

CLOSED, SCHEDO

**U.S. District Court
District of New Jersey [LIVE] (Newark)
CIVIL DOCKET FOR CASE #: 2:06-cv-01838-SRC-CCC**

FINLEY v. DUN & BRADSTREET CORPORATION et al
Assigned to: Judge Stanley R. Chesler
Referred to: Magistrate Judge Claire C. Cecchi
Cause: 29:1001 E.R.I.S.A.: Employee Retirement

Date Filed: 04/20/2006
Date Terminated: 04/30/2007
Jury Demand: None
Nature of Suit: 791 Labor: E.R.I.S.A.
Jurisdiction: Federal Question

Plaintiff**JACK FINLEY**

represented by **JONATHAN I. NIRENBERG**
RESNICK & NIRENBERG, PC
100 EAGLE ROCK AVENUE
SUITE 301
EAST HANOVER, NJ 07936
(973) 781-1204
Fax: (973) 781-1205
Email: jnirenberg@njemploymentlawfirm.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant**DUN & BRADSTREET
CORPORATION**

represented by **CHRISTOPHER H. MILLS**
FISHER & PHILLIPS, LLP
430 MOUNTAIN AVENUE
3RD FLOOR
MURRAY HILL, NJ 07974
(908) 516-1050
Email: cmills@laborlawyers.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant**DUN & BRADSTREET
CORPORATION RETIREMENT
ACCOUNT**

represented by **CHRISTOPHER H. MILLS**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
04/20/2006	<u>37</u>	Certified Copy of Transfer Order and docket received, Case transferred in from District of NORTHERN DISTRICT OF ILLINOIS; Case Number USDC NO. 05-5134. Original file with documents numbered from ILLINOIS Dkt Sht: 1-36, certified copy of transfer order and docket sheet received., filed by JACK FINLEY. (Attachments: # <u>1</u> DOCKET ENTRY TEXT re: ORDER GRANTING TRANSFER# <u>2</u> MEMORANDUM OPINION AND ORDER# <u>3</u> THIRTY-SIX(36) DOCUMENTS ON DIST OF ILLINOIS DOCKET SHEET)(dr,) Modified on 4/28/2006 (dr,). (Entered: 04/28/2006)
05/02/2006	<u>38</u>	NOTICE of Appearance by CHRISTOPHER H. MILLS on behalf of DUN & BRADSTREET CORPORATION, DUN & BRADSTREET CORPORATION RETIREMENT ACCOUNT (MILLS, CHRISTOPHER) (Entered: 05/02/2006)
05/08/2006	<u>39</u>	NOTICE of Appearance by JONATHAN I. NIRENBERG on behalf of JACK FINLEY (NIRENBERG, JONATHAN) (Entered: 05/08/2006)

05/09/2006	<u>40</u>	LETTER ORDER: Status Conference set for 7/20/2006 02:30 PM before Magistrate Judge Ronald J. Hedges.. Signed by Judge Ronald J. Hedges on 05/04/06. (nr,) (Entered: 05/10/2006)
05/17/2006	<u>41</u>	MOTION for Leave to Appear Pro Hac Vice <i>on Behalf of Patrick W. Shea, Esq., and Christine Button, Esq.</i> , by DUN &BRADSTREET CORPORATION, DUN &BRADSTREET CORPORATION RETIREMENT ACCOUNT. (Attachments: # <u>1</u> Certification of Christopher H. Mills, Esq.# <u>2</u> Certification of Patrick W. Shea, Esq.# <u>3</u> Certification of Christine Button, Esq.# <u>4</u> Text of Proposed Order Granting Admission Pro Hac Vice# <u>5</u> Certificate of Service)(MILLS, CHRISTOPHER) (Entered: 05/17/2006)
05/17/2006		Set Deadlines as to <u>41</u> MOTION for Leave to Appear Pro Hac Vice <i>on Behalf of Patrick W. Shea, Esq., and Christine Button, Esq.</i> . Motion Hearing set for 6/12/2006 10:00 AM before Judge William J. Martini. (nr,) (PLEASE BE ADVISED THAT THIS MOTION WILL BE DECIDED ON THE PAPERS UNLESS OTHERWISE NOTIFIED BY THE COURT) (Entered: 05/22/2006)
05/25/2006	<u>42</u>	ORDER granting <u>41</u> Motion for Patrick W. Chen and Christine Button to appear pro hac vice . Signed by Judge Ronald J. Hedges on 05/24/06. (nr,) (Entered: 05/25/2006)
06/05/2006	<u>43</u>	AMENDED COMPLAINT against DUN &BRADSTREET CORPORATION, DUN &BRADSTREET CORPORATION RETIREMENT ACCOUNT, filed by JACK FINLEY.(NIRENBERG, JONATHAN) (Entered: 06/05/2006)
06/06/2006	44	SCHEDULING ORDER: Amended Pleadings due by 6/5/2006 &deft. to answer within 30 dys.. Signed by Judge Ronald J. Hedges on 6/62006. (mn,) (Entered: 06/06/2006)
06/06/2006	<u>45</u>	ORDER admitting Thomas G. Moukawsher and Ian O. Smith pro hac vice on behalf of pltf.. Signed by Judge Ronald J. Hedges on 6/5/2006. (Attachments: # <u>1</u> Certification Thomas Moukawsher# <u>2</u> Certification Ian Smith)(mn,) (Entered: 06/06/2006)
06/08/2006	<u>46</u>	ORDER directing pltf. to file and serve an amsnded complt. on or before June 5,2006 and directing defts. to file an answer to the amended complt. . Signed by Judge Ronald J. Hedges on 06/07/06. (nr,) (Entered: 06/08/2006)
07/05/2006	<u>47</u>	MOTION to Dismiss <i>Amended Complaint Under Fed. R. Civ. P. 12(b)(6)</i> by DUN &BRADSTREET CORPORATION, DUN &BRADSTREET CORPORATION RETIREMENT ACCOUNT. Responses due by 7/31/2006 (Attachments: # <u>1</u> Certification of Christopher H. Mills in Support of Defendants' Motion to Dismiss Under Fed. R. Civ. P. 12(b)(6)# <u>2</u> Exhibit A part 1 to Certification of Christopher H. Mills# <u>3</u> Exhibit A Part 2 to Certification of Christopher H. Mills# <u>4</u> Exhibit B to Certification of Christopher H. Mills# <u>5</u> Exhibit C Part 1 to Certification of Christopher H. Mills# <u>6</u> Exhibit C Part 2 to Certification of Christopher H. Mills# <u>7</u> Exhibit C Part 3 to Certification of Christopher H. Mills# <u>8</u> Exhibit C Part 4 to Certification of Christopher H. Mills# <u>9</u> Exhibit C Part 5 to Certification of Christopher H. Mills# <u>10</u> Exhibit C Part 6 to Certification of Christopher H. Mills# <u>11</u> Exhibit C Part 7 (final part) to Certification of Christopher H. Mills# <u>12</u> Exhibit D to Certification of Christopher H. Mills# <u>13</u> Exhibit E Part 1 to Certification of Christopher H. Mills# <u>14</u> Exhibit E Part 2 to Certification of Christopher H. Mills# <u>15</u> Exhibit F to Certification of Christopher H. Mills# <u>16</u> Exhibit G to Certification of Christopher H. Mills# <u>17</u> Exhibit H to Certification of Christopher H. Mills# <u>18</u> Exhibit I to Certification of Christopher H. Mills# <u>19</u> Exhibit J to Certification of Christopher H. Mills# <u>20</u> Brief in Support of Defendants' Motion Under Fed. R. Civ. P. 12(b)(6) for Dismissal of the Amended Complaint# <u>21</u> Text of Proposed Order Granting Motion Under Fed. R. Civ. P. 12(b)(6) for Dismissal of the Amended Complaint# <u>22</u> Certificate of Service)(MILLS, CHRISTOPHER) (Entered: 07/05/2006)
07/05/2006		Setting motion hearing as to <u>47</u> MOTION to Dismiss Amended Complaint Under Fed. R. Civ. P. 12(b)(6). Motion Hearing set for 9/11/2006 before Judge William J. Martini. Please be advised that this motion will be decided on the papers unless otherwise notified by the Court.(cs,) (Entered: 07/12/2006)

07/11/2006	<u>50</u>	ORDER REASSIGNING CASE. Case reassigned to Judge Stanley R. Chesler and Claire C. Cecchi for all further proceedings. Judge William J. Martini, Ronald J. Hedges no longer assigned to case. Signed by Judge Stanley R. Chesler on 07/05/06. (nr,) (Entered: 07/14/2006)
07/12/2006	<u>48</u>	Notice of Request by Pro Hac Vice to receive Notices of Electronic Filings. (NIRENBERG, JONATHAN) (Entered: 07/12/2006)
07/12/2006	<u>49</u>	Notice of Request by Pro Hac Vice to receive Notices of Electronic Filings. (NIRENBERG, JONATHAN) (Entered: 07/12/2006)
07/14/2006	<u>51</u>	ORDER directing pltf. to file and serve his brief and papers in opposition to defts' motion for dismissal of the amended complt. on or before Aug. 31, 2006. etc. . Signed by Judge Ronald J. Hedges on 07/13/06. (nr,) (Entered: 07/19/2006)
07/21/2006		CHAMBER'S NOTICE: Rescheduling Initial Scheduling Conference from 8/15/06 2:30PM to 10/2/2006 02:00 PM before Magistrate Judge Claire C. Cecchi. (nc,) (Entered: 07/21/2006)
08/31/2006	<u>52</u>	MOTION for Leave to File Excess Pages – <i>File Over–Length Brief</i> by JACK FINLEY. (Attachments: # <u>1</u> Brief # <u>2</u> Text of Proposed Order)(NIRENBERG, JONATHAN) (Entered: 08/31/2006)
08/31/2006		Set Deadlines as to <u>47</u> MOTION to Dismiss <i>Amended Complaint Under Fed. R. Civ. P. 12(b)(6)</i> . Motion Hearing set for 9/25/2006 10:00 AM before Judge Stanley R. Chesler. (nr,) (PLEASE BE ADVISED THAT THIS MOTION WILL BE DECIDED ON THE PAPERS UNLESS OTHERWISE NOTIFIED BY THE COURT) (Entered: 09/01/2006)
09/01/2006	<u>53</u>	RESPONSE to Motion re <u>52</u> MOTION for Leave to File Excess Pages – <i>File Over–Length Brief (Letter)</i> filed by DUN & BRADSTREET CORPORATION, DUN & BRADSTREET CORPORATION RETIREMENT ACCOUNT. (Attachments: # <u>1</u> Text of Proposed Order)(MILLS, CHRISTOPHER) (Entered: 09/01/2006)
09/08/2006	<u>54</u>	ORDER granting <u>52</u> Motion for Leave to File overlength brief and granting application to extend time to file and serve response. . Signed by Judge Stanley R. Chesler on 09/07/06. (nr,) (Entered: 09/08/2006)
09/11/2006	<u>55</u>	BRIEF in Opposition re <u>47</u> MOTION to Dismiss <i>Amended Complaint Under Fed. R. Civ. P. 12(b)(6)</i> filed by JACK FINLEY. (Attachments: # <u>1</u> Certification of Jonathan I. Nirenberg# <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# <u>11</u> Exhibit 10# <u>12</u> Exhibit 11# <u>13</u> Certificate of Service)(NIRENBERG, JONATHAN) (Entered: 09/11/2006)
09/11/2006		Pro Hac Vice fee: \$ 300.00, receipt number 200340869 re Patrick Shea/Christine Button (nr,) (Entered: 09/11/2006)
09/29/2006		CHAMBERS NOTICE: Adjourning Initial Scheduling Conference by telephone from 10/2/06 2:00 PM to 11/1/2006 10:30 AM before Magistrate Judge Claire C. Cecchi. (nc,) (Entered: 09/29/2006)
10/11/2006	<u>56</u>	REPLY to Response to Motion re <u>47</u> MOTION to Dismiss <i>Amended Complaint Under Fed. R. Civ. P. 12(b)(6)</i> filed by DUN & BRADSTREET CORPORATION, DUN & BRADSTREET CORPORATION RETIREMENT ACCOUNT. (Attachments: # <u>1</u> Certificate of Service)(MILLS, CHRISTOPHER) (Entered: 10/11/2006)
10/12/2006	<u>57</u>	Notice of Request by Pro Hac Vice Patrick W. Shea to receive Notices of Electronic Filings. (MILLS, CHRISTOPHER) (Entered: 10/12/2006)
10/12/2006	<u>58</u>	Notice of Request by Pro Hac Vice Christine Button to receive Notices of Electronic Filings. (MILLS, CHRISTOPHER) (Entered: 10/12/2006)
11/01/2006		Minute Entry for proceedings held before Judge Claire C. Cecchi : Scheduling Telephone Conference held on 11/1/2006. (nc,) (Entered: 11/06/2006)

11/08/2006	<u>59</u>	PRETRIAL SCHEDULING ORDER: Settlement Conference set for 1/19/2007 03:00 PM before Magistrate Judge Claire C. Cecchi. Status Conference set for 1/19/2007 03:00 PM before Magistrate Judge Claire C. Cecchi.. Signed by Judge Claire C. Cecchi on 11/08/2006. (nr,) (Entered: 11/09/2006)
11/15/2006	<u>60</u>	Certification of Shena B. Glink (Attachments: # <u>1</u> Certf. of Michael M. Mulder)(nr) (Entered: 11/16/2006)
11/16/2006	<u>61</u>	ORDER admitting Shona B. Glink and Michael M. Mulder pro hac vice. . Signed by Judge Claire C. Cecchi on 11/15/2006. (nr,) (Entered: 11/16/2006)
12/01/2006	<u>62</u>	MOTION for Leave to File <i>Supplemental Brief</i> by JACK FINLEY. (Attachments: # <u>1</u> Text of Proposed Order # <u>2</u> Certificate of Service)(NIRENBERG, JONATHAN) (Entered: 12/01/2006)
12/01/2006		Set Deadlines as to <u>62</u> MOTION for Leave to File <i>Supplemental Brief</i> . Motion Hearing set for 12/26/2006 10:00 AM before Judge Stanley R. Chesler. (nr,) (PLEASE BE ADVISED THAT THIS MOTION WILL BE DECIDED ON THE PAPERS UNLESS OTHERWISE NOTIFIED BY THE COURT) (Entered: 12/04/2006)
12/05/2006	<u>63</u>	Notice of Request by Pro Hac Vice Michael M. Mulder to receive Notices of Electronic Filings. (NIRENBERG, JONATHAN) (Entered: 12/05/2006)
12/05/2006	<u>64</u>	Notice of Request by Pro Hac Vice Shona B. Glink to receive Notices of Electronic Filings. (NIRENBERG, JONATHAN) (Entered: 12/05/2006)
12/13/2006		Pro Hac Vice fee: \$ 150.00, receipt number 100305613, re Michael L.M. Mulder (nr,) (Entered: 12/13/2006)
12/13/2006		Pro Hac Vice fee: \$ 150, receipt number 100305614 re Shonda B. Glink (nr,) (Entered: 12/13/2006)
01/03/2007	<u>65</u>	Second MOTION for Leave to File <i>Supplemental Memorandum of Law in Opposition Defendants Motion for Dismissal of Amended Complaint</i> by JACK FINLEY. (Attachments: # <u>1</u> # <u>2</u> Certificate of Service)(NIRENBERG, JONATHAN) (Entered: 01/03/2007)
01/03/2007		Set Deadlines as to <u>65</u> Second MOTION for Leave to File <i>Supplemental Memorandum of Law in Opposition Defendants Motion for Dismissal of Amended Complaint</i> . Motion Hearing set for 2/12/2007 10:00 AM before Judge Stanley R. Chesler. (nr,) (PLEASE BE ADVISED THAT THIS MOTION WILL BE DECIDED ON THE PAPERS UNLESS OTHERWISE NOTIFIED BY THE COURT) (Entered: 01/08/2007)
01/04/2007	<u>66</u>	BRIEF in Opposition re <u>47</u> MOTION to Dismiss <i>Amended Complaint Under Fed. R. Civ. P. 12(b)(6) (First Supplemental Brief)</i> filed by JACK FINLEY. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B)(NIRENBERG, JONATHAN) (Entered: 01/04/2007)
01/04/2007	<u>67</u>	BRIEF in Opposition re <u>47</u> MOTION to Dismiss <i>Amended Complaint Under Fed. R. Civ. P. 12(b)(6) (Second Supplemental Brief)</i> filed by JACK FINLEY. (Attachments: # <u>1</u> Exhibit A)(NIRENBERG, JONATHAN) (Entered: 01/04/2007)
01/04/2007	<u>68</u>	Third MOTION for Leave to File <i>Supplemental Brief</i> by JACK FINLEY. (Attachments: # <u>1</u> Text of Proposed Order # <u>2</u> Certificate of Service)(NIRENBERG, JONATHAN) (Entered: 01/04/2007)
01/04/2007		Set Deadlines as to <u>68</u> Third MOTION for Leave to File <i>Supplemental Brief</i> . Motion Hearing set for 2/12/2007 10:00 AM before Judge Stanley R. Chesler. (nr,) (PLEASE BE ADVISED THAT THIS MOTION WILL BE DECIDED ON THE PAPERS UNLESS OTHERWISE NOTIFIED BY THE COURT) (Entered: 01/08/2007)
01/09/2007		CHAMBERS NOTICE: Adjourning Status/Settlement Conference from 1/19/2007 03:00 PM to 2/23/2007 03:30 PM before Magistrate Judge Claire C. Cecchi. (nc,) Modified on 1/26/2007 (nc,). (Entered: 01/09/2007)

01/09/2007	<u>69</u>	ORDER granting <u>62</u> Motion for Leave to File supplemental brief . Signed by Judge Stanley R. Chesler on 1/5/07. (jd,) (Entered: 01/11/2007)
01/09/2007	<u>70</u>	ORDER granting <u>65</u> Motion for Leave to File second supplemental brief. Signed by Judge Stanley R. Chesler on 1/9/07. (jd,) (Entered: 01/11/2007)
01/16/2007	<u>71</u>	REPLY to Response to Motion re <u>47</u> MOTION to Dismiss <i>Amended Complaint Under Fed. R. Civ. P. 12(b)(6)</i> filed by DUN &BRADSTREET CORPORATION, DUN &BRADSTREET CORPORATION RETIREMENT ACCOUNT. (Attachments: # <u>1</u> Certificate of Service)(MILLS, CHRISTOPHER) (Entered: 01/16/2007)
01/26/2007	<u>72</u>	OPINION . Signed by Judge Stanley R. Chesler on 01/26/2007. (nr,) (Entered: 01/29/2007)
01/26/2007	<u>73</u>	ORDER granting in part and denying in part <u>47</u> Motion to Dismiss the amended complt; and granting pltf's leave to amended complt. as to counts three and four.. Signed by Judge Stanley R. Chesler on 01/26/2007. (nr,) (Entered: 01/29/2007)
02/06/2007	<u>74</u>	ORDER denying <u>68</u> Motion for Leave to File a supplemental brief as moot . Signed by Judge Stanley R. Chesler on 02/06/2007. (nr,) (Entered: 02/07/2007)
02/07/2007	<u>75</u>	NOTICE of Change of Address by JONATHAN I. NIRENBERG (NIRENBERG, JONATHAN) (Entered: 02/07/2007)
02/09/2007	<u>76</u>	ANSWER to Amended Complaint by DUN &BRADSTREET CORPORATION, DUN &BRADSTREET CORPORATION RETIREMENT ACCOUNT. (Attachments: # <u>1</u> Certificate of Service)(MILLS, CHRISTOPHER) (Entered: 02/09/2007)
02/22/2007		CHAMBERS NOTICE: Adjourning Status/Settlement Conference from 2/23/07 3:30 PM to 4/2/2007 02:00 PM before Magistrate Judge Claire C. Cecchi. (nc,) (Entered: 02/22/2007)
04/24/2007	<u>77</u>	STIPULATION of Dismissal <i>Joint Stipulation of Dismissal with Prejudice</i> by DUN &BRADSTREET CORPORATION, DUN &BRADSTREET CORPORATION RETIREMENT ACCOUNT. (MILLS, CHRISTOPHER) (Entered: 04/24/2007)
04/30/2007	<u>78</u>	JOINT STIPULATION and ORDER of DIMISSAL. Signed by Judge Stanley R. Chesler on 04/27/2007. (nr,) (Entered: 04/30/2007)
04/30/2007		***Civil Case Terminated. (nr,) (Entered: 04/30/2007)