

MEDIATION-MPT

**U.S. District Court
District of Delaware (Wilmington)
CIVIL DOCKET FOR CASE #: 1:09-cv-00276-MPT**

Pascavage v. Office of Personnel Management
Assigned to: Judge Mary Pat Thyng
Cause: 28:1331 Fed. Question

Date Filed: 04/22/2009
Jury Demand: None
Nature of Suit: 890 Other Statutory Actions
Jurisdiction: U.S. Government Defendant

Plaintiff

Claire V. Pascavage
on behalf of herself and all others similarly situated

represented by **John S. Spadaro**
John Sheehan Spadaro, LLC
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

Office of Personnel Management

represented by **Patricia C. Hannigan**
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1007 Orange Street, Suite 700
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Date Filed	#	Docket Text
04/22/2009	<u>1</u>	COMPLAINT filed against Office of Personnel Management - Magistrate Consent Notice to Pltf. (Filing fee \$ 350, receipt number 157185.) - filed by Claire V. Pascavage. (Attachments: # <u>1</u> Acknowledgement of Consent Form, # <u>2</u> Civil Cover Sheet)(ksr) (Entered: 04/23/2009)
04/22/2009	<u>2</u>	Notice, Consent and Referral forms re: U.S. Magistrate Judge jurisdiction (ksr) (Entered: 04/23/2009)
04/22/2009		Summons Issued as to Office of Personnel Management on 4/22/2009. (ksr) (Entered: 04/23/2009)
04/29/2009		Case assigned to Judge Joseph J. Farnan, Jr. Please include the initials of the Judge (JJF) after the case number on all documents filed. (bkb) (Entered: 04/30/2009)
05/12/2009	<u>3</u>	Return of Service Executed by Claire V. Pascavage. Office of Personnel Management served on 4/28/2009, answer due 5/18/2009. (Spadaro, John) (Entered: 05/12/2009)
07/02/2009	<u>4</u>	ANSWER to <u>1</u> Complaint, by Office of Personnel Management.(Hannigan, Patricia) (Entered: 07/02/2009)
08/14/2009	<u>5</u>	ORDER directing the parties to submit to the Court a Joint Proposed Rule 16 Scheduling Order by 8/31/2009 Set Deadlines: (Notice of Compliance deadline set for 8/31/2009)(see Order for further details). Signed by Judge Joseph J. Farnan, Jr. on 8/14/2009. (Attachments: # <u>1</u> Form Of Order)(nms) (Entered: 08/14/2009)
08/26/2009	<u>6</u>	Letter to HONORABLE JOSEPH J. FARNAN, JR. from Patricia C. Hannigan regarding Proposed Scheduling Order. (Attachments: # <u>1</u> Text of Proposed Order)(Hannigan, Patricia) (Entered: 08/26/2009)
08/27/2009	<u>7</u>	NOTICE OF SERVICE of DEFENDANTS STATEMENT OF INITIAL DISCLOSURES PURSUANT TO FED. R. CIV. P. 26(a)(1) by Office of Personnel Management.(Hannigan, Patricia) (Entered: 08/27/2009)

08/31/2009	<u>8</u>	NOTICE of Service of Plaintiff Claire V. Pascavage's Initial Disclosures by Claire V. Pascavage (Spadaro, John) (Entered: 08/31/2009)
09/08/2009	<u>9</u>	SCHEDULING ORDER: Case referred to the Magistrate Judge Thyng for the purpose of exploring ADR. Joinder of Parties due by 11/30/2009. Amended Pleadings due by 12/31/2009. Interrogatories, identification of fact witnesses and document production due by 4/1/2010. Dispositive Motions due by 4/15/2010 (see Order for further details). Signed by Judge Joseph J. Farnan, Jr. on 9/8/2009. (nms) (Entered: 09/08/2009)
09/08/2009		CASE REFERRED to Judge Thyng for Mediation. Counsel shall contact the Judge should they desire mediation. (cak) (Entered: 03/10/2010)
09/28/2009	<u>10</u>	NOTICE OF SERVICE of Plaintiff Claire V. Pascavage's First Set of Requests for Production of Documents by Claire V. Pascavage.(Spadaro, John) (Entered: 09/28/2009)
10/29/2009	<u>11</u>	NOTICE OF SERVICE of United States Response to Plaintiff Claire V. Pascavage's First Set of Request for Production of Documents by Office of Personnel Management.(Hannigan, Patricia) (Entered: 10/29/2009)
03/29/2010	<u>12</u>	NOTICE OF SERVICE of Defendant's Supplemental Statement of Initial Disclosures by Office of Personnel Management.(Hannigan, Patricia) (Entered: 03/29/2010)
04/15/2010	<u>13</u>	MOTION for Partial Summary Judgment ON THE PROPER CONSTRUCTION OF 5 U.S.C. §8705 - filed by Claire V. Pascavage. (Spadaro, John) Modified on 4/19/2010 (nms). (Entered: 04/15/2010)
04/15/2010	<u>14</u>	OPENING BRIEF in Support re <u>13</u> MOTION for Partial Summary Judgment ON THE PROPER CONSTRUCTION OF 5 U.S.C. §8705, filed by Claire V. Pascavage. Answering Brief/Response due date per Local Rules is 5/3/2010. (Spadaro, John) Modified on 4/19/2010 (nms). (Entered: 04/15/2010)
04/15/2010	<u>15</u>	APPENDIX IN SUPPORT OF <u>13</u> MOTION FOR PARTIAL SUMMARY JUDGMENT ON THE PROPER CONSTRUCTION OF 5 U.S.C. §8705, by Claire V. Pascavage. (Spadaro, John) Modified on 4/19/2010 (nms). (Entered: 04/15/2010)
04/15/2010	<u>16</u>	MOTION for Summary Judgment - filed by Office of Personnel Management. (Hannigan, Patricia) (Entered: 04/15/2010)
04/15/2010	<u>17</u>	OPENING BRIEF in Support re <u>16</u> MOTION for Summary Judgment filed by Office of Personnel Management. Answering Brief/Response due date per Local Rules is 5/3/2010. (Hannigan, Patricia) (Entered: 04/15/2010)
04/15/2010	<u>18</u>	APPENDIX re <u>17</u> Opening Brief in Support by Office of Personnel Management. (Hannigan, Patricia) (Entered: 04/15/2010)
05/03/2010	<u>19</u>	ANSWERING BRIEF in Opposition re <u>16</u> CROSS-MOTION for Summary Judgment, filed by Claire V. Pascavage. Reply Brief due date per Local Rules is 5/13/2010. (Spadaro, John) Modified on 5/4/2010 (nms). (Entered: 05/03/2010)
05/03/2010	<u>20</u>	ANSWERING BRIEF in Opposition re <u>13</u> MOTION for Partial Summary Judgment, filed by Office of Personnel Management. Reply Brief due date per Local Rules is 5/13/2010. (Hannigan, Patricia) Modified on 5/4/2010 (nms). (Entered: 05/03/2010)
05/12/2010	<u>21</u>	ANSWER BRIEF/Reply in Opposition to <u>13</u> Motion for Partial Summary Judgment. (Hannigan, Patricia) Modified on 5/13/2010 (nms). Modified on 5/14/2010 (nms). (Entered: 05/12/2010)
05/13/2010	<u>22</u>	REPLY Brief in Support of <u>13</u> Motion for Partial Summary Judgment on the Proper Construction Of 5 U.S.C. §8705, filed by Claire V. Pascavage. (Spadaro, John) Modified on 5/14/2010 (nms). (Entered: 05/13/2010)
08/18/2010		Case reassigned to Judge Leonard P. Stark. Please include the initials of the Judge (LPS) after the case number on all documents filed. (ntl) (Entered: 08/18/2010)
11/03/2010	<u>23</u>	ORAL ORDER: IT IS ORDERED that counsel are to provide the Court with a joint status report on or before November 10, 2010. ORDERED by Judge Leonard P. Stark on 11/3/10.(ntl) (Entered: 11/03/2010)
11/05/2010	<u>24</u>	Joint STATUS REPORT by Claire V. Pascavage. (Spadaro, John) (Entered: 11/05/2010)
12/06/2010	<u>25</u>	ORAL ORDER - Setting Oral Argument for 1/27/2011 02:00 PM. Each side will be given 30 minutes to make their argument. ORDERED by Judge Leonard P. Stark on 12/6/10. (ntl) (Entered: 12/06/2010)
01/28/2011	<u>26</u>	ORAL ORDER: IT IS ORDERED that Oral Argument is set for 2/11/2011 10:00 AM in Courtroom 6B before Judge Leonard P. Stark. ORDERED by Judge Leonard P. Stark on 1/28/11. (ntl) (Entered: 01/28/2011)
02/11/2011		Minute Entry for proceedings held before Judge Leonard P. Stark - Oral Argument held on 2/11/2011 re <u>13</u> MOTION for Partial Summary Judgment, <u>16</u> MOTION for Summary Judgment (Court Reporter B. Gaffigan.) (ntl) (Entered: 02/11/2011)

03/29/2011	<u>27</u>	Official Transcript of Oral Argument held on 2/11/11 before Judge Stark. Court Reporter/Transcriber Brian Gaffigan, Telephone number 302-573-6360. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER Redaction Request due 4/19/2011. Redacted Transcript Deadline set for 4/29/2011. Release of Transcript Restriction set for 6/27/2011. (ntl) (Entered: 03/29/2011)
03/29/2011	<u>28</u>	OPINION re D.I. <u>13</u> and <u>16</u> . Signed by Judge Leonard P. Stark on 3/29/11. (ntl) (Entered: 03/29/2011)
03/29/2011	<u>29</u>	ORDER re <u>28</u> Opinion -- Granting <u>13</u> PLAINTIFF CLAIRE V. PASCADAVE'S MOTION FOR PARTIAL SUMMARY JUDGMENT ON THE PROPER CONSTRUCTION OF 5 U.S.C. §8705; Denying <u>16</u> MOTION for Summary Judgment filed by Office of Personnel Management. Signed by Judge Leonard P. Stark on 3/29/11. (ntl) (Entered: 03/29/2011)
04/27/2011	<u>30</u>	ORAL ORDER: IT IS ORDERED that the parties shall confer regarding proposed dates in the scheduling order and shall submit their proposal to the Court no later than May 9, 2011. The parties are to review the Courts form scheduling order, which is posted at http://www.ded.uscourts.gov (see Chambers, Judge Stark, Forms). ORDERED by Judge Leonard P. Stark on 4/27/11. (ntl) (Entered: 04/27/2011)
05/09/2011	<u>31</u>	Joint PROPOSED ORDER Joint Proposed Scheduling Order re 30 Order, <i>JOINT PROPOSED SCHEDULING ORDER</i> by Claire V. Pascavage. (Spadaro, John) (Entered: 05/09/2011)
05/10/2011	<u>32</u>	Joint PROPOSED ORDER Corrected re <u>31</u> Proposed Order (<i>CORRECTED</i>) <i>JOINT PROPOSED SCHEDULING ORDER</i> by Claire V. Pascavage. (Spadaro, John) (Entered: 05/10/2011)
05/10/2011	<u>33</u>	Letter to The Honorable Leonard P. Stark from John S. Spadaro regarding enclosing a corrected version of Joint Proposed Scheduling Order - re <u>32</u> Proposed Order. (Spadaro, John) (Entered: 05/10/2011)
05/24/2011	<u>34</u>	SCHEDULING ORDER: Joinder of Parties due by 6/30/2011. Amended Pleadings due by 6/30/2011. Discovery due by 12/30/2011. Status Report due by 9/12/2011. Dispositive Motions due by 3/26/2012. Signed by Judge Leonard P. Stark on 5/24/11. (ntl) (Entered: 05/24/2011)
05/24/2011		CASE REFERRED to Judge Thyng for Mediation. (cak) (Entered: 08/11/2011)
06/17/2011	<u>35</u>	NOTICE of Plaintiff Claire V. Pascavage's First Set of Requests for Production of Documents by Claire V. Pascavage (Spadaro, John) (Entered: 06/17/2011)
08/18/2011	<u>36</u>	ORDER Setting Teleconference (Plaintiff's counsel to initiate the call): A Telephone Conference is set for 9/7/2011 at 09:30 AM before Judge Mary Pat Thyng to discuss ADR. Signed by Judge Mary Pat Thyng on 8/18/2011. (cak) (Entered: 08/18/2011)
09/07/2011	<u>37</u>	ORDER Setting Teleconference (Defense counsel to initiate the call): A Telephone Conference is set for 9/29/2011 at 03:00 PM before Judge Mary Pat Thyng to discuss ADR. Signed by Judge Mary Pat Thyng on 9/7/2011. (cak) (Entered: 09/07/2011)
09/14/2011	<u>38</u>	Joint STATUS REPORT by Claire V. Pascavage. (Spadaro, John) (Entered: 09/14/2011)
09/30/2011	<u>39</u>	ORDER Setting Teleconference (Plaintiff's counsel to initiate the call): A Telephone Conference is set for 10/26/2011 at 11:00 AM before Judge Mary Pat Thyng to discuss ADR. Signed by Judge Mary Pat Thyng on 9/30/2011. (cak) (Entered: 09/30/2011)
11/01/2011	<u>40</u>	Letter to Magistrate Judge Mary Pat Thyng from John S. Spadaro regarding enclosing Order Governing Mediation Conference and Mediation Statement. (Attachments: # <u>1</u> Text of Proposed Order ORDER GOVERNING MEDIATION CONFERENCE AND MEDIATION STATEMENT)(Spadaro, John) (Entered: 11/01/2011)
11/02/2011	<u>41</u>	ORDER Setting Mediation Conferences: A Mediation Conference is set for 11/23/2011 at 10:30 AM in Courtroom 2B before Judge Mary Pat Thyng. See Order for details. Signed by Judge Mary Pat Thyng on 11/2/2011. (cak) (Entered: 11/02/2011)
11/09/2011		CORRECTING ENTRY: Deleted DI 42. Letter refers to mediation and should not have been docketed. (cak) (Entered: 11/09/2011)
04/03/2012	<u>42</u>	ORDER Setting Teleconference (John Spadaro, Esquire to initiate the call): A Telephone Conference is set for 4/10/2012 at 12:00 PM before Judge Mary Pat Thyng. Signed by Judge Mary Pat Thyng on 4/3/2012. (cak) (Entered: 04/03/2012)
04/06/2012	<u>43</u>	Letter to The Honorable Mary Pat Thyng from Patricia C. Hannigan regarding Request to Reschedule Teleconference. (Hannigan, Patricia) (Entered: 04/06/2012)
04/10/2012		ORAL ORDER the teleconference scheduled for 4/10/12 at 12:00 Noon Eastern Time with Magistrate Judge Thyng to discuss the status of the necessary settlement documents, including those needed for notice, class certification and the fairness hearing has been rescheduled to Tuesday, April 17, 2012 at 12:00 Noon. Patricia C. Hannigan, Esquire shall initiate the teleconference call. Signed by Judge Mary Pat Thyng on 4/10/2012. (cak) (Entered: 04/10/2012)

04/24/2012	<u>44</u>	Joint MEMORANDUM in Support <i>JOINT MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT</i> filed by Claire V. Pascavage. Answering Brief/Response due date per Local Rules is 5/11/2012. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Spadaro, John) (Entered: 04/24/2012)
05/21/2012	<u>45</u>	Letter to The Honorable Leonard P. Stark from John S. Spadaro, Esq. regarding the parties have agreed to a referral of this case to Magistrate Judge Thyng. (Spadaro, John) (Entered: 05/21/2012)
05/22/2012	<u>46</u>	CONSENT to Jurisdiction by U.S. Magistrate Judge. Case reassigned to Magistrate Judge Mary Pat Thyng. Signed by Judge Leonard P. Stark on 5/22/12. (ntl) (Entered: 05/22/2012)
06/19/2012	<u>47</u>	ORDER Setting Teleconference (Plaintiff's counsel to initiate the call): A Telephone Conference is set for 7/25/2012 at 02:00 PM before Judge Mary Pat Thyng. Signed by Judge Mary Pat Thyng on 6/19/2012. (cak) (Entered: 06/19/2012)
07/26/2012		Minute Entry for proceedings held before Judge Mary Pat Thyng - Telephone Conference held on 7/26/2012. (Court Reporter Renee - Hawkins Reporting.) (cak) (Entered: 07/26/2012)
08/03/2012	<u>48</u>	Letter to Magistrate Judge Mary Pat Thyng from John S. Spadaro, Esq. regarding the parties have agreed to the Order Preliminarily Approving Class Action Settlement. (Attachments: # <u>1</u> Text of Proposed Order (PROPOSED) ORDER PRELIMINARILY APPROVING CLASS ACTION SETTLEMENT)(Spadaro, John) (Entered: 08/03/2012)
08/06/2012	<u>49</u>	ORDER PRELIMINARILY APPROVING CLASS ACTION SETTLEMENT. Signed by Judge Mary Pat Thyng on 8/6/2012. (cak) (Entered: 08/06/2012)

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