

**U.S. District Court  
Eastern District of Virginia (Richmond)  
CIVIL DOCKET FOR CASE #: 3:03-cv-00675-REP**

Krane, et al v. Capital One Services  
Assigned to: District Judge Robert E. Payne  
Demand: \$500,000  
Cause: 28:1331 Fed. Question: Employment Discrimination  
(Age)

Date Filed: 08/08/2003  
Date Terminated: 07/16/2004  
Jury Demand: Plaintiff  
Nature of Suit: 442 Civil Rights: Jobs  
Jurisdiction: Federal Question

**Plaintiff**

**Donald F. Krane**

represented by **Craig Juraj Curwood**  
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**Plaintiff**

**Cynthia Gay**

represented by **Craig Juraj Curwood**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Plaintiff**

**Michael H. Jones**

represented by **Craig Juraj Curwood**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Plaintiff**

**Bruce M. Wilson**

represented by **Craig Juraj Curwood**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Plaintiff**

**Eric B. Winfrey**  
*on behalf of themselves and all others  
similarly situated*

represented by **Craig Juraj Curwood**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant**

**Capital One Services, Inc.**

represented by **Jennifer Magoulas Campbell**  
McGuireWoods LLP  
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Date Filed	#	Docket Text
08/08/2003	1	COMPLAINT Filing Fee \$ 150.00 Receipt # 69491; jury demand (thom) (Entered: 08/11/2003)
08/11/2003		SUMMONS(ES) issued for Capital One Services (mailed to atty. per request) (thom) (Entered: 08/11/2003)
08/11/2003		Jury Trial Flag (thom) (Entered: 08/12/2003)
08/13/2003	2	ORDER that the undersigned whose wife owns stock in deft corporation recuses himself from this matter; it is hereby ORDERED that the Clerk reassign this matter to another judge in accordance with standard assignment system; ( signed by Judge Richard L. Williams ) Copies Mailed: y [EOD Date: 8/13/03] (thom) (Entered: 08/13/2003)
08/13/2003		CASE reassigned to Judge Robert E. Payne per Order entered 8/13/03. (thom) (Entered: 08/13/2003)
11/20/2003	3	(WITHDRAWN per Order entered 11/21/03) MOTION by Donald F. Krane for Leave to File Amended Complaint and Join Additional Parties Plaintiff (w/sketch Order presented) (thom) Modified on 11/24/2003 (Entered: 11/20/2003)
11/21/2003	4	MOTION by Donald F. Krane to Withdraw [3-1] motion by Donald F. Krane for Leave to File Amended Complaint and Join Additional Parties Plaintiff (thom) (Entered: 11/21/2003)
11/21/2003	5	ORDER granting [4-1] motion by Donald F. Krane to Withdraw [3-1] motion by Donald F. Krane for Leave to File Amended Complaint and Join Additional Parties Plaintiff; WITHDRAWING [3-1] motion by Donald F. Krane for Leave to File Amended Complaint and Join Additional Parties Plaintiff; the First Amended Complaint shall be deemed filed on the date it is stamped received by the Clerk; ( signed by Judge Robert E. Payne ) Copies Mailed: y [EOD Date: 11/21/03] (thom) (Entered: 11/21/2003)

11/21/2003		Summons dated 8/11/03 returned --not served; summons placed on left. (thom) (Entered: 11/24/2003)
11/21/2003		SUMMONS(ES) re-issued for Capital One Services for Amended Complaint; (atty. received at counter) (thom) Modified on 11/24/2003 (Entered: 11/24/2003)
11/21/2003	7	Consent Form for Representative Action Complaint filed by Long T. Truong (thom) (Entered: 11/24/2003)
11/24/2003	6	AMENDED COMPLAINT by Donald F. Krane, Cynthia Gay, Michael H. Jones, Bruce M. Wilson, Eric B. Winfrey ; amending [1-1] complaint; jury demand (thom) (Entered: 11/24/2003)
12/03/2003	8	Consent Form for Representative Action Complaint Opt-In Form filed by Ralph Centanni, George Flanagan, Donald F. Krane, Bruce M. Wilson, Eric Winfrey (thom) (Entered: 12/04/2003)
12/08/2003	9	SUMMONS Returned Executed as to Capital One Services 12/4/03 Answer due on 12/24/03 (thom) (Entered: 12/08/2003)
12/12/2003	10	Consent form for Representative Action Complaint OPT-IN for Michael Jones, Cynthia Gay, Patricia Smith, Nancy Wood, Joanne Butler, William Battle, Edward Foley, Kerry Jorgenson, Deborah McCloud, and James Baldwin filed by plaintiff Cynthia Gay (scoo) (Entered: 12/15/2003)
12/15/2003	11	Consent Form for Representatiave Action Complaint for Opt In filed by Curtis D. Anderson and Jon Michael LaBelle (thom) (Entered: 12/16/2003)
12/19/2003	12	Consent Form for Representative Action Complaint for Violations of the Age Discrimination in Employment Act filed by Ron David Liberman (khan) Modified on 12/19/2003 (Entered: 12/19/2003)
12/19/2003	13	Consent Form for Representative Action Complaint for Violations of the Age Discrimination in Employment Act filed by Lawrence E. Vadala (khan) (Entered: 12/19/2003)
12/19/2003	14	Consent Form for Representative Action Complaint for Violations of the Age Discrimination in Employment Act filed by Richard J. Amaral (khan) (Entered: 12/19/2003)
12/19/2003	15	Consent for for Representative Action Complaint for Violations of the Age Discrimination in Employment Act filed by Michael Goodrich-Stuart (khan) (Entered: 12/19/2003)
12/19/2003	16	Consent Form for Representative Action Complaint for Violations of the Age Discrimination in Employment Act filed by Robert Edward Sterrett (khan) (Entered: 12/19/2003)
12/19/2003	17	Consent for for Representative Action Complaint for Violations of the Age Discrimination in Employment Act filed by Lorraine M. Duff (khan) (Entered: 12/19/2003)
12/19/2003	18	Consent form for Representative Action Complaint for Violations of the Age Discrimination in Employment Act filed by Lisa D. Price (khan) (Entered: 12/19/2003)
12/23/2003	19	Consent Form for Representative Action Complaint for Opt In filed by Robert P. McCormack (thom) Modified on 12/23/2003 (Entered: 12/23/2003)
12/23/2003	20	Consent Form for Representative Action Complaint for Opt In filed by Sandra Y. Green (thom) Modified on 12/23/2003 (Entered: 12/23/2003)
12/24/2003	21	ANSWER by Capital One Services (Attorney Jennifer Magoulas Campbell) to first amended complaint (cmcc) (Entered: 12/24/2003)
12/24/2003	22	Partial MOTION by Capital One Servicesto Dismiss , and by Capital One Services to Limit Rearward Scope of Plaintiffs' Proposed Class Definitions (cmcc) Modified on 12/24/2003 (Entered: 12/24/2003)

12/24/2003	23	MEMORANDUM by Capital One Services in support of [22-1] partial motion by Capital One Services to Dismiss , [22-2] motion by Capital One Services to Limit Rearward Scope of Plaintiffs' Proposed Class Definitions (cmcc) (Entered: 12/24/2003)
01/05/2004	24	Consent form for Representative Action filed for Opt-In filed by Michael E. Guyot and Ellen Redding (thom) (Entered: 01/05/2004)
01/07/2004	25	Consent Form for Representative Action for Opt In filed by Stephen R. Trott and Paige A. McGhee (thom) (Entered: 01/07/2004)
01/07/2004	26	RESPONSE (in opposition) by Donald F. Krane, Cynthia Gay, Michael H. Jones, Bruce M. Wilson, Eric B. Winfrey to [22-1] motion by Capital One Services to Dismiss by Capital One Services, [22-2] motion by Capital One Services to Limit Rearward Scope of Plaintiffs' Proposed Class Definitions (thom) (Entered: 01/08/2004)
01/08/2004		NOTICE OF JUDGE PAYNE'S INTEREST IN 9TH AND CARY ASSOC. SENT TO ALL COUNSEL OF RECORD (scoo) (Entered: 01/08/2004)
01/14/2004	27	Consent Form for Representatiave Action for Opt-In filed by Robert W. Warden (thom) (Entered: 01/14/2004)
01/15/2004	28	REPLY by Capital One Services to response to [22-1] motion by Capital One Services to Dismiss, [22-2] motion by Capital One Services to Limit Rearward Scope of Plaintiffs' Proposed Class Definitions (thom) (Entered: 01/15/2004)
01/20/2004	29	Consent Form for Representative action for Opt-In Form filed by Kevin Carpenter and John C. Gibson (thom) (Entered: 01/21/2004)
01/22/2004	30	Order entered by the Clerk, at the direction of the Court setting an Initial Pretrial Conference to be held at February 10, 2004 at 9:00 a.m. Copies Mailed: y [EOD Date: 1/22/04] (snea) (Entered: 01/22/2004)
01/22/2004	31	SCHEDULING ORDER setting Pretrial Conference for 9:00 2/10/04 ; ( signed by Judge Robert E. Payne ) Copies Mailed: y (snea) (Entered: 01/22/2004)
01/23/2004	32	Consent Form for Representative Action for Opt-In filed by John R. Miller, Robert W. Carpenter, Jr., and Debra Dixon. (thom) (Entered: 01/23/2004)
01/28/2004	33	Consent Form for Representative Action Opt-In Form filed by West Nuckols (thom) (Entered: 01/28/2004)
02/09/2004	34	Consent Form for Representative Action Complaint Opin In filed by Gary D. Schatz (thom) (Entered: 02/09/2004)
02/10/2004		Pre-Trial Conference held no trial date set at this time (snea) (Entered: 02/10/2004)
02/10/2004		Motion hearing for Donald F. Krane, Capital One Services, Cynthia Gay, Michael H. Jones, Bruce M. Wilson, Eric B. Winfrey [22-1] motion by Capital One Services to Dismiss set at 11:30 2/24/04 before Judge Robert E. Payne (snea) (Entered: 02/10/2004)
02/10/2004	35	ORDER that the settlement conference and proceedings required by the Scheduling Order are referred to U.S. Magistrate Judge David G. Lowe; counsel shall be responsible for contacting Judge Lowe within five days of date of this Order to schedule the conerence within the fifty-day period required by the Scheduling Order or at such other time as Judge Lowe shall approve; ( signed by Judge Robert E. Payne ) Copies Mailed: y and by facsimile and to Judge Lowe [EOD Date: 2/10/04] (thom) (Entered: 02/10/2004)
02/17/2004	36	Consent Form for Representative Action Opt In form filed by Kathy D. Billings and Dharma R. Kotini (thom) (Entered: 02/17/2004)
02/20/2004	37	ORDER that the hearing on Capital One Services' Partial Motion to Dismiss and Motion to Limit Rearward Scope of Plaintiffs' Proposed Class Definitions shall be set for 2/24/04 at 11:30 am; it is further ordered that the plaintiffs shall submit their proposed brief on the scope of statistical discovery re: class certification on or before 2/23/04, deft shall file its response on or before 3/5/04, and plaintiffs

		shall file their Reply on or before 3/11/04; ( signed by Judge Robert E. Payne ) Copies Mailed: [EOD Date: 2/20/04] (thom) (Entered: 02/20/2004)
02/20/2004		Settlement Conference set on 10:00 2/27/04 before Magistrate Judge David G. Lowe (lcha) (Entered: 02/20/2004)
02/23/2004	38	Consent Form for Representative Action Complaint filed by Thomas B. Stables III (thom) (Entered: 02/23/2004)
02/23/2004	39	RESPONSE by Donald F. Krane, Cynthia Gay, Michael H. Jones, Bruce M. Wilson, Eric B. Winfrey to [37-1] order (entitled "Plaintiff's Memorandum in Support Of Discovery of Defendant's Personnel Data for Statistical Analysis") (thom) Modified on 03/05/2004 (Entered: 03/05/2004)
02/24/2004	40	Minute entry: Payne, J., Sandy Beverly, OCR. Parties by counsel. Matter came on for hearing on motions. Arguments had on the Defendant's Motion to Dismiss. Arguments had on the Defendant's Motion to Limit Rearward Scope of Plaintiffs' Proposed Class Certifications. Motions taken under advisement by the Court. (snea) (Entered: 02/24/2004)
02/26/2004	41	Consent Form for Representative Action filed by Francine B. Arble (thom) (Entered: 02/26/2004)
03/05/2004	42	Response by Capital One Services to [39-1] order response by Eric B. Winfrey, Bruce M. Wilson, Michael H. Jones, Cynthia Gay, Donald F. Krane (entitled "Capital One Services, Inc.'s Memorandum in Opposition to Plaintiffs' Motion for Discovery of Deft's Personnel Data for Statistical Analysis) (thom) (Entered: 03/05/2004)
03/11/2004	43	Reply in Support by Donald F. Krane, Cynthia Gay, Michael H. Jones, Bruce M. Wilson, Eric B. Winfrey to [39-1] order response by Eric B. Winfrey, Bruce M. Wilson, Michael H. Jones, Cynthia Gay, Donald F. Krane (thom) (Entered: 03/11/2004)
03/23/2004		Oral Argument Hearing as to Capital One Services set 2:00 4/6/04 on Discovery of Personnel Data before Judge Robert E. Payne (snea) (Entered: 03/23/2004)
03/25/2004	44	Plaintiff's NOTICE of Hearing: on 4/6/04 at 2:00 pm before the Honorable Robert E. Payne; (thom) (Entered: 03/25/2004)
03/30/2004	45	Protective Order (See Order for Details) ( signed by Judge Robert E. Payne ) Copies Mailed y (thom) (Entered: 03/30/2004)
03/30/2004		**Set Protective Order Flag. (thom) (Entered: 03/30/2004)
04/06/2004	46	Minute entry: Payne, J., Sandy Beverly, OCR. Parties by counsel. Matter came on for a hearing on the Plaintiffs' Motion to Compel Discovery. Arguments had. Motion taken under advisement by the Court. A Status Conference will be held at 3:00 p.m. on April 09, 2004. (snea) Modified on 04/07/2004 (Entered: 04/06/2004)
04/07/2004		Status Conference set at 3:00 4/9/04 before Judge Robert E. Payne (snea) (Entered: 04/07/2004)
04/08/2004	47	TRANSCRIPT for date of April 6, 2004 hearing before the Honorable Robert E. Payne (Volume I and Volume II) (placed in brown expandable) (thom) (Entered: 04/09/2004)
04/09/2004		Status Conference held (snea) (Entered: 04/09/2004)
04/09/2004	48	Minute entry: Payne, J., Tracy Stroh, Chandler & Halasz, Court Reporter. Parties by counsel. Matter came on for a Status Conference. Parties reported to the Court regarding discovery matters they have resolved. Counsel to tender an Order to the Court for entry. (snea) (Entered: 04/09/2004)
04/12/2004		Joint Proposed Discovery Plan received only and rejected by Judge Payne and placed in brown expandable per Judge's instruction. (thom) (Entered: 04/12/2004)

04/12/2004	49	ORDER that the plaintiff's Motion for discovery of the deft's Personnel Data for Statistical Analysis shall be GRANTED to the extent detailed on the record and hereinafter defined in a consent order to be submitted by the parties; it is further ORDERED that the plaintiff's Motion to Limit Statistical Dueling shall be DENIED; ( signed by Judge Robert E. Payne ) Copies Mailed: [EOD Date: 4/12/04] (thom) (Entered: 04/12/2004)
04/20/2004	50	MEMORANDUM OPINION ( signed by Judge Robert E. Payne ) Copies Mailed: y (thom) (Entered: 04/20/2004)
04/20/2004	51	ORDER granting in part, denying in part [22-1] motion by Capital One Services to Dismiss; Count Five is dismissed; Counts One, Two, Three, and Four and the claim of the plaintiff Krane may proceed because the motion to deny those counsts is denied; denying [22-2] motion by Capital One Services without prejudice as premature to Limit Rearward Scope of Plaintiffs' Proposed Class Definitions (signed by Judge Robert E. Payne ) Copies Mailed: y [EOD Date: 4/20/04] (thom) (Entered: 04/20/2004)
05/05/2004	52	TRANSCRIPT for date of April 9, 2004 hearing before the Honorable Robert E. Payne; (placed in brown expandable) (thom) (Entered: 05/05/2004)
05/12/2004	53	Consent Form for Representative Action Opt-In by Patricia A. Moats filed by plaintiff Donald F. Krane (thom) Modified on 05/12/2004 (Entered: 05/12/2004)
05/18/2004	54	Consent Order re: discovery and scheduling issues; (SEE ORDER FOR DETAILS; ( signed by Judge Robert E. Payne ) Copies Mailed: y (thom) (Entered: 05/18/2004)
06/10/2004	55	MOTION by Capital One Services for Jon Geier to appear pro hac vice Filing Fee Paid \$ 50.00 Receipt # 73900 (thom) (Entered: 06/10/2004)
06/10/2004	56	NOTICE of Attorney Appearance for Capital One Services by Dana Trena Buckman (thom) (Entered: 06/10/2004)
06/10/2004		So Ordered: granting [55-1] motion by Capital One Services for Jon Geier to appear pro hac vice Filing Fee Paid \$ 50.00 Receipt # 73900 ( signed by Judge Robert E. Payne ) Copies Mailed: y (khan) (Entered: 06/10/2004)
07/16/2004	57	ORDER (Stipulation of Dismissal) that this action is dismissed in its entirety with prejudice, each party to bear their own fees and costs; ( signed by Judge Robert E. Payne ) Copies Mailed: yes [EOD Date: 7/16/04] (thom) (Entered: 07/16/2004)
07/16/2004		Case closed (thom) (Entered: 07/16/2004)