

CLOSED

U.S. District Court
Northern District of New York – Main Office (Syracuse) [LIVE – Version 4.0.3]
(Syracuse)
CIVIL DOCKET FOR CASE #: 5:06-cv-01338-NAM-GHL

American Federation of Government Employees TSA Local 1 et al v. Hawley
Assigned to: Chief Judge Norman A. Mordue
Referred to: Magistrate Judge George H. Lowe
Case in other court: USDC District of Columbia
(Washington D.C.), 1:03-cv-1719
– CKK

Date Filed: 11/02/2006
Date Terminated: 12/06/2007
Jury Demand: None
Nature of Suit: 790 Labor: Other
Jurisdiction: Federal Question

Cause: 28:1331 Fed. Question

Plaintiff

**American Federation of Government
Employees TSA Local 1**

represented by **Matthew Bergeron**
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ATTORNEY TO BE NOTICED

Plaintiff

Don Card

represented by **Matthew Bergeron**
(See above for address)
ATTORNEY TO BE NOTICED

V.

Defendant

Edmund Hawley
*In his official capacity as Administrator,
Transportation Security Administration*

represented by **William F. Larkin**
Office of the United States Attorney –
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Date Filed	#	Docket Text
11/02/2006	<u>1</u>	COMPLAINT from the USDC District of Columbia Washington, D.C. case number 1:03-cv-1719 transfered in. Filed by American Federation of Government Employees TSA Local 1, Eugene Leimer, Don Card, Beatrice Campbell, Thomas Moriarty, Jonathan Thorton. Order forwarded electronically.(alh) (Entered: 11/03/2006)
11/02/2006	<u>2</u>	MOTION for Temporary Restraining Order by AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES TSA LOCAL 1, BEATRICE CAMPBELL, DON CARD, EUGENE LEIMER, THOMAS MORIARTY, JONATHAN THORTON. (Attachments: # <u>1</u> Exhibits 1 through 5 # <u>2</u> Exhibits 5 through 20) (Filed in USDC District of Columbia on 8/13/03) (alh,) (Entered: 11/03/2006)

11/02/2006	<u>3</u>	ERRATA to plaintiffs' memorandum in support of their Motion for Temporary Restraining Order by AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES TSA LOCAL 1, BEATRICE CAMPBELL, DON CARD, EUGENE LEIMER, THOMAS MORIARTY, JONATHAN THORTON (Filed in USDC District of Columbia on 8/14/03) (alh,) (Entered: 11/03/2006)
11/02/2006	<u>4</u>	NOTICE of Appearance by Susan Marie Demske on behalf of JAMES M. LOY. (Filed in USDC District of Columbia on 8/15/03) (alh,) (Entered: 11/03/2006)
11/02/2006	<u>5</u>	Joint MOTION that the Court consider Plaintiffs' Motion for a Temporary Restraining Order and supporting Memorandum as a Motion for Preliminary Injunction; also Proposed Scheduling Order by JAMES M. LOY. (Filed in USDC District of Columbia on 8/15/03) (alh,) (Entered: 11/03/2006)
11/02/2006	<u>6</u>	ORDER Establishing Procedures for Electronic Filing for Cases Assigned to Judge Colleen Kollar-Kotelly, signed by Judge Kollar-Kotelly on August 21, 2003. (Filed in USDC District of Columbia on 8/21/03) (alh,) (Entered: 11/03/2006)
11/02/2006	<u>7</u>	MEMORANDUM in opposition to motion re <u>2</u> Plaintiffs' Motion for a Preliminary Injunction filed by James M. Loy. (Attachments: # <u>1</u> Affidavit of Richard A. Whitford with attached exhibits # <u>2</u> Exhibit TSA and AFGE, Decision & Order on Petitions (FLRA Reg'l Dir. July 7, 2003)) (Filed in USDC District of Columbia on 8/25/03)(alh,) (Entered: 11/03/2006)
11/02/2006	<u>8</u>	NOTICE by James M. Loy re <u>7</u> Memorandum in Opposition, of Filing of Substitute Exhibit and Errata (Attachments: # <u>1</u> Exhibit (Substitute) Tab E to Attachment 1 to Defendants' Opposition to Plaintiffs' Motion for Preliminary Injunction)(Filed in the USDC District of Columbia on 8/26/03) (alh,). (Entered: 11/06/2006)
11/02/2006	<u>9</u>	REPLY to opposition to motion re <u>2</u> Preliminary Injunction filed by AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES TSA LOCAL 1, BEATRICE CAMPBELL, DON CARD, EUGENE LEIMER, THOMAS MORIARTY, JONATHAN THORTON (Attachments: # <u>1</u> Exhibit) (Filed in USDC District of Columbia on 8/27/03)(alh,) (Entered: 11/06/2006)
11/02/2006	<u>10</u>	MOTION to Dismiss Plaintiffs' Complaint and Memorandum in Support by JAMES M. LOY. (Filed in USDC District of Columbia 10/14/03) (alh,) (Entered: 11/06/2006)
11/02/2006	<u>11</u>	Memorandum in opposition to motion re <u>10</u> Defenant's Motion to Dismiss filed by AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES TSA LOCAL 1, BEATRICE CAMPBELL, DON CARD, EUGENE LEIMER, THOMAS MORIARTY, JONATHAN THORTON (Filed in USDC District of Columbia on 10/27/03). (alh,) (Entered: 11/06/2006)
11/02/2006	<u>12</u>	ORDER granting Motion to Consider Plaintiffs' Motion for Temporary Restraining Order as Motion for Preliminary Injunction <u>5</u> , and denying Motion for Preliminary Injunction <u>2</u> . Signed by Judge Colleen Kollar-Kotelly on November 3, 2003. (Attachments: # 1) (Filed in USDC District of Columbia on 11/3/03).(alh,) (Entered: 11/06/2006)
11/02/2006	<u>13</u>	REPLY in support of motion re <u>10</u> to Dismiss Plaintiffs' Complaint filed by JAMES M. LOY (Filed in USDC District of Columbia on 11/6/03). (alh,) (Entered: 11/06/2006)
11/02/2006	<u>14</u>	NOTICE by JAMES M. LOY of Withdrawal of Susan Demske as Counsel for Defendant. (Filed in USDC District of Columbia on 11/6/03) (alh,) (Entered: 11/06/2006)
11/02/2006	<u>15</u>	First MOTION to Certify Class by AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES TSA LOCAL 1, BEATRICE CAMPBELL, DON CARD, EUGENE LEIMER, THOMAS MORIARTY, JONATHAN THORTON, (Attachments: # <u>1</u> Text of Proposed Order Proposed Order) (Filed in USDC District of Columbia on 11/10/03).(alh,) (Entered: 11/06/2006)
11/02/2006	<u>16</u>	NOTICE of Appearance by Samuel C. Kaplan on behalf of JAMES M. LOY (Filed in USDC District of Columbia on 11/21/03).(alh) (Entered: 11/06/2006)

11/02/2006	<u>17</u>	MOTION to Stay Proceedings Concerning Plaintiffs' Motion for Class Certification Pending Resolution of Defendant's Dispositive Motion, or, in the Alternative, for a Continuance by JAMES M. LOY. (Attachments: # <u>1</u> Exhibit One# <u>2</u> Exhibit Two) (Filed in USDC District of Columbia on 11/21/03)(alh,) (Entered: 11/06/2006)
11/02/2006		MINUTE ENTRY: ORDERED that Defendants' <u>17</u> Motion to Stay proceedings concerning Plaintiffs' class certification motion is GRANTED. If Defendant's Motion to Dismiss is not granted in full, Defendant shall have 30 days from the date of this Court's ruling on the dispositive motion to respond to Plaintiffs' class certification motion. Signed by Judge Colleen Kollar-Kotelly on July 12, 2004. (Filed in USDC District of Columbia on 7/12/04) (alh,) (Entered: 11/06/2006)
11/02/2006		MINUTE ORDER (Paperless): The Parties are instructed to notify the Court as to the pending Motion to Dismiss if there is any new factual information or case law pertinent to the filed motion via a joint status report to be submitted to the Court by January 27, 2006. Additionally, because an APA claim was made in the instant case, the relevant administrative record should be filed with the Court by January 27, 2006. Signed by Judge Colleen Kollar-Kotelly on January 22, 2006. (Filed in USDC District of Columbia on 1/22/06)(alh,) (Entered: 11/06/2006)
11/02/2006	<u>18</u>	STATUS REPORT Jointly Filed by Parties by THOMAS MORIARTY, JONATHAN THORTON, AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES TSA LOCAL 1, EUGENE LEIMER, DON CARD, BEATRICE CAMPBELL. (Filed in USDC District of Columbia on 1/27/06). (alh,) (Entered: 11/06/2006)
11/02/2006	<u>19</u>	NOTICE of Defendant's Supplement to Joint Status Report by James M. Loy re <u>18</u> Status Report. (Filed in USDC District of Columbia on 2/3/06). (alh,) (Entered: 11/06/2006)
11/02/2006	<u>20</u>	ORDER granting in part and denying in part Defendant's <u>10</u> Motion to Dismiss; dismissing all of Plaintiffs' claims except for Count VI with respect to Plaintiff Card and Plaintiff AFGE; denying without prejudice Plaintiffs' <u>15</u> Motion for Class Certification; and ordering the Parties to file a Joint Status Report by September 22, 2006, indicating how they wish to proceed. Signed by Judge Colleen Kollar-Kotelly on August 21, 2006. (Filed in USDC District of Columbia on 8/21/06)(alh,) (Entered: 11/06/2006)
11/02/2006	<u>21</u>	MEMORANDUM OPINION. Signed by Judge Colleen Kollar-Kotelly on August 21, 2006. (Filed in USDC District of Columbia on 8/21/06) (alh,) (Entered: 11/06/2006)
11/02/2006	<u>22</u>	Unopposed MOTION for Extension of Time to File Answer re <u>1</u> Complaint by JAMES M. LOY. (Filed in USDC District of Columbia on 8/29/06) (alh,) (Entered: 11/06/2006)
11/02/2006		MINUTE ENTRY ORDER (Paperless) granting <u>22</u> Unopposed Motion to Extend Time to Answer or Otherwise Respond to Complaint, until and including October 4, 2006. Signed by Judge Colleen Kollar-Kotelly on September 1, 2006. (Filed in USDC District of Columbia on 9/1/06)(alh,) (Entered: 11/06/2006)
11/02/2006	<u>23</u>	STATUS REPORT Jointly Filed by Parties by THOMAS MORIARTY, JONATHAN THORTON, JAMES M. LOY, AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES TSA LOCAL 1, EUGENE LEIMER, DON CARD, BEATRICE CAMPBELL. (Filed in USDC District of Columbia on 9/21/06). (alh,) (Entered: 11/06/2006)
11/02/2006		MINUTE ENTRY ORDER (paperless) adopting the schedule set out in the <u>23</u> Joint Status Report filed on September 21, 2006. Defendant's Motion to Transfer Venue shall be filed by October 4, 2006, if not filed, defendant will file an Answer with scheduling order by October 25, 2006; any response to Motion to Transfer Venue shall be filed by October 11, 2006; and any Reply shall be filed by October 25, 2006. Signed by Judge Colleen Kollar-Kotelly on October 3, 2006. (Filed in USDC District of Columbia on 10/3/06) (alh,) (Entered: 11/06/2006)
11/02/2006	<u>24</u>	MOTION to Transfer Case by JAMES M. LOY (Attachments: # <u>1</u> Slip Opinion in American Federation of Government Employees, AFL-CIO v. LOY, No.

		03-cv-01935# <u>2</u> Declaration of Maria Farrell) (Filed in USDC District of Columbia on 10/4/06)(alh,) (Entered: 11/06/2006)
11/02/2006	<u>25</u>	ORDER granting as conceded and on the merits <u>24</u> Motion to Transfer Case to the Northern District of New York. Signed by Judge Colleen Kollar-Kotelly on October 17, 2006. (Filed in USDC District of Columbia on 10/17/06)(alh,) (Entered: 11/06/2006)
11/02/2006	<u>26</u>	MEMORANDUM OPINION. Signed by Judge Colleen Kollar-Kotelly on October 17, 2006. (Filed in USDC District of Columbia on 10/17/06) (alh,) (Entered: 11/06/2006)
11/02/2006	<u>27</u>	DOCKET REPORT from the US District Court District of Columbia Case No. 1:03-cv-1719. (alh,) (Entered: 11/06/2006)
12/07/2006	<u>28</u>	<i>DEFENDANT'S ANSWER</i> to Complaint by James M. Loy.(Larkin, William) (Entered: 12/07/2006)
12/07/2006	<u>29</u>	<i>DEFENDANT'S "CORRECTED" ANSWER</i> to Complaint by James M. Loy.(Larkin, William) (Entered: 12/07/2006)
01/05/2007	<u>30</u>	NOTICE of Appearance by Matthew Bergeron on behalf of American Federation of Government Employees TSA Local 1, Don Card (Bergeron, Matthew) (Entered: 01/05/2007)
01/10/2007	<u>31</u>	STATUS REPORT <i>Letter</i> by James M. Loy. (Attachments: # <u>1</u> Affidavit Certificate of Service)(Larkin, William) (Entered: 01/10/2007)
01/11/2007	<u>32</u>	G.O. 25 FILING ORDER ISSUED: Initial Telephone Conference set for 3/21/2007 09:00 AM before Magistrate Judge George H. Lowe. Civil Case Management Plan due by 3/12/2007. (mnm) (Entered: 01/12/2007)
03/13/2007	<u>33</u>	CIVIL CASE MANAGEMENT PLAN (<i>joint filing</i>) by American Federation of Government Employees TSA Local 1, Don Card, James M. Loy. (Larkin, William) (Entered: 03/13/2007)
03/21/2007		Minute Entry for proceedings held before Judge George H. Lowe : Initial Pretrial Telephone Conference held on 3/21/2007. Appearances: Matthew Bergeron, Esq., for Plaintiffs; AUSA William A. Larkin, Esq., for Defendant. Upon consent of the parties, Judge Lowe orders the caption of this case amended read American Federation of Government Employees TSA Local 1, and Don Card, vs. Edmund Hawley, in his official capacity as Administrator, Transportation Security Administration. Pretrial deadlines are set and a scheduling order will be issued. (Tape #89) (tjm) Modified on 3/21/2007 to correct name of new defendant (tjm). (Entered: 03/21/2007)
03/21/2007		CLERK'S CORRECTION OF DOCKET ENTRY re Pretrial Conference – Initial: Caption should read American Federation of Government Employees TSA Local 1, and Don Card vs. Edmund Hawley, in his official capacity as Administrator, Transportation Security Administration. (Minute entry erroneously named Defendant as Edward Hawley). (tjm) (Entered: 03/21/2007)
03/21/2007	<u>34</u>	UNIFORM PRETRIAL SCHEDULING ORDER: Anticipated length of trial: 3 days. Preferred Trial Location: Syracuse, New York. This case has been opted out of participation in the ADR program. Joinder of Parties due by 4/20/2007. Amended Pleadings due by 4/20/2007. Discovery due by 8/28/2007. Motions to be filed by 10/29/2007. Non-Jury Trial Ready Deadline is 12/31/2007. Signed by Judge George H. Lowe on 3/21/07. (jmb) (Entered: 03/22/2007)
07/27/2007	<u>35</u>	Letter Motion from William F. Larkin for Edmund Hawley requesting a discovery dispute conference submitted to Judge George H. Lowe. (Attachments: # <u>1</u> Affidavit Certificate of Service)(Larkin, William) (Entered: 07/27/2007)
09/05/2007	<u>36</u>	STATUS REPORT <i>and Request to Extend Time Periods to Complete Discovery and File Motions</i> by Edmund Hawley. (Attachments: # <u>1</u> Certificate of Service)(Larkin, William) (Entered: 09/05/2007)

09/06/2007	<u>37</u>	RESPONSE TO LETTER BRIEF filed by American Federation of Government Employees TSA Local 1, Don Card as to <u>36</u> Status Report filed by Edmund Hawley. (Bergeron, Matthew) (Entered: 09/06/2007)
09/10/2007	<u>38</u>	AMENDED UNIFORM PRETRIAL SCHEDULING ORDER: Discovery due by 11/5/2007. Motions to be filed by 1/7/2008. Trial Ready Deadline is 3/7/2008. Signed by Judge George H. Lowe on 9/10/07. (dmf) (Entered: 09/10/2007)
11/30/2007	<u>39</u>	STIPULATION of Dismissal by American Federation of Government Employees TSA Local 1, Don Card submitted to Judge Mordue. (Bergeron, Matthew) (Entered: 11/30/2007)
12/06/2007	<u>40</u>	ORDER approving <u>39</u> Stipulation of Dismissal filed by Don Card, American Federation of Government Employees TSA Local 1, and DISMISSING CASE. Signed by Judge Norman A. Mordue on 12/6/07. (lmp) (Entered: 12/06/2007)