

CLOSED

U.S. District Court
Northern District of New York - Main Office (Syracuse) [LIVE - Version 3.0.3] (Albany)
CIVIL DOCKET FOR CASE #: 1:97-cv-01396-TJM-DH

Equal Employment Com v. Allied Systems, Inc.
Assigned to: Senior Judge Thomas J. McAvoy
Referred to: Magistrate Judge David Hurd
Demand: \$0
Case in other court: 99-06105
Cause: 42:12101 American Disabilities Act

Date Filed: 09/26/1997
Date Terminated: 02/19/1999
Jury Demand: Plaintiff
Nature of Suit: 442 Civil Rights: Jobs
Jurisdiction: U.S. Government Plaintiff

Plaintiff

Equal Employment Com

represented by **Michael B. Ranis**
Equal Employment Opportunity
Commission
New York District Office
201 Varick Street
Room 1009
New York, NY 10014-1102
212-741-2786
Fax: FAX N/A
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

Allied Systems, Inc.

represented by **Brian Douglas Edwards**
Turner Broadcasting Systems
One CNN Center
Box 105366
Atlanta, GA 30303
404-827-1927
TERMINATED: 04/13/1999
LEAD ATTORNEY
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Daniel J. Hurteau

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LEAD ATTORNEY

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| Date Filed | # | Docket Text |
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| 09/26/1997 | 1 | COMPLAINT filed; ; Service deadline 11/25/97 for Allied Systems, Inc. (wbl) (Entered: 10/06/1997) |
| 09/26/1997 | | Summonses not issued. Service will be done by mail using the Waiver of Service of Summons. (wbl) (Entered: 10/06/1997) |
| 09/26/1997 | | Filing Order Issued; Conference set before Magistrate Judge David N. Hurd in Albany, Status Conference at 9:45 1/28/98 , Deadline for filing Case Management Plan, 1/14/98 (wbl) (Entered: 10/06/1997) |
| 12/05/1997 | 2 | ANSWER to Complaint with Affirmative Defenses for Allied Systems, Inc. (Attorney Daniel J. Hurteau), (jel) (Entered: 12/05/1997) |
| 01/20/1998 | 3 | Defendants Proposed Civil Case Management Plan Submitted. (sas) (Entered: 01/21/1998) |
| 01/20/1998 | 4 | MOTION by Daniel J. Hurteau, Esq., for Allied Systems, Inc. for Forrest W. Hunter & Brian Douglas Edwards to Appear Pro Hac Vice Motion returnable before Judge/Mag. Judge: HURD (sas) (Entered: 01/21/1998) |
| 01/20/1998 | 5 | AFFIDAVIT by Daniel J. Hurteau, Esq., for Allied Systems, Inc. Re: support of the [4-1] motion for Forrest W. Hunter & Brian Douglas Edwards to Appear Pro Hac Vice (sas) (Entered: 01/21/1998) |
| 01/20/1998 | 6 | Verified Petition for Admission to Practice in the NDNY by Forrest W. Hunter (sas) (Entered: 01/21/1998) |
| 01/20/1998 | 7 | Verified Petition for Admission to Practice submitted by Brian D. Edwards (sas) (Entered: 01/21/1998) |
| 01/20/1998 | 8 | AFFIDAVIT by Brian Douglas Edwards for Allied Systems, Inc. Re: support of the [4-1] motion for Forrest W. Hunter & Brian Douglas Edwards to Appear Pro Hac Vice (sas) (Entered: 01/21/1998) |
| 01/20/1998 | 9 | AFFIDAVIT by Forrest W. Hunter, Esq., for Allied Systems, Inc. Re: Support of the [4-1] motion for Forrest W. Hunter & Brian Douglas Edwards to Appear Pro Hac Vice (sas) (Entered: 01/21/1998) |

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| 01/21/1998 | 10 | Proposed Joint Civil Case Management Plan Submitted. (jel) (Entered: 01/21/1998) |
| 01/22/1998 | 11 | CERTIFICATE OF SERVICE that a Notice of motion for Admission Pro Hac Vice via U.S. Mail was served upon Michael B. Ranis, Esq. on 1/20/98 (sas) (Entered: 01/22/1998) |
| 01/28/1998 | 12 | ORDER, for Forrest E. Hunter and Brian Douglas Edwards to Appear Pro Hac Vice on behalf of Allied Systems, Inc. and Alston & Bird (signed by Magistrate Judge David N. Hurd) (fce) (Entered: 01/29/1998) |
| 01/30/1998 | 13 | Minute entry: 1/28/98 Rule 16 Conf. w/MJ Hurd. Brian Edwards & Forrest W. Hunter admitted pro hac vice on motion of Daniel Hurteau. Order to be submitted. CMO to be issued. App. Michael Ranis via telephone for pltf, Daniel Hurteau in chambers, Brian Edwards via telephone for deft Court Reporter/ECRO: None (cmr) (Entered: 02/02/1998) |
| 02/23/1998 | 14 | Uniform Pretrial Order; Trial Ready by: 2/15/99; Length of Trial 4 days; Preferred Trial Location: Albany, N.Y.; Join/Parties & Amend/Pleadings ddls 3/1/98; Discovery ddl 10/2/98; Motion Filing ddl 12/2/98; Jury Trial ddl 9:30 A.M. on 2/16/99 in Binghamton, N.Y.; signed by Chief Judge Thomas J. McAvoy dtd 2/23/98 (cml) (Entered: 02/23/1998) |
| 06/22/1998 | 15 | Minute entry: 6/19/98 Discovery Teleconf. w/MJ Hurd. Pltf's request for production of documents; deft to comply with same w/in 2 wks. Failure to comply may result in proposed Order to compel production being submitted. Deft's request to take EBTs of treating doctors w/o medical releases discussed. MJ Hurd to issue written decision regarding same. App. Michael Ranis for pltf, Brian Edwards for deft Court Reporter/ECRO: None (cmr) (Entered: 06/22/1998) |
| 06/25/1998 | 16 | Letter from Brian Edwards of Alston & Bird to Mag. Judge Hurd dated 5/11/98 re: Discovery (fce) (Entered: 06/25/1998) |
| 06/25/1998 | 17 | Letter from Michael B. Ranis EEOC Trial Atty., to Judge Hurd dated 5/20/98 re: responding to Deft. Allies letter of 5/11/98 regarding discovery (fce) (Entered: 06/25/1998) |
| 06/26/1998 | 18 | ORDER, Defendant's attorneys may conduct ex parte or private interviews with Mr. Eissing's treating physicians , Defendant's attorneys shall inform those treating physicians of their right to decline to be privately interviewed and shall provide them with a copy of this Order , Mr. Eissing may object and not consent to such private interviews , and Defendant's request to compel releases is DENIED (signed by Magistrate Judge David N. Hurd) (fce) (Entered: 06/26/1998) |
| 09/21/1998 | 19 | Letter from Michael B Ranis of EEOC to Judge Hurd dated 8/7/98 re: Seeking courts intervention regarding discovery disputes (fce) (Entered: 09/21/1998) |
| 09/21/1998 | 20 | Letter from Brian Edwards of Alston & Bird, LLP dated 8/17/98 re: Discovery, with attached exhibits (fce) (Entered: 09/21/1998) |
| 09/21/1998 | 21 | Letter from Brian D. Edwards to Judge Hurd dated 8/26/98 re: supplement to letter of 8/17/98 regarding discovery disputes (fce) (Entered: 09/21/1998) |

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| 09/22/1998 | 22 | Letter from Brian D. Edwards of Alston & Bird, LLP to Judge Hurd dated 9/18/98 re: responding to 9/11/98 letter from Michael Ranis of EEOC requesting 6 month extension of discovery. (fce) (Entered: 09/22/1998) |
| 09/22/1998 | 23 | REQUEST and ORDER, DENYING EEOC request for extension of discovery deadline to March 6, 1999 (signed by Magistrate Judge David N. Hurd) (fce) (Entered: 09/22/1998) |
| 09/22/1998 | 24 | ORDER denying [23-1] order EEOC request for extension of discovery deadline to March 6, 1999 to renew in the event plaintiff is awarded punitive damages, denying [23-2] relief, Document request #11 and interrogatory # 16-19 have been satisfactorily answered , Upon execution of a proper confidentiality agreement, defendant shall comply with doc. # 13. (signed by Magistrate Judge David N. Hurd) (fce) (Entered: 09/22/1998) |
| 09/30/1998 | 25 | Letter from Brian D. Edwards of Alston & Bird, LLP to Judge Hurd dated 9/28/98 re: requesting help in resolving a dispute pertaining to Discovery (fce) (Entered: 09/30/1998) |
| 10/06/1998 | 27 | EEOC'S NOTICE OF APPEAL of Two Discovery Rulings by Magistrate Judge Hurd's decision to District Court; returnable before Chief Judge Thomas J. McAvoy on 11-09-98 at 10:00 a.m. in Albany NY (pta) (Entered: 10/07/1998) |
| 10/06/1998 | 28 | MEMORANDUM by Equal Employment Com in support of [27-1] Magistrate appeal (pta) (Entered: 10/07/1998) |
| 10/06/1998 | 29 | AFFIDAVIT of Michael B. Ranis, Esq. by Equal Employment Com in support of Pltf Re: [27-1] Magistrate appeal; Exhibits A to L (pta) (Entered: 10/07/1998) |
| 10/07/1998 | 26 | COURT NOTICE Placing MOTION by Equal Employment Commission Appeal of Mag/Judge Hurd's Decisions filed 9-22-98 before Chief Judge McAvoy , Hearing set for 10:00 a.m. on 11/9/98 , Response Deadline 10/26/98 , Reply to Response Deadline 11/2/98 (pta) (Entered: 10/07/1998) |
| 10/15/1998 | 30 | LETTER of Brian D. Edwards dated 10/14/98 on behalf of Allied Systems, Inc. pursuant to Local Rule 7.1(b) regarding Motion: Summary Judgment served. (fce) (Entered: 10/15/1998) |
| 10/22/1998 | 31 | Letter application received from Equal Employment Com requesting: to Suspend Scheduled Motion for Summary Judgment to be heard 11-09-98 MC [forward to Chambers] (pta) (Entered: 10/22/1998) |
| 10/23/1998 | 32 | Letter from EEOC trial atty. Michael B. Ranis to Judge Hurd dated 10/14/98 re: responding to Allied's letter of 9/28/98 regarding discovery. (fce) (Entered: 10/23/1998) |
| 10/26/1998 | 33 | RESPONSE AFFIDAVIT by Brian Edwards for Allied Systems, Inc. Re: in opposition to [26-1] motion Appeal of Mag/Judge Hurd's Decisions filed 9-22-98 before Chief Judge McAvoy (fce) (Entered: 10/26/1998) |
| 10/26/1998 | 34 | MEMORANDUM OF LAW Order by Allied Systems, Inc. in opposition to [26-1] motion Appeal of Mag/Judge Hurd's Decisions filed 9-22-98 before Chief Judge McAvoy (fce) (Entered: 10/26/1998) |

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| 10/26/1998 | 35 | ORDER; granting [31-1] EEOC'S application to suspend scheduled Summary Judgment for 11-09-98 Motion Calendar (signed by Chief Judge Thomas J. McAvoy) (pta) (Entered: 10/26/1998) |
| 10/29/1998 | 36 | MEMORANDUM by Allied Systems, Inc. in opposition to [31-1] application to suspend summary judgment schedule (fce) (Entered: 10/29/1998) |
| 10/30/1998 | 37 | SUPPLEMENTAL AFFIDAVIT by Michael B. Ranis for Equal Employment Com Re: in support of[26-1] motion Appeal of Mag/Judge Hurd's Decisions filed 9-22-98 before Chief Judge McAvoy (fce) (Entered: 10/30/1998) |
| 10/30/1998 | 38 | ORDER, that plaintiff comply with defendants discovery demands fro 4/1/88 to present (signed by Magistrate Judge David N. Hurd) (fce) (Entered: 10/30/1998) |
| 11/02/1998 | 39 | COURT NOTICE of Pending Motions scheduled for 11-09-98 Motion Calendar will be taken on SUBMIT (pta) (Entered: 11/03/1998) |
| 11/04/1998 | 40 | ORDER denying Pltf's [26-1] Appeal of Mag/Judge Hurd's Decisions filed 9-22-98 (signed by Chief Judge Thomas J. McAvoy on 11/4/98) [served] (amt) (Entered: 11/06/1998) |
| 11/09/1998 | | Motion hearing re: [26-1] motion Appeal of Mag/Judge Hurd's Decisions filed 9-22-98 (cml) (Entered: 11/13/1998) |
| 11/13/1998 | 41 | Minute entry: MOTION CALENDAR HELD 11/09/98 bef Chief Judge McAvoy in Albany, NY: APP: None; CR: T. Berical; LC/AR. Pltf's [27-1] Magistrate appeal of MJ Hurd's decision - TAKEN ON SUBMIT [addressed by TJM [40-1] order] (cml) (Entered: 11/13/1998) |
| 11/17/1998 | 42 | REQUEST and ORDER, reset Dispositive Motion Filing deadline to 12/18/98 (signed by Magistrate Judge David N. Hurd) (fce) (Entered: 11/17/1998) |
| 12/07/1998 | 43 | ORDER amending Trial Ready date to be 3/8/99 and resetting Jury Trial for 9:30am on 3/9/99 (signed by Chief Judge Thomas J. McAvoy on 12/7/98) [served] (amt) (Entered: 12/07/1998) |
| 12/07/1998 | 44 | LETTER of Michael B. Ranis dated 12/3/98 on behalf of Equal Employment Com pursuant to Local Rule 7.1(b) regarding opposition papers to Motion: Summary Judgment served. (fce) (Entered: 12/07/1998) |
| 12/17/1998 | 45 | MOTION by Allied Systems, Inc. for Summary Judgment , Hearing set for 10:00 1/11/99 Motion returnable before Judge/Mag. Judge: McAvoy in Albany (fce) (Entered: 12/17/1998) |
| 12/17/1998 | 46 | Rule 7.1(f) Statement in Support of [45-1] motion for Summary Judgment filed by Allied Systems, Inc. (fce) (Entered: 12/17/1998) |
| 12/17/1998 | 47 | AFFIDAVIT by James Luda for Allied Systems, Inc. Re: in support of [45-1] motion for Summary Judgment (fce) (Entered: 12/17/1998) |
| 12/17/1998 | 48 | AFFIDAVIT by Brian Edwards for Allied Systems, Inc. Re: in support of [45-1] motion for Summary Judgment (fce) (Entered: 12/17/1998) |
| 12/17/1998 | 49 | MEMORANDUM OF LAW by Allied Systems, Inc. in support of [45-1] motion for Summary Judgment (fce) (Entered: 12/17/1998) |

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| 12/17/1998 | 50 | RESPONSE AFFIDAVIT by Michael B. Ranis for Equal Employment Com Re: in opposition to [45-1] motion for Summary Judgment (fce) (Entered: 12/17/1998) |
| 12/17/1998 | 51 | RESPONSE AFFIDAVIT by Joseph Eissing for Equal Employment Com Re: in opposition to [45-1] motion for Summary Judgment (fce) (Entered: 12/17/1998) |
| 12/17/1998 | 52 | Rule 7.1(f) Statement in Opposition to [45-1] motion for Summary Judgment filed by Equal Employment Com (fce) (Entered: 12/17/1998) |
| 12/17/1998 | 53 | MEMORANDUM OF LAW by Equal Employment Com in opposition to [45-1] motion for Summary Judgment (fce) (Entered: 12/17/1998) |
| 12/17/1998 | 54 | REPLY AFFIDAVIT by Brian edwards for Allied Systems, Inc. Re: in support of [45-1] motion for Summary Judgment (fce) (Entered: 12/17/1998) |
| 12/17/1998 | 55 | REPLY MEMORANDUM by Allied Systems, Inc. to response to [45-1] motion for Summary Judgment (fce) (Entered: 12/17/1998) |
| 01/06/1999 | 56 | Scheduling Notice: Deft [45-1] motion for Summary Judgment ADJOURNED from 1/11/99 to 2/8/99, 10:00 a.m. in Albany [all counsel were notified by phone on 1/6/99] [served] (plp) (Entered: 01/06/1999) |
| 02/01/1999 | 57 | COURT NOTICE of 2-08-99 Motion Calendar pending motions [45-1] will be taken on SUBMIT (pta) (Entered: 02/01/1999) |
| 02/08/1999 | | Motion hearing re: Deft's [45-1] motion for Summary Judgment held (cml) (Entered: 02/10/1999) |
| 02/10/1999 | 58 | Minute entry: MOTION CALENDAR HELD 2/08/99 bef Chief Judge McAvoy in Albany, NY: APP: None; CR: B. Buckley; LC/SE. Deft's [45-1] motion for Summary Judgment - TAKEN ON SUBMIT. (cml) (Entered: 02/10/1999) |
| 02/19/1999 | 59 | MEMORANDUM-DECISION-ORDER; that Allied's [45-1] motion for Summary Judgment is GRANTED and the Complaint against it is dismissed in its entirety. The Clerk is directed to close the file. (dd 2-18-99 signed by Chief Judge Thomas J. McAvoy) (pta) (Entered: 02/19/1999) |
| 02/19/1999 | 60 | JUDGMENT dismissing the complaint in its entirety for Allied Systems, Inc. against Equal Employment Com Date Served: 2/19/99 (pta) (Entered: 02/19/1999) |
| 02/19/1999 | | Case closed , Office 1 (pta) (Entered: 02/19/1999) |
| 03/22/1999 | 63 | DEFT ALLIED Proposed Bill of costs [placed on 6-14-99 Motion Calendar per Chambers] (pta) (Entered: 04/30/1999) |
| 03/22/1999 | 64 | MEMORANDUM by Allied Systems, Inc. in support of [63-1] Proposed Bill of Costs returnable 6-14-99 before Chief Judge Thomas J. McAvoy (pta) (Entered: 04/30/1999) |
| 04/07/1999 | 61 | RESPONSE by Equal Employment Com in opposition to deft.'s bill of costs (fce) (Entered: 04/07/1999) |
| 04/15/1999 | 62 | NOTICE OF APPEAL by Equal Employment Com . Appeal record due on 5/15/99. FEE WAIVED (fce) (Entered: 04/16/1999) |

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| 04/28/1999 | | Notice of appeal and certified copy of docket to USCA re: [62-1] appeal by Equal Employment Com (parties noticed). (pta) (Entered: 04/28/1999) |
| 04/30/1999 | 65 | COURT NOTICE Placing Deft Allied Systems, Inc. for Bill of Costs , Hearing set by the Court for 10:00 a.m. on 6/14/99 , Response Deadline 5/31/99 , Reply to Response Deadline 6/7/99 referring to Doc. #63 - ON SUBMIT BASIS (pta) (Entered: 04/30/1999) |
| 05/03/1999 | 66 | Bill of costs [placed on Chief Judge Thomas J. McAvoy's 6-14-99 Motion Calendar] (pta) (Entered: 05/13/1999) |
| 05/03/1999 | 67 | MEMORANDUM by Allied Systems, Inc. in support of [66-1] Bill of Costs against Pltf (pta) (Entered: 05/13/1999) |
| 06/03/1999 | 68 | Court of Appeals Scheduling Order, re: [62-1] appeal by Equal Employment Com ; Appeal record due on 6/16/99 (fce) (Entered: 06/03/1999) |
| 06/08/1999 | | Certified and transmitted Index to the record on appeal to U.S. Court of Appeals: [62-1] appeal by Equal Employment Com (pta) (Entered: 06/08/1999) |
| 06/09/1999 | 69 | MEMORANDUM-DECISION-ORDER; granting [65-1] Bill of Costs in the amount of \$3,345.35; denying Pltfs request for a stay. Defts motion is denied in all other respects (dd 6-09-99 signed by Chief Judge Thomas J. McAvoy) Date Entered: 6/9/99 (pta) (Entered: 06/09/1999) |
| 06/14/1999 | | Motion hearing re: Deft's [65-1] amended motion for Bill of Costs held (cml) (Entered: 06/15/1999) |
| 06/16/1999 | 70 | Minute entry: MOTION CALENDAR HELD 6/14/99 bef Chief Judge McAvoy in Albany, NY: APP: None; CR: T. Berical; LC/SE. Defts' [65-1] amended motion for Bill of Costs - TAKEN ON SUBMIT [addressed by TJM [69-1] Order] (cml) (Entered: 06/21/1999) |
| 06/21/1999 | 71 | CCA NOTICE of Receipt of Index to ROA #99-6105 received 6-15-99 (pta) (Entered: 06/21/1999) |
| 08/23/1999 | | USCA Case Number Re: [62-1] appeal by Equal Employment Com USCA NUMBER: 99-6105 (fce) (Entered: 08/24/1999) |
| 08/23/1999 | 72 | JUDGMENT OF USCA (certified copy) Re: [62-1] appeal by Equal Employment Com; Pursuant to FRAP 42(b), the parties to this appeal, having entered into an agreement to settle it, hereby agree that the appeal should be dismissed, with each party to pay its own costs on appeal (fce) (Entered: 08/24/1999) |

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