

U.S. District Court
United States District Court for the Western District of Washington (Seattle)
CIVIL DOCKET FOR CASE #: 2:13-cv-02160-RSM

Hall et al v. BNSF Railway Company
Assigned to: Judge Ricardo S Martinez
Cause: 15:2(a) Fair Labor Standards Act

Date Filed: 12/03/2013
Date Terminated: 02/25/2015
Jury Demand: Defendant
Nature of Suit: 710 Labor: Fair Standards
Jurisdiction: Federal Question

Plaintiff

Michael Hall

represented by **Duncan Calvert Turner**
BADGLEY MULLINS TURNER PLLC
19929 BALLINGER WAY NE, STE 200
SEATTLE, WA 98155
206-621-6566
Email: dturner@badgleyturner.com
ATTORNEY TO BE NOTICED

Cleveland Stockmeyer
CLEVELAND STOCKMEYER
(SEATTLE)
8056 SUNNYSIDE AVE N
SEATTLE, WA 98103
206-419-4385
Email: cleve@clevelandstockmeyer.com
ATTORNEY TO BE NOTICED

Plaintiff

Elijah Uber
and their marital community
also known as
Elijah Hall

represented by **Cleveland Stockmeyer**
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

Amie Garrand

represented by **Cleveland Stockmeyer**
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

Carol Garrand
and their marital community,

represented by **Cleveland Stockmeyer**
(See above for address)
ATTORNEY TO BE NOTICED

V.

Defendant

BNSF Railway Company
a Delaware corporation

represented by **Donald Munro**
JONES DAY (DC)
51 LOUISIANA AVE NW
WASHINGTON, DC 20001-2113
202-879-3922
Email: dmunro@jonesday.com
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

Bradley P Scarp
MONTGOMERY SCARP PLLC

1218 3RD AVENUE
STE 2700
SEATTLE, WA 98101
206-625-1801
Fax: 206-625-1807
Email: brad@montgomeryscarp.com
ATTORNEY TO BE NOTICED

Elizabeth A. Findley
MONTGOMERY SCARP PLLC
1218 3RD AVENUE
STE 2700
SEATTLE, WA 98101
206-625-1801
Email: liz@montgomeryscarp.com
ATTORNEY TO BE NOTICED

Jeremy H Rogers
SMITH FREED & EBERHARD, P.C.
(WA)
705 SECOND AVENUE, SUITE 1700
SEATTLE, WA 98104
206-576-7575
Fax: 206-576-7580
Email: jrogers@smithfreed.com
TERMINATED: 09/12/2014

Amicus

**Lambda Legal Defense and Education
Fund Inc**
amicus curiae

represented by **Gregory R. Nevins**
LAMBDA LEGAL DEFENSE AND
EDUCATION FUND, INC
730 PEACHTREE STREET NE, STE
1070
ATLANTA, GA 30308
404-897-1880
Email: gnevins@lambdalegal.org
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

Jennifer C Pizer
LAMBDA LEGAL DEFENSE AND
EDUCATION FUND, INC
4221 WILSHIRE BLVD., STE 280
LOS ANGELES, CA 90010
213-382-7600
Email: jpizer@lambdalegal.org
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

Jennifer S Divine
MILLER NASH GRAHAM & DUNN LLP
2801 ALASKAN WAY, SUITE 300
SEATTLE, WA 98121-1128
206-624-8300
Email: jennifer.divine@millernash.com
ATTORNEY TO BE NOTICED

Tara Borelli
LAMBDA LEGAL DEFENSE
& EDUCATION FUND, INC
3325 WILSHIRE BLVD
STE 1300

LOS ANGELES, CA 90010
 213-382-7600
 Email: tborelli@lambdalegal.org
 ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
12/03/2013	<u>1</u>	COMPLAINT <i>FOR NONPAYMENT OF WAGES UNDER EQUAL PAY ACT</i> against defendant(s) All Defendants (Receipt # 0981-3434097) Attorney Cleveland Stockmeyer added to party Amie Garrand(pty:pla), Attorney Cleveland Stockmeyer added to party Carol Garrand(pty:pla), Attorney Cleveland Stockmeyer added to party Michael Hall(pty:pla), Attorney Cleveland Stockmeyer added to party Elijah Uber(pty:pla), filed by Michael Hall, Amie Garrand, Elijah Uber, Carol Garrand. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Exhibit, # <u>3</u> Summons, # <u>4</u> Summons, # <u>5</u> Summons)(Stockmeyer, Cleveland) (Entered: 12/03/2013)
12/04/2013		Judge Ricardo S Martinez added. (PM) (Entered: 12/04/2013)
12/04/2013		NOTICE to Filer: JURY DEMAND:Pursuant to LCR 38(b) the words JURY DEMAND shall be typed in capital letters on the first page immediately below the name of the pleading to the right of the name of the cause. The Clerk has removed plaintiff's jury demand flag entered by counsel upon case opening. Counsel must now file a separate Jury Demand in order to advise the court of this request. Thank you. (PM) (Entered: 12/04/2013)
12/04/2013		NOTICE to Filer: SUMMONS FORM INCOMPLETE ATTORNEY ADDRESS BLOCK LEFT BLANK: There is no address listed in the block for counsel. Please re-post your corrected summons(es) using the event Praecipe For A Summons under Other Documents. All summons(es) should be posted under this one event. Thank you. (PM) (Entered: 12/04/2013)
12/04/2013	<u>2</u>	PRAECIPE TO ISSUE SUMMONS by Plaintiffs Amie Garrand, Carol Garrand, Michael Hall, Elijah Uber. (Stockmeyer, Cleveland) (Entered: 12/04/2013)
12/04/2013	<u>3</u>	Summons issued electronically as to defendant BNSF Railway Company c/o The Corporation Trust Compant. (Attachments: # <u>1</u> Summons - BNSF Railway Co, NW Division, Seattle, # <u>2</u> Summons - BNSF Railway Co., Seattle)(PM) (Entered: 12/04/2013)
12/04/2013	<u>4</u>	Summons reissued as to defendant BNSF Railway Company c/o The Corporation Trust Company (PM) (Entered: 12/04/2013)
03/03/2014	<u>5</u>	NOTICE of Unavailability of counsel Cleveland Stockmeyer for Plaintiffs Amie Garrand, Carol Garrand, Michael Hall, Elijah Uber from April 14 2014 to April 24 2014. (Stockmeyer, Cleveland) (Entered: 03/03/2014)
03/13/2014	<u>6</u>	PRAECIPE TO ISSUE SUMMONS by Plaintiffs Amie Garrand, Carol Garrand, Michael Hall, Elijah Uber. (Attachments: # <u>1</u> Summons)(Turner, Duncan) (Entered: 03/13/2014)
03/14/2014	<u>7</u>	Summons electronically issued as to defendant(s) BNSF Railway Company. (CL) (Entered: 03/14/2014)
03/26/2014	<u>8</u>	AMENDED COMPLAINT against defendant(s) All Defendants, filed by Michael Hall, Amie Garrand, Elijah Uber, Carol Garrand. (Attachments: # <u>1</u> Exhibit)(Stockmeyer, Cleveland) (Entered: 03/26/2014)
04/02/2014	<u>9</u>	NOTICE of Appearance by attorney Jeremy H Rogers on behalf of Defendant BNSF Railway Company. (Rogers, Jeremy) (Entered: 04/02/2014)
04/02/2014	<u>10</u>	APPLICATION OF ATTORNEY Donald J. Munro FOR LEAVE TO APPEAR PRO HAC VICE for Defendant BNSF Railway Company (Fee Paid) Receipt No. 0981-3558804. (Rogers, Jeremy) (Entered: 04/02/2014)
04/02/2014	<u>11</u>	CORPORATE DISCLOSURE STATEMENT identifying Corporate Parent National Indemnity Company, Corporate Parent Burlington Northern Santa Fe, LLC, Corporate Parent Berkshire Hathaway Inc. for BNSF Railway Company.

		Filed pursuant to Fed.R.Civ.P 7.1. Filed by BNSF Railway Company. (Rogers, Jeremy) (Entered: 04/02/2014)
04/02/2014	<u>12</u>	ORDER re <u>10</u> Application for Leave to Appear Pro Hac Vice. The Court ADMITS Attorney Donald Munro for BNSF Railway Company, by William M. McCool. (No document associated with this docket entry, text only.)(DS) (Entered: 04/02/2014)
04/10/2014	<u>13</u>	STIPULATION AND PROPOSED ORDER <i>Extending Deadline for BNSF to File Answer</i> by parties. (Rogers, Jeremy) (Entered: 04/10/2014)
04/14/2014	<u>14</u>	STIPULATION AND ORDER extending deadline for BNSF to file answer by Judge Ricardo S Martinez. (RS) (Entered: 04/14/2014)
04/22/2014	<u>15</u>	NOTICE of Change of Address/Change of Name of Attorney Duncan Calvert Turner. Filed by Plaintiffs Amie Garrand, Carol Garrand, Michael Hall, Elijah Uber. (Turner, Duncan) Modified Firm Address of Duncan Calvert on 4/25/2014 (DS). (Entered: 04/22/2014)
04/30/2014	<u>16</u>	MOTION to Dismiss by Defendant BNSF Railway Company. (Attachments: # <u>1</u> Proposed Order) Noting Date 5/23/2014, (Rogers, Jeremy) (Entered: 04/30/2014)
04/30/2014	<u>17</u>	DECLARATION of A. Kenneth Gradia filed by Defendant BNSF Railway Company re <u>16</u> MOTION to Dismiss (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7, # <u>8</u> Exhibit 8, # <u>9</u> Exhibit 9, # <u>10</u> Exhibit 10, # <u>11</u> Exhibit 11, # <u>12</u> Exhibit 12, # <u>13</u> Exhibit 13)(Rogers, Jeremy) (Entered: 04/30/2014)
05/02/2014	<u>18</u>	STIPULATION AND PROPOSED ORDER <i>RE EXTENDING NOTING DATE OF BNSF MOTION TO DISMISS</i> by parties. (Stockmeyer, Cleveland) (Entered: 05/02/2014)
05/06/2014	<u>19</u>	STIPULATION AND ORDER RE-NOTING <u>16</u> MOTION to Dismiss ; Noting Date 6/6/2014, by Judge Ricardo S Martinez. (RS) (Entered: 05/06/2014)
06/02/2014	<u>20</u>	RESPONSE, by Plaintiffs Amie Garrand, Carol Garrand, Michael Hall, Elijah Uber, to <u>16</u> MOTION to Dismiss . Oral Argument Requested. (Stockmeyer, Cleveland) (Entered: 06/02/2014)
06/04/2014	<u>21</u>	MOTION for Extension of Time by Defendant BNSF Railway Company. (Attachments: # <u>1</u> Proposed Order) Noting Date 6/4/2014, (Rogers, Jeremy) (Entered: 06/04/2014)
06/04/2014	<u>22</u>	DECLARATION of Donald J. Munro filed by Defendant BNSF Railway Company re <u>21</u> MOTION for Extension of Time (Rogers, Jeremy) (Entered: 06/04/2014)
06/05/2014	<u>23</u>	PROPOSED ORDER (Unsigned) re <u>20</u> Response to Motion <i>to Dismiss</i> . (Turner, Duncan) (Entered: 06/05/2014)
06/05/2014	<u>24</u>	ORDER granting dft's <u>21</u> Motion for Extension of Time to file reply to <u>16</u> MOTION to Dismiss : by Judge Ricardo S Martinez.(RS) (Entered: 06/05/2014)
06/06/2014	<u>25</u>	NOTICE of Appearance by attorney Jennifer S Divine on behalf of Amicus Lambda Legal Defense and Education Fund Inc. (Divine, Jennifer) (Entered: 06/06/2014)
06/06/2014	<u>26</u>	NOTICE of Change of Address/Change of Name of Attorney Jennifer S Divine. Filed by Amicus Lambda Legal Defense and Education Fund Inc. (Divine, Jennifer) Modified Address on 6/9/2014 (DS). (Entered: 06/06/2014)
06/06/2014	<u>27</u>	APPLICATION OF ATTORNEY Jennifer C. Pizer FOR LEAVE TO APPEAR PRO HAC VICE for Amicus Lambda Legal Defense and Education Fund Inc (Fee Paid) Receipt No. 0981-3630938. (Divine, Jennifer) (Entered: 06/06/2014)
06/06/2014	<u>28</u>	APPLICATION OF ATTORNEY Gregory R. Nevins FOR LEAVE TO APPEAR PRO HAC VICE for Amicus Lambda Legal Defense and Education Fund Inc (Fee Paid) Receipt No. 0981-3630948. (Divine, Jennifer) (Entered: 06/06/2014)

06/06/2014	<u>29</u>	Unopposed MOTION for Leave to File <i>Amicus Curiae Brief</i> by Amicus Lambda Legal Defense and Education Fund Inc. (Attachments: # <u>1</u> Exhibit A – Proposed Amicus Brief of Lambda Legal, # <u>2</u> Exhibit B – Proposed Order) Noting Date 6/27/2014, (Borelli, Tara) (Entered: 06/06/2014)
06/06/2014	<u>30</u>	NOTICE of Appearance by attorney Tara Borelli on behalf of Amicus Lambda Legal Defense and Education Fund Inc. (Borelli, Tara) (Entered: 06/06/2014)
06/09/2014	31	ORDER re <u>27</u> Application for Leave to Appear Pro Hac Vice. The Court ADMITS Attorney Jennifer C Pizer for Lambda Legal Defense and Education Fund Inc, by William M. McCool. (NOTE TO COUNSEL: Local counsel agrees to sign all filings and to be prepared to handle the matter, including the trial thereof, in the event the applicant is unable to be present on any date scheduled by the court, pursuant to LCR 83.1(d)).(No document associated with this docket entry, text only).(DS) (Entered: 06/09/2014)
06/09/2014	32	ORDER re <u>28</u> Application for Leave to Appear Pro Hac Vice. The Court ADMITS Attorney Gregory R. Nevins for Lambda Legal Defense and Education Fund Inc, by William M. McCool. (NOTE TO COUNSEL: Local counsel agrees to sign all filings and to be prepared to handle the matter, including the trial thereof, in the event the applicant is unable to be present on any date scheduled by the court, pursuant to LCR 83.1(d)).(No document associated with this docket entry, text only).(DS) (Entered: 06/09/2014)
06/13/2014	<u>33</u>	REPLY, filed by Defendant BNSF Railway Company, TO RESPONSE to <u>16</u> MOTION to Dismiss (Rogers, Jeremy) (Entered: 06/13/2014)
07/11/2014	<u>34</u>	ORDER granting <u>29</u> Motion for Leave to File Amicus Curiae Brief by Judge Ricardo S Martinez.(MKB) (Entered: 07/11/2014)
09/12/2014	<u>35</u>	NOTICE of Appearance by attorney Bradley P Scarp on behalf of Defendant BNSF Railway Company. (Scarp, Bradley) (Entered: 09/12/2014)
09/12/2014	<u>36</u>	NOTICE OF WITHDRAWAL OF COUNSEL: Attorney Jeremy H Rogers for Defendant BNSF Railway Company. (Rogers, Jeremy) (Entered: 09/12/2014)
09/22/2014	<u>37</u>	ORDER granting in part and denying in part dft's <u>16</u> Motion to Dismiss by Judge Ricardo S Martinez.(RS) (Entered: 09/22/2014)
10/03/2014	<u>38</u>	ANSWER to <u>8</u> Amended Complaint with JURY DEMAND by BNSF Railway Company.(Scarp, Bradley) (Entered: 10/03/2014)
10/17/2014	<u>39</u>	ORDER REGARDING INITIAL DISCLOSURES AND JOINT STATUS REPORT Joint Status Report due by 11/28/2014, FRCP 26f Conference Deadline is 11/14/2014, Initial Disclosure Deadline is 11/21/2014, by Judge Ricardo S. Martinez. (LW) (Entered: 10/17/2014)
11/05/2014	<u>40</u>	NOTICE of Appearance by attorney Elizabeth A. Findley on behalf of Defendant BNSF Railway Company. (Findley, Elizabeth) (Entered: 11/05/2014)
11/28/2014	<u>41</u>	JOINT STATUS REPORT signed by all parties estimated Trial Days: 3–7. (Scarp, Bradley) (Entered: 11/28/2014)
12/04/2014	<u>42</u>	ORDER SETTING TRIAL DATE AND RELATED DATES; Length of Trial: *3–7 days*. Jury Trial is set for 11/16/2015 at 9:00 AM before Judge Ricardo S. Martinez. Joinder of Parties due by 1/30/2015, Expert Witness Disclosure/Reports under FRCP 26(a)(2) due by 5/20/2015, Motions due by 6/19/2015, Discovery completed by 7/20/2015, Dispositive motions due by 8/18/2015, 39.1 mediation to be completed by 10/2/2015, Motions in Limine due by 10/19/2015, Pretrial Order due by 11/4/2015, Trial briefs to be submitted by 11/12/2015, Proposed voir dire/jury instructions due by 11/12/2015, by Judge Ricardo S. Martinez. (LW) (Entered: 12/04/2014)
01/06/2015	<u>43</u>	NOTICE of Change of Address/Change of Name of Attorney Jennifer S Divine. Filed by Amicus Lambda Legal Defense and Education Fund Inc. (Divine, Jennifer) Modified Firm Name &Address for Miller Nash Graham Dunn on 1/6/2015 (DS). (Entered: 01/06/2015)

02/23/2015	<u>44</u>	Joint Stipulated MOTION <i>of Dismissal</i> by Defendant BNSF Railway Company. (Attachments: # <u>1</u> Proposed Order Proposed Order of Dismissal) Noting Date 2/23/2015, (Scarp, Bradley) (Entered: 02/23/2015)
02/25/2015	<u>45</u>	ORDER OF DISMISSAL by Judge Ricardo S Martinez. (RS) (Entered: 02/25/2015)