

**United States District Court
Middle District of Pennsylvania (Williamsport)
CIVIL DOCKET FOR CASE #: 4:98-cv-00527-CCC**

Knee, et al v. Runyon, et al
Assigned to: Honorable Christopher C. Conner
Demand: \$0
Case in other court: 99-03629
Cause: 29:791 Job Discrimination (Rehabilitation Act)

Date Filed: 03/31/1998
Date Terminated: 04/27/2001
Jury Demand: Plaintiff
Nature of Suit: 442 Civil Rights: Jobs
Jurisdiction: U.S. Government Defendant

Plaintiff

Helen Knee

represented by **Carl Oxholm , III**
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Plaintiff

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Plaintiff

Linda Mae Miller, –
On their own behalf and on behalf of all
other similarly situated individuals

represented by **Carl Oxholm , III**
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V.

Defendant

Marvin Runyon
Postmaster General, United States Postal
Service, in his official capacity
TERMINATED: 06/08/1998

Defendant

William J. Henderson
Postmaster General, United States Postal
Service, in his official capacity

represented by **Dulce Donovan**
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Mediator**Mediator**

represented by **Jane Rigler**
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| Date Filed | # | Docket Text |
|------------|---|--|
| 03/31/1998 | 1 | COMPLAINT – N/C to cnsl.; jury trial demanded. Receipt #: 125219 Amt: \$150.00 (jc) (Entered: 03/31/1998) |
| 03/31/1998 | | SUMMONS ISSUED as to defendant. (jc) (Entered: 03/31/1998) |
| 03/31/1998 | | SPECIAL ADMISSION FORM sent to Attorney: William H. Ewing. (jc) (Entered: 03/31/1998) |
| 03/31/1998 | | SPECIAL ADMISSION FORM sent to Attorney: Carol L. Press. (jc) (Entered: 03/31/1998) |
| 03/31/1998 | | SPECIAL ADMISSION FORM sent to Attorney: Lewis Rosman. (jc) (Entered: 03/31/1998) |
| 03/31/1998 | | REMARK – Case file with copy of docket sheet sent to J. McClure. (jc) (Entered: 03/31/1998) |
| 04/14/1998 | 2 | RETURN OF SERVICE executed upon defendant Marvin Runyon and Attorney General Janet Reno, 4/1/98 (ts) (Entered: 04/14/1998) |
| 04/20/1998 | 3 | AMENDED RETURN OF SERVICE executed upon dft Marvin Runyon 4/7/98 (lg) (Entered: 04/20/1998) |
| 06/08/1998 | 4 | ANSWER by defendant William J. Henderson; C/S. (vg) (Entered: 06/09/1998) |
| 06/09/1998 | | REMARK – Doc. #4 to J. McClure. (vg) (Entered: 06/09/1998) |

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| 06/10/1998 | 5 | REQUEST by plaintiff for entry of default against Marvin Runyon (lg) (Entered: 06/15/1998) |
| 06/16/1998 | 6 | MOTION by plaintiffs for class certification ; c/s; prop O (kf) (Entered: 06/16/1998) |
| 06/16/1998 | 7 | BRIEF by plaintiff IN SUPPORT of motion for class certification [6-1] (kf) (Entered: 06/16/1998) |
| 06/16/1998 | 8 | EXHIBITS to plaintiffs' memorandum in support of plaintiffs' motion for class certification 7 (kf) (Entered: 06/16/1998) |
| 06/18/1998 | 9 | REQUEST OF ATTORNEY FOR SPECIAL ADMISSION to practice on behalf of Helen Knee, Beverly Bazzle, Sandra L. Bowser, Betty A. Deacon, Susan R. Hamm, Angelia Hunter, Deanna Livingston, Linda Mae Miller – by Carol L. Press, Esquire, approved by court (bp) (Entered: 06/18/1998) |
| 06/18/1998 | 10 | ORDER by Judge James F. McClure Jr. denying request [5-1] for entry of default, as an answer to the complaint was filed 6/8/98 (cc: all counsel) (bp) (Entered: 06/18/1998) |
| 06/30/1998 | 11 | MOTION by defendant to extend time by one day to file brief in opp to pltf's motion for class cert , c of s, proposed o (lg) (Entered: 07/01/1998) |
| 07/01/1998 | 12 | ORDER by Judge James F. McClure Jr. granting motion to extend time by one day to file brief in opp to pltf's motion for class cert [11-1] [6-1] to 7/2/98 (cc: all counsel) (bp) (Entered: 07/01/1998) |
| 07/01/1998 | 13 | ORDER by Judge James F. McClure Jr. Case Management Conference set for 9:00 8/19/98 (cc: all counsel) (bp) (Entered: 07/01/1998) |
| 07/02/1998 | 14 | BRIEF by defendant William J. Henderson IN OPPOSITION to motion for class certification [6-1] ;reply brief due 7/15/98; C/S. (vg) (Entered: 07/06/1998) |
| 07/02/1998 | 15 | DFT'S EXHIBITS in opp. to pltf's mtn. for class certification; C/S. (vg) (Entered: 07/06/1998) |
| 07/06/1998 | | REMARK – Doc. #14 and #15 to J. McClure. (vg) (Entered: 07/06/1998) |
| 07/14/1998 | 16 | MOTION by plaintiff for preliminary injunction enjoining the Postal Service from conducting any further medical examinations & from making any disability-related inquiries before job offers are made (conditioned solely on the result of future medical examinations or disability-related inquiries, as permitted by law) in connection with hiring at the Remote Encoding Center in York PA w/non-concur; c/s; prop Orders (kf) (Entered: 07/15/1998) |
| 07/14/1998 | 17 | BRIEF by plaintiff IN SUPPORT of motion for preliminary injunction enjoining the Postal Service from conducting any further medical examinations & from making any disability-related inquiries before job offers are made (conditioned solely on the result of future medical examinations or disability-related inquiries, as permitted by law) in connection with hiring at the Remote Encoding Center in York PA [16-1] (kf) (Entered: 07/15/1998) |
| 07/14/1998 | 18 | Plaintiffs' EXHIBITS to memorandum in support of motion for preliminary injunction 17 (kf) (Entered: 07/15/1998) |
| 07/17/1998 | 19 | SUPPLEMENTAL EXHIBITS filed by pltf's in support of motion for prelim injunction (lg) (Entered: 07/17/1998) |
| 07/20/1998 | 20 | RESPONSE by plaintiff in reply to defendant's opposition to plaintiffs' motion for class certification; c/s (kf) (Entered: 07/20/1998) |

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| 07/20/1998 | 21 | SUPPLEMENTAL EXHIBITS to plaintiffs motion for class certification [15-1] (kf) (Entered: 07/20/1998) |
| 07/21/1998 | 22 | MINUTE SHEET of case mgmt. conf. held by Judge James F. McClure Jr. CTR: None (bp) (Entered: 07/21/1998) |
| 07/22/1998 | 23 | ORDER by Judge James F. McClure Jr. – No evidentiary hrg will be scheduled on Plf motion for prelim.injunc. Usual briefing schedule as set forth in Local Rules 7.6 and 7.7 to be followed, w/opposing brief to be filed by Dft by 7/31/98, rplybr to be filed by Plfs within 10 days after svc of Dft brief. No further briefs may be filed w/o leave of Ct. (cc: all counsel) (bp) (Entered: 07/22/1998) |
| 07/31/1998 | 24 | BRIEF by defendant William J. Henderson IN OPPOSITION to pltfs' motion for preliminary injunction [16-1]; reply brief due 8/13/98; C/S. (vg) (Entered: 08/03/1998) |
| 08/03/1998 | | REMARK – Doc. #24 to J. McClure. (vg) (Entered: 08/03/1998) |
| 08/12/1998 | 25 | JOINT CASE MANAGEMENT FORM returned by plaintiffs & defendants w/attachments (kf) (Entered: 08/12/1998) |
| 08/14/1998 | 26 | SECOND SUPPLEMENTAL EXHIBITS by plaintiffs in support of motion for preliminary injunction 16 (kf) (Entered: 08/14/1998) |
| 08/14/1998 | 27 | REPLY BRIEF by plaintiffs in support of motion for preliminary injunction enjoining the Postal Service from conducting any further medical examinations & from making any disability-related inquiries before job offers are made (conditioned solely on the result of future medical examinations or disability-related inquiries, as permitted by law) in connection with hiring at the Remote Encoding Center in York PA [16-1]; c/s (kf) (Entered: 08/14/1998) |
| 08/19/1998 | 28 | MINUTE SHEET of case mgmt. conf. held by Judge James F. McClure Jr. CTR: None (bp) (Entered: 08/19/1998) |
| 08/19/1998 | 29 | ORDER by Judge James F. McClure Jr. setting jury selection for 9:30 6/1/99; pretrial conference 4/30/99. Case placed on STANDARD Case Mgmt. Track. Further case mgm conf to be scheduled upon disposition of pending motions for class certification and prelim.injunc. (cc: all counsel) (bp) (Entered: 08/19/1998) |
| 09/15/1998 | 30 | THIRD SUPPLEMENTAL EXHIBIT by plaintiff re motion for preliminary injunction enjoining the Postal Service from conducting any further medical examinations & from making any disability-related inquiries before job offers are made (conditioned solely on the result of future medical examinations or disability-related inquiries, as permitted by law) in connection with hiring at the Remote Encoding Center in PA [16-1], CofS (bp) (Entered: 09/15/1998) |
| 09/29/1998 | 31 | MOTION by plaintiffs to compel the production of documents that defendant has stated in response to plaintiffs' First Request for Production of Documents ; exhibits; c/s; prop O (kf) Modified on 09/29/1998 (Entered: 09/29/1998) |
| 10/07/1998 | 32 | ORDER by Judge James F. McClure Jr.: granting motion to compel production of documents that defendant has stated in response to plaintiffs' First Request for Production of Documents [31-1] (cc: all counsel) (lg) (Entered: 10/07/1998) |
| 10/27/1998 | 33 | ORDER by Judge James F. McClure Jr.: Case reassigned to Judge Yvette Kane (cc: all counsel) (lg) (Entered: 10/27/1998) |
| 10/27/1998 | | REMARK – case file and docket sheet to Judge Kane (lg) (Entered: 10/27/1998) |

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| 10/28/1998 | | REMARK – Case file received in Hbg. (jk) (Entered: 10/29/1998) |
| 11/13/1998 | 34 | MOTION – by plaintiffs for argument on mtn. for prel. injunc. w/attach. (c/s) Cert. of conc. w/in mtn. (am) (Entered: 11/16/1998) |
| 12/03/1998 | 35 | BRIEF by defendant William J. Henderson IN OPPOSITION to motion for preliminary injunction enjoining the Postal Service from conducting any further medical examinations & from making any disability-related inquiries before job offers are made (conditioned solely on the result of future medical examinations or disability-related inquiries, as permitted by law) in connection with hiring at the Remote Encoding Center in York PA [16-1] ;reply brief due 12/16/98. With c of s. (ma) (Entered: 12/04/1998) |
| 12/04/1998 | 36 | NOTICE by defendant William J. Henderson of correction of prior pleadings and briefs that lack evidentiary support. C/S. (jk) (Entered: 12/07/1998) |
| 12/08/1998 | 37 | REPLY MEMORANDUM by plaintiffs' IN SUPPORT OF motion for argument [34-1]. With exhibits and c of s. (ma) (Entered: 12/09/1998) |
| 12/18/1998 | 38 | DEFENDANT'S UNOPPOSED MOTION to extend time the scheduling order deadlines . With c of s and prop. order. (ma) (Entered: 12/22/1998) |
| 01/07/1999 | 39 | SUPPLEMENTAL MEMORANDUM by plaintiffs IN SUPPORT OF motion for class certification [6-1]. With c of s. (ma) (Entered: 01/08/1999) |
| 01/07/1999 | 40 | Second supplemental exhibits to pltf's motion for class certification. (ma) Modified on 02/02/1999 (Entered: 01/08/1999) |
| 01/27/1999 | 41 | RESPONSE by defendant William J. Henderson to Pltf's supplemental memsup. of m. for class certification; with C/S. (sc) Modified on 02/02/1999 (Entered: 01/29/1999) |
| 02/03/1999 | 42 | ORDER by Judge Yvette Kane IT IS ORDERED that def't's unopposed mtn to extend the scheduling order deadlines is granted. An amended Case Management Order will follow. [38-1] (cc: all counsel, Ct., Ct. Dpty., Ct. Rptr.) (jc) (Entered: 02/04/1999) |
| 02/03/1999 | 43 | CASE MANAGEMENT ORDER by Judge Yvette Kane Jury selection by 9:30 a.m. on 8/16/99; jury trial set 9:30 a.m. on 8/16/99; discovery cutoff 3/5/99; pretrial memorandum due 7/23/99; pretrial conference 10:00 a.m. on 7/30/99; settlement conf set 10:00 a.m. on 7/30/99. Case placed on COMPLEX Case Mgmt. Track SEE ORDER FOR FURTHER DETAILS (cc: all counsel, Ct., Ct. Rptr. & Ct. Dpty.) (jc) (Entered: 02/04/1999) |
| 02/17/1999 | 44 | SUPPLEMENTAL REPLY by plaintiff regarding pltf's mtn for class certificaion and c of s. [6-1] (jc) (Entered: 02/18/1999) |
| 04/01/1999 | 45 | UNOPPOSED MOTION by plaintiffs to extend time for filing dispositive motions for (2) weeks until 5/7/99. With c of s and prop. order. (ma) (Entered: 04/02/1999) |
| 04/07/1999 | 46 | ORDER by Judge Yvette Kane – IT IS HEREBY ORDERED THAT pltf's motion to extend time for filing dispositive motions for (2) weeks until 5/7/99, is GRANTED. [45-1] (cc: Ct., all counsel) (sc) (Entered: 04/08/1999) |
| 04/29/1999 | 47 | UNOPPOSED MOTION by plaintiffs to file brief in excess of 15 pages ; with c/s and propo. (sc) (Entered: 04/30/1999) |
| 05/05/1999 | 48 | ORDER by Judge Yvette Kane granting motion to file brief in excess of 15 pages [47-1] (cc: all counsel) (tm) (Entered: 05/06/1999) |

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| 05/07/1999 | 49 | MOTION by defendant William J. Henderson for partial summary judgment with proposed order and c of s. (jc) (Entered: 05/10/1999) |
| 05/07/1999 | 50 | STATEMENT OF MATERIAL UNDISPUTED FACTS by defendant William J. Henderson in support of motion for partial summary judgment and c of s. [49-1] (jc) (Entered: 05/10/1999) |
| 05/07/1999 | 51 | BRIEF by defendant William J. Henderson IN SUPPORT of motion for partial summary judgment and c of s. [49-1] (jc) (Entered: 05/10/1999) |
| 05/07/1999 | 52 | EXHIBITS filed by defendant Henderson in support of his mtn for partial S/J and c of s. (jc) (Entered: 05/10/1999) |
| 05/07/1999 | 53 | MOTION by plaintiffs for summary judgment with proposed order and c of s. (jc) (Entered: 05/10/1999) |
| 05/07/1999 | 54 | MEMORANDUM by plaintiffs IN SUPPORT OF motion for summary judgment. [53-1] (jc) (Entered: 05/10/1999) |
| 05/07/1999 | 55 | STATEMENT OF MATERIAL FACTS AS TO WHICH THERE IS NO GENUINE ISSUE TO BE TRIED by plaintiff in support of motion for summary judgment. [53-1] (jc) (Entered: 05/10/1999) |
| 05/07/1999 | 56 | EXHIBITS by plaintiffs in support of their mtn for S/J. VOLUME I (jc) (Entered: 05/10/1999) |
| 05/07/1999 | 57 | EXHIBITS by plaintiffs in support of their mtn for S/J. VOLUME II (jc) (Entered: 05/10/1999) |
| 05/21/1999 | 58 | MOTION by defendant William J. Henderson to extend time to file br. in opp. to pltf's mtn. for summary jgm. ; C/S; Propo. (vg) (Entered: 05/24/1999) |
| 05/25/1999 | 59 | BRIEF by plaintiff IN OPPOSITION to motion for summary judgment [53-1]; reply brief due 6/7/99; with c/s. (sc) (Entered: 05/26/1999) |
| 05/25/1999 | 60 | STATEMENT OF FACTS by plaintiff IN SUPPORT of motion response [59-1]; with c/s. (sc) (Entered: 05/26/1999) |
| 05/26/1999 | 61 | BRIEF by pltf's IN OPPOSITION to motion to extend time to file br. in opp. to pltf's mtn. for summary jgm. [58-1]; reply brief due 6/8/99; with c/s. (sc) (Entered: 05/27/1999) |
| 05/27/1999 | 62 | ORDER by Judge Yvette Kane granting motion to extend time to file br. in opp. to pltf's mtn. for summary jgm. [58-1] Dft. shall file dft's br. opposing pltf's mtn. for summary jgm. by [53-1] 6/7/99 (cc: Ct., all counsel) (vg) (Entered: 05/28/1999) |
| 05/27/1999 | 63 | UNOPPOSED MOTION by defendant to file br. in excess of fifteen pgs. ; Cert. of Conc.; C/S; Propo. (vg) (Entered: 05/28/1999) |
| 06/07/1999 | 64 | ORDER by Judge Yvette Kane granting motion to file br. in excess of fifteen pgs. [63-1]. Dft. permitted to file br. in opp. to pltf's mtn. for summary jgm. not to exceed (25) pgs. in length. (cc: Ct., all counsel) (vg) (Entered: 06/08/1999) |
| 06/07/1999 | 65 | RESPONSE by defendant William J. Henderson to pltf's stmt. of undisputed facts; C/S. (vg) (Entered: 06/08/1999) |
| 06/07/1999 | 66 | BRIEF by defendant William J. Henderson IN OPPOSITION to motion for summary judgment [53-1]; reply brief due 6/20/99; C/S. (vg) (Entered: 06/08/1999) |
| 06/07/1999 | 67 | DEFENDANT'S EXHIBITS in support of his br. in opp. to pltf's mtn. for summary jgm.; C/S. (vg) (Entered: 06/08/1999) |
| 06/08/1999 | 68 | REPLY BRIEF by defendant William J. Henderson IN SUPPORT of motion for partial summary judgment [49-1]; with c/s. (sc) |

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| | | (Entered: 06/10/1999) |
| 06/08/1999 | 69 | EXHIBITS IN SUPPORT of Dfts Reply Brief; with c/s. (sc) (Entered: 06/10/1999) |
| 06/16/1999 | 70 | MOTION by pltfs to file brief in excess of 15 pages ; with c/s, cert. of conc., and propo. (sc) (Entered: 06/17/1999) |
| 06/22/1999 | 71 | REPLY BRIEF by plaintiff in support of motion for summary judgment [53-1] C/S. (tm) (Entered: 06/22/1999) |
| 06/23/1999 | 72 | ORDER by Judge Yvette Kane Upon consideration of pltfs' unopposed mtn to file brief in excess of 15 pages, IT IS ORDERED that pltfs' mtn is granted and pltfs are permitted to file a reply brief in support of mtn for S/J not to exceed 20 pages in length. [70-1] (cc: all counsel &Ct.) (jc) (Entered: 06/24/1999) |
| 06/24/1999 | 73 | ORDER by Judge Yvette Kane IT IS ORDERED THAT a status telephone conference will be held on 6/25/99, at 11:30 a.m., to discuss the status of this case. Deft's cnsl. shall initiate this conf. call. (cc: all counsel &Ct.) (jc) (Entered: 06/25/1999) |
| 06/25/1999 | 74 | MINUTE SHEET from telephone conference held on 6/25/99 by Judge Kane; termed ddl. (vg) (Entered: 06/28/1999) |
| 06/25/1999 | 75 | ORDER by Judge Yvette Kane denying pltfs' motion for class certification [6-1]. As required by Third Circuit caselaw and FRCP 23(c)(1), Court will reassess matter of class certification as case progresses. (cc: Ct., all counsel) (vg) (Entered: 06/28/1999) |
| 06/25/1999 | 76 | ORDER by Judge Yvette Kane, upon consideration of pltfs' mtns. for prelim. inj. and oral argument, IT IS ORDERED THAT mtns. are DENIED. [16-1] [34-1] (cc: Ct., all counsel) (vg) (Entered: 06/28/1999) |
| 06/25/1999 | 77 | ORDER by Judge Yvette Kane denying dft's motion for partial summary judgment [49-1] (cc: Ct., all counsel) (vg) (Entered: 06/28/1999) |
| 06/28/1999 | 78 | ORDER by Judge Yvette Kane IT IS ORDERED THAT the jury selection and trial scheduled for 8/16/99 and the P/T/C scheduled for 7/30/99 at 10:00 a.m. are cancelled. IT IS FURTHER ORDERED THAT a telephone status conference will be held on 8/19/99, at 1:00 p.m. Pltf's counsel shall initiate the call. (cc: all counsel, Ct., Ct. Dpty., Ct. Rptr. &Jury Clerk) (jc) (Entered: 06/29/1999) |
| 07/02/1999 | 79 | ORDER by Judge Yvette Kane that parties shall submit briefs re: impact, if any, of recent ADA decisions by Supreme Court on Pltfs' pending mtn. for summary jgm. Briefs of parties will be due on following dates: Dft.: 7/9/99; Pltfs.: 7/23/99. [53-1] (cc: Ct., all counsel) (vg) (Entered: 07/06/1999) |
| 07/06/1999 | 80 | SUBSTITUTION OF COUNSEL: terminating attorney Lewis Rosman for Linda Mae Miller, attorney Carol L. Press for Linda Mae Miller, attorney William H. Ewing for Linda Mae Miller, attorney Carl Oxholm for Linda Mae Miller, attorney Lewis Rosman for Deanna Livingston, attorney Carol L. Press for Deanna Livingston, attorney William H. Ewing for Deanna Livingston, attorney Carl Oxholm for Deanna Livingston, attorney Lewis Rosman for Angelia Hunter, attorney Carol L. Press for Angelia Hunter, attorney William H. Ewing for Angelia Hunter, attorney Carl Oxholm for Angelia Hunter, attorney Lewis Rosman for Susan R. Hamm, attorney Carol L. Press for Susan R. Hamm, attorney William H. Ewing for Susan R. Hamm, attorney Carl Oxholm for Susan R. Hamm, attorney Lewis Rosman for Betty A. Deacon, attorney Carol L. Press for Betty A. Deacon, attorney William H. Ewing for Betty A. Deacon, attorney Carl Oxholm for Betty A. |

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| | | Deacon, attorney Lewis Rosman for Sandra L. Bowser, attorney Carol L. Press for Sandra L. Bowser, attorney William H. Ewing for Sandra L. Bowser, attorney Carl Oxholm for Sandra L. Bowser, attorney Lewis Rosman for Beverly Bazzle, attorney Carol L. Press for Beverly Bazzle, attorney William H. Ewing for Beverly Bazzle, attorney Carl Oxholm for Beverly Bazzle, attorney Lewis Rosman for Helen Knee, attorney Carol L. Press for Helen Knee, attorney William H. Ewing for Helen Knee, attorney Carl Oxholm for Helen Knee, all cnsl. of Connolly Epstein Chicco Foxman Oxholm &Ewing and substituting attorney William H. Ewing, Carol L. Press, Lewis Rosman, of Eckert Seamans Cherin &Mellott, LLC. C/S. (vg) (Entered: 07/07/1999) |
| 07/07/1999 | 81 | PRAECIPE: by Attys. Ewing, Press &Rosman o/b/o plaintiffs notifying change of "law firm name" only. (am) (Entered: 07/08/1999) |
| 07/09/1999 | 82 | SUPPLEMENTAL BRIEF by defendant IN OPPOSITION to pltfs' mtn for S/J and c of s. [66-1] (jc) (Entered: 07/12/1999) |
| 07/23/1999 | 83 | SUPPLEMENTAL MEMORANDUM by plaintiffs in support of motion for summary judgment and c of s. [53-1] (jc) (Entered: 07/27/1999) |
| 07/26/1999 | 84 | NOTICE OF APPEAL by plaintiffs from District Court order filed 6/25/99. [76-1] (Filing fee paid, TPO mailed to William Ewing, Esquire, certified copy of docket entries, notice of appeal, order being appealed, with info/ack letter to USCA. (cc: Not/appl with info/ack letter to all counsel &Ct.) Receipt No. &Amt: 129082 \$105.00 (jc) (Entered: 07/27/1999) |
| 07/27/1999 | | REMARK – Case file in open file room. Interlocutory Appeal. (jc) (Entered: 07/27/1999) |
| 07/30/1999 | 85 | ACKNOWLEDGEMENT RECEIVED – from USCA of receipt on 7/28/99 of appeal. (jc) (Entered: 07/30/1999) |
| 08/13/1999 | 86 | Notification by Circuit Court of Appellate Docket Number 99-3629 (lg) (Entered: 08/13/1999) |
| 08/16/1999 | | REMARK – doc 86 to HBG appeal section (lg) (Entered: 08/16/1999) |
| 08/19/1999 | 87 | TRANSCRIPT PURCHASE ORDER filed by William Ewing, Esquire stating that a transcript is not necessary for purposes of appeal. (jc) (Entered: 08/20/1999) |
| 08/19/1999 | | DISTRICT COURT RECORD COMPLETE FOR PURPOSES OF APPEAL (jc) (Entered: 08/20/1999) |
| 08/19/1999 | 88 | MINUTE SHEET – of telephone conference re: status held on 8/19/99. (jc) (Entered: 08/20/1999) |
| 08/20/1999 | | CERTIFIED COPY of docket entris to be filed as the cert. list in lieu of the record. (jc) (Entered: 08/20/1999) |
| 08/20/1999 | 89 | ORDER by Judge Yvette Kane Teleconf scheduled for 11:00 a.m. on 10/5/99 (cc: Ct, all counsel) (jk) (Entered: 08/23/1999) |
| 08/20/1999 | 90 | SCHEDULING ORDER: by Judge Yvette Kane – jury trial rescheduled for 3/6/00; Jury selection set for 3/6/00; Pretrial conference set for 10:00 a.m. on 3/1/00 (cc: Ct, all counsel) (jk) (Entered: 08/23/1999) |
| 08/25/1999 | 91 | CERTIFIED COPY of Appellate Court Order: foregoing motion for leave to appeal is denied (lg) (Entered: 08/25/1999) |
| 08/25/1999 | | REMARK – doc 91 to HBG to put w/file (lg) (Entered: 08/25/1999) |

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| 08/25/1999 | 92 | ACKNOWLEDGEMENT RECEIVED – by USCA of receipt on 8/23/99 of cert. list in lieu of the record. (jc) (Entered: 08/26/1999) |
| 10/05/1999 | 93 | MINUTE SHEET of telephone status conference held by Judge Kane on 10/5/99 from 11:00am until 11:15am. (sc) (Entered: 10/07/1999) |
| 10/07/1999 | 94 | ORDER – by Judge Yvette Kane: AND NOW, this 7th day of Oct., 1999, IT IS ORDERED THAT deft. is granted leave to file his mtn. for SJ no later than 10 days from the date of this order. (cc: all counsel &Crt.) (am) (Entered: 10/12/1999) |
| 10/08/1999 | 95 | CERTIFIED COPY of Appellate Court Order dated 10/5/99 re: Appeal No. 99–3629: In accord. w/ agreement of parties, it is entered dismissed by Clerk, Rule 42(b), FRAP, w/ each party to bear it's own costs. (vg) (Entered: 10/13/1999) |
| 10/15/1999 | 96 | MOTION – by defendant William J. Henderson to sever the plfs.' cases so as to try the issues of liability and damages separately. Cert. of non–conc. (c/s) (am) (Entered: 10/15/1999) |
| 10/22/1999 | 97 | MOTION – by defendant William J. Henderson for partial summary judgment Cert. of non–conc. (c/s) (am) (Entered: 10/22/1999) |
| 10/29/1999 | 98 | BRIEF by defendant IN SUPPORT of motion to sever the plfs.' cases so as to try the issues of liability and damages separately and c of s. [96–1] (jc) (Entered: 11/01/1999) |
| 11/02/1999 | 99 | MOTION by defendant William J. Henderson to exceed page limitation set forth in LR 7.8 for pretrial mtns. ; to file br. in support of mtn. for Partial S/J. Cert of Conc., Propo. C/S. (pm) (Entered: 11/03/1999) |
| 11/05/1999 | 100 | ORDER by Judge Yvette Kane granting motion to exceed page limitation set forth in LR 7.8 for pretrial mtns. Dft may file br. in support of mtn. for partial S/J of up to, but not exceeding twenty pages. [99–1] (cc: all counsel court) (pm) (Entered: 11/08/1999) |
| 11/05/1999 | 101 | BRIEF by defendant William J. Henderson IN SUPPORT of motion for partial summary judgment [97–1]; C/S. (pm) (Entered: 11/08/1999) |
| 11/05/1999 | 102 | STATEMENT OF UNDISPUTED MATERIAL FACTS by defendant William J. Henderson in support of motion for partial summary judgment [97–1]; C/S. (pm) (Entered: 11/08/1999) |
| 11/05/1999 | 103 | EXHIBITS by deft in support of mtn. for partial S/J.; C/S. (pm) (Entered: 11/08/1999) |
| 11/15/1999 | 104 | MEMORANDUM by plaintiffs IN OPPOSITION motion to sever the plfs.' cases so as to try the issues of liability and damages separately. [96–1]; reply brief due 11/28/99; with c/s. (sc) (Entered: 11/16/1999) |
| 11/24/1999 | 105 | RESPONSE by plaintiffs to deft's statement of undisputed material facts and c of s. (jc) (Entered: 11/26/1999) |
| 11/24/1999 | 106 | BRIEF by plaintiffs IN OPPOSITION to motion for partial summary judgment and c of s; [97–1] reply brief due 12/7/99. (jc) (Entered: 11/26/1999) |
| 12/13/1999 | 107 | REPLY BRIEF by defendant William J. Henderson IN SUPPORT of motion for partial summary judgment [97–1]; with c/s. (sc) (Entered: 12/14/1999) |
| 02/04/2000 | 108 | ORDER by Judge Yvette Kane – IT IS ORDERED THAT this case is removed from the March 2000 trial list and placed on the May 2000 trial list. IT IS FURTHER ORDERED THAT the case mgmt |

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| | | ddls are amended as follows. Jury selection and trial are rescheduled to 9:30am on 5/1/00; Pretrial conference is now set for 10:00am on 4/14/00; pretrial memorandum is now due 4/10/00 (cc: all counsel, ctrptr, court) (sc) (Entered: 02/07/2000) |
| 03/28/2000 | 109 | SUBSTITUTION OF COUNSEL: Terminating attorney Kate L. Mershimer for William J. Henderson and substituting attorney Joseph J. Terz; with c/s. (sc) (Entered: 03/29/2000) |
| 04/03/2000 | 110 | AMENDED ORDER by Judge Yvette Kane Case referred under ADR to Mediator: Jane Rigler, Esq., The Dickson School of Law (cc: all counsel court) (vg) (Entered: 04/04/2000) |
| 04/04/2000 | 111 | SUBSTITUTION OF COUNSEL: Terminating attorney Joseph J. Terz for William J. Henderson and substituting attorney Kate Mershimer. (sc) (Entered: 04/05/2000) |
| 04/05/2000 | 112 | ENTRY OF ATTORNEY APPEARANCE for defendant William J. Henderson by atty Kevin A. Calamoneri, C/S. (pm) (Entered: 04/06/2000) |
| 04/06/2000 | 113 | PRE-TRIAL MEMORANDUM submitted by plaintiffs with exh. list attached and c of s. (jc) (Entered: 04/07/2000) |
| 04/10/2000 | 114 | PRE-TRIAL MEMORANDUM submitted by defendant William J. Henderson; C/S; Exhibit List. (vg) (Entered: 04/11/2000) |
| 04/12/2000 | 115 | ORDER by Judge Yvette Kane – IT IS ORDERED THAT Jury selection and trial are rescheduled to 9:30am on 7/10/00; Pretrial conference will now be held at 10:00am on 6/30/00; pretrial memorandum is due 6/12/00; Status Teleconf will be held at 5/12/00 (cc: all counsel, ctrm dpty, ctrptr, court) (sc) (Entered: 04/13/2000) |
| 05/15/2000 | 116 | MINUTE SHEET of telephone conf. held on 5/12/00. (jc) (Entered: 05/16/2000) |
| 05/16/2000 | 117 | ORDER by Judge Yvette Kane, IT IS HEREBY ORDERED THAT a Status Teleconf will be held at 3:00pm on 7/25/00. (cc: all counsel court) (pm) (Entered: 05/17/2000) |
| 06/06/2000 | 118 | ORDER by Judge Yvette Kane IT IS ORDERED THAT jury selection and trial scheduled for 7/10/00 is cancelled. IT IS FURTHER ORDERED THAT the P/T/C scheduled for 6/30/00 at 10:00 a.m. is cancelled. (cc: all counsel, Ct., Ct. Rptr. &Ct. Dpty.) (jc) (Entered: 06/07/2000) |
| 06/20/2000 | 119 | DOCUMENT – Withdrawal of Appearance of Atty Lewis Rosman, Esquire for all plaintiffs; with c/s. (sc) (Entered: 06/21/2000) |
| 07/14/2000 | | ATTORNEY SPECIAL ADMISSION form received from: Jill Sterbakov forwarded to judge for approval. Receipt #: 131691 Amt: 25.00 (pm) (Entered: 07/17/2000) |
| 07/18/2000 | 120 | REQUEST OF ATTORNEY FOR SPECIAL ADMISSION to practice on behalf of all pltf's., Helen Knee, Beverly Bazzle, Sandra L. Bowser, Betty A. Deacon, Susan R. Hamm, Angelia Hunter, Deanna Livingston, Linda Mae Miller – by Jill Sterbakov APPROVED by court. (cc: J. Sterbakov, Ct., SCR Registry, Denise Kester) (vg) (Entered: 07/20/2000) |
| 07/26/2000 | 121 | MINUTE SHEET of telephone conf on 7/25/00 before J. Kane. termddl (pm) (Entered: 07/27/2000) |
| 07/27/2000 | 122 | ORDER by Judge Yvette Kane Status Teleconf will be held at 9:30 a.m. on 9/22/00 (cc: all counsel court) (vg) (Entered: 07/28/2000) |
| 08/03/2000 | 123 | ORDER by Judge Yvette Kane, AND NOW this 2nd day of August 2000, in view of pending settlement of this matter, IT IS |

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| | | ORDERED that following mtns are DENIED w/out prejudice to refile in the event the settlement is not finalized. 1. Pltf's mtn for summary judgment (doc 53) 2. Deft's mtn to sever (doc 96) 3. Deft's mtn for partial summary judgment (doc 97) [97-1] [96-1] [53-1] (cc: all counsel court) (pm) (Entered: 08/04/2000) |
| 09/25/2000 | 124 | MINUTE SHEET of telephone conference held on 9/22/00 from 9:30am until 9:35am. Rmks: Case settlement agreement to be presented to court after DOJ approved. Term ddl (sc) (Entered: 09/26/2000) |
| 01/18/2001 | 125 | STIPULATION – between cnsl. of settlement. (jc) (Entered: 01/19/2001) |
| 01/19/2001 | | SPECIAL ADMISSION FORM sent to Attorney: Linda S. Stewart. (jc) (Entered: 01/19/2001) |
| 02/26/2001 | 126 | ORDER – by Judge Yvette Kane: IT IS HEREBY ORDERED AS FOLLOWS: 1. The settlement is tentatively approved for the purpose of sending Notice to plfs. &the prop. settlement class. 2. A Class Action pur. to Rule 23(a) &23(b)(2) of the FRCP is tentatively certified in the Knee action only for the purpose of making the determination to be made pur. to this order. The Class certified is the class defined in the Settlement. 3. The proposed form of Notice attached as Exh. #2 to the Settlement is hereby approved &the crt. finds that said Notice complies with &fully satisfied the requirements of Rule 23(e) of the FRCP &the requirements of due process. Class Counsel shall send the said Notice by first-class mail, postage prepaid, on or before 3/12/01, to the last known address of all members of the Settlement Class who are identified as set forth in the Settlement. 4. Notification regarding this order &the sched. of the "Settlement Hrg." described below shall be published in the York Dispatch, the York Daily Record &the Hbg. Patriot News for 3 days starting 5 weeks from the dt. set for the Settlement Hrg...6. A hrg. (the "Settlement Hrg.") shall be held before the undersigned at 9:30 a.m. on 4/27/01, in Crtrm. #4...8.Unless on or before 4/16/01, such member of the Class shall file w/the Clerk of this Cr. a notice of his or her intention to appear, a statement of the position he or she will assert &the reasons for his or her position, and all papers he or she intends to present to the crt. in support of his or her position, along with the proof of service of such notice &papers upon the following: William H. Ewing, Esquire and Kevin A. Calamoneri, Esquire...13. The parties are hereby directed to file their briefs, if any, in support if the Stip. of Settlement on or before 4/20/01. 14. Counsel for Class Plfs. shall, on or before 4/20/01, file a Petition for Approval of Payment of Atty. Fee and Costs seeking approval of the payment of their attys.' fee &expenses as set forth in the Settlement... [125-1] Settlement Hrg. set for 9:30 a.m. on 4/27/01 (cc: all counsel, Crtrm. Dep., Cr. Rptr. &court) (SEE ORDER FOR MORE DETAILS) (am) Modified on 02/28/2001 (Entered: 02/28/2001) |
| 04/16/2001 | 127 | CERTIFICATION OF Karen B. Singer that she caused notification to be published in the York Dispatch and York Daily Record and the Hbg Patriot News in acc with the Court's 2/26/01 Hearing Order; with exh and c/s. (sc) (Entered: 04/17/2001) |
| 04/18/2001 | 128 | BRIEF FILED by defendant in support of proposed stipulation of settlement and c of s. [125-1] (jc) (Entered: 04/19/2001) |
| 04/20/2001 | 129 | MOTION by plaintiffs' for an award of attorneys' fees and expenses. ; C/S (pm) (Entered: 04/23/2001) |
| 04/20/2001 | 130 | BRIEF FILED by plaintiffs in support of stipulation of settlement. [125-1]; C/S, Prop. final order and judgment of dismissal (pm) (Entered: 04/23/2001) |

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| 04/20/2001 | 131 | MEMORANDUM by plaintiff IN SUPPORT OF motion for an award of attorneys' fees and expenses. [129-1]; C/S (pm) (Entered: 04/23/2001) |
| 04/20/2001 | 132 | APPENDIX filed by plaintiffs in support of their mtn for an award of attys' fees and expenses. [131-1] (pm) (Entered: 04/23/2001) |
| 04/20/2001 | 133 | DECLARATION of William H. Ewing in support of pltf's motion for an award of attorneys' fees and expenses. [129-1] (pm) (Entered: 04/23/2001) |
| 04/27/2001 | 134 | MINUTE SHEET (FINAL) of settlement hrg. Plfs.' counsel addresses crt. re: class certification. Mr. Ewing also addresses issue of atty. fees. Mr Calamoneri responds & informs the crt. that payment be distributed w/in 45 days. Plfs.' counsel supplies crt. w/prop. settlement order. Judge Kane addresses the parties and approves class certification and approves the settlement. CTR: Glenda Travitz (am) (Entered: 04/30/2001) |
| 04/27/2001 | 135 | FINAL ORDER AND JUDGMENT OF DISMISSAL: by Judge Yvette Kane: ORDERED as follows: 1. Approval of Settlement: The crt. finds that the settlement set forth in the Stip. of Settlement entered into by the plfs. & deft. (the "Settlement") is, in all respects, fair and reasonable and adequate to the class, as such class is defined in paragraph 2 of that order dtd. 2/26/01. This crt. therefore approves the settlement. 2. See Certification...3. See Notice in Compliance...4. See Release...5. Dismissal: The crt. hereby dismisses w/prejudice all claims in Knee case and the Snyder case as to which no settlement is made by the deft. 6. See Administration and Distribution of Settlement Fund...7. Award of Fees and Expenses: In consideration of the Petition for an Award of Atty. Fees and Costs filed by Class Counsel and the terms of Stip. of Settlement, the firm of Eckert Seamans, Cherin & Mellott, LLC ("Eckert Seamans") is hereby awarded reasonable fees in the amt. of \$375,000 and reasonable expenses in the amt. of \$25,000 for their services in prosecuting this action through 5/12/00, the date when the parties informed the crt. that they had reached a settlement in principle in these cases. Deft. shall pay the sum to Eckert Seamans w/in 45 days after this Order becomes final as defined in the stip. of settlement. 8. See Disposition of Unclaimed Sums and Interest on Class Payment... 9. See Reserved Powers of Court... 10. Stipulation and Settlement. The Stipulation of Settlement as set forth therein is not an admission of the validity or invalidity of any actions or claims which arise out of, directly or indirectly, or in any way connected with the facts, circumstances, transactions or occurrences described directly or indirectly in these lawsuits, or of any wrongdoing or any violation of law. Case terminated (cc: all counsel, Crt. & Security) (am) (Entered: 04/30/2001) |
| 04/27/2001 | | REPORT OF MEDIATOR (Settlement Successful) (am) (Entered: 04/30/2001) |
| 05/07/2001 | 136 | TRANSCRIPT of settlement conf. held 4/27/01 at 9:30 a.m. CTR: Glenda S. Travitz (jc) (Entered: 05/08/2001) |
| 05/07/2001 | 137 | STENO NOTES - of settlement conf. held on 4/27/01. CTR: Glenda S. Travitz (NOTES PLACED IN BOX HN-132) (am) (Entered: 05/08/2001) |
| 11/17/2004 | <u>138</u> | Unopposed MOTION for Attorney Fees by Helen Knee. (Attachments: # <u>1</u> Exhibit(s) Exhibit A# <u>2</u> Declaration of William H. Ewing# <u>3</u> Proposed Order)(Shienvold, Adam) (Entered: 11/17/2004) |
| 12/02/2004 | <u>139</u> | ORDER OF RECUSAL. Judge Yvette Kane recused. Case reassigned to Judge Christopher C. Conner for all further proceedings. Signed by Judge Yvette Kane on December 2, 2004. |

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| | | (kjm) (Entered: 12/03/2004) |
| 12/06/2004 | <u>140</u> | ORDER granting pltf's concurred-in motion for award of atty's fees & expenses & for order of distribution <u>138</u> – It is hereby ORDERED as follows: 1. The firm of Eckert Seamans is hereby awarded reasonable expenses in amt of \$6,520 ,as reasonable fees for their svcs & expenses incurred in securing this Ct's approval of the Settlement & in making distribution thereunder, the balance of the interest, not to exceed \$18,000, earned on the Class Pymt while held in escrow up to the date on which this Order becomes final.; 2. W/in 20 days after this ORDER becomes final, pltf's attys shall disburse to the Postal Svc the sum of \$18,000, which is the amt of the Class Pymt which was not claimed by members of the pltf class.; 3. The Clrk of Ct is, once again, directed to close this file. (See order for complete details.) Signed by Judge Christopher C. Conner on 12/06/04. (ki) (Entered: 12/06/2004) |