

U.S. District Court
District of Colorado (Denver)
CIVIL DOCKET FOR CASE #: 1:03-cv-01371-EWN-MJW

Cummings, et al v. FedEx Grnd Pkg Sys, et al
Assigned to: Judge Edward W. Nottingham
Referred to: Magistrate Judge Michael J. Watanabe
Demand: \$0
Cause: 28:1332 Diversity-Other Contract

Date Filed: 07/28/2003
Jury Demand: Both
Nature of Suit: 190 Contract: Other
Jurisdiction: Diversity

Plaintiff

Gary L. Cummings
an individual

represented by **Max Andrew Minnig, Jr.**
Max Minnig, Jr. & Associates, LLC
2838 Marion Street
Denver, CO 80205
U.S.A
303-825-2088
Fax: 303-296-6358
Email: maxminnig@aol.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Yelena Z. Cummings
an individual
TERMINATED: 06/11/2004

represented by **Max Andrew Minnig, Jr.**
(See above for address)
TERMINATED: 06/11/2004
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Robert T. McAllister
Robert T. McAllister, P.C.
455 Sherman Street
#310
Denver, CO 80203-4404
U.S.A
720-570-8892
Fax: 720-570-8906
Email: rtmcallister@qwest.net
TERMINATED: 06/11/2004
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

James Bittle
an individual

represented by **Max Andrew Minnig, Jr.**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Bonnie Bittle
an individual
TERMINATED: 06/11/2004

represented by **Max Andrew Minnig, Jr.**
(See above for address)
TERMINATED: 06/11/2004
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Sean Steiner
an individual

represented by **Max Andrew Minnig, Jr.**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

FedEx Ground Package System, Inc.
a Delaware corporation

represented by **Bobby Glendon Riley, Jr.**
Kissinger & Fellman, P.C.
3773 Cherry Creek North Drive
#900
Denver, CO 80209
U.S.A
303-320-6100
Fax: 303-320-6613
Email: bobby@kandf.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Brett David Chardavoine
Kissinger & Fellman, P.C.
3773 Cherry Creek North Drive
#900
Denver, CO 80209
U.S.A
303-320-6100
Fax: 303-320-6613
Email: brett@kandf.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Frank C. Botta
Thorp Reed & Armstrong, LLP
One Oxford Centre

301 Grant Street
Floor 14
Pittsburgh, PA 15219
U.S.A
412-394-2435
Fax: 412-394-2555
Email: fbotta@thorpreed.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

James William Faber
Hall & Evans-Denver Colorado
United States District Court Box 05
1125 17th Street
#600
Denver, CO 80202-5817
U.S.A
303-628-3300
Fax: 628-3368
TERMINATED: 11/18/2003
LEAD ATTORNEY

Richard P. Kissinger
Kissinger & Fellman, P.C.
3773 Cherry Creek North Drive
#900
Denver, CO 80209
U.S.A
303-320-6100
Fax: 303-320-6613
Email: rick@kandf.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Stacey R. Heitzenrater
FedEx Ground Package System, Inc.
1000 FedEx Drive
Moon Township, PA 15108
U.S.A
412-269-1000
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Wade David Warthen
Fisher, Sweetbaum & Levin, P.C.
1125 Seventeenth Street
#2100
Denver, CO 80202
U.S.A
303-296-3377
Fax: 303-296-7343
Email: wwarthen@fslpc.com
TERMINATED: 09/30/2004
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Fisher Anderson, L.C.
an Iowa Limited Liability Company
TERMINATED: 01/20/2004

represented by **Beth L. Hansher**
Fagel & Haber, LLC
55 East Monroe Street
40th Floor
Chicago, IL 60603
U.S.A
312-580-2218
Fax: 782-7318
TERMINATED: 01/20/2004
LEAD ATTORNEY

Floyd Babbitt
Fagel & Haber, LLC
55 East Monroe Street
40th Floor
Chicago, IL 60603
U.S.A
312-580-2218
Fax: 782-7318
TERMINATED: 01/20/2004
LEAD ATTORNEY

Robert T. McAllister
(See above for address)
TERMINATED: 01/20/2004
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Stearns Bank, N.A.
a national baking [sic] association
TERMINATED: 08/27/2003

Date Filed	#	Docket Text
12/30/2005	138	ORDER OF DISMISSAL WITH PREJUDICE pursuant to 136 Stipulation of Dismissal of Case. Signed by Judge Edward W. Nottingham on 12/29/05. (pap,) (Entered: 12/30/2005)
12/30/2005	137	MINUTE ORDER Trial Preparation Conference set for 1/3/06 is VACATED . Entered by Judge Edward W. Nottingham on 12/29/05. (pap,) (Entered: 12/30/2005)
12/29/2005	136	STIPULATION of Dismissal of Case <i>With Prejudice</i> by Plaintiffs Gary L. Cummings, Yelena Z. Cummings, James Bittle, Bonnie Bittle, Sean Steiner, Defendants FedEx Ground Package System, Inc., Fisher Anderson, L.C.,

		Stearns Bank, N.A.. (Attachments: # 1 Proposed Order (PDF Only))(Riley, Bobby) (Entered: 12/29/2005)
12/20/2005	135	Minute Entry/Minute Order for proceedings held before Magistrate Judge Michael J. Watanabe : Settlement Conference held on 12/20/2005. Settlement agreement is approved and shall be confidential. Parties shall submit their Joint Stipulated Motion for Dismissal to Judge Nottingham by 12/30/2005. All further hearings before Magistrate Judge Watanabe are vacated. (Court Reporter FTR - S. Moore.) (mjwcd,) (Entered: 12/20/2005)
12/20/2005	134	Minute Entry for proceedings held before Judge Edward W. Nottingham : Status Conference held on 12/20/2005. (Court Reporter Therese Lindblom.) (pap,) (Entered: 12/20/2005)
12/19/2005	132	RESPONSE to Motion re 117 MOTION to Sever <i>Plaintiffs' Claims or in the Alternative, Motion for Reconsideration</i> filed by Plaintiffs Gary L. Cummings, Yelena Z. Cummings, James Bittle, Bonnie Bittle, Sean Steiner. (Minnig, Max) (Entered: 12/19/2005)
12/19/2005	131	MOTION to Compel <i>and for Sanctions</i> by Plaintiffs Gary L. Cummings, Yelena Z. Cummings, James Bittle, Bonnie Bittle, Sean Steiner. (Minnig, Max) (Entered: 12/19/2005)
12/15/2005	130	MINUTE ORDER : Trial Preparation Conference reset for 1/3/2006 at 09:30 AM before Judge Edward W. Nottingham, by Judge Edward W. Nottingham on 12/15/05. (gms,) (Entered: 12/16/2005)
12/15/2005	129	Proposed Pretrial Order by Plaintiffs Gary L. Cummings, Yelena Z. Cummings, James Bittle, Bonnie Bittle, Sean Steiner, Defendants FedEx Ground Package System, Inc., Fisher Anderson, L.C., Stearns Bank, N.A.. (Riley, Bobby) (Entered: 12/15/2005)
12/13/2005	133	Mail Returned as Undeliverable re: 122 Order, 123 Order, 121 Order, Addressed to James William Faber. (pap,) (Entered: 12/20/2005)
12/12/2005	128	ORDER granting 127 Defendant's Unopposed Motion to Reset Final Pretrial Conference. Final Pretrial Conference is Reset for 12/20/2005 02:15 PM before Judge Edward W. Nottingham.Signed by Judge Edward W. Nottingham on 12/12/05. (pap,) (Entered: 12/12/2005)
12/09/2005	127	Unopposed MOTION to Reset <i>Final Pretrial Conference</i> by Defendant FedEx Ground Package System, Inc.. (Attachments: # 1 Proposed Order (PDF Only))(Riley, Bobby) (Entered: 12/09/2005)
12/05/2005	126	MINUTE ORDER Settlement Conference set for 12/20/2005 10:30 AM in Courtroom A 502 before Magistrate Judge Michael J. Watanabe.Entered by Magistrate Judge Michael J. Watanabe on 12/5/05. (pap,) (Entered: 12/05/2005)
12/02/2005	125	Mail Returned as Undeliverable re: 119 Order, Addressed to James William Faber. (pap,) (Entered: 12/02/2005)
12/02/2005	124	Minute Entry for proceedings held before Judge Edward W. Nottingham : Status Conference held on 12/2/2005. (Court Reporter Therese Lindblom.) (pap,) (Entered: 12/02/2005)
12/02/2005	123	ORDER Three Day Jury Trial set on the Trailing Calendar for 1/9/2006 09:00 AM in Courtroom A1001 before Judge Edward W. Nottingham.

		Signed by Judge Edward W. Nottingham on 12/2/05. (pap,) (Entered: 12/02/2005)
12/02/2005	122	ORDER Trial Preparation Conference set for 1/3/2006 at 09:00 AM in Courtroom A1001 before Judge Edward W. Nottingham. Signed by Judge Edward W. Nottingham on 12/2/05. (pap,) (Entered: 12/02/2005)
12/02/2005	121	ORDER Final Pretrial Conference set for 12/19/2005 09:30 AM in Courtroom A1001 before Judge Edward W. Nottingham. Signed by Judge Edward W. Nottingham on 12/2/05. (pap,) (Entered: 12/02/2005)
11/22/2005	120	Docket Annotation. At the request of Sandra Olver of FagelHaber, the notification to Beth Hansher and Floyd Babbitt has been turned off, as their client Fisher-Anderson has been terminated from this case. Text only entry - no document attached. (gms,) (Entered: 11/22/2005)
11/08/2005	119	MINUTE ORDER Status Conference set for 12/2/2005 10:45 AM before Judge Edward W. Nottingham. Entered by Judge Edward W. Nottingham on 11/8/05. (pap,) (Entered: 11/08/2005)
08/26/2005	118	BRIEF in Support re 117 MOTION to Sever <i>Plaintiffs' Claims</i> filed by Defendant FedEx Ground Package System, Inc.. (Attachments: # 1 Exhibit A - Excerpts of Alan Stewart Deposition# 2 Exhibit B - Excerpts of Cummings Deposition# 3 Exhibit C - Excerpts of Steiner Deposition# 4 Exhibit D - Excerpts of Bittle Deposition# 5 Exhibit E - Cummings Letter of Contract Resignation# 6 Exhibit F - Bittle Letter of Contract Resignation# 7 Exhibit G - Steiner Letter of Contract Resignation# 8 Exhibit H - Kohn v. American Housing (170 F.R.D. 474, 1996 U.S. Dist LEXIS 21246)# 9 Exhibit I - Norwood v. RLI (No. 01-6153, 2002 U.S. Dist. LEXIS 5974)# 10 Exhibit J - In re Bridgestone-Firestone, Inc. (2002 WL 1801477))(Riley, Bobby) (Entered: 08/26/2005)
08/26/2005	117	MOTION to Sever <i>Plaintiffs' Claims</i> by Defendant FedEx Ground Package System, Inc.. (Riley, Bobby) (Entered: 08/26/2005)
05/26/2005		Pursuant to Minutes 116 Plaintiffs' Unopposed 114 Motion to Continue Trial and Final Pretrial Conference was granted by Judge Edward W. Nottingham on 5/26/05. (lam,) (Entered: 05/31/2005)
05/26/2005	116	Minute Entry for proceedings held before Judge Edward W. Nottingham : Motion Hearing/Final Pretrial Conference held on 5/26/2005; Unopposed 114 MOTION for Continue of Trial and Final Pretrial Conference is granted, the trial date of 6/6/05 is vacated; Discovery due by 6/30/2005, Dispositive Motions due by 7/15/2005. (Court Reporter Therese Lindblom) (lam,) (Entered: 05/31/2005)
05/24/2005	115	Minute ORDER Setting Hearing on 114 MOTION to Continue: Motion Hearing set for 5/26/2005 09:00 AM before Judge Edward W. Nottingham, by Judge Edward W. Nottingham on 5/24/05. (gms,) (Entered: 05/25/2005)
05/20/2005	114	Unopposed MOTION for Continuance of Trial and Final Pretrial Conference by Plaintiffs Gary L. Cummings, James Bittle, Sean Steiner. (djs,) (Entered: 05/24/2005)
05/20/2005	113	AMENDED NOTICE OF CONSENT OF ELECTRONIC SERVICE by Defendant FedEx Ground Package System, Inc. re [6] Notice of Consent of Electronic Service. (lam,) (Entered: 05/24/2005)

05/18/2005	112	ORDER: 2 day Jury Trial set for 6/6/2005 09:00 AM before Judge Edward W. Nottingham. Signed by Judge Edward W. Nottingham on 5/17/05. (gms,) (Entered: 05/20/2005)
05/17/2005	111	ORDER, Set/Reset Hearings: Final Pretrial Conference set for 5/26/2005 09:00 AM in Courtroom A1001 before Judge Edward W. Nottingham. Signed by Judge Edward W. Nottingham on 5/17/05. (bpm,) (Entered: 05/20/2005)
05/12/2005	110	MANDATE of USCA dated 5/12/05 as to [103] Notice of Appeal filed by FedEx Ground Package System, Inc. USCA judgment dated 4/20/05 affirming the USDC decision. (djs,) (Entered: 05/13/2005)
09/30/2004	109	ORDER by Judge Edward W. Nottingham granting unopposed motion to withdraw attorney Wade Warthen [108-1] attorney Wade David Warthen for FedEx Grnd Pkg Sys, granting motion to substitute attorneys Bobby G. Riley, Brett D. Chardavoynne, and Richard P. Kissinger [108-2] and substituting attorney Richard P. Kissinger (cc: all counsel) ; entry date : 10/1/04 (pap) (Entered: 10/01/2004)
09/28/2004	108	Unopposed MOTION by counsel Wade Warthen for defendant FedEx Grnd Pkg Sys to withdraw attorney Wade Warthen , and to substitute attorneys Bobby G. Riley, Brett D. Chardavoynne, and Richard P. Kissinger (pap) (Entered: 09/29/2004)
07/09/2004	107	LETTER (Re: [103-1]) to USCA and all counsel advising that the record is now complete...a transcript is not necessary for this appeal (msn) (Entered: 07/09/2004)
07/07/2004	105	MINUTE ORDER : by Magistrate Judge Michael J. Watanabe granting pla's motion for extension of time to respond to discovery for Sean Steiner to produce his employment releases until 6/17/04 and tax returns until 6/24/04 [99-1] (cc: all counsel) ; entry date : 7/8/04 (pap) (Entered: 07/08/2004)
07/01/2004	106	NOTICE OF TRANSCRIPT ORDER FORM filed by defendant/appellant FedEx Grnd Pkg Sys; TOF filed stats...a transcript is not necessary for this appeal [103-1] (msn) (Entered: 07/08/2004)
06/25/2004	104	NOTIFICATION by Circuit Court of assignment of Case No. [103-1] 04-1247 (msn) (Entered: 06/28/2004)
06/22/2004		\$250.00 fee and \$5.00 fee paid. Receipt No 252623. re: appeal [103-1] (msn) (Entered: 06/23/2004)
06/22/2004	103	NOTICE OF APPEAL by defendant FedEx Grnd Pkg Sys re: order [91-1] filed 5/24/04; Notice of transcript order form due 7/2/04; Notice mailed to all counsel on 6/23/04 (msn) (Entered: 06/23/2004)
06/11/2004	102	MEMORANDUM by Judge Edward W. Nottingham referring to Magistrate Judge Michael J. Watanabe the motion for extension of time to respond to discovery for Sean Steiner to produce his employment releases until 6/17/04 and tax returns until 6/24/04 [99-1] (pap) (Entered: 06/15/2004)
06/11/2004	101	Stipulation for Voluntary DISMISSAL as to party pla Yelena Z. Cummings with prejudice by plas and dft; entry date : 6/14/04 (pap) (Entered: 06/14/2004)
06/11/2004	100	Stipulation for voluntary DISMISSAL as to party pla Bonnie Bittle with

		prejudice by plas and dft ; entry date 6/14/04 (pap) (Entered: 06/14/2004)
06/11/2004	99	MOTION by plaintiff Sean Steiner for extension of time to respond to discovery for Sean Steiner to produce his employment releases until 6/17/04 and tax returns until 6/24/04 (pap) (Entered: 06/14/2004)
06/10/2004	98	COURTROOM MINUTES AND Minute Order by Magistrate Judge Michael J. Watanabe denying Dft's motion for reconsideration of minute order [94-2] [96-1] ; entry date : 6/11/04 Court Reporter: FTR (cc: all counsel) (pap) (Entered: 06/11/2004)
06/09/2004		MAIL Returned order [91-1] addressed to plaintiffs counsel remained 6/8/04 (pap) (Entered: 06/09/2004)
06/04/2004	97	MEMORANDUM by Judge Edward W. Nottingham referring to Magistrate Judge Michael J. Watanabe the motion for reconsideration of minute order [94-2] [96-1] (pap) (Entered: 06/07/2004)
06/03/2004	96	MOTION by defendant FedEx Grnd Pkg Sys for reconsideration of minute order [94-2] (pap) (Entered: 06/04/2004)
06/02/2004	95	ANSWER by defendant FedEx Grnd Pkg Sys to amended complaint [50-1] (pap) (Entered: 06/03/2004)
05/28/2004	94	MINUTE ORDER : by Magistrate Judge Michael J. Watanabe granting pla's motion for extension of time to comply with discovery order until and including 6/10/04 [92-1] ; disp mtn ddl reset 6/30/04 (cc: all counsel) ; entry date : 6/1/04 (pap) (Entered: 06/01/2004)
05/27/2004	93	NOTICE of Change of address, facsimile number and e-mail of Max A. Minnig, Jr, Esq counsel for the plaintiffs (pap) (Entered: 06/01/2004)
05/27/2004	92	MOTION by plaintiff for extension of time to comply with discovery order until and including 6/10/04 (pap) (Entered: 06/01/2004)
05/27/2004	92	STATUS REPORT by plaintiffs (pap) (Entered: 06/01/2004)
05/24/2004	91	ORDER AND MEMORANDUM of DECISION: by Judge Edward W. Nottingham denying dft's motion to dismiss for lack of jurisdiction [56-1], denying as moot pla's motion for reconsideration minute order [53-1] [55-1], denying motion for leave to renew motions for an extension of time to respond to motion to enforce settlement agreement, motion for sanctions [55-2] (cc: all counsel) ; entry date : 5/25/04 (pap) (Entered: 05/25/2004)
05/24/2004	90	LETTER to court from defendant Fisher Anderson, LC re: order [68-2] (pap) (Entered: 05/25/2004)
05/21/2004	89	LETTER to court from defendant Fisher Anderson, LC re: order [68-2] (pap) (Entered: 05/24/2004)
05/21/2004	88	MINUTE ORDER : by Judge Edward W. Nottingham finding the motion to reset hearing on motion to dismiss set 5/21/04 [86-1] moot, motion to dismiss for lack of jurisdiction [56-1] ; motion hearing at 11:00 5/21/04 is vacated; (cc: all counsel) ; entry date : 5/24/04 (pap) (Entered: 05/24/2004)
05/19/2004	87	MINUTE ORDER : by Magistrate Judge Michael J. Watanabe granting dft's motion to compel discovery [83-1] and motion to extend deadline to file dispositive motions [83-2] ; disp mtn ddl reset 5/28/04 . Pla to provide dft by

		5/27/04 responses to dft's discovery requests (cc: all counsel) ; entry date : 5/20/04 (gms) (Entered: 05/20/2004)
05/13/2004	86	Unopposed MOTION by defendant FedEx Grnd Pkg Sys to reset hearing on motion to dismiss set 5/21/04 (gms) (Entered: 05/14/2004)
05/03/2004	85	MINUTE ORDER : by Judge Edward W. Nottingham setting hearing on motion to dismiss for lack of jurisdiction [56-1] 11:00 5/21/04 (cc: all counsel) ; entry date : 5/5/04 (pap) (Entered: 05/05/2004)
04/23/2004	84	MEMORANDUM by Judge Edward W. Nottingham referring to Magistrate Judge Michael J. Watanabe the motion to compel discovery [83-1], referring to Magistrate Judge Michael J. Watanabe the motion to extend deadline to file dispositive motions [83-2] (pap) (Entered: 04/28/2004)
04/23/2004	83	MOTION by defendant FedEx Grnd Pkg Sys to compel discovery , and to extend deadline to file dispositive motions (pap) (Entered: 04/26/2004)
04/01/2004	82	SUPPLEMENTAL Authority by defendant FedEx Grnd Pkg Sys in support of its motion to compel arbitration (pap) (Entered: 04/02/2004)
03/24/2004	81	MINUTE ORDER : by Judge Edward W. Nottingham regarding [78-1] minute order, denying as moot motion to reset hearing set 3/31/04 [80-1] (cc: all counsel) ; entry date : 3/24/04 (pap) (Entered: 03/24/2004)
03/23/2004	80	MOTION by defendant FedEx Grnd Pkg Sys to reset hearing set 3/31/04 (pap) (Entered: 03/24/2004)
03/23/2004	79	ORDER AND MEMORANDUM OF DECISION: by Judge Edward W. Nottingham denying as moot dft's motion to dismiss for lack of jurisdiction pursuant to FRCP 12(b)(1) [8-1], denying as moot dft's motion the federal arbitration act to compel arbitration [8-2] (cc: all counsel) ; entry date : 3/24/04 (pap) Modified on 03/24/2004 (Entered: 03/24/2004)
03/23/2004	78	MINUTE ORDER : by Judge Edward W. Nottingham vacating hearing scheduled for 3/31/04; motion to dismiss for lack of jurisdiction [56-1] ; motion hearing 3/31/04 vacated, motion for reconsideration minute order [53-1] [55-1] ; motion hearing 3/31/04 vacated, motion for leave to renew motions for an extension of time to respond to motion to enforce settlement agreement, motion for sanctions [55-2] ; motion hearing 3/31/04 vacated, motion to dismiss for lack of jurisdiction pursuant to FRCP 12(b)(1) [8-1] ; motion hearing 3/31/04 vacated, motion the federal arbitration act to compel arbitration [8-2] ; motion hearing 3/31/04 vacated; (cc: all counsel) ; entry date : 3/24/04 (pap) (Entered: 03/24/2004)
03/22/2004	77	MINUTE ORDER : by Judge Edward W. Nottingham setting hearing on motion to dismiss for lack of jurisdiction [56-1] 9:15 3/31/04, setting hearing on motion for reconsideration minute order [53-1] [55-1] 9:15 3/31/04, setting hearing on motion for leave to renew motions for an extension of time to respond to motion to enforce settlement agreement, motion for sanctions [55-2] 9:15 3/31/04, setting hearing on motion to dismiss for lack of jurisdiction pursuant to FRCP 12(b)(1) [8-1] 9:15 3/31/04, setting hearing on motion the federal arbitration act to compel arbitration [8-2] 9:15 3/31/04 (cc: all counsel) ; entry date : 3/23/04 (pap) (Entered: 03/23/2004)
03/03/2004	76	MINUTE ORDER : by Magistrate Judge Michael J. Watanabe granting plas' motion for extension of time to file dispositive motions until 5/3/04 [75-1];

		granting in part motion for extension of time to respond to dft's discovery until and including 4/5/04 [75-2], granted until 3/22/04; granting motion for extended discovery cut-off date of 4/5/04 [75-3] ; discovery ddl reset 4/5/04 ; disp mtn ddl reset 4/30/04 (cc: all counsel) ; entry date : 3/4/04 (pap) (Entered: 03/04/2004)
03/02/2004	75	MOTION by plas Gary L. Cummings, James Bittle, Sean Steiner for extension of time to file dispositive motions until 5/3/04 , and for extension of time to respond to dft's discovery until and including 4/5/04 , and for extended discovery cut-off date of 4/5/04 (pap) (Entered: 03/03/2004)
02/03/2004	74	Preliminary PRE-TRIAL ORDER by Magistrate Judge Michael J. Watanabe; pending motions; remaining discovery; estimated 2 day jury trial; (cc: all counsel) (pap) (Entered: 02/04/2004)
02/03/2004	73	COURTROOM MINUTES by Magistrate Judge Michael J. Watanabe ; telephone motion hearing/ prelim pretrial (status) conf held 2/3/04 , ptch granting dft's motion for reconsideration of court order [64-1] [69-1]; vacating order [64-1]; Granting pla's oral motion to stay the case in that the discovery ddl is extended to 3/29/04 ; entry date : 2/4/04 Court Reporter: FTR (pap) (Entered: 02/04/2004)
01/29/2004	72	NOTICE of Change of address and telephone number of Stacey Heitzenrater, Esq by defendant FedEx Grnd Pkg Sys (pap) (Entered: 02/02/2004)
01/21/2004	71	MEMORANDUM by Judge Edward W. Nottingham referring to Magistrate Judge Michael J. Watanabe the motion for reconsideration of court order [64-1] [69-1] (pap) (Entered: 01/23/2004)
01/21/2004	70	MINUTE ORDER : by Magistrate Judge Michael J. Watanabe setting hearing on FedEx Ground's motion for reconsideration of court order [64-1] [69-1] 1:30 2/3/04 (cc: all counsel) ; entry date : 1/22/04 (pap) (Entered: 01/22/2004)
01/20/2004	69	MOTION by defendant FedEx Grnd Pkg Sys for reconsideration of court order [64-1] (pap) (Entered: 01/21/2004)
01/20/2004	68	Agreed ORDER by parties and by Judge Edward W. Nottingham granting stipulated settlement and motion for dismissal with prejudice by and among plas and Fisher-Anderson LLC and motion to delete Fisher-Anderson LC from the caption [67-1] dismissing party Fisher Anderson, LC, ; each party to bear its, his or her own attorney's fees, costs, and expenses; (cc: all counsel) ; entry date : 1/21/04 (pap) (Entered: 01/21/2004)
01/15/2004	67	Stipulated Settlement and MOTION by Gary L. Cummings, Yelena Z. Cummings, Fisher Anderson, LC for dismissal with prejudice by and among plas and Fisher-Anderson LLC and motion to delet Fisher-Anderson LC from the caption (pap) (Entered: 01/16/2004)
01/13/2004	66	ATTORNEY APPEARANCE for defendant FedEx Grnd Pkg Sys by Stacey R. Heitzenrater (pap) (Entered: 01/14/2004)
01/12/2004	65	TRANSCRIPT of Status Conference via Telephone on 11/12/03 before Magistrate Judge Michael J. Watanabe (pages: 1 - 8) Prepared By: Avery/Woods Reporting Service, Inc. (certified copy) (pap) (Entered: 01/13/2004)
01/07/2004	64	ORDER by Magistrate Judge Michael J. Watanabe granting plas' motion to

		extend time to file expert witness disclosures [61-1] up to and including 1/19/04 (cc: all counsel) ; entry date : 1/8/04 (pap) (Entered: 01/08/2004)
01/07/2004	63	MOTION by defendant Fisher Anderson, LC to strike pla's motion response [60-1] , and to enforce settlement agreement or in the alternative Reply in support of the motion for sanctions and motion to enforce settlement agreement (pap) (Entered: 01/08/2004)
01/06/2004	62	MEMORANDUM by Judge Edward W. Nottingham referring to Magistrate Judge Michael J. Watanabe the motion to extend time to file expert witness disclosures [61-1] (pap) (Entered: 01/07/2004)
01/05/2004	61	MOTION by plaintiffs Gary L. Cummings, James Bittle, Sean Steiner to extend time to file expert witness disclosures (bpm) (Entered: 01/06/2004)
12/23/2003	60	RESPONSE by plas Gary L. Cummings, Yelena Z. Cummings to dft Fisher Anderson's motion for sanctions pursuant to Rule 11 against plas and their attorney [37-1] (pap) (Entered: 12/24/2003)
12/23/2003	59	RESPONSE by plas Gary L. Cummings, Yelena Z. Cummings to dft Fisher Anderson's motion to enforce settlement agreement [34-1] (pap) (Entered: 12/24/2003)
12/23/2003	58	ANSWER presenting defenses by defendant Fisher Anderson, LC to plas' second amended complaint [50-1] (pap) (Entered: 12/24/2003)
12/19/2003	57	RESPONSE by defendant Fisher Anderson, LC to pla's motion for reconsideration minute order [53-1] [55-1], motion for leave to renew motions for an extension of time to respond to motion to enforce settlement agreement, motion for sanctions [55-2] (pap) (Entered: 12/22/2003)
12/19/2003	56	MOTION by defendant FedEx Grnd Pkg Sys to dismiss for lack of jurisdiction and supporting legal authority in response to pla's amended complaint (pap) (Entered: 12/22/2003)
12/11/2003	55	MOTION by plas Gary L. Cummings, James Bittle, Sean Steiner for reconsideration minute order [53-1] , and/or for leave to renew motions for an extension of time to respond to motion to enforce settlement agreement, motion for sanctions (pap) (Entered: 12/12/2003)
12/10/2003	54	Revised NOTICE OF CONSENT OF ELECTRONIC SERVICE by defendant FedEx Grnd Pkg Sys (pap) (Entered: 12/11/2003)
12/09/2003	53	MINUTE ORDER : by Judge Edward W. Nottingham denying plas' motion for an extension of time to respond to Fisher Anderson's motion for sanctions pursuant to Rule 11 until and including 12/23/03 [52-1], denying plas' motion for extension of tiem to respond to Fisher Anderson's motion to enforce settlement agreement until and including 12/23/03 [51-1] (cc: all counsel) ; entry date : 12/10/03 (pap) (Entered: 12/10/2003)
12/08/2003	52	MOTION by plas Gary L. Cummings, James Bittle, Sean Steiner for an extension of time to respond to Fisher Anderson's motion for sanctions pursuant to Rule 11 until and including 12/23/03 (pap) (Entered: 12/10/2003)
12/08/2003	51	MOTION by Gary L. Cummings, James Bittle, Sean Steiner for extension of tiem to respond to Fisher Anderson's motion to enforce settlement agreement until and including 12/23/03 (pap) (Entered: 12/10/2003)

12/05/2003	50	AMENDED COMPLAINT [0-1] by plaintiffs; jury demand (pap) (Entered: 12/08/2003)
12/05/2003	49	ORDER by Judge Edward W. Nottingham granting plas' motion for an extension of time to respond to Fisher Anderson's motion for sanctions pursuant to rule 11 until and including 12/8/03 [46-1] (cc: all counsel) ; entry date : 12/8/03 (pap) (Entered: 12/08/2003)
12/05/2003	48	MINUTE ORDER : by Magistrate Judge Michael J. Watanabe granting plas' motion for leave to file amended complaint [0-1] [38-1] (cc: all counsel) ; entry date : 12/8/03 (pap) (Entered: 12/08/2003)
12/04/2003	47	RESPONSE by defendant Fisher Anderson, LC to pla's motion for an extension of time to respond to Fisher Anderson's motion for sanctions pursuant to rule 11 until and including 12/8/03 [46-1] (pap) (Entered: 12/05/2003)
11/24/2003	46	MOTION by plas Gary L. Cummings, James Bittle, Sean Steiner for an extension of time to respond to Fisher Anderson's motion for sanctions pursuant to rule 11 until and including 12/8/03 (pap) (Entered: 11/25/2003)
11/20/2003	45	ORDER by Judge Edward W. Nottingham granting plas' motion for an extension of time to respond to Fisher Anderson's Motion to enforce settlement agreement until and including 12/8/03 [42-1] (cc: all counsel) ; entry date : 11/21/03 (pap) (Entered: 11/21/2003)
11/18/2003	44	MINUTE ORDER : by Magistrate Judge Michael J. Watanabe granting unopposed motion to withdraw attorney James W. Farber [41-1] attorney James William Faber for FedEx Grnd Pkg Sys, granting unopposed motion to substitute attorneys Wade Warthen and Brett D. Chardavoyne [41-2] entering attorneys Wade Warthen and Brett D. Chardavoyne for dft FedEx Grnd Pkg Sys(cc: all counsel) ; entry date : 11/19/03 (pap) (Entered: 11/19/2003)
11/17/2003	43	MEMORANDUM by Judge Edward W. Nottingham referring to Magistrate Judge Michael J. Watanabe the motion to withdraw attorney James W. Farber [41-1], referring to Magistrate Judge Michael J. Watanabe the motion to substitute attorneys Wade Warthen and Brett D. Chardavoyne [41-2] (pap) (Entered: 11/18/2003)
11/17/2003	42	MOTION by plas Gary L. Cummings, James Bittle, Sean Steiner for an extension of time to respond to Fisher Anderson's Motion to enforce settlement agreement until and including 12/8/03 (pap) (Entered: 11/18/2003)
11/14/2003	41	Unopposed MOTION by defendant FedEx Grnd Pkg Sys's attorney to withdraw attorney James W. Farber , and to substitute attorneys Wade Warthen and Brett D. Chardavoyne (pap) (Entered: 11/17/2003)
11/12/2003	40	MEMORANDUM by Judge Edward W. Nottingham referring to Magistrate Judge Michael J. Watanabe the motion for leave to file amended complaint [0-1] [38-1] (pap) (Entered: 11/13/2003)
11/12/2003	39	COURTROOM MINUTES by Magistrate Judge Michael J. Watanabe ; status/mag conference held 11/12/03 ; entry date : 11/13/03 Court Reporter: FTR (pap) (Entered: 11/13/2003)
11/10/2003		Tendered Amended Complaint submitted by plaintiffs re: motion for leave to

		file amended complaint [0-1] [38-1] (pap) (Entered: 11/12/2003)
11/10/2003	38	MOTION by plaintiffs for leave to file amended complaint [0-1] (pap) (Entered: 11/12/2003)
11/07/2003	37	MOTION by defendant Fisher Anderson, LC for sanctions pursuant to Rule 11 against plas and their attorney (pap) (Entered: 11/07/2003)
11/06/2003	36	ORDER by Magistrate Judge Michael J. Watanabe Dft's Motion for Leave to attend status conf 11/12/03 by Telephone is granted (no such motion exists on docket) (cc: all counsel) ; entry date : 11/7/03 (pap) (Entered: 11/07/2003)
10/31/2003	35	Joint Deposition Schedule (NOTICE) by plaintiff and defendants re: schedule order [33-1] (pap) (Entered: 11/03/2003)
10/27/2003	34	MOTION by defendant Fisher Anderson, LC to enforce settlement agreement (pap) (Entered: 10/28/2003)
10/01/2003	33	SCHEDULING ORDER Magistrate Judge Michael J. Watanabe (cc: all counsel) (pap) (Entered: 10/02/2003)
09/26/2003	32	MINUTE ORDER : by Magistrate Judge Michael J. Watanabe regarding [31-2] minutes; preliminary pretrial conf 2/5/04 8:30; status conf set 11/12/03 9:00; Approving stipulation for plas' counsel to pay \$125.00 to Mr Botta; parties amended scheduling order is due on or before 9/30/03 (cc: all counsel) ; entry date : 9/29/03 (pap) (Entered: 09/29/2003)
09/24/2003	31	COURTROOM MINUTES by Magistrate Judge Michael J. Watanabe ; rule 16 conf held on 9/24/03 ; discovery ddl set 3/24/04 ; preliminary pretrial (status) conf set for 8:30 2/5/04 ; status (mag) conference set for 9:00 11/12/03 ; stipulation for plas' counsel to pay \$125 to Mr Botta is approved ; entry date : 9/25/03 Court Reporter: FTR (pap) (Entered: 09/25/2003)
09/22/2003	30	ORDER by Magistrate Judge Michael J. Watanabe granting dft Fisher-Anderson's motion for leave to participate in scheduling conf 9/24/03 via telephone [27-1] (cc: all counsel) ; entry date : 9/23/03 (pap) (Entered: 09/23/2003)
09/22/2003	29	REPLY by defendant FedEx Grnd Pkg Sys to pla's response to motion to dismiss for lack of jurisdiction pursuant to FRCP 12(b)(1) [8-1], motion the federal arbitration act to compel arbitration [8-2] and request for argument (pap) (Entered: 09/23/2003)
09/18/2003	28	MEMORANDUM by Judge Edward W. Nottingham referring to Magistrate Judge Michael J. Watanabe the motion for leave to participate in scheduling conf 9/24/03 via telephone [27-1] (pap) (Entered: 09/22/2003)
09/18/2003	27	MOTION by defendant Fisher Anderson, LC for leave to participate in scheduling conf 9/24/03 via telephone (pap) (Entered: 09/19/2003)
09/10/2003	26	ORDER by Judge Edward W. Nottingham granting plas' motion for a one day extension of time to respond to dft's motion to compel arbitration until and including 9/8/03 [24-1] (cc: all counsel) ; entry date : 9/10/03 (pap) (Entered: 09/10/2003)
09/05/2003	25	MEMORANDUM by Judge Edward W. Nottingham referring to Magistrate Judge Michael J. Watanabe the motion for a one day extension of time to respond to dft's motion to compel arbitration until and including 9/8/03 [24-

		1] (pap) (Entered: 09/08/2003)
09/05/2003	24	Unopposed MOTION by plas Gary L. Cummings, James Bittle, Sean Steiner for a one day extension of time to respond to dft's motion to compel arbitration until and including 9/8/03 (pap) (Entered: 09/08/2003)
09/02/2003	23	ANSWER presenting defenses by defendant Fisher Anderson, LC to amended complaint [0-1] (pap) (Entered: 09/03/2003)
08/27/2003	22	ORDER by Judge Edward W. Nottingham granting joint motion for dismissal with prejudice and delete Stearns Bank NA from the caption [21-1] dismissing party Stearns Bank, N.A. with prejudice (cc: all counsel) ; entry date : 8/28/03 (pap) (Entered: 08/28/2003)
08/27/2003	21	Stipulated Settlement and MOTION by James Bittle, Sean Steiner, Stearns Bank, N.A. for dismissal with prejudice and delete Stearns Bank NA from the caption (pap) (Entered: 08/28/2003)
08/20/2003	20	ORDER by Judge Edward W. Nottingham granting pla's motion for extension of time to respond to dft's motion to compel arbitration to 9/5/03 [19-1], regarding [8-2] motion the federal arbitration act to compel arbitration (cc: all counsel) ; entry date : 8/21/03 (gms) (Entered: 08/21/2003)
08/19/2003	19	Unopposed MOTION by plas Gary L. Cummings, James Bittle, Sean Steiner for extension of time to respond to dft's motion to compel arbitration to 9/5/03 (gms) (Entered: 08/20/2003)
08/18/2003	18	MINUTE ORDER : by Magistrate Judge Michael J. Watanabe granting motion to change (reset) date of scheduling/planning conference set 9/19/03 [16-1] ; rule 16 conference reset for 9:00 9/24/03 (cc: all counsel) ; entry date : 8/19/03 (gms) (Entered: 08/19/2003)
08/14/2003	17	MEMORANDUM by Judge Edward W. Nottingham referring to Magistrate Judge Michael J. Watanabe the motion to change (reset) date of scheduling/planning conference set 9/19/03 [16-1] (erv) (Entered: 08/18/2003)
08/14/2003	16	MOTION by plaintiff to change (reset) date of scheduling/planning conference set 9/19/03 (gms) (Entered: 08/18/2003)
08/11/2003	14	NOTICE of Change of address of Frank C. Botta attorney for defendant FedEx Grnd Pkg Sys (bpm) (Entered: 08/12/2003)
08/11/2003	13	MINUTE ORDER : by Magistrate Judge Michael J. Watanabe granting motion for extension of time to answer or otherwise respond to complaint to: 9/2/03 [11-1] (cc: all counsel) ; entry date : 8/12/03 (bpm) (Entered: 08/12/2003)
08/11/2003	12	MEMORANDUM by Judge Edward W. Nottingham referring to Magistrate Judge Michael J. Watanabe the motion for extension of time to answer or otherwise respond to complaint to: 9/2/03 [11-1] (bpm) (Entered: 08/12/2003)
08/08/2003	15	MEMORANDUM by Judge Edward W. Nottingham referring to Magistrate Judge Michael J. Watanabe the Dft Fisher-Anderson's motion for extension of time to answer or otherwise respond to complaint to: 9/2/03 [11-1] (erv) (Entered: 08/12/2003)

08/08/2003	11	MOTION by defendant Fisher Anderson, LC for extension of time to answer or otherwise respond to complaint to: 9/2/03 (gms) (Entered: 08/11/2003)
08/04/2003	10	MINUTE ORDER : by Magistrate Judge Michael J. Watanabe granting dft Fedex Ground Package Systems, Inc's unopposed motion to extend time to answer complaint extended to: 08/15/03 [0-1] (cc: all counsel) ; entry date : 8/5/03 (pap) (Entered: 08/05/2003)
08/04/2003	9	Minute ORDER FOR RULE 16 CONFERENCE by Magistrate Judge Michael J. Watanabe ; Rule 16 conference set for 2:00 9/19/03 (cc: all counsel) (pap) (Entered: 08/05/2003)
08/04/2003	8	MOTION by defendant FedEx Grnd Pkg Sys to dismiss for lack of jurisdiction pursuant to FRCP 12(b)(1) , and the federal arbitration act to compel arbitration and supporting legal authority (pap) (Entered: 08/05/2003)
07/29/2003	7	Disclosure STATEMENT pursuant to LR 7.4 by defendant FedEx Grnd Pkg Sys (pap) (Entered: 07/31/2003)
07/29/2003	6	NOTICE OF CONSENT OF ELECTRONIC SERVICE by defendant FedEx Grnd Pkg Sys (pap) (Entered: 07/31/2003)
07/29/2003	5	MEMORANDUM by Judge Edward W. Nottingham referring to Magistrate Judge Michael J. Watanabe the motion to extend time to answer complaint extended to: 08/15/03 [0-1] (pap) (Entered: 07/31/2003)
07/29/2003	4	ORDER R16,stat,slmt,pt,pto Case referred to Magistrate Judge Michael J. Watanabe and General Case Management Order by Judge Edward W. Nottingham; disp motions ddl 3/29/04 (cc: to counsel) (pap) (Entered: 07/31/2003)
07/28/2003		FILING FEE PAID: on 7/28/03 in the amount of \$ 150, receipt # 245092. (bpm) (Entered: 07/29/2003)
07/28/2003	3	ATTORNEY APPEARANCE for defendant FedEx Grnd Pkg Sys by Wade David Warthen (bpm) (Entered: 07/29/2003)
07/28/2003	2	CERTIFICATE of Compliance by defendant FedEx Grnd Pkg Sys (bpm) (Entered: 07/29/2003)
07/28/2003		COMPLAINT (bpm) (Entered: 07/29/2003)
07/28/2003		MOTION by defendant FedEx Grnd Pkg Sys to extend time to answer complaint extended to: 08/15/03 (bpm) (Entered: 07/29/2003)
07/28/2003	1	NOTICE OF REMOVAL from Adams Cty Dist Ct Case Number: 03CV821 (bpm) (Entered: 07/29/2003)