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**U.S. District Court
Eastern District of Kentucky (Covington)
CIVIL DOCKET FOR CASE #: 2:06-cv-00225-WOB**

Donelan v. City of Highland Heights
Assigned to: Judge William O. Bertelsman
Referred to: Judge J. Gregory Wehrman
Cause: 38:2011 - Veteran's Readjustment Assistance
Act of

Date Filed: 12/21/2006
Jury Demand: None
Nature of Suit: 440 Civil Rights:
Other
Jurisdiction: Federal Question

Plaintiff

Sean P. Donelan

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V.

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Date Filed	#	Docket Text
12/21/2006	<u>1</u>	COMPLAINT, filed by Sean P. Donelan. (Attachments: # <u>1</u> Case Assignment Sheet# <u>2</u> Civil Cover Sheet # <u>3</u> Certificate of Service on Complaint and Request for Waiver of Summons)(LSG) Modified on 12/26/2006 (to clarify record on service)(Maxie, Joyce). (Entered: 12/21/2006)
12/21/2006		Conflict Check run. (LSG) (Entered: 12/21/2006)
01/03/2007	<u>2</u>	REQUEST FOR WAIVER of Service sent to Steven Franzen, Esquire on 12/21/06 by Sean P. Donelan. Waiver of Service due by 1/22/2007. (Geller, Clare) (Entered: 01/03/2007)
01/03/2007	<u>3</u>	WAIVER OF SERVICE Returned Executed by Sean P. Donelan. City of Highland Heights waiver sent on 12/21/2006,

		answer due 2/20/2007. (Geller, Clare) Modified text to indicate returned executed by Sean P. Donelan on 1/9/2007 (Greiwe, Linda). (Entered: 01/03/2007)
01/09/2007		NOTICE OF DOCKET MODIFICATION TO Clare Geller re 3 Waiver of Service Executed ; Error: Attorney selected the wrong filer; Entry made by attorney; Correction: Clerk has added the Plaintiff, Sean P. Donelan, as the filer. Attorney advised to contact the ECF help desk if assistance is needed in choosing the correct filers.; cc: COR (LSG) (Entered: 01/09/2007)
01/23/2007	4	ANSWER to Complaint by City of Highland Heights.(Sweeney, Thomas) (Entered: 01/23/2007)
03/15/2007	5	REPORT of Rule 26(f) Planning Meeting. (Geller, Clare) Additional attachment(s) added on 3/15/2007 (Greiwe, Linda). (Entered: 03/15/2007)
03/15/2007	6	CERTIFICATE OF SERVICE re 5 Report of Parties' Planning Meeting by Sean P. Donelan.(Geller, Clare) (Entered: 03/15/2007)
04/25/2007	7	FIRST MOTION for Protective Order by Sean P. Donelan (Attachments: # 1 Memorandum in Support # 2 Affidavit Certification for Protective Order# 3 Proposed Order # 4 Exhibit Exhibit 1 - Defendant's Answers to Interrogatories.pdf# 5 Exhibit Exhibit 2 - Defendant's First Set of Interrogatories.pdf# 6 Exhibit Exhibit 3 - Defendant's First Set of Requests.pdf# 7 Exhibit Exhibit 4 - Plaintiff's Answer to Defendant's First Set of Requests.pdf# 8 Exhibit Exhibit 5 - Correspondence Between Counsel# 9 Exhibit Exhibit 6 - Maxwell v. Health Center of Lake City# 10 Exhibit Exhibit 7 - Richards v. Convergys Corp# 11 Certificate of Service)(Geller, Clare) (Entered: 04/25/2007)
05/01/2007	8	ORDER: Docket Call is set for 5/15/2007 01:00 PM in Covington before Judge William O. Bertelsman. Signed by Judge William O. Bertelsman. (JMM)cc: COR (Entered: 05/01/2007)
05/01/2007	9	NOTICE OF MANDATORY ECF DIRECTED TO STEVEN J. FRANZEN, a non-registered attorney re 8 Order Setting Hearings had to be MAILED TO a non-registered attorney, which is in direct violation of this court's General Orders re: Mandatory ECF. Failure to comply will result in this matter being submitted to the Chief Judge. cc: COR (JMM) (Entered: 05/01/2007)
05/01/2007	10	MOTION to Compel by Sean P. Donelan (Attachments: # 1

		Memorandum in Support # 2 Affidavit Certification# 3 Proposed Order # 4 Certificate of Service# 5 Exhibit 1: April 27, 2007 Letter# 6 Exhibit 2 Part 1: Plaintiff's First Set Of Interrogatories# 7 Exhibit 2 - Part 2: Plaintiff's Request For Production# 8 Exhibit 3: April 25, 2007 Letter)(Geller, Clare) (Entered: 05/01/2007)
05/08/2007	11	RESPONSE to Motion re 7 FIRST MOTION for Protective Order by Sean P. Donelan filed by City of Highland Heights. (Attachments: # 1 Exhibit Exhibit 1 - Authorizations and Releases# 2 Exhibit Exhibit 2 - Subpoenas# 3 Exhibit Exhibit 3 - Letter to Counsel# 4 Exhibit Exhibit 4 - Affidavit of Carl Mullen# (5) Exhibit Exhibit 5 - Application for Employment# (6) Exhibit Exhibit 6 - Background Investigation - Part 1 of 4# (7) Exhibit Exhibit 6 - Background Investigation - Part 2 of 4# (8) Exhibit Exhibit 6 - Background Investigation - Part 3 of 4# (9) Exhibit Exhibit 6 - Background Investigation - Part 4 of 4# (10) Exhibit Exhibit 7 - Witness Statement# 11 Exhibit Exhibit 8 - Settlement Agreement)(Sweeney, Thomas)Sealed exhibits 5-11 per 21 Order placed on shelf in clerk's office. Modified text to include "sealed..." on 6/1/2007 (Greive, Linda). (Entered: 05/08/2007)
05/08/2007	12	NOTICE of Appearance by Victor David Quintanilla on behalf of Sean P. Donelan <i>For Esther G. Tamburo</i> (Quintanilla, Victor) Additional attachment(s) added on 5/10/2007 (Greive, Linda). (Entered: 05/08/2007)
05/09/2007		NOTICE OF DEFICIENCY TO Victor Quintanilla re 12 Notice of Appearance; ERROR 1 Attorney failed to provide a certificate of service with the pleading. Attorney advised that each pleading must have a certificate of service. Within 3 business days , the attorney shall file the certificate of service as an attachment to a pleading styled "Notice of Filing"; ERROR 2 Signature on document and filer do not match; error by attorney; the name of the Filing User under whose login and password the document is submitted must be typed in the space where the signature would otherwise appear. cc: COR (LSG) (Entered: 05/09/2007)
05/09/2007	13	NOTICE OF FILING by Sean P. Donelan <i>Certificate Of Service Relating To Notice Of Appearance</i> (Attachments: # 1 Exhibit 1: Notice of Appearance# 2 Exhibit 2: Certificate of Service# 3 Certificate of Service For Notice of Filing)(Quintanilla, Victor) (Entered: 05/09/2007)
05/11/2007	14	RESPONSE to Motion re 10 MOTION to Compel by Sean P.

		Donelan filed by City of Highland Heights. (Attachments: # 1 Exhibit Exhibit 1 - Defendant's Discovery Responses# 2 Exhibit Exhibit 2 - Correspondence from Plaintiff's Counsel# 3 Exhibit Exhibit 3 - Defendant's Supplemental Discovery Responses# 4 Exhibit Exhibit 4 - Proposed Protective Order)(Sweeney, Thomas) (Entered: 05/11/2007)
05/14/2007	15	REPLY BRIEF to 7 FIRST MOTION for Protective Order <i>Plaintiff's Motion for a Protective Order</i> filed by Sean P. Donelan. (Attachments: # 1 Certificate of Service)(Geller, Clare) (Entered: 05/14/2007)
05/14/2007	16	NOTICE OF FILING by Sean P. Donelan (Attachments: # 1 Certificate of Service # 2 Certificate of Service)(Geller, Clare) (Entered: 05/14/2007)
05/15/2007	18	ORDER; 1)Case referred to Magistrate Judge J. Gregory Wehrman to supervise discovery and pretrial proceedings including setting final pretrial conference and trial dates. Case to revert back to undersigned to hold final pretrial conference and trial; 2)Mag. Judge to conduct pretrial and status conferences, to establish discovery and all other deadlines and to rule on non-dispositive motions. Dispositive motions, motions in limine, final pretrial conference and trial will be referred back to the U.S. District Judge unless the parties agree to a trial by a Mag. Judge; 3)Mag. Judge to set a realistic trial date. Signed by Judge William O. Bertelsman. (LSG)cc: COR (Entered: 05/16/2007)
05/16/2007	17	MINUTE ENTRY FOR DOCKET CALL held on 5/15/2007 before Judge William O. Bertelsman; 1)Court orders the parties to proceed w/deposition of Pla, Sean P. Donelan, which shall include obtaining personnel records from previous employers w/the exclusion of any medical records; 2)Pretrial proceedings, including 10 Motion to Compel and 7 Motion for Protective Order are referred to Magistrate Judge J. Gregory Wehrman; 3)Although documents must now be filed electronically, a paper court courtesy copy must be provided to CHAMBERS w/in 48 hours of filing a brief or memorandum in support of any motion, where such brief or memorandum (including any attached exhibits) exceeds 10 pages. (COURT REPORTER: JOAN AVERDICK) (LSG)cc: COR (Entered: 05/16/2007)
05/16/2007		MOTIONS 7 FIRST MOTION for Protective Order by Sean P. Donelan, 10 MOTION to Compel by Sean P. Donelan REFERRED to Judge Magistrate Judge J. Gregory Wehrman. (LSG) (Entered: 05/16/2007)
05/22/2007	19	REPLY to Response to Motion re 10 MOTION to Compel by

		Sean P. Donelan filed by Sean P. Donelan. (Attachments: # 1 Exhibit Letter# 2 Certificate of Service)(Geller, Clare) (Entered: 05/22/2007)
05/23/2007		***MOTION SUBMITTED TO CHAMBERS of Judge J. Gregory Wehrman for review: 7 FIRST MOTION for Protective Order by Sean P. Donelan, 10 MOTION to Compel by Sean P. Donelan (LSG) (Entered: 05/23/2007)
05/30/2007	20	(ORDER)MINUTE ENTRY FOR TELEPHONE CONFERENCE held on 5/30/2007 before Judge J. Gregory Wehrman; 1)Pla's 7 FIRST MOTION for Protective Order prohibiting def from seeking discovery of propensity evidence from former employers is denied in part, however, the part of the motion seeking to prevent def from deposing pla's former employers is taken under submission as follows: (a) By 6/1/2007, def to provide the Court the identity of former employers and the purpose of the deposition; (b) Pla to file their responses by 6/5/2007; 2)Def's proposed protective order w/appropriate changes shall be promptly executed after which, the def shall provide responses to document request 16, 17, 17, 24, 25, and 29 and interrogatories 9, 10, 13 and 14; Pla's 10 MOTION to Compel is Granted; 3)Pla to promptly execute a medical authorizaion for his psychological records contained in the Wilder Police Department file; 4)All records by this Order shall be provided by 6/6/2007. (LSG)cc: COR (Entered: 05/31/2007)
05/31/2007	21	ORDER; Clerk to place Exhibits 5-11 of 11 Response to Motion filed by City of Highland Heights, under seal. Signed by Judge J. Gregory Wehrman. (LSG)cc: COR (Entered: 06/01/2007)
06/04/2007	22	Proposed Agreed Order/Stipulation <i>Protective Order</i> by City of Highland Heights. (Green, Amanda) (Entered: 06/04/2007)
06/04/2007		***FILE SUBMITTED TO CHAMBERS of Judge J. Gregory Wehrman for review: 22 Proposed Agreed Order/Stipulation (LSG) (Entered: 06/04/2007)
06/06/2007	23	PROTECTIVE ORDER; (See order for details). Signed by Judge J. Gregory Wehrman. (LSG)cc: COR (Entered: 06/06/2007)
06/07/2007	24	TRANSCRIPT of Official Proceedings consisting of 10 pages: Docket Call held on 5/15/2007 before Judge William O. Bertelsman. Court Reporter: Joan Averdick. (LSG) (Entered: 06/07/2007)

06/11/2007	25	MEMORANDUM ORDER; 1)Pla's 7 FIRST MOTION for Protective Order, to the extent taken under submission, is Now Denied as Moot; 2)Pretrial deadlines are adopted as follows: a)Fact and expert discovery due by 7/20/2007; b)Def's rule 26(a)(2) disclosures to be completed by 6/22/2007; c)Status reports due by 7/20/2007. If parties desire a court-facilitated settlement conference, they shall include in their reports a list of not fewer than 3 agreeable dates on which to convene a conference; d)Dispositive motions due by 9/14/2007 with responses due by 10/12/2007 and any replies due by 10/26/2007. Signed by Judge J. Gregory Wehrman. (LSG)cc: COR (Entered: 06/11/2007)
06/14/2007	26	JOINT MOTION to Amend/Correct by Sean P. Donelan, City of Highland Heights <i>Report of Parties' Planning Meeting and Joint Proposed Scheduling Plan</i> (Attachments: # 1 certificate of service)(Geller, Clare) Additional attachment(s) added on 6/18/2007 (Greiwe, Linda). (Entered: 06/14/2007)
06/15/2007		NOTICE OF DEFICIENCY TO Clare Geller re 26 JOINT MOTION to Amend/Correct by Sean P. Donelan, City of Highland Heights; attorney has failed to submit a proposed order as an electronic attachment to the motion. Entry by attorney;; Attorney shall file document entitled a Notice of Filing with a certificate of service as the main pleading with the proposed order as an attachment to the Notice of Filing within 3 business days cc: COR (LSG) (Entered: 06/15/2007)
06/18/2007	27	NOTICE OF FILING by Sean P. Donelan (Attachments: # 1 # 2)(Geller, Clare) (Entered: 06/18/2007)
06/18/2007		***MOTION SUBMITTED TO CHAMBERS of Judge J. Gregory Wehrman for review: 26 JOINT MOTION to Amend/Correct by Sean P. Donelan (LSG) (Entered: 06/18/2007)
06/19/2007	28	MOTION for Leave by City of Highland Heights <i>to File Amended Answer</i> (Attachments: # 1 Memorandum in Support of Motion for Leave to File Amended Answer# 2 Exhibit Proposed Amended Answer# 3 Proposed Order granting Leave to File Amended Answer)(Green, Amanda) (Entered: 06/19/2007)
06/20/2007		NOTICE OF DEFICIENCY TO Amanda Green re 28 MOTION for Leave by City of Highland Heights; Signature on document and filer do not match; Entry by attorney; the name of the Filing User under whose login and password the document is submitted must be typed in the space where the signature would otherwise appear. No further action required by counsel. cc:

		COR (LSG) (Entered: 06/20/2007)
06/20/2007	29	ORDER; 1)GRANTING 26 JOINT MOTION to Amend/Correct Scheduling Order; 2)Discovery, except for expert depositions due by 9/28/2007 with Status reports due the same day; 3)Pla to disclose expert witnesses and produce reports by 10/12/2007 w/experts to be available for depositions by 11/9/2007; Def to disclose expert witnesses and produce their reports by 11/23/2007 w/experts to be available for depositions by 12/21/2007; 4)Any Motions to dismiss, motions for summary judgment or motions for judgment on the pleadings due by 2/1/2008 with Responses due by 2/22/2008 and any Replies due by 3/14/2008. Signed by Judge J. Gregory Wehrman. (LSG)cc: COR (Entered: 06/20/2007)
07/10/2007		***MOTION SUBMITTED TO CHAMBERS of Mag. Judge J. Gregory Wehrman for review: 28 MOTION for Leave by City of Highland Heights (LSG) (Entered: 07/10/2007)
07/12/2007	30	ORDER granting 28 Motion for Leave to file amended answer. Def's proposed amended answer to be filed. Signed by Judge J. Gregory Wehrman. (LSG)cc: COR (Entered: 07/12/2007)
07/12/2007	31	AMENDED ANSWER to Complaint by City of Highland Heights. FILED PURSUANT TO 30 ORDER (LSG) (Entered: 07/12/2007)
09/28/2007	32	STATUS REPORT by Sean P. Donelan. (Geller, Clare) (Entered: 09/28/2007)
10/03/2007	33	ORDER: On or before 11/5/07 Counsel shall submit an Agreed Entry of Dismissal for the signature of Judge William O. Bertelsman. Signed by Judge J. Gregory Wehrman. (JMM)cc: COR (Entered: 10/03/2007)
10/10/2007	34	STIPULATION of Dismissal by Sean P. Donelan. (Geller, Clare) (Entered: 10/10/2007)
10/11/2007		***FILE SUBMITTED TO CHAMBERS of Judge William O. Bertelsman for review: 34 Stipulation of Dismissal (LSG) (Entered: 10/11/2007)
10/15/2007	35	AGREED ENTRY OF DISMISSAL; Pla notifies court, action is dismissed w/prejudice. Both parties to assume their own fees and costs. Signed by Judge William O. Bertelsman. (LSG)cc: COR (Entered: 10/15/2007)

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