

APPEAL FLD ⁶⁻²³⁻⁹⁹ (#29) *dismissal #39*
 CIA# ~~99-16617~~

CLOSED

JURY DEMAND

CV-N-98-00500-DWH (RAM)

Page 1

DATE FILED: 09/04/98 N/S: 442 DISTRICT: 0978 COUNTY: 32031
 DATE CLSD.: / / J: 1 ORG: 1 PD: 7 DD: 7 R23: 4 DMND: MDL...:

I. CAUSE

42:2000(e) - EMPLOYMENT DISCRIMINATION
 NOT EXEMPT FRCP 16(b)
 EARLY NEUTRAL EVALUATION - CONTROL GROUP
 JURY TRIAL

II. UPPER

ATTORNEY

U.S. EQUAL EMPLOYMENT OPPORTUN Plaintiff

Treva Hearne ~~y #25~~ *Withdrawn #35*
 575 Forest St, Ste 200
 Reno NV 89504
 (775) 323-5700

(Cnsl for P/Intervener
 Carmen E. Nicosia)

Carmen Nicosia
 250-102 Jeanell Dr
 Carson City NV 89703

Pamela J. Thomason, Esq.
 Peter F. Laura, Esq.
 U.S. EQUAL EMPLOYMENT OPPORTUNITY
 COMMISSION
 255 E. Temple Street
 4th Floor
 Los Angeles, CA 90012
 (213) 894-1083

III. LOWER

ATTORNEY

LAUGHLIN ASSOCIATES, INC. Defendant

Ann Morgan (#2)
 Elizabeth M. Fielder
 SCHRECK MORRIS
 100 West Liberty #940
 Reno NV 89504
 (775) 322-7777 *cont*
 (775) 322-7791- Fax

COUNTER CLAIM filed 11/9/98 #3 *dam* (19)

see back page

Michael E. Malloy
 WALTHER KEY MUAPIN COX KLAICH &
 LEGOY
 3500 Lakeside Court, Ste 200
 POBox 30000
 Reno NV 89520 *in 33*
 (775) 727-2000
 Cnsl for D. Laughlin Associates.

LAUGHLIN ASSOCIATES, INC

Counterclaimant

vs

US EQUAL EMPLOYMENT
OPPOUNITY COMMISSION

Counterdefendent

dismissed 7/14

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION	DEFENDANT LAUGHLIN ASSOCIATES, INC.	CV-N-98-500- DOCKET NO. _____ PAGE 2 OF _____ PAGES	RAM
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DATE	NR.	PROCEEDINGS
9/04/98	1	COMPLAINT w/jury demand. olr
--	--	SUMMONS issd to cnsl for P. olr
--	--	JS-5 (AT) olr
9/09/98	--	ENE - CONTROL GROUP. Questionnaire sent. (AT) olr *mld-9/09/98
10/05/98	2	WAIVER/SUMMONS as to Laughlin Associates, Inc. by atty Elizabeth Fielder, cnsl for D, Laughlin Associates, Inc. (m) (AT) mkc
11/9/98	3	ANSWER to complaint and COUNTERCLAIM obo D/CntrD. (m)(AT) wj (14)
11/12/98	4	CERTIFICATE as to interested parties purs LR 10-6 obo D/CD. (m)(A)T wj
11/30/98	5	NOTICE of Motion to dismiss the counterclaim and Memo)&A in support thereof obo P. US Equal Employment Opportunity Commission. (m)(AT) wj granted (14)
12/14/98	6	STIPULATION/ORDER (DWH) ORD D's time to file rsn to P mtn to dismiss (#5) by 12/21/98. cps dist (AT) wj mld 12/15/98
12/17/98	7	STIPULATION/ORDER (RAM) ORD P has til 1/27/99 to rsn and srvd its discovery rsn. cps dist (TA) wj mld 12/17/98
12/21/98	8	LOCAL RULE 26-1 List of Witnesses and documents obo Ds. (m)(A)T wj
--	9	OPPOSITION to EEOC Mtn to dismiss counterclaim (#5) obo Ds. (m)(A)T wj
12/22/98	10	AFFIDAVIT of certified mailing of docs 1,2 and 3 upon Ds. (m)(AT) wj
12/31/98	--	RECEIVED stip for extn tm to file reply by 1/11/99. Orig to chambers. wj
1/5/99	11	STIPULATION/ORDER (DWH) ORD P has till 1/11/99 to file a reply to D's Opp to P's Mtn to dismiss the counterclaim. cps dist (AT) wj mld 1/6/99
1/11/99	12	REPLY to Counterclaimant's Opp (#9) obo P/CntrD. (m)(A)T wj
1/12/99	--	SUB to DWH #3 (AT) wj
1/21/99	13	STIPULATION/ORDER (RAM) ORD D time to Answer P 1st Set of Interr and produce docs in rsn to P's 1st Req for inscp and cpy of docs and tangible things until 2/9/99. cps dist (AT) wj mld 1/22/99
1/26/99	14	MINUTE ORDER dtd 1/27/99 (RAM) ORD parties hv 5 days from receipt of this order to submit dsc plan and schd ord. cps dist (AT) wj mld 1/27/99

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CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF	DEFENDANT	CV-N-98-500- RAM DOCKET NO.
US EQUAL EMPLOYMENT	LAUGHLIN ASSOCIATES	PAGE 3 OF PAGES

DATE	NR.	PROCEEDINGS
1/29/99	15	STIPULATION/ORDER(RAM) ORD stipulated disc plan and sched order due 2/12/99. cps dist (AT) wj mld 2/1/99
2/16/99	16	STIPULATION/DISCOVERY PLAN/SCHEDULING ORDER (RAM) ORD disc c/o 8/10/99 Dispo Mtns 9/9/99 ; P/T order 10/11/99 . Mtn limine c/o 9/9/99 . cps dist (AT) wj
3/3/99	17	ORDER (DWH) ORD that this case be referred to RAM USMJ for all fur prcdngs and the entry of judgment iaw 28USC636(c) FRCivP 73 and the forgoing consent of the parties. cps dist (AT) wj mld 3/4/99
3/3/99	18	MINUTE ORDER (DWH) ORD above entitled action is hereby ref to Hon RAM, USMJ, for all fur prcdngs and entry of final jdgment in accord LR IB 2-1. Counsel are advised that all fur docs sh bear the correct case number CV-N-98-500-RAM . Clk Crt is dir to change file and dkt to reflct this reassgnmnt. cps dist (AT) wj mld 3/4/99
3/4/99	--	SUB to RAM Item #17 and 18 (AT) wj
3/11/99	19	ORDER (RAM) ORD that P and Counterdefendant EEOC's Motion to dismiss Counterclaim (Doc #5) is granted . EOD 3/12/99 cps dist (AT) wj
3/12/99	--	ENE questionnaire sent to cnsl for D. wj
3/24/99	20	MOTION for intervention obo P/Intervener- Carmen E Nicosia, (m) (AT) wj (#21), 2, 2 3 <i>denied (28)</i>
3/25/99	--	ENE questionnaire sent to cnsl for P/Intervener. wj
04/08/99	21	NON-OPPOSITION to mtn for intervention (#20) obo P, US Equal Employment Opportunity Commission. (m) (AT)mkc
4/12/99	22	OPPOSITION to mtn for intervention (#20) obo Ds. Laughlin Assoc. (m) (AT) wj
4/23/99	23	REPLY to Motion to intervene (#20) obo P. (m) (AT) wj
4/26/99	--	SUB to RAM Item (#20) (AT) wj
5/24/99	24	EMERGENCY MOTION for protective order obo P/Intvnr. (m) (AT) wj <i>denied (28)</i>
--	--	SUB to RAM Item #24 (AT) wj
5/24/99	25	SUBSTITUTION/ATTORNEY (RAM) Marc Picker subs out and RObert E. Heaney subs in as cnsl for P/Intervenor Carmen E. Nicosia. cps dist wj (AT)
--	26	MINUTE ORDER (RAM) ORD a hearing is sched on Wednesday, 5/26/99, 9am re P's and Proposed P-Intervenor's Emerg Mtn for protective order (doc #24 filed 5/24/99). Parties hv been notif by ph and fax. cps dist (AT) wj mld 5/25/99

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CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	CV-N-98-500-RAM DOCKET NO. _____ PAGE 4 OF _____ PAGES
US EQUAL EMPLOYMENT		LAUGHLIN ASSOCIATES	
DATE	NR.	PROCEEDINGS	
5/25/99	27	OPPOSITION to Emergency Protective Order (#24) obo D. Laughlin Assoc. (m) (AT) wj	
5/25/99	--	USB to RAM Item #27 (AT) wj	
5/26/99	28	MINUTES/P & PROPOSE P-INTERVENOR'S EMERGENCY MTN FOR PROTECTIVE ORDER (DOC #24) AND MTN FOR INTERVENTION (DOC #20) dtd 5/26/99 (RAM) ORD that the Emergency Mtn for protective Order (#doc #24) is denied . FUR ORD that the mtn for intervention (obo Proposed P/Intern Carmen E Nicosia) (Doc #20) is denied . 9th Circuit has held that ea of 4 prongs must be met for intervention to be proper. (Tape 99-86) EOD 5/27/99 cps dist. wj (AT) remail to Treva Hearne on 6/15/99. wj	
6/23/99	29	NOTICE of appeal re doc #28 obo Proposed Plaintiff-Intervenor. (C/A <u>99-16617</u>)	
6/29/99	30	TRANSMITTAL LETTER (cpy) to Clk, C/A frm Clk USDC, re Not/Appl obo P/Intervenor (#29) Orig to C/A w/cpy dkt sht, etc. cps dist wj (AT) <i>remail 7-22-99 to CIA</i>	
7/13/99	31	MOTION to withdraw obo P/Intervenor. (m) (AT) wj <i>granted #35</i>	
7/21/99	32	STIPULATION/ORDER (RAM) ORD disc c/o extend to 9/30/1999; PT Mtns c/o extnd 10/30/99; PTNO extnd c/o 11/30/99. cps dist wj (AT) mld 7/22/99	
--	33	SUBSTITUTION/ATTORNEY (RAM) ORD Ann Morgan and Elizabeth Fielder sub out and Michael E. Malloy of WALTHER KEY MAUPIN sub in as cnsl for Ds, Laughlin Associates. cps dist wj (AT) mld 7/22/99	
7/26/99	34	TRANSMITTAL LETTER/RTN re doc #30 recvd by C/A on 7/1/99 and assigned C/A Number 99-16617. wj	
8/5/99	35	MINUTE ORDER (RAM) ORD that the mtn to withdraw Doc #31 is GRANTED and Proposed Plaintiff-Intervenor Carment Nicosia is hereafter appearing in pro se. FUR ORD that all fur docs in this case will be served on Carmen Nicosia 250-102 Jeanell Drive, Carson City NV 89703. cps dist wj (AT) mld 8/6/99	
9/10/99	--	RECEIVED stp settlement and stip for dism w/prej. origs to chamber. wj	
9/13/99	36	STIPULATED SETTLEMENT. wj	
9/13/99	37	STIPULATION ORDER (RAM) ORD that this case has been finally settled and that call claims alleged in this action byP agnst Ds may be DISMISSED WITH PREJUDICE parties to bear their own atty's fees and costs, w/o any award of fees or costs to either party, and that the Court may enter its order consisitent with this stipulation. cps dist wj (AT)	

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	CV-N-98-500-RAM DOCKET NO. _____
US EQUAL EMPLOYEMNT COMMISSION		LAUGHLIN ASSOC, et al	PAGE 5 OF _____ PAGES
DATE	NR.	PROCEEDINGS	
9/13/99	38	JUDGMENT (LSW:wj) ORD & ADJDGD that this case has been finally settled and that all claims alleged in this action by P agnst D may be dism with prej, both prts to bear their own atty fees and costs, w/i any award or fees or costs to either party, and that the Court may inter its order consistent with this stip. EOD 9/13/99 cps dist wj (AT)	
--	--	JS-6 (AT) wj	
12/17/99	39	ORDER (CC) re C/A 99-16617 (CAC:ot) ORD a reivew of the file in ths case reveals that the appellant has failed to perfect the appeal as prescribed by the Federal Rule of Appellate Procedure. Purs to 9th Cir Rule 42-1, this appeal is dismissed for failure to comply with the rules requiring processing the appeal to hearing. A certified cpy of this ord sent to the district court, agency or Tax Court sh act as and for the mandate of this court. cps dist wj (AT)	
12/20/99	--	SUB to RAM: Ord of mandate. wj (AT)	
1/7/2000	40	ORDER ON MANDATE (RAM) ORD that the mandate be spread upon the records of this Court. (C/A 99-16617). cps dist wj (AT)	
2/8/00	41	NOTICE/HEARING OSC fm USDC re ENE: (LSW:lg) to Cnsl: Hearne, Thomason, Fielder and Malloy. OSC hrng set 3/30/00 @9am bef USMJ PHA; Show cause hrng will be vac upon glf of properly complted survey w/in 10 days fm dt of ths ntc. cps dist wj (AT) mld 2/28/00	