

APPEAL, LEVIN, TERMED

United States District Court
Northern District of Illinois – CM/ECF LIVE, Ver 4.1.1 (Chicago)
CIVIL DOCKET FOR CASE #: 1:95-cv-02205

Robinson, et al v. Sheriff of Cook Co
Assigned to: Honorable James B. Zagel
Demand: \$0
Case in other court: 96-03506
98-02333

Date Filed: 04/11/1995
Date Terminated: 03/16/1998
Jury Demand: None
Nature of Suit: 442 Civil Rights: Jobs
Jurisdiction: Federal Question

Cause: 42:2000e Job Discrimination (Employment)

Plaintiff

Charles O Robinson
individually and on behalf of a class

represented by **Kenneth N Flaxman**
Kenneth N. Flaxman, P.C.
200 South Michigan Avenue
Suite 1240
Chicago, IL 60604-6107
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Lesley Ann Redman
Kenneth N. Flaxman, P.C.
122 South Michigan Avenue
Suite 1850
Chicago, IL 60603-6107
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Plaintiff

Belinda Taylor
individually and on behalf of a class
TERMINATED: 09/13/1996

V.

Defendant**Sheriff of Cook County**

represented by **Sophia Lopez**
Cook County State's Attorney
500 Richard J. Daley Center
Chicago, IL 60602
(312) 443-5350
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Gina Elizabeth Brock
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ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
04/11/1995	1	COMPLAINT – Civil cover sheet – Appearance(s) of Lesley A Redman, Kenneth N. Flaxman as attorney(s) for plaintiff with Rule 39 affidavits (Original and one copy summons(es) issued.) (Documents: 1-1 through 1-5) (fce) (Entered: 04/11/1995)

		04/12/1995)
04/11/1995		RECEIPT regarding payment of filing fee paid; on 4/11/95 in the amount of \$ 120.00, receipt # 453083. (fce) (Entered: 04/12/1995)
04/17/1995	2	RETURN OF SERVICE of summons executed upon defendant Sheriff of Cook Cty on 4/11/95 (smm) (Entered: 04/19/1995)
04/28/1995	3	ATTORNEY APPEARANCE for defendant by Sophia Lopez (fce) (Entered: 05/01/1995)
05/05/1995	4	MOTION by defendant Sheriff of Cook Cty for extension of time to answer or otherwise plead to complaint ; Notice of motion. (smm) Modified on 05/11/1995 (Entered: 05/11/1995)
05/05/1995	5	MINUTE ORDER of 5/5/95 by Hon. James B. Zagel : Motion for extension of time to answer or otherwise plead granted [4-1]. Defendant's answer date extended to 5/22/95. Status hearing set for 7/26/95 at 10:00 a.m. Mailed notice. (smm) (Entered: 05/11/1995)
06/13/1995	6	ANSWER to complaint by defendant; Notice of filing (fce) (Entered: 06/15/1995)
07/26/1995		SCHEDULE set on 7/26/95 by Hon. James B. Zagel : Status hearing held and continued to 10:00 9/8/95 . No notice (drw) (Entered: 07/31/1995)
10/20/1995	7	MOTION by Sheriff of Cook County for leave to file appearance as additional counsel ; Notice of motion (tlm) (Entered: 10/25/1995)
10/20/1995	8	MINUTE ORDER of 10/20/95 by Hon. James B. Zagel : Defendant's motion for leave to file appearance as additional counsel is granted. [7-1] Mailed notice (tlm) (Entered: 10/25/1995)
10/20/1995	9	ADDITIONAL ATTORNEY APPEARANCE for defendant by Gina Elizabeth Brock (tlm) (Entered: 10/25/1995)
10/20/1995	10	MOTION by Defendant for judgment on the pleadings ; Notice of motion. (tlm) (Entered: 10/26/1995)
10/20/1995	11	MINUTE ORDER of 10/20/95 by Hon. James B. Zagel : Status hearing set to 10:00 11/3/95. Sheriff of Cook County's motion for judgment on the pleadings denied. [10-1] No notice (tlm) (Entered: 10/26/1995)
11/03/1995	12	MOTION by defendant to Merit Board for leave to respond to plaintiff's motion to enforce subpoena and to apply for a protective order ; Notice of motion (fce) (Entered: 11/06/1995)
11/03/1995	13	MINUTE ORDER of 11/3/95 by Hon. James B. Zagel : Granting defendant's motion to Merit Board for leave to respond to plaintiff's motion to enforce subpoena [12-1] and defendant's motion to apply for a protective order [12-2] No notice (fce) (Entered: 11/06/1995)
11/03/1995	14	MOTION by defendant for more definite statement ; Notice of motion (fce) (Entered: 11/06/1995)
11/03/1995	15	MINUTE ORDER of 11/3/95 by Hon. James B. Zagel : Granting defendant's motion for more definite statement [14-1] No notice (fce) (Entered: 11/06/1995)
11/03/1995	16	MOTION by plaintiff to enforce subpoena (Attachments); Notice of motion (fce) (Entered: 11/06/1995)
11/03/1995	17	MINUTE ORDER of 11/3/95 by Hon. James B. Zagel : Status hearing held; continued to 11/22/95 at 10:00 a.m. Denying plaintiff's motion to enforce subpoena [16-1] No notice (fce) (Entered: 11/06/1995)
11/22/1995	18	MOTION by plaintiff for class certification ; Notice of motion (fce) (Entered: 12/05/1995)
11/22/1995	19	MINUTE ORDER of 11/22/95 by Hon. James B. Zagel : Plaintiff's motion for class certification [18-1]. Answer brief to motion due 12/20/95. Reply to answer brief due 1/3/96. Hearing on plaintiff's motion for class certification [18-1] set for

		1/10/96 at 10:00 a.m. Status hearing held; continued to 01/10/96 at 10:00 a.m. No notice (fce) (Entered: 12/05/1995)
11/22/1995	20	PROTECTIVE ORDER (fce) (Entered: 12/05/1995)
11/22/1995	21	MINUTE ORDER of 11/22/95 by Hon. James B. Zagel : Enter protective order. No notice (fce) (Entered: 12/05/1995)
12/20/1995	22	MEMORANDUM by defendant in opposition to class certification (Exhibits). [18-1] (tlm) (Entered: 12/29/1995)
01/02/1996	23	REPLY memorandum by plaintiff in support of motion for class certification [18-1] (fce) (Entered: 01/09/1996)
01/10/1996	24	MINUTE ORDER of 1/10/96 by Hon. James B. Zagel : Status hearing held; continued to 02/14/96 at 10:00 a.m. For the reasons stated in open court, plaintiff's motion for class certification [18-1] is denied without prejudice to plaintiff counsel's regarding a class representative by 02/07/96. No notice (fce) (Entered: 01/12/1996)
02/13/1996		SCHEDULE set on 2/13/96 by Hon. James B. Zagel : Status hearing date of 2/14/96 is reset to 2/23/96 at 10:00 am. Mailed notice (jms) (Entered: 02/13/1996)
02/23/1996	25	MOTION by plaintiff to add plaintiff ; Notice of motion (nlf) (Entered: 03/12/1996)
02/23/1996	26	MINUTE ORDER of 2/23/96 by Hon. James B. Zagel : Granting motion to add plaintiff [25-1]. Plaintiff is given leave to file an amended complaint naming additional plaintiffs until March 15, 1996. Status hearing held and continued to 10:00 4/5/96 . No notice (nlf) Modified on 03/14/1996 (Entered: 03/12/1996)
04/05/1996		SCHEDULE set on 4/5/96 by Hon. James B. Zagel : Status hearing reset to 10:00 4/11/96 . No notice (drw) (Entered: 04/09/1996)
04/11/1996	27	MOTION by plaintiff for leave to file first amended complaint ; Notice of motion (fce) (Entered: 04/17/1996)
04/11/1996	28	AFFIDAVIT of Belinda Taylor regarding motion for leave to file first amended complaint [27-1] (fce) (Entered: 04/17/1996)
04/11/1996	29	MINUTE ORDER of 4/11/96 by Hon. James B. Zagel : Status hearing held; continued to 05/16/96 at 10:00 a.m. Granting plaintiff's motion for leave to file first amended complaint [27-1] No notice (fce) (Entered: 04/17/1996)
04/11/1996	30	FIRST AMENDED COMPLAINT [1-1] by plaintiff; adding Belinda Taylor (fce) (Entered: 04/17/1996)
05/16/1996	31	MOTION by defendant Sheriff of Cook Co for leave to file motion to dismiss amended complaint, instanter Notice of motion (eav) (Entered: 05/17/1996)
05/16/1996	32	MINUTE ORDER of 5/16/96 by Hon. James B. Zagel : Defendant's motion to file motion to dismiss amended complaint, instanter is granted. [31-1] No notice (eav) (Entered: 05/17/1996)
05/16/1996	33	MOTION by defendant to dismiss first amended complaint (eav) (Entered: 05/17/1996)
05/16/1996	34	MEMORANDUM by defendant in support of motion to dismiss first amended complaint [33-1] (Exhibit) (eav) (Entered: 05/17/1996)
05/16/1996	35	MINUTE ORDER of 5/16/96 by Hon. James B. Zagel : Defendant's motion to dismiss first amended complaint. Answer brief to motion due 05/23/96. [33-1] Reply to answer brief due 05/30/96. Hearing on motion set for 06/21/96 at 9:00 a.m. Status hearing set for 06/21/96 at 9:00 a.m. No notice (eav) (Entered: 05/17/1996)
05/23/1996	36	MEMORANDUM by plaintiff Charles O Robinson in opposition to motion to dismiss first amended complaint [33-1] (fce) (Entered: 05/23/1996)

05/30/1996	37	REPLY by defendant memorandum in support of motion to dismiss the first amended complaint [34-1] (eav) (Entered: 05/31/1996)
06/21/1996	38	MINUTE ORDER of 6/21/96 by Hon. James B. Zagel : Status hearing held; continued to 9:00 a.m. 7/12/96. Motion to dismiss first amended complaint [33-1] is taken under advisement. No notice (smm) (Entered: 06/27/1996)
07/12/1996	39	MEMORANDUM OPINION AND ORDER (smm) (Entered: 07/22/1996)
07/12/1996	40	MINUTE ORDER of 7/12/96 by Hon. James B. Zagel : Status hearing held; continued to 9:00 a.m. 8/9/96. Plaintiff is given leave to file an amended complaint by 8/9.96. Motion to dismiss first amended complaint is granted in part and denied in part [33-1]. Enter memorandum opinion and order. No notice (smm) (Entered: 07/22/1996)
08/09/1996	41	MOTION by plaintiff to reconsider order of 07/12/96 (Attachments) (eav) (Entered: 08/12/1996)
08/09/1996		SCHEDULE set on 8/9/96 by Hon. James B. Zagel : Status hearing held and continued to 9:00 9/13/96 . Plaintiff is given leave to file a motion for reconsideration. No notice (drw) (Entered: 08/14/1996)
08/16/1996	42	MOTION by plaintiffs to compel the defendant to identify by name and last known address all persons who applied for the position of correctional officer and also filed a race discrimination charge from 01/09/96 to the present (Attachment) (fce) (Entered: 08/19/1996)
08/28/1996	43	MEMORANDUM, OPINION, AND ORDER (eav) (Entered: 09/04/1996)
08/28/1996	44	MINUTE ORDER of 8/28/96 by Hon. James B. Zagel : Plaintiff's motion [41-1] to reconsider is denied. Enter memorandum opinion and order. Mailed notice (eav) (Entered: 09/04/1996)
09/13/1996	45	MINUTE ORDER of 9/13/96 by Hon. James B. Zagel : Status hearing held and continued to 01/10/97 at 10:00 a.m. Discovery deadline set for 01/10/97. Plaintiff Belinda Taylor is dismissed as a plaintiff, nunc pro tunc, 08/28/96. Mailed notice (eav) (Entered: 09/19/1996)
10/03/1996	46	NOTICE OF APPEAL by plaintiff Belinda Taylor from Scheduling order Status hearing held and continued to 01/10/97 at 10:00 a.m. Discovery deadline set for 01/10/97. [45-1], from Scheduling order Plaintiff Belinda Taylor is dismissed as a plaintiff, nunc pro tunc, 08/28/96. [45-2], from motion minute order [45-3] (\$105.00 Paid) (fce) (Entered: 10/07/1996)
10/03/1996	47	DOCKETING STATEMENT by plaintiff Belinda Taylor regarding appeal [46-1] . (fce) (Entered: 10/07/1996)
10/07/1996		TRANSMITTED to the 7th Circuit the short record on appeal . Mailed notice to all counsel. (fce) (Entered: 10/07/1996)
10/15/1996	48	ACKNOWLEDGEMENT of receipt of short record on appeal USCA 96-3506 (Attachments) (eav) (Entered: 10/16/1996)
10/16/1996		TRANSMITTED to the 7th Circuit the long record on appeal no. 96-3506 consisting one volume of pleading, one volume of exhibit (Item # 22) of Mailed notice to all counsel. (fce) (Entered: 10/16/1996)
10/16/1996		MAILED: Copy of certificates and transmittal letter with list of documents, regarding appeal [46-1] to counsel of record. (fce) (Entered: 10/16/1996)
10/16/1996	49	CERTIFIED copy of Order from the 7th Circuit. It is ordered that appellant shall file, on or before 10/25/96, a brief memorandum stating why this appeal should not be dismissed for lack of jurisdiction. A motion for voluntary dismissal pursuant to Fed. R. App. P. 42(b) will satisfy this requirement. Briefing shall be suspended pending further court order. (96-3506) (eav) (Entered: 10/17/1996)
10/23/1996	50	SEVENTH CIRCUIT transcript information sheet by plaintiff Charles O Robinson (fce) (Entered: 10/24/1996)

10/30/1996	51	CERTIFIED copy of Order from the 7th Circuit. It is ordered that appellee file, on or before 11/04/96, a response to "Appellant's jurisdictional memorandum", addressing the jurisdictional issue raised in the court's order of 10/15/96. (96-3506) (eav) (Entered: 10/31/1996)
12/26/1996	52	CERTIFIED COPY of order from the Seventh Circuit: Dismissing the appeal [46-1] . (96-3506) (fce) (Entered: 12/30/1996)
01/06/1997		SCHEDULE set on 1/6/97 by Hon. James B. Zagel : Status hearing reset to 10:00 2/7/97 . No notice (drw) (Entered: 01/06/1997)
01/09/1997		SCHEDULE set on 1/9/97 by Hon. James B. Zagel : Status hearing reset to 10:00 1/10/97 . No notice (drw) (Entered: 01/09/1997)
01/10/1997	55	MOTION by defendant to compel plaintiff to comply with discovery requests (Exhibits); Notice of motion (Temporarily unavailable for docketing) (eav) (Entered: 01/23/1997)
01/15/1997	53	CERTIFIED copy of Order from the 7th Circuit. It is ordered that this appeal is Dismissed for lack of jurisdiction. Generally, an appeal may not be taken in a civil case until a final judgment disposing of all claims against all parties is entered on the District's Court's civil docket pursuant to Fed. R. Civ. P. 58. See Cleaver v. Elias, 852 F.2d 266 (7th Cir. 1988). The District Court did not enter a Rule 58 judgment in the present case. While the court dismissed one plaintiff from the action, the action continues in the District Court. Therefore, this appeal is premature. Appellant may appeal at the end of the case or upon entry of a partial judgment in compliance with Rule 54(b) of the Federal Rules of Civil Procedure. (96-3506) (eav) (Entered: 01/15/1997)
01/15/1997	54	LETTER from the 7th Circuit returning the record on appeal no. 96-3506 consisting of one volume of pleadings (eav) (Entered: 01/15/1997)
01/21/1997	56	MINUTE ORDER of 1/21/97 by Hon. James B. Zagel : Defendant's [55-1] hearing on motion to compel set for 02/18/97 at 10:00 a.m. Status hearing set for 02/18/97 at 10:00 a.m. No notice (eav) (Entered: 01/23/1997)
02/25/1997		SCHEDULE set on 2/25/97 by Hon. James B. Zagel : Status hearing reset to 10:00 3/7/97 . No notice (drw) (Entered: 02/26/1997)
02/26/1997		SCHEDULE set on 2/26/97 by Hon. James B. Zagel : Status hearing reset to 10:00 3/11/97 . No notice (drw) (Entered: 03/03/1997)
03/07/1997		SCHEDULE set on 3/7/97 by Hon. James B. Zagel : Status hearing held and continued to 10:00 5/5/97 . No notice (drw) (Entered: 03/10/1997)
03/31/1997	57	MINUTE ORDER of 3/31/97 by Hon. James B. Zagel : Plaintiffs motion to compel is granted. [42-1] No notice (eav) (Entered: 04/03/1997)
05/05/1997	58	TRANSCRIPT of proceedings for the following date(s): 03/07/97 before Honorable James B. Zagel (fce) (Entered: 05/06/1997)
05/05/1997		SCHEDULE set on 5/5/97 by Hon. James B. Zagel : Status hearing held and continued to 10:00 5/29/97 . In court notice (drw) (Entered: 05/16/1997)
05/16/1997		SCHEDULE set on 5/16/97 by Hon. James B. Zagel : Status hearing reset on the court's own motion to 10:00 6/2/97 . Mailed notice (drw) (Entered: 05/16/1997)
06/02/1997		SCHEDULE set on 6/2/97 by Hon. James B. Zagel : Status hearing held. Bench trial date to be set. In court notice (drw) (Entered: 06/11/1997)
06/04/1997	59	TRANSCRIPT of proceedings for the following date(s): 05/05/97 before Honorable James B. Zagel (1 vol.) (ar) (Entered: 06/05/1997)
09/04/1997		SCHEDULE set on 9/4/97 by Hon. James B. Zagel : Bench trial set to 2:00 10/20/97 on the court's own motion. Mailed notice (drw) (Entered: 09/04/1997)
09/22/1997	60	MOTION by defendant for leave to file a summary judgment and postpone the scheduled trial date ; Notice of motion. (Temporarily unavailable for docketing) (fce) (Entered: 11/18/1997)

09/30/1997	61	MINUTE ORDER of 9/30/97 by Hon. James B. Zagel : Defendant's motion for leave to file a summary judgment and postpone the scheduled trial date granted [60-1] Trial set for 10/20/97 is stricken. Telephoned notice (fce) (Entered: 11/18/1997)
03/09/1998		SCHEDULE set on 3/9/98 by Hon. James B. Zagel : Bench trial reset to 10:30 3/16/98 on the court's own motion. Mailed notice (drw) (Entered: 03/09/1998)
03/16/1998	62	MINUTE ORDER of 3/16/98 by Hon. James B. Zagel : Bench trial held and concluded. Enter judgment in favor of defendant and against plaintiff. Terminating case. Mailed notice (mjc) (Entered: 04/23/1998)
03/16/1998	63	ENTERED JUDGMENT (mjc) (Entered: 04/23/1998)
05/15/1998		SCHEDULE set on 5/15/98 by Hon. James B. Zagel : Motion to reopen time to appeal hearing set for 10:15 5/21/98 . No notice (drw) (Entered: 05/18/1998)
05/15/1998	68	MOTION by plaintiff to reopen time for appeal ; Notice of motion (mjc) (Entered: 06/05/1998)
05/21/1998	69	MINUTE ORDER of 5/21/98 by Hon. James B. Zagel : Plaintiff's motion to reopen time for appeal is granted [68-1]. Mailed notice (mjc) (Entered: 06/05/1998)
05/26/1998	64	NOTICE OF APPEAL by plaintiffs from judgment entered [63-1], from Scheduling order Bench trial held and concluded. [62-1], from Scheduling order Terminating case. [62-2], from motion minute order [62-3] (\$105.00 Paid) (fce) (Entered: 05/27/1998)
05/26/1998	65	DOCKETING STATEMENT by plaintiffs regarding appeal [64-1] . (fce) (Entered: 05/27/1998)
05/27/1998		TRANSMITTED to the 7th Circuit the short record on appeal . Mailed notice to all counsel. (fce) (Entered: 05/27/1998)
06/01/1998	66	ACKNOWLEDGEMENT of receipt of short record on appeal USCA 98-2333 (fce) (Entered: 06/02/1998)
06/02/1998	67	SEVENTH CIRCUIT transcript information sheet (fce) (Entered: 06/02/1998)
06/09/1998		TRANSMITTED to the 7th Circuit the long record on appeal no. #98-2333 consisting of one volume of pleadings with two volumes of transcripts of proceedings and one loose pleadings sent up under separate certificate. Mailed notice to all counsel. (pmp) (Entered: 06/09/1998)
06/11/1998	70	CERTIFIED copy of Order from the 7th Circuit. It is ordered that both Appellants and Appellee shall file, on or before 6/22/98, a brief memorandum stating why this appeal should not be dismissed for lack of jurisdiction. A motion for voluntary dismissal pursuant to Fed. R. App. P. 42 (b) will satisfy this requirement. Briefing shall be suspended pending further court order. (98-2333) (mjc) (Entered: 06/12/1998)
07/01/1998	71	CERTIFIED copy of Order from the 7th Circuit. (98-2333); It is ordered that this appeal shall proceed to briefing. (yap) (Entered: 07/07/1998)
07/27/1998	72	TRANSCRIPT of proceedings for the following date(s): 01/10/96 and 03/16/98 Before Honorable James B. Zagel (Two volumes: 72-1 through 72-2) (mak) (Entered: 07/28/1998)
07/28/1998		TRANSMITTED to the 7th Circuit supplement to appeal no. 98-2333 consisting of Two volumes of transcripts (Nos. 72-1 & 72-2). Mailed notice to all counsel. (mak) (Entered: 07/28/1998)
03/22/1999	73	CERTIFIED copy of Order from the 7th Circuit. (98-2333). On 2/22/99, plaintiffs-appellants filed a petition for rehearing with suggestion for rehearing en banc. All the judges on the original panel have voted to deny the petition, and none of the active judges has requested a vote on the suggestion for rehearing en banc. The petition is therefore denied. (rmm) (Entered: 03/23/1999)