

**U.S. District Court  
Western District of Pennsylvania (Pittsburgh)  
CIVIL DOCKET FOR CASE #: 2:12-cv-01207-DSC**

FOSTER et al v. THE CITY OF PITTSBURGH  
Assigned to: Judge David S. Cercone  
Referred to: Magistrate Judge Lisa Pupo Lenihan (Settlement)  
Cause: 42:2000e Job Discrimination (Employment)

Date Filed: 08/23/2012  
Jury Demand: Plaintiff  
Nature of Suit: 442 Civil Rights: Jobs  
Jurisdiction: Federal Question

**Plaintiff**

**JAMES M. FOSTER**

represented by **Witold J. Walczak**  
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**Plaintiff**

**MIKE J. SHARP**

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**Edward J. Feinstein**  
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**Ellen M. Doyle**  
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**Pamina G. Ewing**  
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**Sara Rose**  
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ATTORNEY TO BE NOTICED

**Plaintiff**

**TIMOTHY CHRISTIAN**

represented by **Edward J. Feinstein**  
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ATTORNEY TO BE NOTICED

**Plaintiff**

**DARRICK L. PAYTON**

represented by **Edward J. Feinstein**  
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ATTORNEY TO BE NOTICED

**Plaintiff**

**TARIQ JAMAL–FRANCIS**  
*on Behalf of Themselves and All Others*  
*Similarly Situated*

represented by **Edward J. Feinstein**  
(See above for address)  
ATTORNEY TO BE NOTICED

V.

**Defendant**

**THE CITY OF PITTSBURGH**

represented by **Luca M. Giorgi**  
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Date Filed	#	Docket Text
08/23/2012	<u>1</u>	CLASS ACTION COMPLAINT against THE CITY OF PITTSBURGH, BUREAU OF POLICE (Filing fee \$350, receipt number 0315-2481478), filed by JAMES M. FOSTER, MIKE J. SHARP. (Attachments: # <u>1</u> Civil Cover Sheet) (ksa2) (Entered: 08/23/2012)
08/24/2012	<u>2</u>	NOTICE that instant civil action has been designated for placement into the United States District Court's Alternative Dispute Resolution program. Parties are directed to fully complete the required 26(f) report, which includes the stipulation of selecting an ADR process. Counsel for plaintiff (or in the case of a removal action, counsel for removing defendant) shall make service of the notice on all parties. (kak) (Entered: 08/24/2012)
12/10/2012	<u>3</u>	WAIVER OF SERVICE Returned Executed by JAMES M. FOSTER, MIKE J. SHARP. THE CITY OF PITTSBURGH, BUREAU OF POLICE waiver sent on 12/4/2012, answer due 2/4/2013. (Walczak, Witold) (Entered: 12/10/2012)
01/31/2013	<u>4</u>	NOTICE of Appearance by Luca M. Giorgi on behalf of THE CITY OF PITTSBURGH, BUREAU OF POLICE. (Giorgi, Luca) (Entered: 01/31/2013)
01/31/2013	<u>5</u>	Stipulation for Extension of Time to Answer by THE CITY OF PITTSBURGH, BUREAU OF POLICE Answer due from THE CITY OF PITTSBURGH, BUREAU OF POLICE on 3/21/2013. (Giorgi, Luca) (Entered: 01/31/2013)
02/05/2013	<u>6</u>	ORDER scheduling Initial Case Management Conference for 4/3/13 at 1:00 PM in Courtroom 7A before Judge David S. Cercone. Rule 26 conference to be held on or before 3/8/13. Stipulation Selecting ADR Process and Rule 26 Meeting Report due by 3/22/13. Signed by Judge David S. Cercone on 2/5/13. (Attachments: # <u>1</u> Exhibit A -

		Stipulation Selecting ADR Process; and # <u>2</u> Exhibit B – Rule 26 Report Form) (njt) (Entered: 02/05/2013)
02/13/2013	<u>7</u>	NOTICE of Appearance by Edward J. Feinstein on behalf of JAMES M. FOSTER, MIKE J. SHARP. (Feinstein, Edward) (Entered: 02/13/2013)
02/13/2013	<u>8</u>	NOTICE of Appearance by Ellen M. Doyle on behalf of JAMES M. FOSTER, MIKE J. SHARP. (Doyle, Ellen) (Entered: 02/13/2013)
02/13/2013	<u>9</u>	NOTICE of Appearance by Pamina G. Ewing on behalf of JAMES M. FOSTER, MIKE J. SHARP. (Ewing, Pamina) (Entered: 02/13/2013)
03/15/2013	<u>10</u>	MOTION for Leave to File Brief in Excess of Page Limit by THE CITY OF PITTSBURGH, BUREAU OF POLICE. (Attachments: # <u>1</u> Proposed Order) (Giorgi, Luca) (Entered: 03/15/2013)
03/20/2013	<u>11</u>	ORDER granting <u>10</u> Motion for Leave to Exceed Page Limit for Defendant's Brief in Support of Motions to Dismiss/Summary Judgment and also to Strike Class Allegations. Defendant's brief may exceed 25 page limit. Signed by Judge David S. Cercone on 3/20/13. (njt) (Entered: 03/20/2013)
03/21/2013	<u>12</u>	MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM <i>and</i> , MOTION to Strike <i>Class</i> by THE CITY OF PITTSBURGH, BUREAU OF POLICE. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 3, # <u>3</u> Exhibit 5) (Kobee, Wendy) (Entered: 03/21/2013)
03/21/2013	<u>13</u>	BRIEF in Support re <u>12</u> Motion to Dismiss for Failure to State a Claim, Motion to Strike <i>Class</i> filed by THE CITY OF PITTSBURGH, BUREAU OF POLICE. (Kobee, Wendy) (Entered: 03/21/2013)
03/21/2013	<u>14</u>	Proposed Order re <u>12</u> Motion to Dismiss for Failure to State a Claim, Motion to Strike <i>Class</i> by THE CITY OF PITTSBURGH, BUREAU OF POLICE. (Kobee, Wendy) (Entered: 03/21/2013)
03/21/2013	<u>15</u>	MOTION for leave to file Document under Seal by THE CITY OF PITTSBURGH, BUREAU OF POLICE. (Kobee, Wendy) Modified to change Entry to Motion for leave to file Document under seal on 3/22/2013. (jv) (Entered: 03/21/2013)
03/21/2013	<u>16</u>	Proposed Order re <u>15</u> Motion for In Camera Review by THE CITY OF PITTSBURGH, BUREAU OF POLICE. (Kobee, Wendy) (Entered: 03/21/2013)
03/22/2013		CLERK'S OFFICE QUALITY CONTROL MESSAGE re <u>15</u> Motion for Leave to File Documents Under Seal. ERROR: Wrong event selected. CORRECTION: Modified Original entry as <u>15</u> MOTION for leave to file Document under Seal. This message is for informational purposes only. (jv) (Entered: 03/22/2013)
03/22/2013	<u>17</u>	STIPULATION selecting ADR process by THE CITY OF PITTSBURGH, BUREAU OF POLICE. (Giorgi, Luca) (Entered: 03/22/2013)
03/22/2013	<u>18</u>	REPORT of Rule 26(f) Planning Meeting. (Giorgi, Luca) (Entered: 03/22/2013)
03/25/2013	<u>19</u>	ORDER Response/Briefing Schedule re <u>12</u> Motion to Strike Class Allegations and to Dismiss. Plaintiffs' Response and Brief in Opposition due by 4/19/2013 Defendant's Reply Brief due by 5/3/2013. Signed by Judge David S. Cercone on 3/25/13. (njt) (Entered: 03/25/2013)
03/25/2013	<u>20</u>	ORDER granting <u>15</u> MOTION for Leave to File Exhibits Under Seal. After receiving notice of the order of court, you must provide the sealed document to the Clerk of Courts both on paper and on disk, in pdf format. The sealed version of the document WILL NOT be docketed by the Clerk of Court until the party electronically files the redacted version of the documents, unless otherwise ordered by the Court. You are required to serve the sealed document on counsel using traditional service methods. Documents sealed pursuant to this order shall be unsealed on 3/25/2023. Signed by Judge David S. Cercone on 3/25/13. (njt) (Entered: 03/25/2013)
03/26/2013	<u>21</u>	Notice of Mediation by DAVID B. WHITE. Mediation Date April 25, 2013 at 9:30 a.m. (White, David) (Entered: 03/26/2013)
03/27/2013	<u>22</u>	NOTICE of Appearance by Sara Rose on behalf of JAMES M. FOSTER, MIKE J. SHARP. (Rose, Sara) (Entered: 03/27/2013)

04/03/2013	<u>23</u>	Minute Entry for Case Management Conference held before Judge David S. Cercone on 4/3/2013: Witold J. Walczak, Esq. appointed liaison counsel for ADR purposes. The parties have selected Mediation as the ADR Process and have selected David B. White, Esq. as the Neutral. Mediation has been scheduled for 4/25/13 and Mr. White has filed his notice of the Mediation. The parties have provided the Court with a proposed case management schedule which the Court has accepted. Case Management Order to follow. (Court Reporter: None) (jmc) (Entered: 04/03/2013)
04/05/2013	<u>24</u>	CASE MANAGEMENT ORDER: The parties shall move to amend pleadings or add new parties by 12/31/13. Fact discovery ends 1/31/14. Plaintiffs expert reports should be filed by 2/15/14. Depositions of plaintiffs expert(s) should be completed by 3/1/14. Defendants expert reports should be filed by 3/15/14. Depositions of defendants expert(s) should be completed by 4/15/14. Third party experts reports should be filed by 4/15/14. Depositions of third partys expert(s) should be completed by 5/14/14. Expert discovery should be completed by 5/14/14. Plaintiffs Pretrial Statement due by 6/16/14. Defendants Pretrial Statement due by 7/16/14. Pretrial Stipulation due by 7/25/14. Motions for Summary Judgment due by 8/25/14. Signed by Judge David S. Cercone on 4/5/13. (kak) (Entered: 04/05/2013)
04/05/2013	<u>25</u>	ORDER REFERRING CASE to Mediation. David B. White is appointed as the mediator. Mediation shall be conducted by 6/3/13. Witold J. Walczakis designated as lead counsel. DAVID B. WHITE is added. Signed by Judge David S. Cercone on 4/5/13. (kak) (Entered: 04/05/2013)
04/15/2013	<u>26</u>	NOTICE <i>Plaintiffs' Notice of Filing of First Amended Complaint</i> by JAMES M. FOSTER, MIKE J. SHARP, TIMOTHY CHRISTIAN, Tariq Jamal–Francis, DARRICK L. PAYTON (Feinstein, Edward) (Entered: 04/15/2013)
04/15/2013	<u>27</u>	First AMENDED COMPLAINT – <i>CLASS ACTION</i> against THE CITY OF PITTSBURGH, THE CITY OF PITTSBURGH answer due 4/29/2013, filed by TARIQ JAMAL–FRANCIS; JAMES M. FOSTER; TIMOTHY CHRISTIAN; MIKE J. SHARP; DARRICK L. PAYTON. (Feinstein, Edward) Modified on 4/16/2013 to edit docket text. (ksa2) (Entered: 04/15/2013)
04/26/2013	<u>28</u>	REPORT of Mediation: Case has not been resolved. <b>The parties are reminded of their obligation to complete the ADR questionnaire and return same to the Clerk of Court within 5 days of the conclusion of the ADR process. The questionnaire can be accessed at <a href="http://www.pawd.uscourts.gov">www.pawd.uscourts.gov</a>. Click on the ADR icon.</b> Mediation session was held on 4/25/2013. (White, David) (Entered: 04/26/2013)
04/29/2013	<u>29</u>	MOTION for Leave to File Excess Pages <i>For Defendant's Brief in Support of Motion to Dismiss/Summary Judgment and Also to Strike Class Allegations</i> by THE CITY OF PITTSBURGH. (Attachments: # <u>1</u> Proposed Order) (Kobee, Wendy) Modified on 4/30/2013 to correct typo. (ksa2) (Entered: 04/29/2013)
04/29/2013	<u>30</u>	MOTION to Strike <i>Class</i> , MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM <i>Or in the Alternative, for Summary Judgment</i> by THE CITY OF PITTSBURGH. (Attachments: # <u>1</u> Exhibit 9, # <u>2</u> Exhibit 10, # <u>3</u> Exhibit 11, # <u>4</u> Exhibit 12, # <u>5</u> Exhibit 13, # <u>6</u> Exhibit 14, # <u>7</u> Proposed Order) (Kobee, Wendy) Modified on 4/30/2013 ERROR: MULTIPLE RELIEF DOCUMENT FILED AS ONE RELIEF; RE–FILED BY COURT. (ksa2) (Entered: 04/29/2013)
04/29/2013	<u>31</u>	BRIEF in Support re <u>30</u> Motion to Strike, Motion to Dismiss for Failure to State a Claim <i>or, in the Alternative, for Summary Judgment</i> filed by THE CITY OF PITTSBURGH. (Kobee, Wendy) (Entered: 04/29/2013)
04/29/2013	<u>32</u>	MOTION for Leave to File Documents Under Seal by THE CITY OF PITTSBURGH. (Attachments: # <u>1</u> Proposed Order) (Kobee, Wendy) Modified on 4/30/2013 to correct typo. (ksa2) (Entered: 04/29/2013)
04/29/2013		MOTION for Summary Judgment by THE CITY OF PITTSBURGH. (Filed with document <u>30</u> ) (ksa2) (Entered: 04/30/2013)
04/30/2013	<u>33</u>	Errata re <u>30</u> Motion to Strike, Motion to Dismiss for Failure to State a Claim, <i>or in the Alternative, for Summary Judgment</i> by THE CITY OF PITTSBURGH. Reason for Correction: Wrong Document Attached. (Attachments: # <u>1</u> Exhibit 9, # <u>2</u> Exhibit 10, # <u>3</u> Exhibit 11, # <u>4</u> Exhibit 12, # <u>5</u> Exhibit 13, # <u>6</u> Exhibit 14, # <u>7</u> Proposed Order) (Kobee, Wendy) Modified on 5/1/2013 to correct typos. (ksa) (Entered: 04/30/2013)



04/30/2013		CLERK'S OFFICE QUALITY CONTROL MESSAGE re <u>30</u> Motion to Strike, Motion to Dismiss for Failure to State a Claim. ERROR: Incorrect document attached as the main document. The Brief in Support of the Motions to Strike Class, Motion to dismiss for Failure to State a Claim or in the Alternative, for Summary Judgment was attached as the main document instead of the Motion. CORRECTION: Attorney Kobee advised to refile the document, using the Errata event and attach the correct document. This message is for informational purposes only. (ksa2) (Entered: 04/30/2013)
04/30/2013		CLERK'S OFFICE QUALITY CONTROL MESSAGE re <u>30</u> Motion to Strike, Motion to Dismiss for Failure to State a Claim. ERROR: MULTIPLE Relief Motion Filed as One Relief. CORRECTION: Attorney Kobee advised in future that Motions of this nature are to be filed using the Motion Event and clicking on all the reliefs sought in said motion. Clerk of Court added/docketed Motion for Summary Judgment. This message is for informational purposes only. (ksa2) (Entered: 04/30/2013)
04/30/2013		CLERK'S OFFICE QUALITY CONTROL MESSAGE re <u>31</u> Brief in Support of Motion. ERROR: a Motion for Leave to File Excess pages was docketed at document <u>29</u> and before the Motion could be ruled on, the Brief in Support was docketed. CORRECTION: Attorney Kobee is advised for future reference that when you file a Motion for Leave to File Excess Pages, that you have to wait until the Court rules on your motion before you file the document you are seeking leave to file excess pages on. This message is for informational purposes only. (ksa2) (Entered: 04/30/2013)
05/03/2013	<u>34</u>	ORDER granting <u>29</u> Motion for Leave of Court to Exceed Page Limit for Defendant's Brief in Support of Motions to Dismiss/Summary Judgment and also to Strike Class Allegations. Signed by Judge David S. Cercone on 5/2/13. (njt) (Entered: 05/03/2013)
05/06/2013	<u>35</u>	NOTICE of Appearance by Lorraine N. Mackler on behalf of THE CITY OF PITTSBURGH. (Mackler, Lorraine) (Entered: 05/06/2013)
07/29/2013	<u>36</u>	MOTION to Withdraw as Attorney <i>Luca M. Giorgi</i> by THE CITY OF PITTSBURGH. (Attachments: # <u>1</u> Proposed Order) (Giorgi, Luca) (Entered: 07/29/2013)
07/30/2013		CLERK'S OFFICE QUALITY CONTROL MESSAGE re <u>36</u> Motion to Withdraw as Attorney. ERROR: Typed name omitted by s/. CORRECTION: Attorney Giorgi advised of signature requirements. Attorney Giorgi to resubmit with signature, using Errata event. This message is for informational purposes only. (ksa) (Entered: 07/30/2013)
07/31/2013	<u>37</u>	Errata re <u>36</u> Motion to Withdraw as Attorney by THE CITY OF PITTSBURGH. Reason for Correction: Lack of Signature. (Attachments: # <u>1</u> Proposed Order) (Giorgi, Luca) (Entered: 07/31/2013)
08/05/2013	<u>38</u>	MOTION to Certify Class <i>PLAINTIFFS MOTION FOR CLASS CERTIFICATION</i> by TIMOTHY CHRISTIAN, JAMES M. FOSTER, TARIQ JAMAL-FRANCIS, DARRICK L. PAYTON, MIKE J. SHARP. (Feinstein, Edward) (Entered: 08/05/2013)
08/05/2013	<u>39</u>	Unopposed MOTION FOR LEAVE TO POSTPONE FILING OF PLAINTIFFS' BRIEF IN SUPPORT OF MOTION FOR CLASS CERTIFICATION, Unopposed MOTION to Amend/Correct <i>PLAINTIFFS' 38 MOTION FOR CLASS CERTIFICATION</i> by TIMOTHY CHRISTIAN, JAMES M. FOSTER, TARIQ JAMAL-FRANCIS, DARRICK L. PAYTON, MIKE J. SHARP. (Attachments: # <u>1</u> Proposed Order) (Feinstein, Edward) Modified on 8/6/2013 to edit docket text and add document linkage. (ksa) (Entered: 08/05/2013)
08/06/2013		CLERK'S OFFICE QUALITY CONTROL MESSAGE re <u>38</u> Motion to Certify Class. ERROR: Proposed Order was not attached. CORRECTION: Attorney Feinstein is advised to file a proposed order by using the Proposed Order event and linking it to the document in question. This message is for informational purposes only. (ksa) (Entered: 08/06/2013)
08/06/2013		CLERK'S OFFICE QUALITY CONTROL MESSAGE re <u>39</u> Motion for Leave to Postpone Filing of Brief in Support of Plaintiffs' Motion for Class Certification, Motion to Amend/Correct. ERROR: Document incorrectly linked. CORRECTION: Linked to appropriate document. This message is for informational purposes only. (ksa) Modified docket text on 8/14/2013. (tt) (Entered: 08/06/2013)

08/06/2013		TEXT-ORDER granting <u>36</u> Motion to Withdraw as Attorney. Attorney Luca M. Giorgi terminated. Signed by Judge David S. Cercone on 8/6/13. Text-only entry; no PDF document will issue. This text-only entry constitutes the Court's Order or Notice on the matter. (njt) (Entered: 08/06/2013)
08/06/2013	<u>40</u>	Proposed Order re <u>38</u> Motion to Certify Class by TIMOTHY CHRISTIAN, JAMES M. FOSTER, TARIQ JAMAL-FRANCIS, DARRICK L. PAYTON, MIKE J. SHARP. (Feinstein, Edward) (Entered: 08/06/2013)
08/13/2013	<u>41</u>	ORDER granting plaintiffs' <u>39</u> Unopposed Motion for Leave to Postpone Filing of Brief in Support of Plaintiffs' Motion for Class Certification and for leave to Amend Motion. The due date for Plaintiffs' brief in support to be established by subsequent order. Plaintiffs may also amend their motion at that time. Signed by Judge David S. Cercone on 8/12/13. (njt) (Entered: 08/13/2013)
12/31/2013	<u>42</u>	Joint MOTION to Stay re <u>24</u> Case Management Order, by TIMOTHY CHRISTIAN, JAMES M. FOSTER, TARIQ JAMAL-FRANCIS, DARRICK L. PAYTON, MIKE J. SHARP. (Attachments: # <u>1</u> Proposed Order) (Doyle, Ellen) (Entered: 12/31/2013)
01/06/2014	<u>43</u>	ORDER granting <u>42</u> Joint Motion for a Stay of the 4/5/13 Case Management Order. Deadlines set by 4/15/13 Case Management Order stayed. Case Management Conference to be rescheduled upon motion of the parties. Signed by Judge David S. Cercone on 1/3/14. (njt) (Entered: 01/06/2014)
01/15/2014	<u>44</u>	ORDER denying: (1) the Motion to Dismiss (Document No. <u>12</u> ); (2) the Motion to Strike Class (Document No. <u>12</u> ); (3) the Motion to Strike Class (Document No. <u>30</u> ); (4) the Motion to Dismiss or in the Alternative Motion for Summary Judgment (Document No. <u>30</u> ); (5) the Motion for Leave to File Documents Under Seal (Document No. <u>32</u> ); and (6) the Motion to Certify Class (Document No. <u>38</u> ) without prejudice to refile the motions once the parties move for a lift of the stay. Signed by Judge David S. Cercone on 1/15/14. (jmc) (Entered: 01/15/2014)
04/02/2014	<u>45</u>	ORDER REFERRING CASE to Magistrate Judge Lisa Pupo Lenihan for the purpose of mediation only. Signed by Judge David S. Cercone on 4/2/14. (jmc) Modified on 4/3/2014 to edit docket text. (ksa) (Entered: 04/02/2014)
04/10/2014		ORDER that a Status Conference is schedule for 4/15/2014 at 10:00 AM in Courtroom 7B before Chief Magistrate Judge Lisa Pupo Lenihan. Signed by Chief Magistrate Judge Lisa Pupo Lenihan on 04/10/2014. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (jmb) (Entered: 04/10/2014)
04/14/2014	<u>46</u>	MOTION to Continue <i>Initial Mediation Conference</i> by THE CITY OF PITTSBURGH. (Attachments: # <u>1</u> Proposed Order) (Kobee, Wendy) (Entered: 04/14/2014)
04/14/2014	<u>47</u>	MOTION to Withdraw as Attorney by THE CITY OF PITTSBURGH. (Mackler, Lorraine) (Entered: 04/14/2014)
04/14/2014	<u>48</u>	Proposed Order re <u>47</u> Motion to Withdraw as Attorney by THE CITY OF PITTSBURGH. (Mackler, Lorraine) (Entered: 04/14/2014)
04/14/2014		ORDER GRANTING the <u>46</u> Motion to Continue April 15, 2014 Initial Mediation Conference. The Initial Mediation Conference has been rescheduled for Friday, April 25, 2014 at 11:00 AM in Courtroom 7B before Chief Magistrate Judge Lisa Pupo Lenihan. Signed by Chief Magistrate Judge Lisa Pupo Lenihan on 04/14/2014. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (jmb) (Entered: 04/14/2014)
04/15/2014	<u>49</u>	ORDER granting <u>47</u> Motion to Withdraw as Attorney. Attorney Lorraine N. Mackler terminated. Signed by Judge David S. Cercone on 4/15/14. (njt) (Entered: 04/15/2014)
04/25/2014	<u>50</u>	Minute Entry for proceedings held before Chief Magistrate Judge Lisa Pupo Lenihan: A Status Conference was held on 4/25/2014. Extensive discussion regarding parameters of mediation. It was determined that the discussions will proceed along two tracks: 1) System Reform Process and 2) Settlement of Class Claims. Initial Preliminary Mediation scheduled for May 5, 2014 at 9:30 AM in Courtroom 7B before Magistrate Judge Lisa Pupo Lenihan. (Court Reporter: none) (jmb) Modified on

		4/28/2014 to correct typo. (ksa) (Entered: 04/25/2014)
05/06/2014	<u>51</u>	Minute Entry for proceedings held before Chief Magistrate Judge Lisa Pupo Lenihan: A Mediation was held on 5/5/2014. Settlement discussions commenced. A second conference is scheduled for June 3, 2014 at 9:30 AM in Courtroom 7B before Chief Magistrate Judge Lisa Pupo Lenihan. (Court Reporter: none) (jmb) (Entered: 05/06/2014)
06/03/2014	<u>52</u>	Minute Entry for proceedings held before Chief Magistrate Judge Lisa Pupo Lenihan: A Mediation was held on 6/3/2014. Negotiations continued. A to do list was prepared including providing files to Plaintiffs. Defendant agreed to have a Dr. Hough begin to develop a construct- oriented measurement plan for the selection process. Counsel will meet to develop an agreement to govern the ongoing mediation. A mediation conference is scheduled for July 21, 2014 from 9:30 AM to 1:30 PM in Courtroom 7B before Chief Magistrate Judge Lisa Pupo Lenihan. (Court Reporter: none) (jmb) (Entered: 06/03/2014)
06/26/2014	<u>53</u>	NOTICE of Appearance by Michael E. Kennedy on behalf of THE CITY OF PITTSBURGH. (Kennedy, Michael) (Entered: 06/26/2014)
06/27/2014	<u>54</u>	NOTICE of Appearance by Matthew S. McHale on behalf of THE CITY OF PITTSBURGH. (McHale, Matthew) (Entered: 06/27/2014)
07/17/2014		ORDER that, at the request of counsel, the time of the Mediation scheduled for July 21, 2014 has changed. Originally scheduled to start at 9:30 AM, the Mediation will now begin at 11:30 AM. It will still be held in Courtroom 7B and in front of Chief Magistrate Judge Lisa Pupo Lenihan. Signed by Chief Magistrate Judge Lisa Pupo Lenihan on 07/17/2014. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (jmb) (Entered: 07/17/2014)
07/21/2014	<u>55</u>	Minute Entry for proceedings held before Chief Magistrate Judge Lisa Pupo Lenihan: A Mediation was held on 7/21/2014. Settlement discussions continue. A new session is scheduled for September 4, 2014 at 10:00 AM in Courtroom 7B before Chief Magistrate Judge Lisa Lenihan. Plaintiff is to present a demand. (Court Reporter: none) (jmb) (Entered: 07/22/2014)
08/25/2014		ORDER that a Mediation is scheduled for 8/26/2014 at 1:30 PM in Courtroom 7B before Chief Magistrate Judge Lisa Pupo Lenihan. Signed by Chief Magistrate Judge Lisa Pupo Lenihan on 08/25/2014. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (jmb) (Entered: 08/25/2014)
08/26/2014	<u>56</u>	Minute Entry for proceedings held before Chief Magistrate Judge Lisa Pupo Lenihan: A Mediation was held on 8/26/2014. Demand made by Plaintiffs. Defendants are to respond prior to the session on 9/4/14. Extensive time spent reviewing files of officers hired and not hired. (jmb) (Entered: 08/27/2014)
09/04/2014	<u>57</u>	Minute Entry for proceedings held before Chief Magistrate Judge Lisa Pupo Lenihan: A Mediation was held on 9/4/2014. Additional settlement discussions took place. Another settlement conference is scheduled for Wednesday, September 10, 2014 at 10:00 AM in Courtroom 7B before Chief Magistrate Judge Lisa Pupo Lenihan. (Court Reporter: none) (jmb) (Entered: 09/05/2014)
10/02/2014	<u>58</u>	Minute Entry for proceedings held before Magistrate Judge Lisa Pupo Lenihan: A Telephone Conference was held on 10/2/2014. The parties discussed interim relief measures related to hiring. Negotiations regarding a monetary settlement are ongoing. Counsel for the plaintiff will contact the Court no later than October 10, 2014 to report on the status of the ongoing negotiations. (Court Reporter: none) (jmb) (Entered: 10/03/2014)
11/03/2014		ORDER that a telephone conference is scheduled for November 10, 2014 at 2:00 PM to discuss the status of the case. Counsel for the Plaintiffs shall initiate the call and have all participants on the line before contacting the Court. Signed by Magistrate Judge Lisa Pupo Lenihan on 11/03/2014. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (jmb) (Entered: 11/03/2014)



11/06/2014		ORDER that, at the request of plaintiffs counsel, the Conference scheduled for November 10, 2014 will no longer be held on the telephone. Counsel shall appear in person in Courtroom 7B before the undersigned at 2:00 PM for the Status Conference. Signed by Magistrate Judge Lisa Pupo Lenihan on 11/06/2014. Text-only entry; no PDF document will issue. This text-only entry constitutes the Court's Order or notice on the matter. (jmb) Modified on 11/7/2014 to add text-only entry. (ksa) (Entered: 11/06/2014)
11/10/2014	<u>59</u>	Minute Entry for proceedings held before Magistrate Judge Lisa Pupo Lenihan: A Status Conference was held on 11/10/2014. Negotiations continue. City of Pittsburgh to have a response to Plaintiffs settlement demand no later than November 17, 2014. Conference scheduled in Courtroom 7B Nov. 17, 2014 at 1:00 PM in Courtroom 7B. (Court Reporter: none) (jmb) (Entered: 11/12/2014)
11/17/2014	<u>60</u>	Minute Entry for proceedings held before Magistrate Judge Lisa Pupo Lenihan: A Telephone Conference was held on 11/17/2014. Continuing settlement discussions. The parties to meet on November 24, 2014 to discuss the terms of the settlement agreement. A mediation conference is scheduled for December 3, 2014 from 2:00 PM – 5:00 PM in Courtroom 7B. The city is to provide a revised term sheet this week and both sides will attempt to exchange settlement terms prior to November 24, 2014. (Court Reporter: none) (jmb) (Entered: 11/17/2014)
12/03/2014	<u>61</u>	Minute Entry for proceedings held before Magistrate Judge Lisa Pupo Lenihan: A Mediation was held on 12/3/2014. Settlement discussions continue. Four To Do items have been identified for completion by Dec. 31, 2014. Plaintiffs to provide a list of what the parties would be required to do to settle this case as a FRCP 23(b) class action. Plaintiffs to provide a draft settlement agreement for discussion. Defendant to provide a draft copy of the resolution approving the settlement that will be presented to City Council if an agreement is reached. Defendant to provide a copy of the proposed release for discussion. The next mediation session is set for January 6 from 9:30 AM to 12 PM. (Court Reporter: none) (jmb) (Entered: 12/04/2014)
12/18/2014	<u>62</u>	Minute Entry for proceedings held before Magistrate Judge Lisa Pupo Lenihan: A Status Conference was held on 12/18/2014. Parties called to discuss an issue regarding the timing of a physical for one of the plaintiffs. An agreement was reached and an order will be entered. (Court Reporter: none) (jmb) (Entered: 12/18/2014)
12/19/2014	<u>63</u>	ORDER : As part of the mediation process in this case, the City of Pittsburgh is HEREBY ORDERED to delay the preliminary physical fitness testing until January 9, 2015, for any Plaintiffs who are currently scheduled for such testing. Signed by Magistrate Judge Lisa Pupo Lenihan on 12/18/2014. (jmb) (Entered: 12/19/2014)
12/29/2014		IT IS HEREBY ORDERED that the settlement conference scheduled for January 6, 2015 is rescheduled to January 9, 2015 from 1 PM to 5 PM. Signed by Magistrate Judge Lisa Pupo Lenihan on 12/29/14. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (Lenihan, Lisa) (Entered: 12/29/2014)
01/09/2015	<u>64</u>	Minute Entry for proceedings held before Magistrate Judge Lisa Pupo Lenihan: A Mediation was held on 1/9/2015. Progress toward settlement continues. Mediation continued to January 23rd, 2015 at 9:30 AM. (Court Reporter: none) (jmb) (Entered: 01/12/2015)
01/23/2015	<u>65</u>	Minute Entry for proceedings held before Magistrate Judge Lisa Pupo Lenihan: A Mediation was held on 1/23/2015. Mediation was continued to February 2, 2015 at 1:00 PM in Courtroom 7B before Magistrate Judge Lisa Pupo Lenihan. (Court Reporter: none) (jmb) (Entered: 01/26/2015)
02/02/2015	<u>66</u>	Minute Entry for proceedings held before Magistrate Judge Lisa Pupo Lenihan: A Mediation was held on 2/2/2015. Discussions continue. Proposed language on certain items to be provided to Plaintiffs by the City no later than 2/9/2015. Mediation continued to 2/18/2015 at noon in Courtroom 7B before Magistrate Judge Lisa Pupo Lenihan. (Court Reporter: none) (jmb) (Entered: 02/02/2015)
02/09/2015	<u>67</u>	Minute Entry for proceedings held before Magistrate Judge Lisa Pupo Lenihan: A Telephone Conference was held on 2/9/2015. Discussion with Dr. Hough and experts from EB Jacobs regarding how to best involve plaintiffs in discussions about significant changes to the process. Conversations may take place between and among

		experts, and also between experts and city personnel to obtain information, without plaintiffs involvement. Plaintiffs will be involved in any discussion with experts involving significant changes to the process. A meeting involving the city, experts and plaintiffs to lay the foundation for the work is scheduled for later this month. Following this meeting a schedule will be set for updates from the experts to all parties. (Court Reporter: none) (jmb) (Entered: 02/10/2015)
06/29/2015	<u>68</u>	Joint MOTION for Settlement <i>Joint Motion for Certification of this Action as a Class Action, Preliminarily Approving the Class Settlement, Approving the Method for Providing Notice to the Class and Approving the Notice to the Class, and Setting the Date for Hearing to Consider the Fairness of the Class Settlement</i> by TIMOTHY CHRISTIAN, JAMES M. FOSTER, TARIQ JAMAL-FRANCIS, DARRICK L. PAYTON, MIKE J. SHARP. (Feinstein, Edward) (Entered: 06/29/2015)
06/29/2015	<u>69</u>	BRIEF in Support re <u>68</u> Motion for Settlement, <i>Plaintiffs' Memorandum in Support of Granting Motion for Certification of this Action as a Class Action, Preliminarily Approving the Class Settlement, Approving the Method for Providing Notice to the Class and Approving the Notice to the Class, and Setting the Date for Hearing to Consider the Fairness of the Class Settlement</i> filed by TIMOTHY CHRISTIAN, JAMES M. FOSTER, TARIQ JAMAL-FRANCIS, DARRICK L. PAYTON, MIKE J. SHARP. (Attachments: # <u>1</u> Exhibit A – Settlement Agreement, # <u>2</u> Exhibit 1 – Hough Overview, # <u>3</u> Exhibit 2 – Hough Report, # <u>4</u> Exhibit 3 – Proposed Final Order, # <u>5</u> Exhibit 4 – Proposed Preliminary Approval Order, # <u>6</u> Exhibit 5 – Notice of Entry of Judgment, # <u>7</u> Exhibit 6 – Class Notice) (Feinstein, Edward) (Entered: 06/29/2015)
06/29/2015		CLERK'S OFFICE QUALITY CONTROL MESSAGE re <u>68</u> Motion for Settlement. ERROR: Proposed Order was not attached. CORRECTION: Attorney is advised to file a proposed order by using the Proposed Order event and linking it to the document in question. This message is for informational purposes only. (plh) (Entered: 06/30/2015)
06/30/2015	<u>70</u>	Proposed Order re <u>68</u> Motion for Settlement, by TIMOTHY CHRISTIAN, JAMES M. FOSTER, TARIQ JAMAL-FRANCIS, DARRICK L. PAYTON, MIKE J. SHARP. (Feinstein, Edward) (Entered: 06/30/2015)
07/13/2015	<u>71</u>	PRELIMINARY APPROVAL ORDER granting <u>68</u> Motion for Certification of this Action as a Class Action, Preliminarily Approving the Class Settlement, Approving the Method for Providing Notice to the Class and Approving the Notice to the Class, and Setting the Date for Hearing to Consider the Fairness of Class Settlement. The Court preliminarily approves the parties' Settlement Agreement subject to notice to the Class and a Fairness Hearing. The Court approves the Class Notice and method of service. Deadline for mailing and posting Class Notice by 7/23/15. Deadline for filing memorandum in support of final approval and application for attorneys' fees, reimbursement of costs and expenses, and case contribution awards to named plaintiffs by 10/16/15. Deadlines for exclusions from Class or objections, appearance of counsel regarding objections, and notice of intention to appear at Fairness Hearing by 11/2/15. Fairness Hearing set for 11/16/15 at 1:00 PM in Courtroom 7A, before Judge David S. Cercone. Signed by Judge David S. Cercone on 7/13/15. (njt) (Entered: 07/13/2015)
07/14/2015	<u>72</u>	NOTICE of Appearance by Lourdes Sanchez Ridge on behalf of THE CITY OF PITTSBURGH. (Ridge, Lourdes) (Entered: 07/14/2015)