

CJRA_D,CLOSED,PMF

U.S. District Court
Southern District of Illinois (East St. Louis)
CIVIL DOCKET FOR CASE #: 3:09-cv-00255-JPG-PMF

Masters v. Lowe's Home Centers, Inc.
Assigned to: Judge J. Phil Gilbert
Referred to: Magistrate Judge Philip M. Frazier
Case in other court: USCA7, 09-02754
Madison County Circuit Court, 08-L-910
USCA7, 11-02688
Cause: 15:1681 Fair Credit Reporting Act

Date Filed: 04/02/2009
Date Terminated: 07/27/2011
Jury Demand: Defendant
Nature of Suit: 480 Consumer Credit
Jurisdiction: Federal Question

Objector**Grace M Cannata**

represented by **Sam P Cannata**
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ATTORNEY TO BE NOTICED

Plaintiff**Doris J. Masters**

*individually and on behalf of a class of
similarly situated individuals*

represented by **Marc W. Parker**
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TERMINATED: 04/22/2009

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V.

Defendant

Lowe's Home Centers, Inc.

doing business as

Lowe's

represented by **Kimball R. Anderson**

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Date Filed	#	Docket Text
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04/02/2009	1	Case Opened. Filing fee paid \$ 350.00, Receipt Number 34625012088. Documents may now be electronically filed. Case number 09-255-JPG must be placed on all documents prior to filing them electronically. (Attachments: # 1 Notice of Consent to Trial by US Magistrate Judge)(tkm) (Entered: 04/02/2009)
04/02/2009	2	NOTICE OF REMOVAL by Lowe's Home Centers, Inc. from Circuit Court of Madison County, case number 08-L-910. (Filing fee \$ 350) (Attachments: # 1 Exhibit A - First Amended Complaint, # 2 Civil Cover Sheet)(Anderson, Kimball) (Entered: 04/02/2009)
04/08/2009	3	ELECTRONIC ORDER re Doc. 2 filed by Lowe's Home Center's, Inc. Party failed to file corporate disclosure as required by F.R.Civ.P. 7.1. Requisite filing must be made on or before 04/17/2009. Failure to do so may result in the striking of all present and future filings.Signed by Judge J. Phil Gilbert on 4/8/09. (kmb,)THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 04/08/2009)
04/08/2009	4	NOTICE of Appearance by Kimball R. Anderson on behalf of Lowe's Home Centers, Inc. (Anderson, Kimball) (Entered: 04/08/2009)
04/08/2009	5	NOTICE of Appearance by Kathleen B. Barry on behalf of Lowe's Home Centers, Inc. (Barry, Kathleen) (Entered: 04/08/2009)
04/08/2009	6	NOTICE of Appearance by Thomas Wiegand on behalf of Lowe's Home Centers, Inc. (Wiegand, Thomas) (Entered: 04/08/2009)
04/08/2009	7	Corporate Disclosure Statement by Lowe's Home Centers, Inc.. (Anderson, Kimball) (Entered: 04/08/2009)
04/08/2009	8	MOTION for Extension of Time to File Answer <i>TO PLAINTIFF'S AMENDED COMPLAINT (AGREED)</i> by Lowe's Home Centers, Inc.. (Anderson, Kimball) (Entered: 04/08/2009)
04/10/2009	9	ORDER granting 8 defendant's Agreed Motion for Extension of Time to File a Response to plaintiff's Amended Complaint and ALLOWING defendant an extension of time up to and including 4/13/09 in which to file said answer or responsive pleading. Signed by Magistrate Judge Philip M. Frazier on 4/10/09. (mta) (Entered: 04/10/2009)
04/10/2009		Set/Reset Deadlines: Lowe's Home Centers, Inc.'s answer to plaintiff's Amended Complaint due 4/13/2009. (mta) (Entered: 04/10/2009)
04/13/2009	10	NOTICE of Appearance by Troy A. Bozarth on behalf of Lowe's Home Centers, Inc. (Bozarth, Troy) (Entered: 04/13/2009)
04/13/2009	11	MOTION to Stay <i>PROCEEDINGS</i> , MOTION to Compel <i>INDIVIDUAL ARBITRATION</i> by Lowe's Home Centers, Inc.. (Anderson, Kimball) (Entered: 04/13/2009)
04/13/2009	12	MEMORANDUM in Support re 11 MOTION to Stay <i>PROCEEDINGS</i> MOTION to Compel <i>INDIVIDUAL ARBITRATION</i> filed by Lowe's Home Centers, Inc.. (Attachments: # 1 Declaration of Michael A. Tummillo, # 2 Declaration of Martha Koehler, # 3 Exhibit A to Tummillo and Koehler Declarations, # 4 Exhibit B to

		Tummillo and Koehler Declarations, # 5 Exhibit C to Tummillo and Koehler Declarations, # 6 Exhibit D to Tummillo and Koehler Declarations, # 7 Exhibit E to Tummillo and Koehler Declarations, # 8 Exhibit F to Tummillo and Koehler Declarations, # 9 Exhibit G to Tummillo and Koehler Declarations, # 10 Exhibit H to Tummillo Declaration, # 11 Exhibit I to Koehler Declaration, # 12 Exhibit J to Koehler Declaration, # 13 Declaration of Kimball R. Anderson, # 14 Exhibit 1 to Anderson Declaration)(Anderson, Kimball) (Entered: 04/13/2009)
04/16/2009	13	NOTICE of Appearance by Paul A. Marks on behalf of Doris J. Masters (Marks, Paul) (Entered: 04/16/2009)
04/21/2009	14	CJRA TRACK B assigned: Final Pretrial Conference set for 4/9/2010 at 09:30 AM in Benton Courthouse before Judge J. Phil Gilbert. Jury Trial set for 4/19/2010 at 09:00 AM in Benton Courthouse before Judge J. Phil Gilbert. (by:kjr) (Entered: 04/21/2009)
04/22/2009	15	MOTION to Withdraw as Attorney <i>and Substitute Counsel</i> by Doris J. Masters. (Brown, Mark) (Entered: 04/22/2009)
04/22/2009	16	ORDER granting 15 Motion to Withdraw and Substitute Attorney. Added attorney Marc W. Parker for Doris J. Masters. Attorney Mark L. Brown terminated. Signed by Magistrate Judge Philip M. Frazier on 4/22/09. (mta) (Entered: 04/22/2009)
04/27/2009	17	RESPONSE in Opposition re 11 MOTION to Stay <i>PROCEEDINGS</i> MOTION to Compel <i>INDIVIDUAL ARBITRATION</i> filed by Doris J. Masters. (Parker, Marc) (Entered: 04/27/2009)
04/28/2009	18	MOTION for Extension of Time to File Response/Reply as to 11 MOTION to Stay <i>PROCEEDINGS</i> MOTION to Compel <i>INDIVIDUAL ARBITRATION (UNOPPOSED)</i> by Lowe's Home Centers, Inc.. (Anderson, Kimball) (Entered: 04/28/2009)
04/30/2009	19	ORDER granting 18 defendant's MOTION for Extension of Time to File Reply in Support of Defendant's Motion to Compel Arbitration. Defendant's Response due by 5/11/2009. Signed by Magistrate Judge Philip M. Frazier on 4/30/09. (mta) (Entered: 04/30/2009)
05/08/2009	20	MOTION for Leave to File Excess Pages <i>for REPLY IN SUPPORT OF DEFENDANT'S MOTION TO COMPEL ARBITRATION</i> by Lowe's Home Centers, Inc.. (Anderson, Kimball) (Entered: 05/08/2009)
05/11/2009	21	NOTICE of Appearance by Gordon R. Broom on behalf of Lowe's Home Centers, Inc. (Broom, Gordon) (Entered: 05/11/2009)
05/11/2009	22	The Court hereby GRANTS the 20 Motion for Leave to File Excess Pages and allows 8 pages to be filed.. Signed by Judge J. Phil Gilbert on 5/11/2009. (by:kjr) (Entered: 05/11/2009)
05/11/2009	23	REPLY to Response to Motion re 11 MOTION to Stay <i>PROCEEDINGS</i> MOTION to Compel <i>INDIVIDUAL ARBITRATION</i> filed by Lowe's Home Centers, Inc.. (Anderson, Kimball) (Entered: 05/11/2009)
05/29/2009	24	MINUTE ORDER (kjr); Matter stricken as a Track B and given Track D. Final Pretrial Conference reset for 11/5/2010 09:30 AM in Benton Courthouse before Judge J. Phil

		Gilbert. Jury Trial reset for 11/15/2010 09:00 AM in Benton Courthouse before Judge J. Phil Gilbert.(dka,) (Entered: 06/01/2009)
06/11/2009	25	MEMORANDUM AND ORDER denying 11 MOTION to Stay <i>PROCEEDINGS</i> MOTION to Compel <i>INDIVIDUAL ARBITRATION</i> filed by Lowe's Home Centers, Inc. Signed by Judge J. Phil Gilbert on 6/11/09. (dka,) (Entered: 06/12/2009)
06/17/2009	26	NOTICE of Hearing: Scheduling and Discovery Conference set for 7/17/2009 10:00 AM via telephone before Magistrate Judge Philip M. Frazier. Counsel for plaintiff to place the conference call. The telephone number for the Court is 618-439-7750. Lead counsel must participate in the conference call. (krm) (Entered: 06/17/2009)
06/17/2009	27	ORDER REGARDING DISCOVERY: Discovery disputes which cannot be resolved through informal means pursuant to Federal Rule of Civil Procedure 37 shall be handled in the following manner. The party seeking the discovery shall be responsible for arranging for a prompt telephone conference with the Court and opposing counsel, by first contacting Karen Metheney, Courtroom Deputy to Judge Frazier, at 618-439-7754. If written discovery is involved, the disputed portion(s) shall be faxed to the Court prior to the telephone conference. Motions to Compel discovery and/or for appropriate sanctions shall be presented orally at the telephone conference. Written motions to compel or legal memoranda will not be accepted unless specifically requested by the Court. Expense of the call will be borne by the non-prevailing party. Signed by Magistrate Judge Philip M. Frazier on 6/17/2009. (krm)THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 06/17/2009)
07/02/2009	28	<i>Plaintiff's First</i> REQUEST for Admissions by Doris J. Masters.(Parker, Marc) (Entered: 07/02/2009)
07/09/2009	29	NOTICE OF APPEAL as to 25 Memorandum & Opinion, Terminate Motions by Lowe's Home Centers, Inc.. Filing fee \$ 455. (Anderson, Kimball) (Entered: 07/09/2009)
07/09/2009	30	DOCKETING STATEMENT by Lowe's Home Centers, Inc. re 29 Notice of Appeal (Anderson, Kimball) (Entered: 07/09/2009)
07/09/2009	31	USCA Appeal Fees received in the amount of \$455 receipt number 34625014016 re 29 Notice of Appeal filed by Lowe's Home Centers, Inc. (tkm) (Entered: 07/09/2009)
07/10/2009	32	Transmission of Short Record to US Court of Appeals re 29 Notice of Appeal. Appeal Record due to be prepared by 7/23/2009. (dka,) (Entered: 07/10/2009)
07/10/2009	33	USCA Case Number 09-2754 for 29 Notice of Appeal filed by Lowe's Home Centers, Inc. (dka,) (Entered: 07/10/2009)
07/14/2009		Electronic Record on Appeal Prepared re 29 Notice of Appeal (1 volume pleadings) (dka,) (Entered: 07/14/2009)
07/14/2009	34	NOTICE of Cancellation of Hearing: Scheduling and Discovery Conference set for 7/17/2009 10:00 AM via telephone before Magistrate Judge Philip M. Frazier is canceled. (krm) THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 07/14/2009)

07/23/2009	35	DESIGNATION of Record on Appeal by Lowe's Home Centers, Inc. re 29 Notice of Appeal (Anderson, Kimball) (Entered: 07/23/2009)
08/03/2009	36	RESPONSE/ANSWER TO REQUEST FOR ADMISSIONS by Lowe's Home Centers, Inc.. Related document: 28 Request for Admissions filed by Doris J. Masters.(Barry, Kathleen) (Entered: 08/03/2009)
10/25/2010		Set/Reset Hearings: Final Pretrial Conference by TELEPHONE is reset for 11/4/2010 at 09:00 AM in Benton Courthouse before Judge J. Phil Gilbert. The Plaintiff is responsible for placing the call to all parties. Judge Gilbert's telephone number is 618-439-7720. This matter is STRICKEN from the in person final pre-trial conference on 11/5/2010. (by:kjr) (Entered: 10/25/2010)
11/04/2010	37	Minute Entry for proceedings held before Judge J. Phil Gilbert (kjr): Final Pretrial Conference by telephone held on 11/4/2010. Court discusses with parties status of this case in the Court of Appeals. Parties believe this matter should be completed within the next 30 days. This matter is stricken from 11/15/2010 trial docket. (Court Reporter N/A.) (dka,) (Entered: 11/04/2010)
12/21/2010	38	ORDER of USCA as to 29 Notice of Appeal filed by Lowe's Home Centers, Inc. The Joint Motion for Limited Remand to US District Court to Conduct Class Action Settlement Proceedings is granted. The case is remanded to District Court for the purpose of conducting class action settlement approval proceedings. (dka,) (Entered: 12/21/2010)
12/23/2010	39	MOTION to Withdraw as Attorney by Doris J. Masters. (Marks, Paul) (Entered: 12/23/2010)
12/27/2010	40	ORDER granting 39 Plaintiff's Motion to Withdraw. Attorney Paul A. Marks terminated. Signed by Magistrate Judge Philip M. Frazier on 12/27/2010. (jag) THIS TEXT ENTRY IS AN ORDER OF THE COURT. NO FURTHER DOCUMENTATION WILL BE MAILED. (Entered: 12/27/2010)
01/05/2011	41	NOTICE of Appearance by Richard J. Doherty on behalf of Doris J. Masters (Doherty, Richard) (Entered: 01/05/2011)
01/05/2011	42	MOTION for Settlement <i>Preliminary Approval</i> by Doris J. Masters. (Attachments: # 1 Appendix 1 - Settlement Agreement, # 2 Appendix 2 - Firm Resume)(Doherty, Richard) (Entered: 01/05/2011)
01/06/2011	43	MINUTE ORDER (kjr); hearing re 42 MOTION for Settlement <i>Preliminary Approval</i> filed by Doris J. Masters set for 1/11/2011 09:30 AM in Benton Courthouse before Judge J. Phil Gilbert. (dka,) (Entered: 01/06/2011)
01/06/2011	44	NOTICE of Appearance by Robert W. Schmieder, II on behalf of Doris J. Masters (Schmieder, Robert) (Entered: 01/06/2011)
01/10/2011	45	NOTICE of Appearance by Phillip A. Bock on behalf of Doris J. Masters (Bock, Phillip) (Entered: 01/10/2011)
01/10/2011	46	EXHIBIT by Doris J. Masters. Exhibit to 42 Motion for Settlement <i>Preliminary Approval - Revised Appendix 1 - Settlement Agreement</i> . (Doherty, Richard) (Entered: 01/10/2011)

		01/10/2011)
01/11/2011	47	ORDER of Preliminary Approval re 42 MOTION for Settlement <i>Preliminary Approval</i> filed by Doris J. Masters. Signed by Judge J. Phil Gilbert on 1/11/11. (djs,) (Entered: 01/11/2011)
01/11/2011	48	Minute Entry for proceedings held before Judge J. Phil Gilbert (kjr): Motion Hearing held on 1/11/2011 re 42 MOTION for Settlement <i>Preliminary Approval</i> filed by Doris J. Masters. A written order will be entered. (Court Reporter Jane McCorkle.) (dka,) (Entered: 01/11/2011)
03/08/2011	49	MOTION for Supplemental Preliminary Approval of Class Action Settlement Agreement and Amendment and Amended Notice to the Settlement Class (Agreed) by Lowe's Home Centers, Inc., Doris J. Masters. (Attachments: # 1 Exhibit 1)(Anderson, Kimball) (Entered: 03/08/2011)
03/10/2011	50	NOTICE of Change of Address by Troy A. Bozarth (Bozarth, Troy) (Entered: 03/10/2011)
03/11/2011	51	SUPPLEMENTAL ORDER OF PRELIMINARY APPROVAL. Signed by Judge J. Phil Gilbert on 3/11/2011. (dka,) (Entered: 03/11/2011)
04/06/2011	52	OBJECTION to Settlement. (dka,) (Entered: 04/06/2011)
04/12/2011	53	OBJECTION to Settlement by Robert J. Bistolfi. (djs,) (Entered: 04/13/2011)
04/22/2011	54	OBJECTION to Settlement by Dana Martin (dka,) (Entered: 04/22/2011)
05/02/2011	55	OBJECTION to Settlement by Grace M. Cannata. (bkl) (Entered: 05/02/2011)
05/13/2011	56	OBJECTION to Settlement by Donna Schultz. (tkm) (Entered: 05/13/2011)
05/20/2011		Set/Reset Hearings: Fairness Hearing set for 7/14/2011 at 01:30 PM in Benton Courthouse before Judge J. Phil Gilbert. (by:kjr) (Entered: 05/20/2011)
07/01/2011	57	MOTION for Order to <i>grant Final Approval of Settlement</i> by Doris J. Masters. (Attachments: # 1 Exhibit A - Proposed Final Approval Order DELETED, # 2 Exhibit B - Bethke Declaration, # 3 Exhibit C - Schechter Declaration, # 4 Exhibit D - Tummillo Declaration)(Doherty, Richard) Modified on 7/5/2011 (dka,). (Entered: 07/01/2011)
07/01/2011	58	MOTION for Attorney Fees <i>and Expenses and Incentive Award to Class Representative</i> by Doris J. Masters. (Doherty, Richard) (Entered: 07/01/2011)
07/01/2011	59	RESPONSE to 53 Objection, 54 Objection, 55 Objection, 56 Objection, 52 Objection to <i>Class Action Settlement</i> filed by Doris J. Masters. (Attachments: # 1 Exhibit A - Annotated Cannata Objection)(Doherty, Richard) (Entered: 07/01/2011)
07/05/2011	60	NOTICE OF ERRORS AND/OR DEFICIENCIES re 57 Motion for Order, filed by Doris J. Masters. See attached document for specifics (dka,) (Entered: 07/05/2011)
07/11/2011	61	MEMORANDUM in Support re 57 MOTION for Order to <i>grant Final Approval of Settlement</i> filed by Lowe's Home Centers, Inc.. (Bozarth, Troy) (Entered: 07/11/2011)

07/14/2011	62	Minute Entry for proceedings held before Judge J. Phil Gilbert (kjr): Fairness Hearing held on 7/14/2011, granting 58 MOTION for Attorney Fees <i>and Expenses and Incentive Award to Class Representative</i> filed by Doris J. Masters, 57 MOTION for Order to <i>grant Final Approval of Settlement</i> filed by Doris J. Masters. Written order to be entered. Parties to submit proposed judgment. (Court Reporter Jane McCorkle.) (dka,) (Entered: 07/14/2011)
07/14/2011	63	ORDER OF FINAL APPROVAL. Signed by Judge J. Phil Gilbert on 7/14/2011. (dka,) (Entered: 07/14/2011)
07/25/2011	64	NOTICE OF APPEAL as to 63 Order by Grace M Cannata. Filing fee \$455.00 Rec numbers 44625001333 and 44625001334 (dka,) Modified on 7/26/2011 (dka,). (Entered: 07/25/2011)
07/25/2011	65	Transmission of Short Record to US Court of Appeals re 64 Notice of Appeal Appeal Record due to be prepared by 8/8/2011. (dka,) (Entered: 07/25/2011)
07/25/2011	66	USCA Case Number 11-2688 for 64 Notice of Appeal filed by Grace M Cannata. (dka,) (Entered: 07/25/2011)
07/27/2011	67	CLERK'S JUDGMENT (NJR/dka). Approved by Judge J. Phil Gilbert on 7/27/2011. (See judgment for specifics.)(dka,) (Entered: 07/27/2011)
08/16/2011		Electronic Record on Appeal Prepared re 64 Notice of Appeal consisting of 2 volumes of pleadings (dka,) (Entered: 08/16/2011)
08/30/2011	68	MOTION for Bond <i>Plaintiffs' Motion for Appellate Cost Bond</i> by Doris J. Masters. (Schmieder, Robert) (Entered: 08/30/2011)
09/09/2011	69	NOTICE of Appearance by Sam P Cannata on behalf of Grace M Cannata (Cannata, Sam) (Entered: 09/09/2011)
09/09/2011	70	RESPONSE in Opposition re 68 MOTION for Bond <i>Plaintiffs' Motion for Appellate Cost Bond</i> filed by Grace M Cannata. (Cannata, Sam) (Entered: 09/09/2011)
09/26/2011	71	REPLY to Response to Motion re 68 MOTION for Bond <i>Plaintiffs' Motion for Appellate Cost Bond</i> filed by Doris J. Masters. (Doherty, Richard) (Entered: 09/26/2011)
09/27/2011	72	<p>Transcript of Fairness Hearing held on July 14, 2011, before Judge J. Phil Gilbert. Court Reporter/Transcriber Jane McCorkle, Telephone number 618-244-4426.</p> <p>NOTICE: The parties have seven (7) business days to file with the Court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript will be made remotely electronically available to the public without redaction after 90 calendar days. This policy is located on our website at www.ilsd.uscourts.gov/Forms/CMECFTranscriptPolicy.pdf.</p> <p>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 10/18/2011. Redacted Transcript Deadline set for 10/28/2011. Release of Transcript Restriction set</p>

		for 12/27/2011. (dka,) (Entered: 09/27/2011)
12/08/2011	73	MANDATE of USCA as to 64 Notice of Appeal filed by Grace M Cannata. Appeal dismissed pursuant to plaintiff-appellant's Motion for Voluntary Dismissal. (dka,) (Entered: 12/08/2011)
12/12/2011	74	ORDER denying as moot 68 Motion for Appellate Cost Bond. Signed by Judge J. Phil Gilbert on 12/12/11. (dka,) (Entered: 12/12/2011)
02/06/2012	75	MANDATE of USCA as to 29 Notice of Appeal filed by Lowe's Home Centers, Inc. Upon motion defendant-appellant's motion to dismiss, appeal dismissed pursuant to FRAP 42(b). (dka,) (Entered: 02/06/2012)