

ADRMOP, APPEAL, CLOSED, E-Filing

**U.S. District Court
California Northern District (San Francisco)
CIVIL DOCKET FOR CASE #: 3:07-cv-01589-MJJ**

Serra v. Lappin et al
Assigned to: Hon. Martin J. Jenkins
Case in other court: 08-15969
Cause: 29:201 Fair Labor Standards Act

Date Filed: 03/20/2007
Date Terminated: 04/03/2008
Jury Demand: Plaintiff
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: U.S. Government Defendant

Plaintiff

J. Tony Serra
and all others similarly situated

represented by **John Murcko**
2831 Telegraph Avenue
Oakland, CA 94609
510 465 2241
Fax: 510 272 0711
Email: jmurcko@att.net
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

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265 Miller Avenue
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William Morris Simpich
Attorney at Law
1736 Franklin Street
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Jeanine Santiago

represented by **John Murcko**
(See above for address)
ATTORNEY TO BE NOTICED

Stephan Jay Perelson ,
(See above for address)
ATTORNEY TO BE NOTICED

William Morris Simpich
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

Victor Cordero

represented by **John Murcko**
(See above for address)
ATTORNEY TO BE NOTICED

Stephan Jay Perelson ,
(See above for address)
ATTORNEY TO BE NOTICED

William Morris Simpich
 (See above for address)
 ATTORNEY TO BE NOTICED

V.

Defendant

Harley Lappin
 Director of the Bureau of Prisons

represented by **Robert J. Katerberg**
 U. S. Department of Justice
 20 Massachusetts Avenue, N.W.
 Washington, DC 20001
 202-616-8298
 Email: Robert.Katerberg@usdoj.gov
 LEAD ATTORNEY
 ATTORNEY TO BE NOTICED

Defendant

B. G. Compton
 Warden of Lompoc Prison

Defendant

Robert F. McFadden
 head of the Western Regional Office of
 the Bureau of Prisons

represented by **Robert J. Katerberg**
 (See above for address)
 LEAD ATTORNEY
 ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
03/20/2007	<u>1</u>	COMPLAINT FOR CLASS ACTION; summons issued against Harley Lappin, B. G. Compton, Robert F. McFadden (Filing fee \$ 350, receipt number 34611004356). Filed by J. Tony Serra. (slh, COURT STAFF) (Filed on 3/20/2007) (Entered: 03/22/2007)
03/20/2007	<u>2</u>	ADR SCHEDULING ORDER: Case Management Statement due by 6/20/2007. Case Management Conference set for 6/27/2007 01:30 PM. (Attachments: # <u>1</u> EMC Standing Order# <u>2</u> Standing Order)(slh, COURT STAFF) (Filed on 3/20/2007) (Entered: 03/22/2007)
03/20/2007		CASE DESIGNATED for Electronic Filing. (slh, COURT STAFF) (Filed on 3/20/2007) (Entered: 03/22/2007)
06/15/2007	<u>3</u>	CLERK'S NOTICE Case Management Conference reset for 8/22/2007 01:30 PM. Case Management Statement due by 8/15/2007. (bpf, COURT STAFF) (Filed on 6/15/2007) (Entered: 06/15/2007)
07/20/2007	<u>4</u>	FIRST AMENDED COMPLAINT against Harley Lappin, B. G. Compton, Robert F. McFadden. Filed by Jeanine Santiago, Victor Cordero, J. Tony Serra. (slh, COURT STAFF) (Filed on 7/20/2007) Additional attachment(s) added on 11/7/2007 (sv, COURT STAFF). (Entered: 07/25/2007)
07/20/2007	<u>5</u>	Summons Returned Unexecuted by J. Tony Serra as to Harley Lappin, B. G. Compton, Robert F. McFadden. (slh, COURT STAFF) (Filed on 7/20/2007) (Entered: 07/25/2007)
07/20/2007		Summons Issued as to Harley Lappin, B. G. Compton, Robert F. McFadden. (<i>First Amended Complaint</i>) (slh, COURT STAFF) (Filed on 7/20/2007) (Entered: 07/25/2007)
08/15/2007	<u>6</u>	CERTIFICATE OF SERVICE by Jeanine Santiago, Victor Cordero, J. Tony Serra (Murcko, John) (Filed on 8/15/2007) (Entered: 08/15/2007)
08/20/2007	<u>7</u>	Letter dated 8/20/07 from John Murcko and Joann Swanson re continuance of matter from 8/22/07 to 11/14/07. (slh, COURT STAFF) (Filed on 8/20/2007)

		(Entered: 08/21/2007)
08/21/2007	<u>8</u>	Order extending Case Management Conference. Case Management Statement due by 11/7/2007. Case Management Conference set for 11/14/2007 01:30 PM.. Signed by Judge Edward M. Chen on 8/21/07. (bpf, COURT STAFF) (Filed on 8/21/2007) (Entered: 08/21/2007)
08/30/2007	<u>9</u>	CONSENT to Proceed Before a US Magistrate Judge by Jeanine Santiago, Victor Cordero, J. Tony Serra.. (Murcko, John) (Filed on 8/30/2007) (Entered: 08/30/2007)
09/10/2007	<u>10</u>	CERTIFICATE OF SERVICE by Jeanine Santiago, Victor Cordero, J. Tony Serra (Murcko, John) (Filed on 9/10/2007) (Entered: 09/10/2007)
10/04/2007	<u>11</u>	NOTICE of Appearance by Robert J. Katerberg <i>on Behalf of Defendants Harley Lappin and Robert F. McFadden in Their Official Capacities</i> (Katerberg, Robert) (Filed on 10/4/2007) (Entered: 10/04/2007)
10/04/2007	<u>12</u>	Declination to Proceed Before a U.S. Magistrate Judge by Harley Lappin, Robert F. McFadden. (Katerberg, Robert) (Filed on 10/4/2007) (Entered: 10/04/2007)
10/05/2007	<u>13</u>	CLERK'S NOTICE of Impending Reassignment to U.S. District Judge (bpf, COURT STAFF) (Filed on 10/5/2007) (Entered: 10/05/2007)
10/12/2007	<u>14</u>	ORDER REASSIGNING CASE. Case reassigned to Judge Martin J. Jenkins for all further proceedings. Judge Edward M. Chen no longer assigned to the case.. Signed by Executive Committee on 10/12/07. (as, COURT STAFF) (Filed on 10/12/2007) (Entered: 10/12/2007)
10/15/2007	<u>15</u>	CLERK'S NOTICE – Case Management Conference set for 11/27/2007 AT 2:00 P.M. before the Honorable Martin J. Jenkins. (ls, COURT STAFF) (Filed on 10/15/2007) (Entered: 10/15/2007)
10/15/2007	<u>16</u>	NOTICE of Appearance by Robert J. Katerberg <i>on Behalf of Defendant Robert E. McFadden in his Individual Capacity</i> (Katerberg, Robert) (Filed on 10/15/2007) (Entered: 10/15/2007)
10/15/2007	<u>17</u>	MOTION to Dismiss <i>for Lack of Subject Matter Jurisdiction and Failure to State a Claim Upon Which Relief May Be Granted</i> filed by Harley Lappin, Robert F. McFadden. Motion Hearing set for 11/20/2007 09:30 AM in Courtroom 11, 19th Floor, San Francisco. (Attachments: # <u>1</u> Memorandum in Support of Motion# <u>2</u> Proposed Order)(Katerberg, Robert) (Filed on 10/15/2007) (Entered: 10/15/2007)
10/15/2007	<u>18</u>	Declaration of Robert J. Katerberg <i>in Support of Moving Defendants' Motion to Dismiss</i> filed by Harley Lappin, Robert F. McFadden. (Attachments: # <u>1</u> Exhibit Certification of Scope of Employment)(Katerberg, Robert) (Filed on 10/15/2007) (Entered: 10/15/2007)
10/25/2007	<u>19</u>	CLERK'S NOTICE to submit First amended Complaint by PDF (sv, COURT STAFF) (Filed on 10/25/2007) (Entered: 10/25/2007)
10/29/2007	<u>20</u>	Proposed Order <i>to Continue Motion to Dismiss and Case Management Conference</i> by Jeanine Santiago, Victor Cordero, J. Tony Serra. (Murcko, John) (Filed on 10/29/2007) (Entered: 10/29/2007)
10/29/2007	<u>21</u>	AMENDED COMPLAINT against all defendants. Filed by Jeanine Santiago, Victor Cordero, J. Tony Serra. (Murcko, John) (Filed on 10/29/2007) (Entered: 10/29/2007)
10/29/2007	<u>22</u>	Proposed Order <i>AMENDED</i> by Jeanine Santiago, Victor Cordero, J. Tony Serra. (Murcko, John) (Filed on 10/29/2007) (Entered: 10/29/2007)
10/30/2007	<u>23</u>	ORDER continuing the Initial Case Management Conference to 3/25/2008 02:00 PM and the Motion Hearing to 2/26/2008 09:30 AM in Courtroom 11, 19th Floor, San Francisco. Signed by Judge Martin J. Jenkins on 10/30/07. (rbe, COURT STAFF) (Filed on 10/30/2007) (Entered: 10/30/2007)
10/31/2007	<u>24</u>	Proposed Order <i>re Briefing Schedule</i> by Jeanine Santiago, Victor Cordero, J. Tony Serra. (Murcko, John) (Filed on 10/31/2007) (Entered: 10/31/2007)

11/05/2007	<u>25</u>	STIPULATION AND ORDER continuing the briefing schedule. Signed by Judge Martin J. Jenkins on 11/01/07. (rbe, COURT STAFF) (Filed on 11/5/2007) (Entered: 11/05/2007)
01/24/2008	<u>26</u>	Memorandum in Opposition re <u>17</u> MOTION to Dismiss <i>for Lack of Subject Matter Jurisdiction and Failure to State a Claim Upon Which Relief May Be Granted</i> filed by Jeanine Santiago, Victor Cordero, J. Tony Serra. (Murcko, John) (Filed on 1/24/2008) (Entered: 01/24/2008)
02/01/2008	<u>27</u>	REPLY to Response to Motion re <u>17</u> MOTION to Dismiss <i>for Lack of Subject Matter Jurisdiction and Failure to State a Claim Upon Which Relief May Be Granted</i> filed by Harley Lappin, Robert F. McFadden. (Katerberg, Robert) (Filed on 2/1/2008) (Entered: 02/01/2008)
02/26/2008	<u>28</u>	Minute Entry: Motion Hearing held on 2/26/2008 before Martin J. Jenkins (Date Filed: 2/26/2008) re <u>17</u> MOTION to Dismiss <i>for Lack of Subject Matter Jurisdiction and Failure to State a Claim Upon Which Relief May Be Granted</i> filed by Robert F. McFadden, Harley Lappin. (Court Reporter Lydia Zinn.) (mat, COURT STAFF) (Date Filed: 2/26/2008) (Entered: 02/26/2008)
03/05/2008	<u>29</u>	ADR Clerks Notice re: Non-Compliance with Court Order. (tjs, COURT STAFF) (Filed on 3/5/2008) (Entered: 03/05/2008)
03/06/2008	<u>30</u>	STIPULATION <i>and Order to Continue Case Management Conference and Associated Deadlines</i> by Harley Lappin, Robert F. McFadden. (Katerberg, Robert) (Filed on 3/6/2008) (Entered: 03/06/2008)
03/07/2008	<u>31</u>	CLERK'S NOTICE Vacating Initial Case Management Conference. (mat, COURT STAFF) (Filed on 3/7/2008) (Entered: 03/07/2008)
04/03/2008	<u>32</u>	ORDER by Judge Martin J. Jenkins granting <u>17</u> Motion to Dismiss (mjllc1, COURT STAFF) (Filed on 4/3/2008) (Entered: 04/03/2008)
04/03/2008	<u>33</u>	JUDGMENT ***Civil Case Terminated. (mat, COURT STAFF) (Filed on 4/3/2008) (Entered: 04/04/2008)
04/17/2008	<u>34</u>	NOTICE OF APPEAL as to <u>32</u> Order on Motion to Dismiss, <u>33</u> Judgment by Jeanine Santiago, Victor Cordero, J. Tony Serra. Filing fee \$ 455, receipt number 34611018272. (slh, COURT STAFF) (Filed on 4/17/2008) (USCA Case No. 08-15969) (Entered: 04/18/2008)
04/18/2008		Transmission of Notice of Appeal and Docket Sheet to US Court of Appeals re <u>34</u> Notice of Appeal. (slh, COURT STAFF) (Filed on 4/18/2008) (Entered: 04/18/2008)
04/18/2008		Copy of Notice of Appeal and Docket sheet mailed to all counsel (slh, COURT STAFF) (Filed on 4/18/2008) (Entered: 04/18/2008)
04/25/2008	<u>35</u>	DESIGNATION of Record on Appeal by Jeanine Santiago, Victor Cordero, J. Tony Serra re <u>34</u> Notice of Appeal (Murcko, John) (Filed on 4/25/2008) (Entered: 04/25/2008)
04/25/2008	<u>36</u>	USCA Case Number 08-15969 for <u>34</u> Notice of Appeal. (slh, COURT STAFF) (Filed on 4/25/2008) (Entered: 04/29/2008)
04/28/2008	<u>37</u>	TRANSCRIPT DESIGNATION by Jeanine Santiago, Victor Cordero, J. Tony Serra for proceedings held on 2/26/08 (C/R Lydia Zinn). (slh, COURT STAFF) (Filed on 4/28/2008) (Entered: 04/29/2008)
05/07/2008	<u>38</u>	Transcript of Proceedings held on 2/26/08, before Judge Jenkins (C/R: Lydia Zinn) (slh, COURT STAFF) (Filed on 5/7/2008) (Entered: 05/08/2008)
11/04/2008	<u>39</u>	Certificate of Record Mailed to USCA re <u>34</u> Notice of Appeal. (slh, COURT STAFF) (Filed on 11/4/2008) (Entered: 11/04/2008)
11/10/2008	<u>40</u>	Receipt for Certificate of Record re <u>34</u> Notice of Appeal. (slh, COURT STAFF) (Filed on 11/10/2008) (Entered: 11/12/2008)
04/13/2010	<u>41</u>	USCA Opinion as to <u>34</u> Notice of Appeal filed by Jeanine Santiago, J. Tony Serra, Victor Cordero; affirmed. (slh, COURT STAFF) (Filed on 4/13/2010) (Entered: 04/13/2010)

	04/13/2010)
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