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**U.S. District Court**

**U.S. District for the Northern District of California (S.F.)**

**CIVIL DOCKET FOR CASE #: 00-CV-2688**

**Cacopardo v. State of California, et al**

Filed: 07/27/00

Assigned to: Judge Phyllis J. Hamilton

Jury demand: Both

Referred to: Magistrate Judge James Larson

Demand: \$150,000

Nature of Suit: 440

Lead Docket: None

Jurisdiction: Federal Question

Dkt# in other court: None

Cause: 42:12101 Americans w/ Disabilities Act (ADA)

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PHIL CACOPARDO  
Plaintiff

Jason K. Singleton  
[COR LD NTC]  
Law Office of Jason K.  
Singleton  
611 L St  
Ste A  
Eureka, CA 95501  
(707) 441-1177

v.

STATE OF CALIFORNIA  
defendant

Stephanie Wald  
(415) 356-6382  
[COR NTC]  
Douglas M. Press  
(415) 703-5540  
[COR LD NTC]  
CA State Attorney General's  
Office  
455 Golden Gate Ave  
Suite 11000  
San Francisco, CA 94102-7004  
415-703-5853

EMPLOYMENT DEVELOPMENT  
DEPARTMENT  
defendant

Stephanie Wald  
(See above)  
[COR NTC]  
Bradley A. Solomon  
[COR NTC]  
Douglas M. Press  
(See above)  
[COR LD NTC]  
CA State Attorney General's

Office  
455 Golden Gate Ave  
Suite 11000  
San Francisco, CA 94102-7004  
415-703-5853

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## DOCKET PROCEEDINGS

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| DATE    | # | DOCKET ENTRY   |
|---------|---|--|
| 7/27/00 | 1 | COMPLAINT for injunctive relief and damages: denial of civil rights of a disabled person in violation of the Americans with Disabilities Act of 1990; Violation of California's civil rights statutes; violation of section 504 of the Rehabilitation Act (29 USC section 794) Summons(es) issued; Fee status pd entered on 7/27/00 in demand the amount of \$ 150 ( Receipt No. 3312953); jury [3:00-cv-02688] (fb) [Entry date 07/31/00] |
| 7/27/00 | 2 | ORDER RE COURT PROCEDURE and SCHEDULE (ADR Multi-Option) filed by Judge Phyllis J. Hamilton : Proof of service to be filed by 9/11/00 ; counsels' case management statement to be filed by 11/20/00 ; initial case management conference will be held 2:30 11/30/00 . (cc: all counsel) [3:00-cv-02688] (fb) [Entry date 07/31/00]   |

8/21/00 -- RECEIVED Stipulation and Proposed Order extending  
time for  
state to file responsive pleading ( defendant State of  
California ) [3:00-cv-02688] (fb) [Entry date  
08/22/00]

8/24/00 3 STIPULATION and ORDER by Judge Phyllis J. Hamilton :  
a extending time to for the State of California to file  
responsive pleading to the complaint to 9/29/00 (cc:  
all counsel) [3:00-cv-02688] (fb) [Entry date 08/29/00]

9/1/00 4 RETURN OF SERVICE executed upon defendant State of  
California, defendant Empl Dev Dept. on 8/10/00  
[3:00-cv-02688] (fb) [Entry date 09/05/00]

9/25/00 -- RECEIVED First Amended Complaint for injunctive relief  
and damages submitted by Plaintiff Phil Cacopardo re: [1-  
1]  
[3:00-cv-02688] (fb) [Entry date 10/03/00]

9/25/00 5 FIRST AMENDED COMPLAINT [1-1] for injunctive relief  
and damages by Plaintiff Phil Cacopardo; jury demand  
[3:00-cv-02688] (fb) [Entry date 10/10/00]

11/13/00 6 ANSWER by defendant State of California, defendant  
Empl Dev Dept. to complaint [5-1]; jury demand [3:00-cv-  
02688]  
(fb)

11/17/00 7 JOINT CASE MANAGEMENT STATEMENT and PROPOSED ORDER  
filed.  
[3:00-cv-02688] (fb) [Entry date 11/20/00]

11/30/00 8 MINUTES: ( C/R not reported) INITIAL CASE MANAGEMENT  
CONFERENCE HELD. Further case management conference  
set  
for 2:30 3/29/01; Plaintiff indicated willingness to  
consent to a magistrate judge for trial. Defendant  
shall  
discuss with his client and advise the court by  
12/21/00.  
Should the defendant consent to a magistrate for  
trial, the

3/29/01 case management conference shall be vacated,  
referring case to Chief Magistrate Judge for  
settlement  
conference within 120 days, and before 3/29/01  
[3:00-cv-02688] (fb) [Entry date 12/01/00]

11/30/00 9 ORDER by Judge Phyllis J. Hamilton Case management  
conference is continued to 3/29/01 at 2:30 p.m.; This  
matter is referred to the Chief Magistrate Judge for  
assignment of another magistrate judge to conduct a  
settlement conference before 3/29/01; ( Date Entered:  
12/5/00) (cc: all counsel) [3:00-cv-02688] (fb)  
[Entry date 12/05/00]

12/4/00 -- REFERRAL: referring case for settlement to Magistrate  
Judge James Larson [3:00-cv-02688] (wh)

12/6/00 10 NOTICE of Case Management Conference Issues by  
defendant  
State of California, defendant Empl Dev Dept.  
[3:00-cv-02688] (fb)

1/8/01 11 NOTICE OF SETTLEMENT CONFERENCE AND SETTLEMENT  
CONFERENCE  
ORDER by Magistrate Judge James Larson Settlement  
conf.  
(Mag) at 10:00 3/16/01 ; ( Date Entered: 1/10/01) (cc:  
all counsel) [3:00-cv-02688] (fb) [Entry date  
01/10/01]

3/12/01 -- RECEIVED Second Amended Complaint for injunctive  
relief and  
damages submitted by Plaintiff Phil Cacopardo  
[3:00-cv-02688] (fb) [Entry date 03/27/01]

3/12/01 12 EXPEDITED MOTION before Judge Phyllis J. Hamilton by  
Plaintiff Phil Cacopardo for leave to to file second  
amended complaint [3:00-cv-02688] (fb) [Entry date  
03/27/01]

3/12/01 12 MEMORANDUM of points and authorities by Plaintiff Phil  
Cacopardo in support of motion for leave to to file  
second  
amended complaint [12-1] [3:00-cv-02688] (fb)  
[Entry date 03/27/01]

3/12/01 12 DECLARATION by Jason K. Singleton on behalf of  
Plaintiff

Phil Cacopardo re motion for leave to to file second amended complaint [12-1] [3:00-cv-02688] (fb) [Entry date 03/27/01]

3/19/01 13 SETTLEMENT CONFERENCE MINUTES: ( C/R none) ( Hearing  
Date: 3/16/01) Settlement conference held; Case did not  
settle [3:00-cv-02688] (fb) [Entry date 03/27/01]

3/22/01 14 SUPPLEMENTAL JOINT CASE MANAGEMENT STATEMENT and  
PROPOSED ORDER filed. [3:00-cv-02688] (fb) [Entry date  
03/27/01]

3/23/01 15 AMENDED MOTION by Plaintiff Phil Cacopardo setting  
motion for leave to to file second amended complaint [12-1] ;  
hearing set for 9:00 4/25/01 [3:00-cv-02688] (fb)  
[Entry date 03/27/01]

3/23/01 -- RECEIVED Proposed Order ( Plaintiff Phil Cacopardo )  
re: motion for leave to to file second amended complaint  
[12-1] [3:00-cv-02688] (fb) [Entry date 03/27/01]

3/23/01 -- RECEIVED Third Amended Complaint for injunctive relief  
and damages submitted by Plaintiff Phil Cacopardo  
[3:00-cv-02688] (fb) [Entry date 03/27/01]

3/26/01 -- RECEIVED motion for order shortening time to hear  
plaintiff's motion for leave to file a third amended  
complaint submitted by Plaintiff Phil Cacopardo  
[3:00-cv-02688] (fb) [Entry date 04/02/01]

3/28/01 16 LETTER dated 3/22/01 from Jason K. Singleton to Judge  
Hamilton re case management conference. [3:00-cv-  
02688] (fb) [Entry date 04/04/01]

3/29/01 17 OPPOSITION by defendant Empl Dev Dept. to plaintiff's  
(fb) motion for an order shortening time. [3:00-cv-02688]  
[Entry date 04/04/01]

4/5/01 18 NOTICE of hearing by Plaintiff Phil Cacopardo setting  
[12-1] motion for leave to to file second amended complaint  
; hearing set for 9:00 5/9/01 [3:00-cv-02688] (fb)  
[Entry date 04/06/01]

4/6/01 19 CASE MANAGEMENT AND PRETRIAL ORDER by Judge Phyllis J.  
Hamilton setting hearing on motion for leave to to  
file  
second amended complaint [12-1] 9:00 5/9/01 Discovery  
cutoff set for 2/15/02 ; Pretrial conference set for  
2:30  
8/1/02 ; Jury trial will be held 8:30 8/19/02 for no  
more  
than 4 days; cutoff date for expert discovery is  
2/15/02 ;  
Dispositive motions to be heard by 4/17/02;  
Designation of  
experts 1/2/02; discovery limitations:  
interrogatories 25,  
depositions 10 each side, requests for documents 25,  
requests for admissions 25; Discovery disputes shall  
be  
referred to a magistrate judge; Early settlement  
conference  
with magistrate judge; Later mandatory settlement  
conference with magistrate judge February or March  
2002, or  
as soon thereafter as is convenient for the assigned  
judge;  
Motion to file second amended complaint is withdrawn  
by  
plaintiff; Motion for an order shortening time is  
DENIED;  
Opposition shall be filed by 4/11/01; Reply 4/18/01.  
Counsel shall meet and confer re: errors in amended  
complaint before hearing on above motion. ( Date  
Entered:  
4/11/01) (cc: all counsel) [3:00-cv-02688] (fb)  
[Entry date 04/11/01]

4/11/01 20 RESPONSE by defendant Empl Dev Dept. re motion for  
leave to  
to file second amended complaint [12-1] [3:00-cv-  
02688] (fb)  
[Entry date 04/23/01]

4/16/01 21 ORDER by Judge Phyllis J. Hamilton denying as moot  
motion  
notice [18-1], denying as moot motion for leave to to  
file  
second amended complaint [12-1]; The date for the  
hearing

on the motion, previously set for 5/9/01, is VACATED.  
 The  
 order to  
 4/25/01)

parties shall submit the stipulation and proposed  
 the court no later than 4/23/01. ( Date Entered:  
 (cc: all counsel) [3:00-cv-02688] (fb)  
 [Entry date 04/25/01]

4/23/01 22  
 The  
 pursuant  
 all

STIPULATION and ORDER by Judge Phyllis J. Hamilton:  
 stipulated second amended complaint shall be filed  
 to the stipulation of the parties; Motion to amend is  
 withdrawn and hearing date of 5/9/01 is VACATED. (cc:  
 counsel) [3:00-cv-02688] (fb) [Entry date 04/26/01]

4/23/01 23  
 Phil

STIPULATED SECOND AMENDED COMPLAINT [5-1] by Plaintiff  
 Cacopardo; jury demand [3:00-cv-02688] (fb)  
 [Entry date 04/26/01]

5/23/01 24  
 1];  
 05/24/01]

ANSWER by defendant Empl Dev Dept. to complaint [23-  
 jury demand [3:00-cv-02688] (fb) [Entry date

8/1/01 25  
 California,

NOTICE of unavailability by defendant State of  
 defendant Empl Dev Dept. [3:00-cv-02688] (fb)  
 [Entry date 08/02/01]

11/26/01 26  
 AND  
 Plaintiff  
 for

NOTICE OF MOTION AND MOTION WITH MEMORANDUM OF POINTS  
 AUTHORITIES before Judge Phyllis J. Hamilton by  
 Phil Cacopardo for summary judgment with Notice set  
 1/9/02 at 9:00 a.m. [3:00-cv-02688] (fb)  
 [Entry date 11/30/01]

11/26/01 27  
 Phil

DECLARATION by Jason Singleton on behalf of Plaintiff  
 Cacopardo re motion for summary judgment [26-1]  
 [3:00-cv-02688] (fb) [Entry date 11/30/01]

11/26/01 28  
 Phil

DECLARATION by Phil Cacopardo on behalf of Plaintiff  
 Cacopardo re motion for summary judgment [26-1]

[3:00-cv-02688] (fb) [Entry date 11/30/01]

11/26/01 29  
Phil  
DECLARATION by Hollynn D'Lil on behalf of Plaintiff  
Cacopardo re motion for summary judgment [26-1]  
[3:00-cv-02688] (fb) [Entry date 11/30/01]

11/28/01 31  
AND  
Plaintiff  
Notice  
NOTICE OF MOTION AND MOTION WITH MEMORANDUM OF POINTS  
AUTHORITIES before Judge Phyllis J. Hamilton by  
Phil Cacopardo for partial summary judgment with  
set for 1/9/02 at 9:00 a.m. [3:00-cv-02688] (fb)  
[Entry date 12/06/01]

11/29/01 30  
declaration  
for  
PROOF OF SERVICE by Plaintiff Phil Cacopardo of  
[29-1], declaration [28-1], declaration [27-1], motion  
summary judgment [26-1] [3:00-cv-02688] (fb)  
[Entry date 11/30/01]

12/10/01 --  
RECEIVED letter dated 12/10/01 to Judge Hamilton from  
Douglas M. Press re order to continue hearing.  
[3:00-cv-02688] (fb) [Entry date 12/13/01]

12/10/01 --  
judgment  
RECEIVED Stipulation and Proposed Order continuing the  
hearing for plaintiff's motion for partial summary  
( defendant Empl Dev Dept. ) [3:00-cv-02688] (fb)  
[Entry date 12/13/01]

12/10/01 32  
STIPULATION and ORDER by Judge Phyllis J. Hamilton :  
setting hearing on motion for partial summary judgment  
[31-1] 1/30/02 (cc: all counsel) [3:00-cv-02688] (fb)  
[Entry date 12/13/01]

1/9/02 33  
OPPOSITION by defendant Empl Dev Dept. to motion for  
partial summary judgment [31-1] [3:00-cv-02688] (fb)  
[Entry date 01/22/02]

1/9/02 34  
Empl  
DECLARATION by Douglas M. Press on behalf of defendant  
Dev Dept. re opposition [33-1] [3:00-cv-02688] (fb)  
[Entry date 01/22/02]



1/9/02 35 DECLARATION by David Kent Ballast on behalf of  
defendant  
(fb)  
Empl Dev Dept. re opposition [33-1] [3:00-cv-02688]  
[Entry date 01/22/02]

1/9/02 36 DECLARATION by Michael Gibbens on behalf of defendant  
Empl  
Dev Dept. re opposition [33-1] [3:00-cv-02688] (fb)  
[Entry date 01/22/02]

1/9/02 37 DECLARATION by Lorrie Bailey on behalf of defendant  
Empl  
Dev Dept. re opposition [33-1] [3:00-cv-02688] (fb)  
[Entry date 01/22/02]

1/18/02 38 REPLY by Plaintiff Phil Cacopardo to opposition to  
motion  
(fb)  
for partial summary judgment [31-1] [3:00-cv-02688]  
[Entry date 01/30/02]

1/18/02 39 DECLARATION by Jason Singleton on behalf of Plaintiff  
Phil  
Cacopardo re motion for partial summary judgment [31-  
1]  
[3:00-cv-02688] (fb) [Entry date 01/30/02]

1/30/02 41 MINUTES: ( C/R Debra Pas) ( Hearing Date: 1/30/02)  
denying  
Plaintiff's motion for partial summary judgment [31-1]  
Court to prepare the order [3:00-cv-02688] (db)  
[Entry date 02/05/02]

2/1/02 40 ORDER by Judge Phyllis J. Hamilton denying motion  
for  
partial summary judgment [31-1], denying motion for  
summary  
judgment [26-1] ( Date Entered: 2/5/02) (cc: all  
counsel)  
[3:00-cv-02688] (fb) [Entry date 02/05/02]

2/26/02 -- RECEIVED Stipulation and Proposed Order continuing the  
Empl  
trial date ( defendant State of California, defendant  
Dev Dept. ) [3:00-cv-02688] (fb) [Entry date 03/04/02]

2/26/02 42 STIPULATION and ORDER by Judge Phyllis J. Hamilton :  
Jury trial will be held 8:30 9/9/02 ; (cc: all counsel)  
[3:00-cv-02688] (fb) [Entry date 03/04/02]

3/7/02 43 NOTICE OF MOTION AND MOTION before Judge Phyllis J.  
Empl Hamilton by defendant State of California, defendant  
set Dev Dept. for partial summary judgment with Notice  
for 4/17/02 at 9:00 a.m. [3:00-cv-02688] (rcs)  
[Entry date 03/12/02]

3/7/02 44 MEMORANDUM by defendant State of California, defendant  
Empl Dev Dept. in support of motion for partial summary  
judgment [43-1] [3:00-cv-02688] (rcs) [Entry date  
03/12/02]

3/7/02 45 DECLARATION by Emilia Bartolomeu on behalf of  
defendant State of California, defendant Empl Dev Dept. in  
support of motion for partial summary judgment [43-1]  
[3:00-cv-02688] (rcs) [Entry date 03/12/02]

3/7/02 46 DECLARATION by Lorrie Bailey on behalf of defendant  
State of California, defendant Empl Dev Dept. in support of  
motion for partial summary judgment [43-1] [3:00-cv-  
02688]  
(rcs) [Entry date 03/12/02]

3/7/02 47 DECLARATION by Douglas M. Press on behalf of defendant  
support of State of California, defendant Empl Dev Dept. in  
motion for partial summary judgment [43-1] [3:00-cv-  
02688]  
(rcs) [Entry date 03/12/02]

3/7/02 -- RECEIVED Proposed Order ( defendant State of  
California, defendant Empl Dev Dept. ) re: motion for partial  
summary judgment [43-1] [3:00-cv-02688] (rcs) [Entry date  
03/12/02]

3/15/02 -- RECEIVED Stipulation and Proposed Order setting  
briefing

judgment

schedule on defendant's motion for partial summary  
( Plaintiff Phil Cacopardo ) [3:00-cv-02688] (fb)  
[Entry date 03/21/02]

3/18/02 48 STIPULATION and ORDER by Judge Phyllis J. Hamilton :  
setting hearing on motion for partial summary judgment  
[43-1] 5/1/02 (cc: all counsel) [3:00-cv-02688] (fb)  
[Entry date 03/22/02]

4/8/02 49 OPPOSITION by Plaintiff Phil Cacopardo to motion for  
partial summary judgment [43-1] [3:00-cv-02688] (fb)

4/8/02 50 DECLARATION by Jason Singleton on behalf of Plaintiff  
Phil  
Cacopardo re opposition [49-1] [3:00-cv-02688] (fb)

4/8/02 51 DECLARATION by Phil Cacopardo on behalf of Plaintiff  
Phil  
Cacopardo re opposition [49-1] [3:00-cv-02688] (fb)

4/8/02 52 DECLARATION by Janet Arnot on behalf of Plaintiff Phil  
Cacopardo [3:00-cv-02688] (fb)

4/8/02 53 DECLARATION by Lynda Dionno on behalf of Plaintiff  
Phil  
Cacopardo [3:00-cv-02688] (fb)

4/8/02 54 DECLARATION by Maeve Gannon on behalf of Plaintiff  
Phil  
Cacopardo [3:00-cv-02688] (fb)

4/17/02 55 REPLY MEMORANDUM by defendant Empl Dev Dept. re motion  
for  
partial summary judgment [43-1] [3:00-cv-02688] (fb)  
[Entry date 04/23/02]

4/17/02 56 OBJECTIONS by defendant State of California, defendant  
Empl  
Dev Dept. to declarations filed in opposition to  
defendant's motion for partial summary judgment.  
[3:00-cv-02688] (fb) [Entry date 04/23/02]

4/17/02 57 DECLARATION by Peter Erickson on behalf of defendant  
State

of California, defendant Empl Dev Dept. re reply [55-1]

[3:00-cv-02688] (fb) [Entry date 04/23/02]

4/17/02 58 REPLY DECLARATION by Emilia Bartolomeu on behalf of defendant State of California, defendant Empl Dev Dept.

[3:00-cv-02688] (fb) [Entry date 04/23/02]

4/17/02 59 REPLY DECLARATION by Douglas M. Press on behalf of defendant State of California, defendant Empl Dev Dept. re reply [55-1] [3:00-cv-02688] (fb) [Entry date 04/23/02]

5/1/02 60 MINUTES: ( C/R Kathy Wyatt) ( Hearing Date: 5/1/02) Proceedings: Defendants State of California and Employment Development Department for partial summary judgment SUBMITTED; Order to be prepared by Court. [3:00-cv-02688] (fb) [Entry date 05/08/02]

5/3/02 61 ORDER by Judge Phyllis J. Hamilton granting in part and denying in part motion for partial summary judgment [43-1] ( Date Entered: 5/9/02) (cc: all counsel) [3:00-cv-02688] (fb) [Entry date 05/09/02]

5/28/02 62 LETTER dated 5/23/02 to Judge Hamilton from Douglas M. Press re settlement conference. [3:00-cv-02688] (fb) [Entry date 05/29/02]

5/28/02 63 ORDER by Judge Phyllis J. Hamilton referring case for settlement to Magistrate Judge James Larson ( Date Entered: 5/29/02) (cc: all counsel) [3:00-cv-02688] (fb) [Entry date 05/29/02]

6/4/02 64 LETTER dated 6/4/02 from Jason K. Singleton to Judge Larson re settlement. [3:00-cv-02688] (fb) [Entry date 06/05/02]

6/11/02 65 SETTLEMENT CONFERENCE MINUTES: ( C/R none) ( Hearing Date: 6/11/02) Case did not settle [3:00-cv-02688] (fb) [Entry date 06/17/02]

6/24/02 66 NOTICE of waiver of a right to trial by jury by  
Plaintiff  
06/26/02] Phil Cacopardo [3:00-cv-02688] (fb) [Entry date

7/9/02 67 STIPULATION and ORDER by Judge Phyllis J. Hamilton :  
Pretrial conference set for 2:30 8/22/02 ; (cc: all  
counsel) [3:00-cv-02688] (fb) [Entry date 07/10/02]

7/15/02 68 PROOF OF SERVICE by defendant Empl Dev Dept. of  
Scheduling  
1] order Pretrial conference set for 2:30 8/22/02 ; [67-  
[3:00-cv-02688] (fb) [Entry date 07/17/02]

7/16/02 69 WAIVER of request for jury trial by defendant Empl Dev  
Dept. [3:00-cv-02688] (fb) [Entry date 07/17/02]

8/2/02 70 TRIAL briefs submitted by defendant State of  
California,  
defendant Empl Dev Dept. [3:00-cv-02688] (fb)  
[Entry date 08/05/02]

8/2/02 -- RECEIVED Proposed Findings of Fact and Conclusions of  
Law  
and Proposed Order ( defendant State of California,  
defendant Empl Dev Dept. ) [3:00-cv-02688] (fb)  
[Entry date 08/05/02]

8/2/02 71 EXHIBIT list by defendant State of California,  
defendant  
08/05/02] Empl Dev Dept. [3:00-cv-02688] (fb) [Entry date

8/2/02 72 WITNESS LIST submitted by defendant State of  
California,  
defendant Empl Dev Dept. [3:00-cv-02688] (fb)  
[Entry date 08/05/02]

8/2/02 73 DISCOVERY Excerpt Designation by defendant State of  
(fb) California, defendant Empl Dev Dept. [3:00-cv-02688]  
[Entry date 08/05/02]

8/2/02 74 JOINT PRE-TRIAL CONFERENCE STATEMENT by defendant  
State of

(fb) California, defendant Empl Dev Dept. [3:00-cv-02688]  
[Entry date 08/05/02]

8/2/02 75 TRIAL briefs submitted by Plaintiff Phil Cacopardo  
[3:00-cv-02688] (fb) [Entry date 08/05/02]

8/2/02 -- RECEIVED Proposed Findings of Fact and Conclusions of  
Law and Proposed Order ( Plaintiff Phil Cacopardo )  
[3:00-cv-02688] (fb) [Entry date 08/05/02]

8/2/02 76 WITNESS LIST and Anticipated Testimony submitted by  
Plaintiff Phil Cacopardo [3:00-cv-02688] (fb)  
[Entry date 08/05/02]

8/2/02 77 EXHIBIT list by Plaintiff Phil Cacopardo [3:00-cv-  
02688] (fb) [Entry date 08/05/02]

8/2/02 78 PROOF OF SERVICE by Plaintiff Phil Cacopardo of list  
[77-1], list [76-1], order received [0-0], brief [75-  
1]  
[3:00-cv-02688] (fb) [Entry date 08/05/02]

8/5/02 -- PROOF OF SERVICE by defendant State of California,  
02688] (fb) defendant Empl Dev Dept. of brief [70-1] [3:00-cv-

8/12/02 80 OBJECTIONS by defendant Empl Dev Dept. to plaintiff's  
02688] (fb) expert, certain witnesses, and exhibits. [3:00-cv-

8/12/02 81 DECLARATION by Douglas M. Press on behalf of defendant  
Empl Dev Dept. re objection [80-1] [3:00-cv-02688] (fb)

8/12/02 82 DECLARATION by Stephen Smith on behalf of defendant  
Empl Dev Dept. re objection [80-1] [3:00-cv-02688] (fb)

8/19/02 83 OPPOSITION by Plaintiff Phil Cacopardo to objection  
[80-1] [3:00-cv-02688] (fb) [Entry date 08/20/02]

8/22/02 84 MINUTES: ( C/R Rosita Flores) ( Hearing Date: 8/22/02)  
Counsel agreed the trial will be a court trial. The  
current scheduled trial date will be postponed one day  
due  
trial  
9/10/02 ;  
[3:00-cv-02688] (fb) [Entry date 08/23/02]

8/22/02 85 ORDER re trial rules and procedures by Judge Phyllis  
J.  
Hamilton ( Date Entered: 8/23/02) (cc: all counsel)  
[3:00-cv-02688] (fb) [Entry date 08/23/02]

8/23/02 86 FINAL PRETRIAL ORDER by Judge Phyllis J. Hamilton.  
Trial  
set for 9/10/02 at 8:30 a.m. ( Date Entered: 8/26/02)  
(cc:  
all counsel) [3:00-cv-02688] (fb) [Entry date  
08/26/02]

8/30/02 87 MEMORANDUM of law re defendant's ownership of sidewalk  
adjoining the EDD building by Plaintiff Phil Cacopardo  
[3:00-cv-02688] (fb) [Entry date 09/03/02]

9/4/02 88 TRIAL EXHIBITS in bin 36, in the Exhibit Room.  
Defendant's  
Binder. 24 hour notice to clerk to view any and all  
exhibits. [3:00-cv-02688] (db)

9/5/02 89 SETTLEMENT CONFERENCE MINUTES: ( C/R Not Reported) (   
Hearing Date: 9/4/02) Case did not settle.  
[3:00-cv-02688] (fb) [Entry date 09/06/02]

9/9/02 90 SETTLEMENT CONFERENCE MINUTES: ( C/R Not Reported) (   
Hearing Date: 9/9/02) Case did not settle.  
[3:00-cv-02688] (fb) [Entry date 09/10/02]

9/10/02 91 TRIAL MINUTES: ( C/R Kathy Wyatt) ( Hearing Date:  
9/10/02)  
Court Trial begins. Matter continued to 8:30 9/12/02  
for  
further court trial ; [3:00-cv-02688] (fb)  
[Entry date 09/11/02]

9/12/02 92 TRIAL MINUTES: ( C/R Kathy Wyatt) ( Hearing Date:  
9/12/02)

Trial to Court Trial begins. Matter continued for Further  
be held 8:30 9/13/02 ; [3:00-cv-02688] (fb)  
[Entry date 09/13/02]

9/13/02 93 TRIAL MINUTES: ( C/R Kathy Wyatt) ( Hearing Date:  
9/13/02)  
oral Court Trial begins. Plaintiff Rests. Defendant's  
was motion to non-suit DENIED as stated on the record.  
heard. Defendant Rests. Rebuttal witness was called. There  
Mary no Sir-Rebuttal witnesses called. Closing arguments  
Caywood, Matter was taken under submission. Witnesses: Lorrie  
Bailey, Michael Patrick Gibbens, Robert Van Fleet,  
Katherine Thompson Gay Diane Larsen, Kimley Denise  
Eric Erickson, Joe Don White, Dennis Paul Mullis and  
Roberta Alliston (Rebuttal); Disposition of Exhibits:  
Plaintiff's trial exhibits in a large navy blue binder  
were placed along with Defendant's Trial Exhibits (in a  
small brown box); both were placed into a white moving box.  
And will be given to the CSA. [3:00-cv-02688] (fb)  
[Entry date 09/16/02]

9/13/02 94 TRIAL Sheet [3:00-cv-02688] (fb) [Entry date 09/16/02]

9/13/02 95 EXHIBIT list [3:00-cv-02688] (fb) [Entry date  
09/16/02]

9/13/02 96 DEFENDANT'S EXHIBIT list [3:00-cv-02688] (fb)  
[Entry date 09/16/02]

9/24/02 97 FINDINGS of fact and conclusions of law by Judge  
Phyllis J. Hamilton. Judgment shall be entered on Cacopardo's  
complaint in favor of defendants and against  
plaintiff. The Clerk shall close the file. (cc: all counsel)  
[3:00-cv-02688] (fb) [Entry date 09/25/02]

9/24/02 -- Docket Modification (Administrative) to findings of  
fact [97-1] terminating case ; appeal filing ddl 10/25/02  
[3:00-cv-02688] (fb) [Entry date 09/25/02]



9/24/02 98 JUDGMENT: It is ordered, adjudged and decreed that the  
dismissed on plaintiff take nothing and that the action be  
Entered: the merits by Judge Phyllis J. Hamilton ( Date  
9/25/02) (cc: all counsel) [3:00-cv-02688] (fb)  
[Entry date 09/25/02]

9/26/02 99 EXHIBITS, bin 036 in the exhibit room, plaintiff and  
02688] defendants. Binders and documents. One day notice is  
needed to view any and all trial exhibits. [3:00-cv-  
(db)

10/3/02 100 NOTICE OF MOTION AND MOTION before Judge Phyllis J.  
02688] Hamilton by Plaintiff Phil Cacopardo to amend judgment  
with Notice set for 11/13/02 at 9:00 a.m. [3:00-cv-  
(fb)

10/3/02 -- RECEIVED Proposed Order ( Plaintiff Phil Cacopardo )  
re: motion to amend judgment [100-1] [3:00-cv-02688] (fb)

10/7/02 101 BILL OF COSTS submitted by defendant State of  
California, defendant Empl Dev Dept. re judgment [98-1]  
[3:00-cv-02688] (fb)

10/22/02 102 OPPOSITION by defendant Empl Dev Dept. to motion to  
amend judgment [100-1] [3:00-cv-02688] (fb)

10/28/02 103 REPLY by Plaintiff Phil Cacopardo to opposition to  
motion to amend judgment [100-1] [3:00-cv-02688] (fb)

11/13/02 104 ORDER by Judge Phyllis J. Hamilton denying motion to  
amend judgment [100-1] ( Date Entered: 11/14/02) (cc: all  
counsel) [3:00-cv-02688] (fb) [Entry date 11/14/02]

7/11/03 -- COSTS taxed for defendant State of California,  
defendant Empl Dev Dept. in the amount of \$ 2,315.68 against  
Plaintiff Phil Cacopardo (cc: all counsel)

[3:00-cv-02688] (rcs) [Entry date 07/14/03]

3/8/04 -- EXHIBIT LOCATION for Defendant: stored in Bin #036; (No. boxes: one box) [3:00-cv-02688] (fb)

3/8/04 -- EXHIBIT LOCATION for Plaintiff: stored in Bin #036; (2 blue binders) [3:00-cv-02688] (fb)

4/27/04 105 NOTICE of removal of defendants' original exhibits by defendant State of California, defendant Empl Dev Dept. [3:00-cv-02688] (fb) [Entry date 04/28/04]

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Case Flags:  
TERMED  
REFSET  
EXH

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END OF DOCKET: 3:00cv2688

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| <b>PACER Service Center</b> |               |                         |             |
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| 01/23/2005 09:55:54         |               |                         |             |
| <b>PACER Login:</b>         | pr0170        | <b>Client Code:</b>     |             |
| <b>Description:</b>         | docket report | <b>Search Criteria:</b> | 3:00cv02688 |
| <b>Billable Pages:</b>      | 13            | <b>Cost:</b>            | 1.04        |