; Decl. says 3/15, extended to 3/29	06/05/2001	PI: 6/30/2001, 7/23/2001, 7/25/2001 Def: None; **Decl. says 6/22
54		Civ. A. 03-2644	GA	(4) Retaliation (denial of building access)	1/21/2002, 1/23/2002	7/22/2002, 7/24/2002	02/05/2002	03/15/2002	03/22/2002; Decl. says 3/15	04/11/2002; Decl. says 3/22	04/11/2002
55		Civ. A. 03-2644	GA	(4) Retaliation (denial of building access)	1/18/2002, 2/5/2002	7/17/2002, 8/5/2002	04/11/2002	04/11/2002	04/22/2002	04/22/2002	05/17/2002
56		Civ. A. 03-2644	GA	(3) HWE (denied building access)	1/24/03, 1/25/03	7/23/2003, 7/24/2003	02/10/2003	02/10/2003	02/13/2003	02/13/2003	3/26/03, 4/9/2003, 4/11/2003
57		Civ. A. 03-2644	GA	(4) Retaliation (credentials stolen)	7/7/2003, 7/29/2003	1/5/2004, 1/26/2004	08/11/2003	08/11/2003	08/19/2003	08/19/2003	09/23/2003
58		Civ. A. 03-2644	GA	(4) Retaliation (denial of building access)	8/**/2003	1/**/2004	09/08/2003	09/08/2003	09/22/2003	09/22/2003	09/23/2003
59	RIGGS, VERNIER	Civ. A. 01-2221	GA	(4) denial of leave	10/xx/2000	March/April 2001	04/12/2001	4/12/2001, 4/28/2001, 4/30/2001, 5/5/2001; first date listed not in Decl.	05/30/2001; Decl. says 5/16	06/05/2001	PI: 6/30/2001 ; **Decl. says 6/22/2001 ; Def: None
60		Civ. A. 01-2221	GA	(4) Retaliation	04/13/2001	10/10/2001	PI: 4/12/2001 Def: None	PI: 4/12/2001, 4/28/2001, 4/30/2001, 5/5/2001 Def: None	PI: 5/30/2001 Def: None	PI: 6/5/2001 Def: None	PI: 6/30/2001 ; **Decl. says 6/22/2001 ; Def: None

Blackmon-Malloy v. United States Capitol Police Board (01-2221)

APPENDIX A: Claims Represented as Exhausted according to Counsel Charts
 (Discrepancies between Counsel Submissions and Declarations of Plaintiffs Noted in Bold)

	Plaintiff	Case Number	Counsel	Alleged Violation(s): (1) promotion, (2) discipline, (3) hostile work environment, or (4) other per incident	Date of alleged violation	180th day after alleged violation	Date counseling requested	Date Counseling attended in person	Date end of counseling notice received	Date of mediation request	Date mediation attended in person
61	WEBB, RICHARD	Civ. A. 04-320	Pro Se	(1) 2003 promotion	P: 5/10/2003, D: lacks standing	11/06/2003	10/09/2003	10/09/2003	10/14/2003	10/15/2003	10/27/2003

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APPENDIX B: Claims to Dismiss with Prejudice

(Discrepancies between Counsel Submissions and Declarations of Plaintiffs Noted in Bold)

	Counsel or pro se	Plaintiff	OOB Case Number	Alleged Violation(s) from Chart A, selecting from the following descriptions: (1) promotion, (2) discipline, (3) hostile work environment, or (4) other (use a separate line for each alleged violation)	Date alleged violation	180th day after alleged violation	Date counseling requested	Date Counseling attended in person	Date end of counseling notice received	Date of mediation request	Date mediation attended in person	Date end of mediation notice received
1	???	ADAMS, DAMON	01-CP-13	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	04/12/2001	None	05/30/2001	06/05/2001	07/23/2001	08/03/2001
2	NJA	ADAMS, FRANK	01-CP-14	(1). Promotions (3) HWE- Plaintiff was denied opportunity to participate in the 1994 Sergeant's Promotional Process.	11/30/1994	05/30/1995	04/12/2001	04/28/2001	05/30/2001	06/05/2001	07/23/2001	08/03/2001
3	NJA	ADAMS, FRANK	01-CP-14	(2) Discipline (3) HWE- Plaintiff filed charges against an officer for making untruthful statements. Charges were never investigated and the officer was never disciplined.	06/09/2000	12/09/2000	04/12/2001	04/28/2001	05/30/2001	06/05/2001	07/23/2001	08/03/2001
4	NJA	ADAMS, FRANK	01-CP-14	(3) HWE- Management continually disregarded Plaintiff's recommendations by refusing to sufficiently discipline officers for violations of Department policy as well as violations of the law; E.G.; a hostile, undisciplined white K-9 officer was accused by a white female rookie of 1. ordering her to falsify traffic tickets, 2. lying to the dispatcher 3. violating a female citizen's rights during an illegal stop. 4. advising the female rookie that she would never be a K-9 officer unless she was a "dyke" (lesbian) then asked her "are you a dyke?" Plaintiff became aware that the K-9 officer received discipline amounting to a slap on the wrist for his egregious behavior in complete dichotomy with Plaintiff's recommendations.	11/20/2000	04/04/2001	04/12/2001	04/28/2001	05/30/2001	06/05/2001	07/23/2001	08/03/2001

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APPENDIX B: Claims to Dismiss with Prejudice

(Discrepancies between Counsel Submissions and Declarations of Plaintiffs Noted in Bold)

	Counsel or pro se	Plaintiff	OOB Case Number	Alleged Violation(s) from Chart A, selecting from the following descriptions: (1) promotion, (2) discipline, (3) hostile work environment, or (4) other (use a separate line for each alleged violation)	Date alleged violation	180th day after alleged violation	Date counseling requested	Date Counseling attended in person	Date end of counseling notice received	Date of mediation request	Date mediation attended in person	Date end of mediation notice received
5	NJA	ADAMS, FRANK	01-CP-14	(3) HWE - Management official and Crime Scene technician were accused of making fun and laughing at a book about Dr. Martin Luther King which was in possession of a white female officer.	04/30/2000	10/21/2000	04/12/2001	04/28/2001	05/30/2001	06/05/2001	07/23/2001	08/03/2001
6	NJA	ADAMS, FRANK	01-CP-14	(3) HWE - Technician disrupted roll-call that Plaintiff was conducting. Officer told Plaintiff that if he was ordered to walk his canine, he would refuse.	04/04/2000	10/04/2000	04/12/2001	04/28/2001	05/30/2001	06/05/2001	07/23/2001	08/03/2001
7	NJA	ADAMS, FRANK	01-CP-14	(3) HWE - Plaintiff was harassed by a white Sergeant ; e.g. loud music, smoking, and threatening language, intervention in behalf of white officers . A PD-3 Lieutenant and supporter of the HWE witnessed this activity but took no action. This same Lieutenant often worked well into to P-1 shift in order to undermine black leadership on P-1 and report back to managing officials.	03/20/2000	09/20/2000	04/12/2001	04/28/2001	05/30/2001	06/05/2001	07/23/2001	08/03/2001
8	NJA	ADAMS, FRANK	01-CP-14	(3) HWE - Management official often referred to MPD as Ghetto Police. Reference to predominately black citizenry and Police Department.	03/16/2000	09/16/2000	04/12/2001	04/28/2001	05/30/2001	06/05/2001	07/23/2001	08/03/2001
9	NJA	ADAMS, FRANK	01-CP-14	(3) HWE- USCP officers recruited two MPD officers to file a frivolous complaint through the FOP (Union) against Plaintiff.	01/24/2000	07/24/2000	04/12/2001	04/28/2001	05/30/2001	06/05/2001	07/23/2001	08/03/2001

Blackmon-Malloy v. United States Capitol Police Board (01-2221)

APPENDIX B: Claims to Dismiss with Prejudice

(Discrepancies between Counsel Submissions and Declarations of Plaintiffs Noted in Bold)

	Counsel or pro se	Plaintiff	OOB Case Number	Alleged Violation(s) from Chart A, selecting from the following descriptions: (1) promotion, (2) discipline, (3) hostile work environment, or (4) other (use a separate line for each alleged violation)	Date alleged violation	180th day after alleged violation	Date counseling requested	Date Counseling attended in person	Date end of counseling notice received	Date of mediation request	Date mediation attended in person	Date end of mediation notice received
10	NJA	ADAMS, FRANK	01-CP-14	(3) HWE- Management ignored Plaintiff's concerns. Example- Plaintiff's concerns that a K-9 officer, knowingly took a prisoner who was experiencing mental problems to the Central Cell Block rather than the hospital in violation of Department policy, were ignored.	11/20/1999	05/20/2000	04/12/2001	04/28/2001	05/30/2001	06/05/2001	07/23/2001	08/03/2001
11	NJA	ADAMS, FRANK	01-CP-14	(3) HWE - Inspector and Captain attempted to pressure Plaintiff into not filing a complaint against individual who worked with white officers to undermined Plaintiff's authority. When Plaintiff exercised his rights and filed the complaint against Inspector, Captain and the individual retaliated against him.	11/09/1999	05/09/2000	04/12/2001	04/28/2001	05/30/2001	06/05/2001	07/23/2001	08/03/2001
12	NJA	ADAMS, FRANK	01-CP-14	(3) HWE - A Union Representative made untruthful statements when he attempted to get an officer to file a grievance against Plaintiff. His efforts were coordinated with a management official . Plaintiff filed a complaint against individual an which was never investigated.	11/02/1999	05/02/2000	04/12/2001	04/28/2001	05/30/2001	06/05/2001	07/23/2001	08/03/2001

Blackmon-Malloy v. United States Capitol Police Board (01-2221)

APPENDIX B: Claims to Dismiss with Prejudice

(Discrepancies between Counsel Submissions and Declarations of Plaintiffs Noted in Bold)

	Counsel or pro se	Plaintiff	OOB Case Number	Alleged Violation(s) from Chart A, selecting from the following descriptions: (1) promotion, (2) discipline, (3) hostile work environment, or (4) other (use a separate line for each alleged violation)	Date alleged violation	180th day after alleged violation	Date counseling requested	Date Counseling attended in person	Date end of counseling notice received	Date of mediation request	Date mediation attended in person	Date end of mediation notice received
13	NJA	ADAMS, FRANK	01-CP-14	(3) HWE - Sergeant aligned himself with white officers in their attempt to undermine Plaintiff's authority and competence as a Sergeant when he tried to convince an officer, through the use of untruthful statements, that Plaintiff was wrong in his decision involving a vehicle pursuit.	11/02/1999	05/02/2000	04/12/2001	04/28/2001	05/30/2001	06/05/2001	07/23/2001	08/03/2001
14	NJA	ADAMS, FRANK	01-CP-14	(3) HWE - Union Rep, made a false statement when he advised Plaintiff's supervisor that a black officer indicated that he was filing a grievance against Plaintiff.	10/26/1999	04/26/2000	04/12/2001	04/28/2001	05/30/2001	06/05/2001	07/23/2001	08/03/2001
15	NJA	ADAMS, FRANK	01-CP-14	(3) HWE - Technician filed frivolous grievance against Plaintiff.	05/18/1999	11/18/2000	04/12/2001	04/28/2001	05/30/2001	06/05/2001	07/23/2001	08/03/2001
16	NJA	ADAMS, FRANK	01-CP-14	(3) HWE - Sergeant confronted Plaintiff in an attempt to circumvent Plaintiff's authority as a Sergeant. He did this in behalf of Technician , who plaintiff documented for insubordinate behavior. Sergeant routinely demonstrated to white officers that he was with them in their efforts to undermine Afro-American leadership on Patrol Division.	05/15/1999	11/15/2000	04/12/2001	04/28/2001	05/30/2001	06/05/2001	07/23/2001	08/03/2001

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APPENDIX B: Claims to Dismiss with Prejudice

(Discrepancies between Counsel Submissions and Declarations of Plaintiffs Noted in Bold)

	Counsel or pro se	Plaintiff	OOB Case Number	Alleged Violation(s) from Chart A, selecting from the following descriptions: (1) promotion, (2) discipline, (3) hostile work environment, or (4) other (use a separate line for each alleged violation)	Date alleged violation	180th day after alleged violation	Date counseling requested	Date Counseling attended in person	Date end of counseling notice received	Date of mediation request	Date mediation attended in person	Date end of mediation notice received
17	NJA	ADAMS, FRANK	01-CP-14	(3) HWE - Plaintiff investigated because of allegations by Officer which proved to be false. Officers refused to obey Plaintiff's orders went home sick instead. After Plaintiff defused a volatile situation involving a prisoner being processed by officer falsely accused Plaintiff of showing more compassion towards the prisoner than to him.	1999-2000	06/22/1905	04/12/2001	04/28/2001	05/30/2001	06/05/2001	07/23/2001	08/03/2001
18	Pro Se	ADAMS, FRANK	03-CP-106 (CV,RP)	(3) HWE (4) Retaliation - Division Commander changed Plaintiff's schedule requiring Plaintiff to work many hours of overtime for no additional monetary compensation.	01/05/2003	06/05/2003	12/9/03	12/9/03	1/8/04	1/20/04	3/15/04	3/15/04
19	Pro Se	ADAMS, FRANK	03-CP-106 (CV,RP)	(3) HWE (4) Retaliation-Denial of Training / Assignment; e.g., John Hopkins	08/01/2002	02/01/2003	12/9/03	12/9/03	1/8/04	1/20/04	3/15/04	3/15/04
20	Pro Se	ADAMS, FRANK	03-CP-106 (CV,RP)	(3) HWE (4) Retaliation - The Division Commander used hostile and disrespectful language towards Plaintiff, "I will transfer your ass."	10/28/2002	04/28/2003	12/9/03	12/9/03	1/8/04	1/20/04	3/15/04	3/15/04
21	Pro Se	ADAMS, FRANK	03-CP-106 (CV,RP)	(3) HWE (4) Retaliation. Plaintiff was involuntarily transferred from Patrol Division to a position which resulted in a 10 % loss of pay. Instead of the Department transferring the officers and officials who created the HWE, the Department transferred Plaintiff under the fictitious premise that "All Sergeants and Lieutenants will be reassigned."	06/03/2001	12/03/2001	12/9/03	12/9/03	1/8/04	1/20/04	3/15/04	3/15/04

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(Discrepancies between Counsel Submissions and Declarations of Plaintiffs Noted in Bold)

	Counsel or pro se	Plaintiff	OOB Case Number	Alleged Violation(s) from Chart A, selecting from the following descriptions: (1) promotion, (2) discipline, (3) hostile work environment, or (4) other (use a separate line for each alleged violation)	Date alleged violation	180th day after alleged violation	Date counseling requested	Date Counseling attended in person	Date end of counseling notice received	Date of mediation request	Date mediation attended in person	Date end of mediation notice received
22	Pro Se	ADAMS, FRANK	03-CP-106 (CV,RP)	(3) HWE (4) Retaliation-Denial of Training / Assignment; e.g.; CI School	11/01/2001	05/01/2002	12/9/03	12/9/03	1/8/04	1/20/04	3/15/04	3/15/04
23	Pro Se	ADAMS, FRANK	04-CP-32(CV, RP)	(3) HWE (4) Retaliation-Denial of Training / Assignment; e.g.; John Hopkins	08/28/2003	2/28/04	8/16/04	8/16/04	9/18/04	9/20/04	10/20/04	12/27/04
24	Pro Se	ADAMS, FRANK	04-CP-32(CV, RP)	(3) HWE (4) Retaliation Non-Support (Callaway, Assistance Torrence)	12/15/03	6/15/04	8/16/04	8/16/04	9/18/04	9/20/04	10/20/04	12/27/04
25	Pro Se	ADAMS, FRANK	04-CP-32(CV, RP)	(3) HWE (4) Retaliation -Non-support. Unprofessional Language (Callaway). "You embarrass me". Don't communicate with the Chief.... etc.	1/6/04	7/6/04	8/16/04	8/16/04	9/18/04	9/20/04	10/20/04	12/27/04
26	???	AKIN, CHARLES D.	01-CP-310	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	04/30/2001	04/30/2001	05/30/2001	06/05/2001	None	08/03/2001
27	NJA	ALLEN, EARL	01-CP-297	Not identified as Plaintiff or Witness in Motion for Reconsideration	Retired 10/1/2000	03/30/2001	04/28/2001	04/28/2001	05/30/2001	06/05/2001	07/23/2001	08/03/2001
28	NJA	ALSTON, VERNON	01-CP-18	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	04/12/2001	None	05/30/2001	06/05/2001	None	08/03/2001
29	???	ANDERSON, MARSHA	01-CP-333	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	05/11/2001	None	05/30/2001	06/05/2001	None	08/03/2001
30	???	ANDERSON, ROY	01-CP-16	(1) 2000 Sgt.'s promotion process	Pl: 11/2000 Def: 2002 or 2004/ lacks standing for 2000	Pl: 5/2001 Def: 2002 or 2004	Pl: 4/12/2001 Def: None	Pl: 4/12/2001 Def: None	Pl: 5/30/2001 Def: None	Pl: 6/5/2001 Def: None	None	Pl: 8/3/2001 Def: None
31	???	ANDERSON, ROY	01-CP-16	(3) HWE	None within 180 days of counseling request	N/A	04/12/2001	04/12/2001	05/30/2001	06/05/2001	None	08/03/2001
32	???	AUGUSTUS, AUDREY (deceased)	01-CP-19	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	04/12/2001	None	05/30/2001	06/05/2001	None	08/03/2001
33	???	BAILEY, SHERRY	01-CP-20	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	04/12/2001	05/05/2001	05/30/2001	06/05/2001	None	08/03/2001
34	???	BAILEY-WASHINGTON, MONICA	01-CP-358	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	05/15/2001	None	06/18/2001	06/27/2001	None	08/03/2001

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APPENDIX B: Claims to Dismiss with Prejudice

(Discrepancies between Counsel Submissions and Declarations of Plaintiffs Noted in Bold)

	Counsel or pro se	Plaintiff	OOB Case Number	Alleged Violation(s) from Chart A, selecting from the following descriptions: (1) promotion, (2) discipline, (3) hostile work environment, or (4) other (use a separate line for each alleged violation)	Date alleged violation	180th day after alleged violation	Date counseling requested	Date Counseling attended in person	Date end of counseling notice received	Date of mediation request	Date mediation attended in person	Date end of mediation notice received
35	Pro Se	BALDWIN, KENNETH	01-CP-21	Requests Dismissal								
36	???	BANKS, DARYL	01-CP-22	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	04/12/2001	None	05/30/2001	06/05/2001	None	08/03/2001
37	???	BASS, TRENTON	01-CP-23	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	04/12/2001	None	05/30/2001	06/05/2001	None	08/03/2001
38	???	BENNETT, LARRY	01-CP-24	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	04/12/2001	None	05/30/2001	06/05/2001	None	08/03/2001
39	GA	BLACK, CLARENCE	None	Not identified as Plaintiff in Motion for Reconsideration	None	N/A	None	None	None	None	None*	None
40	???	BLACKSTON, LEWIN	01-CP-26	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	04/12/2001	None	05/30/2001	06/05/2001	None	08/03/2001
41	NJA	BLAND, SHIRLEY	01-CP-27	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	04/12/2001	None	05/30/2001	06/05/2001	None	08/03/2001
42	???	BLOXSON, DARRIN	01-CP-28	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	04/12/2001	None	05/30/2001	06/05/2001	None	08/03/2001
43	???	BOGGS, ERIC	01-CP-29	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	04/12/2001	None	05/30/2001	06/05/2001	None	08/03/2001
44	GA	BOLDEN-WHITAKER, REGINA	01-CP-30	(3) HWE	Pl: "Day 1 to present"/Continuing Violation	N/A	04/12/2001	4/12/2001 4/28/2001 4/30/2001	05/30/2001	06/05/2001	None*	08/03/2001
45	GA	BOLDEN-WHITAKER, REGINA	01-CP-30	(4) Non-selection as bus driver	Pl: 1/**/2001 Def: Not in Complaint/no vacancy	7/**/2001	04/12/2001	04/12/2001	05/30/2001	06/05/2001	None*	08/03/2001
46	???	BOND-JONES, HELEN	01-CP-31	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	04/12/2001	None	05/30/2001	06/05/2001	None	08/03/2001
47	Pro Se	BOONE, GAYLE	01-CP-327	Requests Dismissal								
48	???	BOOTH, JR., WILBERT	01-CP-32	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	04/12/2001	None	05/30/2001	06/05/2001	None	08/03/2001
49	NJA	BOWMAN, ARMANDO	01-CP-33	(4) lateral transfer	11/xx/2000	4/30/2001 or later	04/12/2001	None	05/30/2001	06/05/2001	None	08/03/2001
50	GA	BRADFORD, GRADY	01-CP-35	Not identified as Plaintiff in Motion for Reconsideration	None within 180 days of counseling request	N/A	04/12/2001	05/05/2001	05/20/2001	06/05/2001	None*	08/03/2001

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APPENDIX B: Claims to Dismiss with Prejudice

(Discrepancies between Counsel Submissions and Declarations of Plaintiffs Noted in Bold)

	Counsel or pro se	Plaintiff	OOB Case Number	Alleged Violation(s) from Chart A, selecting from the following descriptions: (1) promotion, (2) discipline, (3) hostile work environment, or (4) other (use a separate line for each alleged violation)	Date alleged violation	180th day after alleged violation	Date counseling requested	Date Counseling attended in person	Date end of counseling notice received	Date of mediation request	Date mediation attended in person	Date end of mediation notice received
51	???	BRADLEY, SYLVIA	01-CP-36	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	04/12/2001	None	05/30/2001	06/05/2001	None	08/03/2001
52	???	BRASWELL, ROBERTS	01-CP-37	Requests Dismissal								
53	???	BROOKS, RANI	01-CP-38	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	04/12/2001	None	05/30/2001	06/05/2001	None	08/03/2001
54	Pro Se	BROOKS, TYRONE	01-CP-39	Not identified as Plaintiff in Motion for Reconsideration	None	N/A	04/12/2001	04/12/2001	05/30/2001	06/05/2001	None	08/03/2001
55		BROOKS, TYRONE	CA 04-0320 (03-CP-83)	(1) 2003 Sgt.'s promotion process	Pl: 5/10/2003 Def: lacks standing	11/06/2003	10/09/2003		10/14/2003	10/15/2003	10/27/2003	11/17/2003
56	Pro Se	BROWN-JAMES, SANDRA	CA 04-0320	Requests Dismissal								
57	NJA	BULL, KEVIN	01-CP-336	(1) 2000 Sgt.'s promotion process	Pl: 11/2000 Def: No 2000 promotion	Pl: 5/2000 Def: N/A	05/11/2001	None	05/30/2001	06/05/2001	None	08/03/2001
58	NJA	BULL, KEVIN		(3) HWE	Pl: ??? Def: None within 180 days of counseling	Pl: ??? Def: N/A	05/11/2001	None	05/30/2001	06/05/2001	None	08/03/2001
59	???	BULLOCK, LORETTA	01-CP-40	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	04/12/2001	None	05/30/2001	06/05/2001	None	08/03/2001
60	???	BUTLER, ALPHONSO	01-CP-298	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	04/28/2001	04/28/2001	05/30/2001	06/05/2001	None	08/03/2001
61	???	BUTLER, SAPHONIA	01-CP-41	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	04/12/2001	None	05/30/2001	06/05/2001	None	08/03/2001
62	???	BYRD, KAYLANA	01-CP-42	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	04/12/2001	None	05/30/2001	06/05/2001	None	08/03/2001
63	???	CALDWELL, JR., JOHN W.	01-CP-43	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	04/12/2001	None	05/30/2001	06/05/2001	None	08/03/2001
64	Pro Se	CANNADY, STEPHEN	None	Requests Dismissal								
65	???	CARTER, BRYAN	01-CP-44	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	04/12/2001	None	05/30/2001	06/05/2001	None	08/03/2001
66	GA	CATHION, KEITH	None	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	None	None	None	None	None*	None

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APPENDIX B: Claims to Dismiss with Prejudice

(Discrepancies between Counsel Submissions and Declarations of Plaintiffs Noted in Bold)

	Counsel or pro se	Plaintiff	OOB Case Number	Alleged Violation(s) from Chart A, selecting from the following descriptions: (1) promotion, (2) discipline, (3) hostile work environment, or (4) other (use a separate line for each alleged violation)	Date alleged violation	180th day after alleged violation	Date counseling requested	Date Counseling attended in person	Date end of counseling notice received	Date of mediation request	Date mediation attended in person	Date end of mediation notice received
67	???	CHESTNUT, BONNIE (civilian)	None	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	None	None	None	None	None	None
68	???	CHRISTIAN, JOE	None	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	None	None	None	None	None	None
69	???	CLARK PERSELL	01-CP-45	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	04/12/2001	None	05/30/2001	06/05/2001	None	08/03/2001
70	???	CLAY, KAREN D.	01-CP-46	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	04/12/2001	None	05/30/2001	06/05/2001	None	08/03/2001
71	???	CLEVELAND, WILLIAM	01-CP-47	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	04/12/2001	None	05/30/2001	06/05/2001	None	08/03/2001
72	NJA	COFFER, CHARLES	01-CP-49	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	04/12/2001	None	05/30/2001	06/05/2001	None	08/03/2001
73	???	COLLINS, REGINALD	01-CP-50	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	04/12/2001	None	05/30/2001	06/05/2001	None	08/03/2001
74	Pro Se	COVINGTON, MICHAEL	01-CP-51	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	04/12/2001	04/12/2001	05/30/2001	06/05/2001	None	08/03/2001
75	???	COWARD, DORIAN	01-CP-52	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	04/12/2001	05/05/2001	05/30/2001	06/05/2001	None	08/03/2001
76	???	CREEKMUR, J CARROLL	01-CP-325	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	05/11/2001	None	05/30/2001	06/05/2001	None	08/03/2001
77	???	CURTIS, MONTE	01-CP-319	Not identified as Plaintiff in Motion for Reconsideration	None within 180 days of counseling request	N/A	05/05/2001	05/05/2001	05/30/2001	06/05/2001	None	08/03/2001
78	???	CURTIS, RONALD	01-CP-318	Not identified as Plaintiff in Motion for Reconsideration	None within 180 days of counseling request	N/A	05/05/2001	05/05/2001	05/30/2001	06/05/2001	None	08/03/2001
79	???	DAVIS, BEVERLY	01-CP-53	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	04/12/2001	05/05/2001	05/30/2001	06/05/2001	None	08/03/2001
80	???	DAVIS, WILLIAM C.	01-CP-54	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	04/12/2001	None	05/30/2001	06/05/2001	None	08/03/2001
81	???	DEAS, JOE (deceased)	None	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	None	None	None	None	None	None
82	???	DENEAL, SHAWN	01-CP-55	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	04/12/2001	None	05/30/2001	06/05/2001	None	08/03/2001

Blackmon-Malloy v. United States Capitol Police Board (01-2221)

APPENDIX B: Claims to Dismiss with Prejudice

(Discrepancies between Counsel Submissions and Declarations of Plaintiffs Noted in Bold)

	Counsel or pro se	Plaintiff	OOB Case Number	Alleged Violation(s) from Chart A, selecting from the following descriptions: (1) promotion, (2) discipline, (3) hostile work environment, or (4) other (use a separate line for each alleged violation)	Date alleged violation	180th day after alleged violation	Date counseling requested	Date Counseling attended in person	Date end of counseling notice received	Date of mediation request	Date mediation attended in person	Date end of mediation notice received
83	???	DICKENS, WILLIE	None	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	None	None	None	None	None	None
84	GA	DIGGS, WILLIAM	01-CP-56	Not identified as Plaintiff in Motion for Reconsideration	None within 180 days of counseling request	N/A	04/12/2001	None	05/30/2001	06/05/2001	None*	08/03/2001
85	???	DINGLE, RAYMOND	01-CP-303	Not identified as Plaintiff or Witness in Motion for Reconsideration	None within 180 days of counseling request	N/A	04/28/2001	04/28/2001	05/30/2001	06/05/2001	None	08/03/2001
86	NJA	DIXON, DONALD	01-CP-57	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	04/12/2001	None	05/30/2001	06/05/2001	None	08/03/2001
87	NJA	DIXON, JERRY	None	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	None	None	None	None	None	None
88	Pro Se	DIXON, TYRONE	01-CP-58	Not identified as Plaintiff in Motion for Reconsideration	None within 180 days of counseling request	N/A	04/12/2001	None	05/30/2001	06/05/2001	None	08/03/2001
89	???	DOVE, YVONNE	01-CP-342	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	05/11/2001	None	05/30/2001	06/05/2001	None	08/03/2001
90	Pro Se	DUNCAN-WOODLAND, CHERYL	01-CP-214	Dismissed without prejudice 3/31/2006			04/12/2001	None	05/30/2001	06/05/2001	None	08/03/2001
91	???	DUNKLIN, LEO	01-CP-64	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	04/12/2001	None	05/30/2001	06/05/2001	None	08/03/2001
92	???	EDWARDS, MARCUS	01-CP-66	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	04/12/2001	None	05/30/2001	06/05/2001	None	08/03/2001
93	???	EDWARDS, VANESSA H.	01-CP-67	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	04/12/2001	None	05/30/2001	06/05/2001	None	08/03/2001
94	???	EMORY, KEITH	None	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	None	None	None	None	None	None
95	GA	EUILL, JOHN	01-CP-68	Not identified as Plaintiff in Motion for Reconsideration	None within 180 days of counseling request	N/A	04/12/2001	None	05/30/2001	06/05/2001	None*	08/03/2001
96	???	EVANS, KEVIN R.	01-CP-69	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	04/12/2001	None	05/30/2001	06/05/2001	None	08/03/2001
97	???	EVANS, KIM Y.	01-CP-306	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	05/09/2001	None	05/30/2001	06/05/2001	None	08/03/2001
98	Pro Se	EWINGS, KIM	01-CP-70	Requests Dismissal								

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(Discrepancies between Counsel Submissions and Declarations of Plaintiffs Noted in Bold)

	Counsel or pro se	Plaintiff	OOB Case Number	Alleged Violation(s) from Chart A, selecting from the following descriptions: (1) promotion, (2) discipline, (3) hostile work environment, or (4) other (use a separate line for each alleged violation)	Date alleged violation	180th day after alleged violation	Date counseling requested	Date Counseling attended in person	Date end of counseling notice received	Date of mediation request	Date mediation attended in person	Date end of mediation notice received
99	???	FARMER, RHONDA	01-CP-307	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	05/09/2001	None	05/30/2001	06/05/2001	None	08/03/2001
100	GA	FIELDS, ARNOLD	01-CP-71	(2) Discipline	Pl: 1/2/2001 Def: None within 180 days of counseling	Pl: 7/1/2001 Def: N/A	04/12/2001	4/30/2001 5/5/2001	05/30/2001	06/05/2001	None*	08/03/2001
101	GA	FIELDS, ARNOLD	01-CP-71	(3) HWE	Early 2001	07/02/2001	04/12/2001	04/30/2001	05/30/2001	06/05/2001	None*	08/03/2001
102	???	FLEMING, DAVID	01-CP-313	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	05/09/2001	None	05/30/2001	06/05/2001	None	08/03/2001
103	???	FLEMING, DEFOREST L.	01-CP-73	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	04/12/2001	None	05/30/2001	06/05/2001	None	08/03/2001
104	???	FLEMING, MARCUS	01-CP-72	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	04/12/2001	None	05/30/2001	06/05/2001	None	08/03/2001
105	Pro Se	FOUNTAIN, ROBERT	01-CP-74	Not identified as Plaintiff in Motion for Reconsideration	None within 180 days of counseling request	N/A	04/12/2001	None	05/30/2001	06/05/2001	None	08/03/2001
106	???	FUNDERBURK, MICHAEL	01-CP-75	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	04/12/2001	None	05/30/2001	06/05/2001	None	08/03/2001
107	???	GAINES, LARRY	01-CP-359	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	05/15/2001	None	06/18/2001	06/27/2001	None	08/03/2001
108	???	GIBSON, GEORGE	None	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	None	None	None	None	None	None
109	NJA	GOINES, GARY D.	01-CP-076	(1) 2000 Sgt.'s promotion process	Pl: 11/2000 Def: Plaintiff's declaration allegations	Pl: 5/2000 Def: N/A	04/12/2001	04/30/2001	05/30/2001	06/05/2001	None	08/03/2001
110	NJA	GOINES, GARY D.		(3) HWE	03/18/1999	09/14/1999	04/12/2001	04/30/2001	05/30/2001	06/05/2001	None	08/03/2001
111	Pro Se	GOINES, GARY D.	CA 04-0320	(1) 2003 Sgt.'s promotion process	Pl: 5/10/2003 Def: lacks standing	11/06/2003	10/09/2003		10/14/2003	10/15/2003	10/27/2003	11/17/2003
112	???	GOLSBY, TIERRE B.	01-CP-77	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	04/12/2001	None	05/30/2001	06/05/2001	None	08/03/2001
113	???	GOODINE, RAYMOND	01-CP-62	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	04/12/2001	None	05/30/2001	06/05/2001	None	08/03/2001
114	???	GRAHAM, JR., JAMES	01-CP-78	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	04/12/2001	None	05/30/2001	06/05/2001	None	08/03/2001

Blackmon-Malloy v. United States Capitol Police Board (01-2221)

APPENDIX B: Claims to Dismiss with Prejudice

(Discrepancies between Counsel Submissions and Declarations of Plaintiffs Noted in Bold)

	Counsel or pro se	Plaintiff	OOB Case Number	Alleged Violation(s) from Chart A, selecting from the following descriptions: (1) promotion, (2) discipline, (3) hostile work environment, or (4) other (use a separate line for each alleged violation)	Date alleged violation	180th day after alleged violation	Date counseling requested	Date Counseling attended in person	Date end of counseling notice received	Date of mediation request	Date mediation attended in person	Date end of mediation notice received
115	NJA	GRAVES, ERIC	None	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	None	None	None	None	None	None
116	???	GRAY, MARK A.	01-CP-79	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	04/12/2001	None	05/30/2001	06/05/2001	None	08/03/2001
117	???	GRAY, PATRICK F.	01-CP-80	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	04/12/2001	None	05/30/2001	06/05/2001	None	08/03/2001
118	Pro Se	GREAR, LARRY	01-CP-81	Not identified as Plaintiff in Motion for Reconsideration	None	N/A	04/12/2001	None	05/30/2001	06/05/2001	None	08/03/2001
119	GA	GREEN, ALVIN	None	Not identified as Plaintiff in Motion for Reconsideration	None within 180 days of counseling request	N/A	None	None	None	None	None*	None
120	NJA	GREEN, CLIFFORD	01-CP-337	Not identified as Plaintiff in Motion for Reconsideration	None	N/A	05/11/2001	None	05/30/2001	06/05/2001	None	08/03/2001
121	???	GREEN, PAMELA J.	01-CP-63	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	04/12/2001	None	05/30/2001	06/05/2001	None	08/03/2001
122	???	GREEN, TAMMIE D.	01-CP-82	Not identified as Plaintiff in Motion for Reconsideration	None	N/A	04/12/2001	04/12/2001	05/30/2001	06/05/2001	None*	08/03/2001
123	???	GRICE-WASHINGTON, CLARA	01-CP-341	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	05/11/2001	None	05/30/2001	06/05/2001	None	08/03/2001
124	GA	GRIFFIN, JAMES	01-CP-296	Not identified as Plaintiff in Motion for Reconsideration	Retired 2/1998	N/A	04/28/2001	04/28/2001	05/30/2001	06/05/2001	None*	08/03/2001
125	???	GUISE, LYNWOOD	01-CP-83	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	04/12/2001	None	05/30/2001	06/05/2001	None	08/03/2001
126	???	GUPTON, SR., JAMES	01-CP-84	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	04/12/2001	None	05/30/2001	06/05/2001	None	08/03/2001
127	GA	HAIZLIP, CLARENCE	01-CP-85	(4) Non-selection as bus driver	None within 180 days of counseling request	N/A	04/12/2001	None	05/30/2001	06/05/2001	None*	08/03/2001
128	???	HAMILTON, DEREK	None	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	None	None	None	None	None	None
129	???	HAMLETT, DAVID	01-CP-59	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	04/12/2001	None	05/30/2001	06/05/2001	None	08/03/2001

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APPENDIX B: Claims to Dismiss with Prejudice

(Discrepancies between Counsel Submissions and Declarations of Plaintiffs Noted in Bold)

	Counsel or pro se	Plaintiff	OOB Case Number	Alleged Violation(s) from Chart A, selecting from the following descriptions: (1) promotion, (2) discipline, (3) hostile work environment, or (4) other (use a separate line for each alleged violation)	Date alleged violation	180th day after alleged violation	Date counseling requested	Date Counseling attended in person	Date end of counseling notice received	Date of mediation request	Date mediation attended in person	Date end of mediation notice received
130	GA	HARDING, EARNESTINE	01-CP-86	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	04/12/2001	None	05/30/2001	06/05/2001	None*	08/03/2001
131	???	HARPER, III, MACCO	01-CP-87	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	04/12/2001	None	05/30/2001	06/05/2001	None	08/03/2001
132	Pro Se	HARRELL, TIMOTHY	01-CP-88	Not identified as Plaintiff in Motion for Reconsideration	Late 1999	mid-2000	04/12/2001	05/05/2001	05/30/2001	06/05/2001	None	08/03/2001
133	GA	HARRIS, AVE MARIA	01-CP-89	Not identified as Plaintiff in Motion for Reconsideration	Spring 1998	Fall 1998	04/12/2001	04/28/2001	05/30/2001	06/05/2001	None*	08/03/2001
134	???	HARRIS, JR., JOHN R.	01-CP-340	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	05/11/2001	None	05/30/2001	06/05/2001	None	08/03/2001
135	???	HARRISON, MARK	01-CP-353	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	05/15/2001	None	06/18/2001	06/27/2001	None	08/03/2001
136	Pro Se	HARRIS-SANABRIA, ROBIN	01-CP-90	Dismissed without prejudice 3/31/2006			04/12/2001	None	05/30/2001	06/05/2001	None	08/03/2001
137	???	HART, MOSES	None	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	None	None	None	None	None	None
138	???	HICKMAN, FRENTRESS	None	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	None	None	None	None	None	None
139	???	HICKS, NIKKOL P.	01-CP-91	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	04/12/2001	None	05/30/2001	06/05/2001	None	08/03/2001
140	GA	HOWARD, JERRY	01-CP-92	Not identified as Plaintiff in Motion for Reconsideration	None within 180 days of counseling request	N/A	04/12/2001	04/28/2001	05/30/2001	06/05/2001	None*	08/03/2001
141	???	HUDSON, LARRY	01-CP-320	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	05/09/2001	None	05/30/2001	06/05/2001	None	08/03/2001
142	Pro Se	HUNTER, TIMOTHY	01-CP-93	Not identified as Plaintiff in Motion for Reconsideration	01/13/1997	07/12/1997	04/12/2001	None	05/30/2001	06/05/2001	None	08/03/2001
143	NJA	IKARD, LARRY	01-CP-94	(1) 1999 K-9 Selection Process	Pl: 2/12/2001; Def: 6/20/2000	Pl: 8/11/2001; Def: 12/17/2000	04/12/2001	None	05/30/2001	06/05/2001	None	08/03/2001
144	NJA	IKARD, LARRY	01-CP-94	(3) HWE	11/17/2000	05/16/2001	04/12/2001	None	05/30/2001	06/05/2001	None	08/03/2001
145	NJA	INABINET, DWAYNE	01-CP-60	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	04/12/2001	None	05/30/2001	06/05/2001	None	08/03/2001

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APPENDIX B: Claims to Dismiss with Prejudice

(Discrepancies between Counsel Submissions and Declarations of Plaintiffs Noted in Bold)

	Counsel or pro se	Plaintiff	OOB Case Number	Alleged Violation(s) from Chart A, selecting from the following descriptions: (1) promotion, (2) discipline, (3) hostile work environment, or (4) other (use a separate line for each alleged violation)	Date alleged violation	180th day after alleged violation	Date counseling requested	Date Counseling attended in person	Date end of counseling notice received	Date of mediation request	Date mediation attended in person	Date end of mediation notice received
146	???	IRBY, KOREY	01-CP-95	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	04/12/2001	None	05/30/2001	06/05/2001	None	08/03/2001
147	NJA	JACKSON, BERNARD	01-CP-96	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	04/12/2001	None	05/30/2001	06/05/2001	None	08/03/2001
148	???	JACKSON, EDWARD	01-CP-97	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	04/12/2001	None	05/30/2001	06/05/2001	None	08/03/2001
149	???	JACKSON, GREGORY	01-CP-98	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	04/12/2001	None	05/30/2001	06/05/2001	None	08/03/2001
150	???	JACKSON, KEVIN	01-CP-329	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	05/11/2001	None	05/30/2001	06/05/2001	None	08/03/2001
151	???	JACKSON, MELDON	01-CP-99	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	04/12/2001	None	05/30/2001	06/05/2001	None	08/03/2001
152	???	JACKSON, WAINWRIGHT	01-CP-100	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	04/12/2001	None	05/30/2001	06/05/2001	None	08/03/2001
153	???	JACOBS, GREGORY	01-CP-101	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	04/12/2001	None	05/30/2001	06/05/2001	None	08/03/2001
154	???	JACOBS, HENRY	01-CP-347	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	05/15/2001	None	06/18/2001	06/27/2001	None	08/03/2001
155	???	JAMES, STEPHEN T.	01-CP-102	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	04/12/2001	None	05/30/2001	06/05/2001	None	08/03/2001
156	???	JAMISON, DENEAL	01-CP-103	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	04/12/2001	None	05/30/2001	06/05/2001	None	08/03/2001
157	???	JENKINS, CARLETON	01-CP-104	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	04/12/2001	None	05/30/2001	06/05/2001	None	08/03/2001
158	Pro Se	JENKINS, MICHAEL	01-CP-218	Requests Dismissal								
159	GA	JENKINS, THOMAS L.	01-CP-295	Not identified as Plaintiff in Motion for Reconsideration	Retired 8/1999	N/A	04/28/2001	04/28/2001	05/30/2001	06/05/2001	None*	08/03/2001
160	???	JENNINGS, RODERICK	01-CP-105	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	04/12/2001	None	05/30/2001	06/05/2001	None	08/03/2001
161	???	JETER, JR., CLARENCE (deceased)	01-CP-314	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	05/09/2001	None	05/30/2001	06/05/2001	None	08/03/2001

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APPENDIX B: Claims to Dismiss with Prejudice

(Discrepancies between Counsel Submissions and Declarations of Plaintiffs Noted in Bold)

	Counsel or pro se	Plaintiff	OOB Case Number	Alleged Violation(s) from Chart A, selecting from the following descriptions: (1) promotion, (2) discipline, (3) hostile work environment, or (4) other (use a separate line for each alleged violation)	Date alleged violation	180th day after alleged violation	Date counseling requested	Date Counseling attended in person	Date end of counseling notice received	Date of mediation request	Date mediation attended in person	Date end of mediation notice received
162	???	JOHNSON, ARVA	01-CP-106	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	04/12/2001	None	05/30/2001	06/05/2001	None	08/03/2001
163	???	JOHNSON, FRANK	None	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	None	None	None	None	None	None
164	GA	JOHNSON, JOHN N.	01-CP-107	(1) 2000 Sgt.'s promotion process	11/4/2000 Def: Lacks Standing	05/03/2001	04/12/2001	04/12/2001	05/30/2001	06/05/2001	None*	08/03/2001
165	GA	JOHNSON, JOHN N.	CA 04-0320 (03-CP-81)	(1) 2003 Sgt.'s promotion process	Pl: 5/10/2003 Def: lacks standing	11/06/2003	10/09/2003		10/14/2003	10/15/2003	10/27/2003	11/17/2003
166	GA	JOHNSON, WILLIE	01-CP-317	(3) HWE	Retired 1/3/2000	N/A	05/05/2001	05/05/2001	05/30/2001	06/05/2001	None*	08/03/2001
167	???	JOHNSON-REYNOLDS, LAVERNE	01-CP-108	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	04/12/2001	05/05/2001	05/30/2001	06/05/2001	None	08/03/2001
168	???	JONES, JR., NAUDAIN (deceased)	None	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	None	None	None	None	None	None
169	???	JONES, LINVAL	None	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	None	None	None	None	None	None
170	???	JONES, MERVIN	None	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	None	None	None	None	None	None
171	???	JONES, RONALD P.	01-CP-109	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	04/12/2001	None	05/30/2001	06/05/2001	None	08/03/2001
172	???	JONES, THEORTIS	01-CP-110	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	04/12/2001	None	05/30/2001	06/05/2001	None	08/03/2001
173	???	KENNEDY, JAMES	None	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	None	None	None	None	None	None
174	???	KENNEDY, MACK	01-CP-311	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	04/30/2001	04/30/2001	05/30/2001	06/05/2001	None	08/03/2001
175	???	KENNEDY, WANDA	01-CP-111	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	04/12/2001	04/30/2001	05/30/2001	06/05/2001	None	08/03/2001
176	Pro Se	KILLEBREW, MICHAEL	01-CP-112	Requests Dismissal								
177	???	KYLE, DOROTHY	01-CP-350	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	05/15/2001	None	06/18/2001	06/27/2001	None	08/03/2001

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APPENDIX B: Claims to Dismiss with Prejudice

(Discrepancies between Counsel Submissions and Declarations of Plaintiffs Noted in Bold)

	Counsel or pro se	Plaintiff	OOB Case Number	Alleged Violation(s) from Chart A, selecting from the following descriptions: (1) promotion, (2) discipline, (3) hostile work environment, or (4) other (use a separate line for each alleged violation)	Date alleged violation	180th day after alleged violation	Date counseling requested	Date Counseling attended in person	Date end of counseling notice received	Date of mediation request	Date mediation attended in person	Date end of mediation notice received
178	???	LAMBERT, ALANA	None	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	None	None	None	None	None	None
179	???	LANCESLIN, JOHN	01-CP-61	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	04/12/2001	None	05/30/2001	06/05/2001	None	08/03/2001
180	???	LANDRUM, JANICE	01-CP-299	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	04/28/2001	04/28/2001	05/30/2001	06/05/2001	None	08/03/2001
181	???	LANE, LONNIE	01-CP-114	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	04/12/2001	None	05/30/2001	06/05/2001	None	08/03/2001
182	???	LASSITER, SYLVIA	01-CP-312	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	04/30/2001	04/30/2001	05/30/2001	06/05/2001	None	08/03/2001
183	GA	LASSITER-NORRIS, CYNTHIA	01-CP-144	Not identified as Plaintiff in Motion for Reconsideration	1992	N/A	04/12/2001	None	05/30/2001	06/05/2001	None*	08/03/2001
184	GA	LATSON, GOVERNOR	CA 04-0320 (03-CP-85)	(1) 2003 Sgt.'s promotion process	Pl: 5/10/2003 Def: lacks standing	11/06/2003	10/09/2003		10/14/2003	10/15/2003	10/27/2003	11/17/2003
185	GA	LATSON, GOVERNOR	01-CP-328	Not identified as Plaintiff in Motion for Reconsideration	None	N/A	05/11/2001	None	05/30/2001	06/05/2001	None*	08/03/2001
186	Pro Se	LATSON, MARK	01-CP-113	Requests Dismissal								
187	???	LINDO, ERRINGTON	01-CP-115	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	04/12/2001	None	05/30/2001	06/05/2001	None	08/03/2001
188	Pro Se	LOFTY, JEROME	01-CP-116	Not identified as Plaintiff in Motion for Reconsideration	None	N/A	04/12/2001	None	05/30/2001	06/05/2001	None	08/03/2001
189	???	LUCAS, ANTHONY	01-CP-117	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	04/12/2001	None	05/30/2001	06/05/2001	None	08/03/2001
190	Pro Se	LUCKEY, BRENDA		Requests Dismissal								
191	???	LUCKEY, SR., CLARENCE	01-CP-119	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	04/12/2001	None	05/30/2001	06/05/2001	None	08/03/2001
192	GA	LUMPKIN, ROBERT	01-CP-120	Not identified as Plaintiff in Motion for Reconsideration	1989	N/A	04/12/2001	None	05/30/2001	06/05/2001	None*	08/03/2001
193	NJA	LUTRELL, SHERYL	01-CP-338	Not identified as Plaintiff in Motion for Reconsideration	None	N/A	05/11/2001	None	05/30/2001	06/05/2001	None	08/03/2001

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APPENDIX B: Claims to Dismiss with Prejudice

(Discrepancies between Counsel Submissions and Declarations of Plaintiffs Noted in Bold)

	Counsel or pro se	Plaintiff	OOB Case Number	Alleged Violation(s) from Chart A, selecting from the following descriptions: (1) promotion, (2) discipline, (3) hostile work environment, or (4) other (use a separate line for each alleged violation)	Date alleged violation	180th day after alleged violation	Date counseling requested	Date Counseling attended in person	Date end of counseling notice received	Date of mediation request	Date mediation attended in person	Date end of mediation notice received
194	NJA	MACON, DERRICK W.	01-CP-121	(1) 1990 Sgt. Promotion process (2) Discipline (3) HWE	11/30/2000	04/30/2001	04/12/2001	04/12/2001; NOT ACCORDING TO DECLARATION	05/30/2001	06/05/2001	Pl: 6/22/2001 Def: None	08/02/2001
195	???	MAEDEL, JR., WILLIAM	01-CP-122	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	04/12/2001	None	05/30/2001	06/05/2001	None	08/03/2001
196	NJA	MALLOY, DANIEL	01-CP-123	Not identified as Plaintiff in Motion for Reconsideration	None	N/A	04/12/2001	None	05/30/2001	06/05/2001	None	08/03/2001
197	???	MALLOY, MICHAEL	01-CP-335	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	05/11/2001	None	05/30/2001	06/05/2001	None	08/03/2001
198	???	MARSHALL, JOSEPH TYRONE	None	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	None	None	None	None	None	None
199	???	MARTIN-WILCHER, BRANDY	01-CP-202	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	04/12/2001	None	05/30/2001	06/05/2001	None	08/03/2001
200	???	MASSIE, DAVID	01-CP-124	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	04/12/2001	None	05/30/2001	06/05/2001	None	08/03/2001
201	GA	MASSIE, RONNIE	01-CP-125	Not identified as Plaintiff in Motion for Reconsideration	1990	1990 or 1991	04/12/2001	04/28/2001	05/30/2001	06/05/2001	None*	08/03/2001
202	Pro Se	MATTHEWS, KEVIN	01-CP-126	(3) HWE/Discipline	2/13/2001 Def: FRCP 12(b)(6)	08/12/2001	04/12/2001	04/30/2001	05/30/2001	06/05/2001	None	08/03/2001
203	???	MAUNEY, DAWNYA	01-CP-127	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	04/12/2001	None	05/30/2001	06/05/2001	None	08/03/2001
204	???	MCCATTY, KEISHA	01-CP-128	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	04/12/2001	None	05/30/2001	06/05/2001	None	08/03/2001
205	???	MCCOY, OLLIE	01-CP-129	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	04/12/2001	None	05/30/2001	06/05/2001	None	08/03/2001
206	GA	MCELROY, DANNY L.	CA 04-0320 (03-CP-75)	(1) 2003 Sgt.'s promotion process	Pl: 5/10/2003 Def: lacks standing	11/06/2003	10/09/2003		10/14/2003	10/15/2003	10/27/2003	11/17/2003
207	GA	MCELROY, DANNY L.	01-CP-130	(3) HWE	3/xx/2001 Def: FRCP 12(b)(6)	9/xx/2001	04/12/2001	04/12/2001	05/30/2001	06/05/2001	None*	08/03/2001
208	???	MCILWAIN, DINA	01-CP-131	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	04/12/2001	None	05/30/2001	06/05/2001	None	08/03/2001
209	???	MCNAIR, SAMUEL	01-CP-324	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	05/11/2001	None	05/30/2001	06/05/2001	None	08/03/2001

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APPENDIX B: Claims to Dismiss with Prejudice

(Discrepancies between Counsel Submissions and Declarations of Plaintiffs Noted in Bold)

	Counsel or pro se	Plaintiff	OOB Case Number	Alleged Violation(s) from Chart A, selecting from the following descriptions: (1) promotion, (2) discipline, (3) hostile work environment, or (4) other (use a separate line for each alleged violation)	Date alleged violation	180th day after alleged violation	Date counseling requested	Date Counseling attended in person	Date end of counseling notice received	Date of mediation request	Date mediation attended in person	Date end of mediation notice received
210	???	MIHILIS, SPIRO	01-CP-134	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	04/12/2001	None	05/30/2001	06/05/2001	None	08/03/2001
211	NJA	MILLS, BRENT A.	01-CP-132	(1) 1998-2000 Sgt. Promotion	Pl: 11/5/2000 & 2/xx/2001 Def: 10/1/2000	Pl: 5/4/2001 & 8/xx/2001 Def: 3/30/2001	04/12/2001	04/28/2001	05/30/2001	06/05/2001	None	08/03/2001
212	???	MITCHELL, JEANITA	01-CP-133	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	04/12/2001	None	05/30/2001	06/05/2001	None	08/03/2001
213	???	MOFFETT, ALRFED	None	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	None	None	None	None	None	None
214	???	MOORE, JOCELYN	01-CP-135	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	04/12/2001	None	05/30/2001	06/05/2001	None	08/03/2001
215	Pro Se	MOORE, JOSEPH	01-CP-330	Not identified as Plaintiff in Motion for Reconsideration	None within 180 days of counseling request	N/A	05/11/2001	None	05/30/2001	06/05/2001	None	08/03/2001
216	???	MOORE, JR., MORRIS	01-CP-138	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	04/12/2001	None	05/30/2001	06/05/2001	None	08/03/2001
217	???	MOORE, MONIQUE	01-CP-137	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	04/12/2001	None	05/30/2001	06/05/2001	None	08/03/2001
218	???	MOORE, RENOARD	01-CP-136	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	04/12/2001	None	05/30/2001	06/05/2001	None	08/03/2001
219	???	MORAN, LUANNE	01-CP-343	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	05/11/2001	None	05/30/2001	06/05/2001	None	08/03/2001
220	Pro Se	MORGAN, TERESA (BRADBY)	01-CP-351	Not identified as Plaintiff in Motion for Reconsideration	None	N/A	05/15/2001	None	06/18/2001	06/27/2001	07/25/2001	08/03/2001
221	???	MORRIS, DENISE	01-CP-219	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	04/12/2001	None	05/30/2001	06/05/2001	None	08/03/2001
222	???	MORTON, CLARK	01-CP-139	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	04/12/2001	None	05/30/2001	06/05/2001	None	08/03/2001
223	???	MOTLEY, ADRIAN	01-CP-140	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	04/12/2001	None	05/30/2001	06/05/2001	None	08/03/2001
224	Pro Se	NANTON, CHARLES	01-CP-142	Dismissed without prejudice 3/31/2006			04/12/2001	None	05/30/2001	06/05/2001	None	08/03/2001

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APPENDIX B: Claims to Dismiss with Prejudice

(Discrepancies between Counsel Submissions and Declarations of Plaintiffs Noted in Bold)

	Counsel or pro se	Plaintiff	OOB Case Number	Alleged Violation(s) from Chart A, selecting from the following descriptions: (1) promotion, (2) discipline, (3) hostile work environment, or (4) other (use a separate line for each alleged violation)	Date alleged violation	180th day after alleged violation	Date counseling requested	Date Counseling attended in person	Date end of counseling notice received	Date of mediation request	Date mediation attended in person	Date end of mediation notice received
225	???	NELSON, DAVID	01-CP-360	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	05/15/2001	None	06/18/2001	06/27/2001	None	08/03/2001
226	???	NEWELL, GLENN	01-CP-143	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	04/12/2001	None	05/30/2001	06/05/2001	None	08/03/2001
227	???	NEWTON, MARCELUS (civilian)	01-CP-357	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	05/15/2001	None	06/18/2001	06/27/2001	None	08/03/2001
228	Pro Se	NIXON, BARRY	01-CP-308	Not identified as Plaintiff in Motion for Reconsideration	04/05/2000	10/02/2000	05/05/2001	05/05/2001	05/30/2001	06/05/2001	None	08/03/2001
229	???	NOWDEN, CLARENCE	None	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	None	None	None	None	None	None
230	???	ODOM, BRANDELL	01-CP-322	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	05/09/2001	None	05/30/2001	06/05/2001	None	08/03/2001
231	???	OREM, PAULA	01-CP-145	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	04/12/2001	05/05/2001	05/30/2001	06/05/2001	None	08/03/2001
232	Pro Se	PARKER, CYNTHIA EDWARDS	01-CP-165	Dismissed without prejudice 3/31/2006			04/12/2001	None	05/30/2001	06/05/2001	None	08/03/2001
233	???	PARKER, SHERRIE	None	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	None	None	None	None	None	None
234	???	PARKER, TRUDY	01-CP-146	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	04/12/2001	None	05/30/2001	06/05/2001	None	08/03/2001
235	GA	PATTERSON, MARVIN	01-CP-147	Not identified as Plaintiff in Motion for Reconsideration	Early 1986	Late 1986	04/12/2001	04/28/2001	05/30/2001	06/05/2001	None*	08/03/2001
236	???	PERKINS, SHERRIE	None	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	None	None	None	None	None	None
237	Pro Se	PETERSON, LUTHER		(2) Discipline (CP-535)	11/22/2000	05/21/2001	04/12/2001	04/12/2001	05/30/2001	06/05/2001	None	08/03/2001
238	Pro Se	PETERSON, LUTHER		(3) HWE	None within 180 days of counseling request	N/A	04/12/2001	04/12/2001	05/30/2001	06/05/2001	None	08/03/2001

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APPENDIX B: Claims to Dismiss with Prejudice

(Discrepancies between Counsel Submissions and Declarations of Plaintiffs Noted in Bold)

	Counsel or pro se	Plaintiff	OOB Case Number	Alleged Violation(s) from Chart A, selecting from the following descriptions: (1) promotion, (2) discipline, (3) hostile work environment, or (4) other (use a separate line for each alleged violation)	Date alleged violation	180th day after alleged violation	Date counseling requested	Date Counseling attended in person	Date end of counseling notice received	Date of mediation request	Date mediation attended in person	Date end of mediation notice received
239	Pro Se	PETERSON, LUTHER	01-CP-148	(1) 2000 Sgt.'s promotion process	Pl: 11/2/2000 Futile Gesture Def: Not Futile Gesture	Pl: 5/1/2001 Def: N/A	04/12/2001	04/12/2001	05/30/2001	06/05/2001	None	08/03/2001
240	???	PETTIS, ANTOINETTE	01-CP-149	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	04/12/2001	None	05/30/2001	06/05/2001	None	08/03/2001
241	???	PINNIX, JAMES P.	01-CP-316	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	05/05/2001	05/05/2001	05/30/2001	06/05/2001	None	08/03/2001
242	???	PITTMAN, KENNETH	None	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	None	None	None	None	None	None
243	???	PORTEE-RAYMOND, JACQUELINE	01-CP-309	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	05/09/2001	None	05/30/2001	06/05/2001	None	08/03/2001
244	???	POWELL, JAMES	None	Not identified as Plaintiff in Motion for Reconsideration	Retired 8/1995	N/A	None	None	None	None	None	None
245	???	POWELL, SR., ALBERT	01-CP-302	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	04/28/2001	04/28/2001	05/30/2001	06/05/2001	None	08/03/2001
246	???	POWELL, WAYNE	01-CP-186	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	04/12/2001	None	05/30/2001	06/05/2001	None	08/03/2001
247	???	PROCTOR, JR., JAMES	None	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	None	None	None	None	None	None
248	???	PROCTOR, PAUL	None	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	None	None	None	None	None	None
249	GA	RAGLAND, WILLIE	01-CP-151	Not identified as Plaintiff in Motion for Reconsideration	None within 180 days of counseling request	N/A	04/12/2001	None	05/30/2001	06/05/2001	None*	08/03/2001
250	Pro Se	RAINEY, BARRY	01-CP-301	Not identified as Plaintiff in Motion for Reconsideration	None	N/A	04/28/2001	04/28/2001	05/30/2001	06/05/2001	None	08/03/2001
251	Pro Se	REID, DORIS	01-CP-344	Not identified as Plaintiff in Motion for Reconsideration	None	N/A	05/11/2001	None	05/30/2001	06/05/2001	None	08/03/2001

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APPENDIX B: Claims to Dismiss with Prejudice

(Discrepancies between Counsel Submissions and Declarations of Plaintiffs Noted in Bold)

	Counsel or pro se	Plaintiff	OOB Case Number	Alleged Violation(s) from Chart A, selecting from the following descriptions: (1) promotion, (2) discipline, (3) hostile work environment, or (4) other (use a separate line for each alleged violation)	Date alleged violation	180th day after alleged violation	Date counseling requested	Date Counseling attended in person	Date end of counseling notice received	Date of mediation request	Date mediation attended in person	Date end of mediation notice received
252	NJA	RHONE, MARY JANE	01-CP-345	(4) Denial of position (not identified as Plaintiff in Motion for Reconsideration)	None within 180 days of counseling request	N/A	05/11/2001	None	05/30/2001	06/05/2001	None	08/03/2001
253	???	RICHARDSON, MICHAEL	01-CP-152	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	04/12/2001	None	05/30/2001	06/05/2001	None	08/03/2001
254	???	RICHARDSON, RONALD	01-CP-153	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	04/12/2001	None	05/30/2001	06/05/2001	None	08/03/2001
255	???	RITCHIE, JR., GLENN	01-CP-150	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	04/12/2001	None	05/30/2001	06/05/2001	None	08/03/2001
256	Pro Se	ROBERTS, JAMES	01-CP-155	Not identified as Plaintiff in Motion for Reconsideration	None within 180 days of counseling request	N/A	04/12/2001	04/30/2001	05/30/2001	06/05/2001	None	08/03/2001
257	Pro Se	RODGERS, THEODORE	01-CP-156	Not identified as Plaintiff in Motion for Reconsideration	03/20/1990	09/16/1990						
258	???	ROSE, DARIUS	None	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	None	None	None	None	None	None
259	???	ROSE, THOMAS	None	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	None	None	None	None	None	None
260	???	ROSS, FELICIA	01-CP-157	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	04/12/2001	None	05/30/2001	06/05/2001	None	08/03/2001
261	Pro Se	ROSS, LEONARD	01-CP-158	Not identified as Plaintiff in Motion for Reconsideration	1999	1999-early 2000	04/12/2001	04/30/2001	05/30/2001	06/05/2001	None	08/03/2001
262	???	ROSS, LEONARD	CA 02-2481 (02-CP-47)	(2) Discipline/Retaliation								
263	???	RUDD, LLOYD S.	01-CP-159	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	04/12/2001	None	05/30/2001	06/05/2001	None	08/03/2001
264	???	RUSH, GREGORY (deceased)	01-CP-160	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	04/12/2001	None	05/30/2001	06/05/2001	None	08/03/2001
265	Pro Se	SCOTT, DARYL	01-CP-161	Not identified as Plaintiff in Motion for Reconsideration	None	N/A	04/12/2001	None	05/30/2001	06/05/2001	None	08/03/2001
266	???	SCOTT, STEVEN S.	01-CP-162	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	04/12/2001	None	05/30/2001	06/05/2001	None	08/03/2001

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APPENDIX B: Claims to Dismiss with Prejudice

(Discrepancies between Counsel Submissions and Declarations of Plaintiffs Noted in Bold)

	Counsel or pro se	Plaintiff	OOB Case Number	Alleged Violation(s) from Chart A, selecting from the following descriptions: (1) promotion, (2) discipline, (3) hostile work environment, or (4) other (use a separate line for each alleged violation)	Date alleged violation	180th day after alleged violation	Date counseling requested	Date Counseling attended in person	Date end of counseling notice received	Date of mediation request	Date mediation attended in person	Date end of mediation notice received
267	???	SCRUGGS, JEFFREY	01-CP-163	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	04/12/2001	None	05/30/2001	06/05/2001	None	08/03/2001
268	???	SENN, GLYNIS	01-CP-164	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	04/12/2001	None	05/30/2001	06/05/2001	None	08/03/2001
269	???	SHAW, KENNETH	01-CP-166	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	04/12/2001	None	05/30/2001	06/05/2001	None	08/03/2001
270	???	SHIELDS, CALVIN K.	01-CP-167	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	04/12/2001	None	05/30/2001	06/05/2001	None	08/03/2001
271	Pro Se	SHIELDS, LEROY	None	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	None	None	None	None	None	None
272	???	SHIRLEY, MICHAEL	01- CP-168	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	04/12/2001	None	05/30/2001	06/05/2001	None	08/03/2001
273	Pro Se	SIMMONS, DORMAN	01-CP-169	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	04/12/2001	None	05/30/2001	06/05/2001	None	08/03/2001
274	???	SIMPSON, JOSEPH	01-CP-171	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	04/12/2001	None	05/30/2001	06/05/2001	None	08/03/2001
275	???	SIMPSON, JR., FLOYD	01-CP-170	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	04/12/2001	None	05/30/2001	06/05/2001	None	08/03/2001
276	Pro Se	SMITH, CONRAD	CA 04-0320	Requests Dismissal								
277	Pro Se	SMITH, CONRAD	None	Requests Dismissal								
278	???	SMITH, JR., HENRY	01-CP-172	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	04/12/2001	None	05/30/2001	06/05/2001	None	08/03/2001
279	???	SMITH, MARUITA	01-CP-323	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	05/11/2001	None	05/30/2001	06/05/2001	None	08/03/2001

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APPENDIX B: Claims to Dismiss with Prejudice

(Discrepancies between Counsel Submissions and Declarations of Plaintiffs Noted in Bold)

	Counsel or pro se	Plaintiff	OOB Case Number	Alleged Violation(s) from Chart A, selecting from the following descriptions: (1) promotion, (2) discipline, (3) hostile work environment, or (4) other (use a separate line for each alleged violation)	Date alleged violation	180th day after alleged violation	Date counseling requested	Date Counseling attended in person	Date end of counseling notice received	Date of mediation request	Date mediation attended in person	Date end of mediation notice received
280	???	SMITH, SAMUEL	01-CP-173	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	04/12/2001	None	05/30/2001	06/05/2001	None	08/03/2001
281	NJA	SPAVONE, THOMAS	01-CP-305	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	04/28/2001	04/28/2001	05/30/2001	06/05/2001	None	08/03/2001
282	GA	SPEIGHTS, PINKNEY	01-CP-174	Not identified as Plaintiff in Motion for Reconsideration	None	N/A	04/12/2001	None	05/30/2001	06/05/2001	None*	08/03/2001
283	NJA	SPRATT, ROBERT	01-CP-175	Dismiss with prejudice following settlement			04/12/2001	None	05/30/2001	06/05/2001	None	08/03/2001
284	???	SPRIGGS, CHAUNCEY	01-CP-326	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	05/11/2001	None	05/30/2001	06/05/2001	None	08/03/2001
285	???	SPRIGGS, MICHAEL	01-CP-176	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	04/12/2001	None	05/30/2001	06/05/2001	None	08/03/2001
286	???	SPRUILL, ROBERT	01-CP-177	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	04/12/2001	None	05/30/2001	06/05/2001	None	08/03/2001
287	???	SQUIRES, CLAUDETTE	01-CP-178	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	04/12/2001	None	05/30/2001	06/05/2001	None	08/03/2001
288	???	STEWART, KEITH L.	01-CP-179	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	04/12/2001	None	05/30/2001	06/05/2001	None	08/03/2001
289	???	STEWART, ROBERT E.	01-CP-180	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	04/12/2001	None	05/30/2001	06/05/2001	None	08/03/2001
290	???	STRAUGHN, REGINALD M.	01-CP-181	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	04/12/2001	05/05/2001	05/30/2001	06/05/2001	None	08/03/2001
291	???	STURDIVANT, DWIGHT	01-CP-182	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	04/12/2001	None	05/30/2001	06/05/2001	None	08/03/2001
292	NJA	SUMLIN, PATRICIA	01-CP-305	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	04/28/2001	04/28/2001	05/30/2001	06/05/2001	None	08/03/2001
293	GA	SUMMERS, WENDELL	None	Not identified as Plaintiff in Motion for Reconsideration	None	N/A	None	None	None	None	None*	None
294	NJA	SUTTON, CHAD	01-CP-339	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	05/11/2001	None	05/30/2001	06/05/2001	None	08/03/2001

Blackmon-Malloy v. United States Capitol Police Board (01-2221)

APPENDIX B: Claims to Dismiss with Prejudice

(Discrepancies between Counsel Submissions and Declarations of Plaintiffs Noted in Bold)

	Counsel or pro se	Plaintiff	OOB Case Number	Alleged Violation(s) from Chart A, selecting from the following descriptions: (1) promotion, (2) discipline, (3) hostile work environment, or (4) other (use a separate line for each alleged violation)	Date alleged violation	180th day after alleged violation	Date counseling requested	Date Counseling attended in person	Date end of counseling notice received	Date of mediation request	Date mediation attended in person	Date end of mediation notice received
295	???	TAYLOR, SHELLY	01-CP-183	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	04/12/2001	None	05/30/2001	06/05/2001	None	08/03/2001
296	Pro Se	THOMAS, GERALD	01-CP-184	Requests Dismissal								
297	???	THOMPSON, ANWAR	01-CP-185	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	04/12/2001	None	05/30/2001	06/05/2001	None	08/03/2001
298	???	THOMPSON, KENNIETH	01-CP-300	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	04/28/2001	04/28/2001	05/30/2001	06/05/2001	None	08/03/2001
299	GA	THORNE, JASPER	None	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	None	None	None	None	None*	None
300	GA	TRADER, DAVID	None	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	None	None	None	None	None*	None
301	???	TRADER, GLADYS	01-CP-187	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	04/12/2001	None	05/30/2001	06/05/2001	None	08/03/2001
302	???	TUCKER, TYRONE	01-CP-188	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	04/12/2001	None	05/30/2001	06/05/2001	None	08/03/2001
303	???	TURNER, III, CLINTON	01-CP-189	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	04/12/2001	None	05/30/2001	06/05/2001	None	08/03/2001
304	???	VEAL, DALE	01-CP-190	Not identified as Plaintiff in Motion for Reconsideration	None within 180 days of counseling request	N/A	04/12/2001	04/12/2001	05/30/2001	06/05/2001	Pl: 6/30/2001 Def: None	08/03/2001
305	???	WASHINGTON, ANTHONY	10-CP-191	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	04/12/2001	None	05/30/2001	06/05/2001	None	08/03/2001
306	???	WASHINGTON, IRVIN	01-CP-192	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	04/12/2001	None	05/30/2001	06/05/2001	None	08/03/2001
307	???	WASHINGTON, STEVEN	01-CP-193	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	04/12/2001	None	05/30/2001	06/05/2001	None	08/03/2001
308	GA	WATERS, REGINALD W.	01-CP-194	(1) 2000 Sgt.'s promotion process	Pl: Futile Gesture 11/2000 Def: 7/18/2000	Pl: 5/2001 Def: 1/14/2001	04/12/2001	04/12/2001	05/30/2001	06/05/2001	None*	08/03/2001
309	GA	WATERS, REGINALD W.	CA 04-0320 (03-CP-76)	(1) 2003 Sgt.'s promotion process	Pl: 5/10/2003 Def: lacks standing	11/06/2003	10/09/2003		10/14/2003	10/15/2003	10/27/2003	11/17/2003
310	GA	WATERS, REGINALD W.	01-CP-194	(3) HWE	Pl: 1992-2004 Def: None within 180 days of counseling		04/12/2001	04/12/2001	05/30/2001	06/05/2001	None*	08/03/2001

Blackmon-Malloy v. United States Capitol Police Board (01-2221)

APPENDIX B: Claims to Dismiss with Prejudice

(Discrepancies between Counsel Submissions and Declarations of Plaintiffs Noted in Bold)

	Counsel or pro se	Plaintiff	OOB Case Number	Alleged Violation(s) from Chart A, selecting from the following descriptions: (1) promotion, (2) discipline, (3) hostile work environment, or (4) other (use a separate line for each alleged violation)	Date alleged violation	180th day after alleged violation	Date counseling requested	Date Counseling attended in person	Date end of counseling notice received	Date of mediation request	Date mediation attended in person	Date end of mediation notice received
311	???	WEAVER, THURSTON	01-CP-195	Not identified as Plaintiff or Witness in Motion for	None	N/A	04/12/2001	None	05/30/2001	06/05/2001	None	08/03/2001
312	NJA	WEBB, RICHARD	01-CP-196	(1) 1999 K-9 Selection Process	Pl: 02/12/2001 Def: ***/2000	Pl: 08/12/2001 Def: ***/2000	04/12/2001	None	05/30/2001	06/05/2001	None	08/03/2001
313	NJA	WEBB, RICHARD		(3) HWE	11/17/2000	05/16/2001	04/12/2001	None	05/30/2001	06/05/2001	None	08/03/2001
314	???	WEEMS, STEPHANIE	None	Not identified as Plaintiff or Witness in Motion for	None	N/A	None	None	None	None	None	None
315	???	WESTBROOKS, II, JAMES	01-CP-331	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	05/11/2001	None	05/30/2001	06/05/2001	None	08/03/2001
316	???	WHEELER, ANGELA	01-CP-197	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	04/12/2001	None	05/30/2001	06/05/2001	None	08/03/2001
317	NJA	WHEELER, RITA	01-CP-198	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	04/12/2001	None	05/30/2001	06/05/2001	None	08/03/2001
318	???	WHITAKER, MCARTHUR	01-CP-200	(1) 2000 Sgt.'s promotion process	Pl: Futile Gesture 11/2000 Def: 8/2/2000	Pl: 5/2001 Def: 1/29/2001	04/12/2001	04/28/2001	05/30/2001	06/05/2001	None*	08/03/2001
319	???	WHITAKER, MCARTHUR		(2) Discipline	Pl: 11/**/2000 Def: 9/25/2000 or 10/10/2000	Pl: 5/2001 Def: 3/24/2001 or 4/8/2001	04/12/2001	04/28/2001	05/30/2001	06/05/2001	None	08/03/2001
320	???	WHITAKER, MCARTHUR		(3) HWE	None within 180 days of counseling request	N/A	04/12/2001	04/28/2001	05/30/2001	06/05/2001	None	08/03/2001
321	???	WHITE, JOLANIA (SHARPS)	01-CP-165	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	04/12/2001	05/05/2001	05/30/2001	06/05/2001	None	08/03/2001
322	???	WHITE, MCKINLEY	01-CP-201	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	04/12/2001	None	05/30/2001	06/05/2001	None	08/03/2001
323	Pro Se	WHITEHURST, HOWARD	01-CP-199	Not identified as Plaintiff in Motion for Reconsideration	Late 1999	mid-2000	04/12/2001	None	05/30/2001	06/05/2001	None	08/03/2001
324	???	WHITT, JAMES	01-CP-331	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	05/09/2001	None	05/30/2001	06/05/2001	None	08/03/2001
325	???	WILKERSON, DANIEL	None	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	None	None	None	None	None	None
326	GA	WILKES, FRANK	CA 04-0320 (03-CP-76)	(1) 2003 Sgt.'s promotion process	Pl: 5/10/2003 Def: lacks standing	11/06/2003	10/09/2003		10/14/2003	10/15/2003	10/27/2003	11/17/2003

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APPENDIX B: Claims to Dismiss with Prejudice

(Discrepancies between Counsel Submissions and Declarations of Plaintiffs Noted in Bold)

	Counsel or pro se	Plaintiff	OOB Case Number	Alleged Violation(s) from Chart A, selecting from the following descriptions: (1) promotion, (2) discipline, (3) hostile work environment, or (4) other (use a separate line for each alleged violation)	Date alleged violation	180th day after alleged violation	Date counseling requested	Date Counseling attended in person	Date end of counseling notice received	Date of mediation request	Date mediation attended in person	Date end of mediation notice received
327	GA	WILKES, FRANK	01-CP-203	Not identified as Plaintiff in Motion for Reconsideration	None	N/A	04/12/2001	04/12/2001	05/30/2001	06/05/2001	None*	08/03/2001
328	???	WILKS, KADO	None	Not identified as Plaintiff in Motion for Reconsideration	None	N/A	None	None	None	None	None	None
329	Pro Se	WILLIAMS, CHARLES	01-CP-205	Not identified as Plaintiff in Motion for Reconsideration	Late 1990s	Late 1990s	04/12/2001	None	05/30/2001	06/05/2001	None	08/03/2001
330	???	WILLIAMS, CYNTHIA N.	01-CP-206	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	04/12/2001	None	05/30/2001	06/05/2001	None	08/03/2001
331	???	WILLIAMS, KATHY B.	01-CP-207	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	04/12/2001	None	05/30/2001	06/05/2001	None	08/03/2001
332	???	WILLIAMS, MALCOLM	01-CP-352	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	05/15/2001	None	06/18/2001	06/27/2001	None	08/03/2001
333	???	WILLIAMS, ROOSEVELT	None	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	None	None	None	None	None	None
334	???	WILLIAMS, STEFANIE	01-CP-208	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	04/12/2001	None	05/30/2001	06/05/2001	None	08/03/2001
335	???	WILLIAMS, TANYA	01-CP-355	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	05/15/2001	None	06/18/2001	06/27/2001	None	08/03/2001
336	???	WILLIAMS, THOMAS	None	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	None	None	None	None	None	None
337	???	WILLIAMS, VICTORIA	01-CP-209	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	04/12/2001	04/28/2001	05/30/2001	06/05/2001	None	08/03/2001
338	GA	WILLIS, DIANNE	01-CP-204	(1) Non-promotion (3) HWE	None within 180 days of counseling request	N/A	04/12/2001	04/28/2001	05/30/2001	06/05/2001	None*	08/03/2001
339	???	WILSON, JOHNNY	01-CP-210	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	04/12/2001	None	05/30/2001	06/05/2001	None	08/03/2001
340	NJA	WILSON, REGINALD	01-CP-211	Not identified as Plaintiff or Witness in Motion for Reconsideration			04/12/2001	None	05/30/2001	06/05/2001	None	08/03/2001
341	???	WILSON, RENEE	01-CP-212	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	04/12/2001	None	05/30/2001	06/05/2001	None	08/03/2001

Blackmon-Malloy v. United States Capitol Police Board (01-2221)

APPENDIX B: Claims to Dismiss with Prejudice

(Discrepancies between Counsel Submissions and Declarations of Plaintiffs Noted in Bold)

	Counsel or pro se	Plaintiff	OOB Case Number	Alleged Violation(s) from Chart A, selecting from the following descriptions: (1) promotion, (2) discipline, (3) hostile work environment, or (4) other (use a separate line for each alleged violation)	Date alleged violation	180th day after alleged violation	Date counseling requested	Date Counseling attended in person	Date end of counseling notice received	Date of mediation request	Date mediation attended in person	Date end of mediation notice received
342	???	WILSON, SPENCER	01-CP-213	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	04/12/2001	None	05/30/2001	06/05/2001	None	08/03/2001
343	???	WOODLAND, ROBERT C.	01-CP-215	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	04/12/2001	None	05/30/2001	06/05/2001	None	08/03/2001
344	???	WRIGHT, CLABE	01-CP-216	Not identified as Plaintiff or Witness in Motion for Reconsideration	None	N/A	04/12/2001	None	05/30/2001	06/05/2001	None	08/03/2001
345	Pro Se	YOUNG, CRAIG	01-CP-217	Not identified as Plaintiff in Motion for Reconsideration	None within 180 days of counseling request	N/A	04/12/2001	None	05/30/2001	06/05/2001	None	08/03/2001
346	Pro Se	YOUNG, JOHN	01-CP-332	Requests Dismissal								
347	GA	YOUNG, KENDRICK	CA 04-0320 (03-CP-78)	(1) 2003 Sgt.'s promotion process	Pl: 5/10/2003 Def: lacks standing	11/06/2003	10/09/2003		10/14/2003	10/15/2003	10/27/2003	11/17/2003
348	GA	YOUNG, KENDRICK	01-CP-334	Not identified as Plaintiff in Motion for Reconsideration	None within 180 days of counseling request	N/A	05/11/2001	None	05/30/2001	06/05/2001	None*	08/03/2001

Blackmon-Malloy v. United States Capitol Police Board (01-2221)
APPENDIX C: Claims to Be Dismissed Without Prejudice

	Plaintiff	Case Number	Counsel	Alleged Violation(s): (1) promotion, (2) discipline, (3) hostile work environment, or (4) others per incident	Date of alleged violation	180th day after alleged violation	Date counseling requested	Date Counseling attended in person	Date end of counseling notice received	Date of mediation request	Date mediation attended in person
1	ADAMS, FRANK	?	Pro Se	(3) HWE (4) Retaliation	07/15/2003	01/15/2004	12/09/2003	12/09/2003	01/08/2004	01/20/2004	03/15/2004
2		?	Pro Se	(3) HWE (4) Retaliation	07/01/2003	01/01/2004	12/09/2003	12/09/2003	01/08/2004	01/20/2004	03/15/2004
3		?	Pro Se	(3) HWE (4) Retaliation	10/27/2003	04/27/2004	12/09/2003	12/09/2003	01/08/2004	01/20/2004	03/15/2004
4		?	Pro Se	(3) HWE (4) Retaliation	10/28/2003	04/28/2004	12/09/2003	12/09/2003	01/08/2004	01/20/2004	03/15/2004
5		?	Pro Se	(3) HWE (4) Retaliation	07/30/2003	02/29/2004	12/09/2003	12/09/2003	01/08/2004	01/20/2004	03/15/2004
6		?	Pro Se	(3) HWE (4) Retaliation	08/01/2003	02/01/2004	12/09/2003	12/09/2003	01/08/2004	01/20/2004	03/15/2004
7		?	Pro Se	(3) HWE (4) Retaliation	08/15/2003	02/15/2004	12/09/2003	12/09/2003	01/08/2004	01/20/2004	03/15/2004
8		?	Pro Se	(3) HWE (4) Retaliation	11/18/2003	05/18/2004	12/09/2003	12/09/2003	01/08/2004	01/20/2004	03/15/2004
9		?	Pro Se	(3) HWE	11/20/2003	05/20/2004	12/09/2003	12/09/2003	01/08/2004	01/20/2004	03/15/2004
10		?	Pro Se	(3) HWE (4) Retaliation	11/30/2003	05/18/2004	12/09/2003	12/09/2003	01/08/2004	01/20/2004	03/15/2004
11		?	Pro Se	(3) HWE	11/30/2003	05/18/2004	12/09/2003	12/09/2003	01/08/2004	01/20/2004	03/15/2004
12		?	Pro Se	(3) HWE (4) Retaliation	12/28/2003	06/08/2004	12/09/2003	12/09/2003	01/08/2004	01/20/2004	03/15/2004
13		?	Pro Se	(3) HWE (4) Retaliation	03/23/2004	09/23/2004	08/16/2004	08/16/2004	09/18/2004	09/20/2004	10/20/2004
14		?	Pro Se	(3) HWE (4) Retaliation	06/15/2004	12/23/2004	08/16/2004	08/16/2004	09/18/2004	09/20/2004	10/20/2004
15		?	Pro Se	(1) promotion (3) HWE (4) retaliation	07/01/2004	01/01/2005	08/16/2004	08/16/2004	09/18/2004	09/20/2004	10/20/2004
16		?	Pro Se	(3) HWE (4) Retaliation	07/01/2004	01/01/2005	08/16/2004	08/16/2004	09/18/2004	09/20/2004	10/20/2004
17	GREEN, TAMMIE	Civ. A. 04-320	Pro Se	(1) 2003 Sgt.'s promotion process	Pl: 5/10/2003 Def: lacks standing	11/06/2003	10/09/2003	10/09/2003	10/14/2003	10/15/2003	10/27/2003
18	HARRIS, AVE MARIA	Civ. A. 03-2644	GA	(2) & (4) (retaliatory discipline)	Pl: 3/27/2003 See pleadings re Def. Motion to Dismiss for parties' dispute as to timeliness and adverse action	09/23/2003	06/27/2003	07/01/2003	08/06/2003	08/06/2003	09/04/2003
19	IKARD, LARRY	Civ. A. 04-320	Pro Se	(1) 2003 promotion	05/10/2003	11/06/2003	10/09/2003	10/09/2003	10/14/2003	10/15/2003	10/27/2003
20	MACON, DERRICK	Civ. A. 03-1592	Pro Se	(3) HWE (4) Age Discrimination	03/09/2003	09/05/2003	03/12/2003	03/14/2003	03/20/2003	03/26/2003	04/28/2003
21		Civ. A. 03-1592	Pro Se	(3) HWE (4) Retaliation	03/08/2003	09/04/2003	03/26/2003	03/27/2003	03/28/2003	03/28/2003	05/01/2003
22	MILLS, BRENT	Civ. A. 04-320	Pro Se	(1) 2003 promotion	P: 5/10/2003, D: lacks standing	11/06/2003	10/09/2003	10/09/2003	10/14/2003	10/15/2003	10/27/2003
23	WEBB, RICHARD	Civ. A. 04-320	Pro Se	(1) 2003 promotion	P: 5/10/2003, D: lacks standing	11/06/2003	10/09/2003	10/09/2003	10/14/2003	10/15/2003	10/27/2003

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APPENDIX D: Viable Claims

(Discrepancies between Counsel Submissions and Declarations of Plaintiffs Noted in Bold)

	Plaintiff	Case Number	Counsel	Alleged Violation(s): (1) promotion, (2) discipline, (3) hostile work environment, or (4) others per incident	Date of alleged violation	180th day after alleged violation	Date counseling requested	Date Counseling attended in person	Date end of counseling notice received	Date of mediation request	Date mediation attended in person
1	ADAMS, FRANK	Civ. A. 01-2221	NJA	(2) discipline (3) HWE	11/11/2000	05/11/2001	04/12/2001	04/28/2001	05/30/2001	06/05/2001	07/23/2001
2		Civ. A. 01-2221	NJA	(2) discipline (3) HWE	11/16/2000	05/16/2001	04/12/2001	04/28/2001	05/30/2001	06/05/2001	07/23/2001
3		Civ. A. 01-2221	NJA	(3) HWE	11/17/2000	05/17/2001	04/12/2001	04/28/2001	05/30/2001	06/05/2001	07/23/2001
4		Civ. A. 01-2221	NJA	(3) HWE	11/20/2000	05/20/2001	04/12/2001	04/28/2001	05/30/2001	06/05/2001	07/23/2001
5		Civ. A. 01-2221	NJA	(2) discipline (3) HWE	11/30/2000	05/30/2001	04/12/2001	04/28/2001	05/30/2001	06/05/2001	07/23/2001
6		Civ. A. 01-2221	NJA	(2) discipline (3) HWE	12/01/2000	06/01/2001	04/12/2001	04/28/2001	05/30/2001	06/05/2001	07/23/2001
7		Civ. A. 01-2221	NJA	(3) HWE	12/10/2000	06/10/2001	04/12/2001	04/28/2001	05/30/2001	06/05/2001	07/23/2001
8		Civ. A. 01-2221	NJA	(3) HWE	12/13/2000	06/13/2001	04/12/2001	04/28/2001	05/30/2001	06/05/2001	07/23/2001
9		Civ. A. 01-2221	NJA	(2) discipline (3) HWE	12/23/2000	06/23/2001	04/12/2001	04/28/2001	05/30/2001	06/05/2001	07/23/2001
10		Civ. A. 01-2221	NJA	(2) discipline (3) HWE	01/07/2001	7/7/2001	04/12/2001	04/28/2001	05/30/2001	06/05/2001	07/23/2001
11		Civ. A. 01-2221	NJA	(1) promotion (3) HWE (4) retaliation	01/12/2001	07/12/2001	04/12/2001	04/28/2001	05/30/2001	06/05/2001	07/23/2001
12		Civ. A. 01-2221	NJA	(2) discipline (3) HWE (4) retaliation	01/12/2001	07/12/2001	04/12/2001	04/28/2001	05/30/2001	06/05/2001	07/23/2001
13		Civ. A. 01-2221	NJA	(3) HWE	01/21/2001	07/21/2001	04/12/2001	04/28/2001	05/30/2001	06/05/2001	07/23/2001
14		Civ. A. 01-2221	NJA	(3) HWE	01/22/2001	07/22/2001	04/12/2001	04/28/2001	05/30/2001	06/05/2001	07/23/2001
15		Civ. A. 01-2221	NJA	(1) promotion (3) HWE (4) retaliation	04/02/2001	10/02/2001	04/12/2001	04/28/2001	05/30/2001	06/05/2001	07/23/2001
16		Civ. A. 01-2221	NJA	(3) HWE	01/11/2001	07/11/2001	04/12/2001	04/28/2001	05/30/2001	06/05/2001	07/23/2001
17		Civ. A. 01-2221	NJA	(3) HWE	03/30/2001	09/30/2001	04/12/2001	04/28/2001	05/30/2001	06/05/2001	07/23/2001
18	ADAMS, SHAFTON	Civ. A. 01-2221	Pro Se	(3) HWE	Pl: Oct.-Nov. 2000 Def: Plaintiff fail to establish acts within 180 days of counseling request	Pl: Mar.-Apr. 2001; Def: earlier than 4/12/2001	04/12/2001	04/12/2001	05/30/2001; Declaration indicates 5/16/2001	06/05/2001	07/23/2001
19	BLACKMON-MALLOY, SHARON	Civ. A. 04-320	GA	(1) Lt. Promotion Exam 2003	05/10/2003	11/06/2003	10/27/2003	10/27/2003	12/03/2003	12/04/2003	12/23/2003
20		Civ. A. 01-2221	GA	(1) Sgt. Promotion Exam	11/04/2000	05/03/2001	04/12/2001; Declaration indicates two additional counseling dates	04/12/2001	05/30/2001	06/05/2001	7/25/2001 6/30/2001
21		Civ. A. 01-2221	GA	(3) HWE	02/23/2001	08/22/2001	04/12/2001; Declaration indicates two additional counseling dates	04/12/2001	05/30/2001	06/05/2001	07/25/2001
22		Civ. A. 02-1859	GA	(4) Retaliation (smoke)	11/08/2001	05/07/2002	04/08/2002	04/08/2002	05/08/2002	05/22/2002	05/22/2002

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APPENDIX D: Viable Claims

(Discrepancies between Counsel Submissions and Declarations of Plaintiffs Noted in Bold)

	Plaintiff	Case Number	Counsel	Alleged Violation(s): (1) promotion, (2) discipline, (3) hostile work environment, or (4) others per incident	Date of alleged violation	180th day after alleged violation	Date counseling requested	Date Counseling attended in person	Date end of counseling notice received	Date of mediation request	Date mediation attended in person
23	BOLDEN-WHITAKER, REGINA	Civ. A. 01-2221	GA	(4) Retaliation (body armor counseling)	5/**/2001	11/**/2001	09/26/2001	09/26/2001	10/26/2001	11/07/2001	Pl: 12/6/2001 Def: Bad Faith
24		Civ. A. 03-2644	GA	(4) Retaliation	04/10/2003	10/07/2003	07/11/2003	07/11/2003	08/07/2003	08/11/2003	09/04/2003
25	BRADFORD, CLINTON	Civ. A. 01-2221	Pro Se	(1) 2000 Sgt.'s promotion process	Pl: 11/2000 Def: Never completed 2000 exam process	Pl: 5/2001 Def: N/A	04/12/2001	04/12/2001; Declaration also indicates 5/5/2001	05/30/2001; 5/16/2001 per Decl.	06/05/2001	07/25/2001
26		Civ. A. 01-2221	Pro Se	(3) HWE	Pl: 2/21/2001 Def: 3/3/2000	Pl: 8/20/2001 Def: 8/30/2000	04/12/2001	04/12/2001; Declaration also indicates 5/5/2001	05/30/2001; 5/16/2001 per Decl.	06/05/2001	07/25/2001
27	FIELDS, ARNOLD	Civ. A. 02-1346	GA	(3) HWE/Retaliation	8/6/2001 , 8/29/2001	02/25/2002	01/17/2002	01/17/2002	02/19/2002	02/25/2002	03/14/2002
28		Civ. A. 03-1505	GA	(3) HWE/Retaliation	10/7/2002, 10/24/2002, 11/6/2002, 1/9/2003, 1/27/2003	07/26/2003	02/11/2003	02/11/2003	02/13/2003	02/14/2003	03/26/2003
29		Civ. A. 03-2644	GA	(3) HWE/Retaliation	Pl: 3/27/2003 See pleadings re Def. Motion to Dismiss for parties' dispute as to timeliness and adverse action	09/23/2003	07/01/2003	07/01/2003	08/06/2003	08/06/2003	09/04/2003
30	PHELPS, DUVALL	Civ. A. 01-2221	GA	(2) Discipline/Termination	Pl: 10/31/2000 Def: 6/16/2000	Pl: 4/29/2001 Def: 12/13/2000	04/28/2001	4/28/2001 4/30/2001 5/5/2001	05/30/2001; Decl. says 3/15, extended to 3/29	06/05/2001	Pl: 6/30/2001, 7/23/2001, 7/25/2001 Def: None; **Decl. says 6/22
31		Civ. A. 03-2644	GA	(4) Retaliation (denial of building access)	1/21/2002, 1/23/2002	7/22/2002, 7/24/2002	02/05/2002	03/15/2002	03/22/2002; Decl. says 3/15	04/11/2002; Decl. says 3/22	04/11/2002
32		Civ. A. 03-2644	GA	(4) Retaliation (denial of building access)	1/18/2002, 2/5/2002	7/17/2002, 8/5/2002	04/11/2002	04/11/2002	04/22/2002	04/22/2002	05/17/2002
33		Civ. A. 03-2644	GA	(3) HWE (denied building access)	1/24/03, 1/25/03	7/23/2003, 7/24/2003	02/10/2003	02/10/2003	02/13/2003	02/13/2003	3/26/03, 4/9/2003, 4/11/2003
34		Civ. A. 03-2644	GA	(4) Retaliation (credentials stolen)	7/7/2003, 7/29/2003	1/5/2004, 1/26/2004	08/11/2003	08/11/2003	08/19/2003	08/19/2003	09/23/2003
35		Civ. A. 03-2644	GA	(4) Retaliation (denial of building access)	8/**/2003	1/**/2004	09/08/2003	09/08/2003	09/22/2003	09/22/2003	09/23/2003

Blackmon-Malloy v. United States Capitol Police Board (01-2221)

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36	RIGGS, VERNIER	Civ. A. 01-2221	GA	(4) denial of leave	10/xx/2000	March/April 2001	04/12/2001	4/12/2001, 4/28/2001, 4/30/2001, 5/5/2001; first date listed not in Decl.	05/30/2001; Decl. says 5/16	06/05/2001	PI: 6/30/2001 ; **Decl. says 6/22/2001 ; Def: None
37		Civ. A. 01-2221	GA	(4) Retaliation	04/13/2001	10/10/2001	PI: 4/12/2001 Def: None	PI: 4/12/2001, 4/28/2001, 4/30/2001, 5/5/2001 Def: None	PI: 5/30/2001 Def: None	PI: 6/5/2001 Def: None	PI: 6/30/2001 ; **Decl. says 6/22/2001 ; Def: None