

**U.S. District Court [LIVE]
Western District of Texas (San Antonio)
CIVIL DOCKET FOR CASE #: 5:06-cv-00729-XR**

Salinas v. City of New Braunfels
Assigned to: Judge Xavier Rodriguez
Demand: \$50,000
Cause: 29:0794 Job Discrimination (Handicap)

Date Filed: 08/24/2006
Date Terminated: 05/14/2008
Jury Demand: Both
Nature of Suit: 446 Civil Rights:
Americans with Disabilities – Other
Jurisdiction: Federal Question

Plaintiff

Maria Salinas

represented by **John Griffin , Jr.**
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V.

Defendant

City of New Braunfels

represented by **Charles Straith Frigerio**
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| Date Filed | # | Docket Text |
|------------|-----------|--|
| 08/24/2006 | <u>1</u> | COMPLAINT (Filing fee \$ 350 receipt number 202641), filed by Maria Salinas. (Attachments: # <u>1</u> Civil Cover Sheet)(bn,) (Entered: 08/24/2006) |
| 08/24/2006 | <u>2</u> | Summons Issued as to City of New Braunfels. (bn,) (Entered: 08/24/2006) |
| 08/24/2006 | | If ordered by the court, all referrals will be assigned to Magistrate Judge Primomo (bn,) (Entered: 08/24/2006) |
| 08/30/2006 | <u>3</u> | SUMMONS Returned Executed by Maria Salinas. City of New Braunfels served on 8/29/2006, answer due 9/18/2006. (rf) (Entered: 08/31/2006) |
| 09/13/2006 | <u>4</u> | MOTION to Dismiss by City of New Braunfels. (Attachments: # <u>1</u> Proposed Order OF DISMISSAL)(Frigerio, Charles) (Entered: 09/13/2006) |
| 09/14/2006 | <u>5</u> | Original ANSWER to Complaint with Jury Demand by City of New Braunfels.(rf) (Entered: 09/15/2006) |
| 09/22/2006 | <u>6</u> | RESPONSE to Motion re <u>4</u> MOTION to Dismiss, filed by Maria Salinas. (Attachments: # <u>1</u> Exhibit Exhibit A# <u>2</u> Proposed Order Proposed Order Denying Motion to Dismiss)(Wood, Lucy) (Entered: 09/22/2006) |
| 09/25/2006 | <u>7</u> | ORDER AND ADVISORY: Notice of right to consent to disposition of a civil case by a U.S. Magistrate Judge., Order for Scheduling Recommendations/Proposed Scheduling Order. Plaintiff shall submit a scheduling recommendations/proposed scheduling order to the Court by 11/13/2006. Signed by Judge Xavier Rodriguez. (rf) (Entered: 09/25/2006) |
| 10/20/2006 | 8 | CONSENT/NON-CONSENT to Trial by US Magistrate Judge by Maria Salinas Received. (Document is sealed pursuant to the Electronic Filing Procedures for the Western District of Texas). (rf) (Entered: 10/20/2006) |
| 11/06/2006 | <u>9</u> | Scheduling Recommendations <i>Joint Proposed</i> by City of New Braunfels. (Frigerio, Charles) (Entered: 11/06/2006) |
| 11/17/2006 | <u>10</u> | SCHEDULING ORDER: Pretrial Conference set for 11/15/2007 9:30 AM before Honorable Xavier Rodriguez. Jury Selection set for 11/26/2007 9:30AM before Honorable Xavier Rodriguez. Jury Trial set for 11/26/2007 9:30 AM before Honorable Xavier Rodriguez. ADR Report Deadline due by 12/20/2006. Amended Pleadings due by 4/19/2007. Discovery due by 7/31/2007. Motions due by 8/31/2007. Signed by Judge Xavier Rodriguez. (rf) (Entered: 11/20/2006) |
| 12/18/2006 | <u>11</u> | ORDER denying <u>4</u> Motion to Dismiss. Signed by Judge Xavier Rodriguez. (rf) (Entered: 12/18/2006) |
| 12/19/2006 | <u>12</u> | ADR Report Filed – NON-CONSENT to Alternate Dispute Resolution (ADR) by City of New Braunfels(Frigerio, Charles) (Entered: 12/19/2006) |

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| 12/19/2006 | <u>13</u> | ADR Report Filed – CONSENT to Alternate Dispute Resolution (ADR) by Maria Salinas(Wood, Lucy) (Entered: 12/19/2006) |
| 12/29/2006 | <u>14</u> | Pretrial Disclosures by City of New Braunfels. (Frigerio, Charles) (Entered: 12/29/2006) |
| 03/13/2007 | 15 | CONSENT/NON-CONSENT to Trial by US Magistrate Judge by City of New Braunfels Received. (Document is sealed pursuant to the Electronic Filing Procedures for the Western District of Texas). (rf) (Entered: 03/13/2007) |
| 03/20/2007 | <u>16</u> | Pretrial Disclosures <i>First Supplemental</i> by City of New Braunfels. (Frigerio, Charles) (Entered: 03/20/2007) |
| 04/12/2007 | <u>17</u> | Joint MOTION to Extend Scheduling Order Deadlines by Maria Salinas, City of New Braunfels. (Attachments: # <u>1</u> Proposed Order # <u>2</u> Proposed Order)(Wood, Lucy) (Entered: 04/12/2007) |
| 04/13/2007 | <u>18</u> | FIRST AMENDED SCHEDULING ORDER: granting <u>17</u> Joint MOTION to Extend Scheduling Order Deadlines. Pretrial Conference reset for 12/19/2007 10:00 AM before Honorable Xavier Rodriguez. Jury Selection reset for 1/7/2008 9:30 AM before Honorable Xavier Rodriguez. Jury Trial reset for 1/7/2008 9:30 AM before Honorable Xavier Rodriguez. Discovery due by 9/5/2007. Motions due by 10/5/2007. Signed by Judge Xavier Rodriguez. (rf) (Entered: 04/16/2007) |
| 04/17/2007 | <u>19</u> | Pretrial Disclosures <i>Second Supplemental</i> by City of New Braunfels. (Frigerio, Charles) (Entered: 04/17/2007) |
| 06/21/2007 | <u>20</u> | Joint MOTION to Extend Scheduling Order Deadlines <i>and ORDER</i> by Maria Salinas, City of New Braunfels. (Attachments: # <u>1</u> Proposed Order Extension of Deadline)(Wood, Lucy) Modified on 6/21/2007, to add filer (rf). (Entered: 06/21/2007) |
| 06/21/2007 | | Notice of Correction: **NOTIFIED COUNSEL OF ADDITION OF FILER** re <u>20</u> Joint MOTION to Extend Scheduling Order Deadlines <i>and ORDER</i> . (rf) (Entered: 06/21/2007) |
| 06/22/2007 | <u>21</u> | ORDER granting <u>20</u> Joint MOTION to Extend Scheduling Order Deadlines.Discovery due by 9/5/2007. Motions due by 10/5/2007. Jury Selection reset for 1/7/2008 9:30 AM before Honorable Xavier Rodriguez. Jury Trial reset for 1/7/2008 9:30 AM before Honorable Xavier Rodriguez. Pretrial Conference set for 12/19/2007 10:00 AM before Honorable Xavier Rodriguez. Signed by Judge Xavier Rodriguez. (rf) (Entered: 06/22/2007) |
| 07/06/2007 | <u>22</u> | Third MOTION to Extend Scheduling Order Deadlines by Maria Salinas. (Attachments: # <u>1</u>)(Wood, Lucy) (Entered: 07/06/2007) |
| 07/09/2007 | <u>23</u> | ORDER granting <u>22</u> Third MOTION to Extend Scheduling Order Deadlines filed by Maria Salinas.Discovery due by 12/4/2007.,Motions due by 1/3/2008., Jury Selection reset for 4/7/2008 9:30 AM before Honorable Xavier Rodriguez., Jury Trial reset for 4/7/2008 9:30 AM before Honorable Xavier Rodriguez., Pretrial Conference reset for 3/19/2008 10:00 AM before Honorable Xavier Rodriguez. Signed by Judge Xavier Rodriguez. (rf,) (Entered: 07/09/2007) |
| 07/17/2007 | <u>24</u> | Pretrial Disclosures <i>Third Supplemental</i> by City of New Braunfels. (Frigerio, Charles) (Entered: 07/17/2007) |
| 10/11/2007 | <u>25</u> | WITNESS/EXHIBIT/EXPERT LIST by Maria Salinas. (Wood, Lucy) (Entered: 10/11/2007) |
| 10/30/2007 | <u>26</u> | WITNESS/EXHIBIT/EXPERT LIST by City of New Braunfels <i>Designation of</i> . (Attachments: # <u>1</u> Exhibit A – Expert CV)(Frigerio, Charles) (Entered: 10/30/2007) |

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| 11/26/2007 | <u>27</u> | WITNESS/EXHIBIT/EXPERT LIST by Maria Salinas. (Wood, Lucy) (Entered: 11/26/2007) |
| 01/03/2008 | <u>28</u> | MOTION for Summary Judgment by City of New Braunfels. (Attachments: # <u>1</u> Affidavit Attorney Charles Frigerio, # <u>2</u> Exhibit A – Deposition of Salinas, # <u>3</u> Exhibit A–1 Con't Deposition of Salinas, # <u>4</u> Exhibit B – Deposition Skrzyki, # <u>5</u> Exhibit B1 – Con't Deposition Skrzyki, # <u>6</u> Exhibit C – Deposition of Baker, # <u>7</u> Exhibit C1 – Con't Deposition of Baker, # <u>8</u> Exhibit D – Police Reports, # <u>9</u> Exhibit E – Deposition of Holder, # <u>10</u> Proposed Order)(Frigerio, Charles) (Entered: 01/03/2008) |
| 01/07/2008 | <u>29</u> | Joint MOTION for Extension of Time to File Response/Reply to Motion for Summary Judgment by Maria Salinas, City of New Braunfels. (Attachments: # <u>1</u> Proposed Order Extension of Deadline to File Response to Motion for Summary Judgment)(Wood, Lucy) (Entered: 01/07/2008) |
| 01/07/2008 | <u>30</u> | ORDER granting <u>29</u> Motion for Extension of Time to File Response to Motion for Summary Judgment. The response is due by 2/7/07. Signed by Judge Xavier Rodriguez. (rf) (Entered: 01/08/2008) |
| 02/06/2008 | <u>31</u> | Unopposed MOTION for Leave to Exceed Page Limitation by Maria Salinas. (Attachments: # <u>1</u> Proposed Order Granting Plaintiff's Unopposed Motion for Leave to File Response in Excess of Fifteen Pages)(Wood, Lucy) (Entered: 02/06/2008) |
| 02/06/2008 | <u>32</u> | RESPONSE to Motion, filed by Maria Salinas, re <u>28</u> MOTION for Summary Judgment filed by Defendant City of New Braunfels (Attachments: # <u>1</u> Proposed Order Denying Defendant's Motion for Summary Judgment, # <u>2</u> Appendix, # <u>3</u> Exhibit 1, # Exhibit 2, # <u>5</u> Exhibit Exhibit 3, # <u>6</u> Exhibit 4, # <u>7</u> Exhibit 5, # <u>8</u> Exhibit 6, # <u>9</u> Exhibit 7, # <u>10</u> Exhibit 8, # <u>11</u> Exhibit 9, # <u>12</u> Exhibit 10, # <u>13</u> Exhibit 11, # <u>14</u> Exhibit 12, # <u>15</u> Exhibit 13, # <u>16</u> Exhibit 14, # <u>17</u> Exhibit 15, # <u>18</u> Exhibit 16, # <u>19</u> Exhibit 17, # <u>20</u> Exhibit 18, # <u>21</u> Exhibit 19, # <u>22</u> Exhibit 20, # <u>23</u> Exhibit 21, # <u>24</u> Exhibit 22, # <u>25</u> Exhibit 23, # <u>26</u> Exhibit 24, # <u>27</u> Exhibit 25, # <u>28</u> Exhibit 26, # <u>29</u> Exhibit 27)(Wood, Lucy) (Additional attachment(s) added on 2/14/2008: # <u>30</u> corrected exhibit #2) (rf,). (Entered: 02/06/2008) |
| 02/07/2008 | <u>33</u> | ORDER granting <u>31</u> Motion for Leave to File Response in Excess Pages. Signed by Judge Xavier Rodriguez. (rf) (Entered: 02/07/2008) |
| 02/07/2008 | <u>34</u> | NOTICE of Filing Exhibits by Maria Salinas (2 discs not available electronically) (rf) (Entered: 02/07/2008) |
| 02/13/2008 | <u>35</u> | MOTION for Leave to File Plaintiff's Exhibit 2 by Maria Salinas. (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Exhibit 2)(Wood, Lucy) (Entered: 02/13/2008) |
| 02/13/2008 | <u>36</u> | NOTICE of Attorney Appearance by Hohn W. Griffin on behalf of Maria Salinas (Wood, Lucy) Modified on 2/13/2008, to edit text (rf). (Entered: 02/13/2008) |
| 02/13/2008 | | Notice of Correction: ***NOTIFIED COUNSEL OF MODIFICATION OF TEXT TO REFLECT THE NOTICE OF APPEARANCE IS ON BEHALF OF JOHN W. GRIFFIN***re <u>36</u> Notice of Appearance. (rf) (Entered: 02/13/2008) |
| 02/14/2008 | <u>37</u> | ORDER granting <u>35</u> Motion for Leave to File Amendment to Response. Signed by Judge Xavier Rodriguez. (rf) (Entered: 02/14/2008) |

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| 02/14/2008 | | Notice of Correction: ***NOTIFIED COUNSEL THAT THE PURSUANT TO THE COURT'S ORDER doc #37, THE CORRECT EXHIBIT #2 HAS BEEN ATTACHED TO DOCKET ENTRY <u>32</u> Response to Motion. (rf) (Entered: 02/14/2008) |
| 02/27/2008 | <u>38</u> | NOTICE of Filing by Maria Salinas (Attachments: # <u>1</u> Appendix Fuller v. Wellington–Order Denying MSJ)(Wood, Lucy) (Entered: 02/27/2008) |
| 03/14/2008 | <u>39</u> | ORDER DENYING <u>28</u> Motion for Summary Judgment. Signed by Judge Xavier Rodriguez. (rf) (Entered: 03/14/2008) |
| 03/17/2008 | <u>40</u> | MOTION in Limine by Maria Salinas. (Attachments: # <u>1</u> Proposed Order)(Wood, Lucy) (Entered: 03/17/2008) |
| 03/17/2008 | <u>41</u> | Exhibit List by Maria Salinas.. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2)(Wood, Lucy) (Entered: 03/17/2008) |
| 03/17/2008 | <u>42</u> | Witness List by Maria Salinas. (Wood, Lucy) (Entered: 03/17/2008) |
| 03/17/2008 | <u>43</u> | Proposed Jury Instructions by Maria Salinas. (Wood, Lucy) (Entered: 03/17/2008) |
| 03/17/2008 | <u>44</u> | AGREEMENT FOR VERDICT by Jury of Less than Six Members by Maria Salinas. <i>Proposed Verdict Form.</i> (Wood, Lucy) (Entered: 03/17/2008) |
| 03/17/2008 | <u>45</u> | Proposed Findings of Fact by Maria Salinas. (Wood, Lucy) (Entered: 03/17/2008) |
| 03/17/2008 | <u>46</u> | STATEMENT OF FACTS <i>Contested Facts</i> by Maria Salinas. (Wood, Lucy) (Entered: 03/17/2008) |
| 03/17/2008 | <u>47</u> | STATEMENT OF ISSUES <i>Contested Issues</i> by Maria Salinas. (Wood, Lucy) (Entered: 03/17/2008) |
| 03/17/2008 | <u>48</u> | Pretrial Disclosures <i>Estimated Trial Length</i> by Maria Salinas. (Wood, Lucy) (Entered: 03/17/2008) |
| 03/17/2008 | <u>49</u> | NOTICE <i>Intent to Present Testimony Via Deposition</i> by Maria Salinas (Wood, Lucy) (Entered: 03/17/2008) |
| 03/17/2008 | <u>50</u> | Proposed Voir Dire by Maria Salinas. (Wood, Lucy) (Entered: 03/17/2008) |
| 03/17/2008 | <u>51</u> | Pretrial Disclosures <i>Statement of Claims</i> by Maria Salinas. (Wood, Lucy) (Entered: 03/17/2008) |
| 03/18/2008 | <u>52</u> | Opposed MOTION to Continue <i>Trial Setting</i> by City of New Braunfels. (Attachments: # <u>1</u> Proposed Order)(Frigerio, Charles) (Entered: 03/18/2008) |
| 03/18/2008 | <u>53</u> | MOTION in Limine by City of New Braunfels. (Attachments: # <u>1</u> Proposed Order)(Frigerio, Charles) (Entered: 03/18/2008) |
| 03/19/2008 | | Text Order DENYING <u>52</u> Motion to Continue entered by Judge Xavier Rodriguez. (This is a text–only entry generated by the court. There is no document associated with this entry.) (jlh) (Entered: 03/19/2008) |
| 03/19/2008 | <u>54</u> | Minute Entry for proceedings held before Judge Xavier Rodriguez: Pretrial Conference held on 3/19/2008. Motion in Limine doc #40 granted in part and denied in part. Motion in Limine doc #53 granted in part and denied in part. Motion to Continue doc #52 is denied. (Minute entry documents are not available electronically.) (Court Reporter Karl Myers.)(rf) (Entered: 03/20/2008) |

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| 03/19/2008 | | ORAL ORDER GRANTING IN PART AND DENYING IN PART <u>40</u> Motion in Limine; GRANTING IN PART AND DENYING IN PART <u>53</u> Motion in Limine Signed by Judge Xavier Rodriguez. (rf) (Entered: 03/20/2008) |
| 03/20/2008 | <u>55</u> | Proposed Pretrial Order by City of New Braunfels. (Attachments: # <u>1</u> Defendant's Statement of the Party's Claims, # <u>2</u> Defendant's Proposed Stipulated Facts, # <u>3</u> Defendant's Contested Facts, # <u>4</u> Defendant's Contested Legal Issues, # <u>5</u> Defendant's Proposed Voir Dire Questions, # <u>6</u> Defendant's Witness List, # <u>7</u> Defendant's Exhibit List, # <u>8</u> Defendant's Proposed Charge to the Jury, # <u>9</u> Defendant's Proposed Special Interrogatories)(Frigerio, Charles) (Entered: 03/20/2008) |
| 03/21/2008 | <u>56</u> | Memorandum in Support of <u>40</u> MOTION in Limine by Maria Salinas. (Attachments: # <u>1</u> Exhibit A)(Wood, Lucy) (Entered: 03/21/2008) |
| 03/24/2008 | <u>57</u> | Memorandum in Opposition to Motion, filed by Maria Salinas, re <u>53</u> MOTION in Limine filed by Defendant City of New Braunfels (Wood, Lucy) (Entered: 03/24/2008) |
| 03/26/2008 | <u>58</u> | NOTICE of Intent to Present Testimony Via Deposition by Maria Salinas re <u>49</u> Notice (Other) (Wood, Lucy) (Entered: 03/26/2008) |
| 03/26/2008 | <u>59</u> | Proposed Jury Instructions by Maria Salinas AMENDED. (Wood, Lucy) (Entered: 03/26/2008) |
| 04/01/2008 | <u>60</u> | BRIEF regarding <u>53</u> MOTION in Limine by City of New Braunfels. (Attachments: # <u>1</u> Proposed Order)(Frigerio, Charles) (Entered: 04/01/2008) |
| 04/02/2008 | <u>61</u> | NOTICE of Settlement by Maria Salinas (Crane, Thomas) (Entered: 04/02/2008) |
| 04/14/2008 | <u>62</u> | Notice of Alternative Dispute Resolution Outcome: Settle during ADR. Amount of fee: \$\$800.00. (rf) (Entered: 04/14/2008) |
| 04/28/2008 | <u>63</u> | ORDER the parties shall submit a stipulation of dismissal or an agreed judgment by 5/9/08, re <u>61</u> Notice of Settlement filed by Maria Salinas. Signed by Judge Xavier Rodriguez. (rf) (Entered: 04/30/2008) |
| 05/09/2008 | <u>64</u> | ****DOCUMENT IS DEFICIENT – MISSING CERTIFICATE OF SERVICE AND CASE STYLE NOT REFLECTED****STATUS REPORT by Maria Salinas. (Wood, Lucy) Modified on 5/9/2008, to designate deficiency (rf). (Entered: 05/09/2008) |
| 05/09/2008 | <u>65</u> | Joint MOTION to Dismiss by Maria Salinas, City of New Braunfels. (Wood, Lucy) Modified on 5/9/2008, to add filer (rf). (Entered: 05/09/2008) |
| 05/09/2008 | <u>66</u> | ****DOCUMENT IS DEFICIENT – MISSING CERTIFICATE OF SERVICE****NOTICE of Settlement <i>Mediated Settlement Agreement, with Exhibits</i> by Maria Salinas (Wood, Lucy) Modified on 5/9/2008, to designate deficiency (rf). (Entered: 05/09/2008) |
| 05/09/2008 | <u>67</u> | DEFICIENCY NOTICE: ***NOTIFIED COUNSEL THAT THIS DOCUMENT IS DEFICIENT – MISSING CERTIFICATE OF SERVICE AND CASE STYLE**** re <u>64</u> Status Report (rf) (Entered: 05/09/2008) |
| 05/09/2008 | | Notice of Correction: ****NOTIFIED COUNSEL THAT THE DEFENDANT HAS BEEN ADDED AS A FILER OF THIS DOCUMENT**** re <u>65</u> Joint MOTION to Dismiss. (rf) (Entered: 05/09/2008) |

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| 05/09/2008 | <u>68</u> | DEFICIENCY NOTICE: ***NOTIFIED COUNSEL THAT A CERTIFICATE OF SERVICE IS REQUIRED**** re <u>66</u> Notice of Settlement (rf) (Entered: 05/09/2008) |
| 05/09/2008 | <u>69</u> | CERTIFICATE OF SERVICE by Maria Salinas <u>64</u> Status Report (Wood, Lucy) (Entered: 05/09/2008) |
| 05/09/2008 | <u>70</u> | CERTIFICATE OF SERVICE by Maria Salinas <u>66</u> Notice of Settlement (Wood, Lucy) (Entered: 05/09/2008) |
| 05/13/2008 | <u>71</u> | NOTICE of Settlement <i>Mediated Settlement Agreement</i> by City of New Braunfels (Frigerio, Charles) (Entered: 05/13/2008) |
| 05/14/2008 | <u>72</u> | ORDER DISMISSING CASE. Signed by Judge Xavier Rodriguez. (rf) (Entered: 05/14/2008) |