

United States District Court
Northern District of Illinois – CM/ECF LIVE, Ver 4.0.3 (Chicago)
CIVIL DOCKET FOR CASE #: 1:01-cv-00840

Drnek v. Chgo, Cty of
Assigned to: Honorable Samuel Der-Yeghiayan
Demand: \$0
Cause: 29:633 Job Discrimination (Age)

Date Filed: 02/06/2001
Date Terminated: 01/26/2005
Jury Demand: Both
Nature of Suit: 442 Civil Rights: Jobs
Jurisdiction: Federal Question

Plaintiff

Donald Drnek

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V.

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Date Filed	#	Docket Text
02/06/2001	<u>1</u>	COMPLAINT; jury demand – Civil cover sheet – Appearance(s) of Clinton A. Krislov, Michael R. Karnuth, Ronald L. Futterman and Joan Matlack as attorney(s) for plaintiff Donald Drnek (No summons(es) issued.) (Documents: 1-1 through 1-3) (hp) (Entered: 02/07/2001)
02/06/2001		RECEIPT regarding payment of filing fee paid; on 2/6/01 in the amount of \$150.00, receipt #1023110. (hp) (Entered: 02/07/2001)
03/19/2001		SUMMONS and one copy issued as to defendant. (ac) (Entered: 03/20/2001)
03/20/2001	2	RETURN OF SERVICE executed as to defendant on 3/19/01 (yap) (Entered: 03/21/2001)
03/22/2001	3	ATTORNEY APPEARANCE for defendant by Nancy L. Van Allen, Patricia M. Carroll-Smit, Barbara Susan Smith, Mara Stacy Georges; Notice. (yp) Modified on 03/23/2001 (Entered: 03/23/2001)

04/09/2001	4	MOTION by defendant to dismiss plaintiff's complaint ; Memorandum in support (Attachments); Notice. (yp) (Entered: 04/17/2001)
04/16/2001	<u>5</u>	MINUTE ORDER of 4/16/01 by Hon. Elaine E. Bucklo : Response to defendant's motion to dismiss plaintiff's complaint [4-1] is due by 4/8/01; and any reply by 5/22/01. Ruling set for 10:00 a.m. on 6/29/01. Mailed notice (yp) Modified on 04/18/2001 (Entered: 04/17/2001)
05/08/2001	<u>6</u>	AMENDED COMPLAINT [1-1] by plaintiff; jury demand (Attachments) (rmm) (Entered: 05/15/2001)
05/11/2001	8	MOTION by plaintiff for reassignment based on relatedness (Attachments); Notice. (mw) (Entered: 05/23/2001)
05/14/2001	<u>7</u>	MINUTE ORDER of 5/14/01 by Hon. Elaine E. Bucklo: Plaintiff having filed an amended complaint, defendant's motion to dismiss plaintiff's complaint is denied [4-1]. Ruling on that motion set for 6/29/01 is also vacated. Mailed notice (rmm) (Entered: 05/15/2001)
05/18/2001	9	MINUTE ORDER of 5/18/01 by Hon. Elaine E. Bucklo : Plaintiff's unopposed motion to reassign the case of Minch, et al. Vs. City of Chicago, 01 C 2586 pending before Judge Norgle to my calendar based on relatedness [8-1] is granted. Defendant's proposed motion to dismiss to be filed by 06/08/01; response by 06/29/01; and any replies by 07/13/01. Ruling set for 08/17/01 at 10:00 a.m. Mailed notice (mw) (Entered: 05/23/2001)
06/08/2001	10	MOTION by defendant to dismiss amended complaint ; Notice of motion; Memorandum in support (Attachments) (eav) (Entered: 06/13/2001)
06/22/2001	11	MOTION by plaintiff for an extension of time for the filing of a response to defendant's motion to dismiss ; Notice of motion (eav) (Entered: 06/29/2001)
06/28/2001	<u>12</u>	MINUTE ORDER of 6/28/01 by Hon. Elaine E. Bucklo : Plaintiff's motion for extension of time until 7/20/01 to respond to defendant's motion to dismiss is granted. [11-1] Accordingly, [10-1] reply is extended to 8/10/01. Ruling set for 8/17/01 is reset for 9/14/01 at 10:00 a.m. Mailed notice (eav) (Entered: 06/29/2001)
07/20/2001	13	MOTION by plaintiff for a second extension of time for the filing of a response to defendant's motion to dismiss ; Notice. (cem) Modified on 07/26/2001 (Entered: 07/26/2001)
07/25/2001	<u>14</u>	MINUTE ORDER of 7/25/01 by Hon. Elaine E. Bucklo : Plaintiff's motion for a second extension of time until 7/30/01 to file response to defendant's motion to dismiss is granted [13-1]. Accordingly, reply is extended to 8/20/01. Mailed notice (cem) (Entered: 07/26/2001)
07/27/2001	15	MOTION by plaintiff for a third extension of time for the filing of a response to defendant's motion to dismiss this action ; Notice (jmp) Modified on 08/09/2001 (Entered: 08/08/2001)
08/07/2001	<u>16</u>	MINUTE ORDER of 8/7/01 by Hon. Elaine E. Bucklo : Plaintiff's motion for a third extension of time until 08/06/01 for the filing of a response to defendant's motion to dismiss this action is granted [15-1]. Accordingly, reply to dismiss amended complaint [10-1] is extended to 08/27/01. Accordingly ruling set for 9/14/01 is reset for 10:00 a.m. on 10/05/01. Mailed notice (jmp) Modified on 08/09/2001 (Entered: 08/08/2001)
08/13/2001	17	UNOPPOSED MOTION by plaintiff for leave to file instanter an oversized response in opposition to defendant's motion to dismiss ; Notice. (mw) (Entered: 08/20/2001)
08/13/2001	18	RESPONSE by plaintiff in opposition to defendant's motion to dismiss [10-1]. (mw) (Entered: 08/20/2001)
08/17/2001	<u>19</u>	MINUTE ORDER of 8/17/01 by Hon. Elaine E. Bucklo : Plaintiff's unopposed motion for leave to file an oversized response brief [17-1] is granted on condition that plaintiff will not exceed the page limit in any other brief filed in this case. Defendant has until 08/31/01 to file its reply brief. Mailed notice (mw) (Entered: 08/20/2001)

08/30/2001	20	MOTION by defendant for an extension of time to file its reply memorandum in further support of its motion to dismiss ; Notice. (maf) (Entered: 09/18/2001)
09/17/2001	<u>21</u>	MINUTE ORDER of 9/17/01 by Hon. Elaine E. Bucklo : Defendant's motion for extension of time until 9/21/01 to file its reply brief is also granted [20-1]. Ruling set for 10/5/01 is reset for 10/19/01 at 10:00 a.m. Mailed notice (maf) (Entered: 09/18/2001)
09/21/2001	22	AGREED MOTION by defendant for an additional extension of time to file its reply memorandum in further support of its motion to dismiss ; Notice. (cem) (Entered: 09/25/2001)
09/24/2001	<u>23</u>	MINUTE ORDER of 9/24/01 by Hon. Elaine E. Bucklo : Defendant's agreed motion for extension of time until 9/28/01 to file its reply on motion to dismiss is granted [22-1]. Mailed notice (cem) (Entered: 09/25/2001)
09/28/2001	24	MOTION by defendant for leave to file brief in excess of 15 pages , with reply memorandum in support (Attachments); Notice. (mw) (Entered: 10/05/2001)
10/04/2001	<u>25</u>	MINUTE ORDER of 10/4/01 by Hon. Elaine E. Bucklo : Defendant's motion for leave to file brief in excess of 15 pages is granted [24-1]. Defendant seeks to file a 34 page brief. It is very clear to me that this brief could have been shorter, and would have been more effective if it had been edited. However, I will grant this moiton and we will try to read through the excess language to get to the point. Mailed notice (mw) (Entered: 10/05/2001)
10/04/2001	24	REPLY memorandum by defendant in further support of its motion to dismiss [10-1], with motion (Attachments); Notice. (mw) (Entered: 10/05/2001)
10/18/2001	<u>26</u>	MINUTE ORDER of 10/18/01 by Hon. Elaine E. Bucklo: Ruling on the pending motion to dismiss [10-1] set for 10/19/01 is vacated. Ruling will be made by mail. Mailed notice. (fce) (Entered: 10/19/2001)
10/26/2001	27	MOTION by plaintiff for leave to file surreply instanter in opposition to defendant's motion to dismiss ; Notice. (lc) (Entered: 11/02/2001)
11/01/2001	<u>28</u>	MINUTE ORDER of 11/1/01 by Hon. Elaine E. Bucklo : Plaintiff's motion for leave to file surreply instanter on defendant's motion to dismiss is granted [27-1]. Mailed notice (lc) (Entered: 11/02/2001)
02/15/2002	<u>29</u>	MINUTE ORDER of 2/15/02 by Hon. Elaine E. Bucklo : The City of Chicago is ordered to submit, by 5:00 p.m. on 02/20/02, any documentation showing that the firefighters' collective bargaining agreement, attached to its motion, has been adopted into the Chicago Municipal Code. (See reverse of minute order) Telephoned notice. (jmp) (Entered: 02/19/2002)
03/04/2002		ORAL MOTION by defendant to dismiss plaintiff's amended complaint . (lc) (Entered: 03/05/2002)
03/04/2002	<u>30</u>	MINUTE ORDER of 3/4/02 by Hon. Elaine E. Bucklo : This court will hear oral argument on defendant's motion to dismiss, limited to the question of whether plaintiff, consistent with Rule 11, Fed.R.Civ.P., has any facts that would support the allegations in paragraph 17 of his amended complaint. Oral argument set for 3/8/02 at 1:00p.m. Telephoned notice (lc) (Entered: 03/05/2002)
03/07/2002		NOTICE of change of address by Clinton A. Krislov (in 99cv2421). (ntf) (Entered: 03/12/2002)
03/08/2002	<u>31</u>	MINUTE ORDER of 3/8/02 by Hon. Elaine E. Bucklo: Oral arguent held. Ruling to be made by mail. No notice (rmm) (Entered: 03/11/2002)
03/25/2002	<u>32</u>	MINUTE ORDER of 3/25/02 by Hon. Elaine E. Bucklo : Status hearing set for 10:00 a.m. on 4/26/02. Enter memorandum opinion and order denying defendant's motion to dismiss {10-1} as to the ADEA claims of the plaintiff. The motion is granted as to the due process claims of plaintiff. At the status hearing the court will set discovery and trial schedules in this case. Prior to the status hearing, the parties shall confer and provide the court with a proposed written discovery schedule. Any motion for summary judgment must be filed within 14 days after the date set in the scheduling order for close of discovery. Any extension of discovery will not extend

		the time for filing motions for summary judgment. Entered Memorandum Opinion and Order. Mailed notices by judge's staff. (las) (Entered: 03/26/2002)
04/04/2002	<u>33</u>	MOTION by defendant to amend 3/25/02, order to include certification of question for interlocutory appeal ; Notice. (cem) (Entered: 04/11/2002)
04/04/2002	<u>34</u>	MOTION by defendant for extension of time to answer plaintiff's complaints ; Notice. (cem) (Entered: 04/11/2002)
04/10/2002	<u>35</u>	MINUTE ORDER of 4/10/02 by Hon. Elaine E. Bucklo : Telephone conference held. Defendant's motion for an interlocutory appeal [33-1], which as agreed will be treated as a motion to reconsider in light of a case relied upon in the motion and not previously cited to the court, will be taken under advisement. Plaintiffs are given until 4/24/02 to respond. Defendant will have until 5/2/02 to reply. Ruling will be on 5/10/02 at 9:30 a.m. Defendant's motion for extension of time to answer plaintiff's complaints is granted [34-1]. Mailed notice (cem) (Entered: 04/11/2002)
04/16/2002	<u>38</u>	MOTION by defendant to stay discovery pending a ruling on defendant's motion under 28 U.S.C. 1292 (Attachments); Notice. (mw) (Entered: 04/25/2002)
04/24/2002	<u>36</u>	ATTORNEY APPEARANCE for plaintiff by William W Thomas (ntf) (Entered: 04/25/2002)
04/24/2002	<u>37</u>	RESPONSE by plaintiff in opposition to defendant's motion to dismiss [0-1]; Notice. (ntf) (Entered: 04/25/2002)
04/24/2002	<u>39</u>	MINUTE ORDER of 4/24/02 by Hon. Elaine E. Bucklo : Defendant's motion to stay discovery pending a ruling on defendant's motion under 28 U.S.C. 1292 [38-1] is granted. Mailed notice (mw) (Entered: 04/25/2002)
04/25/2002		SCHEDULE set on 4/25/02 by Hon. Elaine E. Bucklo : Status hearing reset to 10:00 5/31/02 . Mailed notice (mpj) (Entered: 04/25/2002)
05/02/2002	<u>40</u>	REPLY by defendant in support of motion to amend 3/25/02, order to include certification for interlocutory appeal [33-1] (Attachment); Notice. (hmb) (Entered: 05/03/2002)
05/03/2002	41	TRANSCRIPT of proceedings for the following date(s): 03/08/02 Before Honorable Elaine E. Bucklo. (ntf) (Entered: 05/06/2002)
05/22/2002	<u>42</u>	MINUTE ORDER of 5/22/02 by Hon. Elaine E. Bucklo: Entered Memorandum Opinion and Order denying defendant's motion to reconsider and granting its motion to amend the order to certify an immediate appeal under 28 U.S.C. Section 1292(b) [33-1]. Notice mailed by judge's staff. (dmkf) Modified on 05/24/2002 (Entered: 05/24/2002)
05/30/2002		SCHEDULE set on 5/30/02 by Hon. Elaine E. Bucklo : Status hearing reset to 10:15 6/6/02 . Mailed notice (mpj) (Entered: 05/30/2002)
06/06/2002	<u>43</u>	MOTION by plaintiff for reconsideration of this court's 05/22/02 order granting certification of a question for interlocutory review ; Notice. (fce) (Entered: 06/07/2002)
06/06/2002	<u>44</u>	MINUTE ORDER of 6/6/02 by Hon. Elaine E. Bucklo : Status hearing held. Stay of discovery on plaintiff's due process claim is lifted. Response to plaintiff's motion for reconsideration of this court's 05/22/02 order granting certification of a question for interlocutory review [43-1] is due by 6/21/02; and any reply by 6/28/02. Ruling set for 7/12/02 at 10:00 a.m. [43-1]. Mailed notice (yap) (Entered: 06/10/2002)
06/14/2002	45	CERTIFIED copy of Order dated 06/11/02 from the 7th Circuit. It is ordered that the petitions for leave to appeal are granted. Petitioner shall pay the required appellate fees to the clerk of the district court within ten days from the entry of this order pursuant to Federal Rule of Appellate Procedure 5(d)(1). Once the district court notifies this court that the fees have been paid, the appeals will be entered on this court's general docket. It is further ordered that the resulting appeals will be consolidated for the purposes of briefing and disposition (02-8012 & 02-8013). (ntf) (Entered: 06/17/2002)

06/17/2002	46	NOTICE OF APPEAL by defendant Chgo, Cty pursuant to USCA 6/11/02 order from order Entered Memorandum Opinion and Order denying defendant's motion to reconsider and granting its motion to amend the order to certify an immediate appeal under 28 U.S.C. Section 1292(b) [33-1]. [42-1] motion minute order [42-2] Memorandum Opinion and Order [32-2] motion minute order [32-3] (\$105.00 PAID) (Attachments) (mak) (Entered: 06/20/2002)
06/20/2002		TRANSMITTED to the 7th Circuit the short record on appeal [46-1] . Mailed notice to all counsel. (mak) (Entered: 06/20/2002)
06/20/2002	48	SEVENTH CIRCUIT transcript information sheet by defendant (ntf) (Entered: 06/21/2002)
06/21/2002	<u>47</u>	ACKNOWLEDGEMENT of receipt of short record on appeal [46-1] USCA 02-2588 (ntf) (Entered: 06/21/2002)
06/27/2002	<u>49</u>	MINUTE ORDER of 6/27/02 by Hon. Elaine E. Bucklo : Defendant's unopposed motion for an extension of time until 07/09/02 to respond to plaintiffs' class certification motions and their motion to reconsider the court's order certifying a question to the court of appeals for interlocutory appeal is granted. Accordingly, replies are extended to 07/23/02. Rulings set for 7/12/02 and 8/9/2 are reset for 10:00 a.m. on 09/13/02. Mailed notice (jmp) (Entered: 06/28/2002)
07/03/2002		TRANSMITTED to the 7th Circuit the long record on appeal no. 02-2588 consisting of one volume of pleadings and one volume of transcripts and one volume loose pleadings under separate certificate on appeal [46-1] Mailed notice to all counsel. (mak) (Entered: 08/21/2002)
07/15/2002	<u>50</u>	MINUTE ORDER of 7/15/02 by Hon. Elaine E. Bucklo : Plaintiff's motion for reconsideration of this court's 05/22/02 order granting certification of a question for interlocutory review is withdrawn [43-1]. Mailed notice (ntf) (Entered: 07/16/2002)
08/12/2002	51	TRANSCRIPT of proceedings for the following date(s): 05/18/01,04/10/02,06/06/02 appeal [46-1] Before Honorable Elaine E. Bucklo (ntf) (Entered: 08/13/2002)
08/15/2002	<u>52</u>	MINUTE ORDER of 8/15/02 by Hon. Elaine E. Bucklo: Plaintiff's motion to amend briefing schedule on class certification is granted as follows: Plaintiffs have until 09/30/02 to file their reply brief on their second amended motion for class certification. Ruling set for 09/13/02 is reset for 10/11/02 at 10:00 a.m. Mailed notice (ntf) (Entered: 08/20/2002)
08/23/2002		TRANSMITTED to the 7th Circuit supplement to appeal no. 02-2588 consisting of three volumes of transcripts of proceedings (Doc #'s 51-1 through 51-3) with certified copy of docket entries. Mailed notice to all counsel. (mak) Modified on 08/23/2002 (Entered: 08/23/2002)
12/13/2002	53	MINUTE ORDER of 12/13/02 by Hon. Elaine E. Bucklo : Plaintiffs' motion for class certification (51-1) is granted. The motion for initial notice of the opt-in class so certified is also granted. Plaintiffs' motion for leave to file instant amended reply on their motion for class certification is denied as moot. Defendant's motion for a protective order is granted in part. Defendant shall answer the requests for written discovery attached to defendant's motion . Oral discovery is stayed pending the Seventh Circuit's ruling on the current appeal. Plaintiff's motion to compel is denied as moot. Ruling set for 01/10/03 is therefore vacated. (See reverse of minute order.) No notice (lc) Modified on 12/16/2002 (Entered: 12/16/2002)
08/05/2003		EXECUTIVE committee order of 08/05/03 This case is reassigned to the Hon. Samuel Der-Yeghiayan Mailed notice (nlf) (Entered: 08/07/2003)
09/04/2003		SCHEDULE set on 9/4/03 by Hon. Samuel Der-Yeghiayan : Status hearing set for 09/22/03 at 9:00 a.m. before Judge Samuel Der-Yeghiayan in Courtroom 1719. The parties are directed to submit a joint status report as set out on the reverse of this order. Mailed notice (mw) (Entered: 09/04/2003)
09/19/2003	<u>54</u>	JOINT STATUS REPORT by parties; Notice. (ntf) (Entered: 09/22/2003)

09/22/2003		SCHEDULE set on 9/22/03 by Hon. Samuel Der-Yeghiayan : Status hearing held and continued to 11/17/03 at 9:00 a.m. Plaintiffs' motion for clarification on the previous Judge's order regarding class certification is taken under advisement. Mailed notice (mw) (Entered: 09/22/2003)
11/14/2003		SCHEDULE set on 11/14/03 by Hon. Samuel Der-Yeghiayan : At the parties' request, the status hearing set for 11/17/03 is stricken and reset to 12/17/03 at 9:00 a.m. Mailed notice (mw) (Entered: 11/14/2003)
12/16/2003		SCHEDULE set on 12/16/03 by Hon. Samuel Der-Yeghiayan : Counsel for the plaintiffs advise this Court's Courtroom Deputy that the 7th Circuit has not made any rulings to date. Therefore at the parties' request the status hearing set for 12/17/03 is stricken and reset to 1/21/04 at 9:00 a.m Telephoned notice (mw) (Entered: 12/16/2003)
01/21/2004		SCHEDULE set on 1/21/04 by Hon. Samuel Der-Yeghiayan : Status hearing held and cotnued to 03/29/04 at 9:00 a.m. Mailed notice (mw) (Entered: 01/21/2004)
03/29/2004	<u>55</u>	MINUTE ORDER of 3/29/04 by Hon. Samuel Der-Yeghiayan : Status hearing held. By agreement of the parties, there are no pending motions. Counsel for the parties advised the Court that oral arguments had concluded on 02/28/03 in the 7th Circuit Court of Appeals. The case is closed without prejudice to either party moving for reinstatement once the 7th Circuit Court of Appeals makes a ruling, and the case will be reinstated by this Court terminating case . Mailed notice (ntf) (Entered: 03/29/2004)
04/12/2004	<u>57</u>	MOTION by plaintiff for reconsideration , and modification of the Court's 03/29/04 sua sponte order of dismissal ; Notice (ntf) (Entered: 04/20/2004)
04/16/2004	<u>56</u>	ATTORNEY APPEARANCE for defendant by Torrick Alan Ward (ntf) (Entered: 04/19/2004)
04/20/2004	<u>58</u>	MINUTE ORDER of 4/20/04 by Hon. Samuel Der-Yeghiayan : Status hearing set for 5/13/04 at 9:00 a.m to set deadlines. Plaintiff's motion to reconsider [57-1], and modify the Court's 03/29/04 sua sponte order of dismissal [57-2] is granted. Case reinstated Case reopened . The 7th Circuit Court of Appeals having ruled on the pending appeal, counsel for the plaintiffs is to be prepared at the next status hearing to advise the Court on how and if they plan to pursue further action in the 7th Circuit Court of Appeals relating to their recent ruling. Mailed notice (ntf) (Entered: 04/20/2004)
05/13/2004	<u>59</u>	MINUTE ORDER of 5/13/04 by Hon. Samuel Der-Yeghiayan : Status hearing held and continued to 10/7/04 at 9:00 a.m. The 7th Circuit having issued its mandate, the plaintiffs' ADEA claims are hereby dismissed. The defendant is given leave to re-file its motion to dismiss addressing the firefighters' remaining due process claim on or before 07/19/04. The plaintiffs' response is to be filed by 08/23/04. Defendant's reply in support is to be filed by 09/07/04. Mailed notice (ntf) (Entered: 05/14/2004)
05/13/2004	<u>60</u>	LETTER from the 7th Circuit returning the record on appeal no. 02-2588 consisting of: Three volumes of pleadings, three loose pleadings and six volumes of trancripts. (cem) (Entered: 05/14/2004)
05/13/2004	61	OPINION from the 7th Circuit: Argued 02/28/03; Decided 04/09/04. (02-2588) (cem) (Entered: 05/14/2004)
05/13/2004	<u>62</u>	CERTIFIED COPY of order from the 7th Circuit: These appeals are remanded, in accordance with the decision of this court entered on this date. Each party shall bear their own costs [46-1]. (02-2588) (cem) (Entered: 05/14/2004)
08/12/2004	<u>63</u>	MINUTE ORDER of 8/12/04 by Hon. Samuel Der-Yeghiayan : Status hearing set for 10/07/2004 is reset to 9:00 a.m. 11/30/04. Mailed notice (jmp) (Entered: 08/13/2004)
10/12/2004	64	TRANSCRIPT of proceedings for the following date(s): August 15, 2002 Before Honorable Elaine E. Bucklo. (One Volume). (gl) (Entered: 10/13/2004)

11/30/2004	<u>65</u>	MINUTE ORDER of 11/30/04 by Hon. Samuel Der-Yeghiayan : Status hearing held and continued to 1/26/05 at 9:00 a.m. Mailed notice (ntf) (Entered: 12/01/2004)
01/26/2005	<u>66</u>	MINUTE entry before Judge Samuel Der-Yeghiayan : Status hearing held on 1/26/2005. No claims are left in this case based upon the decision in the Minch case. Case dismissed. (tlp,) (Entered: 01/28/2005)