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General Docket

US Court of Appeals for the Third Circuit

Court of Appeals Docket #: 05-5393

Filed: 12/14/05

Nsuit: 1442 Civil Rights: Jobs

EEOC v. Hora Inc, et al

Appeal from: Eastern District of Pennsylvania

Lower court information:

District: 0313-2 : 03-cv-01429

Trial Judge: Gene E.K. Pratter, District Judge

Court Reporter: David Hayes

Date Filed: 3/6/03

Date order/judgment: 10/14/05

Date NOA filed: 12/9/05
-----Fee status: paid

Prior cases:

None

Current cases:

None

Docket as of June 30, 2007 6:02 pm

Page 1

05-5393 EEOC v. Hora Inc, et al

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION

MANESSTA BEVERLY

v.

HORA INC
AppelleeAndrew N. Howe
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[COR NTC ret]
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P.O. Box 4429
Reading, PA 19606-0129MARSHALL MGMT INC
AppelleeDaniel P. O'Meara
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 JANA R. BARNETT
 Appellant

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Docket as of June 30, 2007 6:02 pm

Page 2

05-5393 EEOC v. Hora Inc, et al

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION;

MANESSTA BEVERLY

v.

HORA INC; MARSHALL MGMT INC

Appellees

 JANA R. BARNETT

Appellant

Docket as of June 30, 2007 6:02 pm

Page 3

05-5393 EEOC v. Hora Inc, et al

12/14/05 CIVIL CASE DOCKETED. Notice filed by Jana R. Barnett.
 (dmm)

12/23/05 TRANSCRIPT PURCHASE ORDER (Part I), ordering a transcript
 of the proceedings, filed. (dmm)

12/27/05 APPEARANCE from Attorneys Michael P. Devlin and Daniel P.
 O'Meara on behalf of Appellee Marshall Mgmt Inc, filed. (dmm)

12/27/05 DISCLOSURE STATEMENT on behalf of Appellee Marshall Mgmt Inc, filed. (dmm)

12/27/05 APPEARANCE from Attorney Andrew N. Howe on behalf of Appellee Hora Inc, filed. (dmm)

12/27/05 DISCLOSURE STATEMENT on behalf of Appellee Hora Inc, filed. (dmm)

12/27/05 APPEARANCE from Attorneys Stephen J. Neuberger and Thomas S. Neuberger on behalf of Appellant Jana R. Barnett, filed. (dmm)

12/27/05 DISCLOSURE STATEMENT on behalf of Appellant Jana R. Barnett, filed. (dmm)

12/27/05 INFORMATION STATEMENT on behalf of Appellant Jana R. Barnett, received. (dmm)

12/27/05 CONCISE SUMMARY OF CASE on behalf of Appellant Jana R. Barnett, received. (dmm)

12/27/05 TRANSCRIPT PURCHASE ORDER (Part II) filed by David Hayes, filed. (dmm)

12/28/05 ORDER to David Hayes directing transcript, ordered on 12/22/05, to be filed by 1/24/06, filed. (dmm)

1/6/06 MOTION by Appellees Hora Inc and Marshall Mgmt Inc to dismiss appeal, filed. Answer due 1/23/06. Certificate of Service dated 1/6/06. ZZ#Send ZZ#to ZZ#Merits ZZ#Panel (dmm)

1/13/06 TRANSCRIPT PURCHASE ORDER (Part III) notifying transcript by David Hayes filed in D.C., filed. (dmm)

1/17/06 FOLLOW UP LETTER to Kevin I. Lovitz, Anne L. Carroll, Laura L. Hoppenstein, Howard Kurman, Jacqueline H. McNair, Dawn M. Edge, Judith A. O'Boyle and Jana R. Barnett requesting the following documents: **Appearance Form **Disclosure Statement ZZ#SEND ZZ#TO ZZ#MERITS ZZ#PANEL (dmm)

1/17/06 Unopposed MOTION by Appellant Jana R. Barnett to extend time to file response to Appellees' motion to dismiss, filed. Certificate of Service dated 1/17/06. (dmm)

Docket as of June 30, 2007 6:02 pm

Page 4

05-5393 EEOC v. Hora Inc, et al

1/19/06 ORDER (Clerk) granting Appellant's motion to extend time to file response to motion to dismiss. Appellant's response shall be filed on or before 2/7/06, filed. (dmm)

1/25/06 ZZ#ATTORNEY ZZ#NOT ZZ#PARTICIPATING: Anne L. Carroll advises that she will not participate in this appeal. ZZ#[SEND ZZ#TO ZZ#MERITS ZZ#PANEL] (dmm)

2/7/06 RESPONSE filed by Appellant Jana R. Barnett in opposition to Appellee's motion to dismiss for lack of jurisdiction. Certificate of Service dated 2/7/06. ZZ#Send ZZ#to ZZ#Merits ZZ#Panel (dmm)

4/18/06 ORDER (Roth, Fuentes, Authoring Judge, and Van Antwerpen,

Circuit Judges) referring to the merits panel the motion to dismiss and response. Judge Roth would grant the motion to dismiss, filed. ZZ#SEND ZZ#TO ZZ#MERITS ZZ#PANEL. D-60 (slc)

4/18/06 CERTIFIED LIST filed. (slc)

4/18/06 BRIEFING NOTICE ISSUED. Appellant's brief and appendix due 5/30/06. (slc)

4/26/06 Unopposed MOTION by Appellant Jana R. Barnett for extension of time to file brief and appendix until 7/31/06, filed. Certificate of Service dated 4/26/06. (dmm)

4/28/06 ORDER (Clerk) granting Appellant's motion to extend time to file brief and appendix. Appellant's brief and appendix shall be filed and served on or before 7/31/06. No further extensions will be granted, filed. (dmm)

7/31/06 ELECTRONIC BRIEF on behalf of Appellant Jana R. Barnett, Copies: 1, Pages: 54, Word Count: 12,611, delivered by mail, filed. Certificate of service date 7/31/06. (lal)

8/4/06 CERTIFICATION OF SERVICE for Appellant Appendix, filed. (lal)

8/7/06 HARD COPY RECEIVED of brief with appendix volume I attached from Appellant, Copies: 10. (mcw)

8/7/06 APPENDIX on behalf of Appellant, Copies: 4, Volumes: 2(volume I attached to hard copy), Delivered by mail, filed. Certificate of service date 7/31/06. (mcw)

9/5/06 ELECTRONIC BRIEF on behalf of Appellees, Copies: 1, Pages: 31, Word Count: 6,858, delivered by mail, filed. Certificate of service date 9/5/06. (eh)

9/8/06 HARD COPY RECEIVED from Appellees submitting 10 ccs of brief (eh)

9/14/06 APPEARANCE from Attorney Howard Kurman on behalf of Appellee Marshall Mgmt Inc, filed. (dmm)

Docket as of June 30, 2007 6:02 pm

Page 5

05-5393 EEOC v. Hora Inc, et al

9/19/06 REPLY BRIEF on behalf of Appellant Jana R. Barnett, Copies: 1. Delivered by mail, filed. Certificate of service date 9/19/06. (lal)

9/21/06 HARD COPY RECEIVED of Reply Brief from Appellant Jana R. Barnett, Copies: 10. (lal)

2/6/07 LETTER dated 2/6/07 filed pursuant to Rule 28(j) from counsel for Appellant Jana R. Barnett. ZZ#SEND ZZ#TO ZZ#MERITS ZZ#PANEL (dmm)

3/21/07 CALENDARED for Monday, May 21, 2007. (Rescheduled from Tuesday, May 22, 2007.) (eh)

4/9/07 WITHDRAW OF APPEARANCE: attorney Michael P. Devlin for Marshall Mgmt Inc withdrawing appearance. (dmm)

4/18/07 ORDER (Barry, Authoring Judge, Chagares and Tashima, Circuit Judges) denying Appellee's motion to dismiss,

filed. (dmm)

5/15/07 Letter dated May 15, 2007, received from Andrew N. Howe, Esq., counsel for Appellee respectfully requesting Appellees Hora, Inc. and Marshall Management, Inc. permission to submit their arguments on the filed briefs only and not appear at oral argument on Monday, May 21, 2007 for various reasons, filed. (Please see letter for further information) (eh)

5/21/07 ARGUED Monday, May 21, 2007 Panel: Barry, Chagares and *Tashima, Circuit Judges. Counsel for Appellant: Thomas S. Neuberger and Counsel for Appelles: Andrew N. Howe(Hora, Inc.) and Howard K. Kurman (Marshall Mgmt, Inc.) *Sitting by designation from the U.S. Court of Appeals for the 9th Circuit. (eh)

6/29/07 NOT PRECEDENTIAL OPINION (Barry, Chagares and Tashima*, Authoring Judge, Circuit Judges), filed. Total Pages:#8. (*Honorable A. Wallace Tashima, United States Circuit Judge for the Ninth Circuit, sitting by designation). (ghb)

6/29/07 JUDGMENT: REVERSED. Costs taxed against Appellees, filed. (ghb)

Docket as of June 30, 2007 6:02 pm

Page 6

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