

4months,CLASS,CLOSED

**U.S. District Court
Northern District of Georgia (Atlanta)
CIVIL DOCKET FOR CASE #: 1:12-cv-02621-LMM**

Diniz et al v. Alpha OB GYN Group, P.C. et al
Assigned to: Judge Leigh Martin May
Cause: 29:216(b) Labor - Minimum wage or
overtime compensation

Date Filed: 07/27/2012
Date Terminated: 06/22/2015
Jury Demand: Plaintiff
Nature of Suit: 710 Labor: Fair
Standards
Jurisdiction: Federal Question

Plaintiff

Cristiano Diniz
*individually and on behalf of all
those similarly situated*

represented by **Andrew Weiner**
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TERMINATED: 09/18/2013
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Plaintiff

Antonio Thomas
*individually and on behalf of all
those similarly situated*

represented by **Andrew Weiner**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Stacy Lynn Rushing
(See above for address)
TERMINATED: 09/18/2013
LEAD ATTORNEY

Jeffrey Sand
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ATTORNEY TO BE NOTICED

V.

Defendant

Alpha OB GYN Group, P.C.

represented by **A. Keith Logue**
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3423 Weymouth Court
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770-321-5750
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Email: keith@logue-law.com
ATTORNEY TO BE NOTICED

Defendant

Dr. Daniel E. McBrayer, Sr.

represented by **A. Keith Logue**
(See above for address)
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
07/27/2012	<u>1</u>	COMPLAINT with Jury Demand filed by Cristiano Diniz. Consent

		form to proceed before U.S. Magistrate and pretrial instructions provided. Filing fee \$350, receipt number 113E-4069208. (Attachments: # 1 Exhibit 1, # 2 Unissued Summons as to Alpha, # 3 Unissued Summons as to Dr. McBrayer, # 4 Civil Cover Sheet) (jtj) Please visit our website at http://www.gand.uscourts.gov to obtain Pretrial Instructions. (Entered: 07/31/2012)
07/30/2012	2	Summons Issued as to Alpha OB GYN Group, P.C. and Daniel E. McBrayer, Sr. (Attachments: # 1 Summons as to Dr. McBrayer, Sr.) (jtj) (Entered: 07/31/2012)
07/31/2012		Submission of 1 Complaint, submitted to District Judge Orinda D. Evans for case review. (jtj) (Entered: 07/31/2012)
07/31/2012	3	NOTICE by Cristiano Diniz of <i>Filing Consent to Join Collective Action by Antonio Thomas</i> (Weiner, Andrew) (Entered: 07/31/2012)
08/03/2012	4	ORDER REASSIGNING CASE. Case reassigned to Judge J. Owen Forrester for all further proceedings. Judge Orinda D. Evans no longer assigned to case. NOTICE TO ALL COUNSEL OF RECORD: The Judge designation in the civil action number assigned to this case has been changed to 1:12-cv-2621-JOF. Please make note of this change in order to facilitate the docketing of pleadings in this case. Signed by Judge Orinda D. Evans on 8/2/2012. (anc) (Entered: 08/03/2012)
08/06/2012	5	REVISED CASE INSTRUCTIONS. (mdy) (Entered: 08/06/2012)
08/06/2012	6	NOTICE by Cristiano Diniz of <i>Filing Consent to Join Collective Action by Antonio Thomas</i> (Weiner, Andrew) (Entered: 08/06/2012)
08/10/2012	7	---DOCUMENT FILED IN ERROR: Incorrect PDF attached --- First AMENDED COMPLAINT against All Defendants with Jury Demand, filed by Cristiano Diniz.(Weiner, Andrew) Please visit our website at http://www.gand.uscourts.gov to obtain Pretrial Instructions. Modified on 8/13/2012 to edit text. (aaq). (Entered: 08/10/2012)
08/13/2012	8	First AMENDED COMPLAINT against All Defendants with Jury Demand, filed by Cristiano Diniz.(Weiner, Andrew) Please visit our website at http://www.gand.uscourts.gov to obtain Pretrial Instructions. (Entered: 08/13/2012)
08/13/2012		Notification of Docket Correction RE: 7 Amended Complaint edited to reflect DOCUMENT FILED IN ERROR - Incorrect PDF attached. Attorney to refile. (aaq) (Entered: 08/13/2012)

08/24/2012	9	Return of Service Executed by Antonio Thomas, Cristiano Diniz. Alpha OB GYN Group, P.C. served on 8/16/2012, answer due 9/6/2012. (Weiner, Andrew) (Entered: 08/24/2012)
08/24/2012	10	Return of Service Executed by Antonio Thomas, Cristiano Diniz. Daniel E. McBrayer, Sr served on 8/14/2012, answer due 9/4/2012. (Weiner, Andrew) (Entered: 08/24/2012)
09/04/2012	11	ANSWER to 1 COMPLAINT and 8 First Amended COMPLAINT, (Discovery ends on 2/1/2013), by Alpha OB GYN Group, P.C., Daniel E. McBrayer, Sr.(Logue, A) Please visit our website at http://www.gand.uscourts.gov to obtain Pretrial Instructions. Modified on 9/5/2012 to edit docket text (mdy) (Entered: 09/04/2012)
09/04/2012	12	Certificate of Interested Persons by Alpha OB GYN Group, P.C., Daniel E. McBrayer, Sr. (Logue, A) (Entered: 09/04/2012)
09/11/2012	13	Second AMENDED COMPLAINT against Alpha OB GYN Group, P.C., Daniel E. McBrayer, Sr with Jury Demand, filed by Antonio Thomas, Cristiano Diniz.(Weiner, Andrew) Please visit our website at http://www.gand.uscourts.gov to obtain Pretrial Instructions. (Entered: 09/11/2012)
09/24/2012	14	Joint PRELIMINARY REPORT AND DISCOVERY PLAN filed by Cristiano Diniz, Antonio Thomas. (Weiner, Andrew) (Entered: 09/24/2012)
09/27/2012	15	CERTIFICATE OF SERVICE of <i>Plaintiffs' Initial Disclosures</i> by Cristiano Diniz, Antonio Thomas.(Weiner, Andrew) (Entered: 09/27/2012)
10/02/2012	16	Initial Disclosures by Alpha OB GYN Group, P.C., Daniel E. McBrayer, Sr.(Logue, A) (Entered: 10/02/2012)
10/04/2012		Clerks Notation re 12 Certificate of Interested Persons, reviewed and noted by Judge J. Owen Forrester. (pkl) (Entered: 10/04/2012)
10/04/2012	17	SCHEDULING ORDER Approving re: 14 Joint Preliminary Report and Discovery Plan. Signed by Judge J. Owen Forrester on 10/4/2012. (mdy) (Entered: 10/05/2012)
11/02/2012	18	CERTIFICATE OF SERVICE for <i>Plaintiffs' First Set of Interrogatories and Requests for Production</i> by Cristiano Diniz, Antonio Thomas.(Weiner, Andrew) (Entered: 11/02/2012)
11/02/2012	19	CERTIFICATE OF SERVICE for <i>Plaintiffs' Second Set of Requests for Production</i> by Cristiano Diniz, Antonio Thomas.(Weiner, Andrew) (Entered: 11/02/2012)

12/17/2012	20	CERTIFICATE OF SERVICE of <i>Plaintiffs' Responses to Defendants' First Sets of Requests for Production, Interrogatories, and Requests for Admission</i> by Cristiano Diniz, Antonio Thomas.(Weiner, Andrew) (Entered: 12/17/2012)
12/19/2012	21	CERTIFICATE OF SERVICE for <i>Plaintiffs' First Set of Requests for Admission</i> by Cristiano Diniz, Antonio Thomas.(Weiner, Andrew) (Entered: 12/19/2012)
01/08/2013	22	MOTION to Certify Class <i>Conditionally and Court-Supervised Notice to Putative Opt-In Plaintiffs</i> with Brief In Support by Cristiano Diniz, Antonio Thomas. (Attachments: # 1 Exhibit Proposed Notice, # 2 Brief, # 3 Appendix of Evidentiary Materials in Support, # 4 Exhibit A, # 5 Exhibit B, # 6 Exhibit C, # 7 Exhibit D, # 8 Exhibit E, # 9 Exhibit F, # 10 Exhibit G, # 11 Exhibit H)(Weiner, Andrew) (Entered: 01/08/2013)
01/10/2013	23	MOTION to Compel the Production of Documents and MOTION for Attorney Fees with Brief In Support by Cristiano Diniz, Antonio Thomas. (Attachments: # 1 Brief, # 2 Affidavit)(Weiner, Andrew) . Added MOTION for Attorney Fees on 1/10/2013 (mdy) (Entered: 01/10/2013)
01/10/2013		Notification of Docket Correction re 23 MOTION to Compel the Production of Documents and MOTION for Attorney Fees. Entry corrected to add a relief and edit docket text to reflect e-filed pleading. (mdy) (Entered: 01/10/2013)
01/22/2013	24	Consent MOTION for Extension of Time to Complete Discovery by Alpha OB GYN Group, P.C., Daniel E. McBrayer, Sr. (Logue, A) (Entered: 01/22/2013)
01/22/2013		MINUTE ORDER by CRD granting 24 Consent Motion for Extension of Time to Complete Discovery. Discovery ends on 3/4/2013. (pkl) (Entered: 01/22/2013)
01/28/2013	25	RESPONSE in Opposition re 23 MOTION to Compel the Production of Documents and MOTION for Attorney Fees filed by Alpha OB GYN Group, P.C., Daniel E. McBrayer, Sr. (Logue, A) (Entered: 01/28/2013)
01/29/2013	26	CERTIFICATE OF SERVICE for <i>Plaintiffs' Third Set of Requests for Production to Defendants</i> by Cristiano Diniz, Antonio Thomas.(Weiner, Andrew) (Entered: 01/29/2013)
02/01/2013		Submission of 22 MOTION to Certify Class <i>Conditionally and Court-Supervised Notice to Putative Opt-In Plaintiffs</i> , submitted to District Judge J. Owen Forrester. (mdy) (Entered: 02/01/2013)

02/06/2013	27	REPLY to Response to Motion re 23 MOTION to Compel the Production of Documents and MOTION for Attorney Fees filed by Cristiano Diniz, Antonio Thomas. (Attachments: # 1 Affidavit Exhibit A-Declaration of Andrew Weiner)(Weiner, Andrew) (Entered: 02/06/2013)
02/19/2013		Submission of 23 MOTION to Compel the Production of Documents and MOTION for Attorney Fees, submitted to District Judge J. Owen Forrester. (jtj) (Entered: 02/19/2013)
03/01/2013	28	MOTION to Compel Payment of Deposition Cancellation Fee and Production of Documents with Brief In Support by Cristiano Diniz, Antonio Thomas. (Attachments: # 1 Brief, # 2 Exhibit A-Invoice, # 3 Exhibit B-Deposition Transcript, # 4 Exhibit C-First RFP Responses, # 5 Exhibit D-Second RFP Responses)(Weiner, Andrew) (Entered: 03/01/2013)
03/04/2013		NOTICE of Hearing: Discovery Hearing set for 3/20/2013 at 10:30 AM in ATLA Courtroom 1905 before Judge J. Owen Forrester. (pkl) (Entered: 03/04/2013)
03/06/2013	29	Plaintiff's Supplemental Memorandum of Law in Support of 23 MOTION to Compel the Production of Documents and MOTION for Attorney Fees, 28 MOTION to Compel Payment of Deposition Cancellation Fee and Production of Documents by Cristiano Diniz, Antonio Thomas. (Attachments: # 1 Exhibit A-Deposition Transcript)(Weiner, Andrew) Modified on 3/7/2013 to edit docket text. (jtj) (Entered: 03/06/2013)
03/07/2013		Notification of Docket Correction re 29 Plaintiff's supplemental memorandum of law in support of motions. The e-filed document was filed as a new motion. Entry was edited to reflect document as a supplemental memorandum in support. (jtj) (Entered: 03/07/2013)
03/20/2013		Submission of 28 MOTION to Compel Payment of Deposition Cancellation Fee and Production of Documents, submitted to District Judge J. Owen Forrester. (jtj) (Entered: 03/20/2013)
03/20/2013		NOTICE of Hearing: Discovery Hearing RESET for 4/24/2013 at 10:30 AM in ATLA Courtroom 1905 before Judge J. Owen Forrester. (pkl) (Entered: 03/20/2013)
04/03/2013	30	MOTION for Partial Summary Judgment with Brief In Support by Cristiano Diniz, Antonio Thomas. (Attachments: # 1 Brief, # 2 Statement of Material Facts, # 3 Exhibit A: Internet Print-out, # 4 Exhibit B: McBrayer Deposition Transcript, # 5 Exhibit C: Buckner Deposition Transcript)(Weiner, Andrew) --Please refer to

		http://www.gand.uscourts.gov to obtain the Notice to Respond to Summary Judgment Motion form contained on the Court's website.-- (Entered: 04/03/2013)
04/23/2013	31	RESPONSE in Opposition re 30 Plaintiffs' MOTION for Partial Summary Judgment and Plaintiffs' Statement of Undisputed Facts <i>and Defendants' Statement of Undisputed Facts</i> filed by Alpha OB GYN Group, P.C., Daniel E. McBrayer, Sr. (Attachments: # 1 Exhibit McBrayer Deposition Excerpts, # 2 Exhibit Buckner Deposition Excerpts)(Logue, A) (Entered: 04/23/2013)
04/24/2013	32	Minute Entry for proceedings held before Judge J. Owen Forrester: Discovery Conference held on 4/24/2013. The Court GRANTED 28 Motion to Compel; 22 Motion to Certify Class conditionally and 23 Motion to Compel. Transcript will serve as the order of the case. Court ordered Defendants to produce certain documents by close of business May 8, 2013. Court directed Defendants to pay court reporter fees for cancelled depositions. (Court Reporter Monty Vann) (jtj) (Entered: 04/24/2013)
05/07/2013	33	REPLY to Response to 30 MOTION for Partial Summary Judgment filed by Cristiano Diniz, Antonio Thomas. (Attachments: # 1 Response to Defendants' Statement of Additional Undisputed Facts, # 2 Affidavit Declaration of Andrew Weiner)(Weiner, Andrew) (Entered: 05/07/2013)
05/08/2013		Submission of 30 Plaintiffs' MOTION for Partial Summary Judgment, submitted to District Judge J. Owen Forrester. (jtj) (Entered: 05/08/2013)
05/13/2013	34	Emergency MOTION to Compel Compliance with this Court's April 24, 2013 Order with Brief In Support by Cristiano Diniz, Antonio Thomas. (Attachments: # 1 Brief, # 2 Exhibit A-Buckner Deposition, # 3 Exhibit B-Loner Deposition, # 4 Exhibit C-Bynum Deposition)(Weiner, Andrew) (Entered: 05/13/2013)
05/16/2013	35	Response to 34 Defendant's Motion to Compel Compliance with Court Order by Alpha OB GYN Group, P.C., Daniel E. McBrayer, Sr. (Attachments: # 1 Affidavit of Daniel McBrayer)(Logue, A) Modified on 5/17/2013 to reflect e-filed document as a response instead of a notice. (jtj) (Entered: 05/16/2013)
05/17/2013		Notification of Docket Correction re 35 Response to 34 Motion. Modified on 5/17/2013 to reflect e-filed document as a response instead of a notice. (jtj) (Entered: 05/17/2013)
05/28/2013	36	ORDER GRANTING 34 Plaintiff's Motion to Compel. The court DIRECTS Defendants to produce the materials that the court

		ordered to be produced at the 4/23/2013, discovery hearing. Defendants are obligated to produce documents not just in their possession, but also those documents over which they have custody or control. Defendants are DIRECTED to produce this material to Plaintiffs within 5 days. If Defendants fail to produce the information within that time, the court will begin to impose a daily monetary sanction. The court also awards Plaintiffs reasonable attorneys fees. Plaintiffs are DIRECTED to present evidence of its fees and costs within 10 days from the date of entry of this order. Signed by Judge J. Owen Forrester on 5/28/2013. (See order for specifics) (jtj) (Entered: 05/28/2013)
06/04/2013	37	NOTICE of Defendants' Non-Compliance with 36 May 28, 2013 Order by Cristiano Diniz, Antonio Thomas. (Weiner, Andrew) (Entered: 06/04/2013)
06/04/2013	38	Defendants' Response to 37 Plaintiff's Notice of Non-Compliance re 36 Order by A Keith Logue on behalf of Alpha OB GYN Group, P.C., Daniel E. McBrayer, Sr. (Logue, A) Modified on 6/4/2013 to edit docket text. (jtj) (Entered: 06/04/2013)
06/06/2013	39	NOTICE of Fees Incurred on Emergency Motion to Compel Compliance with 36 Court Order by Cristiano Diniz, Antonio Thomas. (Attachments: # 1 Affidavit of Andrew Weiner, # 2 Exhibit to Declaration)(Weiner, Andrew) (Entered: 06/06/2013)
07/17/2013	40	ORDER DIRECTING Defendants to pay Plaintiffs \$1,365 in attorney's fees within 10 days from date of entry of this order. Signed by Judge J. Owen Forrester on 7/16/2013. (jtj) (Entered: 07/17/2013)
07/17/2013	41	NOTICE of Consent to Join Pursuant to 29 U.S.C. 216(b) by Victoria Cherry by Cristiano Diniz, Antonio Thomas. (Weiner, Andrew) (Entered: 07/17/2013)
08/09/2013	42	MOTION for Sanctions Based on Defendants' Failure to Comply with 40 Court Order with Brief In Support by Cristiano Diniz, Antonio Thomas. (Attachments: # 1 Brief)(Weiner, Andrew) (Entered: 08/09/2013)
08/27/2013		Submission of 42 MOTION for Sanctions Based on Defendants' Failure to Comply with Court Order, submitted to District Judge J. Owen Forrester. (jtj) (Entered: 08/27/2013)
09/05/2013	43	RESPONSE re 42 MOTION for Sanctions Based on Defendants' Failure to Comply with Court Order filed by Alpha OB GYN Group, P.C., Daniel E. McBrayer, Sr. (Logue, A) (Entered: 09/05/2013)

09/09/2013	44	REPLY to Response to Motion re 42 MOTION for Sanctions <i>Based on Defendants' Failure to Comply with Court Order</i> filed by Cristiano Diniz, Antonio Thomas. (Weiner, Andrew) (Entered: 09/09/2013)
09/18/2013	45	NOTICE of Withdrawal of Stacy Rushing as Counsel of Record for Plaintiffs by Cristiano Diniz, Antonio Thomas. (Rushing, Stacy) (Entered: 09/18/2013)
09/25/2013	46	ORDER DENYING 23 Plaintiff's Motion for Attorney Fees. Signed by Judge J. Owen Forrester on 9/25/2013. (jtj) (Entered: 09/25/2013)
01/10/2014	47	MOTION for Partial Summary Judgment <i>as to whether Defendants violated the Fair Labor Standards Act when they failed to pay Plaintiffs at a rate of pay not less than one and one half times their regular rate for all work performed in excess of forty hours in a workweek on the regular pay day for the period in which such workweek ends</i> with Brief In Support by Cristiano Diniz, Antonio Thomas. (Attachments: # 1 Brief, # 2 Statement of Material Facts, # 3 Exhibit A-McBrayer Deposition Part 1, # 4 Exhibit B-Payroll Ledgers, # 5 Exhibit D-Diniz Hours, # 6 Exhibit E-McBrayer Deposition Part 3, # 7 Exhibit F-Thomas Timesheet, # 8 Exhibit G-RFAs, # 9 Exhibit H-RFA Responses, # 10 Exhibit I-Diniz Paycheck, # 11 Exhibit J-Thomas Paycheck)(Weiner, Andrew) -- Please refer to http://www.gand.uscourts.gov to obtain the Notice to Respond to Summary Judgment Motion form contained on the Court's website.-- (Entered: 01/10/2014)
01/31/2014	48	RESPONSE re 47 MOTION for Partial Summary Judgment filed by Alpha OB GYN Group, P.C., Daniel E. McBrayer, Sr. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Exhibit 3, # 4 Exhibit 4)(Logue, A.) Modified on 2/3/2014 to edit docket text. (jtj) (Entered: 01/31/2014)
01/31/2014	49	NOTICE Of Filing Exhibit (Deposition Excerpt) to 48 Response to Motion for Summary Judgment by Alpha OB GYN Group, P.C., Daniel E. McBrayer, Sr. (Attachments: # 1 Appendix Diniz Part 1)(Logue, A.) Modified on 2/3/2014 to edit docket text. (jtj) (Entered: 01/31/2014)
01/31/2014	50	NOTICE Of Filing Exhibit (Deposition Excerpt) re 48 Response to Motion by Alpha OB GYN Group, P.C., Daniel E. McBrayer, Sr. (Attachments: # 1 Appendix Diniz Part 2)(Logue, A.) Modified on 2/3/2014 to edit docket text. (jtj) (Entered: 01/31/2014)
01/31/2014	51	NOTICE Of Filing Exhibit (Deposition Excerpt) re 48 Response to Motion by Alpha OB GYN Group, P.C., Daniel E. McBrayer, Sr.

		(Attachments: # 1 Appendix Diniz Part 3.1, # 2 Appendix Diniz Part 3.2)(Logue, A.) (Entered: 01/31/2014)
01/31/2014	52	NOTICE Of Filing Exhibit (Deposition Excerpt) re 48 Response to Motion by Alpha OB GYN Group, P.C., Daniel E. McBrayer, Sr. (Attachments: # 1 Appendix Diniz Part 4)(Logue, A.) Modified on 2/3/2014 to edit docket text. (jtj) (Entered: 01/31/2014)
01/31/2014	53	DEPOSITION of Antonio Thomas Part 1 in Support of 48 Response to Motion, by Alpha OB GYN Group, P.C., Daniel E. McBrayer, Sr.(Attachments: # 1 Appendix Thomas Part 1.1, # 2 Appendix Thomas Part 1.2)(Logue, A.) Modified on 2/3/2014 to edit docket text. (jtj) (Entered: 01/31/2014)
01/31/2014	54	NOTICE of Filing Part 2 of Antonio Thomas Deposition in Support of 48 Response to Motion, by Alpha OB GYN Group, P.C., Daniel E. McBrayer, Sr. (Attachments: # 1 Appendix Thomas Part 2)(Logue, A.) Modified on 2/3/2014 to edit docket text. (jtj) (Entered: 01/31/2014)
01/31/2014	55	DEPOSITION of Shelia D. Hamilton-Bynum in Support of 48 Response to Motion, by Alpha OB GYN Group, P.C., Daniel E. McBrayer, Sr. (Attachments: # 1 Appendix Bynum Deposition)(Logue, A.) Modified on 2/3/2014 to edit docket text. (jtj) (Entered: 01/31/2014)
02/17/2014	56	REPLY to Response to 47 MOTION for Partial Summary Judgment filed by Cristiano Diniz, Antonio Thomas. (Attachments: # 1 Exhibit 1-Timesheet)(Weiner, Andrew) Modified on 2/18/2014. (bdb). (Entered: 02/17/2014)
02/20/2014		Submission of 47 MOTION for Partial Summary Judgment, submitted to District Judge J. Owen Forrester. (jtj) (Entered: 02/20/2014)
02/25/2014	57	NOTICE Of Filing Discovery by Alpha OB GYN Group, P.C., Daniel E. McBrayer, Sr. (jtj) (Entered: 02/26/2014)
02/25/2014	58	DEPOSITION of CHRISTIANO DINIZ taken on March 4, 2013 by Alpha OB GYN Group, P.C., Daniel E. McBrayer, Sr. (Attachments: # 1 Exhibits 1 - 17) (jtj) (Entered: 02/26/2014)
02/26/2014	59	NOTICE OF REQUIREMENT TO FILE ELECTRONICALLY pursuant to Standing Order 04-01 as to A. Keith Logue re 57 Notice of Filing and 58 Deposition. (jtj) (Entered: 02/26/2014)
03/13/2014	60	NOTICE of Appearance by Jeffrey Sand on behalf of Cristiano Diniz, Antonio Thomas (Sand, Jeffrey) (Entered: 03/13/2014)
07/14/2014	61	ORDER REASSIGNING CASE. Case reassigned to Judge

		William C. O'Kelley for all further proceedings. Judge J. Owen Forrester no longer assigned to case. NOTICE TO ALL COUNSEL OF RECORD: The Judge designation in the civil action number assigned to this case has been changed to 1:12-cv-2621-WCO. Please make note of this change in order to facilitate the docketing of pleadings in this case. Signed by Judge Julie E. Carnes on 7/11/2014. (jtj) (Entered: 07/14/2014)
07/14/2014		Submission of 47 MOTION for Partial Summary Judgment, 30 MOTION for Partial Summary Judgment, 42 MOTION for Sanctions <i>Based on Defendants' Failure to Comply with Court Order</i> , submitted to District Judge William C. O'Kelley. (jtj) (Entered: 07/14/2014)
09/03/2014	62	ORDER denying Plaintiffs' 30 Motion for Partial Summary Judgment; granting Plaintiffs' 42 Motion for Sanctions; denying Plaintiffs' 47 Motion for Partial Summary Judgment. The court ORDERS Defendants to pay Plaintiffs \$100 in sanctions within ten (10) days from the date of entry of this order, that amount to be doubled every ten (10) days thereafter until paid. The court notes that the discovery period in this case has expired. The court ORDERS the parties to submit a written proposed pre-trial order within thirty (30) days from the date of entry of this order. Signed by Judge William C. O'Kelley on 09/03/14. (sk) (Entered: 09/03/2014)
10/02/2014	63	---DOCUMENT FILED IN ERROR--- Emergency MOTION for Extension of Time File the Pre-Trial Order Due to Defendants' Last-Minute Document Production by Cristiano Diniz, Antonio Thomas. (Weiner, Andrew) Modified on 10/3/2014 to terminate motion (rsg). (Entered: 10/02/2014)
10/02/2014	64	Emergency MOTION for Extension of Time File the Pre-Trial Order Due to Defendants' Last-Minute Document Production by Cristiano Diniz, Antonio Thomas. (Weiner, Andrew) (Entered: 10/02/2014)
10/03/2014	65	RESPONSE re 63 Emergency MOTION for Extension of Time File the Pre-Trial Order Due to Defendants' Last-Minute Document Production , 64 Emergency MOTION for Extension of Time File the Pre-Trial Order Due to Defendants' Last-Minute Document Production filed by Alpha OB GYN Group, P.C., Daniel E. McBrayer, Sr. (Logue, A.) (Entered: 10/03/2014)
10/03/2014		ORAL ORDER granting 64 Motion for Extension of Time to file the Proposed Pretrial Order up to and including 10/24/104. Rule on by Judge William C. O'Kelley on 10/03/2014. (dww) (Entered: 10/03/2014)

10/03/2014		Set Deadlines/Hearings: Pretrial Order due by 10/24/2014. (dww) (Entered: 10/03/2014)
10/07/2014	66	MOTION for Sanctions <i>Against Defendants for Their Untimely Production of Documents</i> with Brief In Support by Cristiano Diniz, Antonio Thomas. (Attachments: # 1 Brief, # 2 Exhibit A-Email, # 3 Exhibit B-E-Mail String)(Weiner, Andrew) (Entered: 10/07/2014)
10/15/2014	67	RESPONSE re 66 MOTION for Sanctions <i>Against Defendants for Their Untimely Production of Documents</i> filed by Alpha OB GYN Group, P.C., Daniel E. McBrayer, Sr. (Logue, A.) (Entered: 10/15/2014)
10/21/2014	68	REPLY to Response to Motion re 66 MOTION for Sanctions <i>Against Defendants for Their Untimely Production of Documents</i> filed by Cristiano Diniz, Antonio Thomas. (Weiner, Andrew) (Entered: 10/21/2014)
10/24/2014	69	Joint MOTION to Stay <i>Time in Which to File Pretrial Order Pending the Court's Decision on Plaintiffs' Motion for Sanctions</i> by Cristiano Diniz, Antonio Thomas. (Weiner, Andrew) (Entered: 10/24/2014)
10/29/2014		Submission of 66 MOTION for Sanctions <i>Against Defendants for Their Untimely Production of Documents</i> , submitted to District Judge William C. O'Kelley. (sk) (Entered: 10/29/2014)
10/30/2014		ORAL ORDER GRANTING 69 Motion to Stay time in which to file Pre-Trial Order pending the Court's Decision on Plaintiffs' Motion for Sanctions 66 . Entered by Judge William C. O'Kelley on 10/30/2014. (dww) (Entered: 10/30/2014)
12/09/2014		Case Reassigned to Judge Charles A. Pannell, Jr. Judge William C. O'Kelley no longer assigned to case. NOTICE TO ALL COUNSEL OF RECORD: The Judge designation in the civil action number assigned to this case has been changed to 1:12-cv-02621-CAP. Please make note of this change in order to facilitate the docketing of pleadings in this case. (rsg) (Entered: 12/09/2014)
12/09/2014		Submission of 66 MOTION for Sanctions <i>Against Defendants for Their Untimely Production of Documents</i> , to District Judge Charles A. Pannell. (rsg) (Entered: 12/09/2014)
12/17/2014	70	ORDER DECLINING CASE. Case reassigned to Judge Leigh Martin May for all further proceedings. Judge Charles A. Pannell, Jr no longer assigned to case. NOTICE TO ALL COUNSEL OF RECORD: The Judge designation in the civil action number assigned to this case has been changed to 1:12-cv-2621-LMM. Please make note of this change in order to facilitate the docketing

		of pleadings in this case. Signed by Judge Charles A. Pannell, Jr on 12/17/2014. (adg) (Entered: 12/17/2014)
12/17/2014		Submission of 66 MOTION for Sanctions <i>Against Defendants for Their Untimely Production of Documents</i> , submitted to District Judge Leigh Martin May. (adg) (Entered: 12/17/2014)
12/17/2014	71	STANDING ORDER Regarding Civil Litigation in cases proceeding before Judge May. Signed by Judge Leigh Martin May on 12/17/14. (ddm) (Entered: 12/17/2014)
12/17/2014	72	Notice Regarding FLSA Cases. The parties are hereby noticed that settlement must be approved by the Court before the case may be closed. It is the Courts practice to require filing of the settlement agreement on the public record. In the event that a settlement is reached, the parties are directed to file a joint motion for approval of the settlement agreement, attaching the settlement agreement to the motion. Should the parties believe there is good cause to seal the settlement agreement, they are to file the joint motion for approval and then remit the settlement agreement for in camera review. The Court will then hold a telephone conference to discuss the parties request to seal the settlement agreement. Signed by Judge Leigh Martin May on 12/17/14. (ddm) (Entered: 12/17/2014)
12/18/2014		Clerks Notation re 12 Certificate of Interested Persons, review and approved by LMM. (rvb) (Entered: 12/18/2014)
01/05/2015	73	ORDER granting 66 Plaintiffs Motion to Sanction Defendants for Their Untimely Production of Documents. The Court also awards Plaintiffs reasonable attorneys fees for filing the instant motion. Plaintiffs are DIRECTED to present evidence of their fees and costs associated with this motion within fourteen (14) days from the date of entry of this order. The parties are DIRECTED to submit a joint consolidated pre-trial order within 30 days from the date of entry of this order. Signed by Judge Leigh Martin May on 1/5/15. (ddm) (Entered: 01/05/2015)
01/06/2015	74	NOTICE of Fees Incurred filed by Cristiano Diniz, Antonio Thomas re 73 Order on Motion for Sanctions,, (Attachments: # 1 Affidavit of Andrew Weiner)(Weiner, Andrew) Modified on 1/7/2015 to edit docket text (ddm). (Entered: 01/06/2015)
01/08/2015	75	RESPONSE re 74 Notice (Other) <i>Fees Incurred</i> filed by Alpha OB GYN Group, P.C., Daniel E. McBrayer, Sr. (Logue, A.) (Entered: 01/08/2015)
01/20/2015	76	Notice for Leave of Absence for the following date(s): 4/6/15, 4/7/15, 4/8/15, 4/9/15, 4/10/15, 6/29/15, 6/30/15, 7/1/15, 7/2/15,

		7/3/15, 7/6/15, 7/7/15, 7/8/15, 7/9/15, 7/10/15, by Andrew Weiner. (Weiner, Andrew) (Entered: 01/20/2015)
01/29/2015	77	ORDER finding that Plaintiffs request for fees is reasonable and ORDERS Defendants to pay \$3990.00 in fees and costs to the Plaintiffs within 21 days. Signed by Judge Leigh Martin May on 1/29/15. (ddm) (Entered: 01/29/2015)
02/04/2015	78	Proposed Pretrial Order by Cristiano Diniz, Antonio Thomas. (Weiner, Andrew) (Entered: 02/04/2015)
02/04/2015		NOTICE of Hearing: Pretrial Conference set for 3/4/2015 at 10:00 AM in ATLA Courtroom 2107 before Judge Leigh Martin May. (rvb) (Entered: 02/04/2015)
02/18/2015	79	MOTION in Limine Regarding Exclusion of Evidence with Brief In Support by Cristiano Diniz, Antonio Thomas. (Weiner, Andrew) (Entered: 02/18/2015)
02/19/2015	80	Petition for Leave of Absence for the following date(s): April 8 thru April 13, 2015, May 13, 2015 thru May 17, 2015, June 22, 2015 thru July 5, 2015, July 22, 2015 thru July 28, 2015, and September 2, 2015 thru September 8, 2015, by A. Keith Logue. (Logue, A.) (Entered: 02/19/2015)
02/19/2015	81	NOTICE Of Filing Proposed Order Granting Leave of Absence by Alpha OB GYN Group, P.C., Daniel E. McBrayer, Sr re 80 Leave of Absence, (Logue, A.) (Entered: 02/19/2015)
02/26/2015	82	Joint MOTION for Leave to File Amended Pretrial Order with Brief In Support by Cristiano Diniz, Antonio Thomas. (Attachments: # 1 Exhibit A-Proposed Amended Pretrial Order)(Weiner, Andrew) (Entered: 02/26/2015)
02/26/2015	83	NOTICE Of Filing Withdrawal of Opt-In Consent for Victoria Cherry by Cristiano Diniz, Antonio Thomas (Weiner, Andrew) (Entered: 02/26/2015)
02/26/2015	84	ORDER granting the parties' 82 Joint Motion for Leave to File an Amended Pretrial Order. Signed by Judge Leigh Martin May on 2/26/15. (ddm) (Entered: 02/26/2015)
02/26/2015	85	Amended Pretrial Order by Cristiano Diniz, Antonio Thomas. (ddm) (Entered: 02/26/2015)
03/02/2015	86	RESPONSE re 79 MOTION in Limine Regarding Exclusion of Evidence filed by Alpha OB GYN Group, P.C., Daniel E. McBrayer, Sr. (Logue, A.) (Entered: 03/02/2015)
03/04/2015	87	Minute Entry for proceedings held before Judge Leigh Martin May:

		The Court set a Jury Trial date for Tuesday, June 2, 2015. Plaintiffs' 79 Motion in Limine was GRANTED as to the exclusions of Plaintiff's HIV and marital status, and DENIED as to the note. The parties are requested to provide the Court with a brief paragraph regarding the details of the case one (1) week prior to trial. Deposition designations are due fourteen (14) days before trial; Counter-designations and Objections are due five (5) days after. Consolidated jury charges and any objections shall be submitted in Word and paper format one week (1) prior to trial. The Court requested binders of the exhibits be delivered to chambers the morning of trial. The parties are also instructed to contact Ms. Bachelor if additional pre-trial issues needing Court attention arise. The parties are directed to the transcript of the Pre-Trial Conference for additional details and deadlines. (Court Reporter Montrell Vann)(ddm) (Entered: 03/04/2015)
03/12/2015	88	PRETRIAL ORDER. Signed by Judge Leigh Martin May on 3/12/15. (ddm) (Entered: 03/12/2015)
04/29/2015	89	Amended Exhibit List by Cristiano Diniz, Antonio Thomas.. (Weiner, Andrew) (Entered: 04/29/2015)
05/01/2015	90	Amended Exhibit List by Alpha OB GYN Group, P.C., Daniel E. McBrayer, Sr.. (Logue, A.) (Entered: 05/01/2015)
05/04/2015	91	AMENDED PRETRIAL ORDER. Signed by Judge Leigh Martin May on 05/04/2015. (rvb) (Entered: 05/04/2015)
05/06/2015	92	NOTICE setting Trial: Jury Trial set for 6/2/2015 at 09:30 AM in ATLA Courtroom 2107 before Judge Leigh Martin May. (rvb) (Entered: 05/06/2015)
05/06/2015	93	NOTICE by Cristiano Diniz, Antonio Thomas re 87 Order on Motion in Limine, Pretrial Conference,,,,,, of <i>Filing Joint Paragraph Regarding Details of Case</i> (Weiner, Andrew) (Entered: 05/06/2015)
05/19/2015	94	NOTICE by Cristiano Diniz, Antonio Thomas of <i>Deposition Designations</i> (Sand, Jeffrey) (Entered: 05/19/2015)
05/19/2015	95	NOTICE by Alpha OB GYN Group, P.C., Daniel E. McBrayer, Sr of <i>Defendants' Deposition Designations</i> (Logue, A.) (Entered: 05/19/2015)
05/22/2015	96	MOTION for Sanctions by Cristiano Diniz, Antonio Thomas. (Attachments: # 1 Exhibit 1-Statements, # 2 Exhibit 2-2/2013 Letter, # 3 Exhibit 3-Defendants' Initial Disclosures, # 4 Exhibit 4-Discovery Requests, # 5 Exhibit 5-Discovery Responses, # 6 Exhibit 6-Second Discovery Requests, # 7 Exhibit 7-11/2012

		Emails, # 8 Exhibit 8-12/2012 Emails, # 9 Exhibit 9-1/2013 Emails, # 10 Exhibit 10-5/2015 Email String, # 11 Exhibit 11-5/2015 Email)(Weiner, Andrew) (Entered: 05/22/2015)
05/22/2015	97	RESPONSE in Opposition re 96 MOTION for Sanctions filed by Alpha OB GYN Group, P.C., Daniel E. McBrayer, Sr. (Attachments: # 1 Exhibit 1-3 (Correspondence))(Logue, A.) (Entered: 05/22/2015)
05/22/2015	98	Minute Entry for proceedings held before Judge Leigh Martin May: Telephone Conference held on 5/22/2015. A Telephone Conference was held to discuss remaining pretrial issues. Jury selection will begin at 9:30 a.m. on Tuesday, June 2, 2015. The subsequent days of trial will start at 9:00 a.m. The parties are directed to confer on any objections to deposition designations and counterdesignations. Any remaining objections will be discussed during the telephone conference set for Monday, June 1, 2015 at 3:30 p.m. If the parties have objections to exhibits that can be dealt with prior to trial, they shall email Ms. Bachelor the objections along with a copy of the exhibit(s). Additionally, if Plaintiff or Defendant is planning on using any exhibits during opening statements, the parties are directed to confer and determine if there are any objections to those exhibits. The parties shall file their exhibit and witness lists on CM/ECF on or before Monday, June 1, 2015. A written order will be issued regarding the discovery sanction issues. (Court Reporter Andy Ashley) (jtj) (Entered: 05/22/2015)
05/22/2015	99	<i>Objections to Plaintiffs' Exhibit List</i> by Alpha OB GYN Group, P.C., Daniel E. McBrayer, Sr.. (Attachments: # 1 Exhibit Depositions, # 2 Exhibit Initial Disclosures, # 3 Exhibit Discovery and Responses, # 4 Exhibit Paycheck Manager Printout, # 5 Exhibit Pumarejo Time Sheet, # 6 Exhibit Summerour Time Sheet, # 7 Exhibit Diniz Time Sheets, # 8 Exhibit Diniz Check, # 9 Exhibit Diniz Time Sheet, # 10 Exhibit Work Hours Policies, # 11 Exhibit Diniz Overtime Note, # 12 Exhibit Diniz Paycheck Manager Printout, # 13 Exhibit Thomas Paycheck Manager Printout, # 14 Exhibit Thomas Check, # 15 Exhibit Diniz Patient Registration, # 16 Exhibit Initial Complaint)(Logue, A.) Modified on 5/26/2015 to edit docket text (ddm). (Entered: 05/22/2015)
06/15/2015		Submission of 96 MOTION for Sanctions , submitted to District Judge Leigh Martin May. (ddm) (Entered: 06/15/2015)
06/17/2015	100	Joint MOTION for Court Review and Settlement <i>Approval</i> and Dismissal of Case with prejudice with Brief In Support by Cristiano Diniz, Antonio Thomas. (Attachments: # 1 Exhibit A-

		Agreement)(Weiner, Andrew) Modified on 6/18/2015 (cem). (Entered: 06/17/2015)
06/18/2015		NOTICE of Hearing on Motion re: 100 Joint MOTION for Court Review and Settlement Approval and Dismissal of Case. A Telephone Conference is set for Monday, 6/22/2015 at 10:00 AM, before Judge Leigh Martin May. (rvb) (Entered: 06/18/2015)
06/22/2015	101	Order Approving Settlement Agreements and Dismissing Action With Prejudice. The parties are directed to file a Joint Stipulation of Dismissal with Prejudice once the terms of the settlement agreement have been satisfied. Signed by Judge Leigh Martin May on 6/22/15. (ddm) (Entered: 06/22/2015)
06/22/2015		Civil Case Terminated. (ddm) (Entered: 06/22/2015)
06/22/2015	102	Minute Entry for proceedings held before Judge Leigh Martin May: A Telephone Conference was held on the parties' 100 Joint Motion for Court Review and Approval of the Parties' Settlement Agreement and Dismissal of Case with Prejudice. The Court heard from Plaintiffs' and Defendants' counsel regarding the settlement and approved the agreement. (Court Reporter Montrell Vann)(ddm) (Entered: 06/22/2015)
06/23/2015	103	MOTION for Attorney Fees with Brief In Support by Cristiano Diniz, Antonio Thomas. (Attachments: # 1 Brief, # 2 Exhibit A-Time Records, # 3 Exhibit B-Declaration, # 4 Exhibit C-Declaration)(Weiner, Andrew) (Entered: 06/23/2015)
07/07/2015	104	RESPONSE in Opposition re 103 MOTION for Attorney Fees filed by Alpha OB GYN Group, P.C., Daniel E. McBrayer, Sr. (Attachments: # 1 Exhibit Certification of Keith Logue, # 2 Exhibit McBrayer Depo 1, # 3 Exhibit McBrayer Depo 3, # 4 Exhibit Buckner Depo, # 5 Exhibit Bynum Depo, # 6 Exhibit Loner Depo, # 7 Exhibit Griffith Depo, # 8 Exhibit Pl 1st Rogs and RPD, # 9 Exhibit Pl Req for Adm, # 10 Exhibit Pl 2nd Req for Docs, # 11 Exhibit Pl 3rd Req for Disc, # 12 Exhibit Pl 3rd Req)(Logue, A.) (Entered: 07/07/2015)
07/13/2015	105	REPLY to Response to Motion re 103 MOTION for Attorney Fees filed by Cristiano Diniz, Antonio Thomas. (Weiner, Andrew) (Entered: 07/13/2015)
07/27/2015		Submission of 103 MOTION for Attorney Fees , submitted to District Judge Leigh Martin May. (ddm) (Entered: 07/27/2015)
09/14/2015	106	ORDER granting Plaintiffs' 103 Motion for Attorneys' Fees. Plaintiffs Cristiano Diniz and Antonio Thomas are entitled to attorneys' fees and litigation expenses in the amount of

		\$139,154.60 from Defendants Alpha OB GYN Group, P.C. and Dr. Daniel E. McBrayer, Sr. Signed by Judge Leigh Martin May on 9/11/2015. (dfb) (Entered: 09/14/2015)
09/14/2015	107	CLERK'S JUDGMENT awarding Plaintiffs Cristiano Diniz and Antonio Thomas \$139,154.60 in attorneys' fees and litigation expenses from Defendants Alpha OB GYN Group, P.C. and Dr. Daniel E. McBrayer, Sr. (dfb) --Please refer to http://www.ca11.uscourts.gov to obtain an appeals jurisdiction checklist-- (Entered: 09/14/2015)
10/07/2015	108	APPLICATION for Writ of of Execution by Cristiano Diniz, Antonio Thomas. (Weiner, Andrew) (Entered: 10/07/2015)
10/08/2015		WRIT of of Execution issued in the amount of \$139,154.60. Original returned to Andrew Weiner via certified mail receipt # 91 7199 9991 7032 5719 6945. (ddm) (Entered: 10/08/2015)
10/22/2015	109	Certified Mail Returned Receipt re Writ Issued mailed to Andrew Weiner. (ddm) (Entered: 10/22/2015)