

**U.S. District Court
California Northern District (San Jose)
CIVIL DOCKET FOR CASE #: 5:03-cv-04529-RMW**

Syverson et al v. International Business Machines Corporation
Assigned to: Hon. Ronald M. Whyte
Referred to: Magistrate Judge Patricia V. Trumbull
Case in other court: Ninth Circuit, 04-16218
Ninth Circuit, 04-16449
Cause: 29:621 Job Discrimination (Age)

Date Filed: 10/07/2003
Jury Demand: Plaintiff
Nature of Suit: 442 Civil Rights: Jobs
Jurisdiction: Federal Question

Plaintiff

William Syverson
*individually, and on behalf of others
similarly situated*

represented by **Jeffrey Neil Young**
McTeague Higbee Case Cohen Whitney
&Tok
Post Office Box 5000
Topsham, ME 04086
207/725-5581
Fax: 207-725-1090
Email: jyoung@me-legal.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Patrick McTeague
McTeague Higbee Case Cohen Whitney
&Tok
Post Office Box 5000
Topsham, ME 04086
207-725-5581
Fax: 207-725-1090
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Robert E. Jesinger
Operating Engineers Local Union No. 3
1620 South Loop Road
Alameda, CA 94502
510.748.7400
Fax: 408.748.7412
Email: rjesinger@oe3.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Christopher Eugene Platten
Wylie McBride Jesinger Platten & Renner
2125 Canoas Garden Avenue Suite 120
San Jose, CA 95125
408.979.2920
Fax: 408.979.2934
Email: cplatten@wmjpr.com
ATTORNEY TO BE NOTICED

Heather Marie Mills
Goldstein, Demchak, et al.
300 Lakeside Dr., Ste. 1000
Oakland, CA 94612
510-763-9800
Fax: 510-835-1417
Email: hmills@gdblegal.com
ATTORNEY TO BE NOTICED

Morris J. Baller

Goldstein, Demchak, Baller, Borgen
&Dardarian
300 Lakeside Drive, Suite 1000
Oakland, CA 94612
(510) 763-9800
Fax: (510) 835-1417
Email: mjb@gdblegal.com
ATTORNEY TO BE NOTICED

Teresa Demchak
Goldstein, Demchak, Baller, Borgen
&Dardarian
300 Lakeside Drive, Suite 1000
Oakland, CA 94612
(510) 763-9800
Fax: (510) 835-1417
Email: dem@gdblegal.com
ATTORNEY TO BE NOTICED

Plaintiff

Ruth Alice Boyd
*individually, and on behalf of others
similarly situated*

represented by **Jeffrey Neil Young**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Patrick McTeague
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Robert E. Jesinger
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Heather Marie Mills
(See above for address)
ATTORNEY TO BE NOTICED

Morris J. Baller
(See above for address)
ATTORNEY TO BE NOTICED

Teresa Demchak
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

Dale Cahill
*individually, and on behalf of others
similarly situated*

represented by **Jeffrey Neil Young**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Patrick McTeague
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Robert E. Jesinger
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Heather Marie Mills

(See above for address)
ATTORNEY TO BE NOTICED

Morris J. Baller
(See above for address)
ATTORNEY TO BE NOTICED

Teresa Demchak
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

Jack Friedman
individually, and on behalf of others
similarly situated

represented by **Jeffrey Neil Young**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Patrick McTeague
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Robert E. Jesinger
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Heather Marie Mills
(See above for address)
ATTORNEY TO BE NOTICED

Morris J. Baller
(See above for address)
ATTORNEY TO BE NOTICED

Teresa Demchak
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

Paul Gromkowski
individually, and on behalf of others
similarly situated

represented by **Jeffrey Neil Young**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Patrick McTeague
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Robert E. Jesinger
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Heather Marie Mills
(See above for address)
ATTORNEY TO BE NOTICED

Morris J. Baller
(See above for address)
ATTORNEY TO BE NOTICED

Teresa Demchak

(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

Sylvia Jones
*individually, and on behalf of others
similarly situated*

represented by **Jeffrey Neil Young**
(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Patrick McTeague
(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Robert E. Jesinger
(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Heather Marie Mills
(See above for address)
ATTORNEY TO BE NOTICED

Morris J. Baller
(See above for address)
ATTORNEY TO BE NOTICED

Teresa Demchak
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

Ralph Marsh
*individually, and on behalf of others
similarly situated*

represented by **Jeffrey Neil Young**
(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Patrick McTeague
(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Robert E. Jesinger
(See above for address)
*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Heather Marie Mills
(See above for address)
ATTORNEY TO BE NOTICED

Morris J. Baller
(See above for address)
ATTORNEY TO BE NOTICED

Teresa Demchak
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

Walter Maslak
*individually, and on behalf of others
similarly situated*

represented by **Jeffrey Neil Young**
(See above for address)
LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Patrick McTeague
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Robert E. Jesinger
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Heather Marie Mills
(See above for address)
ATTORNEY TO BE NOTICED

Morris J. Baller
(See above for address)
ATTORNEY TO BE NOTICED

Teresa Demchak
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

James Payne
*Individually, and on behalf of others
similarly situated*

represented by **Jeffrey Neil Young**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Patrick McTeague
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Robert E. Jesinger
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Heather Marie Mills
(See above for address)
ATTORNEY TO BE NOTICED

Morris J. Baller
(See above for address)
ATTORNEY TO BE NOTICED

Teresa Demchak
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

Antonio Rivera
*individually, and on behalf of others
similarly situated*

represented by **Jeffrey Neil Young**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Patrick McTeague
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Robert E. Jesinger

(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Heather Marie Mills
(See above for address)
ATTORNEY TO BE NOTICED

Morris J. Baller
(See above for address)
ATTORNEY TO BE NOTICED

Teresa Demchak
(See above for address)
ATTORNEY TO BE NOTICED

V.

Defendant

**International Business Machines
Corporation**

represented by **Aaron L. Agenbroad**
Jones Day
555 California Street, 26th Floor
San Francisco, CA 94104-1500
415-875-5808
Fax: 415-875-5700
Email: alagenbroad@jonesday.com
ATTORNEY TO BE NOTICED

Alison B. Marshall
51 Louisiana Avenue, N.W.
Washington, DC 20001-2113
202-879-7611
Email: abmarshall@jonesday.com
ATTORNEY TO BE NOTICED

Glen D. Nager
Jones Day Reavis & Pogue
51 Louisiana Ave NW
Washington, DC 20001-2113
202-879-3939
ATTORNEY TO BE NOTICED

Traci Lovitt
222 East 41st Street
New York, NY 10017-6702
212-326-3939
ATTORNEY TO BE NOTICED

Jeffrey David Wohl
Paul, Hastings, Janofsky & Walker LLP
55 Second Street
San Francisco, CA 94105-3441
415-856-7000
Fax: 415-856-7100
Email: jeffwohl@paulhastings.com
ATTORNEY TO BE NOTICED

Kerri N. Harper
Paul, Hastings, Janofsky & Walker LLP
55 Second Street, Suite 2400
San Francisco, CA 94105-3441
(415) 856-7000
Fax: (415) 856-7100
Email: kerriharper@paulhastings.com

ATTORNEY TO BE NOTICED

Counter-claimant

International Business Machines Corporation

represented by **Aaron L. Agenbroad**
(See above for address)
ATTORNEY TO BE NOTICED

Alison B. Marshall
(See above for address)
ATTORNEY TO BE NOTICED

Glen D. Nager
(See above for address)
ATTORNEY TO BE NOTICED

Traci Lovitt
(See above for address)
ATTORNEY TO BE NOTICED

Jeffrey David Wohl
(See above for address)
ATTORNEY TO BE NOTICED

V.

Counter-defendant

Ruth Alice Boyd
*individually, and on behalf of others
similarly situated*

represented by **Heather Marie Mills**
(See above for address)
ATTORNEY TO BE NOTICED

Morris J. Baller
(See above for address)
ATTORNEY TO BE NOTICED

Teresa Demchak
(See above for address)
ATTORNEY TO BE NOTICED

Jeffrey Neil Young
(See above for address)
ATTORNEY TO BE NOTICED

Counter-defendant

Dale Cahill
*individually, and on behalf of others
similarly situated*

represented by **Heather Marie Mills**
(See above for address)
ATTORNEY TO BE NOTICED

Morris J. Baller
(See above for address)
ATTORNEY TO BE NOTICED

Teresa Demchak
(See above for address)
ATTORNEY TO BE NOTICED

Jeffrey Neil Young
(See above for address)
ATTORNEY TO BE NOTICED

Counter-defendant

Jack Friedman
individually, and on behalf of others

represented by **Heather Marie Mills**
(See above for address)

similarly situated

ATTORNEY TO BE NOTICED

Morris J. Baller
(See above for address)
ATTORNEY TO BE NOTICED

Teresa Demchak
(See above for address)
ATTORNEY TO BE NOTICED

Jeffrey Neil Young
(See above for address)
ATTORNEY TO BE NOTICED

Counter-defendant

Paul Gromkowski
individually, and on behalf of others
similarly situated

represented by **Heather Marie Mills**
(See above for address)
ATTORNEY TO BE NOTICED

Morris J. Baller
(See above for address)
ATTORNEY TO BE NOTICED

Teresa Demchak
(See above for address)
ATTORNEY TO BE NOTICED

Jeffrey Neil Young
(See above for address)
ATTORNEY TO BE NOTICED

Counter-defendant

Sylvia Jones
individually, and on behalf of others
similarly situated

represented by **Heather Marie Mills**
(See above for address)
ATTORNEY TO BE NOTICED

Morris J. Baller
(See above for address)
ATTORNEY TO BE NOTICED

Teresa Demchak
(See above for address)
ATTORNEY TO BE NOTICED

Jeffrey Neil Young
(See above for address)
ATTORNEY TO BE NOTICED

Counter-defendant

Ralph Marsh
individually, and on behalf of others
similarly situated

represented by **Heather Marie Mills**
(See above for address)
ATTORNEY TO BE NOTICED

Morris J. Baller
(See above for address)
ATTORNEY TO BE NOTICED

Teresa Demchak
(See above for address)
ATTORNEY TO BE NOTICED

Jeffrey Neil Young
(See above for address)

ATTORNEY TO BE NOTICED

Counter-defendant

Walter Maslak
*individually, and on behalf of others
similarly situated*

represented by **Heather Marie Mills**
(See above for address)
ATTORNEY TO BE NOTICED

Morris J. Baller
(See above for address)
ATTORNEY TO BE NOTICED

Teresa Demchak
(See above for address)
ATTORNEY TO BE NOTICED

Jeffrey Neil Young
(See above for address)
ATTORNEY TO BE NOTICED

Counter-defendant

James Payne
*Individually, and on behalf of others
similarly situated*

represented by **Heather Marie Mills**
(See above for address)
ATTORNEY TO BE NOTICED

Morris J. Baller
(See above for address)
ATTORNEY TO BE NOTICED

Teresa Demchak
(See above for address)
ATTORNEY TO BE NOTICED

Jeffrey Neil Young
(See above for address)
ATTORNEY TO BE NOTICED

Counter-defendant

Antonio Rivera
*individually, and on behalf of others
similarly situated*

represented by **Heather Marie Mills**
(See above for address)
ATTORNEY TO BE NOTICED

Morris J. Baller
(See above for address)
ATTORNEY TO BE NOTICED

Teresa Demchak
(See above for address)
ATTORNEY TO BE NOTICED

Jeffrey Neil Young
(See above for address)
ATTORNEY TO BE NOTICED

Counter-defendant

William Syverson
*individually, and on behalf of others
similarly situated*

represented by **Heather Marie Mills**
(See above for address)
ATTORNEY TO BE NOTICED

Morris J. Baller
(See above for address)
ATTORNEY TO BE NOTICED

Teresa Demchak
(See above for address)
ATTORNEY TO BE NOTICED

Jeffrey Neil Young
(See above for address)
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
10/07/2003	<u>1</u>	COMPLAINT (<i>summons issued</i>); <i>jury demand</i> ; against International Business Machines Corporation (Filing fee \$150 receipt number 5508629). Filed by Ruth Alice Boyd, Dale Cahill, Jack Friedman, Paul Gromkowski, Sylvia Jones, Ralph Marsh, Walter Maslak, James Payne, Antonio Rivera, William Syverson. (bw, COURT STAFF) Additional attachment(s) added on 10/16/2003 (bw, COURT STAFF). Additional attachment(s) added on 10/16/2003 (bw, COURT STAFF). Additional attachment(s) added on 10/16/2003 (bw, COURT STAFF). (Entered: 10/07/2003)
10/07/2003	<u>2</u>	ADR SCHEDULING ORDER: Case Management Statement due by 2/3/2004. Case Management Conference set for 2/10/2004 at 02:00 PM. (Attachments: # <u>1</u> Standing Order)(bw, COURT STAFF) (Entered: 10/07/2003)
10/07/2003		Summons Issued as to International Business Machines Corporation (bw, COURT STAFF) (Entered: 10/07/2003)
10/07/2003		CASE DESIGNATED for Electronic Filing. (bw, COURT STAFF) (Entered: 10/07/2003)
10/22/2003	<u>3</u>	MOTION for Pro Hac Vice for Jeffrey Neil Young (<i>Fee Paid, Receipt #5508711</i>) filed by William Syverson. (bw, COURT STAFF) Additional attachment(s) added on 10/23/2003 (bw, COURT STAFF). (Entered: 10/22/2003)
10/22/2003		Received Document re <u>3</u> <i>Order Granting Application for Admission of Attorney Jeffrey Neil Young Pro Hac Vice</i> by William Syverson. (bw, COURT STAFF) (Entered: 10/22/2003)
10/22/2003	<u>4</u>	MOTION for Pro Hac Vice for Patrick N. McTeague (<i>Fee Paid, Receipt # 5508711</i>) filed by William Syverson. (bw, COURT STAFF) Additional attachment(s) added on 10/23/2003 (bw, COURT STAFF). (Entered: 10/22/2003)
10/22/2003		Received Document re <u>4</u> <i>Order Granting Application for Admission of Attorney Patrick N. McTeague Pro Hac Vice</i> by William Syverson. (bw, COURT STAFF) (Entered: 10/22/2003)
10/23/2003	<u>5</u>	ORDER by Judge Patricia V. Trumbull granting <u>3</u> Motion for Pro Hac Vice for Jeffrey Neil Young. (bw, COURT STAFF) Additional attachment(s) added on 10/23/2003 (bw, COURT STAFF). (Entered: 10/23/2003)
10/23/2003	<u>6</u>	ORDER by Judge Patricia V. Trumbull granting <u>4</u> Motion for Pro Hac Vice for Patrick N. McTeague (bw, COURT STAFF) Additional attachment(s) added on 10/23/2003 (bw, COURT STAFF). (Entered: 10/23/2003)
10/31/2003	<u>7</u>	Declaration of Jeffrey Neil Young <i>Regarding Consent Forms</i> filed by Ruth Alice Boyd, Dale Cahill, Jack Friedman, Paul Gromkowski, Sylvia Jones, Ralph Marsh, Walter Maslak, James Payne, Antonio Rivera, William Syverson. (Attachments: # <u>1</u> Exhibit Consent to Join)(Jesinger, Robert) (Entered: 10/31/2003)
12/19/2003	<u>8</u>	AMENDED COMPLAINT against International Business Machines Corporation. Filed by William Syverson. (Attachments: # <u>1</u> Exhibit Plaintiff's# <u>2</u> Exhibit Syverson Charge of discrimination# <u>3</u> Exhibit Rivera's charge# <u>4</u> Exhibit Marsh's charge# <u>5</u> Exhibit Cahill's charge# <u>6</u> Exhibit # <u>7</u> Exhibit # <u>8</u> Exhibit # <u>9</u> Exhibit # <u>10</u> Exhibit EEOC determination# <u>11</u> Exhibit # <u>12</u> Exhibit Release# <u>13</u> Exhibit Later release)(Jesinger, Robert) (Filed on 12/19/2003) (Entered: 12/19/2003)

12/19/2003	<u>9</u>	Declaration of Jeffrey Neil Young <i>First Amended -- Regarding Consent Forms</i> filed by William Syverson. (Jesinger, Robert) (Filed on 12/19/2003) (Entered: 12/19/2003)
12/23/2003		Summons Issued as to International Business Machines Corporation on First Amended Complaint. (bw, COURT STAFF) (Filed on 12/23/04) (Entered: 12/29/2003)
01/07/2004	<u>10</u>	STIPULATION <i>Re: Response to Complaint</i> by International Business Machines Corporation. (Wohl, Jeffrey) (Filed on 1/7/2004) (Entered: 01/07/2004)
01/07/2004	<u>11</u>	Declination to Proceed Before a U.S. Magistrate Judge by International Business Machines Corporation. (Wohl, Jeffrey) (Filed on 1/7/2004) (Entered: 01/07/2004)
01/08/2004	<u>12</u>	CLERK'S NOTICE of impending reassignment. Case Management Conference set for 2/13/2004 10:30 AM before Honorable Ronald M. Whyte. Case Management Statement due by 2/2/2004. (cm,) (Filed on 1/8/2004) (Entered: 01/08/2004)
01/08/2004	<u>13</u>	ORDER REASSIGNING CASE. Case reassigned to Judge Ronald M. Whyte for all further proceedings. Judge Patricia V Trumbull remains as the referral judge. Signed by Executive Committee on January 8, 2004. (bw, COURT STAFF) (Filed on 1/8/2004) (Entered: 01/08/2004)
01/13/2004	14	SUMMONS Returned Executed by William Syverson, Ruth Alice Boyd, Dale Cahill, Jack Friedman, Paul Gromkowski, Sylvia Jones, Ralph Marsh, Walter Maslak, James Payne, Antonio Rivera, International Business Machines Corporation. International Business Machines Corporation served on 12/24/2003, answer due 1/13/2004. (bw, COURT STAFF) (Filed on 1/13/2004) (Entered: 01/13/2004)
01/16/2004	<u>15</u>	STIPULATION <i>Re: Postponement of Case Management Activities, Suspension of Briefing and Hearing on Parties' Motions, and Convening of Rule 16 Conference; [Proposed] Order Re: Same</i> by International Business Machines Corporation. (Wohl, Jeffrey) (Filed on 1/16/2004) (Entered: 01/16/2004)
01/30/2004	<u>16</u>	STIPULATION AND ORDER <i>Re: Postponement of Case Management Activities, Suspension of Briefing and Hearing on Parties' Motions, and Convening of Rule 16 Conference</i> . Case Management Conference is set for 3/5/04 @ 10:30 am. Signed by Judge Ronald M. Whyte on 1/30/04. (jg, Court Staff) (Filed on 1/30/2004) (Entered: 01/30/2004)
02/12/2004	<u>17</u>	MOTION to Certify Class <i>for purposes of Count I of the Amended Complaint and to Compel IBM to provide names, addresses, and dates of birth of similarly situated employees and for leave of court to file a second amended Complaint</i> filed by Ruth Alice Boyd, Dale Cahill, Jack Friedman, Paul Gromkowski, Sylvia Jones, Ralph Marsh, Walter Maslak, James Payne, Antonio Rivera, William Syverson. Motion Hearing set for 3/5/2004 10:30 AM. (Young, Jeffrey) (Filed on 2/12/2004) (Entered: 02/12/2004)
02/12/2004	<u>18</u>	*** FILED IN ERROR. PLEASE SEE DOCKET # <u>35</u> *** MOTION to Amend/Correct <i>the First Amended Complaint to file a Second Amended Complaint and Proposed Order Re: Same</i> filed by Ruth Alice Boyd, Dale Cahill, Jack Friedman, Paul Gromkowski, Sylvia Jones, Ralph Marsh, Walter Maslak, James Payne, Antonio Rivera, William Syverson. Motion Hearing set for 3/5/2004 10:30 AM. (Young, Jeffrey) (Filed on 2/12/2004) Modified on 2/13/2004 (br, COURT STAFF). (Entered: 02/12/2004)
02/12/2004	<u>19</u>	MEMORANDUM in Support of <i>Motion to Approve Notice of Action, to Certify Class for Purposes of Count I of the Amended Complaint, and to Compel IBM to Provide Names, Addresses, and Dates of Birth of Similarly Situated Employees</i> filed by Ruth Alice Boyd, Dale Cahill, Jack Friedman, Paul Gromkowski, Sylvia Jones, Ralph Marsh, Walter Maslak, James Payne, Antonio Rivera, William Syverson. (Young, Jeffrey) (Filed on 2/12/2004) (Entered: 02/12/2004)

02/12/2004	<u>20</u>	Proposed Order <i>to Approve Notice of Action, etc.</i> by Ruth Alice Boyd, Dale Cahill, Jack Friedman, Paul Gromkowski, Sylvia Jones, Ralph Marsh, Walter Maslak, James Payne, Antonio Rivera, William Syverson. (Attachments: # <u>1</u> Exhibit Ex A: Notice of Pendency of Age Discr Lawsuit–deferral state# <u>2</u> Exhibit Ex B: Notice of Pendency of Age Discr Lawsuit–Non–Deferral State# <u>3</u> Exhibit Ex C: Consent to Join Class Action)(Young, Jeffrey) (Filed on 2/12/2004) (Entered: 02/12/2004)
02/12/2004	<u>21</u>	Declaration of Ruth Alice Boyd filed by Ruth Alice Boyd, Dale Cahill, Jack Friedman, Paul Gromkowski, Sylvia Jones, Ralph Marsh, Walter Maslak, James Payne, Antonio Rivera, William Syverson. (Attachments: # <u>1</u> Exhibit Ex. 1–3 Release and EEOC documents)(Young, Jeffrey) (Filed on 2/12/2004) (Entered: 02/12/2004)
02/12/2004	<u>22</u>	Declaration of Dale Cahill filed by Ruth Alice Boyd, Dale Cahill, Jack Friedman, Paul Gromkowski, Sylvia Jones, Ralph Marsh, Walter Maslak, James Payne, Antonio Rivera, William Syverson. (Attachments: # <u>1</u> Exhibit Ex. 1–2: Release and EEOC docs)(Young, Jeffrey) (Filed on 2/12/2004) (Entered: 02/12/2004)
02/12/2004	<u>23</u>	Declaration of James Leas filed by Ruth Alice Boyd, Dale Cahill, Jack Friedman, Paul Gromkowski, Sylvia Jones, Ralph Marsh, Walter Maslak, James Payne, Antonio Rivera, William Syverson. (Attachments: # <u>1</u> Exhibit Ex. 1–3: spreadsheet, Release, news article)(Young, Jeffrey) (Filed on 2/12/2004) (Entered: 02/12/2004)
02/12/2004	<u>24</u>	Declaration of Rolf Marsh filed by Ruth Alice Boyd, Dale Cahill, Jack Friedman, Paul Gromkowski, Sylvia Jones, Ralph Marsh, Walter Maslak, James Payne, Antonio Rivera, William Syverson. (Attachments: # <u>1</u> Exhibit Ex. 1–2: Release, EEOC docs)(Young, Jeffrey) (Filed on 2/12/2004) (Entered: 02/12/2004)
02/12/2004	<u>25</u>	Declaration of David Mazgaj filed by Ruth Alice Boyd, Dale Cahill, Jack Friedman, Paul Gromkowski, Sylvia Jones, Ralph Marsh, Walter Maslak, James Payne, Antonio Rivera, William Syverson. (Attachments: # <u>1</u> Exhibit Ex. 1: Release)(Young, Jeffrey) (Filed on 2/12/2004) (Entered: 02/12/2004)
02/12/2004	<u>26</u>	Declaration of Daniel Moczan filed by Ruth Alice Boyd, Dale Cahill, Jack Friedman, Paul Gromkowski, Sylvia Jones, Ralph Marsh, Walter Maslak, James Payne, Antonio Rivera, William Syverson. (Attachments: # <u>1</u> Exhibit Ex. 1–2: EEOC docs)(Young, Jeffrey) (Filed on 2/12/2004) (Entered: 02/12/2004)
02/12/2004	<u>27</u>	Declaration of Antonio Rivera filed by Ruth Alice Boyd, Dale Cahill, Jack Friedman, Paul Gromkowski, Sylvia Jones, Ralph Marsh, Walter Maslak, James Payne, Antonio Rivera, William Syverson. (Attachments: # <u>1</u> Exhibit Ex. 1–3: Release, EEOC docs)(Young, Jeffrey) (Filed on 2/12/2004) (Entered: 02/12/2004)
02/12/2004	<u>28</u>	COUNTERCLAIM against Ruth Alice Boyd, Dale Cahill, Jack Friedman, Paul Gromkowski, Sylvia Jones, Ralph Marsh, Walter Maslak, James Payne, Antonio Rivera, William Syverson. Filed by International Business Machines Corporation. (Wohl, Jeffrey) (Filed on 2/12/2004) (Entered: 02/12/2004)
02/12/2004	<u>29</u>	Declaration of James Payne filed by Ruth Alice Boyd, Dale Cahill, Jack Friedman, Paul Gromkowski, Sylvia Jones, Ralph Marsh, Walter Maslak, James Payne, Antonio Rivera, William Syverson. (Attachments: # <u>1</u> Exhibit Ex. 1–4: Release, EEOC docs)(Young, Jeffrey) (Filed on 2/12/2004) (Entered: 02/12/2004)
02/12/2004	<u>30</u>	Declaration of William Syverson filed by Ruth Alice Boyd, Dale Cahill, Jack Friedman, Paul Gromkowski, Sylvia Jones, Ralph Marsh, Walter Maslak, James Payne, Antonio Rivera, William Syverson. (Attachments: # <u>1</u> Exhibit Ex. 1: IBM 2002 Annual report (portion)# <u>2</u> Exhibit Ex. 2–3: news article, release)(Young, Jeffrey) (Filed on 2/12/2004) (Entered: 02/12/2004)
02/12/2004	<u>31</u>	MOTION to Dismiss <i>Notice of Motion and Motion to Dismiss Without Leave to Amend Plaintiffs' First Amended Complaint; Memoradnum in Support of Motion to Dismiss</i> filed by International Business Machines Corporation. (Wohl, Jeffrey)

		(Filed on 2/12/2004) (Entered: 02/12/2004)
02/12/2004	<u>32</u>	Proposed Order <i>Granting Motion to Dismiss Plaintiffs' First Amended Complaint Without Leave to Amend</i> by International Business Machines Corporation. (Wohl, Jeffrey) (Filed on 2/12/2004) (Entered: 02/12/2004)
02/12/2004	<u>33</u>	Declaration of Jeffrey Neil Young filed by Ruth Alice Boyd, Dale Cahill, Jack Friedman, Paul Gromkowski, Sylvia Jones, Ralph Marsh, Walter Maslak, James Payne, Antonio Rivera, William Syverson. (Attachments: # <u>1</u> Exhibit Ex. 1–3: Releases# <u>2</u> Exhibit Ex. 4–6: Releases# <u>3</u> Exhibit Ex. 7–9: Releases# <u>4</u> Exhibit Ex. 10–12: Releases# <u>5</u> Exhibit Ex. 13–15: Releases# <u>6</u> Exhibit Ex. 16: Thomforde v. IBM – Dft Memo opposing Plt M–Compel# <u>7</u> Exhibit Ex. 17–19: Charges of Discrimination# <u>8</u> Exhibit Ex. 20–21: Order in Mooney v. IBM; Order in Thomforde v. IBM# <u>9</u> Exhibit Ex. 22: Notice of Pendency of Age Discr Lawsuit–Deferral state# <u>10</u> Exhibit Ex. 23: Notice of Pendency of Age Discr Lawsuit–non–deferral state# <u>11</u> Exhibit Ex. 24: Consent to Join Class Action)(Young, Jeffrey) (Filed on 2/12/2004) (Entered: 02/12/2004)
02/12/2004	<u>34</u>	AFFIDAVIT <i>Second Amended Declaration of Jeffrey Neil Young Regarding Consent Forms</i> by Ruth Alice Boyd, Dale Cahill, Jack Friedman, Paul Gromkowski, Sylvia Jones, Ralph Marsh, Walter Maslak, James Payne, Antonio Rivera, William Syverson. (Young, Jeffrey) (Filed on 2/12/2004) (Entered: 02/12/2004)
02/12/2004	<u>35</u>	MOTION to Amend/Correct <i>the First Amended Complaint to file a Second Amended Complaint and a Proposed Order Re: Same</i> filed by Ruth Alice Boyd, Dale Cahill, Jack Friedman, Paul Gromkowski, Sylvia Jones, Ralph Marsh, Walter Maslak, James Payne, Antonio Rivera, William Syverson. Motion Hearing set for 3/5/2004 10:30 AM. (Attachments: # <u>1</u> Exhibit Ex. 1: Proposed Second Amended Complaint)(Young, Jeffrey) (Filed on 2/12/2004) (Entered: 02/12/2004)
02/27/2004	<u>36</u>	CASE MANAGEMENT STATEMENT <i>Plaintiffs' Rule 16 Conference Statement</i> filed by Ruth Alice Boyd, Dale Cahill, Jack Friedman, Paul Gromkowski, Sylvia Jones, Ralph Marsh, Walter Maslak, James Payne, Antonio Rivera, William Syverson. (Young, Jeffrey) (Filed on 2/27/2004) (Entered: 02/27/2004)
02/27/2004	<u>37</u>	CASE MANAGEMENT STATEMENT <i>Defendant and Counter–Claimant International Business Machines Corporation's Rule 16 Conference Statement</i> filed by International Business Machines Corporation. (Wohl, Jeffrey) (Filed on 2/27/2004) (Entered: 02/27/2004)
03/05/2004	<u>38</u>	Minute Entry: Initial Case Management Conference held on 3/5/2004 before Ronald M. Whyte (Date Filed: 3/5/2004), Motions terminated: <u>17</u> MOTION to Certify Class <i>for purposes of Count I of the Amended Complaint and to Compel IBM to provide names, addresses, and dates of birth of similarly situated employees and for leave of court to file a second amended Complaint</i> filed by William Syverson, Ruth Alice Boyd, Dale Cahill, Jack Friedman, Paul Gromkowski, Sylvia Jones, Ralph Marsh, Walter Maslak, James Payne, Antonio Rivera, <u>18</u> MOTION to Amend/Correct <i>the First Amended Complaint to file a Second Amended Complaint and Proposed Order Re: Same</i> filed by William Syverson, Ruth Alice Boyd, Dale Cahill, Jack Friedman, Paul Gromkowski, Sylvia Jones, Ralph Marsh, Walter Maslak, James Payne, Antonio Rivera, <u>35</u> MOTION to Amend/Correct <i>the First Amended Complaint to file a Second Amended Complaint and a Proposed Order Re: Same</i> filed by William Syverson, Ruth Alice Boyd, Dale Cahill, Jack Friedman, Paul Gromkowski, Sylvia Jones, Ralph Marsh, Walter Maslak, James Payne, Antonio Rivera. Case Management Conference set for 4/30/2004 10:30 AM. Hearing on Defendant's Motion to Dismiss is set for 4/30/2004 09:00 AM. (Court Reporter Not Reported.) (jg, Court Staff) (Date Filed: 3/5/2004) (Entered: 03/05/2004)
03/16/2004	<u>39</u>	MOTION to Dismiss <i>Defendant's Counterclaim; Memorandum in Support of Motion to Dismiss</i> filed by Ruth Alice Boyd, Dale Cahill, Jack Friedman, Paul Gromkowski, Sylvia Jones, Ralph Marsh, Walter Maslak, James Payne, Antonio Rivera, William Syverson. Motion Hearing set for 4/30/2004 10:00 AM. (Young, Jeffrey) (Filed on 3/16/2004) (Entered: 03/16/2004)

03/16/2004	<u>40</u>	Proposed Order re <u>39</u> <i>Granting Motion to Dismiss Defendant's Counterclaim</i> by Ruth Alice Boyd, Dale Cahill, Jack Friedman, Paul Gromkowski, Sylvia Jones, Ralph Marsh, Walter Maslak, James Payne, Antonio Rivera, William Syverson. (Young, Jeffrey) (Filed on 3/16/2004) (Entered: 03/16/2004)
03/16/2004	<u>41</u>	Declaration of William Syverson in Support of <u>39</u> <i>Motion to Dismiss Defendant's Counterclaim</i> filed by Ruth Alice Boyd, Dale Cahill, Jack Friedman, Paul Gromkowski, Sylvia Jones, Ralph Marsh, Walter Maslak, James Payne, Antonio Rivera, William Syverson. (Attachments: # <u>1</u> Exhibit 1: Calculations of lost benefits)(Related document(s) <u>39</u>) (Young, Jeffrey) (Filed on 3/16/2004) (Entered: 03/16/2004)
04/02/2004	<u>42</u>	Memorandum in Opposition to <i>Defendant's Motion to Dismiss Plaintiffs' First Amended Complaint Without Leave to Amend</i> filed by Ruth Alice Boyd, Dale Cahill, Jack Friedman, Paul Gromkowski, Sylvia Jones, Ralph Marsh, Walter Maslak, James Payne, Antonio Rivera, William Syverson. (Young, Jeffrey) (Filed on 4/2/2004) (Entered: 04/02/2004)
04/02/2004	<u>43</u>	DECLARATION of Jeffrey Neil Young filed by Ruth Alice Boyd, Dale Cahill, Jack Friedman, Paul Gromkowski, Sylvia Jones, Ralph Marsh, Walter Maslak, James Payne, Antonio Rivera, William Syverson. (Attachments: # <u>1</u> Exhibit #1: IBM General Release and Covenant Not to Sue# <u>2</u> Exhibit #2: Form F-1, Sec. 2(a), Lindemann & Kadue, "Age Discrimination in Employment Law" 1417 (2003)# <u>3</u> Exhibit #3: Letter from Attorney William J. Egan dated 03/11/2004)(Young, Jeffrey) (Filed on 4/2/2004) (Entered: 04/02/2004)
04/09/2004	<u>44</u>	*** FILED IN ERROR. PLEASE SEE DOCKET # <u>46</u> *** MOTION to Dismiss <i>Opposition to Plaintiffs' Motion to Dismiss IBM's Counterclaim</i> filed by International Business Machines Corporation. Motion Hearing set for 4/30/2004 09:00 AM. (Wohl, Jeffrey) (Filed on 4/9/2004) Modified on 4/9/2004 (br, COURT STAFF). (Entered: 04/09/2004)
04/09/2004	<u>45</u>	DECLARATION of Marianne E. DeFazio in Opposition to <u>44</u> <i>Plaintiffs' Motion to Dismiss IBM's Counterclaim</i> filed by International Business Machines Corporation. (Attachments: # <u>1</u> Exhibit A – Portion of the Summary Plan Description of Benefits Plan for Retired Employees# <u>2</u> Exhibit B – Summary Plan Description of Future Health Account)(Related document(s) <u>44</u>) (Wohl, Jeffrey) (Filed on 4/9/2004) (Entered: 04/09/2004)
04/09/2004	<u>46</u>	Memorandum in Opposition <i>Opposition to Plaintiffs' Motion to Dismiss IBM's Counterclaim – CORRECTION OF DOCKET # <u>44</u></i> filed by International Business Machines Corporation. (Wohl, Jeffrey) (Filed on 4/9/2004) (Entered: 04/09/2004)
04/09/2004	<u>47</u>	Proposed Order <i>Denying Plaintiffs' Motion to Dismiss IBM's Counterclaim</i> by International Business Machines Corporation. (Wohl, Jeffrey) (Filed on 4/9/2004) (Entered: 04/09/2004)
04/16/2004	<u>48</u>	Reply Memorandum <i>in Support of Plaintiffs' Motion to Dismiss IBM's Counterclaim</i> filed by Ruth Alice Boyd, Dale Cahill, Jack Friedman, Paul Gromkowski, Sylvia Jones, Ralph Marsh, Walter Maslak, James Payne, Antonio Rivera, William Syverson. (Young, Jeffrey) (Filed on 4/16/2004) (Entered: 04/16/2004)
04/16/2004	<u>49</u>	CASE MANAGEMENT STATEMENT <i>Defendant's Updated Rule 16 Conference Statement</i> filed by International Business Machines Corporation. (Wohl, Jeffrey) (Filed on 4/16/2004) (Entered: 04/16/2004)
04/16/2004	<u>50</u>	Reply Memorandum <i>in Support of Motion to Dismiss Plaintiffs' First Amended Complaint Without Leave to Amend</i> filed by International Business Machines Corporation. (Attachments: # <u>1</u> Exhibit A--Thomforde v. International Business Machines Corporation)(Wohl, Jeffrey) (Filed on 4/16/2004) (Entered: 04/16/2004)
04/22/2004	<u>51</u>	AMENDED DOCUMENT by Ruth Alice Boyd, Dale Cahill, Jack Friedman, Paul Gromkowski, Sylvia Jones, Ralph Marsh, Walter Maslak, James Payne, Antonio Rivera, William Syverson. <i>Plaintiffs UPDATED Rule 16 Conference Statement</i> . (Jesinger, Robert) (Filed on 4/22/2004) (Entered: 04/22/2004)

05/04/2004	<u>52</u>	ORDER by Judge Ronald M. Whyte Granting <u>31</u> defendant's motion to dismiss first amended complaint, denying plaintiffs' <u>39</u> motion to dismiss defendant's counterclaim (rmwlc1,) (Filed on 5/4/2004) (Entered: 05/04/2004)
05/12/2004	<u>53</u>	ANSWER to Counterclaim by Ruth Alice Boyd, Dale Cahill, Jack Friedman, Paul Gromkowski, Sylvia Jones, Ralph Marsh, Walter Maslak, James Payne, Antonio Rivera, William Syverson. (Young, Jeffrey) (Filed on 5/12/2004) (Entered: 05/12/2004)
06/01/2004	<u>54</u>	NOTICE OF APPEAL by Ruth Alice Boyd, Dale Cahill, Jack Friedman, Paul Gromkowski, Sylvia Jones, Ralph Marsh, Walter Maslak, James Payne, Antonio Rivera, William Syverson. Filing fee \$ 255. Appeal Record due by 7/1/2004. (Jesinger, Robert) (Filed on 6/1/2004) (Entered: 06/01/2004)
06/01/2004	<u>55</u>	TRANSCRIPT DESIGNATION <i>and Ordering Form</i> by Ruth Alice Boyd, Dale Cahill, Jack Friedman, Paul Gromkowski, Sylvia Jones, Ralph Marsh, Walter Maslak, James Payne, Antonio Rivera, William Syverson. (Jesinger, Robert) (Filed on 6/1/2004) (Entered: 06/01/2004)
06/01/2004	<u>56</u>	CERTIFICATE OF SERVICE by Ruth Alice Boyd, Dale Cahill, Jack Friedman, Paul Gromkowski, Sylvia Jones, Ralph Marsh, Walter Maslak, James Payne, Antonio Rivera, William Syverson (Jesinger, Robert) (Filed on 6/1/2004) (Entered: 06/01/2004)
06/01/2004	<u>57</u>	EXHIBITS <i>to Notice of Appeal -- Representation Statement</i> filed by Ruth Alice Boyd, Dale Cahill, Jack Friedman, Paul Gromkowski, Sylvia Jones, Ralph Marsh, Walter Maslak, James Payne, Antonio Rivera, William Syverson. (Jesinger, Robert) (Filed on 6/1/2004) (Entered: 06/01/2004)
06/02/2004		Mailed request for payment of docket fee to appellant (cc to USCA) (dhm, COURT STAFF) (Filed on 6/2/2004) (Entered: 06/02/2004)
06/02/2004		Transmission of Notice of Appeal and Docket Sheet to US Court of Appeals re <u>54</u> Notice of Appeal, (dhm, COURT STAFF) (Filed on 6/2/2004) (Entered: 06/02/2004)
06/02/2004		USCA Appeal Fees received \$ 255 receipt number 5510174 re <u>54</u> Notice of Appeal, filed by William Syverson, Ruth Alice Boyd, Dale Cahill, Jack Friedman, Paul Gromkowski, Sylvia Jones, Ralph Marsh, Walter Maslak, James Payne, Antonio Rivera (dhm, COURT STAFF) (Filed on 6/2/2004) (Entered: 06/03/2004)
06/04/2004		Certificate of Record Mailed to USCA re appeal <u>54</u> : No Transcripts Designated (dhm, COURT STAFF) (Filed on 6/4/2004) (Entered: 06/04/2004)
06/16/2004	<u>58</u>	Letter from Jeffrey D. Wohl to Hon. Ronald M. Whyte re Parties' Stipulation & Order re Jdgmnt on IBM's Counterclaim / Proposed Jdgmnt. (Wohl, Jeffrey) (Filed on 6/16/2004) (Entered: 06/16/2004)
06/16/2004	<u>59</u>	STIPULATION <i>Stipulation and Order re: Judgment on IBM's Counterclaim</i> by International Business Machines Corporation. (Wohl, Jeffrey) (Filed on 6/16/2004) (Entered: 06/16/2004)
06/16/2004	<u>60</u>	Proposed Order <i>re: Judgment on IBM's Counterclaim</i> by International Business Machines Corporation. (Wohl, Jeffrey) (Filed on 6/16/2004) (Entered: 06/16/2004)
06/16/2004	<u>61</u>	Proposed Order re <u>58</u> , <u>59</u> , <u>60</u> <i>Proposed Judgment re Stipulation and Order re IBM's Counterclaim</i> by International Business Machines Corporation. (Wohl, Jeffrey) (Filed on 6/16/2004) (Entered: 06/16/2004)
06/17/2004	<u>62</u>	ORDER: Judgment will be entered in accordance with the parties stipulation. Signed by Judge Ronald M. Whyte on 6/17/2004. (dhm, COURT STAFF) (Filed on 6/17/2004) (Entered: 06/17/2004)
06/17/2004	<u>63</u>	JUDGMENT: The First Amended Complaint is dismissed without leave to amend. Judgment is entered in favor of IBM on counterclaim, awarding to IBM \$27,500.00 for which plaintiffs are jointly and severally liable. ***Civil Case Terminated. Signed by Judge Ronald M. Whyte on 6/17/2004. (dhm, COURT

		STAFF) (Filed on 6/17/2004) (Entered: 06/17/2004)
06/21/2004		USCA Case Number 04-16218 for <u>54</u> Notice of Appeal, filed by William Syverson, Ruth Alice Boyd, Dale Cahill, Jack Friedman, Paul Gromkowski, Sylvia Jones, Ralph Marsh, Walter Maslak, James Payne, Antonio Rivera. (dhm, COURT STAFF) (Filed on 6/21/2004) (Entered: 06/21/2004)
07/14/2004	<u>64</u>	TRANSCRIPT filed for dates of 4/30/04 before Judge Ronald M. Whyte, re <u>54</u> Notice of Appeal, Court Reporter: Lee-Anne Shortridge. (cv, COURT STAFF) (Filed on 7/14/2004) (Entered: 07/15/2004)
07/16/2004	<u>65</u>	NOTICE OF APPEAL by Ruth Alice Boyd, Dale Cahill, Jack Friedman, Paul Gromkowski, Sylvia Jones, Ralph Marsh, Walter Maslak, James Payne, Antonio Rivera, William Syverson. Filing fee \$ 255 paid, receipt # 5510456. Appeal Record due by 8/16/2004. (Jesinger, Robert) (Filed on 7/16/2004) Modified on 7/19/2004 to indicate that fee was paid (dhm, COURT STAFF). (Entered: 07/16/2004)
07/16/2004	<u>66</u>	ASSOCIATION of Counsel <i>REPRESENTATION STATEMENT</i> by Ruth Alice Boyd, Dale Cahill, Jack Friedman, Paul Gromkowski, Sylvia Jones, Ralph Marsh, Walter Maslak, James Payne, Antonio Rivera, William Syverson. (Jesinger, Robert) (Filed on 7/16/2004) (Entered: 07/16/2004)
07/16/2004	<u>67</u>	TRANSCRIPT DESIGNATION by Ruth Alice Boyd, Dale Cahill, Jack Friedman, Paul Gromkowski, Sylvia Jones, Ralph Marsh, Walter Maslak, James Payne, Antonio Rivera, William Syverson. **NO TRANSCRIPTS DESIGNATED** (Jesinger, Robert) (Filed on 7/16/2004) Modified on 7/19/2004 to indicate no transcripts designated. (dhm, COURT STAFF). (Entered: 07/16/2004)
07/16/2004	<u>68</u>	CERTIFICATE OF SERVICE by Ruth Alice Boyd, Dale Cahill, Jack Friedman, Paul Gromkowski, Sylvia Jones, Ralph Marsh, Walter Maslak, James Payne, Antonio Rivera, William Syverson (Jesinger, Robert) (Filed on 7/16/2004) (Entered: 07/16/2004)
07/19/2004		Transmission of Notice of Appeal and Docket Sheet to US Court of Appeals re <u>65</u> Notice of Appeal, (dhm, COURT STAFF) (Filed on 7/19/2004) (Entered: 07/19/2004)
07/19/2004		Certificate of Record Mailed to USCA re appeal <u>65</u> : No Transcripts Designated (dhm, COURT STAFF) (Filed on 7/19/2004) (Entered: 07/19/2004)
07/22/2004	<u>69</u>	NOTICE by International Business Machines Corporation <i>Notice of Designation of Entire Transcript on Appeal</i> (Harper, Kerri) (Filed on 7/22/2004) (Entered: 07/22/2004)
07/29/2004	70	ORDER of USCA: This appeal is dismissed for failure to prosecute as to <u>54</u> Notice of Appeal, filed by William Syverson, Ruth Alice Boyd, Dale Cahill, Jack Friedman, Paul Gromkowski, Sylvia Jones, Ralph Marsh, Walter Maslak, James Payne, Antonio Rivera (USCA # 04-16218) (dhm, COURT STAFF) (Filed on 7/29/2004) (Entered: 07/29/2004)
07/30/2004	71	CLERKS Letter Spreading Mandate to Counsel (dhm, COURT STAFF) (Filed on 7/30/2004) (Entered: 07/30/2004)
08/05/2004		USCA Case Number 04-16449 for <u>65</u> Notice of Appeal, filed by William Syverson, Ruth Alice Boyd, Dale Cahill, Jack Friedman, Paul Gromkowski, Sylvia Jones, Ralph Marsh, Walter Maslak, James Payne, Antonio Rivera. (dhm, COURT STAFF) (Filed on 8/5/2004) (Entered: 08/05/2004)
03/20/2006		Certified and Transmitted Record on Appeal to US Court of Appeals re <u>65</u> Notice of Appeal, (dhm, COURT STAFF) (Filed on 3/20/2006) (Entered: 03/20/2006)
01/12/2007	72	USCA JUDGMENT as to <u>65</u> Notice of Appeal filed by William Syverson,, Ruth Alice Boyd,, Dale Cahill,, Jack Friedman,, Paul Gromkowski,, Sylvia Jones,, Ralph Marsh,, Walter Maslak,, James Payne,, Antonio Rivera. The judgment of the District Court in this cause is hereby reversed and remanded. Costs taxed.

		USCA # 04-16449 (dhm, COURT STAFF) (Filed on 1/12/2007) (Entered: 01/16/2007)
01/16/2007	<u>73</u>	CLERKS Letter Spreading Mandate to Counsel (Attachments: # <u>1</u> USCA Judgment)(dhm, COURT STAFF) (Filed on 1/16/2007) (Entered: 01/16/2007)
01/26/2007	<u>74</u>	STIPULATION <i>Re: Suspension of Deadlines and Litigation Activity Pending Scheduling of Status Conference</i> by International Business Machines Corporation, International Business Machines Corporation. (Wohl, Jeffrey) (Filed on 1/26/2007) (Entered: 01/26/2007)
02/13/2007	<u>75</u>	CLERK'S NOTICE OF SETTING CASE MANAGEMENT CONFERENCE: Case Management Conference set for 3/9/2007 10:30 AM. Joint Case Management Statement due by 3/2/2007. (jg, COURT STAFF) (Filed on 2/13/2007) (Entered: 02/13/2007)
02/26/2007	<u>76</u>	ASSOCIATION of Counsel <i>Notice of Association of Counsel for Defendant International Business Machines Corporation</i> by International Business Machines Corporation. (Wohl, Jeffrey) (Filed on 2/26/2007) (Entered: 02/26/2007)
02/27/2007	<u>77</u>	MOTION for leave to appear in Pro Hac Vice filed by International Business Machines Corporation. (Wohl, Jeffrey) (Filed on 2/27/2007) (Entered: 02/27/2007)
02/27/2007	<u>78</u>	Proposed Order re <u>77</u> MOTION for leave to appear in Pro Hac Vice [<i>Proposed</i>] <i>Order Granting Application for Admission of Alison B. Marshall Pro Hac Vice</i> by International Business Machines Corporation. (Wohl, Jeffrey) (Filed on 2/27/2007) (Entered: 02/27/2007)
02/27/2007	<u>79</u>	MOTION for leave to appear in Pro Hac Vice <i>Application for Admission of Glen D. Nager Pro Hac Vice</i> filed by International Business Machines Corporation. (Wohl, Jeffrey) (Filed on 2/27/2007) (Entered: 02/27/2007)
02/27/2007	<u>80</u>	Proposed Order re <u>79</u> MOTION for leave to appear in Pro Hac Vice <i>Application for Admission of Glen D. Nager Pro Hac Vice</i> by International Business Machines Corporation. (Wohl, Jeffrey) (Filed on 2/27/2007) (Entered: 02/27/2007)
02/27/2007	<u>81</u>	STIPULATION re <u>75</u> Clerks Notice <i>Stipulation Re: Postponement of 03/09/07 Case Management Conference Pending Plaintiffs' Proposed Second Amended Complaint; [Proposed] Order Re: Same</i> by International Business Machines Corporation. (Wohl, Jeffrey) (Filed on 2/27/2007) (Entered: 02/27/2007)
02/28/2007		Pro Hac Vice Application Fees received : \$ 420.00, receipt number 5461100053, for the applications of Alison B. Marshall and Glen D. Nager. (dhm, COURT STAFF) (Filed on 2/28/2007) (Entered: 03/06/2007)
03/05/2007	<u>82</u>	STIPULATION AND ORDER Re: <u>81</u> Postponement of 3/9/07 Case Management Conference Pending Plaintiffs' Proposed Second Amended Complaint. Case Management Conference set for 5/4/2007 10:30 AM. Signed by Judge Ronald M. Whyte on 3/5/07. (jg, COURT STAFF) (Filed on 3/5/2007) (Entered: 03/05/2007)
03/14/2007	<u>83</u>	ORDER by Judge Ronald M. Whyte granting <u>77</u> Application of Alison B. Marshall for Admission Pro Hac Vice (dhm, COURT STAFF) (Filed on 3/14/2007) (Entered: 03/15/2007)
03/14/2007	<u>84</u>	ORDER by Judge Ronald M. Whyte granting <u>79</u> Application of Glen D. Nager for Admission Pro Hac Vice (dhm, COURT STAFF) (Filed on 3/14/2007) (Entered: 03/15/2007)
04/16/2007	85	Appeal Record Returned: <u>54</u> , <u>65</u> Notice of Appeal, (dhm, COURT STAFF) (Filed on 4/16/2007) (Entered: 04/16/2007)
04/27/2007	<u>86</u>	JOINT CASE MANAGEMENT STATEMENT <i>and Proposed Order</i> filed by International Business Machines Corporation. (Wohl, Jeffrey) (Filed on 4/27/2007) (Entered: 04/27/2007)

05/04/2007	<u>87</u>	AMENDED COMPLAINT <i>Second Amended Complaint</i> against International Business Machines Corporation. Filed by William Syverson. (Attachments: # <u>1</u> # <u>2</u> # <u>3</u> # <u>4</u> # <u>5</u> # <u>6</u> # <u>7</u> # <u>8</u> # <u>9</u> # <u>10</u> # <u>11</u> # <u>12</u> # <u>13</u> # <u>14</u> # <u>15</u> # <u>16</u> # <u>17</u> # <u>18</u> # <u>19</u> # <u>20</u> # <u>21</u> # <u>22</u> # <u>23</u> # <u>24</u> # <u>25</u> # <u>26</u> # <u>27</u> # <u>28</u>) (Platten, Christopher) (Filed on 5/4/2007) (Entered: 05/04/2007)
05/04/2007	<u>89</u>	Minute Entry: Initial Case Management Conference held on 5/4/2007 before Ronald M. Whyte (Date Filed: 5/4/2007). Motion Hearing set for 7/27/2007 09:00 AM in Courtroom 6, 4th Floor, San Jose. (Court Reporter Not Reported.) (jg, COURT STAFF) (Date Filed: 5/4/2007) (Entered: 05/08/2007)
05/08/2007	<u>88</u>	NOTICE of Appearance by Jeffrey Neil Young of <i>Teresa Demchak, Morris Baller, and Heather Mills</i> (Young, Jeffrey) (Filed on 5/8/2007) (Entered: 05/08/2007)
05/14/2007	<u>90</u>	Proposed Order re <u>89</u> Case Management Conference – Initial., Set Hearings, <i>Order Following 05/04/07 Case Management Conference</i> by International Business Machines Corporation. (Wohl, Jeffrey) (Filed on 5/14/2007) (Entered: 05/14/2007)
05/29/2007	91	APPLICATION of Traci L. Lovitt for leave to appear Pro Hac Vice (Filing fee \$ 210, receipt number 54611001068) filed by International Business Machines Corporation. (dhm, COURT STAFF) (Filed on 5/29/2007) (Entered: 05/29/2007)
05/29/2007		Proposed Order re 91 APPLICATION of Traci L. Lovitt for leave to appear Pro Hac Vice (Filing fee \$ 210, receipt number 5461100106.) by International Business Machines Corporation. (dhm, COURT STAFF) (Filed on 5/29/2007) (Entered: 05/29/2007)
05/29/2007	92	CERTIFICATE OF SERVICE by International Business Machines Corporation re 91 MOTION for leave to appear in Pro Hac Vice (Filing fee \$ 210, receipt number 5461100106.), Proposed Order (dhm, COURT STAFF) (Filed on 5/29/2007) (Entered: 05/29/2007)
06/04/2007	<u>93</u>	MOTION to Dismiss <i>DEFENDANT'S NOTICE OF MOTION AND MOTION TO DISMISS PARTS OF PLAINTIFF'S SECOND AMENDED COMPLAINT; MEMORANDUM IN SUPPORT OF MOTION</i> filed by International Business Machines Corporation. Motion Hearing set for 7/27/2007 09:00 AM in Courtroom 6, 4th Floor, San Jose. (Wohl, Jeffrey) (Filed on 6/4/2007) (Entered: 06/04/2007)
06/04/2007	<u>94</u>	Proposed Order re <u>93</u> MOTION to Dismiss <i>DEFENDANT'S NOTICE OF MOTION AND MOTION TO DISMISS PARTS OF PLAINTIFF'S SECOND AMENDED COMPLAINT; MEMORANDUM IN SUPPORT OF MOTION // [PROPOSED] ORDER GRANTING DEFENDANT'S MOTION TO DISMISS PARTS OF PLAINTIFF'S SECOND AMENDED COMPLAINT</i> by International Business Machines Corporation. (Wohl, Jeffrey) (Filed on 6/4/2007) (Entered: 06/04/2007)
06/06/2007	<u>95</u>	CASE MANAGEMENT SCHEDULING ORDER <u>90</u> : Motion Hearing set for 7/27/2007 09:00 AM in Courtroom 6, 4th Floor, San Jose. Signed by Judge Ronald M. Whyte on 6/6/07. (jg, COURT STAFF) (Filed on 6/6/2007) (Entered: 06/06/2007)
06/07/2007	96	ORDER by Judge Ronald M. Whyte granting 91 APPLICATION of Traci L. Lovitt for leave to appear Pro Hac Vice. (dhm, COURT STAFF) (Filed on 6/7/2007) (Entered: 06/07/2007)
06/27/2007	<u>97</u>	Memorandum in Opposition re <u>93</u> MOTION to Dismiss <i>DEFENDANT'S NOTICE OF MOTION AND MOTION TO DISMISS PARTS OF PLAINTIFF'S SECOND AMENDED COMPLAINT; MEMORANDUM IN SUPPORT OF MOTION</i> filed by William Syverson. (Demchak, Teresa) (Filed on 6/27/2007) (Entered: 06/27/2007)
07/11/2007	<u>98</u>	Reply Memorandum in support of <u>93</u> DEFENDANT'S NOTICE OF MOTION AND MOTION TO DISMISS PARTS OF PLAINTIFF'S SECOND AMENDED COMPLAINT; MEMORANDUM IN SUPPORT OF MOTION filed by International Business Machines Corporation. (Wohl, Jeffrey) (Filed on

		7/11/2007) Modified text on 7/13/2007 (dhm, COURT STAFF). (Entered: 07/11/2007)
07/27/2007	<u>99</u>	Minute Entry: Motion Hearing held on 7/27/2007 before Ronald M. Whyte (Date Filed: 7/27/2007) re <u>93</u> MOTION to Dismiss <i>DEFENDANT'S NOTICE OF MOTION AND MOTION TO DISMISS PARTS OF PLAINTIFF'S SECOND AMENDED COMPLAINT; MEMORANDUM IN SUPPORT OF MOTION</i> filed by International Business Machines Corporation. (Court Reporter Lee-Anne Shortridge.) (jg, COURT STAFF) (Date Filed: 7/27/2007) (Entered: 07/31/2007)
08/10/2007	100	TRANSCRIPT of Proceedings held on 7/27/2007 before Judge Ronald M. Whyte. Court Reporter: Lee-Anne Shortridge. (dhm, COURT STAFF) (Filed on 8/10/2007) (Entered: 08/10/2007)
10/03/2007	<u>101</u>	ORDER by Judge Whyte granting <u>93</u> Defendant's Motion to Dismiss (rmwlc2, COURT STAFF) (Filed on 10/3/2007) (Entered: 10/03/2007)
10/22/2007	<u>102</u>	STIPULATION <i>Regarding Enlargement of Time to File Third Amended Complaint</i> by International Business Machines Corporation. (Wohl, Jeffrey) (Filed on 10/22/2007) (Entered: 10/22/2007)
10/22/2007	<u>103</u>	Declaration of Jeffrey Neil Young in Support of <u>102</u> Stipulation <i>Re Enlargement of Time to File Third Amended Complaint</i> filed by International Business Machines Corporation. (Related document(s) <u>102</u>) (Wohl, Jeffrey) (Filed on 10/22/2007) (Entered: 10/22/2007)
10/22/2007	<u>104</u>	Proposed Order re <u>102</u> Stipulation [<i>Proposed</i>] <i>Order Granting Enlargement of Time to File Third Amended Complaint</i> by International Business Machines Corporation. (Wohl, Jeffrey) (Filed on 10/22/2007) (Entered: 10/22/2007)
11/06/2007	<u>105</u>	STIPULATION <i>REGARDING PRESERVATION OF PLAINTIFFS' OWBPA CLAIM FOR APPEAL</i> by William Syverson. (Attachments: # <u>1</u> Signature Page (Declarations/Stipulations))(Demchak, Teresa) (Filed on 11/6/2007) (Entered: 11/06/2007)
11/06/2007	<u>106</u>	STIPULATION AND ORDER granting enlargement of time re <u>104</u> Proposed Order filed by International Business Machines Corporation.Signed by Judge Ronald M. Whyte on 11/6/07. (cm, COURT STAFF) (Filed on 11/6/2007) (Entered: 11/06/2007)
11/06/2007	<u>107</u>	AMENDED COMPLAINT <i>THIRD AMENDED COMPLAINT</i> against International Business Machines Corporation. Filed by William Syverson. (Attachments: # <u>1</u> Exhibit A & 1-27)(Demchak, Teresa) (Filed on 11/6/2007) (Entered: 11/06/2007)
11/26/2007	<u>108</u>	ANSWER to Amended Complaint <i>Answer to Plaintiff's Third Amended Complaint</i> by International Business Machines Corporation. (Wohl, Jeffrey) (Filed on 11/26/2007) (Entered: 11/26/2007)
11/26/2007	<u>109</u>	Certificate of Interested Entities by International Business Machines Corporation (Wohl, Jeffrey) (Filed on 11/26/2007) (Entered: 11/26/2007)
01/25/2008	<u>110</u>	JOINT CASE MANAGEMENT STATEMENT <i>and Proposed Order (L.R. 16-9)</i> filed by International Business Machines Corporation. (Agenbroad, Aaron) (Filed on 1/25/2008) (Entered: 01/25/2008)
01/28/2008	<u>111</u>	STIPULATION <i>re Protective Order</i> by William Syverson. (Demchak, Teresa) (Filed on 1/28/2008) (Entered: 01/28/2008)
02/01/2008	<u>117</u>	Minute Entry: Initial Case Management Conference held on 2/1/2008 before Ronald M. Whyte (Date Filed: 2/1/2008). Class Certification Motion Hearing set for 11/21/2008 09:00 AM in Courtroom 6, 4th Floor, San Jose. (Court Reporter Not Reported.) (jg, COURT STAFF) (Date Filed: 2/1/2008) (Entered: 02/11/2008)
02/08/2008	<u>112</u>	Declaration of Jeffrey Neil Young <i>Attaching Consent Forms</i> filed by William Syverson. (Attachments: # <u>1</u> Exhibit 1-90 --- Consent Forms)(Young, Jeffrey) (Filed on 2/8/2008) (Entered: 02/08/2008)

02/08/2008	<u>113</u>	EXHIBITS re <u>112</u> Declaration in Support (<i>Exhibits 91-180 -- Consent Forms</i>) filed by William Syverson. (Related document(s) <u>112</u>) (Young, Jeffrey) (Filed on 2/8/2008) (Entered: 02/08/2008)
02/08/2008	<u>114</u>	EXHIBITS re <u>112</u> Declaration in Support (<i>Exhibits 181-270 -- Consent Forms</i>) filed by William Syverson. (Related document(s) <u>112</u>) (Young, Jeffrey) (Filed on 2/8/2008) (Entered: 02/08/2008)
02/08/2008	<u>115</u>	EXHIBITS re <u>112</u> Declaration in Support (<i>Exhibits 271-355 -- Consent Forms</i>) filed by William Syverson. (Related document(s) <u>112</u>) (Young, Jeffrey) (Filed on 2/8/2008) (Entered: 02/08/2008)
02/11/2008	<u>116</u>	Letter from Alison B. Marshall <i>Joint Letter Requesting Deferral of Scheduling Order</i> . (Marshall, Alison) (Filed on 2/11/2008) (Entered: 02/11/2008)
02/11/2008	<u>118</u>	ORDER Assigning Preparation of Discovery Plan to Magistrate Judge. Signed by Judge Ronald M. Whyte on 2/11/08. (jg, COURT STAFF) (Filed on 2/11/2008) (Entered: 02/11/2008)
03/12/2008	<u>119</u>	STIPULATED PROTECTIVE ORDER re <u>111</u> . Signed by Judge Patricia V. Trumbull on 3/11/08. (pvtlc1) (Filed on 3/12/2008) (Entered: 03/12/2008)