

TERMED

U.S. District Court
District of Hawaii - CM/ECF V3.04 (3/07) (Hawaii)
CIVIL DOCKET FOR CASE #: 1:01-cv-00389-SOM-LEK

EEOC v. Queen's Medical Cent
Assigned to: JUDGE SUSAN OKI MOLLWAY
Referred to: Mag Judge Leslie E Kobayashi
Demand: \$0
Cause: 42:2000e Job Discrimination (Employment)

Date Filed: 06/13/2001
Date Terminated: 09/10/2002
Jury Demand: Plaintiff
Nature of Suit: 442 Civil Rights: Jobs
Jurisdiction: U.S. Government Plaintiff

Plaintiff

**Equal Employment Opportunity
Commission**

represented by **Elizabeth Jubin Fujiwara**
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Intervenor Plaintiff

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V.

Defendant

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Date Filed	#	Docket Text
06/13/2001	1	COMPLAINT; jury trial demand; (Summons(es) issued) (eps) (Entered: 06/13/2001)
06/13/2001	2	ORDER by Judge David A. Ezra rule 16 conference set for 9:00 9/24/01 before Mag Judge Leslie E. Kobayashi (eps) (Entered: 06/13/2001)
06/14/2001	3	NOTICE OF MOTION and motion by intervenor Shyamal Premaratne to intervene as intervenor ; memorandum in support of motion; declaration of counsel; exhibits 1 and 2 set for 10:00 7/26/01 before Mag Judge Leslie E. Kobayashi (eps) (Entered: 06/15/2001)
06/18/2001	4	Judge's disclosure by Judge Susan O. Mollway (cc: all counsel by chambers) (eps) (Entered: 06/19/2001)
06/21/2001	5	CERTIFICATE of service (eps) (Entered: 06/22/2001)
06/29/2001	6	MEMORANDUM by plaintiff EEOC in support of Shyamal Premaratne, MD's motion to intervene as intervenor [3-1] filed on June 14, 2001; declaration of counsel; exhibit 1; certificate of service (eps) (Entered: 07/02/2001)
07/03/2001	7	WAIVER OF SERVICE OF SUMMONS by defendant Queen's Medical Cent on 6/26/01 thru Barry C. Marr, Esq., defendant understands that a judgment may be entered if an answer or motion under Rule 12 is not served within 60 days after 6/25/01 or within 90 days if the request was sent outside the United States (eps) Modified on 12/17/2001 (Entered: 07/05/2001)
07/06/2001	8	STATEMENT of no position by defendant Queen's Medical Cent to Shyamal Premaratne, MD's motion to intervene as intervenor [3-1]; filed June 14, 2001; certificate of service (eps) Modified on 07/09/2001 (Entered: 07/09/2001)
07/24/2001	9	EO : Movant Shymal Premaratne, M.D.'s Motion to Intervene as Intervenor set for 10:00 7/26/01, LEK is vacated. Motion taken under advisement, Court to issue Order. All parties notified by phone. cc: Law Clerk for Magistrate Judge Leslie E. Kobayashi - taking under advisement on the motion to intervene as intervenor [3-1] (Ct Rptr :) JUDGE Mag Judge Leslie E. Kobayashi (fe) (Entered: 07/24/2001)
07/27/2001	10	SUPPLEMENTAL declaration of Carl M. Varady in support of intervenor Shyamal Premaratne re motion to intervene as intervenor [3-1]; exhibit a; certificate of service (fe) (Entered: 07/27/2001)
07/30/2001	11	ORDER by Mag Judge Leslie E. Kobayashi granting Shyamal Premaratne, M.D.'s motion to intervene as intervenor [3-1] (cc: all counsel) Premaratne is further granted leave to file his proposed complaint in intervention within two weeks from the date of this order (fe) (Entered: 07/31/2001)
08/02/2001	12	REPORT OF PARTIES PLANNING MEETING by plaintiff EEOC; certificate of service (fe) (Entered: 08/02/2001)
08/02/2001	13	SCHEDULING CONFERENCE STATEMENT by plaintiff EEOC; certificate of service (fe) (Entered: 08/02/2001)

08/03/2001	14	INTERVENOR'S COMPLAINT by intervenor Shyamal Premaratne; exhibits a-d; jury trial demand; summons (issued) (fe) (Entered: 08/06/2001)
08/03/2001	14	SUMMONS issued as to defendant Queen's Medical Cent (fe) (Entered: 08/06/2001)
08/14/2001	15	CERTIFICATE of service (eps) (Entered: 08/15/2001)
08/15/2001	16	SUPPLEMENTAL REPORT OF PARTIES PLANNING MEETING; certificate of service - by defendant Queen's Medical Cent (eps) (Entered: 08/16/2001)
08/24/2001	17	ANSWER by defendant Queen's Medical Cent to [14-1] plaintiff EEOC complaint filed June 13, 2001; certificate of service (eps) (Entered: 08/24/2001)
08/31/2001	18	INITIAL DISCLOSURE; certificate of service - by plaintiff EEOC (eps) (Entered: 09/04/2001)
08/31/2001	19	ANSWER by defendant Queen's Medical Cent to plaintiff-intervenor's complaint [14-1] filed August 3, 2001; certificate of service (eps) (Entered: 09/04/2001)
09/04/2001	20	CERTIFICATE of service (eps) (Entered: 09/05/2001)
09/05/2001	21	CERTIFICATE of service (eps) (Entered: 09/06/2001)
09/14/2001	22	NOTICE OF MOTION and motion by defendant Queen's Medical Cent to dismiss Shyamal Premaratne's complaint in intervention file 8/3/01 ; memorandum in support of motion; declaration of Craig Nakamoto; exhibits 1-2; certificate of service - set for 9:45 11/5/01 before Judge Susan O. Mollway (eps) (Entered: 09/17/2001)
09/14/2001	23	NOTICE OF MOTION and motion by defendant Queen's Medical Cent to dismiss EEOC's complaint filed 6/13/01 ; memorandum in support of motion; declaration of Craig Nakamoto; exhibits 1-2; declaration of Patrick Jones; exhibits 3-4; declaration of Erlaine F. Bello, MD; exhibit 5; certificate of service - set for 9:45 11/5/01 before Judge Susan O. Mollway (eps) (Entered: 09/17/2001)
09/14/2001	24	SCHEDULING CONFERENCE STATEMENT; certificate of service by intervenor plaintiff Shyamal Premaratne (eps) (Entered: 09/17/2001)
09/17/2001	25	SCHEDULING CONFERENCE STATEMENT; certificate of service by defendant Queen's Medical Cent (eps) (Entered: 09/17/2001)
09/24/2001	26	EP : Rule 16 Scheduling Conference held. 1. Jury trial on July 30, 2002 at 9:00.a.m. before SOM 2. Final Pretrial Conference on June 18, 2002 at 9:00a.m. before LEK 3. Final Pretrial Conference before District Judge N/A 4. Final Pretrial Statement by June 10, 2002 5. File motions to Join/Add Parties/Amend Pleadings by December 28, 2001 6. File other Non-Dispositive Motions by May 1, 2002 7. File Dispositive Motions by February 27, 2002 8a. File Motions in Limine by July 9, 2002 8b. File opposition memo to a Motion in Limine by July 16, 2002 11a. Plaintiff's Expert Witness Disclosures by January 28, 2002 11b. Defendant's Expert Witness Disclosures by February 27, 2002 12. Discovery deadline May 31, 2002 13. Settlement Conference set for February 25, 2002 at 2:00 p.m. before LEK 14. Settlement Conference statements by February 18, 2002 20. Submit Voir Dire Questions, Special Verdict Form, Concise Statement

		of Case and Jury Instructions by July 16, 2002 21. File Final witness list by July 9, 2002 24. Exchange Exhibit and Demonstrative aids by July 2, 2002 25. File Stipulations re: Authenticity/Admissibility of Proposed Exhibits by July 9, 2002 26. File objections to the Exhibits by July 16, 2002 28a. File Deposition Excerpt Designations by July 9, 2002 28b. File Deposition Counter Designations and Objections by July 16, 2002 29. File Trial Brief by July 16, 2002 30. File Findings of Fact & Conclusions of Law by N/A Other Matters: LR 56.1 Memorandum given to parties. Judge Susan Oki Mollway's Trial Procedures given to parties. A copy of the Rule 16 Scheduling Order mailed to all parties. Status Conference set for 9:30 12/3/01, LEK ; rule 16 conference held on 9:00 9/24/01 before Mag Judge Leslie E. Kobayashi , ; Jury Trial set for 9:00 7/30/02 before Judge Susan O. Mollway , ; final pretrial conference set for 9:00 6/18/02 ; Motion filing ddl set for 2/27/02 ; Discovery ddl set for 5/31/02 ; settlement conference set for 2:00 2/25/02 before Mag Judge Leslie E. Kobayashi , Status Conference set for 9:30 12/3/01 before Mag Judge Leslie E. Kobayashi (Ct Rptr : In chambers-No Record) JUDGE Mag Judge Leslie E. Kobayashi (eps) (Entered: 09/25/2001)
09/26/2001	27	Rule 16 SCHEDULING ORDER Mag Judge Leslie E. Kobayashi (cc: all counsel) (eps) (Entered: 09/27/2001)
10/01/2001	28	CERTIFICATE of service (eps) (Entered: 10/02/2001)
10/05/2001	29	CERTIFICATE of service (eps) (Entered: 10/09/2001)
10/18/2001	30	MEMORANDUM by plaintiff intervenor Shyamal Premaratne in opposition to motion to dismiss Shyamal Premaratne's complaint in intervention filed 8/3/01 [22-1]; certificate of service (eps) (Entered: 10/19/2001)
10/18/2001	31	Separate and concise STATEMENT of facts by plaintiff EEOC in opposition to defendant's motion to dismiss [23-1]; certificate of service (eps) (Entered: 10/19/2001)
10/18/2001	32	MEMORANDUM by plaintiff EEOC in opposition to defendant's motion to dismiss [23-1]; declaration of Shyamal Premaratne, MD; exhibits 1-2; declaration of EEOC Director, Timothy A. Riera; exhibit 3; declaration of EEOC Trial Attorney, Elizabeth Jubin Fujiwara; certificate of service (eps) (Entered: 10/22/2001)
10/22/2001	33	CERTIFICATE of service by plaintiff EEOC (eps) (Entered: 10/22/2001)
10/25/2001	34	REPLY MEMORANDUM by defendant Queen's Medical Cent in support of motion (filed 9/14/01) to dismiss EEOC's complaint filed 6/13/01 [23-1]; certificate of service (eps) (Entered: 10/26/2001)
10/25/2001	35	REPLY MEMORANDUM by defendant Queen's Medical Cent in support of motion (filed 9/14/01) to dismiss Shyamal Premaratne's complaint in intervention filed 8/3/01 [22-1]; certificate of service (eps) (Entered: 10/26/2001)
10/26/2001	36	Substitution of facsimile with ORIGINAL DECLARATION of Shyamal Premaratne, MD; exhibit a; (declaration of Shyamal Premaratne, MD); certificate of service - by plaintiff EEOC re [32-1] (eps) (Entered: 10/29/2001)

11/05/2001	37	EP : Motion to Dismiss Complaint in Intervention; Motion to Dismiss - Arguments. Motion to Dismiss Complaint in Intervention - taken under advisement. Motion to Dismiss - taken under advisement. Court to issue a written ruling by Friday. [22-1], [23-1] (Ct Rptr : Debra Chun) JUDGE Judge Susan O. Mollway (eps) (Entered: 11/05/2001)
11/13/2001	38	ORDER by Judge Susan O. Mollway granting in part and denying in part defendant's motion to dismiss - court denies EEOC's complaint and denies deft's motion to dismiss Dr. Premaratne's complaint as to CT 1 and 4; court grants deft's m/dismiss as to CTS 2 and 3 of Dr. Premaratne's complaint w/ leave for Dr. Premaratne to file an amended complaint no later than 12/13/01 [23-1], [22-1] (cc: all counsel) (eps) (Entered: 11/14/2001)
11/14/2001	39	CERTIFICATE of service (eps) (Entered: 11/15/2001)
11/16/2001	40	CERTIFICATE of service (eps) (Entered: 11/19/2001)
11/21/2001	41	CERTIFICATE of service (eps) (Entered: 11/21/2001)
11/26/2001	42	CERTIFICATE of service (eps) (Entered: 11/27/2001)
11/29/2001		ORIGINALTRANSCRIPT filed (Ct Rptr Debra Kekuna Chun) taken on 11/5/01 (eps) (Entered: 11/29/2001)
12/03/2001	43	EP : status conference was held 12/3/01 before Mag Judge Leslie E. Kobayashi (Ct Rptr : C335 Tape 1740) JUDGE Mag Judge Leslie E. Kobayashi (eps) Modified on 12/17/2001 (Entered: 12/04/2001)
12/07/2001	44	CERTIFICATE of service (eps) (Entered: 12/11/2001)
12/07/2001	45	CERTIFICATE of service (eps) (Entered: 12/11/2001)
12/14/2001	46	CERTIFICATE of service (eps) (Entered: 12/17/2001)
12/17/2001	47	CERTIFICATE of service (eps) (Entered: 12/18/2001)
01/03/2002	48	CERTIFICATE of service (eps) (Entered: 01/04/2002)
01/10/2002	49	CERTIFICATE of service (eps) (Entered: 01/14/2002)
01/11/2002	50	CERTIFICATE of service (eps) (Entered: 01/14/2002)
01/15/2002	51	CERTIFICATE of service (eps) (Entered: 01/15/2002)
01/18/2002	52	EO : Status Conference Re: Trial Date and Deadlines set for 01/24/2002 03:30:00 PM, LEK. Susan Ichinose to notify all parties (Ct Rptr :) JUDGE Mag Judge Leslie E. Kobayashi (eps) (Entered: 01/18/2002)
01/18/2002	53	CERTIFICATE of service (eps) (Entered: 01/18/2002)
01/22/2002	54	First amendment to his INITIAL DISCLOSURES dated 10/5/02 by intervenor plaintiff Shyamal Premaratne (eps) (Entered: 01/22/2002)
01/22/2002	55	CERTIFICATE of service (eps) (Entered: 01/22/2002)
01/22/2002	56	CERTIFICATE of service (eps) (Entered: 01/22/2002)

01/22/2002	57	STIPULATED PROTECTIVE ORDER regarding confidential and proprietary information; exhibit a by Mag Judge Leslie E. Kobayashi - on behalf of pltf/intv (eps) (Entered: 01/22/2002)
01/23/2002	58	CERTIFICATE of service (eps) (Entered: 01/23/2002)
01/24/2002	59	EP : Status Conference Re: Trial Date and Deadlines held. Disclosure made by Magistrate Judge Leslie E. Kobayashi that one of the proposed witnesses in this case, Dr. McNamara was a former client of Magistrate Judge Leslie E. Kobayashi when she was in private practice. If the parties are not unanimous re: Magistrate Judge Leslie E. Kobayashi's continued assignment to this case, they can notify Magistrate Judge Leslie E. Kobayashi's Courtroom Deputy (CRD). Notification need not disclose which members are not agreeable, collective notification is all that is required. Parties to contact CRD re: Magistrate Judge Leslie E. Kobayashi's continued assignment and re: agreement on the continuance of the trial date by 1/31/02. Discovery Conference held. The Court gave its inclination regarding the discovery dispute raised by Plaintiff. Although the parties have not completed their requisite "meet and confer", the Court gave its inclination in light of the fact that records deposition that is in issue between the parties is scheduled to occur on January 28, 2002 regarding Richard Ballard. The following inclination was given to assist the parties in reaching an agreement as to their discovery dispute: The Court would be inclined to grant a protective order or a motion to quash subpoena as to the following document requests because the witness is not a party to the lawsuit and due to the general privacy rights implicated --- These are as to Document Request Nos. 4, 5, 6, 7, 8, 9, 10, 11 (except that a curriculum vitae or resume), 12, 13 (except as to any communications or correspondence regarding Plaintiff), 14 (except as to any communications or correspondence regarding Plaintiff), 15 (except as to any documents relating to the witness' work duties), 16 (except as to any documents relating to the witness' work duties), 17 (except as to any documents relating to the witness' work duties), 18 (except as to any documents relating to the witness' work duties), 19 (except as to documents related to Plaintiff), 20 (except as to documents related to Plaintiff), 21 (except as to documents related to communications to or from Plaintiff or his attorneys), 23, 24, 25 (except as to Plaintiff), 26 (except as to Plaintiff), and 27 (except as to Plaintiff). The Court's inclinations were accepted by the parties. On the remaining Discovery Issues, parties to meet and confer, Letter Briefs and any possible Supplemental Letter Briefs are due 1/31/02 by 4:00 p.m. cc: all counsel (Ct Rptr : in chambers no record) JUDGE Mag Judge Leslie E. Kobayashi (eps) (Entered: 01/28/2002)
01/28/2002	60	JOINT DISCLOSURE OF EXPERT testimony by plaintiff EEOC, and intervenor plaintiff Shyamal Premaratne; exhibits a and b; certificate of service (eps) (Entered: 01/29/2002)
01/29/2002	61	CERTIFICATE of service (eps) (Entered: 01/29/2002)
01/29/2002	62	CERTIFICATE of service (eps) (Entered: 01/29/2002)
02/06/2002	63	NOTICE OF MOTION and motion by defendant Queen's Medical Cent to continue trial ; memorandum in support of motion; declaration of Christopher S. Yeh; exhibits a-h; certificate of service - set for 10:00 2/20/02 before Mag Judge Leslie E. Kobayashi (eps) (Entered: 02/07/2002)

02/06/2002	64	EX PARTE MOTION to shorten time for hearing on defendant Queen's Medical Center's motion to continue trial; declaration of Christopher S. Yeh; and Order; certificate of service - by Mag Judge Leslie E. Kobayashi on behalf of defendant Queen's Medical Cent (eps) (Entered: 02/07/2002)
02/07/2002	65	DECLARATION of George B. Apter in support of defendant the Queen's Medical Center's motion to continue trial (filed 2/5/02) certificate of service - by defendant Queen's Medical Cent re [63-1] (eps) (Entered: 02/07/2002)
02/11/2002	66	CERTIFICATE of service (eps) (Entered: 02/11/2002)
02/13/2002	67	EO : Settlement Conference set for 02/25/2002 02:00:00 PM, LEK is Vacated. Motion to Continue Trial Date set for 10:00 2/20/02, LEK, Settlement Conference to be reset after decision on the Motion to Continue Trial Date. cc: all counsel [63-1] (Ct Rptr :) JUDGE Mag Judge Leslie E. Kobayashi (eps) (Entered: 02/13/2002)
02/14/2002	68	CERTIFICATE of service (eps) (Entered: 02/14/2002)
02/14/2002	69	CERTIFICATE of service (eps) (Entered: 02/14/2002)
02/14/2002	70	Supplemental INITIAL DISCLOSURES; certificate of service by plaintiff EEOC (eps) (Entered: 02/19/2002)
02/14/2002	71	JOINDER by plaintiff EEOC in in plaintiff-intervenor Shyamal Premaratne MD's memorandum in opposition to defendant The Queen's Medical Center's motion to continue trial [63-1] filed 2/6/02; certificate of service (eps) (Entered: 02/20/2002)
02/15/2002	72	MEMORANDUM by intervenor plaintiff Shyamal Premaratne in opposition to defendant The Queen's Medical Center's motion to continue trial [63-1] filed 2/6/02; declaration of Susan M. Ichinose; declaration of Carl M. Varady; declaration of Elizabeth Jubin Fujiwara; certificate of service (eps) (Entered: 02/20/2002)
02/19/2002	73	REPLY MEMORANDUM by defendant Queen's Medical Cent in support of motion to continue trial [63-1] filed 2/6/02; declaration of Christopher S. Yeh; exhibits i-w; certificate of service (eps) (Entered: 02/20/2002)
02/20/2002	74	EP : Defendant The Queen's Medical Center's Motion to Continue Trial - Arguments heard. Motion Granted. No order to be issued [Clerk's Office, please terminate motion to continue trial]. Trial to be continued for 30 days. New trial date and deadlines given (see separate minutes). (Off the Record) - Discussion between Court and counsel regarding several discovery matters. Court gave its inclination. Parties to meet and confer, etc. cc: all counsel [63-1] (FTR-CD 2-C 7) JUDGE Mag Judge Leslie E. Kobayashi (eps) Modified on 02/21/2002 (Entered: 02/21/2002)
02/20/2002	75	EO : New Trial Date and Deadlines given. Amended Rule 16 Scheduling Order to be issued. 1. Jury trial on August 27, 2002 at 9:00.a.m. before SOM 2. Final Pretrial Conference on July 16, 2002 at 9:00a.m. before LEK 3. Final Pretrial Conference before District Judge N/A 4. Final Pretrial Statement by July 9, 2002 5. File motions to Join/Add Parties/Amend Pleadings by N/A 6. File other Non-Dispositive Motions by May 29, 2002 7. File Dispositive Motions by April 3, 2002 8a. File Motions in Limine by August 6, 2002 8b. File opposition memo

		to a Motion in Limine by August 13, 2002 11a. Plaintiff's Expert Witness Disclosures by N/A 11b. Defendant's Expert Witness Disclosures by N/A 12. Discovery deadline June 28, 2002 13. Settlement Conference set for on call 14. Settlement Conference statements by N/A 20. Submit Voir Dire Questions, Special Verdict Form, Concise Statement of Case and Jury Instructions by August 13, 2002 21. File Final witness list by August 6, 2002 24. Exchange Exhibit and Demonstrative aids by July 30, 2002 25. File Stipulations re: Authenticity/Admissibility of Proposed Exhibits by August 6, 2002 26. File objections to the Exhibits by August 13, 2002 28a. File Deposition Excerpt Designations by August 6, 2002 28b. File Deposition Counter Designations and Objections by August 13, 2002 29. File Trial Brief by August 13, 2002 30. File Findings of Fact & Conclusions of Law by N/A Other Matters: A copy of the Amended Rule 16 Scheduling Order mailed to all parties. ; Jury Trial set for 9:00 8/27/02 before Judge Susan O. Mollway , ; final pretrial conference set for 9:00 7/16/02 before Mag Judge Leslie E. Kobayashi , ; ddl set for 6/28/02 ; Motion filing ddl set for 4/3/02 before Mag Judge Leslie E. Kobayashi (FTR-CD 2-C 7) Mag Judge Leslie E. Kobayashi (eps) (Entered: 02/21/2002)
02/22/2002	76	Amended CERTIFICATE of service (eps) (Entered: 02/25/2002)
02/22/2002	77	CERTIFICATE of service (eps) (Entered: 02/25/2002)
02/22/2002	78	Amended Rule 16 SCHEDULING ORDER Mag Judge Leslie E. Kobayashi (cc: all counsel) (eps) (Entered: 02/25/2002)
02/27/2002	79	CERTIFICATE of service (eps) (Entered: 02/28/2002)
02/28/2002	83	CERTIFICATE of service (eps) (Entered: 03/01/2002)
03/01/2002	80	CERTIFICATE of service (eps) (Entered: 03/01/2002)
03/01/2002	81	CERTIFICATE of service (eps) (Entered: 03/01/2002)
03/01/2002	82	CERTIFICATE of service (eps) (Entered: 03/01/2002)
03/01/2002	84	CERTIFICATE of service (eps) (Entered: 03/04/2002)
03/05/2002	85	CERTIFICATE of service (eps) (Entered: 03/05/2002)
03/06/2002	86	EX PARTE MOTION to shorten time for hearing on plaintiff-intervenor's motion to strike defendant The Queen's Med Ctr's disclosures of expert witnesses, and to exclude expert witnesses; declaration of Susan M. Ichinose; and Order; certificate of service by Mag Judge Leslie E. Kobayashi on behalf of intervenor plaintiff Shyamal Premaratne granting ex parte motion to shorten time for hearing (eps) (Entered: 03/11/2002)
03/06/2002	87	NOTICE OF MOTION and motion by intervenor plaintiff Shyamal Premaratne to strike defendant The Queen's Medical Center's disclosures of expert witnesses and to exclude expert witnesses ; memorandum in support of motion; declaration of counsel; exhibits 1-4; certificate of service - set for 3:30 3/13/02 before Mag Judge Leslie E. Kobayashi (eps) (Entered: 03/11/2002)
03/07/2002	88	CERTIFICATE of service (eps) (Entered: 03/11/2002)
03/11/2002	89	JOINDER by plaintiff EEOC re motion to strike defendant The Queen's Medical Center's disclosures of expert witnesses and to exclude expert witnesses [87-1];

		certificate of service (eps) (Entered: 03/11/2002)
03/11/2002	90	<p>EO : The Court received letter briefs on March 8, 2002 pursuant to LR37.1. Defendant Queen's Medical Center's ("Defendant") letter brief is construed as a motion for independent psychological examination pursuant to Rule 35, Fed.R.Civ.P., and Plaintiff EEOC's ("Plaintiff") and Intervenor _____ Premaratne's ("Intervenor") letter briefs are construed as seeking a protective order as to an independent psychological examination or, alternatively, seeking limitations on such an examination. Defendant's request for Rule 35 examination is hereby GRANTED, and Plaintiff and Intervenor's request for protective order, including having Intervenor's expert attend the examination and taping the examination, is hereby DENIED. The allegations made raise an issue as to the nature and extent of Plaintiff's damages for emotional distress and therefore Defendant is entitled to a Rule 35 examination. There is no evidence that Intervenor is disabled or otherwise unable to submit to a reasonable psychological examination, including reasonable testing, without the presence of a third party nor is there any evidence to justify recording the examination. Intervenor is therefore ordered to undergo psychometric testing with Joseph Rogers, Ph.D. and a psychiatric evaluation with Mark Stitham, M.D. on dates and at times mutually agreed upon by the parties and based upon the availability of the examiners. If Intervenor is unable to attend on Tuesday, March 12, 2002 at 1:00 pm. with Dr. Rogers and on Saturday, March 16 at 1:30 pm. with Dr. Stitham, then he will make himself available in Honolulu on the first available dates and at times mutually agreed upon by the parties and based upon the availability of the examiners. IT IS SO ORDERED. cc: all counsel via fax and hard copy (Ct Rptr :) JUDGE Mag Judge Leslie E. Kobayashi (eps) (Entered: 03/11/2002)</p>
03/11/2002	91	<p>EO : "Intervenor Shyamal Premaratne ("Intervenor") seeks reconsideration of the Court's Order regarding Defendant Queen's Medical Center's ("Defendant") request for Rule 35 examination, specifically Intervenor objects to the psychiatric evaluation with Mark Stitham, M.D and argues that Dr. Stitham is "a biased defense expert". (Intervenor's 3/11/02 Ltr, at 1). Defendant is entitled to have the Rule 35 examination conducted by a qualified psychologist or psychiatrist. Intervenor has not demonstrated that Dr. Stitham is not qualified nor has he offered any specific evidence of bias. Alleged bias is not a reason for rejecting an examiner for purposes of Rule 35, Fed.R.Civ.P., and "the fact that the examining physician is regularly funded or paid by the moving party goes to the issue of the physician's credibility as a witness and not to the issue of qualification to conduct the examination." 7 Moore's Federal Practice, 35.07[2] (3d ed. 2001). Other courts have stated that, to hold otherwise, allows the plaintiff to dictate both the treating and the "independent" examiner: There is a reason for this. I see the purpose of Rule 35, Fed.R.Civ.P., as providing a level playing field as between the parties. Defendants have no say in determining what physician plaintiff chooses as his or her expert witness. <i>Timpte v. District Court</i>, 161 Colo. 309, 421 P.2d 728 (Colo., 1966). It follows that plaintiff's ability to object to an expert physician chosen by the defendant should be rather limited with any questions of bias or prejudice of either side's chosen expert being left to full exploration at trial. <i>Gitto et al. v. Societa Anonima di Navigazione, Genova</i>, 27 F.Supp. 785, 786 (E.D.N.Y., 1939). <i>Looney v. National R.R. Passenger Corp.</i>, 142 F.R.D. 264, 265-266 (D.Mass. 1992). The motion for reconsideration is hereby DENIED. IT</p>

		IS SO ORDERED. cc: all counsel via fax and hard copy [90-1] (Ct Rptr :) JUDGE Mag Judge Leslie E. Kobayashi (eps) (Entered: 03/12/2002)
03/11/2002	96	EO : The Court, having received letter briefs from the parties pursuant to LR37.1, hereby orders the following: 1. ab Defendant Queen's Medical Center ("Defendant") shall produce documents concerning Sally Myers, Craig Nakamoto, Judson McNamara, Christian Gulbrandsen, Richard Ballard, Nahidh Haaniya, Tomoaki Noritomi, Assiz Russuk, and Wei Zhang, in Defendant's possession and/or control, relating to incidents of retaliation or harassment alleged by Intervenor Shyamal Premaratne, including any disciplinary action taken against them relating to such incidents, and all documents relating to communications between Intervenor and these individuals. These documents shall be produced fourteen days after a Stipulation for Protective Order regarding production of these documents is executed by the parties. If a stipulated protective order is currently in effect in this action, then the documents shall be produced no later than March 28, 2002. 2. ab Defendant shall produce documents requested in Request #22 or provide a sworn statement by March 28, 2002 that, after a diligent and good faith search for these documents, Defendant does not have possession nor control over such documents. 3. ab Defendant shall file its financial statements for 1992-2001 under seal with the Clerk of the Court by April 5, 2002, and these documents shall remain sealed until the Court permits otherwise. IT IS SO ORDERED. cc: all counsel (Ct Rptr :) JUDGE Mag Judge Leslie E. Kobayashi (eps) (Entered: 03/13/2002)
03/12/2002	92	MEMORANDUM by defendant Queen's Medical Cent in opposition to plaintiff-intervenor's motion to strike defendant The Queen's Medical Center's disclosures of expert witnesses and to exclude expert witnesses [87-1]; declaration of Christopher S. Yeh; exhibit a; certificate of service (eps) (Entered: 03/12/2002)
03/13/2002	93	REPLY MEMORANDUM by intervenor plaintiff Shyamal Premaratne in support of motion to strike defendant The Queen's Medical Center's disclosures of expert witnesses and to exclude expert witnesses [87-1]; declaration of counsel; certificate of service (eps) (Entered: 03/13/2002)
03/13/2002	94	CERTIFICATE of service (eps) (Entered: 03/13/2002)
03/13/2002	95	CERTIFICATE of service (eps) (Entered: 03/13/2002)
03/13/2002	97	EP : Plaintiff-Intervenor Shyamal Premaratne, M.D.'s Motion to Strike the Queen's Medical Center's Disclosure of Expert Witnesses, and to Exclude Expert Witnesses; Plaintiff EEOC's Joinder in Motion to Strike - Arguments heard. Motion is Granted in Part and Denied in part. Court to prepare Order [87-1] (Ct Rptr : FTR-CD 4-Courtroom 7) JUDGE Mag Judge Leslie E. Kobayashi (eps) (Entered: 03/14/2002)
03/15/2002	98	ORDER by Mag Judge Leslie E. Kobayashi granting in part and denying in part plaintiff-intervenor's motion to strike defendant The Queen's Medical Center's disclosures expert witnesses and to exclude expert witnesses [87-1] all counsel) (eps) (Entered: 03/15/2002)
03/21/2002	99	CERTIFICATE of service by intervenor plaintiff (eps) (Entered: 03/21/2002)

03/21/2002	100	EO : On March 21, 2002, the Court received Defendant The Queen's Medical Center's ("Defendant") request for clarification of the Order of March 11, 2002 ("March 11 Order") concerning the production of certain documents. In addition, Defendant submitted several documents for the Court's in camera review as required by the March 11 Order. The Court clarifies its March 11 Order as to Defendant's obligation to produce personnel documents or employment in that Defendant is not required to produce Dr. Sally Myers' 2001 Release and Separation Agreement ("Agreement"), unless the Agreement is related in any way to incidents of retaliation or harassment alleged by Intervenor Shyamal Premaratne ("Intervenor") and/or communications between Intervenor and Dr. Myers. From the Court's in camera review of the Agreement, it cannot conclude from the face of the document that it is so related. However, Defendant is familiar with the facts and circumstances which gave rise to the termination of the employment relationship between Defendant and Dr. Myers. If, for instance, Dr. Myers' termination is related in to incidents of retaliation or harassment alleged by Intervenor and/or communications between him and Dr. Myers, then the document shall be produced. Unless Defendant instructs otherwise by March 22, 2002, 4:00 p.m., its letter of March 20, 2002 and the attached document submitted for in camera review will be disposed of by shredding. IT IS SO ORDERED. cc: all counsel re [91-1] (Ct Rptr :) JUDGE Mag Judge Leslie E. Kobayashi (eps) Modified on 03/22/2002 (Entered: 03/22/2002)
03/28/2002	101	EO : The Court having received Defendant The Queen's Medical Center's ("Defendant") letter of March 27, 2002 in which Defendant states that it "has located additional documents which are responsive to Intervenor's Request #22 but which it does not believe are relevant to the litigation ..." (Def.'s 3/27 Ltr at 1). Defendant provides, by way of an enclosure, a copy of the documents described in its letter. Defendant's letter is hereby construed as a request for determination as to whether the documents are relevant and therefore subject to discovery, and, if so, whether the documents should be produced intact or with redaction. Plaintiff EEOC and Intervenor Shyamal Premaratne shall have until April 1, 2002 to submit their written response to Defendant's letter of March 27, 2002. IT IS SO ORDERED. cc: all counsel via fax and hard copy (Ct Rptr :) JUDGE Mag Judge Leslie E. Kobayashi (eps) Modified on 04/01/2002 (Entered: 03/28/2002)
03/29/2002	102	APPEAL FROM MAGISTRATE'S ORDER [98-1] by defendant Queen's Medical Cent; declaration of Christopher S. Yeh; exhibits aa-bb; certificate of service (fe) (Entered: 04/01/2002)
04/02/2002	103	CERTIFICATE of service by plaintiff EEOC (eps) (Entered: 04/02/2002)
04/03/2002	104	EO : The Court, having received Defendant Queen's Medical Center's ("Defendant") letter brief dated March 27, 2002 ("March 27 Letter"), and Intervenor Shyamal Premaratne's ("Intervenor") letter brief dated April 1, 2002 pursuant to LR37.1, hereby ORDERS that: 1. The documents identified as enclosures to Defendant's March 27 Letter shall be produced in response to Intervenor's Request for Production of Documents, Request #22; 2. The documents shall be produced subject to a protective order mutually agreed upon by the parties. If the parties are unable to stipulate to a protective order, then the parties shall submit their proposed stipulated protective order to the Court by no later than April 15, 2002; and 3. Any and all contract amounts (e.g., salaries,

		hourly wages, fringe or other benefit expenditures, reimbursement amount, malpractice insurance) shall be redacted. IT IS SO ORDERED. (Ct Rptr :) JUDGE Mag Judge Leslie E. Kobayashi (eps) (Entered: 04/03/2002)
04/03/2002	105	CERTIFICATE of service by defendant Queen's Medical Cent (eps) (Entered: 04/03/2002)
04/03/2002	106	NOTICE OF MOTION and motion by defendant Queen's Medical Cent for summary judgment of plaintiff Equal Employment Opportunity Commissions' complaint (filed 6/13/01) and intervenor Shyamal Premaratne's complaint-in-intervention (filed 8/3/01) ; memorandum in support of motion; certificate of service - set for 10:30 5/28/02 before Judge Susan O. Mollway - SEALED (eps) (Entered: 04/04/2002)
04/03/2002	107	CONCISE STATEMENT of facts by defendant Queen's Medical Cent in support of motion for summary judgment of plaintiff Equal Employment Opportunity Commissions' complaint (filed 6/13/01) and intervenor Shyamal Premaratne's complaint-in-intervention (filed 8/3/01) [106-1]; declaration of Christopher S. Yeh; declaration of Sally Myers; declaration of Craig Nakamura; declaration of Gloria Shishido; declaration of Sheila declaration of Rix Maurer III; declaration of Ramona declaration of Leila Shar; declaration of Charlotte Yu; declaration of Robert Hee; exhibits a-jj; certificate of service - SEALED (eps) Modified on 04/08/2002 (Entered: 04/04/2002)
04/05/2002	108	CERTIFICATE of service by intervenor plaintiff Shyamal Premaratne (eps) (Entered: 04/08/2002)
04/05/2002	109	SUBMISSION of ORIGINAL DECLARATION by defendant Queen's Medical Cent of Marne Carmichael in support of CONCISE STATEMENT of facts by defendant Queen's Medical Cent in support of motion for summary judgment of plaintiff Equal Employment Opportunity Commissions' complaint (filed 6/13/01) and intervenor Shyamal Premaratne's complaint-in-intervention (filed 8/3/01) [106-1]; exhibit a; certificate of service [107-1] (eps) (Entered: 04/08/2002)
04/05/2002	110	SUBMISSION of defendant Queen's Medical Cent financial statements pursuant to court order dated March 11, 2002 - SEALED (eps) (Entered: 04/08/2002)
04/08/2002	111	CERTIFICATE of service by defendant Queen's Medical Cent (eps) (Entered: 04/08/2002)
04/10/2002	112	CERTIFICATE of service by intervenor plaintiff Shyamal Premaratne (eps) (Entered: 04/11/2002)
04/10/2002	113	CERTIFICATE of service by intervenor plaintiff Shyamal Premaratne (eps) (Entered: 04/11/2002)
04/10/2002	114	CERTIFICATE of service by intervenor plaintiff Shyamal Premaratne (eps) (Entered: 04/11/2002)
04/11/2002	115	CERTIFICATE of service by plaintiff EEOC (eps) (Entered: 04/11/2002)
04/12/2002	116	Plaintiff-Intervenor's RESPONSE to defendant The Queen's Medical Center's APPEAL FROM MAGISTRATE JUDGE'S ORDER granting in part and denying in part plaintiff-intervenor's motion to strike defendant The Queen's Medical Center's disclosure of expert witnesses, and to exclude expert witnesses

		(order filed 3/15/02)[98-1] ; declaration of Susan M. Ichinose; certificate of service - by intervenor plaintiff Shyamal Premaratne (eps) Modified on 04/22/2002 (Entered: 04/15/2002)
04/16/2002	117	ORDER by Judge Susan O. Mollway affirming decision of the Magistrate Judge [102-1] - the court affirms the order granting in part & denying in part motion by pltf-inv Shyamal Premaratne, MD to strike QMC's disclosure of expert witnesses and to exclude expert witnesses (cc: all counsel) (eps) (Entered: 04/17/2002)
04/16/2002	118	JOINDER by plaintiff EEOC in pltf-intv response to defendant The Queen's Medical Ctr appeal from magistrate judge's order granting in part and denying in part pltf-intv motion to strike deft The Queen's Medical Center's disclosure of expert witnesses, and to exclude expert witnesses (order filed 3/15/02); certificate of service (eps) (Entered: 04/17/2002)
04/17/2002	119	CERTIFICATE of service by plaintiff EEOC (eps) (Entered: 04/17/2002)
04/17/2002	120	CERTIFICATE of service by plaintiff EEOC (eps) (Entered: 04/17/2002)
04/17/2002	121	CERTIFICATE of service by plaintiff EEOC (eps) (Entered: 04/17/2002)
04/22/2002	122	CERTIFICATE of service by plaintiff EEOC (eps) (Entered: 04/22/2002)
04/25/2002	123	DISCOVERY ORDER by Mag Judge Leslie E. Kobayashi for discovery (cc: all counsel) (eps) (Entered: 04/25/2002)
04/29/2002	124	EO : Settlement Conference set for 05/06/2002 02:00:00 PM, before Mag Judge Leslie E. Kobayashi ; Steven Nakashima to notify all parties. (Ct Rptr :) JUDGE Mag Judge Leslie E. Kobayashi (eps) (Entered: 04/29/2002)
04/29/2002	125	STATEMENT of submission of defendant The Queen's Medical Center's expert report of Mark Stitham, MD; CERTIFICATE of service by defendant Queen's Medical Cent (eps) (Entered: 04/30/2002)
05/06/2002	126	EP : settlement conference held 5/6/02 before Mag Judge Leslie E. Kobayashi (Ct Rptr : in chambers no record) JUDGE Mag Judge Leslie E. Kobayashi (eps) (Entered: 05/07/2002)
05/08/2002	127	EO : Re: [Civil No. 01-00389SOM-LEK] - Plaintiff EEOC and Plaintiff-Intervenor's Counsel to serve written settlement offer [on a global basis resolving all lawsuits filed by or on behalf of Plaintiff-Intervenor] by May 31, 2002, and Defendants' Counsel to serve a written response with a specific counter-offer by June 7, 2002, and the parties to provide copies to the Court. Joint Settlement Conference [Civil No. 01-00389SOM-LEK and Civil No. 01-00390ACK-KSC] with Magistrate Judge Leslie E. Kobayashi and Magistrate Judge Kevin S.C. Chang presiding is set for June 20, 2002 at 9:00 a.m. in Magistrate Judge Leslie E. Kobayashi's Chambers. Settlement Conference in Civil No. 01-00390ACK-KSC set for 2:00 6/5/02, KSC is Vacated. cc: all counsel (Ct Rptr :) JUDGE Mag Judge Leslie E. Kobayashi (eps) (Entered: 05/08/2002)
05/08/2002	128	APPEAL OF MAGISTRATE JUDGE'S DISCOVERY ORDER [123-2] April 25, 2002 ; declaration of Carl M. Varady; certificate of service - by intervenor plaintiff Shyamal Premaratne (eps) (Entered: 05/08/2002)

05/10/2002	129	CERTIFICATE of service by defendant Queen's Medical Cent (eps) (Entered: 05/10/2002)
05/10/2002	130	CERTIFICATE of service by defendant Queen's Medical Cent (eps) (Entered: 05/10/2002)
05/10/2002	131	CERTIFICATE of service by defendant Queen's Medical Cent (eps) (Entered: 05/10/2002)
05/10/2002	132	CERTIFICATE of service by defendant Queen's Medical Cent (eps) (Entered: 05/10/2002)
05/11/2002	134	STATEMENT by intervenor plaintiff Shyamal Premaratne in opposition to the Queen's Medical Center's (QMC) motion for summary judgment of [sic] plaintiff Equal Employment Opportunity Commissions' complaint (filed 6/13/01) and intervenor Shyamal Premaratne's complaint-in-intervention (filed 8/3/01) [106-1]; declaration of Shyamal Premaratne, Nahidh Hasaniya, Alfredo Reigada, Wilfredo Tungol- certificate of service (eps) (Entered: 05/13/2002)
05/13/2002	133	JOINT MEMORANDUM by intervenor plaintiff Shyamal Premaratne, plaintiff EEOC in opposition to the Queen's Medical Center's motion for summary judgment of plaintiff Equal Employment Opportunity Commissions' complaint (filed 6/13/01) and intervenor Shyamal Premaratne's complaint-in-intervention (filed 8/3/01) [106-1] filed April 3, 2002 (eps) (Entered: 05/13/2002)
05/13/2002	135	EO : Joint Settlement Conference [Civil No. 01-00389SOM-LEK and Civil No. 01-00390ACK-KSC] with Magistrate Judge Leslie E. Kobayashi and Magistrate Judge Kevin S.C. Chang presiding set for June 20, 2002 at 9:00 a.m. is moved up to June 5, 2002 at 2:00 p.m. in Magistrate Judge Leslie E. Kobayashi's Chambers. Steven Nakashima to notify all parties. Defendants Counsels' deadline for a written response with a specific settlement counter-offer currently due June 7, 2002 is now due June 4, 2002. cc: all counsel (Ct Rptr :) JUDGE Mag Judge Leslie E. Kobayashi (eps) (Entered: 05/13/2002)
05/16/2002	137	ERRATA and supplementation of plaintiff EEOC, intervenor plaintiff Shyamal Premaratne concise statement of facts in opposition to the Queen's Medical Center's (QMC) motion for summary judgment of [sic] plaintiff Equal Employment Opportunity Commissions' complaint (filed 6/13/01) and intervenor Shyamal Premaratne's complaint-in-intervention (filed 8/3/01) [106-1];and plaintiff and intervenor's joint memorandum in opposition to defendant the Queen's Medical Center's motion for summary judgment of [sic] plaintiff EEOC's complaint (filed 6/13/01) and intervenor Shyamal Premaratne's complaint in intervention (filed 8/03/01), filed April 3, 2002; declaration of Carl M. Varady; exhibits 1 to 4; certificate of service Nahidh Hasaniya, Alfredo Reigada, Wilfredo Tungol- [134-1] (eps) (Entered: 05/17/2002)
05/17/2002	136	REPLY MEMORANDUM by defendant Queen's Medical Cent in support of motion for summary judgment of plaintiff Equal Employment Opportunity Commissions' complaint (filed 6/13/01) and intervenor Shyamal Premaratne's complaint-in-intervention (filed 8/3/01) [106-1]; declaration of Christopher Yeh; exhibit kk; declaration of Sally Myers; declaration of Gloria Shishido; declaration of Rakesh Kukreja; certificate of service (eps) (Entered: 05/17/2002)

05/21/2002	138	CERTIFICATE of service by defendant Queen's Medical Cent (eps) (Entered: 05/21/2002)
05/21/2002	139	RESPONSE by defendant Queen's Medical Cent to plaintiff-intervenor's appeal (filed 05/08/02) of the magistrate judge's discovery order (April 25, 2002) [128-1]; declaration of Christopher S. Yeh; exhibits a-c; certificate of service (eps) (Entered: 05/21/2002)
05/21/2002	140	EX PARTE MOTION to extend the time for filing: (1) plaintiff EEOC's and plaintiff-intervenor's concise statement of facts in opposition to the Queen's Medical Center's (QMC) motion for summary judgment of [sic] plaintiff Equal Employment Opp Comm complaint (filed 6/13/01) and intervenor Shyamal Premaratne's complaint in intervention (filed 8/3/01) and (2) pltt and intervenor's joint memorandum in opposition to defendant The Queen's Medical Centr's motion for summary judgment of [sic] pltf EEOC's complaint (filed 6/3/01) and intervenor Shyamal Premaratne's complaint in intervention (filed 8/3/01), filed April 3, 2002; declaration of Carl M. Varady and Order granting; certificate of service - by Judge Susan O. Mollway on behalf of plaintiff EEOC, defendant Queen's Medical Center re [106-1]; [134-1] (eps) (Entered: 05/21/2002)
05/22/2002	141	CERTIFICATE of service by defendant Queen's Medical Cent (eps) (Entered: 05/22/2002)
05/22/2002	142	CERTIFICATE of service by defendant Queen's Medical Cent (eps) (Entered: 05/22/2002)
05/22/2002	143	NOTICE OF MOTION and motion by defendant Queen's Medical Cent to modify amended Rule 16 scheduling order (filed 02/22/02) ; memorandum in support of motion; declaration of Barry W. Marr; exhibits a-d; certificate of service - set for 9:30 6/19/02 before Mag Judge Leslie E. Kobayashi (eps) (Entered: 05/22/2002)
05/28/2002	144	CERTIFICATE of service by intervenor plaintiff Shyamal Premaratne (eps) (Entered: 05/29/2002)
05/28/2002	145	Submission of ORIGINAL DECLARATION of Howard Blatt in by defendant Queen's Medical Cent in support of defendant The Queen's Medical Center's reply memorandum in support of motion for summary judgment of plaintiff EEOC's Complaint filed 6/13/01 and intervenor Shyamal Premaratne's complaint in intervention filed 8/3/01 filed 4/3/02; exhibit a; certificate of service [136-1] (eps) (Entered: 05/29/2002)
05/28/2002	146	EP : Defendant The Queen's Medical Center's Motion for Summary Judgment of EEOC's Complaint and Intervenor Shyamal Premartne's Complaint in Intervention - Arguments. Defendant The Queen's Medical Center's Motion for Summary Judgment of EEOC's Complaint and Intervenor Shyamal Premartne's Complaint in Intervention - taken under advisement. Court to issue a written ruling. Parties to consider consenting to have trial conducted by a Magistrate Judge [106-1] (Ct Rptr : Debra Chun) JUDGE Judge Susan O. Mollway (eps) (Entered: 05/29/2002)
05/29/2002	147	CERTIFICATE of service by defendant Queen's Medical Cent (eps) (Entered: 05/29/2002)

05/29/2002	148	CERTIFICATE of service by defendant Queen's Medical Cent (eps) (Entered: 05/29/2002)
05/29/2002	149	CERTIFICATE of service by intervenor plaintiff Shyamal Premaratne (eps) (Entered: 05/30/2002)
05/30/2002	150	EO : Defendant The Queen's Medical Center's Motion to Modify Amended Rule 16 Order (Filed 2/22/02) set for 9:30 6/19/02 is moved to 3:30 p.m. 6/19/02 before Magistrate Judge Leslie E. Kobayashi. [143-1] (Ct Rptr :) JUDGE Mag Judge Leslie E. Kobayashi (eps) (Entered: 05/30/2002)
05/30/2002	151	CERTIFICATE of service by defendant Queen's Medical Cent (eps) (Entered: 05/30/2002)
05/30/2002	153	FIRST AMENDED INITIAL DISCLOSURES; certificate of service by plaintiff EEOC (eps) (Entered: 05/31/2002)
05/31/2002	152	AMENDED CERTIFICATE of service by plaintiff EEOC (eps) (Entered: 05/31/2002)
05/31/2002	154	CERTIFICATE of service by intervenor plaintiff Shyamal Premaratne (eps) (Entered: 05/31/2002)
05/31/2002	155	MEMORANDUM by intervenor plaintiff Shyamal Premaratne in opposition to defendant the QMC motion to modify amended Rule 16 scheduling order (filed 02/22/02) [143-1] ; exhibit a (eps) (Entered: 05/31/2002)
05/31/2002	156	EO : Before the Court is Intervenor Shyamal Premaratne's ("Intervenor") request "to quash or modify two subpoenas duces tecum" served on Richard Ballard and Alan W.C. Ma, Esq., percipient witnesses in the instant action. (Intervenor's 05/29/02 Ltr., at 1.) Intervenor and Defendant The Queen's Medical Center ("Defendant") submitted their letter briefs on May 29, 2002 pursuant to LR37.1, and requested that the Court issue an expedited ruling because the two subpoenas in issue are scheduled to be responded to by the witnesses on June 6, 2002. The Court addresses, in turn, each subpoena duces tecum: 1. Richard Ballard Subpoena. Richard Ballard was formerly employed by the University of Hawaii as an administrative officer, and in this capacity, he was authorized to act on behalf of the Hawaii Residency Program. (Def.'s 05/29/02 Ltr., at 3.) According to Defendant, Mr. Ballard "engaged in a pattern of abuses relation to foreign medical graduates' visa applications" and was subsequently terminated from employment. (Id.) Defendant has taken Mr. Ballard's oral deposition over a two-day period. (Intervenor's 05/29/02 Ltr., at 1.) Mr. Ballard has been recently served with a second subpoena duces tecum for documents ("Richard Ballard Subpoena"). This document request lists six categories of documents to be produced on June 6, 2002, and Intervenor objects to all but one of the categories requested on the basis of "the witness' constitutional and statutory rights of privacy." ((Id., at 2). Defendant, on the other hand, argues that there is "good reason for discovery [i]n the mid-1990's, it was suspected that Ballard was being personally compensated in return for providing letters of support for foreign researchers ... that were not in fact authorized by any institution." (Def.'s 05/29/02 Ltr., at 3.) The five categories of documents that Defendant seeks and to which Intervenor object are: 1) documents related to compensation or payment sought or received by Mr. Ballard as a result of his participation or submission

documents to the U.S. Immigration and Naturalization Service, in particular, any compensation from Intervenor, Nahidh Hasaniya, Aziz Ruzzak, Wei Zhang, Tomoaki Noritomi, and/or Hao Chi Ho, 2) his federal and state returns relating to income and expenses for 1992-1996, 3) documents related to the immigration status or application of any person to whom he provided assistance on immigration matters while acting on behalf of the University of Hawaii, Defendant or Hawaii Residency Programs, Inc. between 1992 to 1996, 4) documents related to invoices from or payments to Alan Ma, Esq. having to do with Intervenor's immigration status, and 5) bank documents for his accounts in Hawaii from 1990-1996. Rule 26(b)(1), Federal Rules of Civil Procedure, provides that the parties may obtain "discovery regarding any matter, not privileged, that is relevant to the claim or defense of any party" Thus, the initial inquiry must be whether or not the requested documents are relevant to any claim or defense raised in the instant lawsuit. Defendant has raised a theory of defense that Mr. Ballard acted improperly and was not authorized to act on its behalf when he apparently made certain representations about Intervenor to the U.S. Immigration and Naturalization Service. (Def.'s 05/29/02 Ltr., at 2.) Documents related to Intervenor and Alan Ma, the attorney who assisted Intervenor on his immigration matters, are relevant to this defense. The bulk of the documents being sought (e.g., his bank accounts, compensation for and documents related to services given to persons other than Intervenor, and his tax returns), however, are not relevant to this issue. Thus, unless otherwise privileged, requests nos. 1, and 3 to 4 of the Richard Ballard Supoena, to the extent that the requests are limited to information related to Intervenor, are relevant and should be produced. Requests nos. 2, and 4 to 5 in their entirety, and requests nos. 1 and 3, to the extent that documents related to persons other than Intervenor are requested, are not relevant and therefore the Richard Ballard Subpoena is quashed as to these requests. Intervenor argues that the documents requested, even if relevant, are nevertheless privileged by "the witness' constitutional and statutory rights of privacy." (Intervenor's 05/29/02 Ltr., at 2.) The documents in issue are essentially financial and correspondence records. Federal courts have recognized a limited privacy interest in one's medical records. *Soto v. City of Concord*, 162 F.R.D. 603, 618 (N.D.Calif.1995) (citing *Whalen v. Roe*, 429 U.S. 589, 599-600, 97 S.Ct. 869, 876-877, 51 L.Ed.2d 64 (1977); *Doe v. Attorney General of U.S.*, 941 F.2d 780, 795-96 (9th Cir.1991)(establishing that information regarding a person's HIV status would fall within the ambit of the privacy protection afforded medical information); *Caesar v. Mountanos*, 542 F.2d 1064, 1067 n.9 (9th Cir.1976), cert den. 430 U.S. 954, 97 S.Ct. 1598, 51 L.Ed.2d 804 (1977)(holding that right to privacy encompasses doctor-patient and psychotherapist-patient relationship); *Pagano v. Oroville Hosp.*, 145 F.R.D. at 695-98 (establishing that state constitutional right to privacy is consistent with federal constitution). This privacy interest in medical records is not an absolute one but conditional. *Id.* ("This right is conditional, and a limited impairment of the right may be allowed if properly justified."); (citations omitted). Absent from Intervenor's argument is authority for his proposition that there is a privacy interest in one's financial information. Even if there was such an privacy interest similar to that which has been recognized for one's medical records, that right would not be absolute but conditional. Where, as here, Defendant has demonstrated both need and relevancy regarding the information sought, the privacy interest may yield. Therefore, the Richard Ballard

Subpoena must be responded to by Mr. Ballard as to requests nos. 1, 3, 4 and 6 to the extent that these requests ask for documents related to Intervenor and/or efforts made on his behalf. 2. Alan Ma Subpoena. Intervenor argues that Alan Ma, Esq. is Intervenor's attorney on immigration matters and objects to the subpoena duces tecum served on Mr. Ma ("Alan Ma Subpoena") on the basis of attorney-client privilege, work-product privilege, and 5 U.S.C. 552a. (Intervenor's 05/29/02 Ltr., at 1, 3.) Defendant, on the other hand, submits that Mr. Ma "was retained as the immigration attorney to support ... petitions [submitted by Mr. Ballard] and also wrote to the INS, ostensibly on behalf of [Defendant] and suggesting that [Defendant] was [Plaintiff]'s employer." (Def.'s 05/29/02 Ltr., at 1.) If Mr. Ma is Intervenor's attorney, then communications between them for purposes of obtaining or rendering legal advice are likely to fall within the attorney-client privilege, unless otherwise waived. See, e.g., *United States v. Chen*, 99 F.3d 1495, 1501 (9th Cir. 1996) ("The privilege applies only when legal advice is sought from a professional legal advisor in his capacity as such.") (quoting 8 Wigmore, Evidence 2292 at 554); see also Edna Selan Epstein, *The Attorney-Client Privilege and the Work-Product Doctrine* 233-36 (4th ed. 2001). However, Defendant has produced evidence that Mr. Ma entered his appearance as the attorney of record on behalf of both Defendant and Intervenor on matters before the U.S. Immigration and Naturalization Service, and that Mr. Ballard, on behalf of Defendant and Intervenor, apparently consented to Mr. Ma's representation. (Def.'s 05/29/02 Ltr., Ex. "A.") Thus, it appears that Mr. Ma has an attorney-client relationship with both Defendant and Intervenor on immigration matters related to Intervenor. Defendant states that it waives its attorney-client privilege for communications relating to Intervenor. (*Id.*, at 2.) To the extent that a separate and distinct attorney-client relationship exists between Mr. Ma and Intervenor, the attorney-client privilege has been waived in that Intervenor has listed Mr. Ma as a witness who will testify regarding "knowledge of [Defendant]'s initial application for Plaintiff's residency status." (*Id.*) Intervenor cannot use the privilege as both a sword and a shield. As to the requests pertaining to persons other than Intervenor, however, Defendant has not demonstrated that these requests are relevant to any claim or defense, nor that these persons did not have an attorney-client relationship with Mr. Ma or, if he was their attorney, that these persons have waived the attorney-client privilege. Therefore, Requests nos. 18 through 32, and 33 (but only to the extent that it requests immigration status or petitions of persons other than Intervenor) of the Alan Ma Subpoena are hereby QUASHED. After careful consideration of the submissions and pertinent case law, and for the reasons provided below, this court GRANTS IN PART and DENIES IN PART Intervenor's request to quash the subpoena duces tecum and hereby ORDERS: 1. The Richard Ballard Subpoena must be responded to by Mr. Ballard as to requests nos. 1, 3, 4 and 6 to the extent that these requests ask for documents related to Intervenor and/or efforts made on his behalf; 2. The Richard Ma Subpoena must be responded to by Mr. Ma as to requests nos. 1-17, and 33 to the extent that these requests ask for documents related to Intervenor and/or efforts made on his behalf; and 3. Both subpoenas are quashed in all other respects. IT IS SO ORDERED. {for footnotes see document #156 - Minute Order} (Ct Rptr :) JUDGE Mag Judge Leslie E. Kobayashi (fe) (Entered: 06/04/2002)

06/03/2002

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JOINDER by plaintiff EEOC re memorandum in opposition to defendant QMC's motion to modify amended rule 16 scheduling order [155-1]; certificate of

		service (fe) (Entered: 06/04/2002)
06/03/2002	158	NOTICE OF MOTION and motion by intervenor plaintiff Shyamal Premaratne for order deeming written discovery requests timely served, or in the alternative shortening defendant QMC's response time to 29 days ; declaration of Susan M. Ichinose; exhibits a-c; order DENIED Mag Judge Leslie E. Kobayashi; certificate of service (fe) (Entered: 06/04/2002)
06/03/2002	159	JOINDER by plaintiff EEOC re motion for order deeming written discovery requests timely served, or in the alternative shortening defendant QMC's response time to 29 days [158-1]; certificate of service (fe) (Entered: 06/04/2002)
06/03/2002	160	JOINDER by plaintiff EEOC in plaintiff-intervenor's second request for answers to interrogatories; third request for production of documents and third request for admissions to defendant The Queen's Medical Center, Inc.; certificate of service (fe) (Entered: 06/04/2002)
06/03/2002	161	CERTIFICATE of service by intervenor plaintiff Shyamal Premaratne (fe) (Entered: 06/04/2002)
06/03/2002	162	MEMORANDUM by defendant Queen's Medical Cent in opposition to motion for order deeming written discovery requests timely served, or in the alternative shortening defendant QMC's response time to 29 days [158-1]; declaration of Steven M. Nakashima; certificate of service (fe) (Entered: 06/04/2002)
06/04/2002	163	EP : Telephone Conference held in Chambers - Court discloses to the parties that her sister in law accepted a clerical position with the University of Hawaii. Her work will be performed at The Queen's Medical Center and her position involves human, not animal, patients and is not involved with this case. The Court will not recuse itself. No objection by any party at this time. If any party does object, a motion to disqualify the Court should be filed by 2:00 p.m. today. If the motion cannot be filed by that time, the party should notify the Court that it is preparing such a motion. Court will not issue its ruling re: the motion for summary judgment until later this afternoon. (Ct Rptr : Debra Chun) JUDGE Judge Susan O. Mollway (eps) Modified on 06/07/2002 (Entered: 06/06/2002)
06/04/2002	164	EO: Pursuant to the parties' request, the Court issues its Amended Order, with the changes noted in italicized bold, as follows: Before the Court is Intervenor Shyamal Premaratne's ("Intervenor") request "to quash or modify two subpoenas duces tecum" served on Richard Ballard and Alan W.C. Ma, Esq., percipient witnesses in the instant action. (Intervenor's 05/29/02 Ltr., at 1.) Intervenor and Defendant The Queen's Medical Center ("Defendant") submitted their letter briefs on May 29, 2002 pursuant to LR37.1, and requested that the Court issue an expedited ruling because the two subpoenas in issue are scheduled to be responded to by the witnesses on June 6, 2002. The Court addresses, in turn, each subpoena duces tecum: 1. Richard Ballard Subpoena. Richard Ballard was formerly employed by the University of Hawaii as an administrative officer, and in this capacity, he was authorized to act on behalf of the Hawaii Residency Program. (Def.'s 05/29/02 Ltr., at 3.) According to Defendant, Mr. Ballard "engaged in a pattern of abuses relation to foreign medical graduates' visa applications" and was subsequently terminated from employment. (Id.) Defendant has taken Mr. Ballard's oral deposition over a two-day period. (Intervenor's 05/29/02 Ltr., at 1.) Mr. Ballard has been recently served with a

second subpoena duces tecum for documents ("Richard Ballard Subpoena"). This document request lists six categories of documents to be produced on June 6, 2002, and Intervenor objects to all but one of the categories requested on the basis of "the witness' constitutional and statutory rights of privacy." (Id., at 2). Defendant, on the other hand, argues that there is "good reason for discovery [i]n the mid-1990's, it was suspected that Ballard was being personally compensated in return for providing letters of support for foreign researchers ... that were not in fact authorized by any institution." (Def.'s 05/29/02 Ltr., at 3.) The five categories of documents that Defendant seeks and to which Intervenor object are: 1) documents related to compensation or payment sought or received by Mr. Ballard as a result of his participation or submission documents to the U.S. Immigration and Naturalization Service, in particular, any compensation from Intervenor, Nahidh Hasaniya, Aziz Ruzzak, Wei Zhang, Tomoaki Noritomi, and/or Hao Chi Ho, 2) his federal and state returns relating to income and expenses for 1992-1996, 3) documents related to the immigration status or application of any person to whom he provided assistance on immigration matters while acting on behalf of the University of Hawaii, Defendant or Hawaii Residency Programs, Inc. between 1992 to 1996, 4) documents related to invoices from or payments to Alan Ma, Esq. having to do with Intervenor's immigration status, and 5) bank documents for his accounts in Hawaii from 1990-1996. Rule 26(b)(1), Federal Rules of Civil Procedure, provides that the parties may obtain "discovery regarding any matter, not privileged, that is relevant to the claim or defense of any party" Thus, the initial inquiry must be whether or not the requested documents are relevant to any claim or defense raised in the instant lawsuit. Defendant has raised a theory of defense that Mr. Ballard acted improperly and was not authorized to act on its behalf when he apparently made certain representations about Intervenor to the U.S. Immigration and Naturalization Service. (Def.'s 05/29/02 Ltr., at 2.) Documents related to Intervenor and Alan Ma, the attorney who assisted Intervenor on his immigration matters, are relevant to this defense. The bulk of the documents being sought (e.g., his bank accounts, compensation for and documents related to services given to persons other than Intervenor, and his tax returns), however, are not relevant to this issue. Thus, unless otherwise privileged, requests nos. 1, and 3 to 4 of the Richard Ballard Supoena, to the extent that the requests are limited to information related to Intervenor, are relevant and should be produced. Requests nos. 2, and 4 to 5 in their entirety, and requests nos. 1 and 3, to the extent that documents related to persons other than Intervenor are requested, are not relevant and therefore the Richard Ballard Subpoena is quashed as to these requests. Intervenor argues that the documents requested, even if relevant, are nevertheless privileged by "the witness' constitutional and statutory rights of privacy." (Intervenor's 05/29/02 Ltr., at 2.) The documents in issue are essentially financial and correspondence records. Federal courts have recognized a limited privacy interest in one's medical records. *Soto v. City of Concord*, 162 F.R.D. 603, 618 (N.D.Calif.1995) (citing *Whalen v. Roe*, 429 U.S. 589, 599-600, 97 S.Ct. 869, 876-877, 51 L.Ed.2d 64 (1977)); *Doe v. Attorney General of U.S.*, 941 F.2d 780, 795-96 (9th Cir.1991)(establishing that information regarding a person's HIV status would fall within the ambit of the privacy protection afforded medical information); *Caesar v. Mountanos*, 542 F.2d 1064, 1067 n.9 (9th Cir.1976), cert den. 430 U.S. 954, 97 S.Ct. 1598, 51 L.Ed.2d 804 (1977)(holding that right to privacy encompasses doctor-patient and psychotherapist-patient relationship);

Pagano v. Oroville Hosp., 145 F.R.D. at 695-98 (establishing that state constitutional right to privacy is consistent with federal constitution). This privacy interest in medical records is not an absolute one but conditional. *Id.* ("This right is conditional, and a limited impairment of the right may be allowed if properly justified."); (citations omitted). Absent from Intervenor's argument is authority for his proposition that there is a privacy interest in one's financial information. Even if there was such a privacy interest similar to that which has been recognized for one's medical records, that right would not be absolute but conditional. Where, as here, Defendant has demonstrated both need and relevancy regarding the information sought, the privacy interest may yield. Therefore, the Richard Ballard Subpoena must be responded to by Mr. Ballard as to requests nos. 1, 3, 4 and 6 to the extent that these requests ask for documents related to Intervenor and/or efforts made on his behalf. Alan Ma Subpoena. Intervenor argues that Alan Ma, Esq. is Intervenor's attorney on immigration matters and objects to the subpoena duces tecum served on Mr. Ma ("Alan Ma Subpoena") on the basis of attorney-client privilege, work-product privilege, and 5 U.S.C. 552a. (Intervenor's 05/29/02 Ltr., at 1, 3.) Defendant, on the other hand, submits that Mr. Ma "was retained as the immigration attorney to support ... petitions [submitted by Mr. Ballard] and also wrote to the INS, ostensibly on behalf of [Defendant] and suggesting that [Defendant] was [Plaintiff]'s employer." (Def.'s 05/29/02 Ltr., at 1.) If Mr. Ma is Intervenor's attorney, then communications between them for purposes of obtaining or rendering legal advice are likely to fall within the attorney-client privilege, unless otherwise waived. See, e.g., *United States v. Chen*, 99 F.3d 1495, 1501 (9th Cir. 1996) ("The privilege applies only when legal advice is sought from a professional legal advisor in his capacity as such.") (quoting 8 *Wigmore*, *Evidence* 2292 at 554); see also *Edna Selan Epstein, The Attorney-Client Privilege and the Work-Product Doctrine* 233-36 (4th ed. 2001). However, Defendant has produced evidence that Mr. Ma entered his appearance as the attorney of record on behalf of both Defendant and Intervenor on matters before the U.S. Immigration and Naturalization Service, and that Mr. Ballard, on behalf of Defendant and Intervenor, apparently consented to Mr. Ma's representation. (Def.'s 05/29/02 Ltr., Ex. "A.") Thus, it appears that Mr. Ma has an attorney-client relationship with both Defendant and Intervenor on immigration matters related to Intervenor. Defendant states that it waives its attorney-client privilege for communications relating to Intervenor. (*Id.*, at 2.) To the extent that a separate and distinct attorney-client relationship exists between Mr. Ma and Intervenor, the attorney-client privilege has been waived in that Intervenor has listed Mr. Ma as a witness who will testify regarding "knowledge of [Defendant]'s initial application for Plaintiff's residency status." (*Id.*) Intervenor cannot use the privilege as both a sword and a shield. As to the requests pertaining to persons other than Intervenor, however, Defendant has not demonstrated that these requests are relevant to any claim or defense, nor that these persons did not have an attorney-client relationship with Mr. Ma or, if he was their attorney, that these persons have waived the attorney-client privilege. Therefore, Requests nos. 18 through 32, and 33 (but only to the extent that it requests immigration status or petitions of persons other than Intervenor) of the Alan Ma Subpoena are hereby QUASHED. After careful consideration of the submissions and pertinent case law, and for the reasons provided below, this court GRANTS IN PART and DENIES IN PART Intervenor's request to quash the subpoena duces tecum and hereby ORDERS:

		The Richard Ballard Subpoena must be responded to by Mr. Ballard as to requests nos. 1, 3, 4 and 6 to the extent that these requests ask for documents related to Intervenor and/or efforts made on his behalf; The Alan Ma Subpoena must be responded to by Mr. Ma as to requests nos. 1-17, and 33 to the extent that these requests ask for documents related to Intervenor and/or efforts made on his behalf; and Both subpoenas are quashed in all other respects. IT IS SO ORDERED. cc: all counsel via fax and hard copy [156-1] (Ct Rptr :) JUDGE Mag Judge Leslie E. Kobayashi (eps) (Entered: 06/06/2002)
06/04/2002	165	ORDER by Judge Susan O. Mollway granting in part and denying in part defendant's motion for summary judgment of plaintiff's complaint and intervenor's complaint-in-intervention [106-1] (cc: all counsel) (eps) (Entered: 06/06/2002)
06/05/2002	166	AMENDED ORDER by Judge Susan O. Mollway granting in part and denying in part defendant's motion for summary judgment of plaintiff's complaint and intervenor's complaint-in-intervention [106-1] (cc: all counsel) [165-1] (cc: all counsel) (eps) (Entered: 06/06/2002)
06/05/2002	167	CERTIFICATE of service by defendant Queen's Medical Cent (eps) (Entered: 06/06/2002)
06/05/2002	169	EP : further settlement conference held; further settlement on call (Ct Rptr : in chambers no record) JUDGE Mag Judge Leslie E. Kobayashi (eps) (Entered: 06/07/2002)
06/06/2002	168	CERTIFICATE of service by defendant Queen's Medical Cent (eps) (Entered: 06/06/2002)
06/07/2002	170	Reply MEMORANDUM by defendant Queen's Medical Cent in support of motion to modify amended Rule 16 scheduling order (filed 02/22/02) [143-1]; declaration of Christopher S. Yeh; exhibit e; certificate of service (fe) (Entered: 06/10/2002)
06/14/2002	171	EO : Continued : [Final Pretrial Conference] from 07/16/2002 09:00:00 AM to 07/23/2002 09:00:00 AM, LEK. cc: all counsel; (Ct Rptr :) JUDGE Mag Judge Leslie E. Kobayashi (eps) (Entered: 06/17/2002)
06/18/2002	172	EO : Continued : [Defendant The Queen's Medical Center's Motion to Modify Amended Rule 16 Scheduling Order (Filed 02/22/02)] from 06/19/2002 03:30:00 PM to 07/03/2002 10:00:00 AM, LEK. Val of Steven Nakashima's office to notify all parties. [143-1] (Ct Rptr : FTR Gold) JUDGE Mag Judge Leslie E. Kobayashi (eps) (Entered: 06/19/2002)
06/18/2002	173	ORDER by Judge Susan O. Mollway affirming magistrate judge's discovery order of April 25, 2002 [128-1] (cc: all counsel) (eps) (Entered: 06/20/2002)
06/18/2002	174	ORDER by Judge Susan O. Mollway denying APPEAL regarding plaintiff-intervenor's discovery request No 7 and plaintiff's discovery request Nos 6,7 & 8 [123-2] [128-1] (cc: all counsel) (eps) (Entered: 06/20/2002)
06/21/2002	175	CERTIFICATE of service by defendant Queen's Medical Cent (eps) (Entered: 06/24/2002)

06/26/2002	176	EO: Further Settlement conference set for 3:00 6/28/02 before Mag Judge Kevin S. Chang ; Elizabeth Fujiwara to notify parties. () JUDGE Judge Kevin S. Chang (afc) (Entered: 06/26/2002)
06/28/2002	177	EP : further settlement held ; next conference on call (Ct Rptr : no record) JUDGE Mag Judge Kevin S. Chang (eps) (Entered: 07/01/2002)
07/01/2002	178	EO : As no party has identified any prejudice to the public filing of the court's summary judgment order in this case, the order will remain unsealed. cc: by fax to Elizabeth Jubin Fujiwara, Carl Varady, Susan Ichinose, Barry Marr and Steven Nakashima. Ms. Fujiwara's office to fax a copy to Mr. Jonathan Peck and Mr. William Tamayo (Ct Rptr :) JUDGE Judge Susan O. Mollway (eps) (Entered: 07/02/2002)
07/01/2002	180	NOTICE of hearing ; settlement on the record set for 11:30 7/1/02 before Mag Judge Kevin S. Chang (eps) (Entered: 07/05/2002)
07/01/2002	181	EP : Settlement Put On Record. Filing of Dismissal set 8-1-02 at 9:00 KSC , All dates vacated. Mo 7-3-02 FPT 7-23-02 JT 8-27-02 (Ct Rptr : Tape C5 904) JUDGE Mag Judge Kevin S. Chang (eps) (Entered: 07/05/2002)
07/02/2002	179	STIPULATION to extend discovery deadline and ORDER by Mag Judge Leslie E. Kobayashi [143-1] (eps) (Entered: 07/05/2002)
07/02/2002	182	NOTICE OF WITHDRAWAL OF MOTION by defendant Queen's Medical Cent withdrawing motion to modify amended Rule 16 scheduling order (filed 02/22/02) (filed 5/22/02); certificate of service (eps) Modified on 07/05/2002 (Entered: 07/05/2002)
07/13/2002	183	EP : status conference held (Ct Rptr : no record) JUDGE Mag Judge Kevin S. Chang (eps) (Entered: 07/16/2002)
07/31/2002	184	EO : Continued : [Filing of Dismissal] from 08/01/2002 09:00:00 AM to 08/15/2002 09:00:00 AM KSC. Val of Steve Nakashima's to notify parties. (Stipulation for Dismissal being circulated.) (Ct Rptr : IC) JUDGE Mag Judge Kevin S. Chang (eps) (Entered: 08/02/2002)
08/15/2002	185	EP : Filing of Dismissal continued to September 09, 2002 @9:00 a.m. before Mag Judge Kevin S. Chang (Ct Rptr : no record in chambers) JUDGE Mag Judge Kevin S. Chang (eps) Modified on 08/19/2002 (Entered: 08/19/2002)
08/22/2002	186	STIPULATION for partial dismissal with prejudice and for retentio of jurisdiction by the court and ORDER by Judge Susan O. Mollway : - all claims and parties in the EEOC action are dismissed with prejudice; there are no other remaining issues in the EEOC action; provided, however, it is stipulated by all parties that Intervenor Premaratne's claims are not hereby dismissed (eps) (Entered: 08/23/2002)
09/10/2002	187	STIPULATION for partial dismissal with prejudice and order by Judge Susan Oki Mollway - filed by deft - [all claims and parties dismissed w/prejudice; no remaining issues in the EEOC action] terminating case (afc) (Entered: 09/11/2002)

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