

**United States District Court
District of Massachusetts (Boston)
CIVIL DOCKET FOR CASE #: 1:09-cv-10309-JLT**

Gill et al v. Office of Personnel Management et al
Assigned to: Judge Joseph L. Tauro
related Case: 1:09-cv-11156-JLT
Case in other court: First Circuit, 10-02207
First Circuit, 10-02214
Supreme Court of the United States,
12-00013

Cause: 28:2201 Declaratory Judgment

Plaintiff

Nancy Gill

Date Filed: 03/03/2009
Date Terminated: 08/12/2010
Jury Demand: None
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: U.S. Government Defendant

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V.

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Defendant

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Defendant

United States of America

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Intervenor Defendant

Representative Lamar Smith
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Date Filed	#	Docket Text
03/03/2009	<u>1</u>	COMPLAINT against all defendants Filing fee: \$ 350, receipt number 0101000000002319846, filed by Jo Ann Whitehead, Bette Jo Green, Randell Lewis-Kendell, Herbert Burtis, Keith Toney, Albert Toney III, nancy gill, marcelle letourneau, Martin Koski, James Fitzgerald, Dean Hara, Mary Ritchie, Kathleen Bush, Melba Abreu, Beatrice Hernandez. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Supplement Local Category List)(Buseck, Gary) (Entered: 03/03/2009)
03/03/2009		ELECTRONIC NOTICE of Case Assignment. Judge Joseph L. Tauro assigned to case. If the trial Judge issues an Order of Reference of any matter in this case to a Magistrate Judge, the matter will be transmitted to Magistrate Judge Collings (Duong, Diep) (Entered: 03/03/2009)
03/03/2009	<u>2</u>	Summons Issued as to Office of Personnel Management, United States Postal Service, John E. Potter, Michael J Astrue, Hillary Rodham Clinton, Eric H. Holder, Jr., United States of America, U.S. Attorney and U.S. Attorney General Counsel receiving this notice electronically should download this summons, complete one for each defendant and serve it in accordance with Fed.R.Civ.P. 4 and LR 4.1. Summons will be mailed to plaintiff(s) not receiving notice electronically for completion of service. (Duong, Diep) (Entered: 03/03/2009)
03/03/2009	<u>3</u>	General Order 09-1, dated January 6, 2009 regarding the E-Government Act and Personal Identifiers entered. (Duong, Diep) (Entered: 03/03/2009)
03/06/2009	<u>4</u>	NOTICE of Appearance by William E. Halmkin on behalf of Mary Ritchie, Kathleen Bush, Melba Abreu, Beatrice Hernandez (Halmkin, William) (Entered: 03/06/2009)
03/09/2009	<u>5</u>	NOTICE of Appearance by Nima R. Eshghi on behalf of Jo Ann Whitehead, Bette Jo Green, Randell Lewis-Kendell, Herbert Burtis, Keith Toney, Albert Toney III, Nancy Gill, Marcelle Letourneau, Martin Koski, James Fitzgerald, Dean Hara, Mary Ritchie, Kathleen Bush, Melba Abreu, Beatrice Hernandez (Eshghi, Nima) (Entered: 03/09/2009)
03/09/2009	<u>6</u>	NOTICE of Appearance by Mary L. Bonauto on behalf of Jo Ann Whitehead, Bette Jo Green, Randell Lewis-Kendell, Herbert Burtis, Keith Toney, Albert Toney III, Nancy Gill, Marcelle Letourneau, Martin Koski, James Fitzgerald, Dean Hara, Mary Ritchie, Kathleen Bush, Melba Abreu, Beatrice Hernandez (Bonauto, Mary) (Entered: 03/09/2009)
03/30/2009	<u>7</u>	NOTICE of Appearance by Janson Wu on behalf of Jo Ann Whitehead, Bette Jo Green, Randell Lewis-Kendell, Herbert Burtis, Keith Toney, Albert Toney III, Nancy Gill, Marcelle Letourneau, Martin Koski, James Fitzgerald, Dean Hara, Mary Ritchie, Kathleen Bush, Melba Abreu, Beatrice Hernandez (Wu, Janson) (Entered: 03/30/2009)
03/30/2009	<u>8</u>	NOTICE of Appearance by David J. Nagle on behalf of Mary Ritchie, Kathleen Bush, Melba Abreu, Beatrice Hernandez (Nagle, David) (Entered: 03/30/2009)
03/30/2009	<u>9</u>	NOTICE of Appearance by Richard L. Jones on behalf of Mary Ritchie, Kathleen Bush, Melba Abreu, Beatrice Hernandez (Jones, Richard) (Entered: 03/30/2009)
04/22/2009	<u>10</u>	NOTICE of Appearance by Amy Senier on behalf of Nancy Gill, Marcelle Letourneau (Senier, Amy) (Entered: 04/22/2009)

04/22/2009	<u>11</u>	NOTICE of Appearance by Matthew E. Miller on behalf of Nancy Gill, Marcelle Letourneau (Miller, Matthew) (Entered: 04/22/2009)
04/22/2009	<u>12</u>	NOTICE of Appearance by Vickie L. Henry on behalf of Nancy Gill, Marcelle Letourneau (Henry, Vickie) (Entered: 04/22/2009)
04/22/2009	<u>13</u>	NOTICE of Appearance by Claire Laporte on behalf of Nancy Gill, Marcelle Letourneau (Laporte, Claire) (Entered: 04/22/2009)
05/01/2009	<u>14</u>	NOTICE of Voluntary Dismissal by Dean Hara (Buseck, Gary) (Entered: 05/01/2009)
05/01/2009	<u>15</u>	NOTICE of Appearance by W. Scott Simpson on behalf of Office of Personnel Management, United States Postal Service, John E. Potter, Michael J Astrue, Hillary Rodham Clinton, Eric H. Holder, Jr., United States of America (Simpson, W.) (Entered: 05/01/2009)
06/22/2009	<u>16</u>	STIPULATION AND PROPOSED ORDER REGARDING SCHEDULE by Office of Personnel Management, United States Postal Service, John E. Potter, Michael J Astrue, Hillary Rodham Clinton, Eric H. Holder, Jr., United States of America. (Simpson, W.) (Entered: 06/22/2009)
06/25/2009	<u>17</u>	Judge Joseph L. Tauro: Endorsed Stipulation and ORDER re: <u>16</u> Stipulation filed by John E. Potter, Eric H. Holder, Jr., Michael J Astrue, Hillary Rodham Clinton, United States Postal Service, United States of America, Office of Personnel Management. (Abaid, Kimberly) (Entered: 06/26/2009)
07/31/2009	<u>18</u>	First AMENDED COMPLAINT against all defendants <i>by all named plaintiffs</i> , filed by Marlin Nabors, Jonathan Knight, Mary Bowe-Shulman, Dorene Bowe-Shulman.(Buseck, Gary) (Entered: 07/31/2009)
08/12/2009	<u>19</u>	Assented to MOTION for Leave to Appear Pro Hac Vice for admission of Paul M. Smith Filing fee \$ 50, receipt number 0101000000002544474. by Nancy Gill.(Buseck, Gary) (Entered: 08/12/2009)
08/13/2009		Judge Joseph L. Tauro: Electronic ORDER entered granting <u>19</u> Motion for Leave to Appear Pro Hac Vice; Added Paul M. Smith for Jo Ann Whitehead, Bette Jo Green, Randell Lewis-Kendell, Herbert Burtis, Marlin Nabors, Jonathan Knight, Mary Bowe-Shulman, Dorene Bowe-Shulman, Nancy Gill, Marcelle Letourneau, Martin Koski, James Fitzgerald, Dean Hara, Mary Ritchie, Kathleen Bush, Melba Abreu and Beatrice Hernandez. Attorneys admitted Pro Hac Vice must register for electronic filing. To register go to the Court website at www.mad.uscourts.gov. Select Case Information, then Electronic Filing (CM/ECF) and go to the CM/ECF Registration Form. (Abaid, Kimberly) (Entered: 08/13/2009)
09/18/2009	<u>20</u>	MOTION to Dismiss by Office of Personnel Management, United States Postal Service, John E. Potter, Michael J Astrue, Eric H. Holder, Jr., United States of America.(Simpson, W.) (Entered: 09/18/2009)
09/18/2009	<u>21</u>	MEMORANDUM in Support re <u>20</u> MOTION to Dismiss filed by Office of Personnel Management, United States Postal Service, John E. Potter, Michael J Astrue, Eric H. Holder, Jr., United States of America. (Simpson, W.) (Entered: 09/18/2009)
09/18/2009	<u>22</u>	Consent MOTION for Leave to File Excess Pages by Office of Personnel Management, United States Postal Service, John E. Potter, Michael J Astrue, Eric H. Holder, Jr., United States of America.(Simpson, W.) (Entered: 09/18/2009)
09/22/2009		Judge Joseph L. Tauro: Electronic ORDER entered granting <u>22</u> Motion for Leave to File Excess Pages (Lovett, Zita) (Entered: 09/22/2009)
10/01/2009	<u>23</u>	STIPULATION And Proposed Order Regarding Schedule by Jo Ann Whitehead, Bette Jo Green, Randell Lewis-Kendell, Herbert Burtis, Marlin Nabors, Jonathan Knight, Mary Bowe-Shulman, Dorene Bowe-Shulman, Nancy Gill, Marcelle Letourneau, Martin Koski, James Fitzgerald, Dean Hara, Mary Ritchie, Kathleen Bush, Melba Abreu, Beatrice Hernandez. (Buseck, Gary) (Entered: 10/01/2009)

10/14/2009	<u>24</u>	NOTICE of Voluntary Dismissal by Nancy Gill, Marcelle Letourneau (Buseck, Gary) (Entered: 10/14/2009)
11/17/2009	<u>25</u>	MOTION for Summary Judgment by Jo Ann Whitehead, Bette Jo Green, Randell Lewis-Kendell, Herbert Burtis, Marlin Nabors, Jonathan Knight, Mary Bowe-Shulman, Dorene Bowe-Shulman, Nancy Gill, Marcelle Letourneau, Martin Koski, James Fitzgerald, Dean Hara, Mary Ritchie, Kathleen Bush, Melba Abreu, Beatrice Hernandez.(Buseck, Gary) (Entered: 11/17/2009)
11/17/2009	<u>26</u>	Statement of Material Facts L.R. 56.1 re <u>25</u> MOTION for Summary Judgment filed by Jo Ann Whitehead, Bette Jo Green, Randell Lewis-Kendell, Herbert Burtis, Marlin Nabors, Jonathan Knight, Mary Bowe-Shulman, Dorene Bowe-Shulman, Nancy Gill, Marcelle Letourneau, Martin Koski, James Fitzgerald, Dean Hara, Mary Ritchie, Kathleen Bush, Melba Abreu, Beatrice Hernandez. (Buseck, Gary) (Entered: 11/17/2009)
11/17/2009	<u>27</u>	STATEMENT of facts re <u>25</u> MOTION for Summary Judgment <i>Non-Adjudicative</i> . (Buseck, Gary) (Entered: 11/17/2009)
11/17/2009	<u>28</u>	MEMORANDUM in Support re <u>25</u> MOTION for Summary Judgment, <u>20</u> MOTION to Dismiss <i>Opposition</i> filed by Jo Ann Whitehead, Bette Jo Green, Randell Lewis-Kendell, Herbert Burtis, Marlin Nabors, Jonathan Knight, Mary Bowe-Shulman, Dorene Bowe-Shulman, Nancy Gill, Marcelle Letourneau, Martin Koski, James Fitzgerald, Dean Hara, Mary Ritchie, Kathleen Bush, Melba Abreu, Beatrice Hernandez. (Buseck, Gary) (Entered: 11/17/2009)
11/17/2009	<u>29</u>	AFFIDAVIT in Support re <u>25</u> MOTION for Summary Judgment of <i>Nancy Gill and Marcelle Letourneau</i> filed by Jo Ann Whitehead, Bette Jo Green, Randell Lewis-Kendell, Herbert Burtis, Marlin Nabors, Jonathan Knight, Mary Bowe-Shulman, Dorene Bowe-Shulman, Nancy Gill, Marcelle Letourneau, Martin Koski, James Fitzgerald, Dean Hara, Mary Ritchie, Kathleen Bush, Melba Abreu, Beatrice Hernandez. (Buseck, Gary) (Entered: 11/17/2009)
11/17/2009	<u>30</u>	AFFIDAVIT in Support re <u>25</u> MOTION for Summary Judgment of <i>Martin Koski and James Fitzgerald</i> filed by Jo Ann Whitehead, Bette Jo Green, Randell Lewis-Kendell, Herbert Burtis, Marlin Nabors, Jonathan Knight, Mary Bowe-Shulman, Dorene Bowe-Shulman, Nancy Gill, Marcelle Letourneau, Martin Koski, James Fitzgerald, Dean Hara, Mary Ritchie, Kathleen Bush, Melba Abreu, Beatrice Hernandez. (Buseck, Gary) (Entered: 11/17/2009)
11/17/2009	<u>31</u>	AFFIDAVIT in Support re <u>25</u> MOTION for Summary Judgment of <i>Dean T. Hara</i> filed by Jo Ann Whitehead, Bette Jo Green, Randell Lewis-Kendell, Herbert Burtis, Marlin Nabors, Jonathan Knight, Mary Bowe-Shulman, Dorene Bowe-Shulman, Nancy Gill, Marcelle Letourneau, Martin Koski, James Fitzgerald, Dean Hara, Mary Ritchie, Kathleen Bush, Melba Abreu, Beatrice Hernandez. (Attachments: # <u>1</u> Exhibit A - MSPB Initial Decision, # <u>2</u> Exhibit B - OPM Final Decision)(Buseck, Gary) (Entered: 11/17/2009)
11/17/2009	<u>32</u>	AFFIDAVIT in Support re <u>25</u> MOTION for Summary Judgment of <i>Mary Ritchie and Kathleen Bush</i> filed by Jo Ann Whitehead, Bette Jo Green, Randell Lewis-Kendell, Herbert Burtis, Marlin Nabors, Jonathan Knight, Mary Bowe-Shulman, Dorene Bowe-Shulman, Nancy Gill, Marcelle Letourneau, Martin Koski, James Fitzgerald, Dean Hara, Mary Ritchie, Kathleen Bush, Melba Abreu, Beatrice Hernandez. (Buseck, Gary) (Entered: 11/17/2009)
11/17/2009	<u>33</u>	AFFIDAVIT in Support re <u>25</u> MOTION for Summary Judgment of <i>Melba Abreu and Beatrice Hernandez</i> filed by Jo Ann Whitehead, Bette Jo Green, Randell Lewis-Kendell, Herbert Burtis, Marlin Nabors, Jonathan Knight, Mary Bowe-Shulman, Dorene Bowe-Shulman, Nancy Gill, Marcelle Letourneau, Martin Koski, James Fitzgerald, Dean Hara, Mary Ritchie, Kathleen Bush, Melba Abreu, Beatrice Hernandez. (Buseck, Gary) (Entered: 11/17/2009)
11/17/2009	<u>34</u>	AFFIDAVIT in Support re <u>25</u> MOTION for Summary Judgment of <i>Marlin Nabors and Jonathan Knight</i> filed by Jo Ann Whitehead, Bette Jo Green, Randell Lewis-Kendell, Herbert Burtis, Marlin Nabors, Jonathan Knight, Mary Bowe-Shulman, Dorene Bowe-Shulman, Nancy Gill, Marcelle Letourneau, Martin Koski, James Fitzgerald, Dean Hara, Mary Ritchie, Kathleen Bush, Melba Abreu, Beatrice Hernandez. (Buseck, Gary) (Entered: 11/17/2009)

11/17/2009	<u>35</u>	AFFIDAVIT in Support re <u>25</u> MOTION for Summary Judgment of <i>Mary and Dorene Bowe-Shulman</i> filed by Jo Ann Whitehead, Bette Jo Green, Randell Lewis-Kendell, Herbert Burtis, Marlin Nabors, Jonathan Knight, Mary Bowe-Shulman, Dorene Bowe-Shulman, Nancy Gill, Marcelle Letourneau, Martin Koski, James Fitzgerald, Dean Hara, Mary Ritchie, Kathleen Bush, Melba Abreu, Beatrice Hernandez. (Buseck, Gary) (Entered: 11/17/2009)
11/17/2009	<u>36</u>	AFFIDAVIT in Support re <u>25</u> MOTION for Summary Judgment of <i>Jo Ann Whitehead and Bette Jo Green</i> filed by Jo Ann Whitehead, Bette Jo Green, Randell Lewis-Kendell, Herbert Burtis, Marlin Nabors, Jonathan Knight, Mary Bowe-Shulman, Dorene Bowe-Shulman, Nancy Gill, Marcelle Letourneau, Martin Koski, James Fitzgerald, Dean Hara, Mary Ritchie, Kathleen Bush, Melba Abreu, Beatrice Hernandez. (Buseck, Gary) (Entered: 11/17/2009)
11/17/2009	<u>37</u>	AFFIDAVIT in Support re <u>25</u> MOTION for Summary Judgment of <i>Randell Lewis-Kendell</i> filed by Jo Ann Whitehead, Bette Jo Green, Randell Lewis-Kendell, Herbert Burtis, Marlin Nabors, Jonathan Knight, Mary Bowe-Shulman, Dorene Bowe-Shulman, Nancy Gill, Marcelle Letourneau, Martin Koski, James Fitzgerald, Dean Hara, Mary Ritchie, Kathleen Bush, Melba Abreu, Beatrice Hernandez. (Buseck, Gary) (Entered: 11/17/2009)
11/17/2009	<u>38</u>	AFFIDAVIT in Support re <u>25</u> MOTION for Summary Judgment of <i>Herbert Burtis</i> filed by Jo Ann Whitehead, Bette Jo Green, Randell Lewis-Kendell, Herbert Burtis, Marlin Nabors, Jonathan Knight, Mary Bowe-Shulman, Dorene Bowe-Shulman, Nancy Gill, Marcelle Letourneau, Martin Koski, James Fitzgerald, Dean Hara, Mary Ritchie, Kathleen Bush, Melba Abreu, Beatrice Hernandez. (Buseck, Gary) (Entered: 11/17/2009)
11/17/2009	<u>39</u>	AFFIDAVIT in Support re <u>25</u> MOTION for Summary Judgment, <u>20</u> MOTION to Dismiss of <i>Michael Lamb, Ph.D.</i> filed by Jo Ann Whitehead, Bette Jo Green, Randell Lewis-Kendell, Herbert Burtis, Marlin Nabors, Jonathan Knight, Mary Bowe-Shulman, Dorene Bowe-Shulman, Nancy Gill, Marcelle Letourneau, Martin Koski, James Fitzgerald, Dean Hara, Mary Ritchie, Kathleen Bush, Melba Abreu, Beatrice Hernandez. (Attachments: # <u>1</u> Exhibit A - CV, # <u>2</u> Exhibit B - Organizational Statements)(Buseck, Gary) (Entered: 11/17/2009)
11/17/2009	<u>40</u>	AFFIDAVIT in Support re <u>25</u> MOTION for Summary Judgment, <u>20</u> MOTION to Dismiss of <i>Gary M. Segura, Ph.D.</i> filed by Jo Ann Whitehead, Bette Jo Green, Randell Lewis-Kendell, Herbert Burtis, Marlin Nabors, Jonathan Knight, Mary Bowe-Shulman, Dorene Bowe-Shulman, Nancy Gill, Marcelle Letourneau, Martin Koski, James Fitzgerald, Dean Hara, Mary Ritchie, Kathleen Bush, Melba Abreu, Beatrice Hernandez. (Attachments: # <u>1</u> Exhibit A - CV, # <u>2</u> Exhibit B - Sources)(Buseck, Gary) (Entered: 11/17/2009)
11/17/2009	<u>41</u>	AFFIDAVIT in Support re <u>25</u> MOTION for Summary Judgment, <u>20</u> MOTION to Dismiss of <i>Gregory M. Herek, Ph.D.</i> filed by Jo Ann Whitehead, Bette Jo Green, Randell Lewis-Kendell, Herbert Burtis, Marlin Nabors, Jonathan Knight, Mary Bowe-Shulman, Dorene Bowe-Shulman, Nancy Gill, Marcelle Letourneau, Martin Koski, James Fitzgerald, Dean Hara, Mary Ritchie, Kathleen Bush, Melba Abreu, Beatrice Hernandez. (Attachments: # <u>1</u> Exhibit A - References, # <u>2</u> Exhibit B - CV)(Buseck, Gary) (Entered: 11/17/2009)
11/17/2009	<u>42</u>	AFFIDAVIT in Support re <u>25</u> MOTION for Summary Judgment, <u>20</u> MOTION to Dismiss of <i>George Chauncey, Ph.D.</i> filed by Jo Ann Whitehead, Bette Jo Green, Randell Lewis-Kendell, Herbert Burtis, Marlin Nabors, Jonathan Knight, Mary Bowe-Shulman, Dorene Bowe-Shulman, Nancy Gill, Marcelle Letourneau, Martin Koski, James Fitzgerald, Dean Hara, Mary Ritchie, Kathleen Bush, Melba Abreu, Beatrice Hernandez. (Attachments: # <u>1</u> Exhibit A - CV)(Buseck, Gary) (Entered: 11/17/2009)
11/17/2009	<u>43</u>	AFFIDAVIT in Support re <u>25</u> MOTION for Summary Judgment of <i>Gary D. Buseck</i> filed by Jo Ann Whitehead, Bette Jo Green, Randell Lewis-Kendell, Herbert Burtis, Marlin Nabors, Jonathan Knight, Mary Bowe-Shulman, Dorene Bowe-Shulman, Nancy Gill, Marcelle Letourneau, Martin Koski, James Fitzgerald, Dean Hara, Mary Ritchie, Kathleen Bush, Melba Abreu, Beatrice Hernandez. (Attachments: # <u>1</u> Exhibit A - GAO Report 1997, # <u>2</u> Exhibit B - GAO Report 2004, # <u>3</u> Exhibit C - CBO Report 2004, # <u>4</u> Exhibit D - H. Rep.

		104-664, # <u>5</u> Exhibit E – Email)(Buseck, Gary) (Entered: 11/17/2009)
11/17/2009	<u>44</u>	Consent MOTION for Leave to File Excess Pages by Jo Ann Whitehead, Bette Jo Green, Randell Lewis–Kendell, Herbert Burtis, Marlin Nabors, Jonathan Knight, Mary Bowe–Shulman, Dorene Bowe–Shulman, Nancy Gill, Marcelle Letourneau, Martin Koski, James Fitzgerald, Dean Hara, Mary Ritchie, Kathleen Bush, Melba Abreu, Beatrice Hernandez.(Buseck, Gary) (Entered: 11/17/2009)
11/19/2009	<u>45</u>	AFFIDAVIT in Support re <u>25</u> MOTION for Summary Judgment, <u>20</u> MOTION to Dismiss of <i>Gregory M. Herek, Ph.D. (Corrected)</i> filed by Jo Ann Whitehead, Bette Jo Green, Randell Lewis–Kendell, Herbert Burtis, Marlin Nabors, Jonathan Knight, Mary Bowe–Shulman, Dorene Bowe–Shulman, Nancy Gill, Marcelle Letourneau, Martin Koski, James Fitzgerald, Dean Hara, Mary Ritchie, Kathleen Bush, Melba Abreu, Beatrice Hernandez. (Attachments: # <u>1</u> Exhibit A – References, # <u>2</u> Exhibit B – CV)(Buseck, Gary) (Entered: 11/19/2009)
11/23/2009	<u>46</u>	Judge Joseph L. Tauro: ORDER entered. STIPULATION AND ORDER Re: Schedule(Abaid, Kimberly) (Entered: 11/23/2009)
11/23/2009		Set/Reset Deadlines as to <u>20</u> MOTION to Dismiss. Responses due by 11/17/2009 Replies due by 1/29/2010. (Abaid, Kimberly) (Entered: 11/23/2009)
12/04/2009	<u>47</u>	MOTION to Stay re <u>25</u> MOTION for Summary Judgment by Office of Personnel Management, United States Postal Service, John E. Potter, Michael J Astrue, Eric H. Holder, Jr., United States of America.(Simpson, W.) (Entered: 12/04/2009)
12/04/2009	<u>48</u>	MEMORANDUM in Support re <u>47</u> MOTION to Stay re <u>25</u> MOTION for Summary Judgment filed by Office of Personnel Management, United States Postal Service, John E. Potter, Michael J Astrue, Eric H. Holder, Jr., United States of America. (Simpson, W.) (Entered: 12/04/2009)
12/09/2009	<u>49</u>	Opposition re <u>47</u> MOTION to Stay re <u>25</u> MOTION for Summary Judgment filed by Jo Ann Whitehead, Bette Jo Green, Randell Lewis–Kendell, Herbert Burtis, Marlin Nabors, Jonathan Knight, Mary Bowe–Shulman, Dorene Bowe–Shulman, Nancy Gill, Marcelle Letourneau, Martin Koski, James Fitzgerald, Dean Hara, Mary Ritchie, Kathleen Bush, Melba Abreu, Beatrice Hernandez. (Buseck, Gary) (Entered: 12/09/2009)
12/15/2009	<u>50</u>	Letter/request (non–motion) from W. Scott Simpson <i>Counsel for Defendants, re: forthcoming motion for leave to file reply.</i> (Simpson, W.) (Entered: 12/15/2009)
12/17/2009	<u>51</u>	CERTIFICATE OF SERVICE by Office of Personnel Management, United States Postal Service, John E. Potter, Michael J Astrue, Eric H. Holder, Jr., United States of America re <u>50</u> Letter/request (non–motion). (Simpson, W.) (Entered: 12/17/2009)
12/18/2009	<u>52</u>	Consent MOTION for Leave to File <i>Reply</i> by Office of Personnel Management, United States Postal Service, John E. Potter, Michael J Astrue, Eric H. Holder, Jr., United States of America. (Attachments: # <u>1</u> Proposed Reply)(Simpson, W.) (Entered: 12/18/2009)
12/18/2009		Judge Joseph L. Tauro: Electronic ORDER entered granting <u>52</u> Motion for Leave to File; Counsel using the Electronic Case Filing System should now file the document for which leave to file has been granted in accordance with the CM/ECF Administrative Procedures. Counsel must include – Leave to file granted on (date of order)– in the caption of the document. (Lovett, Zita) (Entered: 12/18/2009)
12/18/2009	<u>53</u>	REPLY to Response to <u>47</u> MOTION to Stay re <u>25</u> MOTION for Summary Judgment filed by Office of Personnel Management, United States Postal Service, John E. Potter, Michael J Astrue, Eric H. Holder, Jr., United States of America. (Simpson, W.) (Entered: 12/18/2009)
12/21/2009		Judge Joseph L. Tauro: Electronic ORDER entered denying <u>47</u> Motion to Stay (Lovett, Zita) (Entered: 12/21/2009)
01/29/2010	<u>54</u>	REPLY to Response to <u>20</u> MOTION to Dismiss filed by Office of Personnel Management, United States Postal Service, John E. Potter, Michael J Astrue, Eric H. Holder, Jr., United States of America. (Simpson, W.) (Entered: 01/29/2010)

01/29/2010	<u>55</u>	Reply in Support of Motion to Dismiss and Opposition re <u>25</u> MOTION for Summary Judgment filed by Office of Personnel Management, United States Postal Service, John E. Potter, Michael J Astrue, Eric H. Holder, Jr., United States of America. (Simpson, W.) Modified docket text on 2/16/2010 (Abaid, Kimberly). (Entered: 01/29/2010)
01/29/2010	<u>56</u>	<i>Response to Plaintiffs' Statement of Undisputed Facts</i> Response by Office of Personnel Management, United States Postal Service, John E. Potter, Michael J Astrue, Eric H. Holder, Jr., United States of America to <u>55</u> Opposition to Motion. (Attachments: # <u>1</u> Expedited Appeal Agreement – Whitehead, # <u>2</u> Expedited Appeal Agreement – Lewis–Kendell, # <u>3</u> Expedited Appeal Agreement – Burtis)(Simpson, W.) (Entered: 01/29/2010)
01/29/2010	<u>57</u>	Consent MOTION for Leave to File Excess Pages by Office of Personnel Management, United States Postal Service, John E. Potter, Michael J Astrue, Eric H. Holder, Jr., United States of America.(Simpson, W.) (Entered: 01/29/2010)
02/16/2010	<u>58</u>	REPLY to Response to <u>25</u> MOTION for Summary Judgment filed by Jo Ann Whitehead, Bette Jo Green, Randell Lewis–Kendell, Herbert Burtis, Marlin Nabors, Jonathan Knight, Mary Bowe–Shulman, Dorene Bowe–Shulman, Nancy Gill, Marcelle Letourneau, Martin Koski, James Fitzgerald, Dean Hara, Mary Ritchie, Kathleen Bush, Melba Abreu, Beatrice Hernandez. (Buseck, Gary) (Entered: 02/16/2010)
02/16/2010	<u>59</u>	Second AFFIDAVIT in Support re <u>25</u> MOTION for Summary Judgment of <i>Gary D. Buseck</i> filed by Jo Ann Whitehead, Bette Jo Green, Randell Lewis–Kendell, Herbert Burtis, Marlin Nabors, Jonathan Knight, Mary Bowe–Shulman, Dorene Bowe–Shulman, Nancy Gill, Marcelle Letourneau, Martin Koski, James Fitzgerald, Dean Hara, Mary Ritchie, Kathleen Bush, Melba Abreu, Beatrice Hernandez. (Attachments: # <u>1</u> Exhibit A – OPM Initial Decision, # <u>2</u> Exhibit B – Hara Letter 5/4/09)(Buseck, Gary) (Entered: 02/16/2010)
03/09/2010		ELECTRONIC NOTICE of Hearing :Motion Hearing set for 5/26/2010 10:30 AM in Courtroom 22 before Judge Joseph L. Tauro. (Lovett, Zita) (Entered: 03/09/2010)
03/16/2010	<u>60</u>	STIPULATION re Notice of Hearing by Office of Personnel Management, United States Postal Service, John E. Potter, Michael J Astrue, Eric H. Holder, Jr., United States of America. (Simpson, W.) (Entered: 03/16/2010)
03/16/2010		Judge Joseph L. Tauro: Electronic ORDER entered granting <u>57</u> Motion for Leave to File Excess Pages ; Counsel using the Electronic Case Filing System should now file the document for which leave to file has been granted in accordance with the CM/ECF Administrative Procedures. Counsel must include – Leave to file granted on (date of order)– in the caption of the document. (Lovett, Zita) (Entered: 03/16/2010)
03/23/2010	<u>61</u>	Judge Joseph L. Tauro: ORDER entered. STIPULATION AND ORDER(Geraldino–Karasek, Clarilde) (Entered: 03/23/2010)
03/23/2010		Set/Reset Deadlines as to <u>20</u> MOTION to Dismiss, <u>25</u> MOTION for Summary Judgment. Motion Hearing set for 5/6/2010 10:30 AM in Courtroom 22 before Judge Joseph L. Tauro. (Geraldino–Karasek, Clarilde) (Entered: 03/23/2010)
03/24/2010		Judge Joseph L. Tauro: ELECTRONIC ORDER entered granting <u>44</u> Motion for Leave to File Excess Pages ; Counsel using the Electronic Case Filing System should now file the document for which leave to file has been granted in accordance with the CM/ECF Administrative Procedures. Counsel must include – Leave to file granted on (date of order)– in the caption of the document. (Lovett, Zita) (Entered: 03/24/2010)
03/24/2010	<u>62</u>	MEMORANDUM in Support re <u>25</u> MOTION for Summary Judgment, <u>20</u> MOTION to Dismiss <i>Opposition – Leave to File Granted On March 24, 2010</i> filed by Melba Abreu, Dorene Bowe–Shulman, Mary Bowe–Shulman, Herbert Burtis, Kathleen Bush, James Fitzgerald, Nancy Gill, Bette Jo Green, Dean Hara, Beatrice Hernandez, Jonathan Knight, Martin Koski, Marcelle Letourneau, Randell Lewis–Kendell, Marlin Nabors, Mary Ritchie, Jo Ann Whitehead. (Buseck, Gary) (Entered: 03/24/2010)

05/06/2010		ELECTRONIC Clerk's Notes for proceedings held before Judge Joseph L. Tauro: reserving ruling on <u>20</u> Motion to Dismiss; reserving ruling on <u>25</u> Motion for Summary Judgment; Motion Hearing held on 5/6/2010 re <u>25</u> MOTION for Summary Judgment filed by Marlin Nabors, Herbert Burtis, Dean Hara, Dorene Bowe-Shulman, James Fitzgerald, Bette Jo Green, Melba Abreu, Jonathan Knight, Marcelle Letourneau, Beatrice Hernandez, Mary Bowe-Shulman, Kathleen Bush, Mary Ritchie, Nancy Gill, Martin Koski, Jo Ann Whitehead, Randell Lewis-Kendell, <u>20</u> MOTION to Dismiss filed by Office of Personnel Management, Eric H. Holder, Jr., United States of America, John E. Potter, Michael J Astrue, United States Postal Service. (Court Reporter: Carol Scott at 617-330-1377.)(Attorneys present: Bonauto,Buseck,Henry,Smith,pltf;s;Simpson,def.) (Lovett, Zita) (Entered: 05/06/2010)
05/18/2010	<u>63</u>	Transcript of Summary Judgment Motion Hearing held on May 6, 2010, before Judge Joseph L. Tauro. The Transcript may be purchased through the Court Reporter, viewed at the public terminal, or viewed through PACER after it is released. Court Reporter Name and Contact Information: Carol Scott at 617-330-1377 Redaction Request due 6/8/2010. Redacted Transcript Deadline set for 6/18/2010. Release of Transcript Restriction set for 8/16/2010. (Scalfani, Deborah) (Main Document 63 replaced on 6/3/2010) (Scalfani, Deborah). (Entered: 05/18/2010)
05/18/2010	<u>64</u>	NOTICE is hereby given that an official transcript of a proceeding has been filed by the court reporter in the above-captioned matter. Counsel are referred to the Court's Transcript Redaction Policy, a copy of which is attached to this entry.. (Scalfani, Deborah) (Entered: 05/18/2010)
05/25/2010	<u>65</u>	AMENDED COMPLAINT <i>with Defendants' Consent</i> against Eric H. Holder, Jr., United States Postal Service, United States of America, John E. Potter, Office of Personnel Management, Michael J Astrue, filed by Melba Abreu, Dorene Bowe-Shulman, Mary Bowe-Shulman, Herbert Burtis, Kathleen Bush, James Fitzgerald, Nancy Gill, Bette Jo Green, Dean Hara, Beatrice Hernandez, Jonathan Knight, Martin Koski, Marcelle Letourneau, Randell Lewis-Kendell, Marlin Nabors, Mary Ritchie, Jo Ann Whitehead.(Buseck, Gary) (Entered: 05/25/2010)
05/25/2010	<u>66</u>	Amended AFFIDAVIT of Melba Abreu and Beatrice Hernandez in Support re <u>25</u> MOTION for Summary Judgment filed by Melba Abreu, Dorene Bowe-Shulman, Mary Bowe-Shulman, Herbert Burtis, Kathleen Bush, James Fitzgerald, Nancy Gill, Bette Jo Green, Dean Hara, Beatrice Hernandez, Jonathan Knight, Martin Koski, Marcelle Letourneau, Randell Lewis-Kendell, Marlin Nabors, Mary Ritchie, Jo Ann Whitehead. (Buseck, Gary) (Entered: 05/25/2010)
06/01/2010	<u>67</u>	NOTICE of Withdrawal of Appearance by Gary D. Buseck of <i>Nima R. Eshghi</i> (Buseck, Gary) (Entered: 06/01/2010)
06/18/2010	<u>68</u>	NOTICE of Appearance by Catherine C. Deneke on behalf of Melba Abreu, Dorene Bowe-Shulman, Mary Bowe-Shulman, Herbert Burtis, Kathleen Bush, James Fitzgerald, Nancy Gill, Bette Jo Green, Dean Hara, Beatrice Hernandez, Jonathan Knight, Martin Koski, Marcelle Letourneau, Randell Lewis-Kendell, Marlin Nabors, Mary Ritchie, Jo Ann Whitehead (Deneke, Catherine) (Entered: 06/18/2010)
07/08/2010	<u>69</u>	Judge Joseph L. Tauro: ORDER entered. For the reasons set forth in the accompanying Memorandum, this court hereby orders that: Defendants Motion to Dismiss [#20] is ALLOWED IN PART and DENIED IN PART. Specifically, Defendants Motion to Dismiss [#20] is DENIED as to all claims, except Plaintiff Dean Haras claim for enrollment in the Federal Employees Health Benefits Plan.Plaintiffs Motion for Summary Judgment [#25] is ALLOWED.IT IS SO ORDERED. (Geraldino-Karasek, Clarilde) (Entered: 07/08/2010)
07/08/2010	<u>70</u>	Judge Joseph L. Tauro: MEMORANDUM AND ORDER entered. (Geraldino-Karasek, Clarilde) (Entered: 07/08/2010)
08/12/2010	<u>71</u>	Judge Joseph L. Tauro: JUDGMENT ORDER entered. (Geraldino-Karasek, Clarilde) (Entered: 08/12/2010)

08/12/2010		Civil Case Terminated. (Geraldino–Karasek, Clarilde) (Entered: 08/12/2010)
08/13/2010	<u>72</u>	Joint MOTION to Alter Judgment <i>and Unopposed Motion for Stay Pending Appeal</i> by Melba Abreu, Dorene Bowe–Shulman, Mary Bowe–Shulman, Herbert Burtis, Kathleen Bush, James Fitzgerald, Nancy Gill, Bette Jo Green, Dean Hara, Beatrice Hernandez, Jonathan Knight, Martin Koski, Marcelle Letourneau, Randell Lewis–Kendell, Marlin Nabors, Mary Ritchie, Jo Ann Whitehead. (Attachments: # <u>1</u> Proposed Amended Judgment, # <u>2</u> Text of Proposed Order for Stay Pending Appeal)(Buseck, Gary) (Entered: 08/13/2010)
08/17/2010	<u>73</u>	Judge Joseph L. Tauro: ORDER entered ALLOWED <u>72</u> Motion to Alter Judgment and Unopposed Motion for Stay Pending Appeal. (Geraldino–Karasek, Clarilde) (Entered: 08/18/2010)
08/17/2010	<u>74</u>	Judge Joseph L. Tauro: AMENDED JUDGMENT entered. (Geraldino–Karasek, Clarilde) (Entered: 08/18/2010)
08/17/2010	<u>75</u>	Judge Joseph L. Tauro: ORDER entered. The Defendants' Motion is GRANTED and the JUDGMENT in this action is STAYED pending the disposition of any Appeal filed by the Defendants. (Geraldino–Karasek, Clarilde) (Entered: 08/18/2010)
10/05/2010	<u>76</u>	MOTION to Intervene by Lamar Smith. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Proposed Notice of Appeal)(Moran, Philip) (Entered: 10/05/2010)
10/05/2010	<u>77</u>	MEMORANDUM in Support re <u>76</u> MOTION to Intervene filed by Lamar Smith. (Moran, Philip) (Entered: 10/05/2010)
10/05/2010	<u>78</u>	NOTICE of Appearance by Philip D. Moran on behalf of Lamar Smith (Moran, Philip) (Entered: 10/05/2010)
10/05/2010	<u>79</u>	MOTION for Leave to Appear Pro Hac Vice for admission of Brian W. Raum, Byron J. Babione, Dale Schowengerdt Filing fee: \$ 150, receipt number 0101–3096041 by Lamar Smith. (Attachments: # <u>1</u> Certificate of Brian W. Raum for Leave to Appear Pro Hac Vice, # <u>2</u> Certificate of Byron J. Babione for Leave to Appear Pro Hac Vice, # <u>3</u> Certificate of Dale Schowengerdt for Leave to Appear Pro Hac Vice, # <u>4</u> Proposed Order)(Moran, Philip) (Entered: 10/05/2010)
10/12/2010	<u>80</u>	NOTICE OF APPEAL as to <u>74</u> Order by Michael J Astrue, Eric H. Holder, Jr., Office of Personnel Management, John E. Potter, United States Postal Service, United States of America Fee Status: US Government. NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at http://www.ca1.uscourts.gov/clerks/transcript.htm MUST be completed and submitted to the Court of Appeals. Counsel shall register for a First Circuit CM/ECF Appellate Filer Account at http://pacer.psc.uscourts.gov/cmecf. Counsel shall also review the First Circuit requirements for electronic filing by visiting the CM/ECF Information section at http://www.ca1.uscourts.gov/efiling.htm. US District Court Clerk to deliver official record to Court of Appeals by 11/1/2010. (Simpson, W.) (Entered: 10/12/2010)
10/13/2010	<u>81</u>	Certified and Transmitted Abbreviated Electronic Record on Appeal to US Court of Appeals re <u>80</u> Notice of Appeal, (Ramos, Jeanette) (Entered: 10/13/2010)
10/13/2010		USCA Case Number 10–2207 for <u>80</u> Notice of Appeal, filed by John E. Potter, Eric H. Holder, Jr., Michael J Astrue, United States Postal Service, United States of America, Office of Personnel Management. (Ramos, Jeanette) (Entered: 10/13/2010)
10/13/2010	<u>82</u>	NOTICE OF CROSS APPEAL as to <u>70</u> Memorandum & ORDER, <u>69</u> Order on Motion to Dismiss, Order on Motion for Summary Judgment,, <u>74</u> Order by Dean Hara. (Reason the filer is exempt from the payment of the fee: Filing Fee paid.) NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at http://www.ca1.uscourts.gov/clerks/transcript.htm MUST be completed and submitted to the Court of Appeals. Counsel shall register for a First Circuit CM/ECF Appellate Filer Account at http://pacer.psc.uscourts.gov/cmecf. Counsel shall also review the First Circuit requirements for electronic filing

		by visiting the CM/ECF Information section at http://www.ca1.uscourts.gov/efiling.htm. US District Court Clerk to deliver official record to Court of Appeals by 11/2/2010. (Buseck, Gary) (Entered: 10/13/2010)
10/14/2010	<u>83</u>	Certified and Transmitted Abbreviated Electronic Record on Appeal to US Court of Appeals re <u>82</u> Notice of Cross Appeal, (Ramos, Jeanette) (Entered: 10/14/2010)
10/14/2010	<u>84</u>	USCA Case Number 10–2214 for <u>82</u> Notice of Cross Appeal, filed by Dean Hara. (Ramos, Jeanette) (Entered: 10/14/2010)
10/18/2010	<u>85</u>	NOTICE OF ATTORNEY PAYMENT OF FEES as to <u>82</u> Notice of Cross Appeal,, by Plaintiff Dean Hara. Filing fee \$ 455, receipt number 0101–3112453. Payment Type : APPEAL. (Buseck, Gary) (Entered: 10/18/2010)
10/18/2010	<u>86</u>	NOTICE of Withdrawal re <u>76</u> MOTION to Intervene by Lamar Smith (Moran, Philip) (Modified on 10/20/2010 to correct docket entry Geraldino–Karasek, Clarilde). (Entered: 10/18/2010)
10/22/2010	<u>87</u>	NOTICE of Withdrawal of Appearance by Gary D. Buseck of <i>Samuel P. Bickett</i> (Buseck, Gary) (Entered: 10/22/2010)
01/19/2011		Judge Joseph L. Tauro: ELECTRONIC ORDER entered FINDING AS MOOT <u>76</u> Motion to Intervene pursuant to <u>86</u> Notice of Withdrawal Motion filed on 10/18/2010. (Geraldino–Karasek, Clarilde) (Entered: 01/19/2011)
01/19/2011		Judge Joseph L. Tauro: ELECTRONIC ORDER entered FINDING AS MOOT <u>79</u> Motion for Leave to Appear Pro Hac Vice. (Geraldino–Karasek, Clarilde) (Entered: 01/19/2011)
05/31/2012	<u>88</u>	USCA Judgment as to <u>82</u> Notice of Cross Appeal, filed by Dean Hara, <u>80</u> Notice of Appeal, filed by John E. Potter, Eric H. Holder, Jr., Michael J Astrue, United States Postal Service, United States of America, Office of Personnel Management. Upon consideration whereof, it is now here ordered, adjudged and decreed as follows: The judgment of the district court is affirmed. The mandate is stayed, maintaining the district court's stay of its injunctive judgment, pending further order of this court. The parties will bear their own costs on these appeals. Judgment issued in the USCA 5/31/2012 (Ramos, Jeanette) (Entered: 05/31/2012)
05/31/2012	<u>89</u>	OPINION of USCA as to <u>82</u> Notice of Cross Appeal, filed by Dean Hara, <u>80</u> Notice of Appeal, filed by John E. Potter, Eric H. Holder, Jr., Michael J Astrue, United States Postal Service, United States of America, Office of Personnel Management. Opinion issued in the USCA 5/31/2012 (Ramos, Jeanette) (Entered: 05/31/2012)
06/13/2012	<u>90</u>	Letter/Non–motion) regarding ruling on case from Kristopher Kadrimas. (Geraldino–Karasek, Clarilde) (Entered: 06/14/2012)
06/18/2012	<u>91</u>	NOTICE of Withdrawal of Appearance by Amy Senier (Senier, Amy) (Entered: 06/18/2012)
07/03/2012	<u>92</u>	Case Appealed to Supreme Court of the United States, Case Number 12–13. (Paine, Matthew) (Entered: 06/28/2013)
06/27/2013	<u>93</u>	Order entered from the U.S. Supreme Court. The Petition for a Writ of Certiorari is Denied. (Paine, Matthew) (Entered: 06/28/2013)
07/01/2013	<u>94</u>	MANDATE of USCA as to <u>82</u> Notice of Cross Appeal filed by Dean Hara, <u>80</u> Notice of Appeal filed by John E. Potter, Eric H. Holder, Jr., Michael J Astrue, United States Postal Service, United States of America, Office of Personnel Management. Appeal <u>82</u> , <u>80</u> Terminated (Paine, Matthew) (Entered: 07/02/2013)