

U.S. District Court
United States District Court for the Southern District of Iowa (Davenport)
CIVIL DOCKET FOR CASE #: 3:03-cv-10062-REL-RAW

Johnson v. University of Iowa, et al
Assigned to: Senior Judge Ronald E. Longstaff
Referred to: Magistrate Judge Ross A. Walters
Demand: \$0
Case in other court: 8th CCA, 05-01184
Cause: 42:2000e Job Discrimination (Employment)

Date Filed: 06/17/2003
Date Terminated: 12/17/2004
Jury Demand: None
Nature of Suit: 442 Civil Rights: Jobs
Jurisdiction: Federal Question

Plaintiff

David A Johnson
*On his own behalf and on behalf of all
others similarly situated*

represented by **James C Larew**
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LEAD ATTORNEY
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V.

Defendant

University of Iowa

represented by **George A Carroll**
IOWA ATTORNEY GENERAL — Des
Moines
1305 E WALNUT STREET
DES MOINES, IA 50319
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Defendant

sued as State Board of Regents

represented by **George A Carroll**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

MD David J Skorton

represented by **George A Carroll**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Douglas K True

represented by **George A Carroll**
(See above for address)
LEAD ATTORNEY
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Defendant

Susan Buckley

represented by **George A Carroll**
(See above for address)
LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
06/17/2003	<u>1</u>	COMPLAINT (Summons issued); Rule 16 Dismissal Notice set for 10/15/03; Dismissal ddl (service) set for 10/15/03 (rmj) (Entered: 06/17/2003)
06/17/2003		FILING FEE PAID: on 6/17/03 in the amount of \$150, receipt #64425. (rmj) (Entered: 06/17/2003)
06/17/2003	<u>2</u>	MOTION by plaintiff David A Johnson to certify class action before Judge Ronald E. Longstaff (rmj) (Entered: 06/17/2003)
06/23/2003	<u>3</u>	RETURN OF SERVICE of summons and complaint, executed upon defendant University of Iowa on 6/19/03 (bp) (Entered: 06/23/2003)
06/23/2003	<u>4</u>	RETURN OF SERVICE of summons and complaint, executed upon defendant Susan Buckley on 6/18/03 (bp) (Entered: 06/23/2003)
06/23/2003	<u>5</u>	RETURN OF SERVICE of summons and complaint, executed upon defendant David J Skorton on 6/18/03 (bp) (Entered: 06/23/2003)
06/23/2003	<u>6</u>	RETURN OF SERVICE of summons and complaint, executed upon defendant Douglas K True on 6/18/03 (bp) (Entered: 06/23/2003)
07/07/2003	<u>7</u>	RETURN OF SERVICE of summons and complaint, executed upon defendant IA St Bd of Regents on 6/23/03 (bp) (Entered: 07/07/2003)
07/08/2003	<u>8</u>	MOTION by defendant to dismiss before Judge Ronald E. Longstaff , or to stay federal action and request to consider matters outside the pleadings before Judge Ronald E. Longstaff (bp) (Entered: 07/08/2003)
07/08/2003	<u>9</u>	MEMORANDUM by defendant in support [8-1] of motion to dismiss before Judge Ronald E. Longstaff, [8-2] of motion to stay federal action and request to consider matters outside the pleadings before Judge Ronald E. Longstaff (bp) (Entered: 07/08/2003)
07/16/2003	<u>10</u>	RESISTANCE by plaintiff David A Johnson to motion to dismiss [8-1], and motion to stay federal action and request to consider matters outside the pleadings before Judge Ronald E. Longstaff [8-2] (rmj) (Entered: 07/16/2003)
07/16/2003	<u>11</u>	MEMORANDUM by plaintiff in support [10-1] of his resistance to dfts' motion to dismiss or stay federal action (rmj) (Entered: 07/16/2003)
09/26/2003	<u>12</u>	ORDER by Judge Ronald E. Longstaff denying motion to dismiss [8-1], denying motion to stay federal action; The Court would entertain a motion to amend the present Complaint [8-2], re [2-1] motion to certify class action; Dfts are directed to respond to motion for class certification within 20 days of this order ; Responsive brief ddl 10/20/03 (cc: all counsel) (rmj) (Entered: 09/26/2003)
10/06/2003	<u>13</u>	ANSWER by defendants complaint [1-1] (rmj) (Entered: 10/06/2003)
10/08/2003	<u>14</u>	MOTION by plaintiff to amend Complaint before Magistrate Judge Ross A. Walters (rmj) (Entered: 10/08/2003)
10/09/2003	<u>15</u>	ORDER by Magistrate Judge Ross A. Walters granting motion to amend Complaint [14-1] (cc: all counsel) (rmj) (Entered: 10/09/2003)
10/09/2003	<u>16</u>	AMENDED COMPLAINT [1-1] by plaintiff; Complaint includes new Counts I and II under B and statement of statutory basis for jurisdiction (rmj) (Entered: 10/09/2003)
10/15/2003	<u>17</u>	ANSWER by defendant University of Iowa, defendant IA St Bd of Regents, defendant David J Skorton, defendant Douglas K True, defendant Susan Buckley complaint [16-1] (bp) (Entered: 10/15/2003)
10/20/2003	<u>18</u>	RESISTANCE by defendants to motion to certify class action before Judge Ronald E. Longstaff [2-1] (rmj) (Entered: 10/20/2003)

10/23/2003		REPLY by plaintiff re [2-1] motion to certify class action before Judge Ronald E. Longstaff (rmj) (Entered: 10/23/2003)
10/23/2003	<u>19</u>	MOTION by plaintiff to exceed page limitation in his Reply to resistance to class certification motion before Magistrate Judge Ross A. Walters (rmj) (Entered: 10/23/2003)
10/24/2003	<u>20</u>	ORDER by Magistrate Judge Ross A. Walters granting motion to exceed page limitation in his Reply to resistance to class certification motion [19-1] (cc: all counsel) (bp) (Entered: 10/24/2003)
10/24/2003	<u>21</u>	REPLY by plaintiff David A Johnson re [18-1] motion response (bp) (Entered: 10/24/2003)
11/12/2003	<u>22</u>	ORDER GIVING NOTICE OF DISMISSAL pursuant to Rule 16; Dismissal ddl (Rule 16) extended to 11/26/03 by JRR, Clerk (cc: all counsel) (rmj) (Entered: 11/12/2003)
11/19/2003	<u>23</u>	ORDER by Judge Ronald E. Longstaff granting motion to certify class action [2-1]; Parties are directed to submit proposed plan for notification to potential class members within 60 days; Dismissal ddl (Rule 16) 1/20/04; Brief ddl 1/20/04 all counsel) (rmj) (Entered: 11/20/2003)
12/05/2003		PROPOSED SCHEDULING ORDER SUBMITTED by plaintiff David A Johnson, defendant University of Iowa, defendant IA St Bd of Regents, defendant David J Skorton, defendant Douglas K True, defendant Susan Buckley ; Report not adopted, referred to Magistrate Judge Walters. (bp) (Entered: 12/05/2003)
12/09/2003	<u>24</u>	SCHEDULING ORDER by Magistrate Judge Ross A. Walters; dispositive mtn ddl set 6/1/04; Case ready for trial as of 10/1/04; estimated length of trial 2-day bench trial; Discovery ddl set for 5/3/04 (cc: all counsel) (rmj) (Entered: 12/09/2003)
01/15/2004	<u>25</u>	ORDER SETTING TRIAL AND FINAL PRETRIAL CONFERENCE 2-day bench trial 4/11/05 @ 9:00 before a US District Judge starting the 3-week period of 4/11/05; Case ready for trial SATISFIED; Final pretrial cnf before Judge Shields 3/7/05 @ Davenport, IA /s/ JRR, Clerk (cc: all counsel) (rmj) (Entered: 01/15/2004)
02/17/2004	<u>26</u>	JOINT MOTION by plaintiff David A Johnson, defendant University of Iowa for notice of pendency of class action before Judge Ronald E. Longstaff (bp) (Entered: 02/17/2004)
02/17/2004	<u>27</u>	MEMORANDUM by plaintiff David A Johnson in support [26-1] of motion for notice of pendency of class action before Judge Ronald E. Longstaff (bp) (Entered: 02/17/2004)
05/28/2004	<u>28</u>	MOTION by defendants to extend dispositive motion ddl before Magistrate Judge Ross A. Walters (rmj) (Entered: 05/28/2004)
06/01/2004	<u>29</u>	ORDER by Magistrate Judge Ross A. Walters granting motion to extend dispositive motion ddl; [28-1] Dispositive Motion ddl set for 7/19/04 (cc: all counsel) (rmj) (Entered: 06/01/2004)
07/21/2004	<u>30</u>	MOTION by defendants for summary judgment before Judge Ronald E. Longstaff; ORAL ARGUMENT Requested (rmj) (Entered: 07/21/2004)
07/21/2004	<u>31</u>	MEMORANDUM by defendants in support [30-1] of motion for summary judgment before Judge Ronald E. Longstaff (rmj) (Entered: 07/21/2004)
07/21/2004	<u>32</u>	APPENDIX filed by defendants [30-1] re: motion for summary judgment before Judge Ronald E. Longstaff (rmj) (Entered: 07/21/2004)
07/21/2004	<u>33</u>	STATEMENT OF UNCONTROVERTED FACTS by defendants [30-1] in support of motion for summary judgment before Judge Ronald E. Longstaff (rmj) (Entered: 07/21/2004)
07/21/2004	<u>34</u>	MOTION by plaintiff for partial summary judgment before Judge Ronald E. Longstaff; Oral Argument Requested (rmj) (Entered: 07/21/2004)

07/21/2004	<u>35</u>	MOTION by plaintiff to exceed page limitation in its Brief in Support of Motion for Partial Summary Judgment before Magistrate Judge Ross A. Walters (rmj) (Entered: 07/21/2004)
07/21/2004	<u>36</u>	STATEMENT OF UNDISPUTED MATERIAL FACTS by plaintiff [34-1] in support of motion for partial summary judgment before Judge Ronald E. Longstaff (rmj) (Entered: 07/21/2004)
07/21/2004	37	APPENDIX filed by plaintiff [34-1] re: motion for partial summary judgment before Judge Ronald E. Longstaff [NO IMAGE; Greater than 200 pgs] (rmj) (Entered: 07/21/2004)
07/23/2004	<u>38</u>	ORDER by Magistrate Judge Ross A. Walters granting motion to exceed page limitation in its Brief in Support of Motion for Partial Summary Judgment [35-1] (cc: all counsel) (rmj) (Entered: 07/23/2004)
07/23/2004	<u>39</u>	MEMORANDUM by plaintiff in support [34-1] of motion for partial summary judgment before Judge Ronald E. Longstaff; Oral Argument Requested (rmj) (Entered: 07/23/2004)
07/23/2004	<u>40</u>	RESISTANCE by defendants to Plf's motion to file overlength brief [Pldg No 35][Granted previously this date by RAW] (rmj) (Entered: 07/23/2004)
08/10/2004	<u>41</u>	BRIEF IN RESISTANCE by defendants to motion for partial summary judgment before Judge Ronald E. Longstaff [34-1] (rmj) (Entered: 08/10/2004)
08/10/2004	<u>42</u>	APPENDIX IN RESPONSE/RESISTANCE to Plf's motion for summary judgment filed by defendant [41-1] (rmj) (Entered: 08/10/2004)
08/10/2004	<u>43</u>	MOTION by defendants to strike certain evidentiary materials in Plf's memorandum in support of summary judgment [39-1] before Judge Ronald E. Longstaff (rmj) (Entered: 08/10/2004)
08/10/2004	<u>44</u>	RESPONSE by defendants [36-1] to Plf's statement of uncontroverted material facts (rmj) (Entered: 08/10/2004)
08/10/2004	<u>45</u>	RESPONSE by plaintiff to Dfts' statement of uncontroverted facts[33-1] (rmj) (Entered: 08/10/2004)
08/10/2004	<u>46</u>	MOTION by plaintiff to exceed page limitation in its Brief in support of resistance to Dfts' motion for summary judgment before Magistrate Judge Ross A. Walters (rmj) (Entered: 08/10/2004)
08/10/2004	<u>47</u>	STATEMENT OF ADD'L MATERIAL FACTS by plaintiff (rmj) (Entered: 08/10/2004)
08/10/2004	<u>48</u>	SUPPLEMENTAL APPENDIX re resistance to Dfts' motion for summary judgment filed by plaintiff (rmj) (Entered: 08/10/2004)
08/12/2004	<u>49</u>	ORDER by Magistrate Judge Ross A. Walters denying motion to exceed page limitation in its Brief in support of resistance to Dfts' motion for summary judgment; Plf may have 14 days to file a recast brief [46-1] (cc: all counsel) (rmj) (Entered: 08/12/2004)
08/17/2004	<u>50</u>	REPLY/MEMORANDUM IN SUPPORT THEREOF by plaintiff re [34-1] motion for partial summary judgment before Judge Ronald E. Longstaff (rmj) (Entered: 08/17/2004)
08/17/2004	<u>51</u>	SECOND SUPPLEMENTAL APPENDIX by plaintiff [48-1] to Dfts' resistance to Plf's motion for partial summary judgment [34-1] before Judge Ronald E. Longstaff (rmj) (Entered: 08/17/2004)
08/17/2004	<u>52</u>	RESISTANCE by plaintiff to motion to strike certain evidentiary materials in Plf's memorandum in support of summary judgment [39-1] before Judge Ronald E. Longstaff [43-1] (rmj) (Entered: 08/17/2004)
08/17/2004	<u>53</u>	MEMORANDUM plaintiff in support of its resistance to Dfts' motion to strike [52-1] (rmj) (Entered: 08/17/2004)

08/17/2004	<u>54</u>	MOTION by plaintiff to strike re failure to properly deny or qualify responses [44-1] before Judge Ronald E. Longstaff [36-1] (rmj) (Entered: 08/17/2004)
08/17/2004	<u>55</u>	MEMORANDUM by plaintiff in support [54-1] of motion to strike re failure to properly deny or qualify responses [44-1] before Judge Ronald E. Longstaff [36-1] (rmj) (Entered: 08/17/2004)
08/17/2004	<u>56</u>	MOTION by plaintiff to strike responses and expert opinion of Jennifer Niebyl, MD in Dfts' appendix re motion for summary judgment [32-1] before Judge Ronald E. Longstaff (rmj) (Entered: 08/17/2004)
08/17/2004	<u>57</u>	MEMORANDUM by plaintiff in support [56-1] of motion to strike responses and expert opinion of Jennifer Niebyl, MD in Dft's appendix re motion for summary judgment [32-1] before Judge Ronald E. Longstaff (rmj) (Entered: 08/17/2004)
08/17/2004	<u>58</u>	MOTION by plaintiff to strike portions of the expert opinion of Dr. Kent Jayne in Dfts' appendix to motion for summary judgment [32-1] before Judge Ronald E. Longstaff (rmj) (Entered: 08/17/2004)
08/17/2004	<u>59</u>	MEMORANDUM by plaintiff in support [58-1] of motion to strike portions of the expert opinion of Dr. Kent Jayne in Dfts' appendix to motion for summary judgment [32-1] before Judge Ronald E. Longstaff (rmj) (Entered: 08/17/2004)
08/25/2004	<u>60</u>	ORDER by Judge Ronald E. Longstaff granting motion for notice of pendency of class action; the parties are authorized to proceed with the plan for notification as outlined in the joint motion [26-1] (cc: all counsel) (rmj) (Entered: 08/25/2004)
08/30/2004	<u>61</u>	MEMORANDUM by plaintiff David A Johnson in opposition to motion for partial summary judgment before Judge Ronald E. Longstaff; Oral Argument Requested [34-1] (bp) (Entered: 08/30/2004)
08/31/2004	<u>62</u>	RESPONSE by defendants [54-1] re: motion to strike re failure to properly deny or qualify responses [44-1] before Judge Ronald E. Longstaff [36-1], [44-1] re: response, [36-1] re: Plfs' Statement of Uncontroverted Facts (rmj) (Entered: 08/31/2004)
08/31/2004	<u>63</u>	RESISTANCE by defendants to motion to strike responses and expert opinion of Jennifer Niebyl, MD in Dfts' appendix re motion for summary judgment [32-1] before Judge Ronald E. Longstaff [56-1] (rmj) (Entered: 08/31/2004)
08/31/2004	<u>64</u>	MEMORANDUM by defendants in support [63-1] their resistance to motion to strike the testimony of Dr Jennifer Niebyl (rmj) (Entered: 08/31/2004)
08/31/2004	<u>65</u>	RESISTANCE by defendants to motion to strike portions of the expert opinion of Dr. Kent Jayne in Dfts' appendix to summary judgment [32-1] before Judge Ronald E. Longstaff [58-1] (rmj) (Entered: 08/31/2004)
08/31/2004	<u>66</u>	MEMORANDUM by defendants in support [65-1] of their resistance to motion to strike the testimony of Kent Jayne (rmj) (Entered: 08/31/2004)
09/07/2004	<u>67</u>	MOTION by plaintiff David A Johnson to amend order certifying class before Judge Ronald E. Longstaff (bp) (Entered: 09/07/2004)
09/07/2004	<u>68</u>	MEMORANDUM by plaintiff David A Johnson in support [67-1] of motion to amend order certifying class before Judge Ronald E. Longstaff (bp) (Entered: 09/07/2004)
09/08/2004	<u>69</u>	RESPONSE/REPLY by defendants [47-1] re: statement of additional material facts (bp) (Entered: 09/08/2004)
09/08/2004	<u>70</u>	REPLY by defendant re [61-1] memorandum in support of its motion for summary judgment (bp) (Entered: 09/08/2004)
09/08/2004	<u>71</u>	APPENDIX (volume III) filed by defendant (bp) (Entered: 09/08/2004)
09/14/2004	<u>72</u>	MOTION by plaintiffs for leave to file Surreply in support of their resistance to Dfts' Motion for summary judgment before Magistrate Judge Ross A. Walters (rmj) (Entered: 09/14/2004)

09/14/2004	<u>73</u>	MEMORANDUM by plaintiffs in support [72-1] of motion for leave to file Surreply in support of their resistance to Dfts' Motion for summary judgment before Magistrate Judge Ross A. Walters (rmj) (Entered: 09/14/2004)
09/17/2004		RESISTANCE by plaintiff to motion to amend order certifying class before Judge Ronald E. Longstaff [67-1] (rmj) (Entered: 09/17/2004)
09/17/2004	<u>74</u>	RESISTANCE by defendants to motion to amend order certifying class before Judge Ronald E. Longstaff [67-1] (rmj) (Entered: 09/17/2004)
09/17/2004	<u>75</u>	MEMORANDUM by defendants in support [74-1] of its resistance to plf's motion to amend class (rmj) (Entered: 09/17/2004)
09/17/2004	<u>76</u>	RESISTANCE by defendant to motion for leave to file Surreply in support of their resistance to Dfts' Motion for summary judgment before Magistrate Judge Ross A. Walters [72-1] (rmj) (Entered: 09/17/2004)
11/08/2004	<u>77</u>	MOTION for Leave to File addition exhibits in support of motion for partial summary judgmentre: liability. by David A Johnson. Responses due by 11/26/2004 (don,) (Entered: 11/08/2004)
11/08/2004	<u>78</u>	MEMORANDUM in Support re <u>77</u> MOTION for Leave to File filed by David A Johnson. (don,) (Entered: 11/08/2004)
11/29/2004	<u>79</u>	RESPONSE to Motion re <u>77</u> MOTION for Leave to File <i>Defendants' Resistance to Plaintiff's Motion for Leave to Amend Record</i> filed by David J Skorton, Douglas K True, University of Iowa, sued as State Board of Regents. Replies due by 12/9/2004. (Attachments: # <u>1</u> Brief)(Carroll, George) (Entered: 11/29/2004)
12/01/2004	<u>80</u>	ORDER granting <u>77</u> plaintiff's Motion for Leave to File supplemental exhibits. Defendant may supplement record within 14 days as described in order. Entered by Magistrate Judge Ross A. Walters on 12/1/2004. (klw) (Entered: 12/01/2004)
12/16/2004	<u>81</u>	ORDER granting <u>30</u> Motion for Summary Judgment, denying <u>34</u> Motion for Partial Summary Judgment, denying <u>43</u> Motion to Strike, denying <u>54</u> Motion to Strike, denying <u>56</u> Motion to Strike, denying <u>58</u> Motion to Strike, granting <u>72</u> Motion for Leave to File, finding as moot and denying <u>67</u> Motion to Amend/Correct . Entered by Chief Judge Ronald E. Longstaff on 12/16/2004. (dsg) (Entered: 12/16/2004)
12/17/2004	<u>82</u>	JUDGMENT (summary judgment granted in favor of Defendants against Plaintiff . Entered by James R Rosenbaum Clerk on 12/17/2004. (don,) (Entered: 12/17/2004)
12/29/2004	<u>83</u>	NOTICE OF APPEAL as to <u>81</u> Order on Motion for Summary Judgment, Order on Motion for Partial Summary Judgment, Order on Motion to Strike, Order on Motion for Leave to File, Order on Motion to Amend/Correct, <u>82</u> Judgment by David A Johnson. Filing fee \$ 255, receipt number 69878. (don,) (Entered: 12/30/2004)
01/04/2005	<u>84</u>	USCA Appeal Fees received \$ 255 receipt number 71041 re <u>83</u> Notice of Appeal, filed by David A Johnson, (don,) (Entered: 01/04/2005)
01/04/2005		Transmission of Notice of Appeal and Docket Sheet to US Court of Appeals re <u>83</u> Notice of Appeal, (don,) (Entered: 01/04/2005)
12/06/2005	<u>85</u>	USCA Case Number 05-1184 for <u>83</u> Notice of Appeal, filed by David A Johnson,. (don,) (Entered: 12/06/2005)
01/09/2006	<u>86</u>	MANDATE of USCA as to <u>83</u> Notice of Appeal, filed by David A Johnson, affirming the district court's decision. (don,) (Entered: 01/09/2006)