

MTNDDL, REFER, STAY, TERMED

**U.S. District Court
District of New Mexico - Version 3.0 (Santa Fe)
CIVIL DOCKET FOR CASE #: 6:99-cv-00404-PJK-LAM**

USA v. Belen, City of
Assigned to: Circuit Judge Paul Kelly, Jr
Referred to: Magistrate Judge Lourdes A. Martinez
Demand: \$0
Cause: 42:2000e Job Discrimination (Employment)

Date Filed: 04/08/1999
Date Terminated: 04/07/2004
Nature of Suit: 442 Civil Rights:
Jobs
Jurisdiction: U.S. Government
Plaintiff

Plaintiff

USA

represented by **Andrew A Foose**
Civil Rights Division
United States Department of
Justice
P.O. Box 65968
Washington, DC 20035-5968
(202) 514-6269
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Bill Lann Lee
US Department of Justice
Civil Rights Division
PO Box 65998
Washington, DC 20035-5998
(202) 514-4713
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jodi B Danis
US Department of Justice
Civil Rights Div
10th and Constitution Ave, NW
Patrick Henry Bldg #4024
Washington, DC 20530
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

John J. Kelly
Modrall Sperling Roehl Harris &

Sisk PA
PO Box 2168
Albuquerque, NM 87103
(505) 848-1800
Fax: 848-1889
TERMINATED: 02/26/2002
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Michael W Johnson
US Department of Justice
Civil Rights Division
PO Box 65968
Washington, DC 20035-5968
(202) 514-3749
Fax: 514-1005
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

William B Fenton
US Department of Justice
Civil Rights/Employment
Litigation Secti
PO Box 65968
Washington, DC 20035-5968
(202) 514-6269
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

Belen, City of, The, New Mexico

represented by **David J Duddleston**
Jackson, Lewis, Schnitzler &
Krupman
150 Fifth Street
#2800
Minneapolis, MN 55402
TERMINATED: 09/08/1999
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Molly Wright
Jackson, Lewis, Schnitzler &
Krupman

150 Fifth Street
#2800
Minneapolis, MN 55402
TERMINATED: 10/12/1999
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Thomas E Marshall
Jackson, Lewis, Schnitzler &
Krupman
150 Fifth Street
#2800
Minneapolis, MN 55402
TERMINATED: 09/08/1999
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Virginia Anderman
Miller Stratvert P.A.
P. O. Box 25687
Albuquerque, NM 87125-0687
505-842-1950
Fax: 505-243-4408
Email: vanderman@mstlaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Intervenor

Terry Piersol

represented by **Barbara Stiles Arbuckle**
1400 Central, SE
#2000
Albuquerque, NM 87106
(505) 243-6900
Fax: 998-6628
Email:
barbaraarbuckle@qwest.net
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
04/08/1999	<u>1</u>	COMPLAINT with jury demand (1 Summons(es) issued) (referred to Chief Magistrate William Deaton) (vv) (Entered:

		04/08/1999)
04/22/1999	2	MOTION (application) by intervenor Terry Piersol for intervention (sl) (Entered: 04/22/1999)
04/26/1999	3	NOTICE by plaintiff of refusal to consent to proceed before a U.S. Magistrate Judge (cc: intake) (sl) (Entered: 04/26/1999)
04/28/1999	4	MINUTE ORDER: Case assigned to Circuit Judge Paul Kelly Jr. , Case referred to Magistrate Judge Richard L. Puglisi (cc: all counsel) (sl) (Entered: 04/28/1999)
05/06/1999	5	USM RETURN OF SERVICE executed upon defendant Belen, City of on 4/19/99 (sl) (Entered: 05/07/1999)
05/10/1999	6	UNOPPOSED MOTION by defendant Belen, City of to extend time to answer until 5/19/99 (sl) (Entered: 05/11/1999)
05/13/1999	7	ORDER by Magistrate Judge Richard L. Puglisi granting deft's motion to extend time to answer until 5/19/99 [6-1] (cc: all counsel) (sl) (Entered: 05/13/1999)
05/19/1999	8	ANSWER by defendant Belen, City of [1-1] (sl) (Entered: 05/20/1999)
06/02/1999	9	ORDER by Chief Magistrate William Deaton terminating case referral to Magistrate Judge Richard L. Puglisi , Case referred to Magistrate Judge Karen B. Molzen (cc: all counsel) (pr) (Entered: 06/03/1999)
06/03/1999	10	ORDER by Circuit Judge Paul Kelly Jr. conditionally granting Terry Piersol's motion for intervention [2-1] (cc: all counsel, electronically) (dmw) (Entered: 06/04/1999)
06/09/1999	11	INITIAL SCHEDULING ORDER by Magistrate Judge Karen B. Molzen ; Rule 16 scheduling conference set for 7/23/99 at 2:00 pm; provisional discovery plan and IPTR due on 7/16/99 (cc: all counsel, electronic mailing) (sl) (Entered: 06/10/1999)
06/16/1999	12	INTERVENOR'S COMPLAINT by intervenor Terry Piersol (sl) (Entered: 06/16/1999)
06/16/1999		SUMMONS issued as to defendant Belen, City of (sl) (Entered: 06/16/1999)
06/16/1999	13	ENTRY OF APPEARANCE for plaintiff by Andrew A Foose and Michael W. Johnson (sl) (Entered: 06/16/1999)
06/16/1999	14	NOTICE of hearing before Circuit Judge Paul Kelly ; Status conference set for 7/14/99 at 2:00 pm in Albuquerque, NM (cc: all counsel, electronic mailing) (sl) (Entered: 06/17/1999)

06/28/1999	15	RETURN OF SERVICE executed upon defendant Belen, City of on 6/24/99 (sl) (Entered: 06/28/1999)
07/12/1999	16	ENTRY OF APPEARANCE for defendant Belen, City of by David J Duddleston, Thomas E Marshall (sl) (Entered: 07/12/1999)
07/14/1999	17	ENTRY OF APPEARANCE for defendant Belen, City of by David J. Duddleston and Thomas E. Marshall (sl) (Entered: 07/14/1999)
07/16/1999	18	ANSWER by defendant Belen, City of [12-1] (sl) (Entered: 07/16/1999)
07/16/1999	19	CERTIFICATE of service by defendant Belen, City of answers to complaint intervention to counsel on 7/15/99 (sl) (Entered: 07/16/1999)
07/16/1999	20	PROVISIONAL DISCOVERY PLAN by parties (vv) (Entered: 07/19/1999)
07/19/1999	21	CLERK'S MINUTES: before Circuit Judge Paul Kelly Jr. ; Status conference held on 7/14/99 C/R: Karen Rodriguez (sl) (Entered: 07/20/1999)
07/19/1999	22	CERTIFICATE of Service by plaintiff intervenor of initial disclosures, faxed to counsel of record on 07/16/99 (bap) (Entered: 07/20/1999)
07/21/1999	23	CERTIFICATE of Service by plaintiff of initial disclosures, mailed to counsel of record on 07/16/99 (bap) (Entered: 07/22/1999)
07/29/1999	24	INITIAL PRE-TRIAL REPORT by Circuit Judge Paul Kelly Jr. and Magistrate Judge Karen B. Molzen; Discovery set for 7/15/2000; mtn filing ddl set for 8/1/2000; proposed pretrial order due 7/4/2000; pretrial conference set for 10:00 am on 11/6/2000; jury trial set for 8:30 am on 12/4/2000 both in Albuquerque NM; Estimated # of Trial Days: 3 weeks; Chances of Settlement: unlikely (cc: all counsel) (mjr) (Entered: 07/29/1999)
07/30/1999	25	CERTIFICATE of service by intervenor Terry Piersol of discovery to counsel on 7/30/99 (vv) (Entered: 07/30/1999)
08/05/1999	26	CERTIFICATE of Service by plaintiff of initial disclosure of documents, mailed to counsel of record on 07/30/99 (bap) (Entered: 08/06/1999)
08/06/1999	27	CERTIFICATE of Service by plaintiff of supplementation to

		initial disclosures, mailed to opposing counsel on 08/02/99 (bap) (Entered: 08/09/1999)
08/12/1999	28	MOTION by intervenor Terry Piersol to consolidate cases (sl) (Entered: 08/12/1999)
08/12/1999	29	MEMORANDUM by intervenor Terry Piersol in support of motion to consolidate cases [28-1] (sl) (Entered: 08/12/1999)
08/12/1999	30	RESPONSE by defts Jerry Baca and Ronald Lewis (defts in CV 99-458) to pltf-in-intervention's motion to consolidate cases [28-1] (sl) (Entered: 08/12/1999)
08/12/1999	31	RESPONSE by defendant Belen, City of to pltf-in-intervention's motion to consolidate cases [28-1] (sl) (Entered: 08/12/1999)
08/12/1999	32	RESPONSE by plaintiff USA to pltf-intervenor's motion to consolidate cases [28-1] (sl) (Entered: 08/12/1999)
08/12/1999	33	REPLY by intervenor Terry Piersol to defts' response to motion to consolidate cases [28-1] (sl) (Entered: 08/12/1999)
08/20/1999	34	MOTION by defendant for leave to file a surreply (jrm) (Entered: 08/20/1999)
08/26/1999	35	ORDER by Circuit Judge Paul Kelly Jr. granting defts' motion for leave to file a surreply [34-1] (cc: all counsel) (former employee) (Entered: 08/26/1999)
08/26/1999	36	MOTION by defts' Jerry Baca and Ronald Lewis for leave to file an additional brief re the pltf-in-intervention's motion to consolidate (sl) (Entered: 08/27/1999)
08/26/1999	37	SURREPLY by defendant Belen, City of to pltf-in-intervention's motion to consolidate [28-1] (sl) (Entered: 08/27/1999)
08/27/1999	38	CERTIFICATE of service by plaintiff of first set of interrogatories and request to produce documents to counsel on 8/24/99 (vv) (Entered: 08/27/1999)
08/31/1999	39	ORDER by Circuit Judge Paul Kelly Jr. granting Jerry Baca and Ronald Lewis' motion for leave to file an additional brief re the pltf-in-intervention's (Terry Piersol) motion to consolidate [36-1] (cc: all counsel) (pz) (Entered: 08/31/1999)
09/07/1999	40	MOTION by defendant Belen, City of to withdraw attorney Jackson Lewis (sl) (Entered: 09/07/1999)
09/08/1999	42	ORDER by Magistrate Judge Karen B. Molzen granting motion to withdraw firm of Jackson Lewis [40-1] and attorneys Thomas

		E Marshall and David J Duddleston for Belen, City of (cc: all counsel) (msm) Modified on 09/17/1999 (Entered: 09/15/1999)
09/09/1999	41	MEMORANDUM, OPINION, AND ORDER: by Circuit Judge Paul Kelly Jr. denying motion to consolidate cases [28-1] by plaintiff-in-intervention Terry Piersol (cc: all counsel) (mjr) (Entered: 09/09/1999)
10/01/1999	43	CERTIFICATE of service by plaintiff of response to deft's request for production of documents to counsel on 9/24/99 (sl) (Entered: 10/04/1999)
10/01/1999	44	CERTIFICATE of service by plaintiff of answer to deft's interrogatories to counsel on 9/24/99 (sl) (Entered: 10/04/1999)
10/07/1999	45	UNOPPOSED MOTION by defendant to withdraw attorney Molly P. Wright (sl) (Entered: 10/07/1999)
10/07/1999	46	CERTIFICATE of service by defendant of unopposed motion to withdraw to counsel on 9/28/99 (vv) (Entered: 10/12/1999)
10/12/1999	47	MINUTE ORDER: granting motion to withdraw attorney Molly P. Wright [45-1] attorney Molly Wright for Belen, City of (cc: all counsel*) (jrm) (Entered: 10/13/1999)
10/18/1999	48	CERTIFICATE of service by defendant of answers to first set of interrogatories and request for production to counsel on 10/15/99 (vv) (Entered: 10/19/1999)
11/08/1999	49	UNOPPOSED MOTION for Extension of time to file motion to compel discovery until 11/19/99 by plaintiff (sl) (Entered: 11/08/1999)
11/08/1999	50	CERTIFICATE of service by plaintiff of unopposed motion for extension of time to file motion to compel discovery to counsel on 11/5/99 (vv) (Entered: 11/08/1999)
11/08/1999	51	ENTRY OF APPEARANCE for plaintiff USA by Jodi B Danis (sl) (Entered: 11/09/1999)
11/09/1999	52	ORDER by Circuit Judge Paul Kelly Jr. granting pltf's motion to extend the time to file a motion to compel discovery until 11/19/99 [49-1] (cc: all counsel) (mjr) (Entered: 11/09/1999)
12/09/1999	53	JOINT MOTION for order for entry of order concerning the designation and use of confidential information by parties(sl) Modified on 12/09/1999 (Entered: 12/09/1999)
12/14/1999	54	ORDER by Circuit Judge Paul Kelly Jr. granting motion for order for entry of order concerning the designation and use of

		confidential information [53-1] (cc: all counsel) (msm) Modified on 12/14/1999 (Entered: 12/14/1999)
01/14/2000	55	NOTICE of hearing before Circuit Judge Paul J. Kelly ; Status conference set for 3/1/00 at 2:00 pm in Albuquerque, NM (cc: all counsel*) (sl) (Entered: 01/14/2000)
02/25/2000	56	CLERK'S MINUTES: discovery dispute telephonic hearing held before Magistrate Judge Karen B. Molzen; Courtroom Clerk: M Garcia (former employee) (Entered: 02/25/2000)
03/03/2000	57	MINUTE ORDER: by Circuit Judge Paul J. Kelly reving various IPTR deadlines ; Discovery cutoff 9/15/00 ; Motion Filing cutoff 10/1/00 ; Pretrial order ddl 9/8/00 (cc: all counsel*) (sl) (Entered: 03/06/2000)
03/03/2000	58	CLERK'S MINUTES: before Circuit Judge Paul Kelly Jr. ; Status conference held on 3/1/00 C/R: Jackie Lujan (sl) (Entered: 03/06/2000)
03/03/2000	59	MINUTE ORDER: by Circuit Judge Paul J. Kelly requiring that any opposed motion to amend complaint be filed as a package by 4/14/00; any unopposed motion to amend the complaint be filed by 4/3/00 (cc: all counsel*) (sl) (Entered: 03/06/2000)
03/06/2000	60	ORDER by Magistrate Judge Leslie C. Smith ; telephonic Rule 16 scheduling conference set for 3/13/00 at 10:30 am (cc: counsel*) (sl) (Entered: 03/06/2000)
03/06/2000	61	CERTIFICATE of service by defendant of answers to second set of interrogatories and request to produce documents to counsel on 3/6/00 (vv) (Entered: 03/07/2000)
03/09/2000	62	UNOPPOSED MOTION by defendant Belen, City of for order to allow access to confidential documents to additional party pursuant to the order concerning the designation and use of confidential information (sl) (Entered: 03/10/2000)
03/13/2000	63	CLERK'S MINUTES: status conference held before Magistrate Judge Leslie C. Smith; settlement conference to be set for 4/7/00 at 1:00 pm before Judge Smith (former employee) Modified on 03/15/2000 (Entered: 03/13/2000)
03/13/2000	64	ORDER by Circuit Judge Paul Kelly Jr. granting motion for order to allow access to confidential documents to additional party pursuant to the order concerning the designation and use of confidential information [62-1] (cc: all counsel) (mjr) (Entered: 03/13/2000)
03/14/2000	65	ORDER by Magistrate Judge Leslie C. Smith setting settlement

		conference for 4/7/00 at 1:00 pm; parties to submit draft proposals and confidential settlement letter to Court in advance of settlement conference and to confer as described in order (cc: all counsel*) (sl) (Entered: 03/14/2000)
03/16/2000	66	CERTIFICATE of service by defendant of second supplemental answers to first set of interrogatories and request for production to counsel on 3/15/00 (vv) (Entered: 03/16/2000)
03/20/2000	67	CERTIFICATE of Service by plaintiff of first supplemental answers to interrogatories (set 1), overnight delivery to opposing counsel on 3/15/00 (bap) (Entered: 03/21/2000)
03/21/2000	68	JOINT MOTION to amend the order concerning the designation and use of confidential information by parties (sl) Modified on 03/21/2000 (Entered: 03/21/2000)
03/21/2000	69	CERTIFICATE of service by defendant of answers to third set of interrogatories and requests to produce documents to counsel on 3/21/00 (vv) (Entered: 03/22/2000)
03/22/2000	70	ORDER by Magistrate Judge Karen B. Molzen granting parties joint motion to amend the order concerning the designation and use of confidential information [68-1] (cc: all counsel) (sl) (Entered: 03/22/2000)
03/29/2000	71	ORDER granting plaintiff USAs' unopposed oral motion for extension of time to serve motion to compel discovery until 4/17/00 by Magistrate Judge Karen B. Molzen (cc: all counsel) (former employee) (Entered: 03/29/2000)
03/29/2000	72	UNOPPOSED MOTION for Extension of time to serve motion to compel discovery by USA (sl) (Entered: 03/29/2000)
04/03/2000	73	CERTIFICATE of service by plaintiff of unopposed motion for leave to file amended complaint, the accompanying complaint proposed form of order to counsel on 3/31/00 (vv) Modified on 04/05/2000 (Entered: 04/03/2000)
04/03/2000	74	UNOPPOSED MOTION by USA to amend complaint (original complaint attached) (sl) (Entered: 04/03/2000)
04/07/2000	75	ORDER by Circuit Judge Paul Kelly Jr. granting motion to amend complaint (original complaint attached) [74-1] (cc: all counsel) (msm) (Entered: 04/07/2000)
04/07/2000	76	AMENDED COMPLAINT [1-1] (Summons(es) issued) (msm) (Entered: 04/07/2000)
04/07/2000	77	CLERK'S MINUTES: settlement conference held before

		Magistrate Judge Leslie C. Smith; case setted Courtroom Clerk: Brian Matisse (former employee) (Entered: 04/11/2000)
04/18/2000	78	MOTION by intervenor Terry Piersol for partial dismissal with prejudice (sl) (Entered: 04/18/2000)
04/19/2000	79	ORDER by Circuit Judge Paul Kelly Jr. granting plaintiff-intervenor's motion for partial dismissal with prejudice; dismissing the City of Belen and individually named defts [78-1] (cc: all counsel) (mjr) (Entered: 04/21/2000)
04/25/2000	80	MOTION by intervenor Terry Piersol to dismiss pltf-intervenor's complaint in intervention against deft City of Belen with prejudice (sl) Modified on 04/26/2000 (Entered: 04/26/2000)
04/27/2000	81	ORDER by Circuit Judge Paul Kelly Jr. granting motion to dismiss pltf-intervenor's complaint in intervention against deft City of Belen with prejudice [80-1] (cc: all counsel) (mjr) (Entered: 04/27/2000)
06/19/2000	82	JOINT MOTION for order for approval and entry of settlement agreement by parties (sl) (Entered: 06/20/2000)
06/21/2000	83	ORDER by Circuit Judge Paul Kelly Jr. granting motion for order for approval and entry of settlement agreement as further described herein [82-1] (cc: all counsel) (mjr) (Entered: 06/21/2000)
07/13/2000	84	JOINT MOTION for order to appoint EEO monitor by parties (sl) Modified on 07/20/2000 (Entered: 07/14/2000)
07/31/2000	85	ORDER by Circuit Judge Paul Kelly Jr. granting motion for order to appoint EEO monitor [84-1] (cc: all counsel) (mjr) (Entered: 07/31/2000)
10/10/2000	86	OBJECTIONS by defendant to investigation (sl) (Entered: 10/10/2000)
10/18/2000	87	UNOPPOSED MOTION by plaintiff to stay for six-weeks the Court's consideration of petitioner Chris Pino's objection to investigation and request for hearing (sl) (Entered: 10/18/2000)
10/23/2000	88	ORDER by Circuit Judge Paul Kelly Jr. granting motion to stay for six-weeks the Court's consideration of petitioner Chris Pino's objection to investigation and request for hearing [87-1] (cc: all counsel) (mjr) (Entered: 10/23/2000)
11/30/2000	89	STIPULATED MOTION by defendant for stay of courts consideration of petitioners Chris Pino's objection to

		investigation and request for hearing (sl) (Entered: 11/30/2000)
12/06/2000	90	STIPULATED ORDER by Circuit Judge Paul Kelly Jr. granting mtn for stay of courts consideration of petitioner Chris Pino's objection to investigation and request for hearing [89-1] (cc: all counsel) (mjr) (Entered: 12/06/2000)
01/11/2001	91	MOTION by plaintiff to stay of the Court's consideration of petitioner Chris Pino's objection to investigation and request for a hearing (sl) (Entered: 01/11/2001)
01/16/2001	92	ORDER by Circuit Judge Paul Kelly Jr. granting motion to stay the Court's consideration of petitioner Chris Pino's objection to investigation for approximately four months; it ordered the Court will not set a hearing date until after May 1, 2001 [91-1] (cc: all counsel) (mjr) (Entered: 01/16/2001)
09/17/2001	93	MINUTE ORDER: by Circuit Judge Paul J. Kelly directing counsel for petitioner Chris Pino and the USA to file a status report within 10 days (cc: all counsel*) (sl) (Entered: 09/18/2001)
09/24/2001	94	JOINT MOTION by USA for order to withdraw 8/17/01 designation of petitioner Chris Pino for investigation pursuant to the settlement agreement entered by the Court on 6/21/01 (sl) Modified on 09/24/2001 (Entered: 09/24/2001)
09/28/2001	95	ORDER by Circuit Judge Paul Kelly Jr. granting motion for order to withdraw 8/17/01 designation of petitioner Chris Pino for investigation pursuant to the settlement agreement entered by the Court on 6/21/01 [94-1] (cc: all counsel) (mjr) (Entered: 10/04/2001)
02/20/2002	96	JOINT MOTION for order for appointment of new equal employment opportunity monitor pursuant to settlement agreement by parties (sl) (Entered: 02/20/2002)
02/21/2002	97	ORDER by Circuit Judge Paul Kelly Jr. granting motion for order for appointment of Linda Vanzi as the new Equal Employment Opportunity monitor pursuant to settlement agreement [96-1] (cc: all counsel) (former employee) Modified on 03/06/2002 (Entered: 02/21/2002)
04/03/2003	98	MINUTE ORDER: Case referred from Magistrate Judge Karen B. Molzen to Magistrate Judge Lourdes A. Martinez (cc: all counsel*) (sl) (Entered: 04/03/2003)
03/23/2004	99	MOTION by defendant to withdraw attorney (sl) (Entered: 03/23/2004)

03/24/2004	100	ORDER by Circuit Judge Paul Kelly Jr. granting deft's mtn to withdraw atty Linda M. Vanzi [99-1] (cc: all counsel) (td) (Entered: 03/24/2004)
03/29/2004	101	MOTION by defendant for order for dissolution of settlement agreement and memorandum brief in support (sl) (Entered: 03/30/2004)
04/01/2004	102	RESPONSE by USA to deft's motion for order for dissolution of settlement agreement [101-1] (sl) (Entered: 04/01/2004)
04/07/2004	103	ORDER by Circuit Judge Paul Kelly Jr. granting deft's motion for order for dissolution of settlement agreement [101-1] dismissing case with prejudice (cc: all counsel*) (vv) (Entered: 04/07/2004)