

U.S. District Court
United States District Court for the Western District of Washington (Tacoma)
CIVIL DOCKET FOR CASE #: 3:11-cv-05760-BHS

Teamsters Local Union No. 117 v. Washington State
Department of Corrections
Assigned to: Judge Benjamin H. Settle
Cause: 42:1983 Civil Rights (Employment Discrimination)

Date Filed: 09/21/2011
Date Terminated: 04/08/2013
Jury Demand: None
Nature of Suit: 442 Civil Rights: Jobs
Jurisdiction: Federal Question

Plaintiff

Teamsters Local Union No 117
a Washington corporation

represented by **Daniel A Swedlow**
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V.

Defendant

**Washington Department of
Corrections**

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TERMINATED: 12/28/2012

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V.

Intervenor Defendant

Jane Doe Class

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TERMINATED: 06/20/2012

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 ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
09/21/2011	<u>1</u>	COMPLAINT against defendant(s) Washington State DOC (Receipt # 0981-2564162), filed by Teamsters Local 117. (Attachments: # <u>1</u> Summons, # <u>2</u> Civil Cover Sheet)(Swedlow, Daniel) (Entered: 09/21/2011)
09/22/2011		Judge Benjamin H. Settle added. (DJ) (Entered: 09/22/2011)
09/22/2011		Summons issued via U.S. Postal Service as to defendant(s) Washington State Department of Corrections. (DJ) (Entered: 09/22/2011)
09/23/2011	<u>2</u>	MINUTE ORDER REGARDING DISCOVERY AND DEPOSITIONS by Judge Benjamin H Settle. (TG) (Entered: 09/23/2011)
09/23/2011	<u>3</u>	MINUTE ORDER REGARDING INITIAL DISCLOSURES, JOINT STATUS REPORT AND EARLY SETTLEMENT by Judge Benjamin H Settle: Joint Status Report due by 1/23/2012, FRCP 26f Conference Deadline is 1/3/2012, Initial Disclosure Deadline is 1/17/2012. (TG) (Entered: 09/23/2011)
09/27/2011	<u>4</u>	PRAECIPE TO ISSUE SUMMONS by Plaintiff Teamsters Local Union No 117. (MET) Summons issued at Seattle intake counter. (Entered: 09/28/2011)
10/06/2011	<u>5</u>	NOTICE of Appearance by attorney Kara Anne Larsen on behalf of Defendant Washington State Department of Corrections. (Larsen, Kara) (Entered: 10/06/2011)
10/17/2011	<u>6</u>	ANSWER to <u>1</u> Complaint by Washington State Department of Corrections. (Attachments: # <u>1</u> Certificate of Service)(Larsen, Kara) (Entered: 10/17/2011)
11/18/2011	<u>7</u>	NOTICE of Appearance by attorney Nicholas Broten Straley on behalf of Intervenor Defendant Jane Doe Class. (Straley, Nicholas) (Entered: 11/18/2011)
11/18/2011	<u>8</u>	Agreed MOTION to Intervene by Intervenor Defendant Jane Doe Class, Plaintiff Teamsters Local Union No 117, Defendant Washington State Department of Corrections. (Attachments: # <u>1</u> Proposed Order) Noting Date 11/18/2011, (Straley, Nicholas) (Entered: 11/18/2011)
11/18/2011	<u>9</u>	Agreed MOTION for Protective Order by Intervenor Defendant Jane Doe Class, Plaintiff Teamsters Local Union No 117, Defendant Washington State Department of Corrections. Noting Date 11/18/2011, (Straley, Nicholas) (Entered: 11/18/2011)
11/21/2011		Pursuant to parties' request, FRCP 26f Conference Deadline is 2/8/2012, Initial Disclosure Deadline is 2/22/2012, Joint Status Report due by 2/23/2012. (TG) (Entered: 11/21/2011)
12/02/2011	<u>10</u>	ORDER by Judge Benjamin H Settle granting <u>8</u> Motion to Intervene.(TG) (Entered: 12/02/2011)
12/06/2011	<u>11</u>	ANSWER to <u>1</u> Complaint by Jane Doe Class.(Straley, Nicholas) (Entered: 12/06/2011)
12/07/2011	<u>12</u>	ORDER by Judge Benjamin H Settle granting <u>9</u> Motion for Protective Order.(TG) (Entered: 12/07/2011)
12/07/2011		NOTICE TO ATTORNEYS NOT SIGNED UP ELECTRONICALLY (Kari Hanson and Stewart A Johnston): The docket reflects that you are not signed up to receive electronic notification of documents filed in this case and you must do so in order to receive said notification. (TG) (Entered: 12/07/2011)
02/22/2012	<u>13</u>	CERTIFICATE OF SERVICE by Intervenor Defendant Jane Doe Class <i>re</i> <i>Intervenors' Initial Disclosures</i> . (Straley, Nicholas) (Entered: 02/22/2012)
02/27/2012		Set/Reset Deadlines: Joint Status Report due by 3/2/2012. (TG) (Entered: 02/27/2012)

02/27/2012	<u>14</u>	CERTIFICATE OF SERVICE by Plaintiff Teamsters Local Union No 117. (Swedlow, Daniel) (Entered: 02/27/2012)
03/02/2012	<u>15</u>	JOINT STATUS REPORT signed by all parties estimated Trial Days: 15.. (Attachments: # <u>1</u> Certificate of Service)(Swedlow, Daniel) (Entered: 03/02/2012)
03/07/2012	<u>16</u>	MINUTE ORDER SETTING TRIAL AND PRETRIAL DATES – *FIFTEEN DAY* Jury Trial is set for 2/5/2013 at 9:00 AM in Courtroom E before Judge Benjamin H. Settle. Joinder of Parties due by 4/6/2012, Amended Pleadings due by 4/17/2012, Expert Witness Disclosure/Reports under FRCP 26(a)(2) due by 7/30/2012, Rebuttal Expert Disclosure/Reports due by 8/29/2012, Motions due by 9/10/2012, Discovery completed by 10/9/2012, Dispositive motions due by 11/7/2012, Settlement conference to be held by 12/7/2012, 39.1 mediation to be completed by 12/27/2012, Motions in Limine due by 12/31/2012, 39.1 Settlement Report due by 1/7/2013, Pretrial Order due by 1/14/2013, trial briefs/proposed voir dire/jury instructions due by 1/15/2013, Pretrial Conference set for 1/22/2013 at 10:00 AM in Courtroom E before Judge Benjamin H. Settle. (MGC) (Entered: 03/07/2012)
03/08/2012	<u>17</u>	AMENDED MINUTE ORDER SETTING TRIAL AND PRETRIAL DATES – *FIFTEEN DAY* Bench Trial is set for 2/5/2013 at 9:00 AM in Courtroom E before Judge Benjamin H. Settle. Joinder of Parties due by 4/9/2012, Amended Pleadings due by 4/18/2012, Expert Witness Disclosure/Reports under FRCP 26(a)(2) due by 7/30/2012, Rebuttal Expert Disclosure/Reports due by 8/29/2012, Motions due by 9/10/2012, Discovery completed by 10/9/2012, Dispositive motions due by 11/7/2012, Settlement conference to be held by 12/7/2012, 39.1 mediation to be completed by 12/27/2012, Motions in Limine due by 12/31/2012, 39.1 Settlement Report due by 1/7/2013, Pretrial Order due by 1/14/2013, Trial briefs to be submitted by 1/15/2013, Pretrial Conference set for 1/22/2013 at 10:00 AM in Courtroom E before Judge Benjamin H. Settle. (MGC) (Entered: 03/08/2012)
06/20/2012	<u>18</u>	NOTICE OF WITHDRAWAL OF COUNSEL: Attorney Gavin Keith Thornton for Intervenor Defendant Jane Doe Class. (Thornton, Gavin) (Entered: 06/20/2012)
07/11/2012	<u>19</u>	PROPOSED ORDER (Unsigned) <i>AGREED MOTION AND ORDER AMENDING PRETRIAL DATES</i> . (Lee, Melissa) (Entered: 07/11/2012)
07/20/2012		MINUTE ORDER: The parties have agreed to a three–month extension of the trial date and accompanying pretrial dates in this case. Accordingly, the trial date is RESET to 5/28/2013 at 09:00 AM before Judge Benjamin H Settle. The clerk will issue an amended scheduling order to reflect the new trial date and accompanying pretrial deadlines. (TG) (Entered: 07/20/2012)
07/20/2012	<u>20</u>	MINUTE ORDER SETTING TRIAL AND PRETRIAL DATES – *FIFTEEN DAY* Bench Trial is set for 5/28/2013 at 9:00 AM in Courtroom E before Judge Benjamin H. Settle. Joinder of Parties due by 8/20/2012, Amended Pleadings due by 8/30/2012, Expert Witness Disclosure/Reports under FRCP 26(a)(2) due by 11/19/2012, Rebuttal Expert Disclosure/Reports due by 12/19/2012, Motions due by 12/31/2012, Discovery completed by 1/28/2013, Dispositive motions due by 2/27/2013, Settlement conference to be held by 3/29/2013, 39.1 mediation to be completed by 4/18/2013, Motions in Limine due by 4/22/2013, 39.1 Settlement Report due by 4/29/2013, Pretrial Order due by 5/6/2013, Trial briefs to be submitted by 5/7/2013, Pretrial Conference set for 5/13/2013 at 2:30 PM in Courtroom E before Judge Benjamin H. Settle. (MGC) (Entered: 07/20/2012)
12/27/2012	<u>21</u>	Agreed MOTION for Extension of Time to Complete Discovery by Intervenor Defendant Jane Doe Class, Plaintiff Teamsters Local Union No 117, Defendant Washington Department of Corrections. (Attachments: # <u>1</u> Proposed Order) Noting Date 12/27/2012, (Straley, Nicholas) (Entered: 12/27/2012)
12/28/2012	<u>22</u>	NOTICE OF WITHDRAWAL OF COUNSEL: Attorney Kari Hanson for Defendant Washington Department of Corrections. (Hanson, Kari) (Entered: 12/28/2012)
01/02/2013	<u>23</u>	STIPULATION AND ORDER by Judge Benjamin H Settle re <u>21</u> Agreed MOTION for Extension of Time to Complete Discovery filed by Jane Doe Class, Teamsters Local Union No 117, Washington Department of Corrections.

		Discovery completed by 1/28/2013 and 3/22/2013, Expert Witness Disclosure/Reports under FRCP 26(a)(2) due by 1/14/2013, Rebuttal Expert Disclosure/Reports due by 2/13/2013. (TG) (Entered: 01/02/2013)
02/22/2013	<u>24</u>	MOTION for Leave to File Excess Pages by Intervenor Defendant Jane Doe Class. (Attachments: # <u>1</u> Appendix, # <u>2</u> Proposed Order) Noting Date 2/22/2013, (Lee, Melissa) (Entered: 02/22/2013)
02/27/2013	<u>25</u>	MOTION for Summary Judgment by Intervenor Defendant Jane Doe Class. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Exhibit, # <u>5</u> Exhibit, # <u>6</u> Exhibit, # <u>7</u> Exhibit, # <u>8</u> Exhibit, # <u>9</u> Exhibit, # <u>10</u> Exhibit, # <u>11</u> Proposed Order) Noting Date 3/22/2013, (Lee, Melissa) (Entered: 02/27/2013)
02/27/2013	<u>26</u>	MOTION for Summary Judgment by Defendant Washington Department of Corrections. Noting Date 3/22/2013, (Larsen, Kara) (Entered: 02/27/2013)
02/27/2013	<u>27</u>	DECLARATION of Kara A. Larsen filed by Defendant Washington Department of Corrections re <u>26</u> MOTION for Summary Judgment (Attachments: # <u>1</u> Exhibit A-B, # <u>2</u> Exhibit C-D pages 1-15, # <u>3</u> Exhibit D pages 16-55, # <u>4</u> Exhibit D pages 56-97, # <u>5</u> Exhibit D pages 98-140, # <u>6</u> Exhibit D pages 141-182, # <u>7</u> Exhibit D pages 183-227, # <u>8</u> Exhibit D pages 228-273, # <u>9</u> Exhibit D pages 274-315, # <u>10</u> Exhibit D pages 316-364, # <u>11</u> Exhibit D pages 365-422, # <u>12</u> Exhibit D pages 423-471, # <u>13</u> Exhibit D pages 472-515, # <u>14</u> Exhibit D pages 516-561, # <u>15</u> Exhibit D pages 562-613, # <u>16</u> Exhibit D pages 614-668, # <u>17</u> Exhibit D pages 669-710, # <u>18</u> Exhibit D pages 711-753, # <u>19</u> Exhibit D pages 754-793, # <u>20</u> Exhibit E, # <u>21</u> Exhibit F pages 1-15, # <u>22</u> Exhibit F pages 16-25, # <u>23</u> Exhibit F pages 26-38, # <u>24</u> Exhibit F pages 39-50, # <u>25</u> Exhibit F pages 51-68, # <u>26</u> Exhibit F pages 69-80, # <u>27</u> Exhibit F pages 81-86, # <u>28</u> Exhibit G-I)(Larsen, Kara) (Entered: 02/27/2013)
02/27/2013	<u>28</u>	DECLARATION of Emily J. Salisbury Ph.D. filed by Defendant Washington Department of Corrections re <u>26</u> MOTION for Summary Judgment (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Larsen, Kara) (Entered: 02/27/2013)
02/27/2013	<u>29</u>	DECLARATION of Nicholas B. Straley filed by Intervenor Defendant Jane Doe Class re <u>25</u> MOTION for Summary Judgment (Lee, Melissa) (Entered: 02/27/2013)
03/05/2013	<u>30</u>	ORDER granting <u>24</u> Motion for Leave to File Excess Pages by Judge Benjamin H Settle.(TG) (Entered: 03/05/2013)
03/14/2013	<u>31</u>	NOTICE of Appearance by attorney Ohad M Lowy on behalf of Defendant Washington Department of Corrections. (Lowy, Ohad) (Entered: 03/14/2013)
03/18/2013	<u>32</u>	RESPONSE, by Plaintiff Teamsters Local Union No 117, to <u>26</u> MOTION for Summary Judgment, <u>25</u> MOTION for Summary Judgment. Oral Argument Requested. (Attachments: # <u>1</u> Certificate of Service)(Swedlow, Daniel) (Entered: 03/18/2013)
03/18/2013	<u>33</u>	DECLARATION of Spencer Nathan Thal in Support of Plaintiff's Opposition to the Motions for Summary Judgment filed by Plaintiff Teamsters Local Union No 117 re <u>26</u> MOTION for Summary Judgment, <u>25</u> MOTION for Summary Judgment (Attachments: # <u>1</u> Exhibit 1 - Payne Dep., # <u>2</u> Exhibit 2 - Vail Dep., # <u>3</u> Exhibit 3 - Cole Dep., # <u>4</u> Exhibit 4 - Gladwin Report, # <u>5</u> Exhibit 5 - Dr. Ewing Report, # <u>6</u> Exhibit 6 - McNabb Report, # <u>7</u> Exhibit 7 - Kelchner Report, # <u>8</u> Proposed Order)(Swedlow, Daniel) (Entered: 03/18/2013)
03/22/2013	<u>34</u>	NOTICE of Appearance by attorney Spencer Nathan Thal on behalf of Plaintiff Teamsters Local Union No 117. (Thal, Spencer) (Entered: 03/22/2013)
03/22/2013	<u>35</u>	REPLY, filed by Defendant Washington Department of Corrections, TO RESPONSE to <u>26</u> MOTION for Summary Judgment (Larsen, Kara) (Entered: 03/22/2013)
03/22/2013	<u>36</u>	REPLY, filed by Intervenor Defendant Jane Doe Class, TO RESPONSE to <u>25</u> MOTION for Summary Judgment (Attachments: # <u>1</u> Certificate of Service, # <u>2</u> Exhibit)(Lee, Melissa) (Entered: 03/22/2013)

03/25/2013	<u>37</u>	PRAECIPE re <u>36</u> Reply to Response to Motion by Intervenor Defendant Jane Doe Class. (Attachments: # <u>1</u> Errata, # <u>2</u> Errata)(Lee, Melissa) (Entered: 03/25/2013)
03/25/2013	<u>38</u>	CERTIFICATE OF SERVICE by Intervenor Defendant Jane Doe Class re <u>37</u> Praecipe-Other . (Lee, Melissa) (Entered: 03/25/2013)
04/08/2013	<u>39</u>	ORDER by Judge Benjamin H Settle finding as moot <u>25</u> Motion for Summary Judgment; granting <u>26</u> Motion for Summary Judgment.(TG) (Entered: 04/08/2013)
04/08/2013	<u>40</u>	JUDGMENT BY COURT. (MGC) (Entered: 04/08/2013)
04/19/2013	<u>41</u>	NOTICE OF APPEAL (13-35331) to Ninth Circuit re <u>40</u> Judgment by Court, <u>39</u> Order on Motion for Summary Judgment, by Plaintiff Teamsters Local Union No 117. Filing Fee \$455, Receipt number 0981-3181173. (Thal, Spencer) Modified on 4/19/2013; added CCA case number (LMK). (Entered: 04/19/2013)
04/19/2013	<u>42</u>	REPRESENTATION STATEMENT, by Plaintiff Teamsters Local Union No 117, (re: <u>41</u> Notice of Appeal.) (Thal, Spencer) (Entered: 04/19/2013)
04/19/2013	<u>43</u>	TIME SCHEDULE ORDER (13-35331) as to <u>41</u> Notice of Appeal, filed by Teamsters Local Union No 117 : The schedule is set as follows: Mediation Questionnaire due on 04/26/2013. Appellant Teamsters Local Union No 117 opening brief due 07/29/2013. Appellees Jane Doe Class and Washington Department of Corrections answering brief due 08/27/2013. Appellant's optional reply brief is due 14 days after service of the answering brief. (LMK) (Entered: 04/19/2013)
06/12/2015	<u>44</u>	OPINION of USCA (NOT THE MANDATE 13-35331) as to <u>41</u> Notice of Appeal, filed by Teamsters Local Union No 117. AFFIRMED. (RE) (Entered: 06/12/2015)
06/23/2015	<u>45</u>	ORDER of USCA (13-35331) as to <u>41</u> Notice of Appeal, filed by Teamsters Local Union No 117. Teamsters Local Union No. 117's motion for an extension of time to file its petition for rehearing en banc is GRANTED. The petition shall be filed on or before July 6, 2015. (RE) (Entered: 06/24/2015)