

**U.S. District Court
Eastern District of Missouri (LIVE) (St. Louis)
CIVIL DOCKET FOR CASE #: 4:01-cv-01770-JFN**

Deeken v. St. Louis, City of, et al
Assigned to: Honorable John F. Nangle
Demand: \$250,000
Lead case: [4:01-cv-00580-JFN](#) ([View Member Cases](#))
Case in other court: 4:74-cv-00200
Cause: 42:1983 Civil Rights Act

Date Filed: 11/08/2001
Jury Demand: Plaintiff
Nature of Suit: 442 Civil Rights:
Jobs
Jurisdiction: Federal Question

Plaintiff

Eric Deeken

represented by **Charles W. Bobinette**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

St. Louis, City of
a Municipal Corporation

represented by **Nancy R. Kistler**
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Defendant

USA

represented by **Benjamin Blustein**
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Defendant

**Firefighters' Institute for Racial
Equality**

Defendant

Preston Sims

Defendant

George Baker

Defendant

Robert Morgan

Defendant

Robert Grady

Defendant

Sherman George

Defendant

George Redford Turner

Defendant

Lawrence L. Britt

Defendant

Vernon Ammons

Defendant

Wendell Goins

Defendant

Charles Gay

Defendant

George Horne

Defendant

William L. Young

Defendant

Daniel S. Austin

Defendant

Robert Anderson

Defendant

John H. Harvey

Defendant

Joseph P. Hughes

Defendant

Eugene Stanton

Defendant

John Clark

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

Defendant

Kay Leonard

Defendant

Stanley Newsome

*Members of the Civil Service
Commission of St. Louis and
successors to the original
defendants Fred Gould and
Charles Marino*

Defendant

Edward Bushmeyer

*Director of the City of St. Louis
Department of Public Safety and*

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

*successor to original defendant
Joseph B. Clark*

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 the original defendant
R. Elliott Scarce*

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

Date Filed	#	Docket Text
11/08/2001	1	COMPLAINT; # Waivers of Service Issued: 1 # Counts: 2; jury demand (KLK) (Entered: 11/13/2001)
11/08/2001	2	RECEIPT # S2002-001214 in the amount of \$ 150.00 for filing fee (KLK) (Entered: 11/13/2001)
11/08/2001	3	TRACK INFORMATION STATEMENT filed by plaintiff Eric Deeken track 2 preferred (KLK) (Entered: 11/13/2001)
01/07/2002	4	ATTORNEY APPEARANCE for defendant St. Louis, City of by Nancy R. Kistler (BDC) Modified on 01/09/2002 (Entered: 01/09/2002)
01/07/2002	5	ANSWER by defendant St. Louis, City of to [1-1] (BDC) Modified on 01/09/2002 (Entered: 01/09/2002)
01/10/2002	6	RULE 16 ORDER by Honorable Catherine D. Perry ; standard(2) track , ; Rule 16 Conference 3/8/02 9:30 ; joint scheduling plan ddl 3/1/02 (cc: all counsel) (LSD) (Entered: 01/10/2002)
03/04/2002	7	JOINT PROPOSED SCHEDULING PLAN by plaintiff Eric Deeken, defendant St. Louis, City of (BAK) (Entered: 03/04/2002)

03/08/2002	8	MINUTES: before Honorable Catherine D. Perry Rule 16 Conference held on 3/8/02 court reporter: none; proceedings started: 9:28 - ended: 9:47 (BAK) (Entered: 03/08/2002)
03/08/2002	9	CASE MANAGEMENT ORDER by Honorable Catherine D. Perry ; standard(2) track , ; motion to add party ddl 6/3/02 ; Disc completion ddl 1/17/03 ; Notice of Motion ddl set for 3/10/03 ; Motion Package ddl set for 4/20/03 ; non-disp motion ddl 1/28/03 ; jury trial 6/9/03-9:00am- 2 wk. dkt. ; pt comp ddl 5/21/03 , ; ADR future refer 12/1/02 (cc: all counsel) (BDC) (Entered: 03/08/2002)
06/03/2002	10	MOTION by plaintiff Eric Deeken for leave to file first amended complaint Proposed amended complaint attached (BAK) (Entered: 06/04/2002)
06/03/2002	11	NOTICE of motion to consolidate by defendant St. Louis, City of. A motion to consolidate has been filed in case # 4: 01 CV 850 TCM. (BAK) (Entered: 06/04/2002)
06/13/2002		ANSWER by defendant St. Louis, City of to Pltf's First Amended Complaint [13-1] (BDC) (Entered: 06/19/2002)
06/18/2002	12	RULED DOCUMENT by Honorable Catherine D. Perry granting motion for leave to file first amended complaint [10-1] "Granted without opposition. Pltf is reminded of his obligation to promptly obtain service on new defendants (CDP) (cc: all counsel) (LSD) Modified on 06/19/2002 (Entered: 06/19/2002)
06/18/2002	13	AMENDED COMPLAINT by plaintiff Eric Deeken # Counts: 9 [1-1]; adding USA, Firefighters Inst, Preston Sims, George Baker, Robert Morgan, Robert Grady, Sherman George, 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, John Clark, Kay Leonard, Stanley Newsome, Edward Bushmeyer, Sherman George, William C. Duffe (LSD) (Entered: 06/19/2002)
07/16/2002		GENERIC SCHEDULING EVENT ; Motion to Add Party ddl satisfied (LSD) (Entered: 07/16/2002)
08/02/2002	14	SUBPOENA ISSUED to plaintiff Eric Deeken. 3 subpoenas issued @ 60 days. 16 waivers issued. (BAK) (Entered: 08/05/2002)
08/02/2002	15	WAIVER OF SERVICE executed upon defendant USA on 8/2/02 personal service by serving Teri Dougherty (BAK) (Entered: 08/05/2002)

08/27/2002	16	ATTORNEY APPEARANCE for defendant Edward Bushmeyer, defendant Sherman George, defendant William C. Duffe by Nancy R. Kistler (LSD) (Entered: 08/28/2002)
08/27/2002	17	ANSWER TO FIRST AMENDED COMPLAINT (with affirmative defenses) by defendant Edward Bushmeyer, defendant Sherman George, defendant William C. Duffe to [13-1] (LSD) (Entered: 08/28/2002)
09/16/2002	18	ATTORNEY APPEARANCE for defendant USA by Wesley D. Wedemeyer (LSD) (Entered: 09/17/2002)
09/27/2002	19	MOTION by defendant USA to extend the time to answer or otherwise respond to the First Amended Complaint (BDC) (Entered: 09/27/2002)
09/27/2002	20	ORDER by Honorable Catherine D. Perry granting motion to extend the time to answer or otherwise respond to the First Amended Complaint [19-1] up to and including 11/15/2002. (cc: all counsel) (BDC) (Entered: 09/27/2002)
09/27/2002	21	ATTORNEY APPEARANCE for defendant USA by Benjamin Blustein, Carolyn Clark and John Gadzichowski (LSD) (Entered: 09/30/2002)
10/07/2002	22	ORDER by Honorable Catherine D. Perry IT IS HEREBY ORDERED that deft's motion to consolidate #31 in cause No. 4:01CV580 is granted and these two cases are consolidated for all purposes. FURTHER ORDERED that the CMOs 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. Case reassigned to Honorable John F. Nangle (cc: all counsel) (LSD) (Entered: 10/07/2002)
10/07/2002	23	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 ro less) or overnight mail (if more than 30 pages) on the date tha such pleadings are filed. (cc: all counsel) (DLB) (Entered: 10/07/2002)
10/11/2002	24	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	25	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	26	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	27	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	28	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)
11/21/2002	29	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)
12/30/2002	30	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)
01/15/2003	31	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)
02/18/2003	32	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)

03/20/2003	33	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)
04/09/2003	34	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)
04/11/2003	35	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 teh 2001 eligibility list....See order for details. (cc: all counsel) (DLB) (Entered: 04/11/2003)
04/21/2003	36	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)
05/19/2003	37	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)

09/08/2003	38	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)
11/07/2003	39	ORDER granting in part Intervenor's motion [112] 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)
12/22/2003	40	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)
01/30/2004	41	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,) (Entered: 01/30/2004)
03/22/2004	42	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	43	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)

		04/22/2004)
06/04/2004	44	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 16:48:58 CDT 2004 (DLB,) (Entered: 06/04/2004)
06/25/2004	45	ORDER - ORDER granting [136] 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	46	ORDER granting [149] 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 11:14:25 CDT 2004 (DLB,) (Entered: 06/28/2004)
06/28/2004		ORDER RECEIPT: (see receipt) Mon Jun 28 11:30:45 CDT 2004 (DLB,) (Entered: 06/28/2004)
06/29/2004	47	MOTION for Extension of Time to File Response/Reply to the City's Response in Opposition to Deeken's Motion for Summary Judgment by Plaintiff Eric Deeken. (Attachments: # 1 Filing Memo)(Bobinette, Charles) (Entered: 06/29/2004)
10/01/2004	48	ORDERED that the City of St. Louis is hereby directed, by and through its attorneys, to furnish the Court with a detailed report describing the selection, certification and appointment proces 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 shall have until 3:00 p.m. CST on Friday, 10/8/04, 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. 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 16:39:41 CDT 2004 (LGK,) (Entered: 10/01/2004)
10/01/2004	49	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)
10/29/2004	50	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		ORDER RECEIPT: (see receipt) Fri Oct 29 14:58:53 CDT 2004 (KKS,) (Entered: 10/29/2004)
11/15/2004	51	ENTRY of Appearance by Kathleen G. Tanner Defendant St. Louis, City of. (Tanner, Kathleen) (Entered: 11/15/2004)
11/29/2004	52	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)
12/03/2004	53	ORDER denying motion for preliminary injunction. Signed by Judge John F. Nangle on 12/3/04. (DLB,) (Entered: 12/03/2004)
12/30/2004	54	ORDER - ORDER - Before the Court is defendant City's Motion to strike Exhibits 7 & 8 of Plaintiff's Statement of Uncontroverted Facts [134]. 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 09:12:48 CST 2005 (DLB,) (Entered: 01/03/2005)
01/24/2005	55	ORDER granting [170] 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 13:00:40 CST 2005 (DLB,) (Entered: 01/28/2005)
02/24/2005	56	ORDER denying in part [128] Motion for Summary Judgment, and granting in part [130] 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 15:42:52 CST 2005 (DLB,) (Entered: 02/24/2005)
03/16/2005	57	ORDER re 56 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 09:45:29 CST 2005 (DLB,) (Entered: 03/17/2005)
04/18/2005	58	Minute Entry for proceedings held before Judge John F. Nangle : Motion Hearing held on 4/18/2005 re [179] 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	59	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 11:48:18 CDT 2005 (DLB,) (Entered: 04/21/2005)
04/25/2005	60	STIPULATION re 58 In Court Hearing,, <i>Related to Relief</i> by Plaintiff Eric Deeken, Defendant St. Louis, City of. (Attachments: # 1 Exhibit # 2 Exhibit # 3 Exhibit # 4 Exhibit)(Kistler, Nancy) (Entered: 04/25/2005)
06/03/2005	61	Supplemental MOTION for Attorney Fees <i>and Expenses Out of Time</i> by Plaintiff Eric Deeken. (Attachments: # 1 Supplement Motion for Attorney's Fees# 2 Supplement Affidavit of Charles W. Bobinette# 3 Exhibit A# 4 Reply in Support of Motions for Attorney's Fees)(Bobinette, Charles) (Entered: 06/03/2005)
03/10/2006	62	TRIAL BRIEF by Defendant St. Louis, City of. (Kistler, Nancy) (Entered: 03/10/2006)
03/10/2006	63	MOTION in Limine by Defendant St. Louis, City of. (Kistler, Nancy) (Entered: 03/10/2006)
03/10/2006	64	RESPONSE TO COURT ORDER by Defendant St. Louis, City of. (Kistler, Nancy) (Entered: 03/10/2006)
03/10/2006	65	Proposed Jury Instructions by Plaintiff Eric Deeken. (Attachments: # 1 Joint Submission re: Charge to Jury# 2 Instruction 1.01# 3 Instruction 102# 4 Instruction 1.04# 5 Instruction 1.05# 6 Instruction 1.06# 7 Instruction 2.01# 8 Instruction 2.03# 9 Instruction 2.04# 10 Instruction 3.01# 11 Instruction 3.02# 12 Instruction 3.03# 13 Instruction 3.04# 14 Instruction 3.06# 15 Instruction 5.02B# 16 Deeken's Proposed Instructions# 17 Instruction 5.02A# 18 Instruction 5.02B# 19 Instruction 5.03)(Bobinette, Charles) (Entered: 03/10/2006)
03/10/2006	66	Stipulation of Uncontested Facts by Plaintiff Eric Deeken. (Bobinette, Charles) (Entered: 03/10/2006)
03/10/2006	67	Proposed Voir Dire by Plaintiff Eric Deeken. (Bobinette, Charles) (Entered: 03/10/2006)
03/10/2006	68	Witness List by Plaintiff Eric Deeken. (Bobinette, Charles) (Entered: 03/10/2006)
03/10/2006	69	Exhibit List by Plaintiff Eric Deeken.. (Bobinette, Charles) (Entered: 03/10/2006)
03/10/2006	70	TRIAL BRIEF by Plaintiff Eric Deeken. (Bobinette, Charles) (Entered: 03/10/2006)
03/16/2006	71	MEMORANDUM in Support of Motion re 63 MOTION in Limine <i>REGARDING DEEKENS CLAIM FOR LOST</i>

		<i>INSURANCE BENEFITS</i> filed by Defendant St. Louis, City of. (Kistler, Nancy) (Entered: 03/16/2006)
03/22/2006	72	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 Hundred Thirty Eight (\$138,438.00) dollars. 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)
08/07/2006	73	ORDER - The Court hereby DENIES the following motions: (1) Plaintiff Martinez's Motion for an Award of Retroactive Seniority [257] and (2) Plaintiff Deeken's Motion for New Trial and/or [to] Amend the Judgment [262]. Plaintiff Deeken's Post-Trial Motion for Equitable Relief [261] 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)
10/04/2006		***Appeal Receipt of Notice of Appeal and supporting documents received by USCA on: Wed Oct 4 14:36:56 CDT 2006 (BAK,) (Entered: 10/04/2006)
01/18/2007	74	MEMORANDUM <i>Withdrawal of appearance</i> by Plaintiff Eric Deeken. (Diekemper, Jerome) (Entered: 01/18/2007)

02/07/2007	75	STIPULATION <i>Stipulation Equitable Relief</i> by Defendant St. Louis, City of. (Tanner, Kathleen) (Entered: 02/07/2007)
02/13/2007	76	STIPULATION <i>Second Supp Stip CV1770</i> by Defendant St. Louis, City of. (Tanner, Kathleen) (Entered: 02/13/2007)