

U.S. District Court
Southern District of California (San Diego)
CIVIL DOCKET FOR CASE #: 3:16-cv-02965-JM-JLB

Torczyner v. Staples, Inc.
Assigned to: Judge Jeffrey T. Miller
Referred to: Magistrate Judge Jill L. Burkhardt
Demand: \$5,000,000
Case in other court: USCA, 17-56427
Cause: 28:1332fr Diversity-Fraud

Date Filed: 12/06/2016
Date Terminated: 08/28/2017
Jury Demand: Plaintiff
Nature of Suit: 190 Contract: Other
Jurisdiction: Diversity

Date Filed	#	Docket Text
12/06/2016	1 R	COMPLAINT With Jury Demand Against Staples, Inc. (Filing fee \$ 400 receipt number 0974-9633563.), filed by Neil Torczyner. (Attachments: # 1 Civil Cover Sheet, # 2 Exhibit A, # 3 Exhibit B, # 4 Exhibit C) The new case number is 3:16-cv-2965-JLS-JLB. Judge Janis L. Sammartino and Magistrate Judge Jill L. Burkhardt are assigned to the case. (Stickney, David)(dsn)(jrd) (Entered: 12/07/2016)
12/07/2016	2 R	Summons Issued. Counsel receiving this notice electronically should print this summons and serve it in accordance with Rule 4, Fed.R.Civ.P and LR 4.1. (dsn)(jrd) (Entered: 12/07/2016)
12/12/2016	3	Request to Appear Pro Hac Vice, No payment Submitted. (Application to be reviewed by Clerk.) (Schirripa, Frank) (kcm). (Entered: 12/12/2016)
12/13/2016	4	PRO HAC APPROVED: Frank R. Schirripa appearing for Plaintiff Neil Torczyner. (no document attached) (aef) (Entered: 12/13/2016)
12/14/2016	5 R	MOTION for Settlement by Neil Torczyner. (Attachments: # 1 R Memo of Points and Authorities, # 2 R Declaration of Frank R. Schirripa, # 3 R Exhibit 1 to the Declaration of Frank R. Schirripa)(Stickney, David) (kcm). Modified re 14 R Notice of Errata re Dkt. No. 5-1 (rlu). (Entered: 12/14/2016)
01/03/2017	6	WAIVER OF SERVICE Returned Executed by Neil Torczyner, as to Staples, Inc.. (Schirripa, Frank) (kcm). (Entered: 01/03/2017)
01/03/2017	7	NOTICE of Appearance by Michelle C Doolin on behalf of Staples, Inc. (Attachments: # 1 Proof of Service)(Doolin, Michelle)Attorney Michelle C Doolin added to party Staples, Inc. (pty:df) (kcm). (Entered: 01/03/2017)
01/03/2017	8	NOTICE of Appearance by Darcie Tilly on behalf of Staples, Inc. (Attachments: # 1 Proof of Service)(Tilly, Darcie)Attorney Darcie Tilly added to party Staples, Inc.(pty:df) (kcm). (Entered: 01/03/2017)
01/03/2017	9	NOTICE of Appearance by Neal Gibeault on behalf of Staples, Inc. (Attachments: # 1 Proof

		of Service)(Gibeault, Neal)Attorney Neal Gibeault added to party Staples, Inc.(pty:dft) (kcm). (Entered: 01/03/2017)
01/03/2017	10	Corporate Disclosure Statement by Staples, Inc.. No Corporate Parents/Interested Parties. (Attachments: # 1 Proof of Service)(Doolin, Michelle) (kcm). (Entered: 01/03/2017)
01/03/2017	11 R	Joint MOTION for Extension of Time to File Answer by Staples, Inc.. (Attachments: # 1 Proof of Service)(Doolin, Michelle) (kcm). (Entered: 01/03/2017)
01/09/2017	12	ORDER granting 11 R Joint Motion to Extend of Time. Good cause appearing, the parties' Joint Motion is granted. Defendant shall answer or otherwise respond to Plaintiff's Complaint on or before April 28, 2017. Signed by Judge Janis L. Sammartino on 1/9/2017. (kcm) (Entered: 01/09/2017)
03/02/2017	13	NOTICE of Proposed Class Action Settlement Under 28 U.S.C. §1715 to United States Attorney General & Appropriate State Officials by Staples, Inc. (Attachments: # 1 Proof of Service)(Tilly, Darcie) (dxj). (Entered: 03/02/2017)
03/03/2017	14 R	NOTICE of Errata re Dkt. No. 5-1 by Neil Torczyner re 5 R MOTION for Settlement (Schirripa, Frank) (rlu). (Entered: 03/03/2017)
03/06/2017	15 R	ORDER (1) RECUSING From Case And (2) Requesting Reassignment. Judge Janis L. Sammartino is no longer assigned. Case reassigned to Judge Thomas J. Whelan for all further proceedings. Pending hearings previously set before the original Judge have been vacated. The new case number is 16cv2965-W-JLB. Signed by Judge Janis L. Sammartino on 3/6/2017.(dxj) (Entered: 03/06/2017)
03/06/2017	16	MINUTE ORDER OF RECUSAL. Judge Thomas J. Whelan is no longer assigned. Case reassigned to Judge Jeffrey T. Miller for all further proceedings. The new case number is 16cv2965-JM(JLB).(no document attached) (jao) (Entered: 03/06/2017)
03/16/2017	17	Minute Order by Judge Jeffrey T. Miller: Motion Hearing on 5 R MOTION for Settlement is set for 4/24/2017 10:00 AM in Courtroom 5D before Judge Jeffrey T. Miller.(no document attached) (gac) (Entered: 03/16/2017)
04/17/2017	18	Minute Order by Judge Jeffrey T. Miller: Submitting, 5 R MOTION for Settlement. Motion Hearing set for 4/24/2017 10:00 AM before Judge Jeffrey T. Miller is vacated. Written order to follow. (no document attached) (gac) (Entered: 04/17/2017)
04/17/2017	19 R	AMENDED DOCUMENT by Staples, Inc.. <i>Amendment No. 1 to Settlement Agreement and Release</i> . (Attachments: # 1 Exhibit F.1, # 2 Exhibit F.2, # 3 Proof of Service)(Doolin, Michelle) (rlu). (Entered: 04/17/2017)
04/25/2017	20 R	ORDER Granting Preliminary Approval of Class Settlement (ECF No. 5 R). Signed by Judge Jeffrey T. Miller on 4/25/2017. (rlu) (Entered: 04/25/2017)
06/01/2017	21	Notice of Document Discrepancies and Order Thereon by Judge Jeffrey T. Miller Rejecting Document: Class Settlement Opt-Out, from Lanny Evans. Non-compliance with local rule(s), OTHER: Opt-out not to be filed with court (See Doc. 20 R). Signed by Judge Jeffrey T. Miller on 6/1/2017.(lrf) (Additional attachment(s) added on 6/1/2017: # 1 Rejected Document) (All non-registered users served via U.S. Mail Service) (lrf). (Entered: 06/01/2017)
06/07/2017	22	Notice of Document Discrepancies and Order Thereon by Judge Jeffrey T. Miller Accepting

		Document: Notice of Objection to Class Settlement, from Scott Kelly. Non-compliance with local rule(s), OTHER: Notice of objection to be filed with court. (See Doc. No. 20 at 5.). Nunc Pro Tunc 6/5/2017. Signed by Judge Jeffrey T. Miller on 6/7/2017.(All non-registered users served via U.S. Mail Service)(rlu) (Entered: 06/07/2017)
06/07/2017	23	NOTICE of Objection to Class Settlement by Scott Kelly. Nunc Pro Tunc 6/5/2017. (rlu) (Entered: 06/07/2017)
07/10/2017	24	**WITHDRAWN PER 26 R Notice of Withdrawal** MOTION for Attorney Fees <i>and Costs; and Individual Settlement Award</i> by Neil Torczyner. (Schirripa, Frank) qc email re need to file a withdrawal of document, if this is a duplicate entry on 7/11/2017 (rlu). Modified on 7/12/2017 to withdrawal (rlu). (Entered: 07/10/2017)
07/10/2017	25	**WITHDRAWN PER 26 R Notice of Withdrawal** MOTION for Attorney Fees <i>and Costs; and Individual Settlement Award (with Supporting Papers)</i> by Neil Torczyner. (Attachments: # 1 R Memo of Points and Authorities, # 2 R Declaration of Frank R. Schirripa, # 3 R Exhibit 1-5)(Schirripa, Frank) qc email re need to refile, if a motion hearing is needed on 7/11/2017 (rlu). Modified on 7/12/2017 to withdrawal (rlu). (Entered: 07/10/2017)
07/11/2017	26 R	NOTICE of Withdrawal 24 MOTION for Attorney Fees <i>and Costs; and Individual Settlement Award</i> , 25 MOTION for Attorney Fees <i>and Costs; and Individual Settlement Award (with Supporting Papers)</i> by Neil Torczyner. (Schirripa, Frank) Modified text on 7/12/2017 to withdrawal (rlu). (Entered: 07/11/2017)
07/11/2017	27 R	MOTION for Attorney Fees <i>and Costs; and Individual Settlement Award (with Supporting Papers)</i> by Neil Torczyner. (Attachments: # 1 R Memo of Points and Authorities, # 2 R Declaration, # 3 R Exhibit 1-5)(Schirripa, Frank) (rlu). (Entered: 07/11/2017)
07/12/2017	28	Notice of Document Discrepancies and Order Thereon by Judge Jeffrey T. Miller Accepting Document: Notice of Objection, from Robert M. Balik. Non-compliance with local rule(s), OTHER: Filer not a party to the case, see CivLR 5.1(h), but notice of objection to be filed with court, (see Doc. No. 20 R at 5). Nunc Pro Tunc 7/10/2017. Signed by Judge Jeffrey T. Miller on 7/12/2017.(All non-registered users served via U.S. Mail Service)(rlu) (Entered: 07/12/2017)
07/12/2017	29 R	NOTICE OF OBJECTION by Robert M. Balik. Nunc Pro Tunc 7/10/2017. (rlu) (Entered: 07/12/2017)
07/21/2017	30 R	OBJECTION by Scott Kron . (Tucker, Caroline) (rlu). (Entered: 07/21/2017)
08/07/2017	31	MOTION for Attorney Fees <i>and Plaintiff's Award</i> , MOTION for Settlement <i>Final Approval of Class Action Settlement</i> by Neil Torczyner. (Attachments: # 1 Memo of Points and Authorities, # 2 Declaration Decl. of Frank R. Schirripa, # 3 Declaration Decl. of Jay Geraci, # 4 Declaration Decl. of Hon. Edward A. Infante (Ret.), # 5 Exhibit [Proposed] Order Granting Final Approval of Settlement, Fees and Incentive Award)(Schirripa, Frank) (jpp). (Entered: 08/07/2017)
08/07/2017	32	NON Opposition re 31 MOTION for Attorney Fees <i>and Plaintiff's Award</i> MOTION for Settlement <i>Final Approval of Class Action Settlement</i> filed by Staples, Inc.. (Attachments: # 1 Declaration of Michelle Doolin, # 2 Declaration of Joseph Frascolla, # 3 Proof of Service)(Doolin, Michelle) (jpp). (Entered: 08/07/2017)

08/24/2017	33	NOTICE of Appearance by Jenny Ehr Gott Barbosa on behalf of Neil Torczyner (Barbosa, Jenny) Attorney Jenny Ehr Gott Barbosa added to party Neil Torczyner(pty:pla) (jpp). (Entered: 08/24/2017)
08/28/2017	34	Minute Entry for proceedings held before Judge Jeffrey T. Miller: Motion Hearing held on 8/28/2017 Granting, 31 MOTION for Attorney Fees and Plaintiff's Award MOTION for Settlement Final Approval of Class Action Settlement filed by Neil Torczyner, 27 R MOTION for Attorney Fees and Costs; and Individual Settlement Award (with Supporting Papers) filed by Neil Torczyner. Court to issue written order. (Court Reporter/ECR Ellen Simone). (Plaintiff Attorney Jenney Barbos; Frank Schirripa). (Defendant Attorney Michelle Doolin). (no document attached) (gac) (Entered: 08/28/2017)
08/28/2017	35 R	ORDER granting Plaintiff's Motions for Final approval of Class Settlement and Attorney's fees. The court hereby enters final judgment in this matter in accordance with the terms of the Settlement Agreement, but retains jurisdiction. Signed by Judge Jeffrey T. Miller on 8/28/2017. (jpp) (sjt). (Entered: 08/28/2017)
09/08/2017	36	Joint MOTION for Judgment by Staples, Inc.. (Attachments: # 1 Exhibit, # 2 Proof of Service)(Doolin, Michelle) (jpp). (Entered: 09/08/2017)
09/20/2017	37	NOTICE OF APPEAL to the 9th Circuit as to 35 R Order, by Scott Kron. (Filing fee \$ 505 receipt number 0974-10459134.) (Notice of Appeal electronically transmitted to US Court of Appeals.) (Tucker, Caroline). (Modified on 9/20/2017: Added link to Order.) (akr). (Entered: 09/20/2017)
09/20/2017	38	USCA Case Number 17-56427 for 37 Notice of Appeal to 9th Circuit, filed by Scott Kron. (akr) (Entered: 09/20/2017)
09/20/2017	39	USCA Time Schedule Order as to 37 Notice of Appeal to 9th Circuit, filed by Scott Kron. (NOTICE TO PARTIES of deadlines regarding appellate transcripts: Appellant shall file transcript designation and ordering form with the US District Court (see attached), provide a copy of the form to the court reporter, and make payment arrangements with the court reporter on or by 10/20/2017 (see Ninth Circuit Rule 10-3.1); Due date for filing of transcripts in US District Court is 11/20/2017.) (cc: Court Reporter). (Attachments: # 1 Transcript Designation and Ordering Form). (akr) (Entered: 09/20/2017)
09/21/2017	40	MOTION Motion for Bond on Appeal re 37 Notice of Appeal to 9th Circuit, by Neil Torczyner. (Attachments: # 1 Memo of Points and Authorities MPA in Support of Motion for Bond on Appeal)(Schirripa, Frank) (jpp). (Entered: 09/21/2017)
09/22/2017	41	TRANSCRIPT DESIGNATION AND ORDERING FORM by Scott Kron for proceedings held on 8-28-17 re 37 Notice of Appeal to 9th Circuit. (Tucker, Caroline). (akr). (Entered: 09/22/2017)
09/30/2017	42	RESPONSE in Opposition re 40 MOTION Motion for Bond on Appeal re 37 Notice of Appeal to 9th Circuit, filed by Scott Kron. (Tucker, Caroline) (jpp). (Entered: 09/30/2017)
10/16/2017	43	REPLY to Response to Motion re 40 MOTION Motion for Bond on Appeal re 37 Notice of Appeal to 9th Circuit, filed by Neil Torczyner. (Schirripa, Frank) (knb). (Entered: 10/16/2017)
10/18/2017	44	Minute Order by Judge Jeffrey T. Miller: Submitting, 40 MOTION Motion for Bond on Appeal re 37 Notice of Appeal to 9th Circuit. Motion Hearing set for 10/23/2017 10:00 AM

		before Judge Jeffrey T. Miller is vacated. Written order to follow. (no document attached) (gac) (Entered: 10/18/2017)
11/08/2017	45	SEPARATE ENTRY OF JUDGMENT - The court hereby enters final judgment in this matter in accordance with the terms of the Settlement Agreement, but retains jurisdiction until final performance of the Settlement Agreement. (Doc. No. 35 R .) The effective date of this judgment is August 28, 2017, the date on which the court approved the Settlement Agreement and entered final judgment. (See Doc. No. 35 R .) Signed by Judge Jeffrey T. Miller on 11/08/2017. (jpp) (Entered: 11/08/2017)
11/13/2017	46	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of proceedings for date of 8/28/2017 before Judge Jeffrey T. Miller, re 37 Notice of Appeal to 9th Circuit. Court Reporter/Transcriber: Ellen L. Simone. 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 or the Court Reporter/Transcriber. If redaction is necessary, parties have seven calendar days from the file date of the Transcript to E-File the Notice of Intent to Request Redaction. The following deadlines would also apply if requesting redaction: Redaction Request Statement due to Court Reporter/Transcriber 12/4/2017. Redacted Transcript Deadline set for 12/14/2017. Release of Transcript Restriction set for 2/12/2018. (akr) (Entered: 11/13/2017)
11/21/2017	47 R	ORDER granting 40 Motion for bond on appeal. Signed by Judge Jeffrey T. Miller on 11/21/2017. (jpp) (Entered: 11/21/2017)
12/05/2017	48	Notice of Deposit in the amount of \$5,000, Receipt Number: CAS096478. (jpp) (Entered: 12/07/2017)
01/12/2018	49	ORDER of USCA as to 37 Notice of Appeal to 9th Circuit, filed by Scott Kron. Appellant's motion to dismiss this appeal is granted. The parties shall bear their own costs and fees on appeal. A copy of this order shall serve as and for the mandate of the USCA. (akr) (Entered: 01/12/2018)
01/17/2018	50 R	NOTICE <i>Re: Disbursement of Bond</i> by Scott Kron (Tucker, Caroline) (jpp). (Entered: 01/17/2018)
01/23/2018	51	ORDER to close interest-bearing account and disburse funds. Signed by Judge Jeffrey T. Miller on 1/23/2018. (cc: financial)(jpp) (Entered: 01/23/2018)