

**United States District Court
District of Massachusetts (Boston)
CIVIL DOCKET FOR CASE #: 1:13-cv-11292-DJC**

Tuvell v. International Business Machines, Inc.
Assigned to: Judge Denise J. Casper
Case in other court: Middlesex Superior Court, 12-01428
USCA – First Circuit, 15-01914
Cause: 28:1441 Petition for Removal – Employment Discrim

Date Filed: 05/29/2013
Date Terminated: 07/08/2015
Jury Demand: Plaintiff
Nature of Suit: 442 Civil Rights: Jobs
Jurisdiction: Federal Question

Plaintiff**Walter Tuvell**

represented by **Robert S. Mantell**
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V.

Defendant**International Business Machines, Inc.**

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Date Filed	#	Docket Text
05/29/2013	<u>1</u>	NOTICE OF REMOVAL by International Business Machines, Inc. (Filing fee: \$ 400, receipt number 0101-4477064 Fee Status: Filing Fee paid) (Attachments: # <u>1</u> Exhibit A-1, # <u>2</u> Exhibit A-2, # <u>3</u> Exhibit B, # <u>4</u> Exhibit C, # <u>5</u> Civil Cover Sheet, # <u>6</u> Category sheet)(Porter, Matthew) (Entered: 05/29/2013)

05/30/2013	2	NOTICE of Case Assignment. Magistrate Judge Robert B. Collings assigned to case. Plaintiff's counsel, or defendant's counsel if this case was initiated by the filing of a Notice of Removal, are directed to the Notice and Procedures regarding Consent to Proceed before the Magistrate Judge which can be downloaded here. These documents will be mailed to counsel not receiving notice electronically. (Abaid, Kimberly) (Entered: 05/30/2013)
05/30/2013	3	Certified Copy of Notice of Removal Provided to Defense Counsel by mail (Danieli, Chris) (Entered: 05/30/2013)
05/30/2013	4	NOTICE of Appearance by Joan I. Ackerstein on behalf of International Business Machines, Inc. (Ackerstein, Joan) (Entered: 05/30/2013)
06/03/2013	5	ELECTRONIC NOTICE TO COUNSEL: Notification forms indicating whether or not a party has consented to proceed before a U.S. Magistrate Judge have not been received in the Clerk's Office. The submission of the form is mandatory. Completed forms shall be filed promptly. Additional forms can be obtained on the Court's web page at http://www.mad.uscourts.gov . (Russo, Noreen) (Entered: 06/03/2013)
06/03/2013	<u>6</u>	Assented to MOTION for Extension of Time to June 24, 2013 to File Response/Reply as to <u>1</u> Notice of Removal, (<i>Complaint</i>) by International Business Machines, Inc..(Ackerstein, Joan) (Entered: 06/03/2013)
06/04/2013	<u>7</u>	Refusal to Consent to Proceed Before a US Magistrate Judge. . (Ackerstein, Joan) (Entered: 06/04/2013)
06/04/2013	8	Magistrate Judge Robert B. Collings: ELECTRONIC ORDER entered granting <u>6</u> Motion for Extension of Time to File Response/Reply. "ALLOWED." (Russo, Noreen) (Entered: 06/04/2013)
06/04/2013	9	ELECTRONIC NOTICE of Reassignment. Judge Denise J. Casper added. (Abaid, Kimberly) (Entered: 06/04/2013)
06/06/2013	<u>10</u>	AMENDED COMPLAINT <i>First</i> against International Business Machines, Inc., filed by Walter Tuvell.(Mantell, Robert) (Entered: 06/06/2013)
06/07/2013	<u>11</u>	STATE COURT Record. (Porter, Matthew) (Entered: 06/07/2013)
06/24/2013	<u>12</u>	ANSWER to <u>10</u> Amended Complaint by International Business Machines, Inc..(Ackerstein, Joan) (Entered: 06/24/2013)
06/25/2013	<u>13</u>	NOTICE of Scheduling Conference Scheduling Conference set for 7/29/2013 03:15 PM in Courtroom 11 before Judge Denise J. Casper. (Hourihan, Lisa) (Entered: 06/25/2013)
06/25/2013	<u>14</u>	Judge Denise J. Casper: ORDER entered. Standing Order Re: Courtroom Opportunities for Relatively Inexperienced Attorneys(Hourihan, Lisa) (Entered: 06/25/2013)
07/22/2013	<u>15</u>	JOINT STATEMENT re scheduling conference <i>Pursuant to Local Rule 16.1</i> . (Porter, Matthew) (Entered: 07/22/2013)
07/22/2013	<u>16</u>	CERTIFICATION pursuant to Local Rule 16.1 <i>of Defendant International Business Machines, Inc.</i> . (Porter, Matthew) (Entered: 07/22/2013)
07/26/2013	17	ELECTRONIC NOTICE OF RESCHEDULING Scheduling Conference set for 7/29/2013 02:10 PM in Courtroom 11 before Judge Denise J. Casper. (NOTE TIME CHANGE ONLY) (Hourihan, Lisa) (Entered: 07/26/2013)
07/26/2013	18	ELECTRONIC NOTICE OF RESCHEDULING Scheduling Conference set for 7/29/2013 03:30 PM in Courtroom 11 before Judge Denise J. Casper. (NOTE TIME CHANGE ONLY)(Hourihan, Lisa) (Entered: 07/26/2013)
07/29/2013	19	ELECTRONIC Clerk's Notes for proceedings held before Judge Denise J. Casper: Scheduling Conference held on 7/29/2013. Initial disclosures due by 8/19/13. Amended Pleadings due by 12/16/2013. Fact discovery due by 4/30/14. Plaintiff's expert disclosures due by 1/31/14. Defendant's expert disclosures due by 3/31/14. Expert discovery to be completed by 5/30/2014. Summary Judgment Motions due by 8/15/2014. Opposition to summary judgments motions due by 9/26/14. Status Conference set for 5/1/2014 02:15 PM in Courtroom 11 before Judge Denise J. Casper.

		(Court Reporter: Debra Joyce at joycedebra@gmail.com.)(Attorneys present: Robert Mantell for the plaintiff. Joan Ackerstein for the defendant.) (Hourihan, Lisa) (Entered: 07/30/2013)
07/29/2013	<u>20</u>	Judge Denise J. Casper: ORDER entered. SCHEDULING ORDER.(Hourihan, Lisa) (Entered: 07/30/2013)
09/19/2013	<u>21</u>	MOTION for Protective Order <i>With Respect to Inquiries Concerning Plaintiff's Subsequent Employer</i> by Walter Tuvell.(Mantell, Robert) (Entered: 09/19/2013)
10/03/2013	<u>22</u>	Opposition re <u>21</u> MOTION for Protective Order <i>With Respect to Inquiries Concerning Plaintiff's Subsequent Employer</i> filed by International Business Machines, Inc.. (Ackerstein, Joan) (Entered: 10/03/2013)
10/03/2013	<u>23</u>	AFFIDAVIT in Opposition re <u>21</u> MOTION for Protective Order <i>With Respect to Inquiries Concerning Plaintiff's Subsequent Employer of Joan Ackerstein</i> filed by International Business Machines, Inc.. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C)(Ackerstein, Joan) (Entered: 10/03/2013)
12/09/2013	24	Judge Denise J. Casper: ELECTRONIC ORDER entered denying <u>21</u> Motion for Protective Order. The Court denies this motion for a number of reasons. First, Plaintiff Walter Tuvell ("Tuvell") has not complied with Local Rule 37.1(B)(4) by failing to state with particularity each of the discovery request and/or third-party subpoenas (if any of the latter have even been served) for which he seeks relief. Second, the Court does not agree with Tuvell's argument that his current employment is not relevant to the claims and defenses and any discovery requests regarding this employment are not reasonably calculated to lead to admissible evidence. Even as alleged by Tuvell, his current, non-IBM employment was the reason provided by Defendant IBM for his termination because he refused to identify his new employer. D. 21 at 3 (citing amended complaint). Moreover, whether Tuvell began employment with another employer in violation of a non-compete agreement with IBM, at a minimum, bears upon whether IBM had a legitimate business reason for taking the adverse action it did against Tuvell and, therefore, bears upon his claims for discrimination and IBM's defenses to these claims. Third, given the nature of Tuvell's claims and the remedies he seeks (including punitive damages), information about his current employment is fair game as to his claims and the potential calculation of damages. <u>See</u> D. 22 at 5-6 <u>and cases cited</u> . Moreover, although employment records may contain information of a private nature, the protective order that Tuvell seeks is so broad that it would bar access to basic information including the name of his employer, his start date for employment and his duties and responsibilities in this employment. For all of these reasons, the Court DENIES the motion for protective order. (Hourihan, Lisa) (Entered: 12/09/2013)
01/27/2014	<u>25</u>	MOTION to Seal Document <i>Motion for leave to file Motion to Compel Responses to Plaintiff's First Set of Interrogatories Under Seal</i> by Walter Tuvell.(Mantell, Robert) (Entered: 01/27/2014)
01/28/2014	<u>26</u>	Withdrawal of motion: <u>25</u> MOTION to Seal Document <i>Motion for leave to file Motion to Compel Responses to Plaintiff's First Set of Interrogatories Under Seal</i> filed by Walter Tuvell.. (Mantell, Robert) (Entered: 01/28/2014)
01/28/2014	<u>27</u>	MOTION to Compel Responses to Plaintiff's First Set of Interrogatories by Walter Tuvell. (Attachments: # <u>1</u> Exhibit Exhibit 1, # <u>2</u> Exhibit Exhibits 2-5)(Mantell, Robert) (Entered: 01/28/2014)
02/10/2014	<u>28</u>	Assented to MOTION for Extension of Time to February 18, 2014 to File Response/Reply as to <u>27</u> MOTION to Compel Responses to Plaintiff's First Set of Interrogatories by International Business Machines, Inc..(Porter, Matthew) (Entered: 02/10/2014)
02/11/2014	29	Judge Denise J. Casper: ELECTRONIC ORDER entered granting <u>28</u> Motion for Extension of Time to File Response/Reply re <u>27</u> MOTION to Compel Responses to Plaintiff's First Set of Interrogatories Responses due by 2/18/2014 (Hourihan, Lisa) (Entered: 02/11/2014)
02/18/2014	<u>30</u>	Opposition re <u>27</u> MOTION to Compel Responses to Plaintiff's First Set of Interrogatories filed by International Business Machines, Inc.. (Ackerstein, Joan)

		(Entered: 02/18/2014)
02/18/2014	<u>31</u>	AFFIDAVIT in Opposition re <u>27</u> MOTION to Compel <i>Responses to Plaintiff's First Set of Interrogatories</i> filed by International Business Machines, Inc.. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Ackerstein, Joan) (Entered: 02/18/2014)
02/28/2014	32	Judge Denise J. Casper: ELECTRONIC ORDER entered. REFERRING CASE to Magistrate Judge Robert B. Collings Referred for: Events Only (e). Motions referred: <u>27</u> MOTION to Compel <i>Responses to Plaintiff's First Set of Interrogatories</i> . (Maynard, Timothy) Motions referred to Robert B. Collings. (Entered: 02/28/2014)
03/04/2014	33	Magistrate Judge Robert B. Collings: ELECTRONIC ORDER entered. Counsel for the plaintiff shall file a brief reply memorandum responding to the claims set forth in <u>30</u> Opposition to Motion filed by International Business Machines, Inc. that he "failed to engage in a good faith effort to narrow the issues" and "failed to set forth in all instances the interrogatory and/or IBM's response" to the interrogatory. The reply memorandum shall be filed <u>on or before cob on March 13, 2014</u> . (Entered: 03/04/2014)
03/12/2014	<u>34</u>	REPLY to Response to <u>27</u> MOTION to Compel <i>Responses to Plaintiff's First Set of Interrogatories</i> filed by Walter Tuvell. (Attachments: # <u>1</u> Exhibit Exhibits 1-2, # <u>2</u> Exhibit Exhibit 3, # <u>3</u> Exhibit Exhibits 4-7, # <u>4</u> Exhibit Exhibits 8-9)(Mantell, Robert) (Entered: 03/12/2014)
03/13/2014	<u>35</u>	Assented to MOTION for Leave to File <i>Affidavit to Correct Defendant's Opposition To Plaintiff's Motion To Compel Responses To Interrogatories</i> by International Business Machines, Inc.. (Attachments: # <u>1</u> Exhibit A)(Ackerstein, Joan) (Entered: 03/13/2014)
03/14/2014	36	Magistrate Judge Robert B. Collings: ELECTRONIC ORDER entered re <u>27</u> MOTION to Compel <i>Responses to Plaintiff's First Set of Interrogatories</i> filed by Walter Tuvell. Upon a review of <u>34</u> , the Court will direct the Clerk to schedule a hearing on the motion. However, at the hearing, counsel are to provide the Court with a jointly prepared list detailing each disputed item which remains to be decided by the Court. (Entered: 03/14/2014)
03/17/2014	37	Magistrate Judge Robert B. Collings: ELECTRONIC ORDER entered granting <u>35</u> Motion for Leave to File Document ; Counsel using the Electronic Case Filing System should now file the document for which leave to file has been granted in accordance with the CM/ECF Administrative Procedures. Counsel must include – Leave to file granted on (date of order)– in the caption of the document. (Dolan, Kathleen) (Entered: 03/17/2014)
03/17/2014	38	ELECTRONIC NOTICE Setting Hearing on Motion <u>27</u> MOTION to Compel <i>Responses to Plaintiff's First Set of Interrogatories</i> : Motion Hearing set for 3/27/2014 at 02:30 PM in Courtroom 23 before Magistrate Judge Robert B. Collings. (Dolan, Kathleen) (Entered: 03/17/2014)
03/17/2014	<u>39</u>	AFFIDAVIT of Joan Ackerstein To Correct Opposition To Plaintiff's Motion To Compel in Opposition re <u>27</u> MOTION to Compel <i>Responses to Plaintiff's First Set of Interrogatories</i> filed by International Business Machines, Inc.. (Attachments: # <u>1</u> Exhibit 1)(Ackerstein, Joan) (Entered: 03/17/2014)
03/18/2014	<u>40</u>	Assented to MOTION to Continue <i>Hearing Date</i> by International Business Machines, Inc..(Ackerstein, Joan) (Entered: 03/18/2014)
03/18/2014	41	Magistrate Judge Robert B. Collings: ELECTRONIC ORDER entered granting <u>40</u> Motion to Continue. Motion Hearing set for 4/3/2014 at 03:30 PM in Courtroom 23 before Magistrate Judge Robert B. Collings. (Dolan, Kathleen) (Entered: 03/18/2014)
04/01/2014	<u>42</u>	Assented to MOTION to Continue Hearing on Plaintiff's Motion to Compel Responses to Interrogatories to April 22, 2014 by International Business Machines, Inc..(Porter, Matthew) (Entered: 04/01/2014)
04/01/2014	<u>43</u>	Joint MOTION for Extension of Time for <i>Certain PreTrial Deadlines</i> by International Business Machines, Inc..(Porter, Matthew) (Entered: 04/01/2014)

04/02/2014	44	Magistrate Judge Robert B. Collings: ELECTRONIC ORDER entered granting <u>42</u> Motion to Change Hearing Date. Hearing on Motion #27 re-set for 4/22/2014 at 03:15 PM in Courtroom 23 before Magistrate Judge Robert B. Collings. (Dolan, Kathleen) (Entered: 04/02/2014)
04/22/2014	45	ELECTRONIC Clerk's Notes for proceedings held before Magistrate Judge Robert B. Collings: Motion Hearing held on 4/22/2014 re <u>27</u> MOTION to Compel <i>Responses to Plaintiff's First Set of Interrogatories</i> filed by Walter Tuvell. After hearing, taken under advisement. (Court Reporter: Digital Recording – For transcripts or CDs contact Deborah Scalfani by email at deborah_scalfani@mad.uscourts.gov.)(Attorneys present: Mantell, Porter) (Entered: 04/22/2014)
04/22/2014	<u>46</u>	PARTIES' JOINT LIST OF DISPUTED ITEMS PERTAINING TO PLAINTIFF'S MOTION TO COMPEL RESPONSES TO HIS FIRST SET OF INTERROGATORIES. (Dolan, Kathleen) (Entered: 04/23/2014)
04/23/2014	<u>47</u>	Magistrate Judge Robert B. Collings: ORDER ON PLAINTIFF'S MOTION TO COMPEL RESPONSES TO HIS FIRST SET OF INTERROGATORIES (#27) entered. (Dolan, Kathleen) (Entered: 04/23/2014)
04/23/2014	48	Case no longer referred to Magistrate Judge Robert B. Collings. (Dolan, Kathleen) (Entered: 04/23/2014)
04/28/2014	50	Judge Denise J. Casper: ELECTRONIC ORDER entered granting <u>43</u> Motion for Extension of Time to Complete Discovery. Fact discovery due by 6/30/14. Plaintiff's expert disclosures due by 5/30/14. Defendant's expert disclosures due by 7/31/14. Expert discovery due by 8/31/14. Summary Judgment Motions due by 10/17/14. Opposition to Summary Judgment Motions due by 11/28/14. (Hourihan, Lisa) (Entered: 04/28/2014)
04/28/2014	51	ELECTRONIC NOTICE OF RESCHEDULING Status Conference set for 7/21/2014 02:00 PM in Courtroom 11 before Judge Denise J. Casper. (Hourihan, Lisa) (Entered: 04/28/2014)
06/25/2014	<u>52</u>	MOTION to Compel <i>Fed. R. Civ. P. 35(a) Mental Examination of Plaintiff</i> by International Business Machines, Inc..(Ackerstein, Joan) (Entered: 06/25/2014)
06/25/2014	<u>53</u>	MEMORANDUM in Support re <u>52</u> MOTION to Compel <i>Fed. R. Civ. P. 35(a) Mental Examination of Plaintiff</i> filed by International Business Machines, Inc.. (Ackerstein, Joan) (Entered: 06/25/2014)
06/25/2014	<u>54</u>	AFFIDAVIT in Support re <u>52</u> MOTION to Compel <i>Fed. R. Civ. P. 35(a) Mental Examination of Plaintiff Of Joan Ackerstein</i> filed by International Business Machines, Inc.. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G, # <u>8</u> Exhibit H, # <u>9</u> Exhibit I)(Ackerstein, Joan) (Entered: 06/25/2014)
06/30/2014	<u>55</u>	NOTICE of Change of Address or Firm Name by Robert S. Mantell <i>Attorney for Plaintiff</i> (Mantell, Robert) (Entered: 06/30/2014)
07/08/2014	<u>56</u>	MEMORANDUM in Opposition re <u>52</u> MOTION to Compel <i>Fed. R. Civ. P. 35(a) Mental Examination of Plaintiff</i> filed by Walter Tuvell. (Attachments: # <u>1</u> Exhibit Exh. 1, # <u>2</u> Exhibit Exh. 2, # <u>3</u> Exhibit Exhs. 3–5, # <u>4</u> Exhibit Exhs. 6–7, # <u>5</u> Exhibit Exhs. 8–12, # <u>6</u> Exhibit Exhs. 13–16, # <u>7</u> Exhibit Exhs. 17–18, # <u>8</u> Exhibit Exhs. 19–20)(Mantell, Robert) (Entered: 07/08/2014)
07/10/2014	57	Judge Denise J. Casper: ELECTRONIC ORDER entered. REFERRING CASE to Magistrate Judge Robert B. Collings Referred for: Events Only (e). Motions referred: <u>52</u> MOTION to Compel <i>Fed. R. Civ. P. 35(a) Mental Examination of Plaintiff</i> . (Maynard, Timothy) Motions referred to Robert B. Collings. (Entered: 07/10/2014)
07/10/2014	58	ELECTRONIC NOTICE issued requesting courtesy copy of Docket No. 54 and Docket No. 56. Counsel who filed these documents are requested to submit a courtesy copy to the Clerk's Office as soon as possible. These documents must be clearly marked as a Courtesy Copy for Magistrate Judge Robert B. Collings and reflect the document number assigned by CM/ECF. (Dolan, Kathleen) (Entered: 07/10/2014)

07/14/2014	59	ELECTRONIC NOTICE Setting Hearing on Motion <u>52</u> MOTION to Compel <i>Fed. R. Civ. P. 35(a) Mental Examination of Plaintiff</i> : Motion Hearing set for 7/21/2014 at 02:30 PM in Courtroom 23 before Magistrate Judge Robert B. Collings. (Dolan, Kathleen) (Entered: 07/14/2014)
07/17/2014	<u>60</u>	Assented to MOTION for Extension of Time <i>For Identification And Deposition Of Experts</i> by International Business Machines, Inc..(Ackerstein, Joan) (Entered: 07/17/2014)
07/21/2014	61	ELECTRONIC Clerk's Notes for proceedings held before Magistrate Judge Robert B. Collings: Motion Hearing held on 7/21/2014 re <u>52</u> MOTION to Compel <i>Fed. R. Civ. P. 35(a) Mental Examination of Plaintiff</i> filed by International Business Machines, Inc. After hearing, taken under advisement. (Court Reporter: Digital Recording – For transcripts or CDs contact Deborah Scalfani by email at deborah_scalfani@mad.uscourts.gov.)(Attorneys present: Mantell, Ackerstein) (Entered: 07/21/2014)
07/21/2014	62	ELECTRONIC Clerk's Notes for proceedings held before Judge Denise J. Casper: Status Conference held on 7/21/2014. Counsel report on the status of the case. Court not inclined to move the 10/17/14 summary judgment deadline. Defendant to respond to plaintiff's settlement demand by 8/4/14. Court will hold off ruling on D. 60 until Magistrate Judge Collings decides D. 52. Hearing on Summary Judgment Motion or, if none filed, Initial Pretrial Conference set for 1/22/2015 02:00 PM in Courtroom 11 before Judge Denise J. Casper. The parties shall confer regarding the topics identified under Local Rule 16.5(d) and shall prepare and submit a joint pretrial memorandum in accordance with Local Rule 16.5(d) no later than five (5) business days prior to the pretrial conference. The pretrial memorandum shall also propose deadlines for the filing of motions in limine, proposed jury instructions, proposed jury voir dire and a proposed trial date. (Court Reporter: Debra Joyce at joycedebra@gmail.com.)(Attorneys present: Robert Mantell for the plaintiff. Joan Ackerstein for the defendant.) (Hourihan, Lisa) (Entered: 07/22/2014)
08/18/2014	63	Magistrate Judge Robert B. Collings: ELECTRONIC ORDER entered granting <u>52</u> Motion to Compel. I rule that the plaintiff has put his mental condition in issue and that there is good cause for defendant's requested mental examination. In short, plaintiff in 2012 was referred to his own psychiatrist, one Dr. Anderson, who made his own diagnosis that the plaintiff had PTSD. Whether Dr. Anderson testifies as a "treating psychiatrist" or as an "expert," he will most certainly testify that the plaintiff has been and is suffering from PTSD. The defendant is entitled in these circumstances to have plaintiff examined by their own psychiatrist. Defendant does not have other means of obtaining an independent evaluation, and plaintiff's argument that the defendant must rely on records generated during plaintiff's treatment by providers of plaintiff's choice lacks merit in the circumstances of this case. The deposition may be videotaped and a copy provided to plaintiff's counsel at defendant's request. The plaintiff will retain any privileges during the questioning by defendant's expert. The Court otherwise rejects plaintiff's proposed "conditions" to the examination. Counsel shall agree on a date and time and defendant's counsel shall communicate that information to the Court so that an Order pursuant to Rule 35 may be entered. No costs or attorney's fees. (Entered: 08/18/2014)
08/19/2014	64	Case no longer referred to Magistrate Judge Robert B. Collings. (Dolan, Kathleen) (Entered: 08/19/2014)
09/02/2014	65	Judge Denise J. Casper: ELECTRONIC ORDER entered granting <u>60</u> Motion for Extension of Time for Identification and Deposition of Experts. Expert disclosures due by 9/30/14. Expert depositions to be completed by 10/28/14. (Hourihan, Lisa) (Entered: 09/02/2014)
09/17/2014	66	Magistrate Judge Robert B. Collings: ELECTRONIC ORDER PURSUANT TO RULE 35(a), Fed. R. Civ. P., ENTERED. In accordance with the Court's ruling on Motion <u>52</u> , the plaintiff is ORDERED to submit to a mental examination by Ronald Schouten, M.D., on Friday, September 19, 2014 from 9:00 A.M. to 1:00 P.M. at Dr. Shouten's office at One Bowdoin Square, 9th floor, 15 New Chardon Street, Boston, Massachusetts. The conditions <i>anent</i> the examination are contained in the Court's ruling on Motion {52}. (Entered: 09/17/2014)

09/18/2014	<u>67</u>	Letter/request (non-motion) from Joan Ackerstein to Magistrate Judge Collings. (Russo, Noreen) (Entered: 09/18/2014)
09/30/2014	<u>68</u>	Joint MOTION for Extension of Time to For Certain Pretrial Deadlines by International Business Machines, Inc..(Porter, Matthew) (Entered: 09/30/2014)
10/31/2014	69	Judge Denise J. Casper: ELECTRONIC ORDER entered granting <u>68</u> Motion for Extension of Time to Complete Discovery. Defendant's expert disclosures due by 10/6/14. Plaintiff's supplemental disclosures due by 10/6/14. Expert discovery due by 11/25/14. Summary Judgment Motions due by 12/15/14. Opposition to Summary Judgment due by 1/26/15. Hearing on summary judgment set for March 12, 2015 at 3:00PM. NO FURTHER EXTENSIONS ANTICIPATED. (Hourihan, Lisa) (Entered: 10/31/2014)
10/31/2014	70	ELECTRONIC NOTICE of Hearing.Hearing set for 3/12/2015 03:00 PM in Courtroom 11 before Judge Denise J. Casper. (Hourihan, Lisa) (Entered: 10/31/2014)
12/05/2014	<u>71</u>	Joint MOTION for Leave to File Excess Pages <i>Permitting the Parties to Each File 25 Page Briefs in Connection with Motion for Summary Judgment</i> by International Business Machines, Inc..(Porter, Matthew) (Entered: 12/05/2014)
12/10/2014	72	Judge Denise J. Casper: ELECTRONIC ORDER entered granting <u>71</u> Motion for Leave to File Excess Pages. Memos by both parties not to exceed 25 pages in length. (Hourihan, Lisa) (Entered: 12/10/2014)
12/15/2014	<u>73</u>	MOTION for Summary Judgment by International Business Machines, Inc..(Ackerstein, Joan) (Entered: 12/15/2014)
12/15/2014	<u>74</u>	Statement of Material Facts L.R. 56.1 re <u>73</u> MOTION for Summary Judgment filed by International Business Machines, Inc.. (Ackerstein, Joan) (Entered: 12/15/2014)
12/15/2014	<u>75</u>	MEMORANDUM in Support re <u>73</u> MOTION for Summary Judgment filed by International Business Machines, Inc.. (Ackerstein, Joan) (Entered: 12/15/2014)
12/15/2014	<u>76</u>	AFFIDAVIT in Support re <u>73</u> MOTION for Summary Judgment of <i>Joan Ackerstein</i> filed by International Business Machines, Inc.. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7, # <u>8</u> Exhibit 8, # <u>9</u> Exhibit 9, # <u>10</u> Exhibit 10, # <u>11</u> Exhibit 11, # <u>12</u> Exhibit 12, # <u>13</u> Exhibit 13, # <u>14</u> Exhibit 14, # <u>15</u> Exhibit 15, # <u>16</u> Exhibit 16, # <u>17</u> Exhibit 17, # <u>18</u> Exhibit 18, # <u>19</u> Exhibit 19, # <u>20</u> Exhibit 20, # <u>21</u> Exhibit 21, # <u>22</u> Exhibit 22, # <u>23</u> Exhibit 23, # <u>24</u> Exhibit 24, # <u>25</u> Exhibit 25, # <u>26</u> Exhibit 26, # <u>27</u> Exhibit 27, # <u>28</u> Exhibit 28, # <u>29</u> Exhibit 29, # <u>30</u> Exhibit 30, # <u>31</u> Exhibit 31, # <u>32</u> Exhibit 32, # <u>33</u> Exhibit 33, # <u>34</u> Exhibit 34, # <u>35</u> Exhibit 35, # <u>36</u> Exhibit 36, # <u>37</u> Exhibit 37, # <u>38</u> Exhibit 38, # <u>39</u> Exhibit 39, # <u>40</u> Exhibit 40, # <u>41</u> Exhibit 41)(Ackerstein, Joan) (Entered: 12/15/2014)
01/09/2015	<u>77</u>	Joint MOTION for Extension of Time to February 13, 2015 to File <i>papers relating to summary judgment</i> by Walter Tuvell.(Mantell, Robert) (Entered: 01/09/2015)
01/12/2015	78	Judge Denise J. Casper: ELECTRONIC ORDER entered granting <u>77</u> Motion for Extension of Time to File to this extent. Opposition to summary judgment motion due by 2/13/15. Reply brief due by 3/2/15. (Hourihan, Lisa) (Entered: 01/12/2015)
01/16/2015	<u>79</u>	MOTION for Leave to File Excess Pages <i>for Opposition to Summary Judgment</i> by Walter Tuvell.(Mantell, Robert) (Entered: 01/16/2015)
02/05/2015	80	Judge Denise J. Casper: ELECTRONIC ORDER entered granting <u>79</u> Motion for Leave to File Excess Pages. Allowed up to 25 pages ; Counsel using the Electronic Case Filing System should now file the document for which leave to file has been granted in accordance with the CM/ECF Administrative Procedures. Counsel must include – Leave to file granted on (date of order)– in the caption of the document. (Maynard, Timothy) (Entered: 02/05/2015)
02/12/2015	<u>81</u>	MEMORANDUM in Opposition re <u>73</u> MOTION for Summary Judgment filed by Walter Tuvell. (Mantell, Robert) (Entered: 02/12/2015)
02/12/2015	<u>82</u>	Statement of Material Facts L.R. 56.1 re <u>73</u> MOTION for Summary Judgment <i>Plaintiff's Responses to Defendant's Statement of Facts</i> filed by Walter Tuvell. (Mantell, Robert) (Entered: 02/12/2015)

02/12/2015	<u>83</u>	Statement of Material Facts L.R. 56.1 re <u>73</u> MOTION for Summary Judgment filed by Walter Tuvell. (Mantell, Robert) (Entered: 02/12/2015)
02/12/2015	<u>84</u>	NOTICE OF MANUAL FILING by Walter Tuvell Plaintiff's Exhibits Submitted in Opposition to Defendant's Motion for Summary Judgment re <u>73</u> MOTION for Summary Judgment (Mantell, Robert) (Entered: 02/12/2015)
02/12/2015	<u>85</u>	Amended Opposition re <u>73</u> MOTION for Summary Judgment filed by Walter Tuvell. (Mantell, Robert) (Entered: 02/12/2015)
03/02/2015	<u>86</u>	REPLY to Response to <u>73</u> MOTION for Summary Judgment filed by International Business Machines, Inc.. (Porter, Matthew) (Entered: 03/02/2015)
03/02/2015	<u>87</u>	Statement of Material Facts L.R. 56.1 re <u>73</u> MOTION for Summary Judgment <i>IBM Response to Plaintiff's Statement of Material Facts</i> filed by International Business Machines, Inc.. (Porter, Matthew) (Entered: 03/02/2015)
03/02/2015	<u>88</u>	Supplemental AFFIDAVIT in Support re <u>73</u> MOTION for Summary Judgment of <i>Joan Ackerstein</i> filed by International Business Machines, Inc.. (Attachments: # <u>1</u> Exhibit 117, # <u>2</u> Exhibit 118)(Porter, Matthew) (Entered: 03/02/2015)
03/02/2015	<u>89</u>	MOTION to Strike <i>Portions of Plaintiff's Affidavit and Certain Exhibits Submitted in Opposition to Motion for Summary Judgment</i> by International Business Machines, Inc..(Porter, Matthew) (Entered: 03/02/2015)
03/02/2015	<u>90</u>	MEMORANDUM in Support re <u>89</u> MOTION to Strike <i>Portions of Plaintiff's Affidavit and Certain Exhibits Submitted in Opposition to Motion for Summary Judgment</i> filed by International Business Machines, Inc.. (Porter, Matthew) (Entered: 03/02/2015)
03/11/2015	<u>91</u>	Opposition re <u>89</u> MOTION to Strike <i>Portions of Plaintiff's Affidavit and Certain Exhibits Submitted in Opposition to Motion for Summary Judgment</i> filed by Walter Tuvell. (Attachments: # <u>1</u> Exhibit Exhibits 1 & 2)(Mantell, Robert) (Entered: 03/11/2015)
03/12/2015	<u>92</u>	ELECTRONIC Clerk's Notes for proceedings held before Judge Denise J. Casper: Motion Hearing held on 3/12/2015 re <u>89</u> MOTION to Strike <i>Portions of Plaintiff's Affidavit and Certain Exhibits Submitted in Opposition to Motion for Summary Judgment</i> filed by International Business Machines, Inc., <u>73</u> MOTION for Summary Judgment filed by International Business Machines, Inc. Arguments. Court takes under advisement <u>73</u> Motion for Summary Judgment; takes under advisement <u>89</u> Motion to Strike. (Court Reporter: Debra Joyce at joycedebra@gmail.com.)(Attorneys present: Robert Mantell for the plaintiff. Joan Ackerstein and Matthew Porter for the defendants.) (Hourihan, Lisa) (Entered: 03/12/2015)
07/07/2015	<u>94</u>	Judge Denise J. Casper: ORDER entered. MEMORANDUM AND ORDER. The Court ALLOWS IBM's motion for summary judgment, D.73. In addition, the Court DENIES IBM's motion to strike, D. 89, as moot. (Maynard, Timothy) (Entered: 07/07/2015)
07/08/2015	<u>95</u>	Judge Denise J. Casper: ORDER entered. JUDGMENT (Hourihan, Lisa) (Entered: 07/08/2015)
08/05/2015	<u>96</u>	NOTICE of Appearance by Andrew P. Hanson on behalf of Walter Tuvell (Hanson, Andrew) (Entered: 08/05/2015)
08/05/2015	<u>97</u>	NOTICE of Withdrawal of Appearance by Robert S. Mantell (Mantell, Robert) (Entered: 08/05/2015)
08/05/2015	<u>98</u>	NOTICE OF APPEAL as to <u>95</u> Judgment, <u>94</u> Memorandum & ORDER by Walter Tuvell. ((Fee Status: Filing Fee Paid)) NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at http://www.ca1.uscourts.gov MUST be completed and submitted to the Court of Appeals. Counsel shall register for a First Circuit CM/ECF Appellate Filer Account at http://pacer.psc.uscourts.gov/cmecf. Counsel shall also review the First Circuit requirements for electronic filing by visiting the CM/ECF Information section at http://www.ca1.uscourts.gov/efiling.htm. US District Court Clerk to deliver official record to Court of Appeals by 8/25/2015. (Hanson, Andrew) Modified on 8/5/2015 (Castilla, Francis). Modified on 8/6/2015 (Paine, Matthew). (Entered: 08/05/2015)

08/06/2015	<u>99</u>	BILL OF COSTS by International Business Machines, Inc.. (Porter, Matthew) (Entered: 08/06/2015)
08/06/2015	<u>100</u>	AFFIDAVIT in Support re <u>99</u> Bill of Costs . (Attachments: # <u>1</u> Exhibit A-AA)(Porter, Matthew) (Entered: 08/06/2015)
08/06/2015	<u>101</u>	Filing fee/payment: \$ 505.00, receipt number 1BST051028 for <u>98</u> MOTION for Leave to Appeal (Caruso, Stephanie) (Entered: 08/06/2015)
08/06/2015	<u>102</u>	Abbreviated Record Sent to the Court of Appeals <u>98</u> Notice of Appeal. (Paine, Matthew) (Paine, Matthew). (Entered: 08/06/2015)
08/19/2015	<u>103</u>	TRANSCRIPT ORDER FORM by Walter Tuvell for proceedings held on 03/12/2015 before Judge Denise J. Casper, Transcript due by 10/19/2015. (Hanson, Andrew) (Entered: 08/19/2015)
08/05/2015	<u>104</u>	NOTICE OF APPEAL as to <u>95</u> Judgment, <u>94</u> Memorandum & ORDER by Walter Tuvell NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at http://www.ca1.uscourts.gov MUST be completed and submitted to the Court of Appeals. Counsel shall register for a First Circuit CM/ECF Appellate Filer Account at http://pacer.psc.uscourts.gov/cmecf. Counsel shall also review the First Circuit requirements for electronic filing by visiting the CM/ECF Information section at http://www.ca1.uscourts.gov/cmecf. US District Court Clerk to deliver official record to Court of Appeals by 8/25/2015. (Paine, Matthew) (Entered: 09/30/2015)
09/30/2015	<u>105</u>	Notice of correction to docket made by Court staff. Correction: Docket Entry 98 Notice of Appeal Corrected Because: The Notice of Appeal Was Filed Under the Wrong Appeal Event By Counsel Hanson. (Paine, Matthew) (Entered: 09/30/2015)
09/30/2015	<u>106</u>	USCA Case Number 15-1914 for <u>104</u> Notice of Appeal filed by Walter Tuvell. (Paine, Matthew) (Entered: 09/30/2015)
09/30/2015	<u>107</u>	Transcript of Motion Hearing held on March 12, 2015, before Judge Denise J. Casper. COA Case No. 15-1914. The Transcript may be purchased through the Court Reporter, viewed at the public terminal, or viewed through PACER after it is released. Court Reporter Name and Contact Information: Debra Joyce at joycedebra@gmail.com Redaction Request due 10/21/2015. Redacted Transcript Deadline set for 11/2/2015. Release of Transcript Restriction set for 12/29/2015. (Scafani, Deborah) (Entered: 09/30/2015)
09/30/2015	<u>108</u>	NOTICE is hereby given that an official transcript of a proceeding has been filed by the court reporter in the above-captioned matter. Counsel are referred to the Court's Transcript Redaction Policy, available on the court website at http://www.mad.uscourts.gov/attorneys/general-info.htm (Scafani, Deborah) (Entered: 09/30/2015)
05/13/2016	<u>109</u>	OPINION of USCA as to <u>104</u> Notice of Appeal filed by Walter Tuvell. (Paine, Matthew) (Entered: 05/16/2016)
05/13/2016	<u>110</u>	USCA Judgment as to <u>104</u> Notice of Appeal filed by Walter Tuvell. AFFIRMED... (Paine, Matthew) (Entered: 05/16/2016)