

**General Docket
Tenth Circuit Court of Appeals**

Court of Appeals Docket #: 09-4207
Nature of Suit: 1446 Americans w/Disab Act - Other
EEOC, et al v. C.R. England
Appeal From: United States District Court for the District of Utah
Fee Status: U.S. appellant

Docketed: 11/13/2009
Termed: 05/03/2011

Case Type Information:

- 1) civil
- 2) USA as party
- 3) -

Originating Court Information:

District: 1088-2 : [2:06-CV-00811-BSJ](#)
Court Reporter: Dawn Brunner-Hahn, -, Court Reporter
Court Reporter: Ashley Davis, -
Court Reporter: Laura Robinson, -
Trial Judge: Bruce S. Jenkins, -, Senior U.S. District Judge
Date Filed: 09/25/2006
Date NOA Filed: 11/12/2009

Date Rec'd COA:
11/12/2009

Prior Cases:

None

Current Cases:

	Lead	Member	Start	End
Companion	09-4207	09-4217	11/25/2009	

Panel Assignment: Not available

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Plaintiff - Appellant

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WALTER WATSON
Plaintiff-Intervenor

v.

C.R. ENGLAND
Defendant - Appellee

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EQUAL EMPLOYMENT OPPORTUNITY COMMISSION,

Plaintiff - Appellant,

and





































WALTER WATSON,






Intervenor-Plaintiff,








v.

C.R. ENGLAND,

Defendant - Appellee.

11/13/2009	  23 pg, 155.18 KB	[9710915] Civil case docketed. Preliminary record filed. DATE RECEIVED: 11/12/2009 Docketing statement due 11/30/2009 for Equal Employment Opportunity Commission. Transcript order form due 11/30/2009 for Mary Jo O'Neill. Notice of appearance due on 11/30/2009 for C.R. England and Equal Employment Opportunity Commission.
11/16/2009	  1 pg, 59.83 KB	[9711366] Notice filed that the transcript is already on file in the district court filed by Ms. Valerie Leigh Meyer for EEOC. Served on: 11/16/2009. Manner of Service: email, clerk. VLM
11/17/2009	  2 pg, 32.16 KB	[9711690] Notice of appearance submitted by Scott A. Hagen and Michael E. Blue for Appellee C.R. England for court review. Certificate of Interested Parties: Yes. Served on 11/17/2009. Manner of Service: US mail. SAH
11/17/2009	  2 pg, 42.45 KB	[9711717] Notice of appearance filed by Mr. Michael E. Blue for C.R. England and Mr. Scott A. Hagen for C.R. England. CERT. OF INTERESTED PARTIES: y. Served on 11/17/2009. Manner of Service: US mail.
11/17/2009	  2 pg, 22.03 KB	[9711735] Notice of appearance submitted by Anne Noel Occhialino for Appellant EEOC for court review. Certificate of Interested Parties: Yes. Served on 11/17/2009. Manner of Service: clerk. ANO
11/17/2009	  2 pg, 22.56 KB	[9711822] Notice of appearance filed by Ms. Anne Noel Occhialino for EEOC. CERT. OF INTERESTED PARTIES: y. Served on 11/17/2009. Manner of Service: clerk.
11/17/2009	  1 pg, 113.8 KB	[9712008] Filed notice record is complete. Served on 11/17/2009. Manner of Service: email. Appellant's brief and appendix due on 12/31/2009 for Equal Employment Opportunity Commission.
11/18/2009	  23 pg, 161.16 KB	[9712123] Docketing statement filed by EEOC. Served on 11/18/2009. Manner of Service: clerk.--[Edited 11/18/2009 by LAB to unseal documents- one attachment is sealed.] ANO
11/20/2009	  1 pg, 15.38 KB	[9713190] Case referred for mediation conferencing. Please open the document link in this notice for additional information.
11/25/2009	  4 pg, 13.99 KB	[9714551] Motion filed by Appellant EEOC to extend time to file appellant/petitioner's brief until 01/14/2010. Served on: 11/25/2009. Manner of service: clerk. ANO
11/25/2009	  1 pg, 49.12 KB	[9714633] Order filed by Clerk of the Court granting Attorney motion to extend time to file appellant's brief. Appellant's brief and appendix due on 01/14/2010 for Equal Employment Opportunity Commission. Served on 11/25/2009.
11/25/2009		[9714634] Minute order filed - Appellant/Petitioner's brief due on 01/14/2010 for Equal Employment Opportunity Commission. (Text Only - No Attachment)
12/23/2009	  1 pg, 14.39 KB	[9722791] On the court's own motion and pursuant to 10th Cir. R. 33.1, order filed by (CLK) extending time to file appellant's brief and appendix until 02/04/2010 in 09-4207.
02/04/2010	  10 pg, 37.02 KB	[9734334] Motion filed by Appellant EEOC to seal Appellant's Opening Brief and Appendix Volumes II and III. Served on: 02/04/2010. Manner of service: clerk. ANO
02/04/2010	  1 pg, 50.16 KB	[9734411] Order filed by Clerk of the Court response to Attorney motion to seal. Response due on 02/12/2010 for C.R. England. Served on 02/04/2010.
02/04/2010		This entry has been removed from the docket as appellant's sealed brief was amended on 2/22/10, pursuant to this court's order of the same date. ANO
02/11/2010	  0 pg, 0 KB	[9736484] Sealed response filed by C.R. England to Opposed Motion of the Equal Employment Opportunity Commission to File its Opening Brief and Volumes II and III of Appendix Under Seal. Served on 02/11/2010. Manner of Service: US mail, email. SAH
02/17/2010	  2 pg, 52.57 KB	[9737528] Order filed by Judges Kelly and Gorsuch - This matter is before the court on the Opposed Motion of the Equal Employment Opportunity Commission to File Its Opening Brief and Volumes II and III of Appendix Under Seal (the "Motion"). As noted, Appellee C.R. England, Inc., opposes the Motion and filed a response. Upon consideration, the Motion is provisionally granted as follows: The EEOC's opening brief and Volumes II and III shall be filed under seal. The EEOC submitted its opening brief electronically using the proper sealing technique. The hard copies of the opening brief are also marked as sealed. Volumes II and III of the appendix, which were transmitted to the court only in hard copy, were also marked sealed. The EEOC need not take any further action to maintain the sealed nature of these documents at this time. The ultimate propriety of keeping the opening brief and Volumes II and III of the appendix sealed is referred to the panel of judges that will decide this appeal on the merits. [9734334-2] [9736484-2] Served on 02/17/2010.
02/17/2010		[9737530] Minute order filed - Appellee/Respondent brief now due 03/11/2010 for C.R. England. (Text Only - No Attachment)
02/17/2010		This entry has been removed from the docket. An amended appendix was filed with appellant's amended

02/18/2010	  5 pg, 16.64 KB	brief on 2/22/10 pursuant to this court's order of the same date. See the entry for appellant's amended brief filed 2/22/10 for amended appendix. [9738105] Motion filed by Appellant EEOC for leave to amend appellant's brief and appendix. Served on: 02/18/2010. Manner of service: clerk.--[Edited 02/18/2010 by LAB to correct relief sought.] ANO
02/18/2010		This entry has been removed from the docket - the brief has been received but not filed pending ruling on the motion for leave to file amended brief and appendix. ANO
02/18/2010	  0 pg, 0 KB	[9738175] Sealed Amended Opening Brief received from EEOC but not filed pending ruling on the motion for leave to amend brief and appendix.
02/22/2010	  2 pg, 46.27 KB	[9738724] Order filed by Clerk of the Court (Iss) granting Appellant EEOC's motion to amend their opening brief and appendix. The brief shall be filed as of the date of this order. Consistent with the court's 2/17/10 order, the amended opening brief and amended Volumes II, III, and IV of the appendix shall be filed under seal on a provisional basis, with the ultimate decision on whether to keep these documents under seal referred to the merits panel. The prior deadline for Appellee's brief is vacated. Appellee's brief shall be served and filed within 30 days of the date of this letter. Appellee's brief due March 24, 2010. Served on 02/22/2010.
02/22/2010	  0 pg, 0 KB	[9738725] Appellant amended sealed brief filed by EEOC (filed pursuant to this court's 2/22/10 order). Original and 7 copies. Served on 02/18/2010 by email. Oral argument requested? y. Amended appendix filed. Original and 1 copy. Appendix pages: 1237. Number of volumes: 4 (volumes 2-4 of the record are sealed.--[Edited 02/22/2010 by LAB to reflect sealed status of brief and appendix.]
03/19/2010	  3 pg, 22.23 KB	[9746642] Motion filed by Appellee C.R. England to extend time to file appellee's brief until 03/31/2010. Served on: 03/19/2010. Manner of service: US mail. SAH
03/22/2010	  1 pg, 49.88 KB	[9746986] Order filed by Clerk of the Court granting Attorney motion to extend time to file appellee's brief. Appellee's brief now due 03/31/2010 for C.R. England. Served on 03/22/2010.
03/31/2010	  0 pg, 0 KB	[9749905] Appellee/Respondent's sealed brief filed by C.R. England. Original and 7 copies. Served on: 03/31/2010. Manner of service: US mail. Oral argument requested? Yes.--[Edited 04/01/2010 by LAB to seal attached documents.] SAH
04/01/2010		[9750122] Minute order filed - Appellant's reply brief now due 04/19/2010 by Equal Employment Opportunity Commission.. (Text Only - No Attachment).
04/19/2010	  0 pg, 0 KB	[9754994] Sealed appellant/petitioner's reply brief filed by EEOC. Original and 7 copies. Served on 04/19/2010. Manner of Service: ECF/NDA. ANO
06/02/2010		[9768333] Notice of appearance submitted by Jeannette F. Swent for Appellant EEOC for court review. Certificate of Interested Parties: No.--[Edited 06/02/2010 by BV - To change interested parties to No - interested party listed as an attorney of record] Served on 06/02/2010. Manner of Service: ECF/NDA, US mail.--[Edited 06/02/2010 by BV - To remove the PDF from the docket entry as pleading has been filed as of 06/02/2010.] JFS
06/02/2010	  4 pg, 45.42 KB	[9768359] Notice of appearance filed by Ms. Jeannette Frazier Swent for EEOC. CERT. OF INTERESTED PARTIES: n. Served on 06/02/2010. Manner of Service: ECF/NDA.
07/26/2010	  1 pg, 394.39 KB	[9782499] Calendar notice sent to counsel. Arguments to be held Thursday, September 23, 2010 at 9:00 am in Courtroom IV, Byron White United States Courthouse, Denver, CO. Counsel is required to go to http://www.ca10.uscourts.gov under the argument calendar tab to obtain an important notice regarding calendared cases and required forms. The calendar acknowledgment form must be completed and filed with the clerk via Electronic Case Filing within 10 days of today's date.
07/26/2010	  1 pg, 26.56 KB	[9782583] Oral Argument Acknowledgment Form filed by Mr. Walter Watson. Served on 07/26/2010. Manner of Service: ECF/NDA. [09-4217, 09-4207] RTM
07/27/2010	  1 pg, 93.49 KB	[9782723] Oral Argument Acknowledgment Form filed by C.R. England in 09-4207, 09-4217. Served on 07/27/2010. Manner of Service: ECF/NDA. [09-4207, 09-4217] SAH
07/28/2010	  1 pg, 402.74 KB	[9783632] Oral Argument Acknowledgment Form filed by EEOC. Served on 07/28/2010. Manner of Service: ECF/NDA. ANO
07/28/2010		[9783750] Monahan, Russell Thomas removed from arguing. Correction - atty docketing error.
09/23/2010	  1 pg, 30.26 KB	[9800168] Matter consolidated for argument; Anne Occhialino and Russell Monahan argued for Appellant; Scott Hagen argued for Appellee; Submitted to Judges Kelly, Ebel and Holmes. [09-4207, 09-4217]
03/11/2011	  18 pg, 158.69 KB	[9848015] Supplemental authority filed by EEOC. Served on 03/11/2011. Manner of Service: ECF/NDA. ANO
03/31/2011		[9853992] Response filed by C.R. England in 09-4207, 09-4217 to EEOC 28(j) Supplemental Authority.

05/03/2011	 2 pg, 197.09 KB	Served on 03/31/2011. Manner of Service: ECF/NDA. [09-4207, 09-4217] SAH [9863435] Order filed by Judges Kelly, Ebel and Holmes [as found in the court's opinion] granting EEOC's motion to seal. [Text only entry. No document attached.] [09-4207, 09-4217]
05/03/2011	  55 pg, 120.71 KB	[9863439] Affirmed. Terminated on the merits after oral hearing. Written, signed, published. Judges Kelly; Ebel; and Holmes, authoring. Mandate to issue. [09-4207, 09-4217]
05/03/2011	  2 pg, 14.12 KB	[9863446] Judgment for opinion filed. [09-4207, 09-4217]
06/27/2011	  1 pg, 20.59 KB	[9879013] Mandate issued. [09-4207, 09-4217]