

CLOSED, LEADTR, PROTO, TRCK2

**U.S. District Court**  
**Eastern District of Missouri (LIVE) (St. Louis)**  
**CIVIL DOCKET FOR CASE #: 4:01-cv-00580-JCH**

Martinez, et al v. St. Louis, City of, et al  
Assigned to: Honorable Jean C. Hamilton  
Demand: \$0  
Member case: [\(View Member Case\)](#)  
Case in other court: 4:74-cv-00200  
Cause: 42:2000e Job Discrimination (Employment)

Date Filed: 04/18/2001  
Date Terminated: 01/30/2009  
Jury Demand: Both  
Nature of Suit: 442 Civil Rights: Jobs  
Jurisdiction: Federal Question

**Plaintiff**

**Michael Martinez**

represented by **Clyde E. Craig**  
744 Wedge Drive  
#8  
Naples, FL 34103  
314-749-2591  
Email: [cec35@earthlink.net](mailto:cec35@earthlink.net)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Plaintiff**

**Department of Justice**  
*TERMINATED: 09/19/2002*

represented by **Amanda Rocque**  
U.S. DEPARTMENT OF JUSTICE  
Civil Rights Division  
Tenth and Constitution Avenue, N.W.  
Fourth Floor, Patrick Henry Building  
Washington, DC 20530  
202-514-4073  
*TERMINATED: 02/17/2004*  
**LEAD ATTORNEY**

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*TERMINATED: 09/19/2002*  
**LEAD ATTORNEY**  
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V.

**Consolidated Filer Plaintiff**

**Eric Deeken**

represented by **Charles W. Bobinette**  
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Suite 300  
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**Consolidated Filer Plaintiff**

**USA**

represented by

**Benjamin Blustein**

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V.

**Defendant**

**St. Louis, City of**

represented by **Nancy R. Kistler**  
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*LEAD ATTORNEY*  
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**Mark Lawson**

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ATTORNEY TO BE NOTICED

**Defendant**

**Firefighters' Institute for Racial  
Equality**  
*TERMINATED: 01/30/2004*

represented by **Althea P. Johns**  
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**LEAD ATTORNEY**  
ATTORNEY TO BE NOTICED

**Defendant**

**Preston Sims**  
*TERMINATED: 09/19/2002*

**Defendant**

**George Baker**  
*TERMINATED: 09/19/2002*

**Defendant**

**Robert Morgan**  
*TERMINATED: 09/19/2002*

**Defendant**

**Robert Grady**  
*TERMINATED: 09/19/2002*

**Defendant**

**George Redford Turner**  
*TERMINATED: 09/19/2002*

**Defendant**

**Lawrence L. Britt**  
*TERMINATED: 09/19/2002*

**Defendant**

**Vernon Ammons**  
*TERMINATED: 09/19/2002*

**Defendant**

**Wendell Goins**  
*TERMINATED: 09/19/2002*

**Defendant**

**Charles Gay**  
*TERMINATED: 09/19/2002*

**Defendant**

**George Horne**  
*TERMINATED: 09/19/2002*

**Defendant**

**William L. Young**  
*TERMINATED: 09/19/2002*

**Defendant**

**Daniel S. Austin**  
*TERMINATED: 09/19/2002*

**Defendant**

**Robert Anderson**  
*TERMINATED: 09/19/2002*

**Defendant**

**John H. Harvey**  
*TERMINATED: 09/19/2002*

**Defendant**

**Joseph P. Hughes**  
*TERMINATED: 09/19/2002*

**Defendant**

**Eugene Stanton**  
*TERMINATED: 09/19/2002*

**Defendant**

**St. Louis Division of Fire and Fire  
Prevention**

**Defendant**

**Kay Leonard**  
*Chairwoman of the Civil Service  
Commission of St. Louis and successor to  
original defendant Frank C. Cummings*

represented by **Nancy R. Kistler**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant**

**John Clark**  
*Member of the Civil Service Commission  
of St. Louis and successor to original  
defendant Fred Gould*

represented by **Nancy R. Kistler**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant**

**Stanley Newsome**  
*Member of the Civil Service Commission  
of St. Louis and successor to original  
defendant Charles Marino*

represented by **Nancy R. Kistler**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant**

**Edward Bushmeyer**  
*Director of the City of St. Louis  
Department of Public Safety and  
successor to original defendant Joseph B.  
Clark*

represented by **Nancy R. Kistler**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant**

**Sherman George**  
*Chief of the City of St. Louis Fire  
Department and successor to original  
defendant Denis Broderick*

represented by **Nancy R. Kistler**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant**

**William C. Duffe**  
*Director of the City of St. Louis*  
*Department of Personnel and successor*  
*to original defendant R. Elliot Scarce*

represented by **Nancy R. Kistler**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Department of Justice**

represented by **Benjamin Blustein**  
(See above for address)  
*LEAD ATTORNEY*

**Wesley D. Wedemeyer**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Intervenor**

**Joseph Blessing**

represented by **Jerome A. Diekemper**  
JEROME A. DIEKEMPER, LLC  
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*LEAD ATTORNEY*

**Richard P. Perkins**  
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Email: [richperkins@bobroffhesse.com](mailto:richperkins@bobroffhesse.com)  
*TERMINATED: 01/28/2005*  
*LEAD ATTORNEY*

**Intervenor**

**Michael Davis**

represented by **Jerome A. Diekemper**  
(See above for address)  
*LEAD ATTORNEY*

**Richard P. Perkins**  
(See above for address)  
*TERMINATED: 01/28/2005*  
*LEAD ATTORNEY*

V.

**Movant**

**Lawrence B. Arens, IV**  
*TERMINATED: 01/29/2007*

represented by **Jerome A. Diekemper**  
(See above for address)  
*LEAD ATTORNEY*

**Richard P. Perkins**  
(See above for address)  
*TERMINATED: 01/28/2005*  
*LEAD ATTORNEY*

**Movant**

**Mark D. Rauss**  
 TERMINATED: 01/29/2007

represented by **Jerome A. Diekemper**  
 (See above for address)  
 LEAD ATTORNEY

**Richard P. Perkins**  
 (See above for address)  
 TERMINATED: 01/28/2005  
 LEAD ATTORNEY

Date Filed	#	Docket Text
04/18/2001	1	COMPLAINT; # Waivers of Service Issued: 1 # Counts: 11 # Consents: 2; jury demand (FCE) (Entered: 04/19/2001)
04/18/2001	2	RECEIPT # S2001-005687 in the amount of \$ 150 for filing fee (FCE) (Entered: 04/19/2001)
04/18/2001	3	TRACK INFORMATION STATEMENT filed by plaintiff Michael Martinez track 2 preferred (FCE) (Entered: 04/19/2001)
06/04/2001	4	ALIAS SUMMONS issued as to defendant St. Louis, City of ; # of summons issued: 1 # days to respond: 20 (FCE) (Entered: 06/06/2001)
06/04/2001	5	NOTICE OF PRIVATE PROCESS SERVER ; Process Server: John Frederick (FCE) (Entered: 06/06/2001)
06/13/2001	6	ATTORNEY APPEARANCE for defendant St. Louis, City of by Nancy R. Kistler (LSD) Modified on 06/14/2001 (Entered: 06/14/2001)
06/18/2001	7	MOTION by defendant St. Louis, City of to extend time to file and answer/responsive pleading up to and including 7/18/01 (BDC) (Entered: 06/20/2001)
06/21/2001	9	RETURN OF SERVICE executed upon defendant St. Louis, City of on 6/11/01 by personal service by serving Angela Thompson, Office of the Mayor. (BDC) (Entered: 06/25/2001)
06/22/2001	<u>8</u>	RULED DOCUMENT by Mag Judge Thomas C. Mummert granting motion to extend time to file and answer/responsive pleading up to and including 7/18/01 [7-1] EXTENTION OF TIME TO ANSWER for St. Louis, City of has been extended until 07/18/2001 (cc: all counsel) (LSD) (Entered: 06/22/2001)
06/26/2001	<u>10</u>	RULE 16 ORDER by Mag Judge Thomas C. Mummert ; standard(2) track , ; Rule 16 Conference 7/30/01-8:30AM ; joint scheduling plan ddl 7/23/01 ; Magistrate Consent Due ddl 7/23/01-mag-con/opt out form sent with this order (cc: all counsel) (BDC) (Entered: 06/26/2001)
07/20/2001	11	FULL CONSENT has been received by plaintiff Michael Martinez, defendant St. Louis, City of [0-0], [0-0] (BDC) (Entered: 07/23/2001)
07/20/2001	12	JOINT PROPOSED SCHEDULING PLAN by plaintiff Michael Martinez, defendant St. Louis, City of (BDC) (Entered: 07/23/2001)
07/20/2001	13	MOTION by defendant St. Louis, City of for leave to file its answer to pltf's complaint 2 days out of time filed with attached proposed answer. (BDC) (Entered: 07/23/2001)
07/30/2001	<u>14</u>	RULED DOCUMENT by Mag Judge Thomas C. Mummert granting motion for leave to file its answer to pltf's complaint 2 days out of time [13-1]. LEAVE GRANTED, TCM, 7/30/01. (cc: all counsel) (BDC) (Entered: 07/30/2001)
07/30/2001	15	ANSWER by defendant St. Louis, City of to pltf's complaint [1-1] (BDC) (Entered: 07/30/2001)
07/30/2001	16	MINUTES: before Mag Judge Thomas C. Mummert Rule 16 Conference held on 7/30/01 - in chambers court reporter: none; proceedings started: 8:30 - ended: 9:00 (BAK) (Entered: 07/31/2001)

07/31/2001	<u>17</u>	ORDER REFERRING CASE TO ADR: by Mag Judge Thomas C. Mummert Case set for mediation Designation of Lead Nancy R. Kistler Designation of Neutral 1/4/02 ADR Conference Report ddl 4/4/02 (cc: all counsel) (BAK) (Entered: 08/01/2001)
07/31/2001	<u>18</u>	CASE MANAGEMENT ORDER by Mag Judge Thomas C. Mummert ; standard(2) track , ; motion to add party ddl 10/15/01 ; Disc completion ddl 5/1/02 ; Notice of Motion ddl set for 5/27/02 ; Motion Package ddl set for 6/6/02 ; disp motion ddl 5/27/02 ; jury trial 10/7/02 ; pt comp ddl 9/16/02 ; ADR future refer 2/4/02 (cc: all counsel) (BAK) (Entered: 08/01/2001)
08/13/2001	19	MOTION with memo in spt and PROPOSED AMENDED COMPLAINT by plaintiff Michael Martinez for leave to file first amended complaint and join necessary parties (LSD) (Entered: 08/14/2001)
08/30/2001	<u>20</u>	ORDER by Mag Judge Thomas C. Mummert granting motion for leave to file first amended complaint and join necessary parties [19-1] (cc: all counsel) (BAK) (Entered: 08/31/2001)
08/30/2001	21	AMENDED COMPLAINT by plaintiff Michael Martinez # Counts: 12 [1-1]; adding DOJ, Firefighters Inst, Preston Sims, George Baker, Robert . Morgan, Robert Grady, George Redford Turner, Lawrence L. Britt, Vernon Ammons, Wendell Goins, Charles Gay, George Horne, William L. Young, Daniel S. Austin, Robert Anderson, John H. Harvey, Joseph P. Hughes, Eugene Stanton, St. Louis Division, Kay . Leonard, John Clark, Stanley Newsome, Edward Bushmeyer, Sherman George, William C. Duffe; jury demand (BAK) (Entered: 09/06/2001)
09/14/2001	22	ANSWER by defendant St. Louis, City of to pltf's first amended complaint [21-1] (BDC) (Entered: 09/15/2001)
01/07/2002		ADR REMARK (spoke with Nancy Kistler – parties will seek additional time from Judge Mummer to file designation of neutral) (SAC) (Entered: 01/07/2002)
01/17/2002	23	MOTION by defendant St. Louis, City of to extend ADR deadlines (LSD) (Entered: 01/18/2002)
01/18/2002	<u>24</u>	RULED DOCUMENT by Mag Judge Thomas C. Mummert granting motion to extend ADR deadlines [23-1] , Designation of Neutral deadline is to be modified at a later date after all newly added parties have been served MOTION GRANTED, TCM, 01/18/02. (cc: all counsel) (BDC) (Entered: 01/18/2002)
01/18/2002	<u>25</u>	ORDER by Mag Judge Thomas C. Mummert: Upon review of the record... the court notes that no proof of service upon nor entry of appearance on behalf of defts: Firefighters' Institute for Racial Equalify; Preston Sims; George Baker; Robert Morgan; Robert Grady; George Redford Turner; Lawrence L. Britt; Vernon Ammons; Wendell Goins; Charles Gay; George Horne; William L. Young; Daniel S. Austin; Robert Anderson; John H. Harvey; Joseph P. Hughes; Eugene Stanton; St. Louis Division of Fire and Fire Pevention; Kay Leonard; John Clark; Stanley Newsome; Edward Bushmeyer; Sherman George; and William C. Duffe... Because it does not appear that service of the amended complaint has been timely made within 120 days of the filing of the pltf's first amended complaint on 08/30/2001... ; response to order show cause is due within 10 days... 1/28/02 to show why this action should not be dismissed without prejudice as to these defts. (cc: all counsel) (BDC) (Entered: 01/18/2002)
01/28/2002	26	RESPONSE to order show cause by plaintiff Michael Martinez [25-1], [25-2] (BDC) (Entered: 01/28/2002)
01/28/2002	26	MOTION by plaintiff Michael Martinez to extend the time to serve those defts not yet served. (BDC) (Entered: 01/28/2002)
01/28/2002	27	SUMMONS issued as to defendant William C. Duffe, defendant John Clark, defendant Kay Leonard, defendant Sherman George, defendant Stanley Newsome # of summons issued: 5 days to respond: 20 (BDC) (Entered: 01/28/2002)
01/29/2002	<u>28</u>	RULED DOCUMENT by Mag Judge Thomas C. Mummert granting motion to extend the time to serve those defts not yet served. [26-1] (cc: all counsel) (BDC) (Entered: 01/29/2002)

02/19/2002	29	ANSWER to AMENDED COMPLAINT by defendant Kay Leonard, defendant Edward Bushmeyer, defendant Sherman George, defendant William C. Duffe to [21-1] (LSD) (Entered: 02/20/2002)
04/22/2002	<u>30</u>	ORDER by Mag Judge Thomas C. Mummert ORDERED that pltf shall show cause in writing within 5 days of the date of this order why this action would not be dismissed without prejudice as to depts Fighfighters' Inst. for Racial Equality; Preston Sims; George Baker; Robert Morgan; Robert Grady; George redford Turner; Lawrence Britt; Vernon Ammons; Wendell Goins; Charles Gay; George Horne; William Young; Daniel Austin; Robt. Anderson; John Harvey; Jos. Hughes; Eugene Stanton; St. Louis Division of Fire and Fire Prevention; John Clark; and Stanley Newsome for lack of timely service. No requests for further extensions of time within which to serve these depts will be granted. ; response to order show cause 4/29/02 (cc: all counsel) (LSD) Modified on 04/22/2002 (Entered: 04/22/2002)
06/03/2002	31	MOTION by defendant St. Louis, City of to consolidate cases Memorandum in support attached (BAK) (Entered: 06/04/2002)
06/26/2002	<u>32</u>	PROTECTIVE ORDER (STIPULATED) by Mag Judge Thomas C. Mummert : (cc: all counsel) (LSD) (Entered: 06/26/2002)
07/16/2002		GENERIC SCHEDULING EVENT ; Discovery Completion ddl satisfied ; Dispositive Motion ddl satisfied (LSD) (Entered: 07/16/2002)
07/16/2002		GENERIC SCHEDULING EVENT ; Motion Package ddl satisfied ; Notice of Motion satisfied (LSD) (Entered: 07/16/2002)
07/16/2002		GENERIC SCHEDULING EVENT ; Response to Order Show Cause satisfied (LSD) (Entered: 07/16/2002)
08/13/2002	<u>33</u>	ORDER by Mag Judge Thomas C. Mummert IT IS HEREBY ORDERED that a conference is shceduled in this matter for Friday 8/23/02 at 9:00 in the morning in the chambers of the undersigned. ; Status hearing 8/23/02 at 9:00 in chambers (cc: all counsel) (LSD) (Entered: 08/13/2002)
08/23/2002	<u>34</u>	ORDER by Mag Judge Thomas C. Mummert: On the Court's own motion and with the consent of the parties ; jury trial to be reset at a later date , Pltf Martinez id ordered to either serve or dismiss all parties that have not been served. (See Court's Order of 08/13/2002) Pltf shall serve or dismiss these parties on or before 09/20/2002. Failure to do so will result in dismissal of the unserved parties by the Court Resp to court ddl 9/20/02 (cc: all counsel) (BDC) (Entered: 08/23/2002)
08/27/2002	35	NOTICE OF PRIVATE PROCESS SERVER ; Process Server: Robert Anderson (BAK) (Entered: 08/27/2002)
08/27/2002		Waiver of service issued as to defendant Firefighters Inst, defendant John Clark, defendant Stanley Newsome # of waivers issued: 3 (BAK) (Entered: 08/27/2002)
09/10/2002	36	ATTORNEY APPEARANCE for defendant John Clark, defendant Stanley Newsome by Nancy R. Kistler (LSD) (Entered: 09/11/2002)
09/10/2002	37	ANSWER to First Amended Complaint by defendant John Clark, defendant Stanley Newsome to [21-1] (LSD) (Entered: 09/11/2002)
09/12/2002	38	RETURN OF SERVICE executed upon defendant Firefighters Inst on 9/3/02 by personal service by serving Althea Johns, Registered Agent at the Address of 225 South Meremec Ave., St. Louis, MO 63105. (BDC) (Entered: 09/13/2002)
09/12/2002	39	RETURN OF SERVICE executed upon defendant John Clark on 9/3/02 by personal service by serving Kathleen Sullivan at the Address of 1114 Market Street,Suite 703, St. Louis,MO 63101. (BDC) (Entered: 09/13/2002)
09/12/2002	40	RETURN OF SERVICE executed upon defendant Stanley Newsome on 9/3/02 by personal service by serving Kathleen Sullivan at the Address of 1114 Market, Suite 703, St. Louis, MO 63101. (BDC) (Entered: 09/13/2002)
09/16/2002	41	ATTORNEY APPEARANCE for plaintiff DOJ by Wesley D. Wedemeyer (LSD) (Entered: 09/16/2002)

09/19/2002	42	MOTION by plaintiff Michael Martinez to file Second amended complaint (LSD) (Entered: 09/19/2002)
09/19/2002	<u>43</u>	RULED DOCUMENT by Mag Judge Thomas C. Mummert granting motion to file Second amended complaint [42-1] (cc: all counsel) (LSD) (Entered: 09/19/2002)
09/19/2002	44	AMENDED COMPLAINT by plaintiff Michael Martinez # Counts: 12 [21-1], [1-1] terminating defendant Eugene Stanton, defendant Joseph P. Hughes, defendant John H. Harvey, defendant Robert Anderson, defendant Daniel S. Austin, defendant William L. Young, defendant George Horne, defendant Charles Gay, defendant Wendell Goins, defendant Vernon Ammons, defendant Lawrence L. Britt, defendant George Redford Turner, defendant Robert Grady, defendant Robert Morgan, defendant George Baker, defendant Preston Sims, deft. Sherman George in his individual capacity only) plaintiff DOJ; adding DOJ as a deft (LSD) (Entered: 09/19/2002)
09/19/2002		NOTICE by plaintiff Michael Martinez to indicate the specific defts served and the specific defts that have been dismissed. (BDC) (Entered: 09/20/2002)
09/19/2002	47	RETURN OF SERVICE executed upon plaintiff DOJ on Memo of counsel for the deft on 9/19/02. (BDC) (Entered: 09/20/2002)
09/20/2002	45	TRACK INFORMATION STATEMENT filed by plaintiff DOJ track 2(standard) preferred (BDC) (Entered: 09/20/2002)
09/20/2002	46	FULL CONSENT has been received as the consent by the added party: plaintiff DOJ [0-0], [11-1], [0-0], [0-0] (BDC) (Entered: 09/20/2002)
09/23/2002	48	ATTORNEY APPEARANCE for defendant Firefighters Inst by Althea P. Johns (BAK) (Entered: 09/24/2002)
09/23/2002	49	TRACK INFORMATION STATEMENT filed by defendant Firefighters Inst track 2 preferred (BAK) (Entered: 09/24/2002)
09/23/2002	50	ANSWER by defendant Firefighters Inst to [21-1] (BAK) (Entered: 09/25/2002)
09/26/2002		MOTION by defendant DOJ for order to withdraw consent to magistrate judge (BAK) (Entered: 09/30/2002)
09/27/2002	<u>51</u>	ORDER by Mag Judge Thomas C. Mummert. The Court hereby recuses itself in the above matter. (cc: all counsel) (BAK) (Entered: 09/27/2002)
09/27/2002	<u>52</u>	ORDER (JGW) Case reassigned to Honorable E. Richard Webber (cc: all counsel) (BAK) (Entered: 09/27/2002)
09/30/2002	53	ATTORNEY APPEARANCE for defendant DOJ by Benjamin Blustein, Carolyn Clark (CQL) (Entered: 09/30/2002)
10/07/2002	<u>54</u>	ORDER by Honorable Catherine D. Perry IT IS HEREBY ORDERED that deft's motion to consolidate #31 in cause #4:01CV580 is granted and these two cases (01cv1770 ERW) are consolidated for all purposes. FURTHER ORDERED that the case management orders previously entered are vacated. FURTHER ORDERED that the Clerk of Court shall transfer both these cases to the docket of the Hon. John F. Nangle, Senior USDJ. granting motion to consolidate cases [31-1] 4:01-cv-580 with member cases 4:01-cv-1770 Case reassigned to Honorable John F. Nangle (cc: all counsel) (LSD) (Entered: 10/07/2002)
10/07/2002		GENERIC SCHEDULING EVENT ; Jury Trial satisfied ; Pt Comp ddl satisfied ; Response to Court ddl satisfied ; Status Hearing satisfied (LSD) (Entered: 10/07/2002)
10/07/2002	<u>55</u>	ORDER by Honorable John F. Nangle – IT IS HEREBY ORDERS the parties to provide copies of all pleadings filed in the instant consolidated cases to the Court in its Savannah, Georgia chambers via facimile ( if 30 pages or less) or overnight mail (if more than 30 pages) on the date that such pleadings are filed. (cc: all counsel) (DLB) (Entered: 10/07/2002)
10/11/2002	56	NOTICE by plaintiff Michael Martinez in 4:01-cv-00580, plaintiff Eric Deeken in 4:01-cv-01770 of change of address of plaintiffs' attorney. (DLB) (Entered: 10/15/2002)

11/01/2002	57	TELEPHONE CONFERENCE MINUTES: before Honorable John F. Nangle – conference held; order to issue. court reporter: n/a; proceedings started: – ended: (DLB) (Entered: 11/04/2002)
11/01/2002	<u>58</u>	ORDER by Honorable John F. Nangle – The Court hereby ORDERS the condolidation of the above captioned cases for all purposes until further Order of this Court. The Court FURTHER ORDERS the parties jointly to submit a proposed scheduling order no later than Monday, 11/18/02, as discussed in the 11/1/02, telephone conference. ; Resp to court ddl 11/18/02 (cc: all counsel) (DLB) (Entered: 11/04/2002)
11/01/2002	59	TELECONFERENCE MINUTES: before Honorable John F. Nangle – telephone conference held; court reporter: n/a; proceedings started: 11:30am – ended: 12:30pm (DLB) (Entered: 11/05/2002)
11/15/2002	60	Notice of Motion: motion to dismiss by defendant DOJ in 4:01–cv–00580, defendant USA in 4:01–cv–01770 (DLB) (Entered: 11/20/2002)
11/15/2002	60	MOTION by defendant DOJ in 4:01–cv–00580 to dismiss plaintiff Deeken's first amended complaint and plaintiff Martinez's second amended complaint Date Motion Received: 12/23/02 [60–1] w/memorandum in support attached w/proposed order attached. (DLB) (Entered: 12/30/2002)
11/15/2002	60	RESPONSE by plaintiff Michael Martinez in 4:01–cv–00580 to motion to dismiss plaintiff Deeken's first amended complaint and plaintiff Martinez's second amended complaint Date Motion Received: 12/23/02 [60–1] [60–1] (DLB) (Entered: 12/30/2002)
11/15/2002	60	RESPONSE by plaintiff Eric Deeken in 4:01–cv–00580 to motion to dismiss plaintiff Deeken's first amended complaint and plaintiff Martinez's second amended complaint Date Motion Received: 12/23/02 [60–1] [60–1] (DLB) (Entered: 12/30/2002)
11/21/2002	<u>61</u>	ORDER by Honorable John F. Nangle – The Court is in receipt of the parties' scheduling order. Having reviewed the proposed scheduling order, the Court has determined that before it enters a scheduling order int this case, it shall require the parties, JOINTLY to submit a comprehensive stipulation of facts as follows. The parties shall submit such stipulation to the Court no later than 4:00pm E.S.T. on Friday, 12/20/02... ; joint scheduling plan ddl 12/20/02 at 5:00pm (cc: all counsel) (DLB) (Entered: 11/22/2002)
12/19/2002	62	MOTION by movant Lawrence B. Arens IV in 4:01–cv–00580, movant Mark D. Rauss in 4:01–cv–00580 to substitute intervenors (DLB) (Entered: 12/30/2002)
12/20/2002	63	JOINT SUBMISSION OF FACTS IN COMPLIANCE WITH THE COURT'S ORDER OF NOVEMBER 21, 2002 fld by the parties. (DLB) (Entered: 12/30/2002)
12/20/2002		STATEMENTS SETTING FORTH THE PORTIONS OF THE PROPOSED STIPULATION NOT STIPULATED WITH THE REASONS THEREFOR by defendant Firefighters Inst in 4:01–cv–00580 (DLB) Modified on 01/09/2003 (Entered: 01/09/2003)
12/20/2002		STATEMENTS SETTING FORTH THE PORTIONS OF THE PROPOSED STIPULATIONS TO WHICH HE, IN GOOD FAITH, CANNOT STIPULATE AND THE REASONS THEREFORE by plaintiff Eric Deeken in 4:01–cv–00580 (DLB) Modified on 01/09/2003 (Entered: 01/09/2003)
12/20/2002		WRITTEN STATEMENTS OF REASONS, IN GOOD FAITH, FOR NOT STIPULATING TO PARTICULAR PROPOSED STIPULATIONS by intervenor Joseph Blessing in 4:01–cv–00580, intervenor Michael Davis in 4:01–cv–00580 (DLB) Modified on 01/09/2003 (Entered: 01/09/2003)
12/26/2002	64	RESPONSE by plaintiff Michael Martinez in 4:01–cv–00580 to motion to substitute intervenors [62–1] (DLB) (Entered: 12/30/2002)
12/30/2002	<u>65</u>	ORDER by Honorable John F. Nangle granting motion to substitute intervenors [62–1] in 4:01–cv–00580, granting motion to dismiss plaintiff Deeken's first amended complaint and plaintiff Martinez's second amended complaint Date

		Motion Received: 12/23/02 [60-1] [60-1] in 4:01-cv-00580, terminating notice of motion motion Notice of Motion: motion to dismiss [28-1] in 4:01-cv-01770 (cc: all counsel) (DLB) (Entered: 12/31/2002)
01/14/2003	66	MOTION by plaintiff Eric Deeken in 4:01-cv-00580 to amend gernal schedule and extend time within which to file rebuttal expert witness reports. (DLB) Modified on 01/15/2003 (Entered: 01/15/2003)
01/15/2003	<u>67</u>	ORDER by Honorable John F. Nangle granting motion to amend gernal schedule and extend time within which to file rebuttal expert witness reports. [66-1] in 4:01-cv-00580. Upon the agreemtn of the parties, it is hereby ordered that the General Schedule be amended to extend the time to file rebuttal expert witness reports until 1/22/03. (cc: all counsel) (DLB) (Entered: 01/15/2003)
01/23/2003	68	ENDORSEMENT OF ITS EXPERT ON ISSUES OF ATTAINMENT OF LONG-TERM GOAL OF PARTIAL CONSENT DECREE by defendant in 4:01-cv-00580 (DLB) (Entered: 01/27/2003)
02/10/2003	69	MOTION by plaintiff Michael Martinez in 4:01-cv-00580 to dissolve partial consent decree w/memorandum in support and exhibits A,B,C attached. (DLB) (Entered: 02/11/2003)
02/14/2003	70	MOTION by plaintiff DOJ in 4:01-cv-00580 to modify the consent decree and nunc pro tunc order w/memorandum in support, exhibits and proposed order attached. PLACED IN EXPANSION FOLDER (DLB) (Entered: 02/18/2003)
02/14/2003	71	MOTION by intervenor Joseph Blessing in 4:01-cv-00580, intervenor Michael Davis in 4:01-cv-00580 to dissolve partial consent decree w/memorandum in support attached. (DLB) (Entered: 02/18/2003)
02/14/2003	72	Notice of Motion: partial summary judgment by plaintiff Eric Deeken in 4:01-cv-00580 (DLB) (Entered: 02/18/2003)
02/14/2003	73	REQUEST by plaintiff DOJ in 4:01-cv-00580 for hearing (DLB) (Entered: 02/18/2003)
02/14/2003	72	MOTION by plaintiff Eric Deeken in 4:01-cv-00580 to dissolve the consent decree and to declare it unconstitutional and void w/memorandum in support and statement of uncontroverted facts attached. (DLB) (Entered: 04/09/2003)
02/14/2003	72	REPLY MEMORNDUM by plaintiff Eric Deeken in 4:01-cv-00580 in support of his summary judgment motion to dissolve the consent decree and to declare it unconstitutional and void [72-1] (DLB) (Entered: 04/09/2003)
02/18/2003	<u>74</u>	ORDER by Honorable John F. Nangle ; In-court hearing set for 3/17/03 at 10:00am (cc: all counsel) (DLB) (Entered: 02/18/2003)
03/07/2003	75	RESPONSE by plaintiff USA in 4:01-cv-00580 to motion to dissolve partial consent decree [71-1], to motion to dissolve partial consent decree [69-1], and opposition to plaintiff Deeken's partial summary judgment motion to declare the partial consent decree unconstitutional and void. (DLB) (Entered: 03/10/2003)
03/07/2003	76	RESPONSE by defendant St. Louis, City of in 4:01-cv-00580 to motion of Michael Martinez to dissolve partial consent decree [71-1], and motion of intervenors to join motion of plaintiff Michael Martinez to dissolve partial consent decree [69-1] (DLB) (Entered: 03/10/2003)
03/10/2003	77	MOTION by defendant Firefighters Inst in 4:01-cv-00580 for leave to file out of time w/expert submission on adverse impact and memorandum in opposition to dissolution and/or partial dissolution fo the consent decree attached. (DLB) (Entered: 03/10/2003)
03/17/2003	78	MOTION HEARING MINUTES: before Honorable John F. Nangle ; In-court hearing held on plaintiff's motion to partially dissolve consent decree; arguments made; order to issue court reporter: Teri Hopwood; proceedings started: 10:04am - ended: 1:04pm (DLB) (Entered: 03/19/2003)
03/20/2003	<u>79</u>	ORDER by Honorable John F. Nangle granting motion for leave to file out of time [77-1] in 4:01-cv-00580. The Court hereby ORDERS the City of St. Louis City to

		provide the Court for in camera inspection a copy of the written portion of the 2001 test given to applicants for the position of probationary fire private. The Court shall retain such copy in camera until further Order of this Court. The City shall provide a copy of such test to the Court in its Savannah, Georgia, chambers within 15 days of the date of this Order. The Court hereby ORDERS all parties to brief the issue of what geographic area should be used for the purpose of determining the number of blacks and whites living and working therein. Such briefs shall be filed within 15 days of the date of this Order. (cc: all counsel) (DLB) (Entered: 03/20/2003)
03/20/2003		EXPERT SUBMISSION on Adverse Impact by defendant Firefighters Inst in 4:01-cv-00580 (DLB) (Entered: 04/08/2003)
03/24/2003	80	MEMORANDUM RESPONSE to court's order by plaintiff Michael Martinez in 4:01-cv-00580 [79-1], [78-1] (DLB) (Entered: 03/25/2003)
04/02/2003	81	Notice of Motion: motion for partial summary judgment against defendant City of St. Louis on the issue of substantive liability by plaintiff Michael Martinez in 4:01-cv-00580 (DLB) (Entered: 04/07/2003)
04/02/2003	81	MOTION by plaintiff Michael Martinez in 4:01-cv-00580 for partial summary judgment Date Motion Received: May 12, 2003 [81-1] w/memorandum in support attached. (DLB) (Entered: 05/13/2003)
04/02/2003	81	DECLARATION by plaintiff Michael Martinez in 4:01-cv-00580 re [81-1] (DLB) (Entered: 05/13/2003)
04/02/2003	81	STATEMENT OF UNCONTROVERTED MATERIAL FACTS by plaintiff Michael Martinez in 4:01-cv-00580 in support of [81-1] (DLB) (Entered: 05/13/2003)
04/02/2003	81	RESPONSE by plaintiff DOJ in 4:01-cv-00580 to motion for partial summary judgment Date Motion Received: May 12, 2003 [81-1] [81-1] (DLB) (Entered: 05/13/2003)
04/02/2003	81	MEMORANDUM by defendant St. Louis, City of in 4:01-cv-00580 in opposition to motion for partial summary judgment Date Motion Received: May 12, 2003 [81-1] [81-1] (DLB) (Entered: 05/13/2003)
04/02/2003	81	RESPONSE by defendant Firefighters Inst in 4:01-cv-00580 to motion for partial summary judgment Date Motion Received: May 12, 2003 [81-1] [81-1] (DLB) (Entered: 05/13/2003)
04/04/2003	82	BRIEF OF THE ISSUED OF GEOGRAPHIC AREA TO BE USED AS RELEVANT LABOR MARKET FOR COMPARISON WITH RACIAL COMPOSITION OF FIRE PRIVATE RANK submitted by plaintiff DOJ in 4:01-cv-00580 (DLB) (Entered: 04/07/2003)
04/04/2003	83	MEMORANDUM REGARDING THE APPROPRIATE GEOGRAPHIC AREA by intervenor Joseph Blessing in 4:01-cv-00580, intervenor Michael Davis in 4:01-cv-00580 (DLB) (Entered: 04/07/2003)
04/04/2003	84	MEMORANDUM OF LAW REGARDING THE APPROPRIATE GEOGRAPHICAL AREA TO BE USED FOR THE PURPOSES OF DETERMINING THE NUMBER OF BLACKS AND WHITES LIVING AND WORKING THEREIN by plaintiff Eric Deeken in 4:01-cv-00580 (DLB) (Entered: 04/07/2003)
04/04/2003	85	BRIEF ON THE ISSUE OF GEOGRAPHIC AREA TO BE USED AS RELEVANT LABOR MARKET FOR COMPARISON WITH RACIAL COMPOSITION OF FIRE PRIVATE RANK submitted by plaintiff USA in 4:01-cv-00580 re: order [79-1] (DLB) (Entered: 04/09/2003)
04/04/2003	86	MEMORNADUN IN RESPONSE to court order of March 20, 2003 by defendant St. Louis, City of in 4:01-cv-00580 [79-1] (DLB) (Entered: 04/09/2003)
04/04/2003	87	MEMORANDUM REGARDING TEH APPROPRIATE GEOGRAPHIC AREA TO BE CONSIDERED by defendant Firefighters Inst in 4:01-cv-00580 re: order [79-1] (DLB) (Entered: 04/09/2003)

04/04/2003	88	MOTION by defendant Firefighters Inst in 4:01-cv-00580 for summary judgment w/memorandum in support attached. (DLB) (Entered: 04/09/2003)
04/07/2003	89	TRANSCRIPT filed from Motion Hearing of 3/17/03; court reporter: Teri Hopwood (DLB) (Entered: 04/09/2003)
04/09/2003	<u>90</u>	ORDER by Honorable John F. Nangle – The Court ORDERS the City to file a brief, which shall not exceed 5 pages, in support of its intended action. The Court FURTHER ORDERS all parties opposing the City's proposed action, jointly to file a motion requesting that the Court issue an Order or take other appropriate action in response thereto. Each party jointly in such motion shall file a brief in support thereof which shall not exceed 5 pages. Such documents shall be filed with the Clerk of Court and faxed to the Court in its Savannah, Georgia chambers no later than 4pm eastern time on Thursday, April 10, 2003.(cc: all counsel) (DLB) (Entered: 04/09/2003)
04/10/2003	91	MOTION by plaintiff United States of America in 4:01-cv-00580 for temporary restraining order w/memorandum in support attached. (DLB) (Entered: 04/11/2003)
04/10/2003	92	MEMORANDUM IN SUPPORT by intervenor Joseph Blessing in 4:01-cv-00580, intervenor Michael Davis in 4:01-cv-00580 re: motion for temporary restraining order [91-1] (DLB) (Entered: 04/11/2003)
04/10/2003	93	MEMORANDUM IN SUPPORT by plaintiff Eric Deeken in 4:01-cv-00580 re: motion for temporary restraining order [91-1] (DLB) (Entered: 04/11/2003)
04/10/2003	94	BRIEF IN RESPONSE TO COURT'S ORDER OF APRIL 9, 2003 submitted by defendant St. Louis, City of in 4:01-cv-00580 (DLB) (Entered: 04/11/2003)
04/10/2003		BRIEF IN SUPPORT submitted by defendant Firefighters Inst in 4:01-cv-00580 re: motion for temporary restraining order [91-1] (DLB) (Entered: 04/14/2003)
04/11/2003	95	MOTION HEARING MINUTES BY TELEPHONE: before Honorable John F. Nangle – Hearing held on motion for temporary restraining order. Arguments made. Order to issue. Court reporter: Lora Carter ; proceedings started: 9:00amCST – ended: 10:08amCST (DLB) Modified on 04/14/2003 (Entered: 04/11/2003)
04/11/2003	<u>96</u>	ORDER by Honorable John F. Nangle granting motion for temporary restraining order [91-1] in 4:01-cv-00580. The City of St. Louis is temporarily enjoined from certifying a class of fire privates based on the 2001 eligibility list....See order for details. (cc: all counsel) (DLB) (Entered: 04/11/2003)
04/16/2003	97	RESPONSE to court's order of 4/11/03 by defendant St. Louis, City of in 4:01-cv-00580 [96-1] (DLB) (Entered: 04/17/2003)
04/18/2003	98	RESPONSE to court's order of 4/11/03 by defendant St. Louis, City of in 4:01-cv-00580 [96-1] (DLB) (Entered: 04/21/2003)
04/21/2003	<u>99</u>	ORDER by Honorable John F. Nangle – The Court hereby EXTENDS the temporary restraining order ("TRO") entered on Friday, 4/11/03, to a future date to be set by the Court after consultation with the parties. (cc: all counsel) (DLB) (Entered: 04/21/2003)
04/28/2003	100	RESPONSE (labeled "Filing Memorandum") by plaintiff Eric Deeken in 4:01-cv-00580 to Firefighters mtn for summary jgm [88-1] with attached exhibits 1-4 (KKS) (Entered: 04/30/2003)
05/01/2003	101	RESPONSE TO CITY'S TEST PROPOSALS, AND REQUEST FOR OPPORTUNITY TO SUBMIT SUPPLEMENTAL RESPONSE UPON THE CITY'S PRODUCTION OF INFORMATION REQUIRED BY THE APRIL 11 ORDER by plaintiff DOJ in 4:01-cv-00580 FILED UNDER SEAL AND PLACED IN VAULT. (DLB) (Entered: 05/02/2003)
05/01/2003	101	SEALED DOCUMENT by plaintiff DOJ in 4:01-cv-00580 [101-1] (DLB) (Entered: 05/02/2003)

05/02/2003	102	RETURN LETTER from Clerk to Althea Johns re: local rule 4.05 and order of 10/7/02 (DLB) (Entered: 05/02/2003)
05/05/2003	<u>103</u>	ORDER by Honorable John F. Nangle ; before the court is the City's proposed timeline with respect to its probationary fire private examination; having considered the City's proposals, the Court hereby Orders as follows...(see order for particulars) (cc: all counsel) (KKS) (Entered: 05/05/2003)
05/12/2003	104	RESPONSE to court order of 5/5/03 by defendant St. Louis, City of in 4:01-cv-00580 [103-1] (DLB) (Entered: 05/13/2003)
05/19/2003	<u>105</u>	ORDER by Honorable John F. Nangle – There being no objections, the Court hereby APPROVES the City's selection of Personnel Decisions Research Institutes, Inc. as its test consultant. Pursuant to the Court's 5/5/03 Order, the City and Personnel Decisions Research Institutes, Inc. SHALL finalize their contract within 20 days of the date of this order. (cc: all counsel) (DLB) (Entered: 05/19/2003)
06/06/2003	106	RESPONSE to court's order of 5/5/03 by defendant St. Louis, City of in 4:01-cv-00580 [103-1] (DLB) (Entered: 06/09/2003)
07/31/2003	107	REPORT TO COURT'S ORDER OF APRIL 11, 2003 by defendant St. Louis, City of in 4:01-cv-00580 (DLB) (Entered: 08/01/2003)
09/08/2003	108	ORDER by Honorable John F. Nangle – The Court hereby ORDERS the City of St. Louis provide to the Court and to all parties within days of the date of the issuance of this ORDER verified copies of the information referenced on pages 4 and 5 of the intervenors' brief as set out. Specifically, the City Hall shall provide and verify; (1) the number of 2001 applicants for the probationary fire private position who reportes living outside the state of Missouri, and (2) the number of 2001 applicants for the probationary fire private position who reported living outside the City of St. Louis but within the state of Missouri. Upon receipt of the information provided by the by the City of St. Louis, the other parties shall, within 5 days, either stipulate to the accuracy of that information or file notice of their objection to the accuracy of that information. The parties are reminded that failure to stipulate to all undisputed facts will result in sanctions pursuant to Rule 11. for response to court ; Resp to court ddl 9/15/03 for St. Louis, City of in 4:01-cv-00580 (cc: all counsel) (DLB) (Entered: 09/08/2003)
09/16/2003	109	RESPONSE to court order of 9/8/03 by defendant St. Louis, City of in 4:01-cv-00580 [108-1], [108-2] (DLB) (Entered: 09/17/2003)
09/30/2003	110	RESPONSE to court order of 4/11/03 by defendant St. Louis, City of in 4:01-cv-00580 [96-1] (DLB) (Entered: 10/06/2003)
09/30/2003	111	RESPONSE to court order by defendant St. Louis, City of in 4:01-cv-00580 [108-2] w/declaration of Linda Thomas and redacted copies of the firt page of all applications PLACED IN EXPANSION FOLDER (DLB) Modified on 10/06/2003 (Entered: 10/06/2003)
10/21/2003	<u>112</u>	MOTION to Clarify <i>or Amend May 5, 2003 Timeline Order</i> by Movants Lawrence B. Arens IV, Mark D. Rauss. (Attachments: # <u>1</u> Memo in Support)(Perkins, Richard) (Entered: 10/21/2003)
10/21/2003	<u>113</u>	NOTICE by Movants Lawrence B. Arens IV, Mark D. Rauss re <u>112</u> MOTION to Clarify <i>or Amend May 5, 2003 Timeline Order</i> of Filing of Omitted Exhibit 1: (Perkins, Richard) (Entered: 10/21/2003)
10/24/2003	<u>114</u>	Letter from Hon. John F. Nangle Re:motion to clarify or amend 5/5/03, time-line order (DLB, ) (Entered: 10/27/2003)
10/31/2003	<u>115</u>	RESPONSE to Motion re <u>112</u> MOTION to Clarify <i>or Amend May 5, 2003 Timeline Order</i> filed by Defendant St. Louis, City of. (Kistler, Nancy) (Entered: 10/31/2003)
10/31/2003	<u>116</u>	RESPONSE in Opposition/Memorandum in Opposition re <u>112</u> MOTION to Clarify <i>or Amend May 5, 2003 Timeline Order</i> filed by Plaintiff Department of Justice. (Wedemeyer, Wesley) (Entered: 10/31/2003)

11/03/2003	<u>117</u>	STIPULATION re 108 Order,,,,,,,,,,,,, <i>Regarding 2001 Applications</i> by Defendant Department of Justice. (Wedemeyer, Wesley) (Entered: 11/03/2003)
11/05/2003	<u>118</u>	ORDER granting 69 Plaintiff's Motion to dissolve partial consent decree, denying U.S.A.'s motion to modify consent decree and nunc pro tunc order 70 , granting 71 intervenors's Motion to join motion of plaintiff Martinez to dissolve partial consent decree, 72 , denying 72 Motion plaintiff Deeken's motio to [retroactively] dissolve consent decree[retroactive to 12/31/93] and do declare it unconstitutional and void [ab inito], denying 81 plaintiff Martinez' Motion for Partial Summary Judgment on the issue of substantive liability of the City. Signed by Judge John F. Nangle on 11/5/03. (DLB, ) (Entered: 11/05/2003)
11/07/2003	<u>119</u>	REPLY to Response to Motion re <u>112</u> MOTION to Clarify <i>or Amend May 5, 2003 Timeline Order</i> filed by Movants Lawrence B. Arens IV, Mark D. Rauss. (Perkins, Richard) (Entered: 11/07/2003)
11/07/2003	<u>120</u>	ORDER granting in part <u>112</u> Motion to Clarify paragraph 4 of the May 5th Order. Paragraph 4 is hereby clarified as follows: see order for details. Signed by Judge John F. Nangle on 11/7/03. (DLB, ) (Entered: 11/07/2003)
12/01/2003	<u>121</u>	Mail Returned as Undeliverable. Mail sent to Amanda Rocque Memorandum and Order dated 11/5/03 signed by Judge Nangle. (LGK, ) (Entered: 12/02/2003)
12/03/2003	<u>122</u>	RESPONSE TO COURT ORDER re <u>96</u> Order on Motion for Relief,,,,, by Defendants William C. Duffe, St. Louis, City of. (Kistler, Nancy) (Entered: 12/03/2003)
12/22/2003	<u>123</u>	ORDER – The proposed schedule SHALL be submitted to the Court for the consideration on or before 1/13/04.. Signed by Judge John F. Nangle on 12/22/03. (DLB, ) (Entered: 12/24/2003)
01/13/2004	<u>124</u>	JOINT SCHEDULING PLAN by Movants Lawrence B. Arens IV, Mark D. Rauss, Consolidated Filer Plaintiffs Eric Deeken, USA, Defendants Firefighters' Institute for Racial Equality, St. Louis, City of, Plaintiff Michael Martinez.. (Attachments: # <u>1</u> )(Kistler, Nancy) (Entered: 01/13/2004)
01/30/2004	<u>125</u>	ORDER – Pursuant to the foregoing, F.I.R.E.'s summary judgment motion is DENIED IN PART AS MOOT as to Count I in Deeken's First Amended Complaint and Count I in Martinez's Second Amended Complaint with respect to relief sought regarding dissolution of the consent decree. Insofar as F.I.R.E.'s summary judgment motion seeks F.I.R.E.'s dismissal as a defendant liable to Martinez and Deeken pursuant to allegations in their amended complaints, F.I.R.E.'s summary judgment motion is GRANTED. Signed by Judge John F. Nangle on 1/30/04. (DLB, ) Modified on 1/30/2004 (DLB, ). (Entered: 01/30/2004)
03/22/2004	<u>126</u>	ORDER Discovery Completion due by 4/23/2004. Dispositive Motions due by 5/10/2004.. Signed by Judge John F. Nangle on 3/22/04. (DLB, ) (Entered: 03/22/2004)
04/22/2004	<u>127</u>	ORDER Status Hearing set for 5/20/2004 11:30 AM in Courtroom 17S before Honorable John F. Nangle.. Signed by Judge John F. Nangle on 4/22/04. (DLB, ) (Entered: 04/22/2004)
05/10/2004	<u>128</u>	MOTION for Summary Judgment <i>As To Substantive Liability of the City on All of Plaintiffs' Claims</i> by Defendant St. Louis, City of. (Kistler, Nancy). (Entered: 05/10/2004)
05/10/2004	<u>129</u>	MEMORANDUM in Support of Motion re <u>128</u> MOTION for Summary Judgment <i>As To Substantive Liability of the City on All of Plaintiffs' Claims</i> filed by Defendant St. Louis, City of. (Attachments: # <u>1</u> )(Kistler, Nancy) (Entered: 05/10/2004)
05/10/2004	<u>130</u>	Second MOTION for Summary Judgment <i>On Issue of Liability</i> by Consolidated Filer Plaintiff Eric Deeken. (Attachments: # <u>1</u> Partial Summary Judgment# <u>2</u> Statement of Uncontroverted Facts# <u>3</u> Exhibit List# <u>4</u> Exhibit Exhibit 1# <u>5</u> Exhibit Exhibit 2# <u>6</u> Exhibit Exhibit 3# <u>7</u> Exhibit Exhibit 4# <u>8</u> Exhibit Exhibit 5# <u>9</u> Exhibit Exhibit 6A# <u>10</u> Exhibit Exhibit 6B# <u>11</u> Exhibit Exhibit 6C# <u>12</u> Exhibit Exhibit 6D# <u>13</u> Exhibit Exhibit 6E# <u>14</u> Exhibit Exhibit 6F# <u>15</u> Exhibit Exhibit 6G# <u>16</u>

		Exhibit Exhibit 6H# <u>17</u> Exhibit Exhibit 6I# <u>18</u> Exhibit Exhibit 6J# <u>19</u> Exhibit Exhibit 6K# <u>20</u> Exhibit Exhibit 6L# <u>21</u> Exhibit Exhibit 6M# <u>22</u> Exhibit Exhibit 6N# <u>23</u> Exhibit Exhibit 6O# <u>24</u> Exhibit Exhibit 6P# <u>25</u> Exhibit Exhibit 6Q# <u>26</u> Exhibit Exhibit 6R# <u>27</u> Exhibit Exhibit 6S# <u>28</u> Exhibit Exhibit 6T# <u>29</u> Exhibit Exhibit 6U# <u>30</u> Exhibit Exhibit 6V# <u>31</u> Exhibit Exhibit 6W# <u>32</u> Exhibit Exhibit 6X# <u>33</u> Exhibit Exhibit 6Y# <u>34</u> Exhibit Exhibit 6Z# <u>35</u> Exhibit Exhibit 6AA# <u>36</u> Exhibit Exhibit 6BB# <u>37</u> Exhibit Exhibit 7A# <u>38</u> Exhibit Exhibit 7B# <u>39</u> Exhibit Exhibit 8A# <u>40</u> Exhibit Exhibit 8B# <u>41</u> Exhibit Exhibit 8C# <u>42</u> Exhibit Exhibit 9A# <u>43</u> Exhibit Exhibit 9B# <u>44</u> Exhibit Exhibit 9C# <u>45</u> Exhibit Exhibit 9D# <u>46</u> Memorandum in Support of Summary Judgment# <u>47</u> Certificate of Service)(Bobinette, Charles). (Entered: 05/10/2004)
05/20/2004	<u>131</u>	Minute Entry for proceedings held before Judge John F. Nangle : Status Hearing held on 5/20/2004. Discussion held. (Court Reporter or FTR Gold Operator initials:Angela Daley.) (FTR Gold yes or no: no.) (DLB, ) (Entered: 05/24/2004)
06/01/2004	<u>132</u>	MEMORANDUM in Opposition re <u>128</u> MOTION for Summary Judgment <i>As To Substantive Liability of the City on All of Plaintiffs' Claims</i> filed by Consolidated Filer Plaintiff Eric Deeken. (Attachments: # <u>1</u> Filing Memo# <u>2</u> Response &Memorandum# <u>3</u> Proof in Opposition# <u>4</u> Exhibit 1A-Depo of Gebhart# <u>5</u> Exhibit 1B-Depo of Gebhart# <u>6</u> Exhibit 1C-Depo of Gebhart# <u>7</u> Exhibit 1D-Depo of Gebhart# <u>8</u> Exhibit 1E-Depo of Gebhart# <u>9</u> Exhibit 1F-Depo of Gebhart# <u>10</u> Exhibit 1G-Depo of Gebhart# <u>11</u> Exhibit 1H-Depo of Gebhart# <u>12</u> Exhibit 1I-Depo of Gebhart# <u>13</u> Exhibit 1J-Depo of Gebhart# <u>14</u> Exhibit 1K-Depo of Gebhart# <u>15</u> Certificate of Service)(Bobinette, Charles) (Entered: 06/01/2004)
06/04/2004	<u>133</u>	ORDER – RE: statements of "uncontroverted facts". Signed by Judge John F. Nangle on 6/4/04. (DLB, ) (Entered: 06/04/2004)
06/04/2004		ORDER RECEIPT: (see receipt) Fri Jun 4 16:47:25 CDT 2004 (DLB, ) (Entered: 06/04/2004)
06/05/2004	<u>134</u>	MOTION to Strike <i>Exhibits 7 and 8</i> by Defendant St. Louis, City of. (Kistler, Nancy) (Entered: 06/05/2004)
06/05/2004	<u>135</u>	MEMORANDUM in Support of Motion re <u>134</u> MOTION to Strike <i>Exhibits 7 and 8</i> filed by Defendant St. Louis, City of. (Kistler, Nancy) (Entered: 06/05/2004)
06/05/2004	<u>136</u>	MOTION for Leave to File Opposition to Plaintiff's Motion for Partial Summary Judgment by Defendant St. Louis, City of. (Kistler, Nancy) (Entered: 06/05/2004)
06/05/2004	<u>137</u>	MEMORANDUM in Opposition re <u>130</u> Second MOTION for Summary Judgment <i>On Issue of Liability</i> filed by Defendant St. Louis, City of. (Attachments: # <u>1</u> Exhibit January/Fedruary 1999 Certifications# <u>2</u> Exhibit June 1999 Certifications# <u>3</u> Exhibit January/February 2000 Certifications# <u>4</u> Exhibit April 2001 Certifications# <u>5</u> Exhibit September/October 2001 Certifications# <u>6</u> Affidavit Second Declaration of Linda Thomas# <u>7</u> Exhibit Civil Service Rule 1 Section 1# <u>8</u> Exhibit U.S.' 1990 Memo in Support of Motion to Modify)(Kistler, Nancy) (Entered: 06/05/2004)
06/07/2004	<u>138</u>	RESPONSE in Opposition re <u>128</u> MOTION for Summary Judgment <i>As To Substantive Liability of the City on All of Plaintiffs' Claims City's Reply To</i> filed by Defendant St. Louis, City of. (Attachments: # <u>1</u> Exhibit Revised Notice of Deposition)(Kistler, Nancy) (Entered: 06/07/2004)
06/09/2004	<u>139</u>	STATEMENT of Material Facts re <u>128</u> MOTION for Summary Judgment <i>As To Substantive Liability of the City on All of Plaintiffs' Claims</i> filed by Plaintiff Michael Martinez. (Potashnick, Mark) (Entered: 06/09/2004)
06/09/2004	<u>140</u>	MEMORANDUM in Support of Motion re <u>130</u> Second MOTION for Summary Judgment <i>On Issue of Liability</i> filed by Plaintiff Michael Martinez. (Potashnick, Mark) (Entered: 06/09/2004)
06/09/2004	<u>141</u>	MEMORANDUM in Opposition re <u>128</u> MOTION for Summary Judgment <i>As To Substantive Liability of the City on All of Plaintiffs' Claims</i> filed by Plaintiff Michael Martinez. (Potashnick, Mark) (Entered: 06/09/2004)

06/09/2004	<u>142</u>	STATEMENT of Material Facts re <u>128</u> MOTION for Summary Judgment <i>As To Substantive Liability of the City on All of Plaintiffs' Claims</i> filed by Plaintiff Michael Martinez. (Potashnick, Mark) (Entered: 06/09/2004)
06/09/2004	<u>143</u>	SUPPLEMENTAL re <u>142</u> Statement of Material Facts <i>Exhibit #1 Filed in Support of Plaintiff Martinez's Separate Statement of Uncontroverted Material Facts</i> by Plaintiff Michael Martinez. (Potashnick, Mark) (Entered: 06/09/2004)
06/09/2004	<u>144</u>	SUPPLEMENTAL re <u>142</u> Statement of Material Facts <i>Exhibit #2 Filed in Support of Plaintiff Martinez's Separate Statement of Uncontroverted Material Facts</i> by Plaintiff Michael Martinez. (Potashnick, Mark) (Entered: 06/09/2004)
06/09/2004	<u>145</u>	SUPPLEMENTAL re <u>142</u> Statement of Material Facts <i>Exhibit #3 Filed in Support of Plaintiff Martinez's Separate Statement of Uncontroverted Material Facts</i> by Plaintiff Michael Martinez. (Potashnick, Mark) (Entered: 06/09/2004)
06/10/2004	<u>146</u>	MEMORANDUM in Opposition re <u>136</u> MOTION for Leave to File Opposition to Plaintiff's Motion for Partial Summary Judgment filed by Consolidated Filer Plaintiff Eric Deeken. (Attachments: # <u>1</u> Filing Memo)(Bobinette, Charles) (Entered: 06/10/2004)
06/22/2004	<u>147</u>	MEMORANDUM in Opposition re <u>128</u> MOTION for Summary Judgment <i>As To Substantive Liability of the City on All of Plaintiffs' Claims Defendant City's Reply To</i> filed by Defendant St. Louis, City of. (Kistler, Nancy) (Entered: 06/22/2004)
06/22/2004	<u>148</u>	STATEMENT of Material Facts re <u>128</u> MOTION for Summary Judgment <i>As To Substantive Liability of the City on All of Plaintiffs' Claims Defendant City's Reply to Plaintiff's Separate</i> filed by Defendant St. Louis, City of. (Kistler, Nancy) (Entered: 06/22/2004)
06/24/2004	<u>149</u>	Joint MOTION for Extension of Time to File ;Extension to file the following: joint stipulations ;Proposed extension date July 2, 2004 by Movants Lawrence B. Arens IV, Mark D. Rauss. (Perkins, Richard) (Entered: 06/24/2004)
06/25/2004	<u>150</u>	ORDER granting <u>136</u> MOTION for Leave to File Opposition to Plaintiff's Motion for Partial Summary Judgment by Defendant St. Louis, City of out of time. In addition, and pursuant to the above, should he desire to do so, is hereby GRANTED an extension of time until 9:00am CST on July 5, 2004, in which to file with the Court a reply memorandum to the City's response. Signed by Judge John F. Nangle on 6/25/04. (DLB, ) (Entered: 06/28/2004)
06/25/2004	<u>151</u>	ORDER granting <u>149</u> Joint MOTION for Extension of Time to File ;Extension to file the following: joint stipulations ;Proposed extension date July 2, 2004 by Movants Lawrence B. Arens IV, Mark D. Rauss;Extension date: 7/2/04 at 3:00pm CST Signed by Judge John F. Nangle on 6/25/04. (DLB, ) (Entered: 06/28/2004)
06/28/2004		ORDER RECEIPT: (see receipt) Mon Jun 28 11:11:48 CDT 2004 (DLB, ) (Entered: 06/28/2004)
06/28/2004		ORDER RECEIPT: (see receipt) Mon Jun 28 11:29:01 CDT 2004 (DLB, ) (Entered: 06/28/2004)
07/02/2004	<u>152</u>	STIPULATION <i>Joint, pursuant to court's order of June 4, 2004</i> by Movants Lawrence B. Arens IV, Mark D. Rauss, Consolidated Filer Plaintiff Eric Deeken, Defendants Department of Justice, Firefighters' Institute for Racial Equality, St. Louis, City of, Plaintiff Michael Martinez. (Attachments: # <u>1</u> # <u>2</u> )(Kistler, Nancy) (Entered: 07/02/2004)
07/08/2004	<u>153</u>	REPLY (to termed motion) re <u>134</u> MOTION to Strike <i>Exhibits 7 and 8 Reply to Defendant City's Opposition to Deeken's Motion for Partial Summary Judgment and Motion to Strike Exhibits 7 and 8 of Deeken's Statement of Uncontroverted Facts</i> filed by Consolidated Filer Plaintiff Eric Deeken. (Attachments: # <u>1</u> Attachment A)(Bobinette, Charles) (Entered: 07/08/2004)
07/14/2004	<u>154</u>	STIPULATION re <u>152</u> Stipulation, <i>Statement Regarding Joint Stipulation of Facts</i> by Consolidated Filer Plaintiff USA. (Niles, Sara) (Entered: 07/14/2004)
07/23/2004	<u>155</u>	Minute Entry for proceedings held before Judge John F. Nangle : Telephone Conference held on 7/23/2004. (Court Reporter or FTR Gold Operator initials:Patti

		Dunn Wecke.) (FTR Gold yes or no: no.) (DLB, ) (Entered: 07/26/2004)
10/01/2004	<u>156</u>	ORDERED that the City of St. Louis is directed, by and through its attorneys, to furnish the Court with a detailed report describing the selection, certification and appointment process of entry-level probationary firefighters. Upon the representations of defts' attorneys, the Court will refrain from issuing an order restraining defts' from approving or certifying a new class of probationary firefighters. All parties have until 3 p.m. CST on Friday, October 8, 2004, to file memoranda on the question of whether any ongoing state court proceedings regarding the testing procedure for applicants for probationary firefighters may impinge upon the instant cases. All such filings must also be submitted to the Court via fax at (912) 650-4017 by the same deadline. Response to Court due by 10/8/2004.. Signed by Judge John F. Nangle on 10/1/04. (LGK, ) (Entered: 10/01/2004)
10/01/2004		ORDER RECEIPT: (see receipt) Fri Oct 1 16:34:32 CDT 2004 (LGK, ) (Entered: 10/01/2004)
10/01/2004	<u>157</u>	Minute Entry for proceedings held before Judge John F. Nangle : Telephone Conference held on 10/1/2004. ISSUES DISCUSSED. (Court Reporter or FTR Gold Operator initials:dbraun.) (FTR Gold yes or no: yes.) (DLB, ) (Entered: 10/04/2004)
10/06/2004	<u>158</u>	MEMORANDUM re <u>156</u> Order - (Generic - text in only), Order - (Generic - text in only), Order - (Generic - text in only), Set Deadlines/Hearings,,, by Plaintiff Michael Martinez. (Potashnick, Mark) (Entered: 10/06/2004)
10/08/2004	<u>159</u>	RESPONSE TO COURT ORDER re <u>156</u> Order - (Generic - text in only), Order - (Generic - text in only), Order - (Generic - text in only), Order - (Generic - text in only), Set Deadlines/Hearings,,, by Defendant St. Louis, City of. (Attachments: # <u>1</u> Report Regarding Selection, Certification and Appointment Process# <u>2</u> Exhibit Technical Report - Part 1# <u>3</u> Exhibit Technical Report - Part 2# <u>4</u> Exhibit Exhibit A - Technical Report - Part 3# <u>5</u> Exhibit Technical Report - Part 4# <u>6</u> Exhibit Technical Report - Part 5# <u>7</u> Exhibit Technical Report - Part 6# <u>8</u> Exhibit Technical Report - Part 7# <u>9</u> Exhibit Exhibit B - Civil Service Rule VII)(Kistler, Nancy) (Entered: 10/08/2004)
10/12/2004	<u>160</u>	MEMORANDUM on <i>Whether the State Court Proceedings Impinge on the Federal Court Proceedings</i> by Consolidated Filer Plaintiff Eric Deeken. (Attachments: # <u>1</u> Exhibit Attachment A)(Bobinette, Charles) (Entered: 10/12/2004)
10/12/2004	<u>161</u>	MEMORANDUM re <u>156</u> Order - (Generic - text in only), Set Deadlines/Hearings, Order - (Generic - text in only),, Order - (Generic - text in only),, Order - (Generic - text in only), <i>Brief on Pending State Court Proceedings</i> by Consolidated Filer Plaintiff USA. (Niles, Sara) (Entered: 10/12/2004)
10/12/2004	<u>162</u>	RESPONSE TO COURT ORDER by Defendant Firefighters' Institute for Racial Equality. (Johns, Althea) (Entered: 10/12/2004)
10/12/2004	<u>163</u>	MEMORANDUM re <u>156</u> Order - (Generic - text in only), Set Deadlines/Hearings, Order - (Generic - text in only),, Order - (Generic - text in only),, Order - (Generic - text in only), <i>of Intervenors</i> by Movants Lawrence B. Arens IV, Mark D. Rauss. (Attachments: # <u>1</u> Exhibit A to memo)(Perkins, Richard) (Entered: 10/12/2004)
10/12/2004	<u>164</u>	RESPONSE TO COURT ORDER <i>fire'sexhibits in support</i> by Defendant Firefighters' Institute for Racial Equality. (Johns, Althea) (Entered: 10/12/2004)
10/12/2004	<u>165</u>	REPORT TO COURT ORDER by Defendant Firefighters' Institute for Racial Equality. (Johns, Althea) (Entered: 10/12/2004)
10/29/2004	<u>166</u>	ORDER : In Court Hearing set for 11/17/2004 10:00 AM in Courtroom 17S before Honorable John F. Nangle; re: City's Mtn for summary jgm as to substantive liability of the city on all of plntfs' claims (doc #128); Deeken's Second mtn for summary jgm on the issue of liability (#130); status of intervenors; any other pending questions. Signed by Judge John F. Nangle on 10/29/04. (KKS, ) (Entered: 10/29/2004)

		10/29/2004)
10/29/2004		ORDER RECEIPT: (see receipt) Fri Oct 29 14:53:17 CDT 2004 (KKS, ) (Entered: 10/29/2004)
11/15/2004	<u>167</u>	ENTRY of Appearance by Kathleen G. Tanner Defendant St. Louis, City of. (Tanner, Kathleen) (Entered: 11/15/2004)
11/16/2004	<u>168</u>	ENTRY of Appearance by Sara Lewenberg Niles Consolidated Filer Plaintiff USA. (Niles, Sara) (Entered: 11/16/2004)
11/17/2004	<u>169</u>	Minute Entry for proceedings held before Judge John F. Nangle : Motion Hearing held on 11/17/2004 re <u>128</u> MOTION for Summary Judgment <i>As To Substantive Liability of the City on All of Plaintiffs' Claims</i> filed by St. Louis, City of, <u>130</u> Second MOTION for Summary Judgment <i>On Issue of Liability</i> filed by Eric Deeken. Arguments made. Motions taken under submission. Order to issue. (Court Reporter or FTR Gold Operator initials:Shannon White.) (FTR Gold yes or no: yes.) (proceedings started: 10:00am.) (proceedings ended: 11:25am.) (DLB, ) (Entered: 11/17/2004)
11/19/2004	<u>170</u>	MOTION to Withdraw as Attorney ;attorney/firm Richard P. Perkins by Movants Lawrence B. Arens IV, Mark D. Rauss. (Perkins, Richard) (Entered: 11/19/2004)
11/23/2004	<u>171</u>	MOTION for Preliminary Injunction by Defendant Firefighters' Institute for Racial Equality. (Johns, Althea) (Entered: 11/23/2004)
11/23/2004	<u>172</u>	MEMORANDUM in Support of Motion re <u>171</u> MOTION for Preliminary Injunction filed by Defendant Firefighters' Institute for Racial Equality. (Johns, Althea) (Entered: 11/23/2004)
11/29/2004	<u>173</u>	ORIGINAL TRANSCRIPT (Pilot) proceedings of Motion Hearing held on 11/17/04 before Judge John F. Nangle. Court Reporter: S. White. The transcript filed with the court will not be remotely available until such time as the period for redaction has expired or a request for redaction has been received and the redacted transcript filed. For additional information see the Notice/Instructions to the Bar regarding Electronic Availability of Civil Transcripts on the Court's website at www.moed.uscourts.gov (KCM, ) (Entered: 11/29/2004)
12/02/2004	<u>174</u>	RESPONSE in Opposition re <u>171</u> MOTION for Preliminary Injunction filed by Defendant St. Louis, City of. (Kistler, Nancy) (Entered: 12/02/2004)
12/03/2004	<u>175</u>	ORDER denying <u>171</u> Motion for Preliminary Injunction Signed by Judge John F. Nangle on 12/3/04. (DLB, ) (Entered: 12/03/2004)
12/03/2004		ORDER RECEIPT: (see receipt) Fri Dec 3 15:26:03 CST 2004 (DLB, ) (Entered: 12/03/2004)
12/30/2004	<u>176</u>	ORDER – Before the Court is defendant City's Motion to strike Exhibits 7 &8 of Plaintiff's Statement of Uncontroverted Facts <u>134</u> . As to Exhibit 7, City's motion is HEREBY DENIED. As to Exhibit 8, the Court deems the motion conceded by Plaintiff Deeken (Doc. 153 at 6 n,4) and thus such motion is hereby DENIED AS MOOT. Also pending is Plaintiff Deeken's Motion to Extend Time to file a reply (Doc. 47, docketed only under 4:01cv1770). As Deeken's reply has already been docketed (Doc. 153) and has been taken under advisement by the Court, Deeken's motion to extend time is HEREBY DENIED AS MOOT. Signed by Judge John F. Nangle on 12/30/04. (DLB, ) (Entered: 01/03/2005)
01/03/2005		ORDER RECEIPT: (see receipt) Mon Jan 3 09:09:29 CST 2005 (DLB, ) (Entered: 01/03/2005)
01/28/2005	<u>177</u>	ORDER granting <u>170</u> Motion to Withdraw as Attorney. Attorney Richard P. Perkins terminated Signed by Judge John F. Nangle on 1/24/05. (DLB, ) (Entered: 01/28/2005)
01/28/2005		ORDER RECEIPT: (see receipt) Fri Jan 28 13:01:27 CST 2005 (DLB, ) (Entered: 01/28/2005)
02/24/2005	<u>178</u>	ORDER denying in part <u>128</u> Motion for Summary Judgment, and granting in part <u>130</u> Motion for Summary Judgment Signed by Judge John F. Nangle on 2/24/05.

		(DLB, ) (Entered: 02/24/2005)
02/24/2005		ORDER RECEIPT: (see receipt) Thu Feb 24 15:39:09 CST 2005 (DLB, ) (Entered: 02/24/2005)
03/11/2005	<u>179</u>	MOTION for Relief (worded, "RELIEF REQUESTED") by Plaintiff Michael Martinez. (DLB, ) (Entered: 03/11/2005)
03/11/2005	<u>180</u>	RESPONSE TO COURT ORDER re <u>178</u> Order on Motion for Summary Judgment, by Defendant St. Louis, City of. (Attachments: # <u>1</u> Exhibit 1 – Deeken's proposed order# <u>2</u> Exhibit 2 – Martinez' proposed order# <u>3</u> Exhibit 3 – City's proposed order# <u>4</u> Affidavit verification of authorization)(Kistler, Nancy) (Entered: 03/11/2005)
03/11/2005	<u>181</u>	MEMORANDUM in Support of Motion re <u>179</u> MOTION for Relief filed by Consolidated Filer Plaintiff Eric Deeken. (Attachments: # <u>1</u> Supplement Proof in Support of Equitable Relief# <u>2</u> Exhibit 1# <u>3</u> Exhibit 2# <u>4</u> Exhibit 3# <u>5</u> Exhibit 4# <u>6</u> Exhibit 5# <u>7</u> Exhibit 6# <u>8</u> Exhibit 7# <u>9</u> Exhibit 8# <u>10</u> Exhibit 9)(Bobinette, Charles) (Entered: 03/11/2005)
03/16/2005	<u>182</u>	ORDER In Court Hearing set for 4/18/2005 11:00 AM in Courtroom 17S before Honorable John F. Nangle. Signed by Judge John F. Nangle on 3/16/05. (DLB, ) (Entered: 03/17/2005)
03/17/2005		ORDER RECEIPT: (see receipt) Thu Mar 17 09:37:57 CST 2005 (DLB, ) (Entered: 03/17/2005)
04/15/2005	<u>183</u>	Minute Entry for proceedings held before Judge John F. Nangle : Telephone Conference held on 4/15/2005. ISSUES FOR APRIL 18, 2005 HEARING DISCUSSED. (Court Reporter or FTR Gold Operator initials: dlb (FTR Gold yes or no: NO.) (proceedings started: 10:00 a.m..) (proceedings ended: 10:36 a.m..) (DLB, ) (Entered: 04/15/2005)
04/18/2005	<u>184</u>	Minute Entry for proceedings held before Judge John F. Nangle : Motion Hearing held on 4/18/2005 re <u>179</u> MOTION for Relief filed by Michael Martinez,. Arguments made. Parties to provide information to the court as to damages and other issues within 7 days. As to attorneys fees, the parties to provide information within 14 days. Motion taken under submission. Order to issue. (Court Reporter or FTR Gold Operator initials:Sue Moran.) (FTR Gold yes or no: no.) (proceedings started: 12:08pm.) (proceedings ended: 1:17pm.) (DLB, ) (Entered: 04/20/2005)
04/20/2005	<u>185</u>	ORDER – IT IS HEREBY ORDERED taht Plaintiff Eric Deeken by certified on the City's next list of probationary fire privates, currently tentatively scheduled for the end of May. A more comprehensive Order and Memorandum will follow the parties' submission of stipulations per the Court's oral instructions at the hearing. Signed by Judge John F. Nangle on 4/20/05. (DLB, ) (Entered: 04/21/2005)
04/21/2005		ORDER RECEIPT: (see receipt) Thu Apr 21 11:45:40 CDT 2005 (DLB, ) (Entered: 04/21/2005)
04/25/2005	<u>186</u>	MOTION for Relief [Award of Damages, Interest & Attorneys Fee] by Plaintiff Michael Martinez. (Craig, Clyde) (Entered: 04/25/2005)
04/25/2005	<u>187</u>	MEMORANDUM in Support of Motion re <u>186</u> MOTION for Relief [Award of Damages, Interest & Attorneys Fee] filed by Consolidated Filer Plaintiff Eric Deeken. (Attachments: # <u>1</u> Affidavit)(Bobinette, Charles) (Entered: 04/25/2005)
04/25/2005	<u>188</u>	STIPULATION re <u>184</u> Motion Hearing,, <i>Related to Relief</i> by Consolidated Filer Plaintiff Eric Deeken, Defendant St. Louis, City of. (Attachments: # <u>1</u> Exhibit # <u>2</u> Exhibit # <u>3</u> Exhibit # <u>4</u> Exhibit)(Kistler, Nancy) (Entered: 04/25/2005)
04/27/2005	<u>189</u>	STIPULATION re <u>188</u> Stipulation [ <i>Acceptance of Stipulation</i> ] by Plaintiff Michael Martinez. (Craig, Clyde) (Entered: 04/27/2005)
04/27/2005	<u>190</u>	Second MOTION for Relief <i>as to</i> Damages, Interest & Attorney's Fees by Plaintiff Michael Martinez. (Craig, Clyde) (Entered: 04/27/2005)
04/27/2005	<u>191</u>	NOTICE by Consolidated Filer Plaintiff USA Submission of Proposed Order Relating to Pending State Court Proceedings: (Blustein, Benjamin) (Entered: 04/27/2005)

		04/27/2005)
04/29/2005	<u>192</u>	NOTICE OF APPEAL as to <u>185</u> Order, by Defendant City of St. Louis Filing fee \$ 255, receipt number S2005-6582. (Attachments: # <u>1</u> appellant form A# <u>2</u> appellant form B)(DLB, ) Modified on 7/20/2005 (DLB, ). (Entered: 05/02/2005)
04/29/2005		Receipt # S2005-006582 in the amount of \$255.00 for NOTICE OF APPEAL/DKT FEE, NOTICE OF APPEAL/DKT FEE-2ND HALF on behalf of CITY OF ST. LOUIS. (CSW, ) (Entered: 05/04/2005)
05/02/2005	<u>193</u>	MOTION for Attorney Fees <i>and Expenses</i> by Plaintiff Michael Martinez. (Attachments: # <u>1</u> Exhibit)(Craig, Clyde) (Entered: 05/02/2005)
05/02/2005	<u>194</u>	MOTION to Stay re <u>185</u> Order, by Defendant St. Louis, City of. (Tanner, Kathleen) (Entered: 05/02/2005)
05/02/2005	<u>195</u>	MEMORANDUM in Support of Motion re <u>194</u> MOTION to Stay re <u>185</u> Order, filed by Defendant St. Louis, City of. (Tanner, Kathleen) (Entered: 05/02/2005)
05/02/2005	<u>196</u>	RESPONSE in Opposition re <u>190</u> Second MOTION for Relief <i>as to</i> Damages, Interest & Attorney's Fees filed by Defendant St. Louis, City of. (Attachments: # <u>1</u> # <u>2</u> )(Kistler, Nancy) (Entered: 05/02/2005)
05/02/2005	<u>197</u>	RESPONSE TO COURT ORDER re <u>181</u> Memorandum in Support of Motion, by Defendant St. Louis, City of. (Attachments: # <u>1</u> # <u>2</u> )(Kistler, Nancy) (Entered: 05/02/2005)
05/02/2005	<u>198</u>	MOTION for Bill of Costs <i>and Motion for Attorney's Fees and Out-of-Pocket Expenses</i> by Consolidated Filer Plaintiff Eric Deeken. (Attachments: # <u>1</u> Affidavit of Charles W. Bobinette# <u>2</u> Exhibit Bill of Costs# <u>3</u> Exhibit Bill of Costs Attachment# <u>4</u> Exhibit Bill of Costs Attachment# <u>5</u> Exhibit Bill of Costs Attachment# <u>6</u> Exhibit Bill of Costs Attachment# <u>7</u> Motion for Attorney's Fees# <u>8</u> Exhibit Affidavit of Charles Bobinette# <u>9</u> Exhibit Affidavit of Charles Bobinette - signature page# <u>10</u> Exhibit 1-A Charles Bobinette Resume# <u>11</u> Exhibit 1-B Bill# <u>12</u> Exhibit 1-C Expenses# <u>13</u> Exhibit Attachment 1# <u>14</u> Exhibit Attachment 2# <u>15</u> Exhibit Attachment 3# <u>16</u> Exhibit Attachment 4# <u>17</u> Exhibit Attachment 5# <u>18</u> Exhibit Attachment 6# <u>19</u> Exhibit Attachment 7# <u>20</u> Exhibit Attachment 8# <u>21</u> Exhibit Attachment 9# <u>22</u> Exhibit Attachment 10# <u>23</u> Exhibit Attachment 11# <u>24</u> Exhibit 2 Affidavit of Jerome Dobson# <u>25</u> Memo in Support of Motion for Attorney's Fees)(Bobinette, Charles) Modified on 5/26/2006 (DLB, ). (Entered: 05/02/2005)
05/05/2005	<u>199</u>	NOTIFICATION OF APPEAL AND NOA SUPPLEMENT by clerk to USCA regarding <u>185</u> Order and <u>192</u> Notice of Appeal. Notice of Appeal filed on 04/29/05 by Defendant St. Louis, City of. NOTIFICATION TO COUNSEL AND PRO SE PARTY: FILE REQUEST FOR TRANSCRIPT WITH DISTRICT COURT CLERKS OFFICE. SUBMIT FORM A & B TO EIGHTH CIRCUIT CLERKS OFFICE.(CDF) (Entered: 05/05/2005)
05/05/2005		***Appeal Receipt of Notice of Appeal and supporting documents received by USCA on: Thu May 5 11:53:56 CDT 2005 (CDF, ) (Entered: 05/05/2005)
05/09/2005	<u>200</u>	RESPONSE in Opposition re <u>194</u> MOTION to Stay re <u>185</u> Order, filed by Consolidated Filer Plaintiff Eric Deeken. (Bobinette, Charles) (Entered: 05/09/2005)
05/19/2005	<u>201</u>	MEMORANDUM in Opposition re <u>193</u> MOTION for Attorney Fees <i>and Expenses</i> filed by Defendant St. Louis, City of. (Attachments: # <u>1</u> )(Kistler, Nancy) (Entered: 05/19/2005)
05/19/2005	<u>202</u>	MEMORANDUM in Opposition re <u>198</u> MOTION for Bill of Costs <i>and Motion for Attorney's Fees and Out-of-Pocket Expenses</i> filed by Defendant St. Louis, City of. (Kistler, Nancy) (Entered: 05/19/2005)
05/20/2005	<u>203</u>	ORDER denying <u>194</u> Motion to Stay Signed by Judge John F. Nangle on 5/20/05. (DLB, ) (Entered: 05/20/2005)

05/27/2005	<u>204</u>	Appeal Transmittal. The following has been forwarded to USCA: Two certified copies of : <u>178</u> Memo & Order (Hon. JFN) filed 02/24/05. Request by L. Burmeister with USCA.(CDF) (Entered: 05/27/2005)
06/06/2005	<u>205</u>	TRANSCRIPT ORDER REQUEST by St. Louis, City of for proceedings of Telephone Conference for proceedings held on 10/1/04 court reporter dbraun before Judge John F. Nangle. (DLB, ) (Entered: 06/08/2005)
06/30/2005	<u>206</u>	ORIGINAL TRANSCRIPT (Pilot) proceedings of Status Hearing held on May 20, 2004 before Judge John F. Nangle. Court Reporter: Angela Daley. The transcript filed with the court will not be remotely available until such time as the period for redaction has expired or a request for redaction has been received and the redacted transcript filed. For additional information see the Notice/Instructions to the Bar regarding Electronic Availability of Civil Transcripts on the Court's website at www.moed.uscourts.gov (LMT, ) (Entered: 06/30/2005)
07/01/2005	<u>207</u>	Appeal Transmittal: The following has been forwarded to USCA: <u>206</u> Status Hearing Transcript held on 05/04/04 before Hon. JFN. <u>192</u> Notice of Appeal was forwarded to USCA on 05/50/05.(CDF) (Entered: 07/01/2005)
07/07/2005	<u>208</u>	Appeal Transmittal Acknowledgment The following has been acknowledged as received by USCA: Transcript of status hearing held on 5/20/04(DLB, ) (Entered: 07/08/2005)
07/08/2005	<u>209</u>	ORIGINAL TRANSCRIPT (Pilot) proceedings of Motion Hearing held on 4/18/05 before Judge John F. Nangle. Court Reporter: S. Moran. The transcript filed with the court will not be remotely available until such time as the period for redaction has expired or a request for redaction has been received and the redacted transcript filed. For additional information see the Notice/Instructions to the Bar regarding Electronic Availability of Civil Transcripts on the Court's website at www.moed.uscourts.gov (KCM, ) (Entered: 07/08/2005)
07/12/2005	<u>210</u>	Appeal Transmittal: The following has been forwarded to USCA: <u>209</u> Motion Hearing Transcript held on 04/18/05 before Hon. John F. Nangle. <u>192</u> Notice of Appeal was forwarded to USCA on 05/20/05.(CDF) (Entered: 07/12/2005)
07/12/2005	<u>211</u>	ORIGINAL TRANSCRIPT (Pilot) proceedings of Tape Recording of Status Conference via Telephone Conference Call held on 10/1/04 before Judge John F. Nangle. Court Reporter: D. Kriegshauser. The transcript filed with the court will not be remotely available until such time as the period for redaction has expired or a request for redaction has been received and the redacted transcript filed. For additional information see the Notice/Instructions to the Bar regarding Electronic Availability of Civil Transcripts on the Court's website at www.moed.uscourts.gov (KCM, ) (Entered: 07/12/2005)
07/14/2005	<u>212</u>	Appeal Transmittal: The following has been forwarded to USCA: <u>211</u> Tape Recording of Status Conference via Telephone Conference Call Transcript held before Hon. John F. Nangle on 10/01/04. <u>192</u> Notice of Appeal was forwarded to USCA on 05/20/05.(CDF) . (Entered: 07/14/2005)
07/14/2005	213	Appeal Transmittal Acknowledgment USCA Appeal #: 05-2423 The following has been acknowledged as received by USCA: Transcript of motion hearing held on 4/18/05(DLB, ) (Entered: 07/18/2005)
07/19/2005	<u>214</u>	Appeal Transmittal Acknowledgment re <u>192</u> Notice of Appeal: The following has been acknowledged as received by USCA: 7/14/05(DLB, ) (Entered: 07/20/2005)
07/27/2005	<u>215</u>	MANDATE of USCA as to <u>192</u> Notice of Appeal filed by St. Louis, City of, Decision of USCA: The appeal is hereby dismissed without prejudice in accordance with FRAP 42(b). USCA #:05-2423(DLB, ) (Entered: 07/28/2005)
08/09/2005	<u>216</u>	NOTICE by Consolidated Filer Plaintiff USA of Counsel Appearance: (Geller, Clare) (Entered: 08/09/2005)
08/16/2005	<u>217</u>	Supplemental MOTION for Attorney Fees by Plaintiff Michael Martinez. (Attachments: # <u>1</u> Exhibit Fees & Costs Incurred)(Craig, Clyde) (Entered: 08/16/2005)

09/08/2005	<u>218</u>	ORDER ---- The Court will hold a hearing for the purpose of receiving any evidence and hearing oral argument concerning the pending applications for fees and expenses of plaintiffs in the above matters. In Court Hearing set for 9/30/2005 10:00 AM before Honorable John F. Nangle. Signed by Judge John F. Nangle on 9/8/05. (KCM, ) (Entered: 09/08/2005)
09/09/2005	<u>219</u>	MOTION to Continue Hearing on Motion for Fees and Costs by Plaintiff Michael Martinez. (Attachments: # <u>1</u> Exhibit Declaration of Counsel)(Craig, Clyde) (Entered: 09/09/2005)
09/09/2005	<u>220</u>	ORDER denying <u>219</u> Motion to Continue hearing set for September 30, 2005. SO ORDERED. Signed by Judge John F. Nangle on 9/9/05. (KCM, ) (Entered: 09/09/2005)
09/13/2005	<u>221</u>	ORDER – In preparation for the hearing scheduled for September 30, 2005 the Court HEREBY ORDERS the parties to meet together in order to submit a joint statement apprising the Court of the evidence, if any, they plan to present. The parties should stipulate regarding such evidence wherever possible. This statement shall be filed no later than September 26, 2005. Signed by Judge John F. Nangle on 9/13/05. (DLB, ) (Entered: 09/13/2005)
09/16/2005	<u>222</u>	ORDER – The hearing in this matter set for September 30th, 2005 shall be held in the courtroom of Judge Donald J. Stohr, Courtroom 16 South. Signed by Judge John F. Nangle on 9/16/05. (DLB, ) (Entered: 09/19/2005)
09/26/2005	<u>223</u>	Stipulation of Uncontested Facts by Consolidated Filer Plaintiff Eric Deeken. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit 1# <u>3</u> Exhibit 2 (pages 1–10)# <u>4</u> Exhibit 2 (pages 11–18)# <u>5</u> Exhibit 3# <u>6</u> Exhibit 4# <u>7</u> Exhibit 4–A# <u>8</u> Exhibit 5)(Bobinette, Charles) (Entered: 09/26/2005)
09/26/2005	<u>224</u>	STIPULATION <i>Jointly Filed by Parties for September 30, 2005 Hearing on Fees and Costs</i> by Plaintiff Michael Martinez. (Craig, Clyde) (Entered: 09/26/2005)
09/26/2005	<u>225</u>	STIPULATION re <u>224</u> Stipulation [ <i>Plaintiff Martinez' Supplemental Statement</i> ] by Plaintiff Michael Martinez. (Craig, Clyde) (Entered: 09/26/2005)
09/27/2005	<u>226</u>	First MOTION to Withdraw <i>Ben Blustein as Counsel of Record</i> by Consolidated Filer Plaintiff USA. (Attachments: # <u>1</u> Text of Proposed Order)(Geller, Clare) (Entered: 09/27/2005)
09/27/2005		Docket Text ORDER – IT IS HEREBY ORDERED that the motion hearing scheduled on Friday, September 30, 2005 at 10:00am is CANCELLED. Signed by Judge John F. Nangle on 9/27/05. (DLB, ) (Entered: 09/27/2005)
09/27/2005	<u>227</u>	REPORT TO COURT ORDER re <u>221</u> Order, by Defendant St. Louis, City of. (Kistler, Nancy) (Entered: 09/27/2005)
11/22/2005	<u>228</u>	ORDER granting <u>226</u> Motion to Withdraw Ben Blustein as Counsel of Record by Consolidated Filer Plaintiff USA. Signed by Judge John F. Nangle on 11/18/05. Associated Cases: 4:01–cv–00580–JFN,4:01–cv–01770–JFN(DLB, ) (Entered: 11/22/2005)
01/23/2006	<u>229</u>	Minute Entry for proceedings held before Judge John F. Nangle : Telephone Conference held on 1/23/2006. TELECONFERENCE HELD AS TO MOTIONS FOR ATTORNEYS FEES AND COSTS. DISCUSSION HELD. COURT TO DETERMINE ISSUE OF ATTORNEY FEES. TENTATIVE TRIAL DATE SET FOR THE WEEK OF MARCH 13, 2006 TO DETERMINE DAMAGES. (Court Reporter or FTR Gold Operator initials:Sue Moran.) (FTR Gold yes or no: no.) (proceedings started: 10:10am.) (proceedings ended: 10:54am.) Associated Cases: 4:01–cv–00580–JFN,4:01–cv–01770–JFN(DLB, ) (Entered: 01/23/2006)
02/08/2006	<u>230</u>	ORDER OF THE COURT RELATING TO TRIAL Jury Trial set for 3/15/2006 10:00 AM in Courtroom 17S before Honorable John F. Nangle. Signed by Judge John F. Nangle on 02/08/06. (DLB, ) (Entered: 02/08/2006)
02/17/2006	<u>231</u>	MOTION to Clarify <i>ORDER OF COURT RELATING TO TRIAL OR, IN THE ALTERNATIVE, MOTION FOR COURT TO ENTER INTERLOCUTORY ORDER AS TO LIABILITY</i> by Defendant St. Louis, City of. (Tanner, Kathleen) (Entered: 02/17/2006)

02/21/2006	<u>232</u>	MEMORANDUM in Opposition re <u>231</u> MOTION to Clarify <i>ORDER OF COURT RELATING TO TRIAL OR, IN THE ALTERNATIVE, MOTION FOR COURT TO ENTER INTERLOCUTORY ORDER AS TO LIABILITY</i> filed by Plaintiff Michael Martinez. (Craig, Clyde) (Entered: 02/21/2006)
02/28/2006	<u>233</u>	ORDER – At the conclusion of the trial on damages herein set for March 15, 2006, the Court will hear the parties on the question of attorney's fees and costs as requested by Plaintiffs Martinez and Deeken. Signed by Judge John F. Nangle on 02/28/06. (DLB, ) (Entered: 03/01/2006)
03/08/2006	<u>234</u>	Exhibit List by Plaintiff Michael Martinez.. Associated Cases: 4:01-cv-00580-JFN,4:01-cv-01770-JFN(Craig, Clyde) (Entered: 03/08/2006)
03/08/2006	<u>235</u>	Proposed Voir Dire by Plaintiff Michael Martinez. Associated Cases: 4:01-cv-00580-JFN,4:01-cv-01770-JFN(Craig, Clyde) (Entered: 03/08/2006)
03/08/2006	<u>236</u>	TRIAL BRIEF by Plaintiff Michael Martinez. Associated Cases: 4:01-cv-00580-JFN,4:01-cv-01770-JFN(Craig, Clyde) (Entered: 03/08/2006)
03/08/2006	<u>237</u>	Witness List by Plaintiff Michael Martinez. Associated Cases: 4:01-cv-00580-JFN,4:01-cv-01770-JFN(Craig, Clyde) (Entered: 03/08/2006)
03/10/2006	<u>238</u>	TRIAL BRIEF by Defendant St. Louis, City of. Associated Cases: 4:01-cv-00580-JFN,4:01-cv-01770-JFN(Kistler, Nancy) (Entered: 03/10/2006)
03/10/2006	<u>239</u>	MOTION in Limine by Defendant St. Louis, City of. (Kistler, Nancy) (Entered: 03/10/2006)
03/10/2006	<u>240</u>	RESPONSE TO COURT ORDER re <u>230</u> Case Management Order by Defendant St. Louis, City of. (Kistler, Nancy) (Entered: 03/10/2006)
03/11/2006	<u>241</u>	MEMORANDUM in Opposition re <u>239</u> MOTION in Limine filed by Plaintiff Michael Martinez. (Craig, Clyde) (Entered: 03/11/2006)
03/13/2006	<u>242</u>	ORDER – The Defendant City of St. Louis has submitted a Motion for Clarification of Order of Court Relating to Trial <u>231</u> , which contends that the issue of liability has not been resolved in this case. The motion for clarification is GRANTED to the extent that the Court reminds the parties of certain key language in the February 24, 2005 Memorandum and Order: "the City should have moved for the amendment or dissolution of the consent decree upon noticing the changing circumstances set out above." Doc. 178 at p. 19 (emphasis added). That Order went on to make clear that the City of St. Louis should have hired Plaintiffs Martinez and Deeken as probationary firefighters at an earlier date, although the extent of damages incurred were yet to be determined. Plaintiff Deeken's motion for summary judgment, joined by Plaintiff Martinez, as to the City's liability (Doc. 130) was granted in part because only the issue of liability, and not damages, was decided at that time. The issue remaining for trial is the amount of damages that should be awarded to Plaintiffs Martinez and Deeken for the delay in their appointment as probationary firefighters. Signed by Judge John F. Nangle on 03/13/06. Associated Cases: 4:01-cv-00580-JFN,4:01-cv-01770-JFN(DLB, ) (Entered: 03/13/2006)
03/14/2006	<u>243</u>	MOTION in Limine Regarding Plaintiff Deeken's Claim for the Value of Lost Health Insurance Benefits by Defendant St. Louis, City of. (Attachments: # <u>1</u> Exhibit A)(DLB, ) (Entered: 03/14/2006)
03/15/2006		MOTION HEARING held before Judge John F. Nangle : Arguments made. Court grants motions on the basis of the reasons set fourth in the motions.Motions terminated: <u>239</u> MOTION in Limine filed by St. Louis, City of., <u>243</u> MOTION in Limine filed by St. Louis, City of,. (Court Reporter or FTR Gold Operator initials:Patti Dunn Wecke.) (FTR Gold yes or no: no.) (proceedings started: 10:15am.) (proceedings ended: 11:15am.) Associated Cases: 4:01-cv-00580-JFN,4:01-cv-01770-JFN(DLB, ) (Entered: 03/17/2006)
03/15/2006	<u>245</u>	Minute Entry for proceedings held before Judge John F. Nangle : Jury Trial held on 3/15/2006 ; day One. Parties present for jury trial. Jury empaneled and sworn. Opening statements of parties made. Plaintiffs' evidence commenced and concluded. Proceedings continued until tomorrow. (Court Reporter or FTR Gold

		Operator initials:Patti Dunn Wecke.) (FTR Gold yes or no: no.) (proceedings started: 11:35am.) (proceedings ended: 5:20pm.) Associated Cases: 4:01-cv-00580-JFN,4:01-cv-01770-JFN(DLB, ) (Entered: 03/17/2006)
03/15/2006	<u>246</u>	Minute Entry for proceedings held before Judge John F. Nangle : In Court Hearing held on 3/15/2006 on jury instructions. (Court Reporter or FTR Gold Operator initials:Patti Dunn Wecke.) (FTR Gold yes or no: no.) (proceedings started: 5:20 p.m.) (proceedings ended: 5:37p.m..) Associated Cases: 4:01-cv-00580-JFN,4:01-cv-01770-JFN(DLB, ) (Entered: 03/17/2006)
03/16/2006	<u>244</u>	MEMORANDUM in Support of Motion re <u>243</u> MOTION in Limine <i>REGARDING DEEKENS CLAIM FOR LOST INSURANCE BENEFITS</i> filed by Defendants St. Louis Division of Fire and Fire Prevention, Kay Leonard, John Clark, Stanley Newsome, Edward Bushmeyer, Sherman George, William C. Duffe, Department of Justice, St. Louis, City of. (Kistler, Nancy) (Entered: 03/16/2006)
03/16/2006	<u>247</u>	STIPULATION REGARDING PLAINTIFF'S OFFER OF PROOF by Consolidated Filer Plaintiff Eric Deeken. DENIED (JFN) (DLB, ) (Entered: 03/17/2006)
03/16/2006	<u>248</u>	Minute Entry for proceedings held before Judge John F. Nangle : Jury instruction Conference held on 3/16/2006 in chambers. (Court Reporter or FTR Gold Operator initials:Patti Dunn Wecke.) (FTR Gold yes or no: no.) (proceedings started: 11:07a.m..) (proceedings ended: 11:52 a.m..) Associated Cases: 4:01-cv-00580-JFN,4:01-cv-01770-JFN(DLB, ) (Entered: 03/17/2006)
03/16/2006	<u>249</u>	Jury Instructions REFUSED (JFN). Associated Cases: 4:01-cv-00580-JFN,4:01-cv-01770-JFN(DLB, ) (Entered: 03/17/2006)
03/16/2006	<u>250</u>	Minute Entry for proceedings held before Judge John F. Nangle : Jury Trial completed on 3/16/2006 ; day two. Parties present for jury trial. Dft's evidence commenced and concluded. Closing arguments of counsel made. Jury charged and retires to consider its verdict. Verdict returned. See verdict form. Exhibits retained by counsel. Plaintiffs counsel to provide the Court within 10 days supplemental information as to attorney fees and costs. Defendant's counsel to respond within 20 days. Plaintiffs counsel to reply within 10 days. Jury deliberations 1:55pm – 3:45pm. (Court Reporter or FTR Gold Operator initials:Patti Dunn Wecke.) (FTR Gold yes or no: no.) (proceedings started: 10:28 a.m..) (proceedings ended: 3:50 p.m..) (Attachments: # <u>1</u> exhibit list# <u>2</u> witness list# <u>3</u> court memorandum regarding exhibits) Associated Cases: 4:01-cv-00580-JFN,4:01-cv-01770-JFN(DLB, ) (Entered: 03/17/2006)
03/16/2006	<u>251</u>	Jury Instructions submitted to jury. Associated Cases: 4:01-cv-00580-JFN,4:01-cv-01770-JFN(DLB, ) (Entered: 03/17/2006)
03/16/2006	<u>252</u>	Jury Note Filed. Associated Cases: 4:01-cv-00580-JFN,4:01-cv-01770-JFN(DLB, ) (Entered: 03/17/2006)
03/16/2006	<u>253</u>	JURY VERDICT For: Michael Martinez Against: City of St. Louis In the Amount of: \$5,000. Associated Cases: 4:01-cv-00580-JFN,4:01-cv-01770-JFN(DLB, ) (Entered: 03/17/2006)
03/16/2006	<u>254</u>	JURY VERDICT For: Eric Deeken Against: City of St. Louis In the Amount of: \$157,989. Associated Cases: 4:01-cv-00580-JFN,4:01-cv-01770-JFN(DLB, ) (Entered: 03/17/2006)
03/22/2006	<u>255</u>	JUDGMENT – This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict. IT IS HEREBY ORDERED AND ADJUDGED that Plaintiff Michael Martinez have judgement against defendant, City of St. Louis on his claim for damages for emotional distress, humiliation, anger, anxiety and loss of enjoyment of life in the amount of Five Thousand (\$5,000.00) Dollars. IT IS FURTHER ORDERED AND ADJUDGED that Plaintiff Eric Deeken have judgment against defendant, City of St. Louis, on his claims for damages as follows. On the claim for damages for lost wages One Hundred Thirty Eight Thousand Four Hundre Thirty Eight (\$138,438.00) dollors. On the claim for damages for lost benefits Eighteen Thousand Five Hundred Fifty One (\$18,551.00) Dollars. On the claim for other damages, excluding lost wages

		and benefits One Thousand (\$1,000.00)Dollars. Signed by Judge John F. Nangle on 03/22/06. (DLB, ) (Entered: 03/23/2006)
03/23/2006	<u>256</u>	Supplemental MOTION for Attorney Fees by Plaintiff Michael Martinez. (Attachments: # <u>1</u> Exhibit Revised Summary of Time and Expenses# <u>2</u> Exhibit Additional Time and Expenses)(Craig, Clyde) (Entered: 03/23/2006)
03/23/2006	<u>257</u>	MOTION to Amend/Correct <i>Order to Include Award of Retroactive Seniority</i> by Plaintiff Michael Martinez. (Craig, Clyde) (Entered: 03/23/2006)
03/23/2006	<u>258</u>	MEMORANDUM in Support of Motion re <u>257</u> MOTION to Amend/Correct <i>Order to Include Award of Retroactive Seniority</i> filed by Plaintiff Michael Martinez. (Craig, Clyde) (Entered: 03/23/2006)
03/23/2006	<u>259</u>	MOTION to Alter Judgment by Plaintiff Michael Martinez. (Craig, Clyde) (Entered: 03/23/2006)
03/27/2006	<u>260</u>	MOTION to Supplement <i>Application for Attorney's Fees, Out-Of-Pocket Expenses and Taxable Costs</i> by Consolidated Filer Plaintiff Eric Deeken. (Attachments: # <u>1</u> Affidavit of Charles W. Bobinette# <u>2</u> Exhibit 1A# <u>3</u> Exhibit 2A – part1# <u>4</u> Exhibit 2A – part 2# <u>5</u> Exhibit 3A)(Bobinette, Charles) (Entered: 03/27/2006)
03/28/2006	<u>261</u>	MOTION for Relief <i>Under</i> Plaintiff Deeken's Motion for Equitable Relief by Consolidated Filer Plaintiff Eric Deeken. (Attachments: # <u>1</u> Memorandum in Support Thereof)(Bobinette, Charles) (Entered: 03/28/2006)
03/29/2006	<u>262</u>	MOTION for New Trial <i>and/or Amend the Judgment</i> by Consolidated Filer Plaintiff Eric Deeken. (Bobinette, Charles) (Entered: 03/29/2006)
03/29/2006	<u>263</u>	MOTION for Extension of Time to File Response/Reply as to <u>262</u> MOTION for New Trial <i>and/or Amend the Judgment</i> , <u>257</u> MOTION to Amend/Correct <i>Order to Include Award of Retroactive Seniority</i> , <u>259</u> MOTION to Alter Judgment, <u>261</u> MOTION for Relief <i>Under</i> Plaintiff Deeken's Motion for Equitable Relief by Defendant St. Louis, City of. (Tanner, Kathleen) (Entered: 03/29/2006)
04/12/2006	<u>264</u>	RESPONSE in Opposition re <u>256</u> Supplemental MOTION for Attorney Fees filed by Defendant St. Louis, City of. (Attachments: # <u>1</u> Exhibit A–1 Craig Billing Records# <u>2</u> Exhibit A–2 Craig Billing Records# <u>3</u> Exhibit A–3 Craig Billing Records# <u>4</u> Exhibit A–4 Craig Billing Records# <u>5</u> Exhibit Exhibit B Potashnick Billing Records)(Tanner, Kathleen) (Entered: 04/12/2006)
04/13/2006	<u>265</u>	REPLY to Response to Motion re <u>256</u> Supplemental MOTION for Attorney Fees filed by Defendants St. Louis Division of Fire and Fire Prevention, Kay Leonard, John Clark, Stanley Newsome, Edward Bushmeyer, Sherman George, William C. Duffe, Department of Justice, St. Louis, City of. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> Exhibit C# <u>4</u> Exhibit D# <u>5</u> Exhibit E# <u>6</u> Exhibit F–1# <u>7</u> Exhibit F–2# <u>8</u> Exhibit G# <u>9</u> Exhibit 1# <u>10</u> Exhibit 2)(Tanner, Kathleen) (Entered: 04/13/2006)
04/13/2006	<u>266</u>	RESPONSE in Opposition re <u>257</u> MOTION to Amend/Correct <i>Order to Include Award of Retroactive Seniority</i> filed by Defendants St. Louis Division of Fire and Fire Prevention, Kay Leonard, John Clark, Stanley Newsome, Edward Bushmeyer, Sherman George, William C. Duffe, Department of Justice, St. Louis, City of. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> Exhibit C)(Kistler, Nancy) (Entered: 04/13/2006)
04/13/2006	<u>267</u>	RESPONSE in Opposition re <u>261</u> MOTION for Relief <i>Under</i> Plaintiff Deeken's Motion for Equitable Relief filed by Defendants St. Louis Division of Fire and Fire Prevention, Kay Leonard, John Clark, Stanley Newsome, Edward Bushmeyer, Sherman George, William C. Duffe, St. Louis, City of. (Kistler, Nancy) (Entered: 04/13/2006)
04/13/2006	<u>268</u>	RESPONSE in Opposition re <u>262</u> MOTION for New Trial <i>and/or Amend the Judgment</i> filed by Defendants St. Louis Division of Fire and Fire Prevention, Kay Leonard, John Clark, Stanley Newsome, Edward Bushmeyer, Sherman George, William C. Duffe, Department of Justice, St. Louis, City of. (Kistler, Nancy) (Entered: 04/13/2006)

04/17/2006	<u>269</u>	MEMORANDUM in Opposition re <u>260</u> MOTION to Supplement <i>Application for Attorney's Fees, Out-Of-Pocket Expenses and Taxable Costs</i> filed by Defendant St. Louis, City of. (Tanner, Kathleen) (Entered: 04/17/2006)
04/17/2006	<u>270</u>	REPLY to Response to Motion re <u>193</u> MOTION for Attorney Fees <i>and Expenses, 260</i> MOTION to Supplement <i>Application for Attorney's Fees, Out-Of-Pocket Expenses and Taxable Costs, 217</i> Supplemental MOTION for Attorney Fees, <u>256</u> Supplemental MOTION for Attorney Fees filed by Plaintiff Michael Martinez. (Craig, Clyde) (Entered: 04/17/2006)
05/26/2006	<u>271</u>	ORDER – The Court has reviewed the Judgment in this case of March 22, 2006 (Doc. 255), and the Motion of Plaintiff Martinez to Amend Judgment (Doc. 259). The Court's Judgment did not reflect the stipulation of the parties submitted at the time of trial: first, that Martinez would have earned \$174,642.09 between March 13, 2000 and March 21, 2005 as a probationary fire private and fire private with the City of St. Louis. Second, that Martinez actually earned \$134,581.00 during that same period in his position as a tree trimmer and then a forestry foreman with the City. The difference between the wages Martinez earned in the forestry division and the wages he would have earned with the fire department was \$40,061.09. The Court has previously found that the City should have hired Plaintiff Martinez on March 13, 2000. Therefore, Martinez is entitled to an award of damages in the amount of his lost wages. The Court hereby AMENDS its judgment of March 22, 2006, in accordance with Federal Rule of Civil Procedure 60(a), and ORDERS that Plaintiff Martinez be awarded an additional sum of \$40,061.09 for lost wages. Signed by Judge John F. Nangle on 5/26/06. (DLB, ) (Entered: 05/31/2006)
05/30/2006	<u>272</u>	ORDER – Before the Court are the Supplemental Applications for Attorney's Fees submitted by Plaintiffs Martinez and Deeken, respectively. (Docs. 256 and 260.) The Court has reviewed these motions and Defendant's responses, and issues the following findings of fact and conclusions of law: 1)The hourly rate for the lead attorneys in this case, Mr. Clyde Craig and Mr. Charles Bobinette, shall be \$225. 2)The hourly rate for Mr. Potashnick and Ms. DeGeorge shall be \$100. The hourly rate for the unidentified Mr. Nickles shall also be \$100 unless Plaintiff Martinez is able to demonstrate that a different result is appropriate to this Court's satisfaction. 3)The hourly rate for law student interns shall be \$36.98. 4)The hourly rate for paralegal services shall be \$70.50 Travel reimbursement due to Mr. Craig's voluntary relocation to Florida after the start of this lawsuit is inappropriate and will be disallowed by the Court.6)This Court will not award any costs to Martinez unless said party submits a verified bill of costs, as required. Furthermore, this Court is not going to get involved in the numerous petty issues raised by parties in this case, such as: conversations with reporters, appeals work, time spent in connection with FIRE's motion, research on the 1998 applications, research on the doctrine of spoliation, detective consultant fees, postage, et cetera and ad infinitum. The Court ORDERS the parties in this case to get together and meet for so long as is necessary to reduce their differences as to any remaining issues concerning fees and expenses to an irreducible minimum. The Court also notes that the inadequacy and inconsistencies in the record keeping of counsel for Plaintiff Martinez are troubling. The Court ORDERS said counsel and the City of St. Louis to make an especially concerted effort to resolve these issues and come to agreement on the appropriate number of billable hours. The Court further ORDERS the respective parties to jointly draft proposed awards for attorney's fees, expenses and costs in light of such resolution of minutiae as was herein ordered, and taking into account the Court's findings as listed above. The parties shall submit the joint proposed award of attorney's fees, expenses and costs for both Martinez and Deeken within twenty (20) days of the date of this order. Signed by Judge John F. Nangle on 5/30/06. (DLB, ) (Entered: 05/31/2006)
06/19/2006	<u>273</u>	RESPONSE TO COURT ORDER re <u>272</u> Memorandum & Order,,,,,, Joint Proposed Award of Attorney's Fees, Expenses and Costs by Plaintiff Michael Martinez, Defendants St. Louis Division of Fire and Fire Prevention, Kay Leonard, John Clark, Stanley Newsome, Edward Bushmeyer, Sherman George, William C. Duffe, Department of Justice, St. Louis, City of. (Tanner, Kathleen) (Entered: 06/19/2006)
06/19/2006	<u>274</u>	RESPONSE TO COURT ORDER re: Memorandum & Order... Joint Proposed Award of Attorney's Fees, Expenses and Costs by Consolidated Filer Plaintiff Eric

		Deeken. (Bobinette, Charles) (Entered: 06/19/2006)
06/22/2006	<u>275</u>	MOTION for Bill of Costs by Plaintiff Michael Martinez. (Craig, Clyde) (Entered: 06/22/2006)
08/04/2006	<u>276</u>	ORDER – The Court hereby DENIES the following motions: (1) Plaintiff Martinez's Motion for an Award of Retroactive Seniority <u>257</u> and (2) Plaintiff Deeken's Motion for New Trial and/or [to] Amend the Judgment <u>262</u> . Plaintiff Deeken's Post–Trial Motion for Equitable Relief <u>261</u> is GRANTED IN PART, in that the City is ordered to contribute \$15,563 to the Firemen's Retirement System on Deeken's behalf, and Plaintiff Deeken's back–pay award is reduced to \$122,875. Deeken's Post–Trial Motion for Equitable Relief is DENIED in all other respects. The judgment entered according to the terms of the jury's verdict is AMENDED and reduced in terms of Deeken's lost wages by \$15,563 to the amount of \$122,875. Final judgment is entered in this case for Plaintiffs Martinez and Deeken according to the terms of the jury's verdict (Doc. 255), this Order, and according to the Court's Order of May 26, 2006 awarding \$40,061.09 to Plaintiff Martinez in lost wages (Doc. 271). So ORDERED.Signed by Judge John F. Nangle on 8/4/06. Associated Cases: 4:01–cv–00580–JFN,4:01–cv–01770–JFN(DLB, ) (Entered: 08/07/2006)
08/14/2006	<u>277</u>	MOTION for Attorney Fees <i>and Costs</i> by Plaintiff Michael Martinez. (Attachments: # <u>1</u> Exhibit Proposed Order on Attorney's Fees and Costs)(Craig, Clyde) (Entered: 08/14/2006)
08/14/2006	<u>278</u>	MEMORANDUM in Support of Motion re <u>277</u> MOTION for Attorney Fees <i>and Costs</i> filed by Plaintiff Michael Martinez. (Craig, Clyde) (Entered: 08/14/2006)
08/14/2006	<u>279</u>	NOTICE of Change of Address filed by Clyde E. Craig (Craig, Clyde) (Entered: 08/14/2006)
08/15/2006	<u>280</u>	MOTION for Reconsideration <i>and Modify the Denial and Granting, in part, of Equitable Relief</i> by Consolidated Filer Plaintiff Eric Deeken. (Attachments: # <u>1</u> Affidavit of Eric Deeken# <u>2</u> Exhibit 1# <u>3</u> Exhibit 2# <u>4</u> Exhibit 3 – Part 1# <u>5</u> Exhibit 3 – Part 2# <u>6</u> Exhibit 3 – Part 3# <u>7</u> Exhibit 3 – Part 4# <u>8</u> Exhibit 3 – Part 5# <u>9</u> Exhibit 3 – Part 6# <u>10</u> Exhibit 4# <u>11</u> Exhibit 5 – Part 1# <u>12</u> Exhibit 5 – Part 2# <u>13</u> Exhibit 5 – Part 3# <u>14</u> Exhibit 5 – Part 4# <u>15</u> Exhibit 5 – Part 5# <u>16</u> Memorandum in Support of Motion)(Bobinette, Charles) (Entered: 08/15/2006)
08/21/2006	<u>281</u>	REPLY to Response to Motion re <u>277</u> MOTION for Attorney Fees <i>and Costs</i> filed by Defendant St. Louis, City of. (Kistler, Nancy) (Entered: 08/21/2006)
08/22/2006	<u>282</u>	Amended MOTION for Reconsideration <i>and Modify the Denial and Granting, in part, of Equitable Relief</i> by Consolidated Filer Plaintiff Eric Deeken. (Bobinette, Charles) (Entered: 08/22/2006)
08/23/2006	<u>283</u>	NOTICE by Plaintiff Michael Martinez re <u>277</u> MOTION for Attorney Fees <i>and Costs</i> [Notice of Correction to Motion of Plaintiff Michael Martinez for an Award of Attorney's Fees, Expenses and Costs] (Craig, Clyde) (Entered: 08/23/2006)
08/24/2006	<u>284</u>	Supplemental MOTION to Supplement <i>Application for Attorney's Fees</i> by Consolidated Filer Plaintiff Eric Deeken. (Attachments: # <u>1</u> Supplement Affidavit of Charles W. Bobinette# <u>2</u> Supplement Bill)(Bobinette, Charles) (Entered: 08/24/2006)
08/30/2006	<u>285</u>	RESPONSE in Opposition re <u>282</u> Amended MOTION for Reconsideration <i>and Modify the Denial and Granting, in part, of Equitable Relief</i> filed by Defendants St. Louis Division of Fire and Fire Prevention, Kay Leonard, John Clark, Stanley Newsome, Edward Bushmeyer, William C. Duffe, Department of Justice, St. Louis, City of. (Kistler, Nancy) (Entered: 08/30/2006)
08/30/2006	<u>286</u>	RESPONSE in Opposition re <u>284</u> Supplemental MOTION to Supplement <i>Application for Attorney's Fees</i> filed by Defendants St. Louis Division of Fire and Fire Prevention, Kay Leonard, John Clark, Stanley Newsome, Edward Bushmeyer, Sherman George, William C. Duffe, Department of Justice, St. Louis, City of. (Kistler, Nancy) (Entered: 08/30/2006)

08/31/2006	<u>287</u>	Minute Entry for proceedings held before Judge John F. Nangle : Telephone Conference held on 8/31/2006. Status conference regarding the pending motion for reconsideration and motion for attorney fees. Written order to be issued. Court sets this matter for in-court hearing on Thursday, September 28, 2006 at 10:00am. Hearing will take place at the TFE Courthouse in St. Louis, MO.. (Court Reporter or FTR Gold Operator initials:Terri Hopwood.) (FTR Gold yes or no: no.) (proceedings started: 10:00am.) (proceedings ended: 10:15am.) Associated Cases: 4:01-cv-00580-JFN,4:01-cv-01770-JFN(DLB, ) (Entered: 09/06/2006)
09/01/2006		Receipt # S2006-010663 in the amount of \$455.00 for NOTICE OF APPEAL/DKT FEE, NOTICE OF APPEAL/DKT FEE-PART 2, NOTICE OF APPEAL/DKT FEE-PART 3 on behalf of CITY OF ST. LOUIS. (CSW,) (Entered: 09/01/2006)
09/01/2006	<u>288</u>	NOTICE OF APPEAL as to <u>276</u> Order on Motion to Amend/Correct, Order on Motion for Relief, Order on Motion for New Trial by Defendant St. Louis, City of. Filing fee \$ 455, receipt number S2006-1066. (Attachments: # <u>1</u> Appellant form A)(DLB, ) (Entered: 09/06/2006)
09/06/2006	<u>289</u>	ORDER – There will be a hearing in this matter at 10:00 a.m. at the Thomas F. Eagleton United States Courthouse, 111 South 10th Street in St. Louis, Missouri, on Thursday, September 28, 2006. This hearing will address all pending questions, including attorney's fees. Mr. Bobinette and the appropriate representative of the City of St. Louis shall be present at this hearing. Mr. Craig may be present but his presence is not required. Signed by Judge John F. Nangle on 9/6/06. (DLB, ) (Entered: 09/06/2006)
09/14/2006	<u>290</u>	REPLY (to termed motion) re <u>282</u> Amended MOTION for Reconsideration <i>and Modify the Denial and Granting, in part, of Equitable Relief</i> filed by Consolidated Filer Plaintiff Eric Deeken. (Bobinette, Charles) (Entered: 09/14/2006)
09/14/2006	<u>291</u>	NOTICE OF APPEAL as to <u>276</u> Order on Motion to Amend/Correct, Order on Motion for Relief, Order on Motion for New Trial,,,,,,,,,,,,, by Plaintiff Michael Martinez. Filing fee \$ 455.(Craig, Clyde) (Entered: 09/14/2006)
09/15/2006		Receipt # S2006-011038 in the amount of \$455.00 for NOTICE OF APPEAL/DKT FEE, NOTICE OF APPEAL/DKT FEE-PART 2, NOTICE OF APPEAL/DKT FEE-PART 3 on behalf of CRAIG, CLYDE E.. (CSW,) (Entered: 09/15/2006)
09/20/2006	<u>292</u>	MOTION for Extension of Time to File <i>His Notice of Appeal</i> by Consolidated Filer Plaintiff Eric Deeken. (Attachments: # <u>1</u> Memorandum in Support Thereof)(Bobinette, Charles) (Entered: 09/20/2006)
09/22/2006	<u>293</u>	Supplemental MOTION for Attorney Fees by Consolidated Filer Plaintiff Eric Deeken. (Attachments: # <u>1</u> Affidavit of Charles W. Bobinette# <u>2</u> Exhibit 1(C)# <u>3</u> Affidavit Richard B. Blanke)(Bobinette, Charles) (Entered: 09/22/2006)
09/28/2006	<u>294</u>	RESPONSE to Motion by St. Louis, City of, re <u>293</u> Supplemental MOTION for Attorney Fees . (Tanner, Kathleen) (Entered: 09/28/2006)
10/02/2006	<u>295</u>	Minute Entry for proceedings held before Judge John F. Nangle : In Court Hearing held on 10/2/2006. Parties present for: hearing on the status of motions and appeals. Discussion held between court and counsel. Order to issue on motion for extension of time. Court to set hearing on the issue firefighter operations and regulations. (Court Reporter or FTR Gold Operator initials:Teri Hopwood.) (FTR Gold yes or no: no.) (proceedings started: 10:00 a.m.) (proceedings ended: 10:22 a.m.) Associated Cases: 4:01-cv-00580-JFN,4:01-cv-01770-JFN(DLB, ) (Entered: 10/02/2006)
10/03/2006	<u>296</u>	NOTICE OF APPEAL by Consolidated Filer Plaintiff Eric Deeken. Filing fee \$ 455.(Bobinette, Charles) (Entered: 10/03/2006)
10/04/2006	<u>297</u>	NOTIFICATION OF APPEAL AND NOA SUPPLEMENT by clerk to USCA regarding <u>276</u> Order on Motion to Amend/Correct, Order on Motion for Relief, Order on Motion for New Trial, <u>291</u> Notice of Appeal. Notice of Appeal filed on 9/14/06. NOTIFICATION TO COUNSEL AND PRO SE PARTY: FILE REQUEST FOR TRANSCRIPT WITH DISTRICT COURT CLERKS OFFICE.

		SUBMIT FORM A &B TO EIGHTH CIRCUIT CLERKS OFFICE(BAK, ) (Entered: 10/04/2006)
10/04/2006		***Appeal Receipt of Notice of Appeal and supporting documents received by USCA on: Wed Oct 4 10:57:59 CDT 2006 (BAK, ) (Entered: 10/04/2006)
10/04/2006	<u>298</u>	NOTIFICATION OF APPEAL AND NOA SUPPLEMENT by clerk to USCA regarding <u>276</u> Order on Motion to Amend/Correct, Order on Motion for Relief, Order on Motion for New Trial, <u>288</u> Notice of Appeal. Notice of Appeal filed on 9/1/06. NOTIFICATION TO COUNSEL AND PRO SE PARTY: FILE REQUEST FOR TRANSCRIPT WITH DISTRICT COURT CLERKS OFFICE. SUBMIT FORM A &B TO EIGHTH CIRCUIT CLERKS OFFICE(BAK, ) (Entered: 10/04/2006)
10/04/2006		***Appeal Receipt of Notice of Appeal and supporting documents received by USCA on: Wed Oct 4 12:55:25 CDT 2006 (BAK, ) (Entered: 10/04/2006)
10/04/2006	<u>299</u>	NOTIFICATION OF APPEAL AND NOA SUPPLEMENT by clerk to USCA regarding <u>276</u> Order on Motion to Amend/Correct, Order on Motion for Relief, Order on Motion for New Trial, <u>296</u> Notice of Appeal. Notice of Appeal filed on 10/3/06. NOTIFICATION TO COUNSEL AND PRO SE PARTY: FILE REQUEST FOR TRANSCRIPT WITH DISTRICT COURT CLERKS OFFICE. SUBMIT FORM A &B TO EIGHTH CIRCUIT CLERKS OFFICE(BAK, ) (Entered: 10/04/2006)
10/04/2006		***Appeal Receipt of Notice of Appeal and supporting documents received by USCA on: Wed Oct 4 13:52:22 CDT 2006 (BAK, ) (Entered: 10/04/2006)
10/13/2006	<u>300</u>	ORDER – IT IS HEREBY ORDERED that Plaintiff Deeken's Motion Within to File His Notice of Appeal (Doc. <u>292</u> ) is DENIED as MOOT. IT IS FURTHER ORDERED that the Parties' Motions for Attorney's Fees (Docs. <u>256</u> , <u>260</u> , <u>275</u> , <u>277</u> , <u>284</u> , & <u>293</u> ) are STAYED. Signed by Judge John F. Nangle on 10/13/06. (DLB, ) (Entered: 10/13/2006)
10/13/2006		Receipt # S2007-000344 in the amount of \$455.00 for NOTICE OF APPEAL/DKT FEE, NOTICE OF APPEAL/DKT FEE-PART 2, NOTICE OF APPEAL/DKT FEE-PART 3 on behalf of BOBINETT, CHARLES. (CSW, ) (Entered: 10/13/2006)
10/27/2006	<u>301</u>	Initial Notification and or Briefing Schedule from USCA for <u>192</u> Notice of Appeal filed by St. Louis, City of., <u>291</u> Notice of Appeal filed by Michael Martinez., <u>296</u> Notice of Appeal filed by Eric Deeken., <u>288</u> Notice of Appeal filed by St. Louis, City of, USCA Appeal Number: 06-3558 &06-3561 Method of Appendix due: 10 days from today Transcript due: 12/4/06 Designation of record due: appellant 10 days from today; appellee 10 days from service of appellants's designation Briefs due: appellant St. Louis 12/14/06; appellee Martinez &Deeken 1/13/07; reply brief St. Louis 2/12/07; reply brief Martinez &Deeken 2/26/07. (DLB, ) (Entered: 10/30/2006)
11/21/2006	<u>302</u>	MOTION for Relief Seniority or in the Alternative, Front Pay by Plaintiff Michael Martinez. (Craig, Clyde) (Entered: 11/21/2006)
11/21/2006	<u>303</u>	MEMORANDUM in Support of Motion re <u>302</u> MOTION for Relief Seniority or in the Alternative, Front Pay filed by Plaintiff Michael Martinez. (Craig, Clyde) (Entered: 11/21/2006)
11/30/2006	<u>304</u>	RESPONSE to Motion by St. Louis, City of as to Lawrence L. Britt, Vernon Ammons, Wendell Goins, Charles Gay, George Horne, William L. Young, Daniel S. Austin, Robert Anderson, John H. Harvey, Joseph P. Hughes, Eugene Stanton, St. Louis Division of Fire and Fire Prevention, Kay Leonard, John Clark, Stanley Newsome, Edward Bushmeyer, Sherman George, William C. Duffe, Department of Justice, St. Louis, City of, Firefighters' Institute for Racial Equality, Preston Sims, George Baker, Robert Morgan, Robert Grady, George Redford Turner re <u>302</u> MOTION for Relief Seniority or in the Alternative, Front Pay filed by Defendants St. Louis, City of, Lawrence L. Britt, Vernon Ammons, Wendell Goins, Charles Gay, George Horne, William L. Young, Daniel S. Austin, Robert Anderson, John H. Harvey, Joseph P. Hughes, Eugene Stanton, St. Louis Division of Fire and Fire

		Prevention, Kay Leonard, John Clark, Stanley Newsome, Edward Bushmeyer, Sherman George, William C. Duffe, Department of Justice, St. Louis, City of, Firefighters' Institute for Racial Equality, Preston Sims, George Baker, Robert Morgan, Robert Grady, George Redford Turner. (Kistler, Nancy) (Entered: 11/30/2006)
12/06/2006		PUBLISHED Wed Dec 6 09:32:45 CST 2006 Document # 178 – Order by (DLB, ) (Entered: 12/06/2006)
12/07/2006	<u>305</u>	Minute Entry for proceedings held before Judge John F. Nangle : Telephone Conference held on 12/7/2006. DISCUSSION BETWEEN COURT AND COUNSEL HELD. ISSUES OF SENORITY AND EQUITABLE RELIEF DISCUSSED. (Court Reporter or FTR Gold Operator initials:no.) (FTR Gold yes or no: no.) (proceedings started: 10:54 am.) (proceedings ended: 11:09 am.) Associated Cases: 4:01-cv-00580-JFN,4:01-cv-01770-JFN(DLB, ) (Entered: 12/07/2006)
01/04/2007	<u>306</u>	Amended MOTION for Reconsideration <i>and Modify the Denial and Granting, in part, of Equitable Relief</i> by Consolidated Filer Plaintiff Eric Deeken. (Bobinette, Charles) (Entered: 01/04/2007)
01/04/2007	<u>307</u>	STIPULATION ( <i>Joint</i> ) by Consolidated Filer Plaintiff Eric Deeken. (Bobinette, Charles) (Entered: 01/04/2007)
01/10/2007	<u>308</u>	REPLY (to termed motion) re <u>306</u> Amended MOTION for Reconsideration <i>and Modify the Denial and Granting, in part, of Equitable Relief</i> filed by Defendant St. Louis, City of. (Tanner, Kathleen) (Entered: 01/10/2007)
01/11/2007	<u>309</u>	REPLY to Response to Motion re <u>306</u> Amended MOTION for Reconsideration <i>and Modify the Denial and Granting, in part, of Equitable Relief</i> filed by Defendant St. Louis, City of. (Tanner, Kathleen) (Entered: 01/11/2007)
01/18/2007	<u>310</u>	Withdrawal of appearance Intervenor Movants Lawrence B. Arens, IV, Mark D. Rauss. (Diekemper, Jerome) Modified on 1/26/2007 (DLB, ). (Entered: 01/18/2007)
01/18/2007	<u>311</u>	ENTRY of Appearance by Sherrie A. Schroder for Plaintiff Michael Martinez, Consolidated Filer Plaintiffs Eric Deeken, USA, Intervenor Parties Joseph Blessing, Michael Davis. (Schroder, Sherrie) (Entered: 01/18/2007)
01/18/2007	<u>312</u>	ENTRY of Appearance by Greg A. Campbell for Plaintiff Michael Martinez, Consolidated Filer Plaintiffs Eric Deeken, USA, Intervenor Parties Joseph Blessing, Michael Davis. (Campbell, Greg) (Entered: 01/18/2007)
01/29/2007	<u>313</u>	ORDER – The Court recently received the Withdrawal of Appearance of Jerome Diekemper (Doc. 310), the Entry of Appearance of Sherrie A. Schroder (Doc. 311), and the Entry of Appearance of Greg A. Campbell (Doc. 312). These filings, which pertain to Counsel for Intervenor Lawrence B. Arens, IV and Mark D. Rauss, called the Court's attention to the status of the Intervenor in this matter. The Court checked the docket report and confirmed its recollection that the Intervenor have not been active participants in this case in any fashion since 2004. They obviously have no interest herein. Accordingly, IT IS HEREBY ORDERED that Intervenor Lawrence B. Arens, IV and Mark D. Rauss are DISMISSED as parties in this case. Lawrence B. Arens, IV and Mark D. Rauss terminated. Signed by Judge John F. Nangle on 1/29/07. (DLB, ) (Entered: 01/29/2007)
02/07/2007	<u>314</u>	STIPULATION <i>Regarding Equitable Relief</i> by Defendant St. Louis, City of. (Tanner, Kathleen) (Entered: 02/07/2007)
02/09/2007	<u>315</u>	STIPULATION ( <i>Supplemental</i> ) of <i>Plt Deeken and Def City of St. Louis</i> by Defendant St. Louis, City of. (Tanner, Kathleen) (Entered: 02/09/2007)
02/13/2007	<u>316</u>	STIPULATION <i>Second Supp. of Deeken</i> by Defendant St. Louis, City of. (Tanner, Kathleen) (Entered: 02/13/2007)
09/05/2007	<u>317</u>	ORDER – Before the Court are Plaintiffs' Martinez and Deeken Motions for Equitable Relief (Docs. <u>302</u> and <u>306</u> . For the reasons discussed below, the Court hereby amends its prior Order and GRANTS Plaintiffs' Motions....Accordingly, the

		<p>Court hereby GRANTS equitable relief in the form of retroactive seniority for purposes of determining wages and retirement benefits, as set out in further detail below. IT IS HEREBY ORDERED that Plaintiffs shall be paid at the level they would have achieved, in the normal course of employment, had they been appointed to the position of probationary fire private on March 13, 2000, obtained status as a fire private and remained continuously employed in that position. IT IS FURTHER ORDERED that Plaintiffs shall be paid a lump sum to account for the difference between what Plaintiffs have actually earned since March 19, 2006 (the next pay period beginning after the jury verdict) and what they would have earned since March 19, 2006 had they been appointed to the position of probationary fire private on March 13, 2000, obtained status as a fire private and remained continuously employed in that position. IT IS FURTHER ORDERED that for retirement/pension purposes, Plaintiffs shall be deemed to have begun employment as City of St. Louis firefighters as of March 13, 2000. Also before the Court are Motions for Attorney's Fees, which the Court stayed by Order dated October 13, 2006 (Doc. 300). In light of the parties' intentions to appeal various matters in the case, the Court declines to address the question of attorneys' fees at this juncture. The issue of attorneys' fees is separate from and independent to the merits of the case, and the Court's decision to stay resolution of the appropriateness of fees will not affect the parties' ability to pursue their appeals. <i>Gates v. Central States Teamsters Pension Fund, et al</i>, 788 F.2d 1341, 1343 (8th Cir. 1986); see also L.R. 8.02 ("The filing of a motion for attorney's fees in no way affects the finality and appealability of the final judgment previously entered."). Accordingly, the outstanding Motions for Attorneys' Fees continue to be STAYED. SO ORDERED. Signed John F. Nangle (Entered: 09/05/2007)</p>
10/05/2007	<u>318</u>	<p>CROSS-APPEAL Briefing Schedule from USCA for <u>291</u> Notice of Appeal filed by Michael Martinez,, <u>296</u> Notice of Appeal filed by Eric Deeken,, <u>288</u> Notice of Appeal filed by St. Louis, City of, USCA Appeal Number: 06-3554, 06-3558 and 06-3561 Method of Appendix due: appellant - 10 days from the date of this schedule Designation of record due: appellant 10 days from the date of this schedule, appellee/cross- appellant 10 days from service of appellant's designation Briefs due: City of St. Louis 11/14/07, brief of appellee/cross-appellant 30 days from service of appellant's brief, reply brief 14 days from service of teh appellant/cross-appellees' reply brief.(DLB, ) (Entered: 10/05/2007)</p>
10/31/2007	<u>319</u>	<p>MANDATE of USCA as to <u>291</u> Notice of Appeal filed by Michael Martinez, Appellant's motion to dismiss the appeal is granted. The appeal is hereby dismissed in accordance with the Federal Rules of Appellate Procedure 42(b). (DLB, ) (Entered: 10/31/2007)</p>
12/03/2007	<u>320</u>	<p>ORDER of USCA USCA Appeal #: 6-3554 &amp;6-3561 - The court reporter's motion for an extension of time to file the transcript has been granted. The following revised briefing schedule has been established: Transcript Due: 12/17/2007(DLB) (Entered: 12/03/2007)</p>
12/17/2007	<u>321</u>	<p>ORIGINAL TRANSCRIPT (Pilot) proceedings of Jury Trial --- Vol I held on 3/15/06 before Judge John F. Nangle. Court Reporter: P. Dunn Wecke. The transcript filed with the court will not be remotely available until such time as the period for redaction has expired or a request for redaction has been received and the redacted transcript filed. For additional information see the Notice/Instructions to the Bar regarding Electronic Availability of Civil Transcripts on the Court's website at <a href="http://www.moed.uscourts.gov">www.moed.uscourts.gov</a> (KCM) (Entered: 12/19/2007)</p>
12/17/2007	<u>322</u>	<p>ORIGINAL TRANSCRIPT (Pilot) proceedings of Jury Trial --- Vol 2 held on 3/16/06 before Judge John F. Nangle. Court Reporter: P. Dunn Wecke. The transcript filed with the court will not be remotely available until such time as the period for redaction has expired or a request for redaction has been received and the redacted transcript filed. For additional information see the Notice/Instructions to the Bar regarding Electronic Availability of Civil Transcripts on the Court's website at <a href="http://www.moed.uscourts.gov">www.moed.uscourts.gov</a> (KCM) (Entered: 12/19/2007)</p>
01/17/2008	<u>323</u>	<p>MANDATE of USCA as to <u>296</u> Notice of Appeal filed by Eric Deeken USCA #:06-3561. In accordance with the judgment of January 16, 2008, and pursuant to the provisions of Federal Rule of Appellate Procedure 41(a), the formal mandate is hereby issued in the above-styled matter. Cross-appellant's motion to dismiss the</p>

		appeal is granted. The appeal is hereby dismissed in accordance with the Federal Rules of Appellate Procedure 42(b). (Attachments: # <u>1</u> Judgment)(DLB) (Entered: 01/17/2008)
08/26/2008	<u>324</u>	OPINION from USCA – The amended judgment of the district court is reversed, and the case is remanded for further proceedings not inconsistent with this opinion. We award the city its reasonable costs and attorneys' fees for the appeal. re (288 in 4:01-cv-00580-JFN) Notice of Appeal, (192 in 4:01-cv-00580-JFN) Notice of Appeal : USCA Appeal #: 6-3554 (DLB) (Entered: 08/26/2008)
08/26/2008	<u>325</u>	JUDGMENT of USCA USCA Appeal #: 6-3554 – IT IS HEREBY ORDERED that the judgment of the district court in this cause is reversed and the cause is remanded to the district court for proceedings consistent with the opinion of this court.(DLB) (Entered: 08/26/2008)
09/09/2008	<u>326</u>	MOTION for Bill of Costs by Defendant St. Louis, City of. (Attachments: # <u>1</u> Exhibit Appeal Filing Fee)(Lawson, Mark) (Entered: 09/09/2008)
10/17/2008	<u>327</u>	ORDER of USCA re:USCA Appeal #: 06-3554 – The petition for rehearing en banc is denied. The petition for rehearing by the panel is also denied.(DLB) (Entered: 10/17/2008)
10/24/2008	<u>328</u>	MANDATE of USCA as to <u>288</u> Notice of Appeal filed by St. Louis, City of, <u>291</u> Notice of Appeal filed by Michael Martinez, <u>192</u> Notice of Appeal filed by St. Louis, City of, <u>296</u> Notice of Appeal filed by Eric Deeken Decision of USCA:In accordance with the opinion and judgment of 8/26/08, and pursuant to the provisions of the Federal Rule of Procedure 41(a), the formal mandate is hereby issued in this matter. USCA #:6-3554(DLB) (Entered: 10/24/2008)
10/31/2008	<u>329</u>	ORDER of USCA USCA Appeal #: 06-3554 – Appellant's motion for attorneys' fees is hereby denied without prejudice to the district court considering whether to grant the claimed appellant attorneys' fees, in whole or in part, as an offset to any attorneys fees that me be awarded to either plaintiff on remand. The Clerk is further directed to tax costs against the appellees in the amount of \$1,679.60(DLB) (Entered: 10/31/2008)
11/20/2008	<u>330</u>	ADMINISTRATIVE ORDER/ORDER REASSIGNING CASE. IT IS HEREBY ORDERED that the following case is transferred to the Honorable Jean C. Hamilton. Case reassigned to Honorable Jean C. Hamilton for all further proceedings. Honorable John F. Nangle no longer assigned to case. Signed by Honorable Carol E. Jackson on 11/20/08. (KKS) (Entered: 11/20/2008)
11/26/2008	<u>331</u>	ORDER IT IS HEREBY ORDERED that the following mtns. are denied without prejudice: <u>256 193 217 293 284 198 275 277</u> . IT IS FURTHER ORDERED that this matter is set for a telephone status conference on Wednesday, January 7, 2009 at 1:30 p.m. Pltff. Michael Martinez is to initiate the phone call. Chambers telephone number is (314) 244-7600. ( Telephone Conference set for 1/7/2009 01:30 PM in Telephone before Honorable Jean C. Hamilton.) Signed by Honorable Jean C. Hamilton on 11/26/08. (CLA) (Entered: 11/26/2008)
01/07/2009	<u>332</u>	Minute Entry for proceedings held before Honorable Jean C. Hamilton: Telephone Conference held on 1/7/2009 on status; notice of dismissal will be filed by parties. (Court Reporter or FTR Gold Operator initials:D.K..) (FTR Gold yes or no: no.) (CLA) (Entered: 01/08/2009)
01/29/2009	<u>333</u>	STIPULATION FOR DISMISSAL WITH PREJUDICE by Defendants St. Louis Division of Fire and Fire Prevention, Kay Leonard, John Clark, Stanley Newsome, Edward Bushmeyer, Sherman George, William C. Duffe, St. Louis, City of, Consolidated Filer Plaintiff Eric Deeken. (Kistler, Nancy) (Entered: 01/29/2009)
01/29/2009	<u>334</u>	STIPULATION re <u>333</u> Stipulation, VERIFICATION OF AUTHORIZATION by Defendants St. Louis Division of Fire and Fire Prevention, Kay Leonard, John Clark, Stanley Newsome, Edward Bushmeyer, Sherman George, William C. Duffe, St. Louis, City of, Consolidated Filer Plaintiff Eric Deeken. (Kistler, Nancy) (Entered: 01/29/2009)
01/30/2009		Docket Text ORDER: Joint Stipulation for dismissal with prejudice. filed by parties. SO ORDERED JCH. Signed by Honorable Jean C. Hamilton on 1/30/09.

		(CLA) (Entered: 01/30/2009)
02/02/2009	<u>335</u>	STIPULATION <i>FOR DISMISSAL WITH PREJUDICE</i> by Plaintiff Michael Martinez, Defendants St. Louis Division of Fire and Fire Prevention, Kay Leonard, John Clark, Stanley Newsome, Edward Bushmeyer, Sherman George, William C. Duffe, St. Louis, City of. (Kistler, Nancy) (Entered: 02/02/2009)
02/02/2009	<u>336</u>	STIPULATION re <u>335</u> Stipulation, <i>VERIFICATION OF SIGNED ORIGINAL DOCUMENT</i> by Plaintiff Michael Martinez, Defendants St. Louis Division of Fire and Fire Prevention, Kay Leonard, John Clark, Stanley Newsome, Edward Bushmeyer, Sherman George, William C. Duffe, St. Louis, City of. (Kistler, Nancy) (Entered: 02/02/2009)
02/03/2009		Docket Text ORDER: <u>335</u> STIPULATION FOR DISMISSAL WITH PREJUDICE; ORDERED SO ORDERED. Signed by Honorable Jean C. Hamilton on 2/3/09. (case previously closed on 1/30/09)(TRC) (Entered: 02/04/2009)