

**U.S. District Court  
Eastern District of New York (Brooklyn)  
CIVIL DOCKET FOR CASE #: 1:01-cv-02909-JG-RER**

Warren, et al v. Xerox Corporation  
Assigned to: Judge John Gleeson  
Referred to: Magistrate Judge Ramon E. Reyes, Jr  
Demand: \$0  
Cause: 28:1331 Federal Question: Other Civil Rights

Date Filed: 05/09/2001  
Date Terminated: 09/19/2008  
Jury Demand: Plaintiff  
Nature of Suit: 442 Civil Rights: Jobs  
Jurisdiction: Federal Question

**Plaintiff**

**Frank Warren**

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**Plaintiff**

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**Plaintiff**

**Alicia Dean-Hall**

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**Plaintiff**

**Kenneth Jimerson**

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**Plaintiff**

**Dora Miller**

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**Plaintiff**

**Gene Simms**

*Individually and as Class Representatives*

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V.

**Defendant**

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Date Filed	#	Docket Text
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05/09/2001	1	COMPLAINT filed and summons(es) issued for Xerox Corporation FILING FEE \$ 150.00 RECEIPT # 246447 (Bowens, Priscilla) (Entered: 05/10/2001)
05/09/2001		CASE REFERRED to Magistrate Roanne L. Mann (Bowens, Priscilla) (Entered: 05/10/2001)
06/01/2001	2	RETURN OF SERVICE executed as to Xerox Corporation 5/18/01 (Piper, Francine) (Entered: 06/05/2001)
06/13/2001	3	STIPULATION and ORDER, dft's time to answer the complaint is extended to 7/25/01. Any request for a pre-motion conference must be made no later than 7/18/01. ( signed by Judge John Gleeson , on 6/12/01) c/m (Piper, Francine) (Entered: 06/13/2001)
08/09/2001	4	Disclosure of interested parties by Xerox Corporation. (DiLorenzo, Krista) (Entered: 08/09/2001)
08/09/2001	5	ANSWER with Affirmative Defenses to Complaint by Xerox Corporation. (DiLorenzo, Krista) (Entered: 08/09/2001)
08/15/2001	6	STIPULATION extending time for dft Xerox to answer/respond to the complaint to 8/8/01. (signed by Judge John Gleeson, on 8/13/01) c/m (Lee, Tiffeny) (Entered: 08/15/2001)
08/16/2001	7	ORDER setting an initial conference for 12:00 on 9/20/01 . All counsel must be present. (Signed by Magistrate Roanne L. Mann on 8/15/01). (DiLorenzo, Krista) (Entered: 08/16/2001)
09/20/2001	8	Calendar entry: Before Magistrate Judge Mann on 9/20/01. Initial conf. held. Next settlement conference set for 10:00 on 6/27/02 . Phase I discovery to be completed by 5/31/01. Automatic disclosure is complete. Phase I of discovery will consist of in depth discovery on the named pltfs and those in their CBUS, and more general nationwide discovery (statistical evidence and EEO complaints), to be discussed among counsel. Pltfs' Rule 26 statistical expert disclosure shall be served by 3/29/02; dfts' by 5/17/02. all other expert disclosure (including depositions) is deferred. (DiLorenzo, Krista) (Entered: 09/21/2001)
03/04/2002	9	STIPULATION and ORDER Governing the Production and Exchange of Confidential Information. (Signed by Magistrate Roanne L. Mann on 2/4/02). See order for further details and conditions. Copies faxed by Chambers. (DiLorenzo, Krista) (Entered: 03/04/2002)
03/25/2002	11	LETTER dated 3.25.2 from Barry A. Weprin to USMJ Mann requesting that scheduled discovery deadlines be extended. (Noh, Kenneth) (Entered: 03/27/2002)
03/27/2002	10	Revised SCHEDULING ORDER; plts shall submit their FRCP26 expert disclosure by 5.29.2; dft shall submit its FRCP26 expert disclosure by 7.17.2; Phase I discovery is to be completed by 7.31.2; a settlement conf shall be held on 9.12.2 @ 2pm. (signed by Magistrate Roanne L. Mann on 3.25.2). (Noh, Kenneth) (Entered: 03/27/2002)
03/27/2002	12	ORDER for Diane Bradley, esq. to appear pro hac vice; Fee #: 25.00 Receipt #: 259372 . (Signed by Judge John Gleeson on 3/26/02). C/M. (DiLorenzo, Krista) (Entered: 03/27/2002)
03/27/2002	13	Notice of MOTION for Douglas Hoffman, Esq. to appear pro hac vice; Fee #: 25.00; Receipt #: 259370 . Motion hearing not set . (DiLorenzo, Krista) (Entered: 03/27/2002)
03/27/2002	14	ORDER granting [13-1] motion for Douglas Hoffman, Esq. to appear pro hac vice; Fee #: 25.00; Receipt #: 259370. (Signed by Judge John Gleeson on 3/26/02). C/M. (DiLorenzo, Krista) (Entered: 03/27/2002)
05/30/2002	15	REVISED SCHEDULING ORDER setting Settlement Conference by 10:00 on 1/15/03; Pltfs. shall submit expert disclosure by 10/31/02; dft. shall submit expert disclosure by 12/1/302; Phase I discovery is to be completed by 12/20/02. (Signed by Magistrate Roanne L. Mann on 5/24/02). C/M by Chambers. (DiLorenzo, Krista) (Entered: 05/30/2002)

10/29/2002	16	ORDER granting parties' request to extend the discovery schedule as follows: pltfs. expert disclosure due on 1/31/03; dft's expert disclosure due on 3/21/03; Phase I discovery is to be completed by 1/31/03. The 1/15/03 settlement conf. is adjourned to 4/16/03 at 10:00 . (Signed by Magistrate Roanne L. Mann on 10/28/02). See letter dated 10/25/02 from Christopher D'Angelo and Douglas Hoffman to Magistrate Judge Mann. Copies faxed by Chambers on 10/29/02. (DiLorenzo, Krista) (Entered: 10/29/2002)
12/26/2002	17	ORDER: Phase I discovery does not include depositions of potential class members who are not named pltfs. (Signed by Magistrate Roanne L. Mann on 12/23/02). See letter dated 12/18/02 from Christopher D'Angelo and Douglas Hoffman to Magistrate Judge Mann. Copies faxed by Chambers on 12/23/02. (DiLorenzo, Krista) (Entered: 12/26/2002)
02/05/2003	18	REVISED SCHEDULING ORDER: Pltf's expert disclosure due on 2/21/03; dft's expert disclosure due on 4/11/03. Settlement conf. set for 4/16/03 at 10:00. (Signed by Magistrate Roanne L. Mann on 2/3/03). Copies faxed by Chambers on 2/4/03. (DiLorenzo, Krista) (Entered: 02/05/2003)
04/16/2003	19	Calendar entry: Settlement conf held 4/16/03 before MJ Mann. Counsel for both sides present. The parties shall, by 4/28/03, respond to the court's settlement proposal. If no settlement, the parties shall, by 5/2/03, submit to Judge Gleeson a joint proposed scheduled for briefing pltfs' class certification motion. (Fahey, Lauren) (Entered: 04/17/2003)
04/29/2003	20	ORDER granting parties' request to extend time to respond to the court's recommendation to 5/5/03 and an extension of time to submit a proposed scheduling order to 5/9/03 . (Signed by Magistrate Roanne L. Mann on 4/28/03). See letter dated 4/25/03 from Christopher D'Angelo to Magistrate Judge Mann. Copies faxed by Chambers on 4/28/03. (DiLorenzo, Krista) (Entered: 04/29/2003)
05/19/2003	<u>21</u>	ORDER, endorsed on letter dated 5/9/03: Briefing schedule for motion for class certification set as follows: Motion due 5/30/03; Opposition due 7/16/03; Reply due 8/28/03. Motion referred to MJ Mann for RSigned by Judge John Gleeson on 5/14/03. C/Faxed by chambers.(Fahey, Lauren) (Entered: 05/19/2003)
05/30/2003	22	Letter dated 5/30/2003 from Douglas Hoffman to Christopher D'Angelo and Eugene Ulterino, re: enclosure of notice of motion adn aupporting papers. w/o enclosures. (Dobkin, David) (Entered: 06/04/2003)
07/17/2003	23	Letter dated 7/16/03 from Eugene Ulterino to Barry Weprin, enclosing a courtesy copy of dft's papers in opposition to pltf's motion. W/O enclosures. (DiLorenzo, Krista) (Entered: 07/18/2003)
08/28/2003	24	MOTION to Certify Class by Clifford Brooks, Alicia Dean-Hall, Kenneth Jimerson, Dora Miller, Gene Simms, Frank Warren. (DiLorenzo, Krista) (Entered: 08/29/2003)
08/28/2003	25	Memo of Law in Support 24 MOTION to Certify Class filed by Clifford Brooks, Alicia Dean-Hall, Kenneth Jimerson, Dora Miller, Gene Simms, Frank Warren. (DiLorenzo, Krista) (Entered: 08/29/2003)
08/28/2003	26	Memo of Law in Opposition 24 MOTION to Certify Class filed by Xerox Corporation. (DiLorenzo, Krista) (Entered: 08/29/2003)
08/28/2003	27	AFFIDAVIT of Edward J. Claschi, Esq. in Opposition re 24 MOTION to Certify Class filed by Xerox Corporation. (DiLorenzo, Krista) (Entered: 08/29/2003)
08/28/2003	28	AFFIDAVIT of Kevin Zielinski Esq. in Opposition 24 MOTION to Certify Class filed by Xerox Corporation. (DiLorenzo, Krista) (Entered: 08/29/2003)
08/28/2003	29	AFFIDAVIT of Eugene D. Ulterino, Esq. in Opposition re 24 MOTION to Certify Class filed by Xerox Corporation. (DiLorenzo, Krista) (Entered: 08/29/2003)
08/28/2003	30	AFFIDAVIT of John DiVincenzo, Esq. in Opposition re 24 MOTION to Certify Class filed by Xerox Corporation. (DiLorenzo, Krista) (Entered: 08/29/2003)
08/28/2003	31	Appendix A by Xerox Corporation. Cases cited in Xerox' Memo of LAW in opposition to pltfs' motion for class certification with Lexis citations only.

		(DiLorenzo, Krista) (Entered: 08/29/2003)
08/28/2003	32	REPLY Memo in further support of 24 MOTION to Certify Class filed by Clifford Brooks, Alicia Dean-Hall, Kenneth Jimerson, Dora Miller, Gene Simms, Frank Warren. (DiLorenzo, Krista) (Entered: 08/29/2003)
08/28/2003	33	Reply Affirmation of Douglas J. Hoffman, Esq. in Support 24 MOTION to Certify Class filed by Clifford Brooks, Alicia Dean-Hall, Kenneth Jimerson, Dora Miller, Gene Simms, Frank Warren. (DiLorenzo, Krista) (Entered: 08/29/2003)
09/19/2003	<u>34</u>	ORDER REFERRING MOTION: 24 MOTION to Certify Class filed by Frank Warren, Clifford Brooks, Alicia Dean-Hall, Kenneth Jimerson, Dora Miller, Gene Simms to Magistrate Judge Mann. Signed by Judge John Gleeson on 9/16/03. C/M by Chambers.(DiLorenzo, Krista) (Entered: 09/19/2003)
10/06/2003	<u>35</u>	ORDER signed by Magistrate Judge Roanne L. Mann on 10/3/03 setting an oral argument for 10/10/03 at 10:30. Copies faxed by Chambers on 10/3/03.(DiLorenzo, Krista) (Entered: 10/06/2003)
10/14/2003	<u>36</u>	ENDORSED ORDER signed by Magistrate Judge Roanne L. Mann on 10/8/03 granting Xerox's application in part and denied in part. Xerox may serve and submit its expert's sur-reply by 10/10/03 at 5:00. Copies faxed by Chambers on 10/8/03.(DiLorenzo, Krista). (Entered: 10/14/2003)
10/14/2003	37	Dft's sur-reply expert report in Opposition 24 MOTION to Certify Class . (Forwarded to Chambers). (DiLorenzo, Krista) (Entered: 10/20/2003)
10/14/2003	38	Minute Entry for proceedings held before Magistrate Judge Mann: Settlement Conference held on 10/14/2003. The court hears oral argument on plffs' motion for class certification. With the parties' consent, the court also conducts settlement discussions. The parties shall have until 11/7/03 to respond to the court's proposal. (DiLorenzo, Krista) (Entered: 10/21/2003)
12/02/2003	39	TRANSCRIPT of Proceedings/Oral Argument held on 10/14/03 before Magistrate Mann. Court Transcriber: Aria Transcriptions c/o Elizabeth Barron. (88 pages) (Guzzi, Roseann) (Entered: 12/22/2003)
01/30/2004	<u>40</u>	REPORT AND RECOMMENDATION: It is the recommendation of this Court that the District Court bifurcate the liability and remedial phases of this litigation and certify the following class pursuant to Rule 23(b)(2), for liability and class-wide injunctive and declaratory relief on plts' disparate impact and treatment claims: all black Xerox sales representatives who (within the applicable statutes of limitation) have been, continue to be, or may in the future be, affected by dft's alleged pattern and practice of racial discrimination in assignments of sales territories, promotions and compensation. Plts' requests for certification of their retaliation claim and for the creation of subclasses should be denied at this time. Re: 24 MOTION to Certify Class filed by Frank Warren, Clifford Brooks, Alicia Dean-Hall, Kenneth Jimerson, Dora Miller, Gene Simms. Objections to RRdue by 2/9/2004. Signed by Judge Roanne L. Mann on 1/26/04. (Nieves, Adrian) (Entered: 01/30/2004)
02/10/2004	41	OBJECTION to <u>40</u> Report and Recommendations by Xerox Corporation. (DiLorenzo, Krista) (Entered: 02/17/2004)
02/10/2004	42	Dft. by Xerox Corporation's memo of law in support of objections to the report and recommendation. (DiLorenzo, Krista) (Entered: 02/17/2004)
03/17/2004	<u>43</u>	ORDER ADOPTING REPORT AND RECOMMENDATIONS for <u>40</u> Report and Recommendations and denying plffs' requests for certifications of their retaliation claims and for the creation of subclasses. See order for further details and conditions. Signed by Judge John Gleeson on 3/11/04. C/M. (Forwarded for judgment). (DiLorenzo, Krista) (Entered: 03/17/2004)
05/10/2004	44	NOTICE of Change of Law Firm Name by plffs' counsel. Docket sheet updated. (DiLorenzo, Krista) (Entered: 05/13/2004)
06/04/2004	<u>45</u>	ENDORSED ORDER signed by Magistrate Judge Roanne L. Mann on 6/1/04 directing the parties to confer by 6/7/04 and to submit a joint proposed schedule for



		further proceedings. Copies faxed by Chambers on 6/1/04. (DiLorenzo, Krista) (Entered: 06/04/2004)
06/15/2004	<u>46</u>	ORDER signed by Magistrate Judge Roanne L. Mann on 6/8/04: A settlement conf. will be held on 1/11/05 at 11:00; joint pretrial order shall be submitted by 3/1/05. Any dispute about notice to the class should be addressed to Judge Gleeson. Copies faxed by Chambers on 6/9/04. (DiLorenzo, Krista) (Entered: 06/15/2004)
06/15/2004	47	Letter dated 6/7/04 from Eugene Ulterino to Magistrate Judge Mann, requesting an extension of the scheduling order. (DiLorenzo, Krista) (Entered: 06/15/2004)
06/28/2004	48	Letter dated 6/8/04 from Barry Weprin to Magistrate Judge Mann, requesting that the court approve the proposed class notice and to order Xerox to produce to pltf's. the last known address of each class member. (DiLorenzo, Krista) (Entered: 06/28/2004)
07/15/2004		Case reassigned to Judge Kiyoo A. Matsumoto. Judge Roanne L. Mann no longer assigned to the case. (Villanueva, William) (Entered: 07/15/2004)
07/31/2004		ORDER: The above-captioned matter has been reassigned from Magistrate Judge Roanne L. Mann to Magistrate Judge Kiyoo Matsumoto for pretrial supervision. All previous orders and scheduled conferences remain in effect. The settlement conference scheduled for 1/11/05 at 11:00 a.m. will proceed before Magistrate Judge Kiyoo Matsumoto, Room 208. Plaintiff's counsel is requested to confirm with the parties that all necessary participants are aware of this conference. No request for adjournment will be considered unless made at least forty-eight (48) hours before the scheduled conference. (Matsumoto, Kiyoo) (Entered: 07/31/2004)
08/02/2004	<u>50</u>	Minute Entry for proceedings held before John Gleeson : Status Conference held on 8/2/2004. (Piper, Francine) (Entered: 08/04/2004)
08/03/2004	<u>49</u>	ORDER directing that notice, as modified, be provided to the plaintiff class. Signed by Judge John Gleeson on August 3, 2004. (Gleeson, John) (Entered: 08/03/2004)
08/17/2004	51	Letter dtd June 18, 2004 to Judge John Gleeson from Barry A. Weprin, asking the Court to approve their enclosed proposed class notice and to order Xerox to produce to plaintiff's the last known address of each class member. (Schillat, Louise) (Entered: 08/17/2004)
08/17/2004	<u>52</u>	Letter dtd June 22, 2004 to Judge John Gleeson from Eugene D. Ulterino, in response to plaintiff's request for the issuance of class notice. Plaintiff's request should be denied. (see letter for details).(Schillat, Louise) (Entered: 08/17/2004)
12/22/2004	<u>53</u>	Letter dtd. 12/22/04 from counsels for pltf's and def't to Judge Matsumoto, requesting an extension of the discovery deadline in this captioned matter. (Layne, Monique) (Entered: 01/12/2005)
12/23/2004		ORDER The parties are directed to participate in a telephone conference before the undersigned magistrate judge on 12/30/04 at 3:00PM. Defendant's counsel will initiate the call. So Ordered. Signed by Judge Kiyoo A. Matsumoto on 12/23/04. (Kabrawala, Ameet) (Entered: 12/23/2004)
12/30/2004		Minute Entry for status conference before Magistrate Judge Kiyoo A. Matsumoto on 12/30/2004. Plaintiffs appeared by Barry Weprin, Esq. and Doug Hoffman, Esq. Defendant appeared by Eugene Ulterino, Esq., Steve Jones, Esq. and Amy Ventry, Esq. The conference was scheduled after the parties requested that they be permitted to submit an amended discovery schedule by 1/31/05, which would extend the current discovery schedule beyond the 12/31/04 deadline. At the conference, the parties reported that their experts are reviewing voluminous data bases and will require additional time to formulate their reports. The parties further reported that they wish to take approximately 30 additional depositions. The court ordered as follows: At a telephone status conference scheduled for 4:00 p.m. on 1/14/05, the parties should be prepared to advise the court of the earliest possible date by which their experts can provide reports, and to propose a schedule for the depositions of the additional witnesses, the completion of all remaining discovery, and a settlement conference. The settlement conference scheduled for 1/11/05 is adjourned and will be rescheduled at the 1/14/05 conference. (Matsumoto, Kiyoo)

		(Entered: 12/30/2004)
01/12/2005		ORDER Due to a conflict with the Court's schedule, the telephone status conference on January 14, 2005 at 4:00 p.m. has been rescheduled to January 20, 2005 at 9:00 a.m. Signed by Judge Kiyoo A. Matsumoto on 01/12/05. (Pekar, Theresa) (Entered: 01/12/2005)
01/20/2005		Minute Entry for status conference before Magistrate Judge Kiyoo A. Matsumoto on 1/20/2005. Plaintiffs appeared by Barry Weprin, Esq., Doug Hoffman, Esq. and Diane Bradley, Esq. Defendant appeared by Eugene Ulterino, Esq., Steve Jones, Esq. and Amy Ventry, Esq. The parties reported that both of their statistical experts would need five months to analyze the voluminous computerized data produced by the defendants and that the parties wish to depose approximately 30-40 additional fact witnesses. The parties further agreed that settlement discussions would be premature at this time. The court ordered as follows: (1) Fact and expert discovery will proceed simultaneously. All fact discovery must be completed by 6/30/05. Plaintiffs shall produce their experts' reports and disclosures on or before 6/30/05. Defendant shall produce its experts' reports and disclosures on or before 7/31/05. (2) A telephone status conference, to be initiated by plaintiffs' counsel, will take place on 3/22/05 at 9:30 a.m. (Matsumoto, Kiyoo) (Entered: 01/20/2005)
01/20/2005	<u>54</u>	NOTICE of Consent to Change Attorney by Amy Laura Ventry to <i>Change Lead Attorney to Be Noticed</i> (Ventry, Amy) (Entered: 01/20/2005)
02/04/2005	<u>55</u>	STIPULATION, that Eugene D. Ulterino be substituted as attorney for dft Xerox Corporation in place and stead of Christopher A. D'Angelo. (Signed by Judge John Gleeson on 1/24/05) (Piper, Francine) (Entered: 02/04/2005)
03/22/2005		Minute Entry for proceedings held before Kiyoo A. Matsumoto : Status Conference held on 3/22/2005. Plaintiffs appeared by Barry Weprin, Esq. Defendant appeared by Eugene Ulterino, Esq. The parties reported that expert and fact discovery are in progress and that they expect to meet the discovery dates discussed and ordered by the court at the 1/20/05 conference. After the plaintiffs produce their experts' reports and disclosures on 6/30/05, the parties will participate in a telephone status conference, to be initiated by plaintiffs' counsel, on 7/12/05 at 9:00 a.m. to discuss the scheduling of a settlement conference. (Matsumoto, Kiyoo) (Entered: 03/22/2005)
06/17/2005	<u>56</u>	Letter from Diane Bradley to Honorable Kiyoo A. Matsumoto Regarding Request for Extension of Discovery Deadline. (Barravecchio, Robert) (Entered: 06/17/2005)
06/20/2005		ORDER re <u>56</u> Letter dated 6/16/05: Application granted. Discovery shall be completed by August 30, 2005. Plaintiffs' expert report and disclosures due by August 30, 2005, and defendant's expert report and disclosures due by September 30, 2005. The telephone status conference scheduled for July 12, 2005 is adjourned to September 8, 2005 at 9:30 a.m. So Ordered by Judge Kiyoo A. Matsumoto on 6/20/05. (Matsumoto, Kiyoo) (Entered: 06/20/2005)
08/25/2005		ELECTRONIC ORDER: The Court is in receipt of a letter application by defendant Xerox's counsel, dated 8/24/05 (not filed via ECF), to strike plaintiffs' designation of an additional expert. Any responses to this letter shall be filed within three business days of its electronic filing. So Ordered by Judge Kiyoo A. Matsumoto on 8/25/05. (Kabrawala, Ameet) (Entered: 08/25/2005)
08/29/2005	<u>57</u>	Letter MOTION to Strike <i>Plaintiffs' Expert Disclosure</i> by Xerox Corporation. Responses due by 9/1/2005 (Attachments: # <u>1</u> Exhibit A (portion of Expert's C.V.)# <u>2</u> Exhibit B# <u>3</u> Exhibit C# <u>4</u> Exhibit D# <u>5</u> Exhibit E# <u>6</u> Exhibit F)(Ventry, Amy) (Entered: 08/29/2005)
08/31/2005	<u>58</u>	Letter from Counsel for Xerox to Magistrate Judge Matsumoto Regarding database production issues. (Ventry, Amy) (Entered: 08/31/2005)
09/01/2005	<u>59</u>	Letter from Counsel for Plaintiffs to Magistrate Judge Matsumoto Regarding a request for an extension of the discovery deadline and to address a destruction of documents issue. (Attachments: # <u>1</u> Exhibit A)(Barravecchio, Robert) (Entered: 09/01/2005)

09/01/2005	<u>60</u>	Letter from Counsel for Plaintiffs to Magistrate Judge Matsumoto Regarding a response to defendant's August 24, 2005, letter requesting that the court strike plaintiffs' expert disclosure. (Barravecchio, Robert) (Entered: 09/01/2005)
09/07/2005	<u>61</u>	Letter from Counsel for Xerox to Magistrate Judge Matsumoto Regarding Plaintiffs' Expert Disclosure and Other Discovery Issues. (Ventry, Amy) (Entered: 09/07/2005)
09/08/2005	<u>62</u>	Minute Entry for proceedings held before Kiyoo A. Matsumoto: Telephone Conference held on 9/8/05. See Attached. (Kabrawala, Ameet) (Entered: 09/08/2005)
09/30/2005	<u>63</u>	AFFIDAVIT of Amy L. Ventry by Xerox Corporation. (Ventry, Amy) (Entered: 09/30/2005)
11/03/2005	<u>64</u>	Letter from Diane Bradley to Honorable Kiyoo A. Matsumoto Regarding Request for Extension of Plaintiffs' Expert Report Deadline. (Barravecchio, Robert) (Entered: 11/03/2005)
11/08/2005	<u>65</u>	Letter from Eugene Ulterino to Judge Kiyoo Matsumoto Regarding Warren v. Xerox. (Attachments: # <u>1</u> Appendix Appendix 2 to Letter to Judge Matsumoto)(Ulterino, Eugene) (Entered: 11/08/2005)
11/10/2005	<u>66</u>	ORDER re docket nos. <u>64</u> and <u>65</u> : Plaintiffs shall provide their expert disclosures and report to defendant by 12/2/05; defendant shall provide its responsive expert disclosures and report to plaintiffs by 2/3/06. The settlement conference scheduled for 1/25/06 is adjourned to 2/10/06 at 9:00 AM. Settlement position statements shall be submitted to chambers by no later than 12:00 PM on 2/9/06. So Ordered by Judge Kiyoo A. Matsumoto on 11/10/05. (Kabrawala, Ameet) (Entered: 11/10/2005)
02/10/2006	<u>67</u>	Minute Entry for proceedings held before Kiyoo A. Matsumoto : Settlement Conference held on 2/10/2006. Plaintiffs appeared with Barry Weprin, Esq., Robert Barravecchio, Esq. and Diane Bradley, Esq. Defendant appeared by Eugene Ulterino, Esq. and Amy Ventry, Esq. The parties negotiated in good faith but did not resolve this action. Defendant is to advise plaintiff by 2/24/06 whether it will engage in private mediation and, if so, the parties will attempt to mediate this action before 3/31/06, and report the outcome to the court. If the defendant does not engage in mediation, the parties shall seek a pre-motion conference before Judge Gleeson, with a proposed briefing schedule, by 3/10/06. (Matsumoto, Kiyoo) (Entered: 02/10/2006)
02/23/2006	<u>68</u>	Letter regarding mediation by Frank Warren, Clifford Brooks, Alicia Dean-Hall, Kenneth Jimerson, Dora Miller, Gene Simms. (Weprin, Barry) (Entered: 02/23/2006)
02/25/2006	<u>69</u>	ORDER re <u>68</u> 2/23/06 Letter filed by Frank Warren, Clifford Brooks, Alicia Dean-Hall, Kenneth Jimerson, Dora Miller, Gene Simms regarding mediation. The parties shall report to the undersigned within two business days after the mediation is completed regarding the outcome of the mediation. Ordered by Judge Kiyoo A. Matsumoto on 2/25/06. (Matsumoto, Kiyoo) (Entered: 02/25/2006)
03/31/2006	<u>70</u>	Letter Updating Status of Mediation Efforts by Xerox Corporation. (Ventry, Amy) (Entered: 03/31/2006)
06/05/2006	<u>71</u>	STATUS REPORT regarding Mediation by Frank Warren. (Barravecchio, Robert) (Entered: 06/05/2006)
08/23/2006	<u>72</u>	NOTICE of Change of Firm Address by Amy Laura Ventry with Affidavit of Service (Ventry, Amy) (Entered: 08/23/2006)
08/23/2006		SCHEDULING ORDER re doc. no. <u>71</u> , Letter dated 6/5/06: On 6/5/06, the parties had advised the Court that they contemplated submitting a proposed consent decree to the Court for approval. To date, no such documentation has been filed. Accordingly, the parties shall advise the Court, in writing, by no later than 8/28/06, regarding the status of their settlement negotiations and when they expect to file any settlement documents with the Court. So Ordered by Judge Kiyoo A. Matsumoto on 8/23/06. (Kabrawala, Ameet) (Entered: 08/23/2006)



08/28/2006	<u>73</u>	STATUS REPORT <i>August 28, 2006 Letter Regarding Settlement</i> by Frank Warren, Clifford Brooks, Alicia Dean-Hall, Kenneth Jimerson, Dora Miller, Gene Simms. (Barravecchio, Robert) (Entered: 08/28/2006)
10/03/2006		STATUS REPORT ORDER: The parties shall advise the Court, in writing, by no later than 10/10/06, regarding the status of their settlement negotiations and when they expect to file any settlement documents with the Court. So Ordered by Judge Kiyo A. Matsumoto on 10/3/06. (Kabrawala, Ameet) (Entered: 10/03/2006)
10/04/2006	<u>74</u>	Letter <i>re: Status on proposed Consent Decree</i> by Frank Warren. (Weprin, Barry) (Entered: 10/04/2006)
10/20/2006	<u>75</u>	Letter <i>reporting on status of settlement agreement</i> by Xerox Corporation. (Ventry, Amy) (Entered: 10/20/2006)
01/25/2007		ORDER: Re <u>75</u> Letter. On or before 2/24/07, the parties shall electronically file a stipulation of dismissal for Judge Gleeson's signature. Ordered by Judge Kiyo A. Matsumoto on 1/25/07. (Williams-Jackson, Sandra) (Entered: 01/25/2007)
02/22/2007	<u>76</u>	Letter MOTION for Extension of Time to File <i>Consent Decree and Related Documents</i> by Frank Warren, Clifford Brooks, Alicia Dean-Hall, Kenneth Jimerson, Dora Miller, Gene Simms. (Weprin, Barry) (Entered: 02/22/2007)
03/07/2007		ORDER: Earlier today, I denied a telephonic request by the parties to submit a document to the Court without filing it in the public file. That request was denied. I am now in receipt of a faxed application to reconsider that denial. The application to reconsider is denied. The alternative application by defendant to file the document under seal is denied without prejudice to submitting an application setting forth the reasons why the document should be filed under seal (along with the document or documents in question). Ordered by Judge John Gleeson on March 7, 2007. (Gleeson, John) (Entered: 03/07/2007)
03/14/2007	<u>77</u>	ORDER denying application to file proposed consent decree, accompanying exhibits, and proposed preliminary approval order under seal. See attached order for details. Ordered by Judge John Gleeson on March 14, 2007. (Gleeson, John) (Entered: 03/14/2007)
03/14/2007		ORDER denying <u>76</u> Motion for Extension of Time to File. (Ordered by Judge John Gleeson on 3/14/07) (Piper, Francine) (Entered: 03/15/2007)
03/16/2007	<u>78</u>	Letter <i>to Hon. John Gleeson from Barry Weprin re: Proposed Order and Suggested Dates</i> by Frank Warren (Weprin, Barry) (Entered: 03/16/2007)
03/16/2007	<u>79</u>	SETTLEMENT AGREEMENT ( <i>Proposed Consent Decree with Exhibits</i> ) by Frank Warren (Attachments: # <u>1</u> Text of Proposed Order (Preliminary Order for Notice and Hearing in Connection with Settlement Proceedings)) (Weprin, Barry) (Entered: 03/16/2007)
04/16/2007	<u>80</u>	ORDER directing counsel to submit written answers to certain questions by April 23, 2007. See attached order for details. Ordered by Judge John Gleeson on April 16, 2007. (Gleeson, John) (Entered: 04/16/2007)
04/19/2007	<u>81</u>	First MOTION for Extension of Time to File <i>Response to Order of April 16, 2007</i> by all plaintiffs. (Weprin, Barry) (Entered: 04/19/2007)
04/20/2007		ORDER: The joint application for an enlargement of the time in which my order of April 16, 2007 directed the parties to submit certain supplemental information, <u>81</u> , is granted. The submissions shall now be filed on or by April 30, 2007. Ordered by Judge John Gleeson on April 20, 2007. (Gleeson, John) (Entered: 04/20/2007)
05/01/2007	<u>82</u>	MOTION for Settlement <i>Response to Order of April 16, 2007</i> by all plaintiffs. (Weprin, Barry) (Entered: 05/01/2007)
05/10/2007		ORDER: Counsel are directed to appear on Friday, May 18, 2007 at 10:00 a.m. for a conference on the request for preliminary approval of the proposed class settlement. Ordered by Judge John Gleeson on May 10, 2007. (Gleeson, John) (Entered: 05/10/2007)

05/14/2007	<u>83</u>	NOTICE of Conference Adjournment as per letter fax: the Conference originally set for 5/18/2007 has been adjourned to 6/6/2007 at 11:30 AM in 6C South before Judge John Gleeson. Defense counsel is directed to notify all parties involved. (Tzou, Ilene) (Entered: 05/14/2007)
05/17/2007	<u>84</u>	Letter <i>Letter to the Hon. Judge John Gleeson from Barry A. Weprin requesting permission for certain Class Representatives to attend the June 6 hearing telephonically</i> by Frank Warren (Weprin, Barry) (Entered: 05/17/2007)
05/22/2007		ORDER: The application for certain class representatives to appear at the upcoming conference by telephone, <u>84</u> , is granted. Counsel is advised, however, that the Court only has the capability to call one telephone line. Ordered by Judge John Gleeson on May 22, 2007. (Gleeson, John) (Entered: 05/22/2007)
06/04/2007	<u>85</u>	SETTLEMENT AGREEMENT <i>Letter to Hon. John Gleeson re: Modifications to Proposed Consent Decree</i> by Frank Warren, Clifford Brooks, Alicia Dean-Hall, Kenneth Jimerson, Dora Miller, Gene Simms (Weprin, Barry) (Entered: 06/04/2007)
06/04/2007	<u>86</u>	SETTLEMENT AGREEMENT <i>Proposed Consent Decree with Exhibits (Revised)</i> by Frank Warren, Clifford Brooks, Alicia Dean-Hall, Kenneth Jimerson, Dora Miller, Gene Simms (Weprin, Barry) (Entered: 06/04/2007)
06/06/2007	<u>87</u>	Minute Entry for proceedings held before John Gleeson : Case called. Plaintiffs represented by Barry A. Weprin, Esq., Neil Fraser, Esq., Diane Bradley, Esq. Defendants represented by Amy Ventry, Esq. Status Conference held on 6/6/2007. The preliminary approval of the proposed settlement agreement is denied by the court. (Court Reporter Ron Tolkin.) (Tzou, Ilene) (Entered: 06/06/2007)
06/06/2007		Minute Order. for proceedings held before Judge John Gleeson:denying <u>82</u> Motion for Settlement; Motions terminated: <u>82</u> MOTION for Settlement <i>Response to Order of April 16, 2007</i> filed by Kenneth Jimerson, Gene Simms, Dora Miller, Alicia Dean-Hall, Frank Warren, Clifford Brooks. (SEE DOCUMENT #87) (Piper, Francine) (Entered: 03/31/2008)
08/29/2007		ORDER: The parties shall submit a written report on the status of this case by September 5, 2007. Ordered by Judge John Gleeson on August 29, 2007. (Gleeson, John) (Entered: 08/29/2007)
09/05/2007	<u>88</u>	STATUS REPORT <i>by Plaintiffs in Response to Order of August 29, 2007</i> by Frank Warren, Clifford Brooks, Alicia Dean-Hall, Kenneth Jimerson, Dora Miller, Gene Simms (Weprin, Barry) (Entered: 09/05/2007)
10/23/2007	<u>89</u>	Letter <i>to Hon. J. Gleeson from Barry A. Weprin re: Class Counsels Status Report Concerning Consent Decree Revisions</i> by Frank Warren, Clifford Brooks, Alicia Dean-Hall, Kenneth Jimerson, Dora Miller, Gene Simms (Weprin, Barry) (Entered: 10/23/2007)
03/07/2008	<u>90</u>	MOTION for Settlement <i>Motion for Preliminary Approval</i> by Frank Warren, Clifford Brooks, Alicia Dean-Hall, Kenneth Jimerson, Dora Miller, Gene Simms. (Attachments: # <u>1</u> Proposed Order [Proposed] Preliminary Order for Notice and Hearing in Connection with Settlement Proceedings, # <u>2</u> Proposed Consent Decree, # <u>3</u> Exhibit Exhibits 1 - 6 of the Proposed Consent Decree, # <u>4</u> Memorandum in Support Plaintiffs Memorandum of Law in Support of Motion for Preliminary Approval of Settlement) (Weprin, Barry) (Entered: 03/07/2008)
03/07/2008	<u>91</u>	Letter <i>to the Hon. John Gleeson enclosing a courtesy copy of the Proposed Order, the Proposed Consent Decree with Exhibits and the Memorandum of Law in Support of Preliminary Approval of Settlement</i> by Frank Warren, Clifford Brooks, Alicia Dean-Hall, Kenneth Jimerson, Dora Miller, Gene Simms (Weprin, Barry) (Entered: 03/07/2008)
03/25/2008	<u>92</u>	NOTICE of Change of Law Firm Name and E-Mail by Barry A Weprin (Weprin, Barry) (Entered: 03/25/2008)
04/03/2008	<u>93</u>	ORDER granting <u>90</u> Motion for Settlement. The Settlement Agreement is hereby preliminarily approved and a hearing pursuant to FRCP 23(c) will be held on July 11, 2008 at 11:30 AM before Judge Gleeson in Courtroom 6C. The deadline for

		mailing notice to the Class and other related documents is May 9, 2008. The deadline for requesting exclusion is June 13, 2008. The deadline for filing objections is June 13, 2008. The deadline for submission of proofs of claim is August 15, 2008. Please see attached order. Ordered by Judge John Gleeson on April 3, 2008. (Gleeson, John) (Entered: 04/03/2008)
07/03/2008	<u>94</u>	MOTION for Settlement <i>Final Approval of the Class Action Settlement</i> by Frank Warren, Clifford Brooks, Alicia Dean-Hall, Kenneth Jimerson, Dora Miller, Gene Simms. (Weprin, Barry) (Entered: 07/03/2008)
07/03/2008	<u>95</u>	MOTION for Settlement <i>Final Approval of the Class Action Settlement</i> by Frank Warren, Clifford Brooks, Alicia Dean-Hall, Kenneth Jimerson, Dora Miller, Gene Simms. (Attachments: # <u>1</u> Affidavit in Support Declaration of Neil Fraser in Support of Plaintiffs Motion for Final Approval of the Class Action Settlement and Plaintiffs Counsels Joint Motion for Award of Attorneys Fees and Reimbursement of Expenses, # <u>2</u> Exhibit Exhibits A – G to the Declaration of Neil Fraser, # <u>3</u> Proposed Order (Proposed) Order and Final Judgment) (Weprin, Barry) (Entered: 07/03/2008)
07/03/2008	<u>96</u>	MOTION for Attorney Fees <i>Notice of Motion and Brief in Support</i> by Frank Warren, Clifford Brooks, Alicia Dean-Hall, Kenneth Jimerson, Dora Miller, Gene Simms. (Attachments: # <u>1</u> Memorandum in Support Memorandum of Law in Support of Plaintiffs Counsels Joint Motion for an Award of Attorneys Fees and Reimbursement of Expenses) (Weprin, Barry) (Entered: 07/03/2008)
07/08/2008		Motions terminated, docketed incorrectly: <u>95</u> MOTION for Settlement <i>Final Approval of the Class Action Settlement</i> filed by Kenneth Jimerson, Gene Simms, Dora Miller, Alicia Dean-Hall, Frank Warren, Clifford Brooks. (THESE ARE SUPPORTING PAPERS TO MOTION FOR SETTLEMENT) (Piper, Francine) (Entered: 07/08/2008)
07/11/2008	<u>97</u>	Minute Entry for proceedings held before Judge John Gleeson: Case called. Plaintiffs represented by Barry A. Weprin, Esq. and Diane Bradley, Esq. Defendants represented by Amy L. Ventry, Esq. Motion Hearing held on 7/11/2008 re <u>94</u> MOTION for Settlement <i>Final Approval of the Class Action Settlement</i> filed by Kenneth Jimerson, Gene Simms, Dora Miller, Alicia Dean-Hall, Frank Warren, Clifford Brooks. The court's decision is reserved and will be filed separately via ECF. (Court Reporter Michele Nardone.) (Lee, Ilene) (Entered: 07/15/2008)
07/24/2008		CASE REFERRED to Magistrate Judge Magistrate Judge Ramon E. Reyes, Jr. (Jones, Sandra) (Entered: 07/24/2008)
08/26/2008	<u>98</u>	Letter to Hon. John Gleeson from Barry Weprin re: <i>Post Hearing Supplemental Update on Claims Process</i> by Frank Warren, Clifford Brooks, Alicia Dean-Hall, Kenneth Jimerson, Dora Miller, Gene Simms (Weprin, Barry) (Entered: 08/26/2008)
09/08/2008		ORDER: On or before Thursday, September 11, 2008, the plaintiffs shall provide chambers with a precise statement of the out-of-pocket expenses incurred by testifying parties Sandra Nelms, Diane Wilson, and Eric Smith. Ordered by Judge John Gleeson on September 8, 2008. (Gleeson, John) (Entered: 09/08/2008)
09/11/2008	<u>99</u>	Letter to Hon. John Gleeson from Barry A. Weprin re <i>Response to this Courts September 8, 2008 Order</i> by Frank Warren, Clifford Brooks, Alicia Dean-Hall, Kenneth Jimerson, Dora Miller, Gene Simms (Weprin, Barry) (Entered: 09/11/2008)
09/19/2008	<u>100</u>	ORDER granting <u>94</u> Motion for Settlement; granting <u>96</u> Motion for Attorney Fees. Please see attached memorandum and order. Ordered by Judge John Gleeson on September 19, 2008. (Gleeson, John) (Entered: 09/19/2008)
09/22/2008	<u>101</u>	ORDER AND FINAL JUDGMENT in favor of Alicia Dean-Hall, Clifford Brooks, Dora Miller, Frank Warren, Gene Simms, Kenneth Jimerson against Xerox Corporation.(Ordered by Judge John Gleeson on 9/19/08) (Piper, Francine) (Entered: 09/22/2008)
10/06/2008	<u>102</u>	MOTION for Reconsideration <i>Partial Re-Argument or Reconsideration</i> by Frank Warren, Clifford Brooks, Alicia Dean-Hall, Kenneth Jimerson, Dora Miller, Gene

		Simms. (Attachments: # <u>1</u> Memorandum in Support) (Weprin, Barry) (Entered: 10/06/2008)
10/08/2008	<u>103</u>	ORDER denying <u>102</u> motion for reconsideration and directing plaintiffs to show cause. Ordered by Judge John Gleeson on October 8, 2008. (Gleeson, John) (Entered: 10/08/2008)
10/17/2008	<u>104</u>	DECLARATION OF BARRY A. WEPRIN, ESQ. IN RESPONSE TO THE OCTOBER 8, 2008 ORDER by Frank Warren, Clifford Brooks, Alicia Dean-Hall, Kenneth Jimerson, Dora Miller, Gene Simms (Weprin, Barry) (Entered: 10/17/2008)
10/20/2008		ORDER: Good cause being shown, plaintiffs' counsel shall not be directed to contribute \$105,000 from their fee award to the settlement fund. Ordered by Judge John Gleeson on October 20, 2008. (Gleeson, John) (Entered: 10/20/2008)
06/03/2009	<u>105</u>	MOTION to Enforce Judgment OF CERTAIN CONSENT DECREE PROVISIONS by Frank Warren, Clifford Brooks, Alicia Dean-Hall, Kenneth Jimerson, Dora Miller, Gene Simms. (Attachments: # <u>1</u> Memorandum in Support MEMORANDUM OF LAW IN SUPPORT OF PLAINTIFFS MOTION FOR ENFORCEMENT OF CERTAIN CONSENT DECREE PROVISIONS, # <u>2</u> Affidavit in Support DECLARATION OF NEIL FRASER IN SUPPORT OF PLAINTIFFS MOTION FOR ENFORCEMENT OF CERTAIN CONSENT DECREE PROVISIONS) (Weprin, Barry) (Entered: 06/03/2009)
06/04/2009		ORDER: Defendant's motion for enforcement of certain consent decree provisions, <u>105</u> , is respectfully referred to Magistrate Judge Reyes. Ordered by Judge John Gleeson on 6/4/2009. (Gleeson, John) (Entered: 06/04/2009)
06/19/2009	<u>106</u>	RESPONSE in Opposition re <u>105</u> MOTION to Enforce Judgment OF CERTAIN CONSENT DECREE PROVISIONS filed by Xerox Corporation. (Ventry, Amy) (Entered: 06/19/2009)
06/22/2009		ORDER re <u>105</u> MOTION to Enforce Judgment. Reply due on or before 6/26/09. Ordered by Magistrate Judge Ramon E. Reyes, Jr on 6/22/2009. (Rodriguez, Adam) (Entered: 06/22/2009)
06/26/2009	<u>107</u>	REPLY in Support Reply in Further Support of Plaintiffs Motion for Enforcement of Certain Consent Decree Provisions filed by all plaintiffs. (Attachments: # <u>1</u> Affidavit in Support Declaration of Neil Fraser in Support Reply in Further Support of Plaintiffs Motion for Enforcement of Certain Consent Decree Provisions) (Weprin, Barry) (Entered: 06/26/2009)
06/29/2009		ORDER Setting Hearing on Motion <u>105</u> MOTION to Enforce Judgment OF CERTAIN CONSENT DECREE PROVISIONS : Motion Hearing set for 7/8/2009 at 2:00 PM in Courtroom 2E North before Magistrate Judge Ramon E. Reyes Jr. Ordered by Magistrate Judge Ramon E. Reyes, Jr on 6/29/2009. (Rodriguez, Adam) (Entered: 06/29/2009)
06/29/2009		ORDER re Order Setting Hearing on Motion. Hearing is hereby adjourned sine die. Ordered by Magistrate Judge Ramon E. Reyes, Jr on 6/29/2009. (Rodriguez, Adam) (Entered: 06/29/2009)
07/07/2009		Set Deadlines/Hearing as to <u>105</u> MOTION to Enforce Judgment OF CERTAIN CONSENT DECREE PROVISIONS :Motion Hearing set for 7/9/2009 @11:15 AM in Courtroom 2E North before Magistrate Judge Ramon E. Reyes Jr. Ordered by Magistrate Judge Ramon E. Reyes, Jr on 7/7/2009. (Vertus, Miriam) (Entered: 07/07/2009)
07/08/2009	<u>108</u>	Letter Confirming Adjournment of Hearing on Plaintiffs' Motion by Xerox Corporation (Ventry, Amy) (Entered: 07/08/2009)
07/08/2009		Set/Reset Hearings: Hearing on Motion reset for 7/10/2009 at 11:30 AM in Courtroom 2E North before Magistrate Judge Ramon E. Reyes Jr. (Rodriguez, Adam) (Entered: 07/08/2009)
07/10/2009		Minute Order. for proceedings held before Magistrate Judge Ramon E. Reyes, Jr:Motion Hearing held on 7/10/2009 re <u>105</u> MOTION to Enforce Judgment OF



		<i>CERTAIN CONSENT DECREE PROVISIONS</i> filed by Kenneth Jimerson, et al. Plaintiffs represented by Barry A. Weprin, Esq. and Diane Bradley, Esq. Defendants represented by Amy L. Ventry, Esq. Discussions held. The Court informed parties of preliminary recommendation in favor of plaintiffs' interpretation of the consent decree. Defendant to submit five page letter brief by 7/17/09; Plaintiffs to respond by 7/24/09. The Court will issue a written RR after receipt of parties' submissions. (Tape #11:41:04 – 12:04:54.) (Vertus, Miriam) (Entered: 07/13/2009)
07/21/2009	<u>109</u>	TRANSCRIPT of Proceedings held on 7/10/09, before Judge Reyes. Court Transcriber FIORE REPORTING AND TRANSCRIPTION SERVICE, Telephone number 203-929-9992. Transcript may be viewed at the court public terminal or purchased through the Court Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 8/10/2009. Redacted Transcript Deadline set for 8/18/2009. Release of Transcript Restriction set for 10/16/2009. (Hong, Loan) (Entered: 07/21/2009)
07/22/2009	<u>110</u>	Letter to Mag. Judge Reyes from Neil Fraser re: Post Hearing Briefing by Clifford Brooks, Alicia Dean-Hall, Kenneth Jimerson, Dora Miller, Gene Simms, Frank Warren (Weprin, Barry) (Entered: 07/22/2009)
12/08/2009	<u>111</u>	REPORT AND RECOMMENDATIONS re 150 MOTION to Enforce Judgment OF CERTAIN CONSENT DECREE PROVISIONS by Frank Warren, Clifford Brooks, Alicia Dean-Hall, Kenneth Jimerson, Dora Miller, Gene Simms. Objections to RR due by 12/28/2009. Ordered by Magistrate Judge Ramon E. Reyes, Jr on 12/8/2009. (Waran, Previn) (Entered: 12/08/2009)