

PACER session date: Tuesday November 14, 2000 06:56:42 PM EST
Case docket was last updated on: 06/28/00.

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1:94cv2814 FOGG v. PRESIDENT OF THE US, et al

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APPEAL JURY
TRACK2 MAGptr
TYPE D APPEAL
JURY

U.S. District Court
USDC District of Columbia (Washington)

CIVIL DOCKET FOR CASE #: 94-CV-2814

FOGG v. PRESIDENT OF THE US, et al Filed: 12/30/94
Assigned to: Judge Thomas P. Jackson Jury demand: Defendant
Demand: \$12,000 Nature of Suit: 442
Lead Docket: None Jurisdiction: US Defendant
Dkt# in other court: None

Cause: 42:2000 Job Discrimination (Race)
Case type: 1. civil 2. pro n

MATTHEW F. FOGG
plaintiff

Frank James Costello, Jr.
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202-342-0683 FAX
Suite 600
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ZUCKERT, SCOUTT & RASENBERGER,
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MATTHEW F. FOGG
FTS 899-6207

[PRO SE]
6-2663

v.

PRESIDENT OF THE UNITED STATES
defendant
[term 01/05/95]

Kimberly Nickelson Tarver
[term 01/05/95]
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10th Floor
[COR LD NTC gvt]
U.S. ATTORNEY'S OFFICE
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 APPEAL JURY

JANET RENO, Attorney General
 for the United States
 Department of Justice
 defendant
 [term 01/05/95]

Kimberly Nickelson Tarver
 [term 01/05/95]
 (See above)
 [COR LD NTC gvt]

Joe Lazar
 FTS 307-9054
 C5-3
 [COR LD NTC fso]
 U.S. Marshals Service
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 Arlington, VA 22202
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EDUARDO GONZALEZ, Director,
 The United States Marshal
 Service
 defendant

Kimberly Nickelson Tarver
 (See above)
 [COR LD NTC gvt]

Joe Lazar
 (See above)
 [COR LD NTC fso]

GEORGE RAY HAVENS, Deputy
 Director, The United States
 Marshal Service
 defendant
 [term 03/08/96]

Kimberly Nickelson Tarver
 (See above)
 [COR LD NTC gvt]

DAVID L. MAYBIN
 Non Party

DAVID L. MAYBIN
 FTS 887-9208
 [COR LD NTC pse] [PRO SE]
 9 South 611 Clarendon Hills
 Road
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=====

JANET RENO, Attorney General
 of the United States
 federal defendant

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 [COR LD NTC gvt]
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 202-305-0955 FAX

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12/30/94 1 COMPLAINT filed by plaintiff MATTHEW F. FOGG (mlp)
[Entry date 01/12/95]

12/30/94 2 MOTION filed by plaintiff MATTHEW F. FOGG for temporary
restraining order; exhibits (41) (mlp) [Entry date 01/12/95]

12/30/94 -- SUMMONS NOT ISSUED. (mlp) [Entry date 01/12/95]

1/3/95 -- CASE REASSIGNED from Judge Ricard M. Urbina to Judge
Stanley S. Harris by direction of the Calendar Committee.
(N) (mlp) [Entry date 01/12/95]

1/4/95 -- MOTION HEARING before Judge Stanley S. Harris: TRO taken
under advisement; Reporter: R.Weber (emh)
[Entry date 01/12/95]

1/4/95 3 RESPONSE by defendant PRESIDENT OF THE US, defendant JANET
RENO, defendant EDUARDO GONZALEZ, defendant GEORGE RAY
HAVENS in opposition to motion for temporary restraining
order [2-1] by MATTHEW F. FOGG; exhibits (2) . (mlp)
[Entry date 01/12/95]

1/5/95 4 MOTION filed by plaintiff MATTHEW F. FOGG for preliminary
injunction; exhibits (4) (mlp) [Entry date 01/12/95]

1/5/95 5 ORDER by Judge Stanley S. Harris : denying motion for
temporary restraining order [2-1] by MATTHEW F. FOGG
granting the motion of defendant PRESIDENT OF THE US and
defendant JANET RENO to dismiss the complaint as to each of
them, and granting the motion of the U.S. Marshals
Service to strike Exhibits 6, 25, 26, 31, and 39 to the
complaint (N) (mlp) [Entry date 01/12/95]

1/9/95 6 AMENDED motion for preliminary injunction [4-1] by MATTHEW
F. FOGG and request for a hearing; exhibits (4) (mlp)
[Entry date 01/12/95]

1/10/95 7 APPLICATION by plaintiff MATTHEW F. FOGG to proceed in
forma pauperis (mlp) [Entry date 01/12/95]

1/10/95 -- ORDER by Judge Stanley S. Harris granting motion to
proceed in forma pauperis [7-1] by MATTHEW F. FOGG (fiat)
(N) (mlp) [Entry date 01/12/95]

1/10/95 8 ORDER by Judge Stanley S. Harris: directing the Clerk of
the Court to appoint counsel from the Court's civil Pro
Bono Panel to represent plaintiff; directing new attorney
to contact law clerk, Cecilia Kim with respect to the
status of the case (N) (mlp) [Entry date 01/12/95]

1/17/95 9 MOTION filed by defendant EDUARDO GONZALEZ, defendant
GEORGE RAY HAVENS to extend time to 1/18/95 to respond to
plaintiff's motion for preliminary injunction (mlp)
[Entry date 01/19/95]

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- 1/18/95 10 RESPONSE by defendant EDUARDO GONZALEZ, defendant GEORGE RAY HAVENS in opposition to motion for preliminary injunction [4-1] by MATTHEW F. FOGG; exhibits (4) (ja) [Entry date 01/19/95]
- 1/23/95 11 ORDER by Judge Stanley S. Harris : granting nunc pro tunc motion to extend time to 1/18/95 to respond to plaintiff's motion for preliminary injunction [9-1] by GEORGE RAY HAVENS, EDUARDO GONZALEZ (N) (emh) [Entry date 01/25/95]
- 1/25/95 12 MOTION filed by plaintiff MATTHEW F. FOGG for a stay of preliminary injunction and request for a hearing pending appointment of counsel (mlp) [Entry date 01/27/95]
- 1/26/95 13 ORDER by Judge Stanley S. Harris : granting motion for a stay of preliminary injunction [12-1] by MATTHEW F. FOGG (N) (emh) [Entry date 01/30/95]
- 2/16/95 14 TRANSCRIPT filed for temporary restraining order hearing before Judge Harris for date of 1/4/95. Reporter: Robert M. Weber (mlp) [Entry date 02/21/95]
- 3/24/95 15 MOTION (AMENDED) filed by plaintiff MATTHEW F. FOGG for preliminary injunction, and for special hearing; exhibits (3) (ja) [Entry date 03/27/95]
- 3/27/95 17 ORDER by Judge Stanley S. Harris : vacating the previous appointment; directing the Clerk to appoint counsel from the court's civil Pro Bono Panel to represent plaintiff; directing that upon appointment, counsel shall contact law clerk for an oral briefing with respect to the status of case. (N) (emh) [Entry date 03/29/95]
- 3/28/95 16 MOTION filed by plaintiff MATTHEW F. FOGG to continue stay of amended preliminary injunction, and request for a hearing, pending appointment of counsel (ja)
- 4/3/95 18 ORDER by Judge Stanley S. Harris : granting motion to continue stay of amended preliminary injunction [16-1] by MATTHEW F. FOGG (N) (emh)
- 4/3/95 19 MOTION filed by defendant EDUARDO GONZALEZ, defendant GEORGE RAY HAVENS to extend time to 4/5/95 to respond to amended motion for preliminary injunction, and, request for hearing (ja) [Entry date 04/04/95]
- 4/5/95 20 MOTION filed by defendant EDUARDO GONZALEZ, defendant GEORGE RAY HAVENS to extend time to 4/7/95 to respond to amended motion for preliminary injunction, and request for hearing (ja) [Entry date 04/06/95]

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4/7/95 21 RESPONSE by defendant EDUARDO GONZALEZ, defendant GEORGE RAY HAVENS in opposition to motion for preliminary injunction [15-1] by MATTHEW F. FOGG.; exhibits (8) (ja) [Entry date 04/10/95]

4/12/95 24 ORDER by Judge Stanley S. Harris : vacating previous appointment of pro bono counsel; directing Clerk of Court to appoint counsel from the civil pro bono panel to represent plaintiff. (N) (mon) [Entry date 04/20/95]

4/13/95 22 MOTION filed to withdraw as attorney for MATTHEW F. FOGG pursuant to Local Rule 702.1. (filed under seal in Vault, Room 1800) (mlp) [Entry date 04/20/95]

4/19/95 23 ORDER, nunc pro tunc, by Judge Stanley S. Harris : granting motion to extend time to 4/7/95 to respond to amended motion for preliminary injunction [20-1] by GEORGE RAY HAVENS, EDUARDO GONZALEZ (N) (mon) [Entry date 04/20/95]

4/26/95 25 ORDER by Judge Stanley S. Harris : denying as moot motion to withdraw as attorney for MATTHEW F. FOGG [22-1] (N) (emh) [Entry date 04/27/95]

5/17/95 26 ATTORNEY APPEARANCE for plaintiff MATTHEW F. FOGG by Frank James Costello Jr. (ja)

5/17/95 27 MOTION filed by plaintiff MATTHEW F. FOGG to stay resolution of amended motion for preliminary injunction case (ja) [Entry date 05/18/95]

5/22/95 28 ORDER by Judge Stanley S. Harris : granting plaintiff's motion to stay resolution of amended motion for preliminary injunction [27-1] to and including 6/16/95 (N) (bh)

6/13/95 29 MOTION filed by plaintiff MATTHEW F. FOGG to stay case to July 14, 1995, of the resolution of his amended motion for a preliminary injunction. (ja) [Entry date 06/16/95]

6/19/95 30 ORDER by Judge Thomas F. Hogan : granting motion to stay case to July 14, 1995, of the resolution of his amended motion for a preliminary injunction. [29-1] by MATTHEW F. FOGG (N) (bh)

8/7/95 31 ORDER by Judge Stanley S. Harris : denying without prejudice plaintiffs motion for preliminary injunction [15-1], denying without prejudice first amended motion for preliminary injunction [6-1], by MATTHEW F. FOGG; denying without prejudice second amended motion for preliminary injunction [4-1] by MATTHEW F. FOGG (N) (bh) [Entry date 08/10/95]

10/27/95 -- SCHEDULING NOTICE: status hearing set for 9:45 11/30/95 ; before Judge Stanley S. Harris . (emh)

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2/12/96 32 MOTION filed by plaintiff MATTHEW F. FOGG for leave to file amended complaint; EXHIBIT: Amended Complaint (mlp) [Entry date 02/13/96]

2/27/96 33 MEET AND CONFER STATEMENT/REPORT PURSUANT TO L.R. 206(d) filed by plaintiff MATTHEW F. FOGG, defendant EDUARDO GONZALEZ, defendant GEORGE RAY HAVENS . (lpp) [Entry date 02/28/96]

3/7/96 -- CASE REASSIGNED from Judge Stanley S. Harris to Judge Thomas P. Jackson by direction of the Calendar Committee. (N) (mlp) [Entry date 03/08/96]

3/8/96 34 ORDER by Judge Stanley S. Harris : granting motion for leave to file amended complaint [32-1] by MATTHEW F. FOGG (N) (emh) [Entry date 03/11/96]

3/8/96 35 ORDER by Judge Stanley S. Harris : Case assigned to the Standard track (track two); directing defendants to file their answer and/or an initial dispositive motion on or before 4/12/96 with further instructions to counsel. (N) (emh) [Entry date 03/11/96]

3/8/96 36 AMENDED COMPLAINT by plaintiff MATTHEW F. FOGG adding federal defendant JANET RENO, and amending complaint [1-1] ; jury demand (mlp) [Entry date 03/11/96]

3/8/96 -- SUMMONS NOT ISSUED. (mlp) [Entry date 03/11/96]

3/22/96 -- SCHEDULING NOTICE: status hearing set for 9:30 4/24/96 ; before Judge Thomas P. Jackson . (rew)

4/12/96 37 MOTION filed by defendant EDUARDO GONZALEZ, federal defendant JANET RENO to dismiss amended complaint [36-1], or partially dismiss the amended complaint, or, in the alternative, for partial summary judgment; exhibits (2) (dam) [Entry date 04/15/96]

4/24/96 -- STATUS HEARING before Judge Thomas P. Jackson , counsel agree to mediation, status hearing set for 9:30 6/24/96 ; Reporter: P.Merana (rew)

4/25/96 38 ORDER by Judge Thomas P. Jackson staying case for 60 days; referring case for mediation; directing Mediation to be concluded by 6/24/96 ., status hearing set for 9:30 6/24/96 ; (N) (rew) [Entry date 04/26/96]

5/3/96 39 RESPONSE by plaintiff MATTHEW F. FOGG in opposition to motion to dismiss amended complaint [36-1] [37-1] by JANET RENO, EDUARDO GONZALEZ, motion partially dismiss the amended complaint [37-2] by JANET RENO, EDUARDO GONZALEZ, motion for partial summary judgment [37-3] by JANET RENO, EDUARDO GONZALEZ; attachment (1); exhibits (4). (tth) [Entry date 05/06/96]

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- 5/13/96 40 MOTION (CONSENT) filed by defendant EDUARDO GONZALEZ, federal defendant JANET RENO to extend time to 5/16/96 to file their reply to plaintiff's opposition to their motion to dismiss or partially dismiss the amended complaint, or for partial summary judgment thereon (dam) [Entry date 05/14/96]
- 5/14/96 41 ORDER by Judge Thomas P. Jackson : granting motion to extend time to 5/16/96 to file their reply to plaintiff's opposition to their motion to dismiss or partially dismiss the amended complaint, or for partial summary judgment thereon [40-1] by JANET RENO, EDUARDO GONZALEZ reply to motion(s) due by 5/16/96 ; (N) (tth) [Entry date 05/15/96]
- 5/16/96 42 REPLY by defendant EDUARDO GONZALEZ, federal defendant JANET RENO to response to motion to dismiss amended complaint [36-1] [37-1] by JANET RENO, EDUARDO GONZALEZ, motion partially dismiss the amended complaint [37-2] by JANET RENO, EDUARDO GONZALEZ, motion for partial summary judgment [37-3] by JANET RENO, EDUARDO GONZALEZ (dam) [Entry date 05/17/96]
- 6/24/96 -- STATUS HEARING before Judge Thomas P. Jackson : discovery closes 3/31/97 ; referred for pretrial thereafter; trial set for 10:00 5/19/97 ; trial order handed counsel. Reporter: P. Merana (rew)
- 6/24/96 43 ORDER by Judge Thomas P. Jackson : For non-filing of discovery and directing discovery materials shall not be filed except by leave of court, and setting trial for 5-19-97 at 10:00 am (N) (rew)
- 7/30/96 44 MOTION filed by plaintiff MATTHEW F. FOGG for leave to amend complaint; exhibit (AMENDED COMPLAINT) (dam) [Entry date 07/31/96]
- 8/12/96 45 MOTION filed by federal defendant JANET RENO to extend time to 08/21/96 to answer amended complaint [36-1] (dam) [Entry date 08/13/96]
- 8/14/96 46 ORDER by Judge Thomas P. Jackson : granting motion to extend time to 08/21/96 to answer amended complaint [36-1] [45-1] by JANET RENO ; Answer extended to 8/21/96 for JANET RENO, for GEORGE RAY HAVENS, for EDUARDO GONZALEZ, for JANET RENO, for PRESIDENT OF THE US (N) (rew)
- 8/14/96 47 ORDER by Judge Thomas P. Jackson : granting motion for leave to amend complaint [44-1] by MATTHEW F. FOGG (N) (rew)
- 8/14/96 48 (SECOND) AMENDED COMPLAINT by plaintiff MATTHEW F. FOGG amending complaint [1-1].; jury demand (dam) [Entry date 08/21/96]

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8/21/96 49 ANSWER TO (SECOND) AMENDED COMPLAINT [48-1] by federal defendant JANET RENO (dam) [Entry date 08/22/96]

8/21/96 50 MOTION (SECOND) filed by federal defendant JANET RENO to partially dismiss amended complaint complaint [48-1] (dam) [Entry date 08/22/96]

8/28/96 51 RESPONSE by plaintiff MATTHEW F. FOGG in opposition to motion to partially dismiss amended complaint complaint [48-1] [50-1] by JANET RENO . (lpp) [Entry date 08/29/96]

3/4/97 -- CASE REFERRED to Mag. Judge Deborah A. Robinson for pretrial (ldc) [Entry date 03/05/97]

3/12/97 52 ORDER by Mag. Judge Deborah A. Robinson : pretrial conference set for 10:30 4/17/97 ; (N) (bh) [Entry date 03/14/97]

3/13/97 53 STIPULATED PROTECTIVE ORDER by Judge Thomas P. Jackson: establishing discovery procedures (N) (mlp) [Entry date 03/14/97]

3/21/97 54 JOINT MOTION by plaintiff MATTHEW F. FOGG, defendant EDUARDO GONZALEZ, federal defendant JANET RENO to extend time for filing discovery to 4/16/97 (dam) [Entry date 03/24/97]

4/1/97 55 ORDER by Judge Thomas P. Jackson : granting joint motion to extend time for filing discovery to 4/16/97 [54-1] by JANET RENO, EDUARDO GONZALEZ, MATTHEW F. FOGG; Discovery now closes 4/16/97 parties to submit pretrial statements by 4/18/97; pretrial conference set for 2:00 5/1/97 (N) (pob) [Entry date 04/02/97]

4/16/97 56 MOTION filed by Non Party DAVID L. MAYBIN to join as a Class Member (tth)

4/17/97 -- SCHEDULING NOTICE: status hearing set for 9:30 5/13/97 ; before Judge Thomas P. Jackson . (rew)

4/18/97 57 PRETRIAL STATEMENTS by plaintiff MATTHEW F. FOGG (tth) [Entry date 04/21/97]

4/18/97 58 PRETRIAL STATEMENTS by federal defendant JANET RENO (tth) [Entry date 04/21/97]

4/21/97 60 RESPONSE by plaintiff MATTHEW F. FOGG to motion to join as a Class Member (motion to intervene) [56-1] by DAVID L. MAYBIN; attachment (1). (tth) [Entry date 04/29/97]

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4/24/97 61 ORDER by Judge Thomas P. Jackson : denying motion to partially dismiss amended complaint [48-1] [50-1] by JANET RENO, denying motion to dismiss amended complaint [36-1] [37-1] by JANET RENO, EDUARDO GONZALEZ, denying motion partially dismiss the amended complaint [37-2] by JANET RENO, EDUARDO GONZALEZ, denying motion for partial summary judgment [37-3] by JANET RENO, EDUARDO GONZALEZ, and plaintiff is not entitled to a jury trial or compensatory damages for complained conduct prior to 11-21-91. (N) (rew) [Entry date 04/29/97]

4/25/97 59 ORDER by Judge Thomas P. Jackson: denying non-party DAVID L. MAYBIN's motion to join as a Class Member [56-1] by DAVID L. MAYBIN (N) (kmk)

4/29/97 62 (FIRST SUPPLEMENTAL) PRETRIAL STATEMENTS by plaintiff MATTHEW F. FOGG; attachments (2) (tth) [Entry date 04/30/97]

5/1/97 63 ORDER by Judge Thomas P. Jackson, vacating trial set for 5-19-97 and trial is resct for 10:00 3/23/98 ; (N) (rew) [Entry date 05/02/97]

5/1/97 -- PRE-TRIAL CONFERENCE conducted by Mag. Judge Deborah A. Robinson in chambers (bh) [Entry date 05/02/97]

8/29/97 -- SCHEDULING NOTICE:pretrial set for 9/18/97 at 11:00am. before Mag. Judge Deborah A. Robinson courtroom 27. (emh)

9/30/97 -- STATUS HEARING before Mag. Judge Deborah A. Robinson : Reporter: RS92-130, 5921-6640 (bh) [Entry date 10/02/97]

9/30/97 64 ORDER by Mag. Judge Deborah A. Robinson : referring case for mediation; mediation to commence on 11/17/97; Mediation to be concluded by 2/3/98 . (N) (bh) [Entry date 10/02/97]

9/30/97 65 ORDER by Mag. Judge Deborah A. Robinson : referring case for mediation to be concluded by 2/3/98 . (N) (lin) [Entry date 10/08/97]

1/20/98 66 (SECOND SUPPLEMENTAL) PRETRIAL STATEMENT by plaintiff MATTHEW F. FOGG; attachments (2) (tth) [Entry date 01/22/98]

1/20/98 67 SUPPLEMENTAL PRETRIAL STATEMENT by federal defendant JANET RENO (tth) [Entry date 01/22/98]

2/3/98 -- STATUS HEARING before Mag. Judge Deborah A. Robinson : Reporter: RS98-16, 1-3660 (bh) [Entry date 02/05/98]

2/4/98 68 FINAL PRE-TRIAL ORDER by Mag. Judge Deborah A. Robinson : (N) (bh)

2/13/98 69 MOTION filed by plaintiff MATTHEW F. FOGG to substitute an expert witness; exhibit (1) (tth) [Entry date 02/17/98]

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2/20/98 70 RESPONSE by federal defendant JANET RENO in opposition to motion to substitute an expert witness [69-1] by MATTHEW F. FOGG; exhibit (1) (tth) [Entry date 02/23/98]

2/23/98 71 ADMINISTRATIVE RECORD (Four Volumes) by federal defendant JANET RENO (tth) [Entry date 02/24/98]

2/23/98 72 MOTION filed by federal defendant JANET RENO in limine to exclude the testimony of plaintiff's damages expert, Enrica Morgan; exhibits (5) (tth) [Entry date 02/24/98]

2/23/98 73 MOTION filed by plaintiff MATTHEW F. FOGG to limit the expert testimony of Bradley R. Schiller ; exhibits (2) (tth) [Entry date 02/24/98]

2/23/98 74 MOTION filed by federal defendant JANET RENO for partial summary judgment on non-discrimination issues (blj) [Entry date 02/24/98]

2/23/98 75 MOTION filed by federal defendant JANET RENO to bifurcate trial, or in the alternative, motion in limine to exclude certain testimony (blj) [Entry date 02/24/98]

2/23/98 76 MOTION filed by plaintiff MATTHEW F. FOGG to sequester witnesses (blj) [Entry date 02/25/98]

2/23/98 77 REPLY by plaintiff MATTHEW F. FOGG to response to motion to substitute an expert witness [69-1] by MATTHEW F. FOGG (blj) [Entry date 02/25/98]

2/24/98 91 MOTION filed by plaintiff MATTHEW F. FOGG in limine with respect to admissibility of Lucas and Duckett Videotapes Attachments (2) (lpp) [Entry date 03/25/98]

3/6/98 78 RESPONSE by plaintiff MATTHEW F. FOGG in opposition to motion motion in limine to exclude the testimony of plaintiff's damage expert, Enrica Morgan [75-2] by JANET RENO; exhibits (2) (blj) [Entry date 03/09/98]

3/6/98 79 RESPONSE by plaintiff MATTHEW F. FOGG in opposition to motion to bifurcate trial or, in the alternative, to exclude certain testimony [75-1] by JANET RENO; exhibits (10) (blj) [Entry date 03/09/98]

3/6/98 80 CROSS MOTION by plaintiff MATTHEW F. FOGG for partial summary judgment on non-discrimination issues; Exhibits (17) (blj) [Entry date 03/09/98]

3/6/98 81 RESPONSE by federal defendant JANET RENO in opposition to motion to sequester Joe Lazar from attending trial [76-1] by MATTHEW F. FOGG. (blj) [Entry date 03/09/98]

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3/6/98 82 RESPONSE by federal defendant JANET RENO in opposition to motion to limit the expert testimony of Bradley R. Schiller [73-1] by MATTHEW F. FOGG . (tth) [Entry date 03/09/98]

3/13/98 83 REPLY by plaintiff MATTHEW F. FOGG to response to motion to sequester witnesses [76-1] by MATTHEW F. FOGG (lpp) [Entry date 03/16/98]

3/13/98 84 REPLY by federal defendant JANET RENO to response to motion in limine to exclude the testimony of plaintiff's damages expert, Enrica Morgan [72-1] by JANET RENO (lpp) [Entry date 03/16/98]

3/13/98 85 REPLY by federal defendant JANET RENO to response to motion to bifurcate trial [75-1] by JANET RENO (lpp) [Entry date 03/16/98]

3/13/98 86 REPLY by federal defendant JANET RENO to response to motion for partial summary judgment on non-discrimination issues [74-1] by JANET RENO (lpp) [Entry date 03/16/98]

3/13/98 87 REPLY by plaintiff MATTHEW F. FOGG to response to motion to limit the expert testimony of Bradley R. Schiller [73-1] by MATTHEW F. FOGG (tth) [Entry date 03/17/98]

3/18/98 88 ORDER by Mag. Judge Deborah A. Robinson (MJ) : denying motion to sequester witnesses [76-1] by MATTHEW F. FOGG (N) (bh) [Entry date 03/19/98]

3/20/98 89 MEMORANDUM ORDER by Mag. Judge Deborah A. Robinson (MJ) : granting motion to limit the expert testimony of Bradley R. Schiller [73-1] by MATTHEW F. FOGG, granting in part motion in limine to exclude the testimony of plaintiff's damages expert, Enrica Morgan [72-1] by JANET RENO, denying motion to substitute an expert witness [69-1] by MATTHEW F. FOGG (N) (N) (bh)

3/20/98 90 MEMORANDUM ORDER by Mag. Judge Deborah A. Robinson (MJ) : denying motion to bifurcate trial [75-1] by JANET RENO; directing that jury will be used in an advisory capacity with respect to plaintiff's pre-act claims (N) (N) (bh)

3/20/98 -- CASE referral ended Mag. Judge Deborah A. Robinson (MJ) (bh) [Entry date 05/13/98]

3/26/98 92 MOTION filed by federal defendant JANET RENO in limine to preclude plaintiff from introducing evidence of, or making argument about, the settlement negotiations that defendant conducted in an effort to resolve this matter short of a trial, as well as to preclude evidence or argument about any claimed deficiencies or improprieties (such as delay) in the EEO process (tth) [Entry date 03/27/98]

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3/27/98 93 OBJECTIONS by plaintiff MATTHEW F. FOGG to motion in limine to preclude plaintiff from introducing evidence of, or making argument about, the settlement negotiations that defendant conducted in an effort to resolve this matter short of a trial, as well as to preclude evidence or argument about any claimed deficiencies or improprieties (such as delay) in the EEO process [92-1] by JANET RENO (tth) [Entry date 03/31/98]

3/30/98 -- MOTION HEARING before Judge Thomas P. Jackson granting in part defendant's cross motion for partial summary judgment on count 4, denying plaintiff's cross motion for partial summary judgment on non-discrimination issues [80-1]; trial continued until 4/1/98 at 9:30am. Reporter: P.Merana (emh) [Entry date 04/05/98]

3/30/98 95 ORDER by Judge Thomas P. Jackson : granting motion for partial summary judgment on non-discrimination issues [74-1] by JANET RENO, and denying plaintiffs cross-motion for partial summary judgment on non-discrimination issues, denying motion in limine to preclude plaintiff from introducing evidence of, or making argument about, the settlement negotiations that defendant conducted in an effort to resolve this matter short of a trial, as well as to preclude evidence or argument about any claimed deficiencies or improprieties (such as delay) in the EEO process [92-1] by JANET RENO, and denying defendants motion to reconsider the Magistrate Judge's order denying defendant's motion to bifurcate trial or to exclude certain testimony. (N) (rew) [Entry date 04/07/98]

4/1/98 94 MOTION filed by plaintiff MATTHEW F. FOGG in limine with respect to Joint Exhibit 136 ("Analysis of Fogg's EEO Claims"); Exhibit (1) (tth) [Entry date 04/02/98]

4/2/98 -- JURY TRIAL before Judge Thomas P. Jackson jury selection begun and concluded, jury not sworn, jury trial continued to 10:00 4/6/98 reporter: P. Merana (rew) [Entry date 04/08/98] [Edit date 04/08/98]

4/2/98 96 ATTORNEY APPEARANCE for federal defendant JANET RENO by Alexander Daniel Shoaibi, Halsey B. Frank (tth) [Entry date 04/14/98]

4/6/98 -- JURY TRIAL before Judge Thomas P. Jackson same jury of 8, jury sworn, trial begun and continued to 11:00 4/7/98 reporter: P.Merana (rew) [Entry date 04/08/98] [Edit date 04/08/98]

4/7/98 -- JURY TRIAL before Judge Thomas P. Jackson same jury of 8 resumed and continued to 10:00 4/8/98 reporter: P. Merana (rew) [Entry date 04/08/98]

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4/8/98 -- JURY TRIAL before Judge Thomas P. Jackson same jury of 8 resumed and continued to 10:00 4/9/98 reporter: P. Merana (rew)

4/9/98 -- JURY TRIAL before Judge Thomas P. Jackson: Same jury of 8. Resumed and continued to 10:00 a.m. on 4/14/98. Reporter: Phyllis Merana (kmk)

4/14/98 -- JURY TRIAL before Judge Thomas P. Jackson same jury of 8 resumed and continued to 10:00 4/15/98 reporter: P. Merana (rew)

4/15/98 -- JURY TRIAL before Judge Thomas P. Jackson same jury of 8 resumed and continued to 10:00 4/16/98 reporter: P. Merana (rew)

4/16/98 -- JURY TRIAL before Judge Thomas P. Jackson same jury of 8 resumed and continued to 10:00 4/17/98 reporter: P. Merana (rew)

4/17/98 -- JURY TRIAL before Judge Thomas P. Jackson same jury of 8 resumed and continued to 10:00 4/20/98 reporter: P. Merana (rew) [Entry date 04/20/98]

4/20/98 -- JURY TRIAL before Judge Thomas P. Jackson same jury of 8 resumed; attachment for contempt issued for witness Donna Smoot; and continued to 10:00 4/21/98 reporter: P. Merana (rew) [Edit date 04/20/98]

4/21/98 -- JURY TRIAL before Judge Thomas P. Jackson same jury of 8 resumed and continued to 10:00 4/22/98, attachment for contempt for witness Dona Smoot issued 4-21-98 quashed; Marshal's office called 10:55 am. reporter: P. Merana (rew) [Edit date 04/21/98]

4/22/98 -- JURY TRIAL before Judge Thomas P. Jackson same jury of 8 resumed and continued to 10:00 4/23/98 reporter: P. Merana (rew)

4/22/98 97 MOTION filed by federal defendant JANET RENO for partial summary judgment (tth) [Entry date 04/23/98]

4/23/98 -- JURY TRIAL before Judge Thomas P. Jackson same jury of 8 resumed and continued to 10:00 4/24/98 reporter: P. Merana (rew)

4/24/98 -- JURY TRIAL before Judge Thomas P. Jackson, juror #7 excused, same jury of 7 resumed and continued to 10:00 4/27/98 reporter: P. Merana (rew) [Entry date 04/28/98]

4/27/98 -- JURY TRIAL before Judge Thomas P. Jackson same jury of 7 resumed and concluded, jury begins deliberations and continued to 4-28-98 at 9:30 am. reporter: P. Merana (rew) [Entry date 04/28/98]

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4/28/98 -- JURY TRIAL before Judge Thomas P. Jackson jury of 7 resumes deliberations, VERDICT for the Plaintiff in the amount of 4 million dollars, jury not polled, jury discharged, motions NOV to be filed within 10 days, any post trial motions due in 21 days and plaintiff to respond in 21 days. reporter: P. Merana (rew) [Edit date 04/28/98]

4/28/98 98 VERDICT FORM (rew)

4/28/98 99 ONE JURY NOTE filed (rew)

4/28/98 100 JUDGMENT ON THE VERDICT in favor of plaintiff MATTHEW F. FOGG against federal defendant JANET RENO, Attorney General of the United States in the amount of 4 million dollars. (N) (rew) [Entry date 04/29/98]

4/29/98 101 ORDER by Judge Thomas P. Jackson, directing that defendant shall file any post-trial motions by 5-11-98 and any supplemental supporting points and authorities by 6-1-98, plaintiffs oppositions by 6-22-98, and defendants replies by 7-2-98. (N) (rew)

5/12/98 102 MOTION (RENEWED) filed by federal defendant JANET RENO for judgment as a matter of law, or, in the alternative, for a new trial, or remittitur of the verdict (tth) [Entry date 05/13/98]

6/2/98 103 TRANSCRIPT filed for date(s) of 04/16/98. Reporter: Phyllis Merana (tb) [Entry date 06/03/98]

6/18/98 104 MOTION (CONSENT) filed by plaintiff MATTHEW F. FOGG to extend time to file opposition to defendant's renewed motion for judgment (tb) [Entry date 06/19/98]

6/23/98 105 ORDER by Judge Thomas P. Jackson : granting motion to extend time to 7-13-98 to file opposition to defendant's renewed motion for judgment [104-1] by MATTHEW F. FOGG, and defendants may file its reply by 7-23-98. (N) (rew) [Entry date 06/30/98]

7/13/98 106 MEMORANDUM by plaintiff MATTHEW F. FOGG in opposition to motion for judgment as a matter of law [102-1] by JANET RENO (tb) [Entry date 07/15/98]

7/23/98 107 REPLY by federal defendant JANET RENO to motion for judgment as a matter of law [102-1] by JANET RENO (tb) [Entry date 07/24/98]

12/17/98 108 SUPPLEMENTAL MEMORANDUM by plaintiff MATTHEW F. FOGG in opposition [106-1] to defendant's post-trial motions (tb) [Entry date 12/18/98]

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12/23/98 109 RESPONSE (OPPOSITIONS) by federal defendant JANET RENO to memorandum in opposition response [106-1] by MATTHEW F. FOGG attachment (1) (tb) [Entry date 12/24/98] [Edit date 12/24/98]

3/12/99 110 ORDER by Judge Thomas P. Jackson : denying, as moot, motion for partial summary judgment [97-1] by JANET RENO (N) (rew) [Entry date 03/15/99]

7/1/99 111 MEMORANDUM AND ORDER by Judge Thomas P. Jackson : denying motion for judgment as a matter of law [102-1] by JANET RENO, denying motion for a new trial [102-2] by JANET RENO, granting motion remittitur of the verdict [102-3] by JANET RENO, rejecting the advisory verdict of the jury as to allegation of racially discriminatory conduct prior to 11-21-91 and are dismissed with prejudice. The jury verdict of \$4,000,000.00 in favor of plaintiff is remitted to \$300,000.00 and the judgment entered by the Clerk is vacated and directing the Clerk to enter judgment in the amount of \$300,000.00, directing plaintiff to submit motion for attorneys fees and costs and any equitable relief appropriate by 9-1-99. (N) (N) (rew)

7/1/99 112 JUDGMENT by the Clerk entered in favor of plaintiff MATTHEW F. FOGG against federal defendant JANET RENO in the amount of \$300,000.00. (N) (rew)

8/30/99 113 NOTICE OF APPEAL by plaintiff MATTHEW F. FOGG from judgment order [112-1], entered on: 7/1/99. \$5.00 filing fee paid and \$100.00 docketing fee paid. Copies mailed to: David Maybin, Halsey Frank, Alexander Shoaibi, Kimberly Tarver, Frank Costello and Matthew Fogg. (tth) [Entry date 08/31/99]

8/31/99 -- TRANSMITTED PRELIMINARY RECORD on appeal [113-1] by MATTHEW F. FOGG to U.S. Court of Appeals (tth)

9/1/99 114 MOTION filed by plaintiff MATTHEW F. FOGG for equitable relief exhibit (4) (bjs) [Entry date 09/02/99]

9/1/99 115 MOTION filed by plaintiff MATTHEW F. FOGG for attorney fees and costs ; exhibit (2) (bjs) [Entry date 09/02/99]

9/2/99 -- USCA # 99-5299 assigned for appeal [113-1] by MATTHEW F. FOGG (tth) [Entry date 09/03/99]

9/15/99 116 MOTION (CONSENT) filed by federal defendant JANET RENO to extend time to 9/29/99 to file defendant's oppositions to plaintiff's motion for equitable relief and motion for attorneys fees (tth) [Entry date 09/17/99]

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9/23/99 117 ORDER by Judge Thomas P. Jackson : granting motion to extend time to 9/29/99 to file defendant's oppositions to plaintiff's motion for equitable relief and motio for attorney's fees [116-1] by JANET RENO response to motion(s) due by 9/29/99 ; (N) (rew) [Entry date 09/27/99]

9/29/99 118 MOTION (CONSENT) filed by federal defendant JANET RENO to extend time to 10/13/99 to file defendant's opposition to plaintiff's motion for attorneys fees (tth) [Entry date 09/30/99]

9/29/99 119 RESPONSE by federal defendant JANET RENO in opposition to motion for equitable releif [114-1] by MATTHEW F. FOGG; Exhibits (7). (tth) [Entry date 09/30/99]

9/30/99 120 ORDER by Judge Thomas P. Jackson : granting motion to extend time to 10/13/99 to file defendant's opposition to plaintiff's motion for attorneys fees [118-1] by JANET RENO response to motion(s) due by 10/13/99 ; (N) (rew) [Entry date 10/04/99]

10/8/99 121 TRANSCRIPT filed for date of April 6, 1998. Reporter: Phyllis Merana (dot) [Entry date 10/12/99]

10/8/99 122 TRANSCRIPT filed for date of April 7, 1998. Reporter: Phyllis Merana (dot) [Entry date 10/12/99]

10/8/99 123 TRANSCRIPT filed for date of April 8, 1998. Reporter: Phyllis Merana (dot) [Entry date 10/12/99]

10/8/99 124 TRANSCRIPT filed for date of April 9, 1998. Reporter: Phyllis Merana (dot) [Entry date 10/12/99]

10/8/99 125 TRANSCRIPT filed for date of April 14, 1998. Reporter: Phyllis Merana (dot) [Entry date 10/12/99]

10/8/99 126 TRANSCRIPT filed for date of April 15, 1998. Reporter: Phyllis Merana (dot) [Entry date 10/12/99]

10/8/99 127 TRANSCRIPT filed for date of April 16, 1998. Reporter: Phyllis Merana (dot) [Entry date 10/12/99]

10/8/99 128 TRANSCRIPT filed for date of April 17, 1998. Reporter: Phyllis Merana (dot) [Entry date 10/12/99]

10/8/99 129 TRANSCRIPT filed for date of April 20, 1998. Reporter: Phyllis Merana (dot) [Entry date 10/12/99]

10/8/99 130 TRANSCRIPT filed for date of April 21, 1998. Reporter: Phyllis Merana (dot) [Entry date 10/12/99]

10/8/99 131 TRANSCRIPT filed for date of April 22, 1998. Reporter: Phyllis Merana (dot) [Entry date 10/12/99]

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10/12/99 132 REPLY MEMORANDUM by plaintiff MATTHEW F. FOGG in support of motion for equitable relief [114-1] by MATTHEW F. FOGG ; attachments (bjsp) [Entry date 10/13/99]

10/13/99 133 MOTION (consent) filed by defendant EDUARDO GONZALEZ, federal defendant JANET RENO to extend time to 10/20/99 to file defendant's opposition to plaintiff's motion for attorneys fees. (kmk) [Entry date 10/14/99] [Edit date 10/14/99]

10/14/99 134 ORDER by Judge Thomas P. Jackson : granting motion to extend time to 10/20/99 to file defendant's opposition to plaintiff's motion for attorneys fees. [133-1] by JANET RENO, EDUARDO GONZALEZ response to motion(s) due by 10/20/99 (N) (rew) [Entry date 10/20/99]

10/20/99 135 RESPONSE by federal defendant JANET RENO to motion for attorney fees and costs [115-1] by MATTHEW F. FOGG (kmk) [Entry date 10/21/99]

10/21/99 136 ORDER by Judge Thomas P. Jackson : denying as moot motion for attorney fees and costs [115-1] by MATTHEW F. FOGG (N) (rew) [Entry date 10/22/99]

10/22/99 137 TRANSCRIPT filed for date(s) of 4/23/98. Reporter: Phyllis Merana (st) [Entry date 10/25/99]

10/22/99 138 TRANSCRIPT filed for date(s) of 4/24/98. Reporter: Phyllis Merana (st) [Entry date 10/25/99]

10/22/99 139 TRANSCRIPT filed for date(s) of 4/27/98. Reporter: Phyllis Merana (st) [Entry date 10/25/99]

10/25/99 -- SCHEDULING NOTICE: Status hearing set for 9:30 a.m. on 11/24/99 ; before Judge Thomas P. Jackson in Courtroom No. 2 on the 2nd Floor. (gdf) [Entry date 10/26/99]

11/5/99 -- SCHEDULING NOTICE: status hearing set for 9:30 12/15/99 ; before Judge Thomas P. Jackson . (rew)

12/15/99 -- STATUS HEARING before Judge Thomas P. Jackson : motion hearing set for 10:00 1/28/00 ; Reporter: P. Merana (rew)

12/15/99 -- SCHEDULING NOTICE: motion hearing set for 10:00 1/28/00 ; before Judge Thomas P. Jackson courtroom 2, second floor. (rcw)

1/3/00 -- SCHEDULING NOTICE: motion hearing set for 10:00 2/24/00 ; before Judge Thomas P. Jackson . (rew)

1/13/00 140 ATTORNEY APPEARANCE for defendant JANET RENO, defendant EDUARDO GONZALEZ by Joc Lazar (dam) [Entry date 01/14/00]

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- 2/8/00 141 CERTIFIED COPY of order filed in USCA dated 12/15/99, on appeal [113-1], dismissing appeal. USCA # 99-5299 (cjp) [Entry date 02/09/00]
- 2/9/00 142 STIPULATION of SETTLEMENT ORDER by Judge Thomas P. Jackson: in re: attorney fees and costs. (N) (kmk) [Entry date 02/10/00]
- 2/25/00 -- MOTION HEARING before Judge Thomas P. Jackson Reporter: P. Merana (lin) [Entry date 02/28/00]
- 2/25/00 143 ORDER by Judge Thomas P. Jackson: granting in part, denying in part motion for equitable relief [114-1] that plaintiff is not entitled to expungement of records regarding his removal from the position of Deputy U. S. Marshal in the US Marshals Service, and that plaintiff is not entitled to reinstatement, and that plaintiff is not entitled to front pay, and that plaintiff is entitled to the following backpay award (see order for details), and that plaintiff is not entitled to Thrift Savings Plan benefits, and that the aforementioned backpay award shall be reduced by the standand federal employment deductions from pay, and that backpay award shall be reduced by the amount of compensation plaintiff received during the applicable period from the Office of Workers' Compensation Programs, and that this order together with the Memorandum Order and Judgment on 7/1/99 constitutes the final judgment of this Court (N) (kmk) [Entry date 03/02/00]
- 4/10/00 144 NOTICE OF APPEAL by plaintiff MATTHEW F. FOGG from order that plaintiff is not entitled to expungement of records regarding his removal from the position of Deputy U. S. Marshal in the US Marshals Service [143-1], order that plaintiff is not entitled to reinstatement [143-2], order that plaintiff is not entitled to front pay [143-3], order that plaintiff is entitled to the following backpay award (see order for details) [143-4], order that plaintiff is not entitled to Thrift Savings Plan benefits [143-5], order that the aforementioned backpay award shall be reduced by the standand federal employment deductions from pay [143-6], order that backpay award shall be reduced by the amount of compensation plaintiff received during the applicable period from the Office of Workers' Compensation Programs [143-7], order that this order together with the Memorandum Order and Judgment on 7/1/99 constitutes the final judgment of this Court [143-8], order [143-9], order [143-10], judgment order [112-1], order [111-1], entered on: 3/2/00 & 7/1/99; \$105.00 filing fee paid; Copies mailed to all counsel of record (cjp) [Entry date 04/11/00]
- 4/11/00 -- TRANSMITTED PRELIMINARY RECORD on appeal [144-1] by MATTHEW F. FOGG to U.S. Court of Appeals (cjp)

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4/13/00 -- USCA # 00-5138 assigned for appeal [144-1] by MATTHEW F. FOGG (tb) [Entry date 04/14/00]

4/13/00 145 TRANSCRIPT filed for date(s) of 2/25/00. Reporter: Phyllis Merana (dam) [Entry date 04/18/00]

4/24/00 146 NOTICE OF CROSS-APPEAL by federal defendant JANET RENO from appeal [144-1] by MATTHEW F. FOGG; NO FEES PAID; GOVERNMENT. Copies mailed to all parties. (tth) [Entry date 04/26/00]

4/26/00 -- TRANSMITTED PRELIMINARY RECORD on appeal [146-1] by JANET RENO to U.S. Court of Appeals (tth)

4/27/00 -- USCA # 00 5168 assigned for appeal [146-1] by JANET RENO (bjsp) [Entry date 04/28/00]

6/23/00 147 TRANSCRIPT filed for date(s) of 3/30/98. Reporter: Phyllis Merana (ab) [Entry date 06/26/00]

6/26/00 148 CERTIFIED COPY of order filed in USCA dated 6/26/00, on appeal [146-1], dismissing appeal. USCA # 00-5168 (cjp) [Entry date 06/28/00]

[END OF DOCKET: 1:94cv2814]