

**U.S. District Court
District of Minnesota (MPLS)
CIVIL DOCKET FOR CASE #: 4:70-cv-00399-PAM-JGL**

Carter, et al v. Gallagher, et al
Assigned to: Senior Judge Paul A. Magnuson
Referred to: Magistrate Judge Jonathan G Lebedoff
Demand: \$0
Cause: 42:2000e Job Discrimination (Employment)

Date Filed: 09/28/1970
Date Terminated: 08/06/1971
Jury Demand: None
Nature of Suit: 442 Civil Rights: Jobs
Jurisdiction: Federal Question

Plaintiff

Gerald Carter

represented by **Roderick J Macpherson , III**
MN Disability Law Center
430 1st Ave N Ste 300
Mpls, MN 55401-1780
612-746-3731
Fax: 612-334-5755
Email: rjmacpherson@midmnlegal.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Willie Harris

represented by **Roderick J Macpherson , III**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Herbert Hill, III

represented by **Roderick J Macpherson , III**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Benjamin E McHie

represented by **Roderick J Macpherson , III**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Ward K Mitchell
*on behalf of themselves and all other
persons similiary situated*

represented by **Roderick J Macpherson , III**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Intervenor Plaintiff

**Minneapolis Commission on Human
Relations**

Intervenor Plaintiff

Stephen Goodell

V.

Defendant

Hugh Gallagher

represented by **Burt T Osborne**
Mpls City Atty
333 S 7th St Ste 300
INACTIVE
Mpls, MN 55402-2453
612-673-2010
Fax: 612-673-3362
Email: burt.osborne@ci.minneapolis.mn.us
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

James Anthony Moore
Minneapolis City Attorney's Office
350 S 5th St Rm 210
Mpls, MN 55415
612-673-2063
Fax: 612-673-3362
Email: james.moore@ci.minneapolis.mn.us
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Gleason Glover

represented by **Burt T Osborne**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

James Anthony Moore
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Ward Canfield
*individually and as Commissioners of the
Civil Service Commission of the City of
Minneapolis*

represented by **Burt T Osborne**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

James Anthony Moore
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

John Proctor
*individually and as Personnel Director of
the Civil Service Commission of the City
of Minneapolis*

represented by **Burt T Osborne**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

James Anthony Moore
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Kenneth W Hall
*individually and as Chief of the Fire
Department of the City of Minneapolis*

represented by **Burt T Osborne**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

James Anthony Moore
(See above for address)

LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Elisabeth White
*individually and as Acting Assistant
Director of the Personnel Department of
the Minneapolis Civil Service
Commission*

represented by **Burt T Osborne**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

James Anthony Moore
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
05/11/1998	143	MOTION by pltfs for temporary restraining order (to Senior Judge Robert G. Renner) ret. 5/11/98. (2pgs) (dmn) (Entered: 05/13/1998)
05/11/1998	144	MEMORANDUM by pltfs in support of motion for temporary restraining order [143-1]. (9pgs) (dmn) (Entered: 05/13/1998)
05/11/1998	145	AFFIDAVIT of Roderick J. MacPherson III re: motion for temporary restraining order [143-1]. (14pgs) (dmn) (Entered: 05/13/1998)
05/11/1998	150	DEPOSITION of Dr. James Neal Butcher taken on the following date(s): 4/24/97. (Cindy M. Trattles, R) (Separate) (CJF) (Entered: 05/14/1998)
05/11/1998	151	DEPOSITION of Dr. Lawrence W. Sherman taken on the following date(s): 4/22/97. (Shelley T. MacGillivray, R) (Separate) (CJF) (Entered: 05/14/1998)
05/12/1998	146	AFFIDAVIT of Roderick J. MacPherson III re: motion for temporary restraining order [143-1]. (1pg) (dmn) (Entered: 05/13/1998)
05/12/1998	147	TEMPORARY RESTRAINING ORDER (Senior Judge Robert G. Renner 5/12/98) prohibiting defts from removing Terminated Cadets from current status of being on paid administrative leave, from using results of psychological examinations and disclosing results of same. (cc: all counsel) (2pgs) (dmn) (Entered: 05/13/1998)
05/12/1998	148	MEMORANDUM by defts in opposition to motion for temporary restraining order [143-1]. (10pgs) (dmn) (Entered: 05/13/1998)
05/12/1998	149	AFFIDAVIT of Burt T. Osborne re: motion for temporary restraining order [143-1]. (59pgs) (dmn) (Entered: 05/13/1998)
05/18/1998	152	MEMORANDUM by defendant in opposition to motion for a preliminary injunction [143-1] (19pgs) (Entered: 05/19/1998)
05/18/1998	153	AFFIDAVIT of Burt T. Osborne (6pgs + exh.) (Entered: 05/19/1998)
05/19/1998	154	MEMORANDUM by pltfs class in support of motion to invalidate psychological examination results. (14 pgs) (CJF) (Entered: 05/19/1998)
05/19/1998	155	SECOND AFFIDAVIT of Roderick J. MacPherson III. (17pgs) (CJF) (Entered: 05/19/1998)
05/19/1998	156	AFFIDAVIT of David Friedland, Ph.D. (4pgs) (CJF) (Entered: 05/19/1998)
05/19/1998	157	AFFIDAVIT of John Gonsiorek, Ph.D. (2pgs) (CJF) (Entered: 05/19/1998)
05/19/1998	158	EXHIBITS B and C to Second Affidavit of Roderick J. MacPherson, III (155-1). (Separate and under Seal) (CJF) (Entered: 05/19/1998)
05/20/1998	159	AFFIDAVIT of David Friedland, Ph.D. (14pgs) (CJF) (Entered: 05/21/1998)
05/26/1998	160	STIPULATION AND ORDER (Senior Judge Robert G. Renner/5/26/98) The parties stipulate that all psychological reports, or excerpts therefrom may be submitted to the court under seal. IT IS SO ORDERED. (cc: all counsel) (2pgs) (

		(Entered: 05/27/1998)
05/26/1998	161	ORDER (Senior Judge Robert G. Renner / 5/26/98) That: pltf's motion for a permanent injunction is granted; dfts may not use or disseminate the re-test results of the three failed cadets; dfts are ordered to retain the two cadets recommended for hire based on the re-testing and are enjoined from requiring the two cadets to be re-tested again; dfts are ordered to keep the three failed cadets on paid administrative leave until a proper re-examination is administered and hiring decisions are made; the parties are instructed to mutually select a psychologist to re-test the three terminated cadets, and to submit to the court for its approval a stipulation defining the procedures to be used in the re-testing; the parties are advised to provide the limitations of the procedure as precisely as possible, including specifically that only the Basic Scale Profile is to be used in generating automated interpretation of MMPI-2 scores; the parties are advised that re-examining the three terminated cadets is to be accomplished with as much efficiency and expediency as the parties can mutually achieve; the Court's tro issued on 5/12/98 is dissolved. (cc: all counsel) (6pgs) (Entered: 05/27/1998)
05/26/1998	162	EXHIBIT F to afdt of Burt T. Osborne (sealed/separate) (Entered: 05/27/1998)
07/31/1998	163	ORDER (Senior Judge Robert G. Renner / 7/30/98) Re: approving selection devices and modified recruitment and application time table. IT IS HEREBY ORDERED: (fully set forth in body of Order) (cc: all counsel) (50pgs) (Entered: 08/03/1998)
08/13/1998	164	MOTION by Pltf Class Member John Eland to enforce this Court's orders of 7/11/97 and 5/26/98 (to Senior Judge Robert G. Renner) (1 pg) (SJH) (Entered: 08/17/1998)
08/13/1998	165	MEMORANDUM by Pltf Class Member John Eland in support of motion to enforce this Court's orders of 7/11/97 and 5/26/98 [164-1] (7 pgs) (SJH) (Entered: 08/17/1998)
08/13/1998	166	AFFIDAVIT of Karen A. Kugler re attached exhibits regarding motion to enforce this Court's orders of 7/11/97 and 5/26/98 [164-1] (2+ pgs) (SJH) (Entered: 08/17/1998)
08/18/1998	167	MEMORANDUM by defendants in opposition to motion to enforce this Court's orders of 7/11/97 and 5/26/98 [164-1] (7 pgs) (DFL) (Entered: 08/19/1998)
08/18/1998	168	AFFIDAVIT of Burt T. Osborne regarding memorandum [167-1] (30 pgs) (DFL) (Entered: 08/19/1998)
08/18/1998	169	AFFIDAVIT of Ulysses S. Seal regarding memorandum [167-1] (4 pgs) (DFL) (Entered: 08/19/1998)
08/19/1998	170	LETTER to Court from defendants re agreement to waive oral arguments re Eland's motion to enforce court orders (1 pg) (SJH) (Entered: 08/20/1998)
08/20/1998	171	AFFIDAVIT of Roderick J. Macpherson III (5pgs) (Entered: 08/24/1998)
09/02/1998	172	STIPULATION AND ORDER (Senior Judge Robert G. Renner) concerning second psychological examination for terminated cadets. (38pg(s)(cc: all counsel) (CJF) (Entered: 09/04/1998)
09/04/1998	173	AMENDED NOTICE by pltf's of setting hearing for motion to enforce this Court's orders of 7/11/97 and 5/26/98 (to Senior Judge Robert G. Renner) [164-1] at 10:00 A.M. on 9/14/98 (2pg(s) (CJF) (Entered: 09/08/1998)
09/09/1998	174	ORDER (Senior Judge Robert G. Renner / 9/9/98) that pltf's motion for enforcement of terms of Court Orders is denied. [164-1] (5pg(s) (cc: all counsel) (CJF) (Entered: 09/11/1998)
12/07/1998	175	TRANSCRIPT OF COURT TRIAL held 4/22/97 before Senior Judge Robert G. Renner (Robert W. Riley, R). (Volume I) (Separate). (CJF) (Entered: 12/09/1998)
12/07/1998	176	TRANSCRIPT OF COURT TRIAL held 4/23/98 before Senior Judge Robert G. Renner (Robert W. Riley, R). (Volume II) (Separate) (CJF) (Entered: 12/09/1998)

12/07/1998	177	TRANSCRIPT OF COURT TRIAL held 4/24/97 before Senior Judge Robert G. Renner (Robert W. Riley, R). (Volume III) (Separate) (CJF) (Entered: 12/09/1998)
12/07/1998	178	TRANSCRIPT OF COURT TRIAL held 4/25/97 by Senior Judge Robert G. Renner (Robert W. Riley, R). (Volume IV) (SEPERATE) (CJF) Modified on 12/10/1998 (Entered: 12/10/1998)
08/26/1999	<u>179</u>	ORDER OF CASE REASSIGNMENT (Senior Judge Robert G. Renner / 8/26/99) Case reassigned to Chief Judge Paul A. Magnuson (1 pg) (cc: all counsel) (MKC) (Entered: 09/01/1999)
12/01/1999	180	MOTION by plaintiffs for temporary restraining order. (to Chief Judge Paul A. Magnuson) 2 pg(s) (VEM) (Entered: 12/01/1999)
12/01/1999	181	AFFIDAVIT of Roderick J. Macpherson III regarding motion for temporary restraining order. [180-1] 23 pg(s) (VEM) (Entered: 12/01/1999)
12/01/1999	182	MINUTES:(Chief Judge Paul A. Magnuson / Jeanne Anderson) Plaintiff's motionf or TRO continued until [180-1] at 9:30 on 1/7/99. (1 pg) (MKC) (Entered: 12/06/1999)
12/08/1999	183	MOTION by plaintiff to compel discovery (to Magistrate Judge Jonathan G. Lebedoff) ret 12/21/99 at 9:30 (19 pg(s) (MKC) (Entered: 12/10/1999)
12/08/1999	184	AFFIDAVIT of Roderick J. MacPherson regarding motion to compel discovery. [183-1] (25 pgs) (MKC) (Entered: 12/10/1999)
12/08/1999	185	MEMORANDUM by plaintiff in support of motion to compel discovery . [183-1] (11 pgs) (MKC) (Entered: 12/10/1999)
12/08/1999	186	CERTIFICATE OF COMPLAIANCE WITHLOCAL RULE 37.1 by Roderick J. Macpherson, III regarding motion to compel discovery . [183-1] (5 pgs) (MKC) (Entered: 12/10/1999)
12/15/1999	187	MOTION by plaintiff for contempt. (to Chief Judge Paul A. Magnuson) 3 pg(s) (VEM) (Entered: 12/15/1999)
12/16/1999	188	MEMORANDUM by defendants in opposition to motion to compel discovery. [183-1] (8 pgs) (MKC) (Entered: 12/17/1999)
12/16/1999	189	AFFIDAVIT of Burt T. Osborne. (separate) (MKC) (Entered: 12/17/1999)
12/21/1999	190	MINUTES:(Magistrate Judge Jonathan G. Lebedoff /) taking under advisement on the motion to compel discovery. [183-1] (1 pg) (MKC) (Entered: 12/23/1999)
12/29/1999	<u>191</u>	ORDER (Magistrate Judge Jonathan G. Lebedoff / 12/29/99) that pltf's motion to compel discovery is granted as to requests for production, the deposition of Mpls Fire Chief Rocco Forte, the continued deposition of Valerie Sheehan, &deposition of James M. Rodger, Jr., but denied as to deposition of James M. Rodger, Sr. Defts must produce the documents repsonive to pltf's requests for production by 1/31/00. [183-1]. (7pg(s) (cc: all counsel) (dmn) (Entered: 12/29/1999)
01/13/2000	<u>192</u>	STIPULATION AND ORDER (Chief Judge Paul A. Magnuson) [187-1] re: defendants' use of the EI/CSI Examination. (5 pgs)(cc: all counsel) (MKC) (Entered: 01/18/2000)
01/19/2000	<u>193</u>	STIPULATION AND ORDER (Magistrate Judge Jonathan G. Lebedoff) re: confidentiality of private personnel data disclosed during depositions of Valerie Sheehan, Rocco Forte, James M. Rodger, Jr. and James M. Rodger, Sr. (5pg(s)(cc: all counsel) (CJF) (Entered: 01/20/2000)
02/11/2000	194	MINUTES:(Magistrate Judge Jonathan G. Lebedoff /) Conference – Discussed issues; tried to assist parties in resolving ongoing issues. (1 pg) (MKC) (Entered: 02/15/2000)
02/28/2000	<u>195</u>	STIPULATION AND ORDER (NATIVE AMERICAN VERIFICATION MATTER) (Chief Judge Paul A. Magnuson) (6 pgs)(cc: all counsel) (MKC) (Entered: 03/01/2000)

06/05/2000	196	NOTICE OF (Magistrate Judge Jonathan G. Lebedoff / 6/2/00) ; settlement conference set for 9:30 on 6/8/00 . (1 pgs) (cc: counsel) (MKC) (Entered: 06/07/2000)
06/08/2000	197	MINUTES:(Magistrate Judge Jonathan G. Lebedoff /) Settlement conference held on 6/8/00 . (1 pg) (MKC) (Entered: 06/12/2000)
06/15/2000	<u>198</u>	STIPULATION AND ORDER (TEST SCHEDULE AND IMPLEMENTATION OF LARSON RECOMMENDATIONS (Chief Judge Paul A. Magnuson) (12 pgs)(cc: all counsel) (MKC) (Entered: 06/16/2000)
06/29/2000	199	TRANSCRIPT OF status/settlement conference held 6/2/00 by Chief Judge Paul A. Magnuson (Jeanne M. Anderson, Crt Reporter) (SEPARATE) (MKC) (Entered: 06/30/2000)
10/18/2000	200	MOTION by plaintiff for contempt(to Chief Judge Paul A. Magnuson) ret 11/15/00 (4 pgs) (MKC) (Entered: 10/20/2000)
11/15/2000	201	MINUTES:(Chief Judge Paul A. Magnuson / J. Anderson) Hearing re: Settlement agreement – Counsel Burt Osborne spoke, counsel Rick MacPherson spoke and citizen Mr. Edwards spoke. Judge Magnuson gave closing comments. Stipulation submitted to the court. 1pg (VEM) (Entered: 11/15/2000)
11/15/2000	<u>202</u>	STIPULATION AND ORDER TERMINATION JURISDICTION (Chief Judge Paul A. Magnuson) The Court adopts the parties' agreement as its Order in this case, and on the date when the Defendants hire Cadet Class, I, the Court' jurisdiction over this case is hereby terminated. (9 pgs)(cc: all counsel) (MKC) (Entered: 11/17/2000)
11/16/2000	<u>203</u>	ORDER (Chief Judge Paul A. Magnuson) Intervenor–Defendant shall sign the stipulation between the parties filed on 11/15/00 [202–1] or provide the court with its reasons for declining to sign the stipulation on or before 12/1/00. If Intervenor–Defendant fails to respond as ordered, it will be dismissed from this action with prejudice.2 pg(s) (cc: all counsel) (VEM) (Entered: 11/20/2000)
12/07/2000	<u>204</u>	ORDER (Chief Judge Paul A. Magnuson / 12/7/00)that: Intervenor–defendant Minneapolis Commission of Human Relations is DISMISSED WITH PREJUDICE. The clerk shall remove Intervenor–Defendant from the caption in this matter. terminating party Mpls Comm on Human (2 pgs) (cc: all counsel) (MKC) (Entered: 12/08/2000)
12/12/2000	<u>205</u>	ORDER (Chief Judge Paul A. Magnuson / 12/12/00) The Court's order of 12/7/00 (Doc 204) is VACATED. (2 pgs) (cc: all counsel) (Mpls Comm of Human Relations is untermed) (MKC) (Entered: 12/14/2000)
08/27/2001	206	MOTION by plaintiff for contempt. (to Magistrate Judge Jonathan G. Lebedoff) 3 pg(s) (VEM) (Entered: 08/27/2001)
04/24/2003	<u>207</u>	NOTICE OF INTENT TO DESTROY DOCUMENTS UNDER SEAL. 1 pg (LLJ) (Entered: 04/25/2003)