

Gallo, Elisa v. Mayo Clinic Health System - Franciscan Medical Center, Inc. 2015, APPEAL, CLOSED, DECLINE_MJ, DIVERSITY, IKC, PROTECTIVE_ORDER, Docket 10/11/16

**U.S. District Court
Western District of Wisconsin (Madison)
CIVIL DOCKET FOR CASE #: 3:15-cv-00304-jdp**

Gallo, Elisa v. Mayo Clinic Health System - Franciscan Medical Center, Inc.

Assigned to: District Judge James D. Peterson
Referred to: Magistrate Judge Stephen L. Crocker
Cause: 28:1332 Diversity-Breach of Contract

Date Filed: 05/20/2015
Date Terminated: 01/24/2017
Jury Demand: Plaintiff
Nature of Suit: 190 Contract: Other
Jurisdiction: Diversity

Plaintiff

Elisa S. Gallo, M.D.

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V.

Defendant

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Defendant

Michael White, M.D.

represented by **Michael J. Modl**
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ATTORNEY TO BE NOTICED

Interested Party

The Mount Sinai Hospital

Interested Party

Refuah Health Center, Inc.

Date Filed	#	Docket Text
05/26/2015	1	COMPLAINT against All Defendants. (Filing fee \$ 400 receipt number 0758-1562001.), filed by All Plaintiffs. (Attachments: # 1 Exhibit 1 - Separation Agreement, # 2 JS-44 Civil Cover Sheet, # 3 Summons - Franciscan Skemp, # 4 Summons - White) (Pines, Lester) (Entered: 05/26/2015)
05/26/2015		Case randomly assigned to Magistrate Judge Stephen L. Crocker. (jls) (Entered: 05/26/2015)
05/26/2015		Standard attachments for Magistrate Judge Stephen L. Crocker required to be served on all parties with summons or waiver of service: Corporate Disclosure Statement , Order Regarding Assignment of Civil Cases , Notice of Assignment to a Magistrate Judge and Consent/Request for Reassignment , Order on Dispositive Motions . (jls) (Entered: 05/26/2015)
05/26/2015	2	Summons Issued as to Franciscan Skemp Healthcare, Inc., Michael White, M.D.. (Attachments: # 1 Michael White, M.D. Summons) (jls) (Entered: 05/26/2015)
05/29/2015	3	Motion to Admit George S. Bellas Pro Hac Vice. (Pro Hac Vice fee \$ 50 receipt number 0758-1564917.) by Plaintiff Elisa S. Gallo, M.D. (Bellas, George) (Entered: 05/29/2015)
06/01/2015	4	** TEXT ONLY ORDER ** ORDER granting 3 Motion to Admit George S. Bellas Pro Hac Vice. Signed by Magistrate Judge Peter A. Oppeneer on 6/1/2015. (lak) (Entered: 06/01/2015)
07/16/2015		Action Requested: Counsel for plaintiff requested to promptly file proof of service. (jls) (Entered: 07/16/2015)
07/17/2015	5	Waiver of Service Returned Executed by Defendant Franciscan Skemp Healthcare, Inc. Franciscan Skemp Healthcare, Inc. waiver sent on 7/17/2015, answer due 9/15/2015. (Pines, Lester) (Entered: 07/17/2015)
07/17/2015	6	Waiver of Service Returned Executed by Defendant Michael White, M.D. Michael White, M.D. waiver sent on 7/17/2015, answer due 9/15/2015. (Pines, Lester) (Entered: 07/17/2015)
09/10/2015	7	Notice of Appearance filed by Michael J. Westcott for Defendants Franciscan Skemp Healthcare, Inc., Michael White, M.D. (Westcott, Michael) (Entered: 09/10/2015)
09/10/2015	8	Notice of Appearance filed by Michael J. Modl for Defendants Franciscan Skemp Healthcare, Inc., Michael White, M.D. (Modl, Michael) (Entered: 09/10/2015)
09/10/2015	9	ANSWER by Defendants Franciscan Skemp Healthcare, Inc., Michael White, M.D. (Westcott, Michael) (Entered: 09/10/2015)

09/10/2015		Set Telephonic Pretrial Conference: Telephonic Pretrial Conference set for 10/6/2015 at 01:00 PM before Magistrate Judge Stephen L. Crocker. Counsel for Plaintiff responsible for setting up the call to chambers at (608) 264-5153. [Standing Order Governing Preliminary Pretrial Conference attached] (jls) (Entered: 09/10/2015)
09/29/2015	10	Joint Rule 26 Initial Disclosure Report by Plaintiff Elisa S. Gallo, M.D. (Pines, Lester) (Entered: 09/29/2015)
09/29/2015	11	Stipulation to correct corporate name of the defendant in the caption by Plaintiff Elisa S. Gallo, M.D. (Pines, Lester) (Entered: 09/29/2015)
09/30/2015	12	** TEXT ONLY ORDER ** ORDER accepting and entering 11 Stipulation to correct corporate name of the defendant in the caption. Signed by Magistrate Judge Stephen L. Crocker on 9/30/2015. (jls) (Entered: 09/30/2015)
10/05/2015		Case randomly reassigned to District Judge James D. Peterson and Magistrate Judge Stephen L. Crocker. (cak) (Entered: 10/05/2015)
10/06/2015		Minute Entry for proceedings held before Magistrate Judge Stephen L. Crocker: Telephone Preliminary Pretrial Conference held on 10/6/2015 [:10] (cak) (Entered: 10/06/2015)
10/14/2015	13	Pretrial Conference Order - Amendments to Pleadings due 11/10/2015. Dispositive Motions due 8/12/2016. Settlement Letters due 12/9/2016. Motions in Limine due 12/9/2016. Response to Motion due 12/23/2016. Final Pretrial Conference set for 1/11/2017 at 04:00 PM. Jury Selection and Trial set for 1/17/2017 at 09:00 AM. Signed by Magistrate Judge Stephen L. Crocker on 10/12/2015. (jls) (Entered: 10/14/2015)
10/29/2015	14	Notice by Plaintiff Elisa S. Gallo, M.D. of <i>Filing Certificate of Service</i> . (Attachments: # 1 Certificate of Service) (Bellas, George) Modified on 10/30/2015. (lak) (Entered: 10/29/2015)
11/06/2015	15	Joint Motion for Entry of Proposed Stipulation and Order Concerning Protocol for Discovery of Electronically Stored Information by Defendants Mayo Clinic Health System - Franciscan Medical Center, Inc., Michael White, M.D. Response due 11/13/2015. (Attachments: # 1 Exhibit 1 - Agreed Stip and Order for Preservation and Discovery of Electronically Stored Information) (Modl, Michael) Modified on 11/8/2015. (lak) (Entered: 11/06/2015)
11/10/2015	16	** TEXT ONLY ORDER ** It is ORDERED that the parties' stipulated protocol regarding electronic discovery (dkt. 15-1) is ACCEPTED and ENTERED by the court. Signed by Magistrate Judge Stephen L. Crocker on 11/10/2015. (jls) (Entered: 11/10/2015)
12/11/2015	17	Notice of Filing by Plaintiff Elisa S. Gallo, M.D. (Attachments: # 1 Certificate of Service) (Bellas, George) (Entered: 12/11/2015)
01/14/2016	18	Joint Motion for Protective Order by Defendants Mayo Clinic Health System - Franciscan Medical Center, Inc., Michael White, M.D., (Attachments: # 1 Text of Proposed Order) (Modl, Michael) (Entered: 01/14/2016)
01/19/2016	19	** TEXT ONLY ORDER ** The parties' stipulated protective order 18 is ACCEPTED and ENTERED by the court. Signed by Magistrate Judge Stephen L. Crocker on 1/19/2016. (voc) (Entered: 01/19/2016)
01/25/2016	20	Certificate of Service. (Bellas, George) Modified on 1/25/2016: Corrected docketing event. (lak) (Entered: 01/25/2016)

05/23/2016	21	Motion to Compel <i>a Discovery Response</i> by Plaintiff Elisa S. Gallo, M.D. Motions referred to Magistrate Judge Stephen L. Crocker. Response due 5/31/2016. (Pines, Lester) (Entered: 05/23/2016)
05/23/2016	22	Brief in Support of 21 Motion to Compel <i>a Discovery Response</i> by Plaintiff Elisa S. Gallo, M.D. (Pines, Lester) (Entered: 05/23/2016)
05/23/2016	23	Disregard. See 24 . Modified on 5/24/2016. (lak) (Entered: 05/23/2016)
05/24/2016	24	Corrected Declaration of Lester Pines filed by Plaintiff Elisa S. Gallo, M.D. re: 21 Motion to Compel. (Pines, Lester) (Entered: 05/24/2016)
05/24/2016	25	Notice of Appearance filed by Aaron Dumas for Plaintiff Elisa S. Gallo, M.D. (Dumas, Aaron) (Entered: 05/24/2016)
05/31/2016	26	Stipulation to Amend 13 Preliminary Pretrial Conference Order by Plaintiff Elisa S. Gallo, M.D. (Pines, Lester) Modified on 5/31/2016 (jls). (Entered: 05/31/2016)
06/02/2016	27	** TEXT ONLY ORDER ** 26 Stipulation accepted and entered. Signed by Magistrate Judge Stephen L. Crocker on 6/2/2016. (jls) (Entered: 06/02/2016)
06/06/2016	28	ORDER granting 21 Motion to Compel. Mt. Sinai shall provide all materials responsive to the subpoena and shall not withhold materials based on any provision of New York law. Signed by Magistrate Judge Stephen L. Crocker on 6/3/2016. (jls) (Entered: 06/06/2016)
06/06/2016	29	ORDER granting 21 Motion to Compel. Refuah shall provide all materials responsive to the subpoena and shall not withhold materials based on any provision of New York law. Signed by Magistrate Judge Stephen L. Crocker on 6/3/2016. (jls) (Entered: 06/06/2016)
06/13/2016	30	Disregard. See 31 . Modified on 6/15/2016. (lak) (Entered: 06/13/2016)
06/14/2016	31	Expert Report of Christina Giles by Plaintiff Elisa S. Gallo, M.D., (Attachments: # 1 Exhibit 1 - Credentialing Resource Center Insider Article on Red Flags, # 2 Exhibit 2 - Giles Resume) (Pines, Lester) (Entered: 06/14/2016)
06/24/2016	32	Redaction to 33 Expert Report of Carol Stotlar by Plaintiff Elisa S. Gallo, M.D., (Attachments: # 1 Exhibit 1 - Past Wages if Employed by Refuah 06/16/14 to 06/24/16, # 2 Exhibit 2 - Present Value of Forward Pay Until Retirement, # 3 Exhibit 3 - Present Value of Earnings at Current Rate, # 4 Appendix Index, # 5 Appendix A - Seasoned Aaa Corporate Bond Yield, # 6 Appendix B - Consumer Price Index Data from 1913 to 2015, # 7 Appendix C - Projected Wage Increase, # 8 Appendix D - Board of Governors Treasury Yield, # 9 Appendix E - Employment Agreement, # 10 Appendix F - Pay Stubs) (Pines, Lester) Modified on 6/24/2016: Corrected docketing event. (lak) (Entered: 06/24/2016)
06/24/2016	33	Expert Report of Carol Stotlar by Plaintiff Elisa S. Gallo, M.D. (<u>Sealed Document</u>) (Attachments: # 1 Exhibit 1 - Past Wages if Employed by Refuah 06/16/14 to 06/24/16, # 2 Exhibit 2 - Present Value of Forward Pay Until Retirement, # 3 Exhibit 3 - Present Value of Earnings at Current Rate, # 4 Appendix Index, # 5 Appendix A - Seasoned Aaa Corporate Bond Yield, # 6 Appendix B - Consumer Price Index Data from 1913 to 2015,

		# 7 Appendix C - Projected wage increase, # 8 Appendix D - Board of Governors Treasury Yield, # 9 Appendix E - Employment Agreement, # 10 Appendix F - Pay Stubs) (Pines, Lester) (Entered: 06/24/2016)
06/24/2016	34	Unopposed Motion to Seal Document 33 Expert Report, by Plaintiff Elisa S. Gallo, M.D. Motions referred to Magistrate Judge Stephen L. Crocker. (Pines, Lester) (Entered: 06/24/2016)
06/27/2016	35	** TEXT ONLY ORDER ** ORDER granting 34 Motion to Seal Document 33 Expert Report. Signed by Magistrate Judge Stephen L. Crocker on 6/26/2016. (jls) (Entered: 06/27/2016)
08/12/2016	36	Deposition of Elisa S. Gallo, M.D. taken on June 15, 2016. (<u>Sealed Document</u>) (Modl, Michael) (Entered: 08/12/2016)
08/12/2016	37	Deposition of Mark G. Lebwohl, M.D. taken on July 21, 2016. (Modl, Michael) (Entered: 08/12/2016)
08/12/2016	38	Deposition of Stephan Flaim taken on July 21, 2016. (Modl, Michael) (Entered: 08/12/2016)
08/12/2016	39	MOTION FOR SUMMARY JUDGMENT by Defendants Mayo Clinic Health System - Franciscan Medical Center, Inc., Michael White, M.D. Brief in Opposition due 9/12/2016. Brief in Reply due 9/26/2016. (Modl, Michael) (Entered: 08/12/2016)
08/12/2016	40	Declaration of Barbara Saathoff filed by Defendants Mayo Clinic Health System - Franciscan Medical Center, Inc., Michael White, M.D. re: 39 Motion for Summary Judgment, (<u>Sealed Document</u>) (Attachments: # 1 Exhibit 1 - Copy of Separation Agreement and General Release) (Modl, Michael) Modified on 8/14/2016. (lak) (Entered: 08/12/2016)
08/12/2016	41	Declaration of Diane Otte filed by Defendants Mayo Clinic Health System - Franciscan Medical Center, Inc., Michael White, M.D. re: 39 Motion for Summary Judgment. (Modl, Michael) (Entered: 08/12/2016)
08/12/2016	42	Declaration of David Rushlow, M.D. filed by Defendants Mayo Clinic Health System - Franciscan Medical Center, Inc., Michael White, M.D. re: 39 Motion for Summary Judgment. (Modl, Michael) (Entered: 08/12/2016)
08/12/2016	43	Declaration of Michael White, M.D. filed by Defendants Mayo Clinic Health System - Franciscan Medical Center, Inc., Michael White, M.D. re: 39 Motion for Summary Judgment, (Attachments: # 1 Exhibit 1 - Copy of Performance Counseling Document, # 2 Exhibit 2 - 9/14/10 Memo for Record, # 3 Exhibit 3 - Affiliation Verification Form, # 4 Exhibit 4 - 5/16/14 E-mail from Dr. White to Dr. Lebwohl, # 5 Exhibit 5 - 5/16/14 E-mail from Dr. Lebwohl to Dr. White, # 6 Exhibit 6 - 10/31/14 E-mail and Letter from Dr. White to Dr. Lebwohl, # 7 Exhibit 7 - 11/24/14 Letter from Dr. Lebwohl to Dr. White) (Modl, Michael) Modified on 8/14/2016. (lak) (Entered: 08/12/2016)
08/12/2016	44	Declaration of Michael J. Modl filed by Defendants Mayo Clinic Health System - Franciscan Medical Center, Inc., Michael White, M.D. re: 39 Motion for Summary Judgment, (Attachments: # 1 Exhibit 1 - Pages of Elisa Gallo Deposition (See 36 for complete deposition.), # 2 Exhibit 2 - Pages of Mark Lebwohl, M.D. Deposition (See 37 for complete deposition.), # 3 Exhibit 3 - Pages of Stephan Flaim Deposition (See 38 for complete deposition.), # 4 Exhibit 4 - Declaration of Dr. Corinna Manini Dated 7/11/2016,

		<p># 5 Exhibit 5 - 9/11/13 E-mail from Dr. Manini, # 6 Exhibit 6 - 10/11/13 E-mail from Dr. Gallo to Dr. Manini, # 7 Exhibit 7 - 12/6/13 Contingent Offer, # 8 Exhibit 8 - 4/30/14 E-mail from Dr. Manini to Dr. Lebwohl, # 9 Exhibit 9 - 5/6/14 E-mail from Dr. Gallo to Refuah, # 10 Exhibit 10 - 5/6/14 Note from Dr. Manini, # 11 Exhibit 11 - 5/15/14 E-mail from Dr. Lebwohl to Dr. Gallo) (Modl, Michael) Modified on 8/14/2016. (lak) (Entered: 08/12/2016)</p>
08/12/2016	45	Brief in Support of 39 Motion for Summary Judgment by Defendants Mayo Clinic Health System - Franciscan Medical Center, Inc., Michael White, M.D. (Modl, Michael) (Entered: 08/12/2016)
08/12/2016	46	Proposed Findings of Fact filed by Defendants Mayo Clinic Health System - Franciscan Medical Center, Inc., Michael White, M.D. re: 39 Motion for Summary Judgment. (Modl, Michael) (Entered: 08/12/2016)
08/17/2016	47	Redaction to 40 Declaration of <i>Barbara Saathoff</i> by Defendants Mayo Clinic Health System - Franciscan Medical Center, Inc., Michael White, M.D., (Attachments: # 1 Exhibit A - Filed Under Seal) (Modl, Michael) (Entered: 08/17/2016)
09/08/2016	48	Motion for Extension of Time to Respond to Defendant's Motion for Summary Judgment by Plaintiff Elisa S. Gallo, M.D. Motions referred to Magistrate Judge Stephen L. Crocker. Response due 9/15/2016. (Bellas, George) (Entered: 09/08/2016)
09/08/2016	49	Notice of Filing by Plaintiff Elisa S. Gallo, M.D. re: 48 Motion for Extension of Time. (Bellas, George) Modified on 9/9/2016. (lak) (Entered: 09/08/2016)
09/09/2016	50	Declaration of Lester A. Pines filed by Plaintiff Elisa S. Gallo, M.D. re: 48 MOTION for Extension of Time. (Pines, Lester) (Entered: 09/09/2016)
09/12/2016		Set Hearings: Settlement Conference set for 9/27/2016 at 10:00 AM in conference room 410 before Magistrate Judge Peter Oppeneer. Any submissions of the parties are due by 9/23/2016 at clerkofcourt@wiwd.uscourts.gov. (jaf) (Entered: 09/12/2016)
09/13/2016	51	<p>** TEXT ONLY ORDER **</p> <p>Before the court is plaintiff's September 8, 2016 motion (dkt. 48) to extend her September 12, 2016 deadline to respond to defendants' August 12, 2016 motion for summary judgment (dkt. 39). According to plaintiff, when defendants filed their SJ motion, defendants included a July 11, 2016 declaration from Dr. Corinna Manini (<i>see</i> dkt. 44-4) who was supposed to be deposed in July in New York, but who allegedly avoided service of the deposition subpoena and therefore was not deposed. Plaintiff waited 27 days after learning of Dr. Manini's declaration to file the instant motion, asking for a 30-day extension of her response deadline so that she can subpoena Dr. Manini and depose her in order to impeach her declaration. Assuming plaintiff's proffer is accurate, then both sides are at fault here, defendants for sandbagging plaintiff, plaintiff for waiting too long to ask for relief. The court cannot give a 30-day extension without compromising its ability to provide a timely ruling on defendants' motion. The court will extend plaintiff's response deadline to September 26, 2016 so that plaintiff may depose Dr. Manini on the issues raised in her declaration. If Dr. Manini cannot be deposed in some manner for this purpose during this time period, then the court will strike her declaration so as to return both sides to ground zero on her testimony. Signed by Magistrate Judge Stephen L. Crocker on 9/13/2016. (jls) (Entered: 09/13/2016)</p>
09/26/2016	52	Deposition of Michael J. White, M.D. taken on 06/24/16. (Pines, Lester) (Entered: 09/26/2016)
09/26/2016	53	Disregard. See 60 . Modified on 9/27/2016. (lak) (Entered: 09/26/2016)


09/26/2016	54	Declaration of Lester A. Pines filed by Plaintiff Elisa S. Gallo, M.D. re: 39 Motion for Summary Judgment, (Attachments: # 1 Exhibit A - Pages from Deposition of Michael White (See 52 for complete deposition in condensed format.), # 2 Exhibit B - Affiliation Verification, # 3 Exhibit C - Franciscan Skemp Performance Counseling, # 4 Exhibit D - Resume of Dr. Soo Junk Kim, # 5 Exhibit E - Email from Dr Corinna Manini dated June 11 2014, # 6 Exhibit F - Pages from the Deposition of Stephan Flaim (See 38 for complete deposition in condensed format.), # 7 Exhibit G - Email from Deborah Burhans Produced by Mayo Bates No.: EG00000018, # 8 Exhibit H - Email from Tracey English Produced by Mount Sinai Bates No.: 312-31, # 9 Exhibit I - Email from Tracey English Produced by Mount Sinai Bates No.: 307, # 10 Exhibit J - Email from David Rushlow Produced by Mayo Bates No.: EG00000032, # 11 Exhibit K - Email from Dr Corinna Manini Produced by Refuah Bates No.: 251-252, # 12 Exhibit L - Email from Mark Lebwohl Produced by Mayo Bates No.: EG00000015) (Pines, Lester) Modified on 9/27/2016. (lak) (Entered: 09/26/2016)
09/26/2016	55	Declaration of Elisa Gallo filed by Plaintiff Elisa S. Gallo, M.D. re: 39 Motion for Summary Judgment. (Pines, Lester) (Entered: 09/26/2016)
09/26/2016	56	Motion to Strike 44 Declaration of <i>Corinna Manini</i> by Plaintiff Elisa S. Gallo, M.D. Brief in Opposition due 10/11/2016. Brief in Reply due 10/17/2016. (Pines, Lester) Modified on 9/27/2016: Linked to the document referred to in paragraph one of the motion. (lak) (Entered: 09/26/2016)
09/26/2016	57	Declaration of George Bellas filed by Plaintiff Elisa S. Gallo, M.D. re: 56 Motion to Strike. (Pines, Lester) (Entered: 09/26/2016)
09/26/2016	58	Response to Proposed Findings of Fact filed by Plaintiff Elisa S. Gallo, M.D. re: 39 Motion for Summary Judgment. (Pines, Lester) (Entered: 09/26/2016)
09/26/2016	59	Proposed Findings of Fact filed by Plaintiff Elisa S. Gallo, M.D. re: 39 Motion for Summary Judgment. (Pines, Lester) (Entered: 09/26/2016)
09/27/2016	60	Brief in Opposition by Plaintiff Elisa S. Gallo, M.D. re: 39 Motion for Summary Judgment filed by Mayo Clinic Health System - Franciscan Medical Center, Inc., Michael White, M.D. (Pines, Lester) (Entered: 09/27/2016)
09/27/2016	61	Minute Order. Proceedings held before Magistrate Judge Peter A. Oppeneer: Settlement Conference held on 9/27/2016 [4:30] during which the parties reached a settlement in principle. All remaining deadlines, except the trial date, are terminated. Parties are to file a stipulation of dismissal by 10/21/2016. (jaf) (Entered: 09/27/2016)
10/21/2016	62	Disregard. See 63 . Modified on 10/24/2016. (lak) (Entered: 10/21/2016)
10/24/2016	63	Amended Motion to Withdraw as Attorney by Plaintiff Elisa S. Gallo, M.D. (Pines, Lester) (Entered: 10/24/2016)
10/24/2016	64	Status Report by Defendants Mayo Clinic Health System - Franciscan Medical Center, Inc., Michael White, M.D. (Modl, Michael) (Entered: 10/24/2016)
10/26/2016	65	Motion to Enforce Settlement <i>and Dismissing this Action with Prejudice or in the Alternative, to Reset Deadlines to Complete Briefing on Defendants' Motion for Summary Judgment and for an Award of Attorney's Fees and Costs</i> by Defendants Mayo Clinic Health System - Franciscan Medical Center, Inc., Michael White, M.D. Response due 11/2/2016. (Modl, Michael) (Entered: 10/26/2016)

10/26/2016	66	Brief in Support of 65 Motion to Enforce Settlement, by Defendants Mayo Clinic Health System - Franciscan Medical Center, Inc., Michael White, M.D. (Modl, Michael) (Entered: 10/26/2016)
10/26/2016	67	Declaration of Michael J. Modl filed by Defendants Mayo Clinic Health System - Franciscan Medical Center, Inc., Michael White, M.D. re: 65 Motion to Enforce Settlement, (Attachments: # 1 Exhibit 1 - 10/4/16 Atty Modl Email to Attys Pines and Bellas, # 2 Exhibit 2 - 10/8/16 Atty Modl Email to Attys Pines and Bellas, # 3 Exhibit 3 - 10/15/16 Atty Modl Email to Attys Pines and Bellas, # 4 Exhibit 4 - Plaintiff's Letter to Atty Saathoff, # 5 Exhibit 5 - 10/19/16 Atty Saathoff Response Email to Atty Modl, # 6 Exhibit 6 - 10/20/16 Atty Modl Email to Atty Pines, # 7 Exhibit 7 - 10/20/16 Atty Pine Email to Atty Modl, # 8 Exhibit 8 - 10/20/16 Atty Modl Email to Atty Pines; Niebuhr Email Attached Settlement Agreement, # 9 Exhibit 9 - 10/21/16 Atty Modl Email to Attys Bellas and Pines, # 10 Exhibit 10 - 10/21/16 Atty Modl Email to Attys Pines and Bellas, # 11 Exhibit 11 - 10/21/16 Atty Pines Email to Attys Modl and Bellas) (Modl, Michael) Modified on 10/26/2016. (lak) (Entered: 10/26/2016)
10/26/2016	68	ORDER setting response deadline to 63 Motion to Withdraw as Attorney; striking plaintiff's deadline to respond to defendants' motion to enforce settlement 65 ; striking defendants' deadline to reply in support of their motion for summary judgment 39 . Plaintiff Elisa S. Gallo, MD has until November 2, 2016 to advise the court whether she objects to counsel's motion to withdraw. Signed by District Judge James D. Peterson on 10/26/2016. (jls) Modified on 11/7/2016. (arw) (Entered: 10/26/2016)
11/04/2016	69	Response to 63 Motion to Withdraw as Attorney by Plaintiff Elisa S. Gallo, M.D. (Attachments: # 1 Envelope) (jls) (Entered: 11/04/2016)
11/09/2016	70	ORDER granting 63 Motion to Withdraw as Attorney. Attorney Lester A. Pines, George S. Bellas and Aaron Dumas terminated; Plaintiff's response to defendants' 65 Motion to Enforce Settlement is due by November 21, 2016; and Defendants reply brief in support of 39 Motion for Summary Judgment is due by November 21, 2016. Signed by District Judge James D. Peterson on 11/9/2016. (jls) (Entered: 11/09/2016)
11/18/2016	71	Brief in Opposition by Defendants Mayo Clinic Health System - Franciscan Medical Center, Inc., Michael White, M.D. re: 56 Motion to Strike, filed by Elisa S. Gallo, M.D. (Modl, Michael),(ps) (Entered: 11/18/2016)
11/18/2016	72	Declaration of Michael J. Modl filed by Defendants Mayo Clinic Health System - Franciscan Medical Center, Inc., Michael White, M.D. re: 56 Motion to Strike, (Modl, Michael),(ps) (Entered: 11/18/2016)
11/18/2016	73	Certificate of Service by Defendants Mayo Clinic Health System - Franciscan Medical Center, Inc., Michael White, M.D. as to 71 Brief in Opposition, 72 Declaration. (Modl, Michael),(ps) (Entered: 11/18/2016)
11/21/2016	74	Brief in Reply by Defendants Mayo Clinic Health System - Franciscan Medical Center, Inc., Michael White, M.D. in Support of 39 Motion for Summary Judgment. (Modl, Michael),(ps) (Entered: 11/21/2016)
11/21/2016	75	Reply in Support of Proposed Findings of Fact filed by Defendants Mayo Clinic Health System - Franciscan Medical Center, Inc., Michael White, M.D. re: 39 Motion for Summary Judgment. (Modl, Michael),(ps) Modified on 11/22/2016: Highlighted portions on pages 15 and 21. (lak) (Entered: 11/21/2016)

11/21/2016	76	Response to Proposed Findings of Fact filed by Defendants Mayo Clinic Health System - Franciscan Medical Center, Inc., Michael White, M.D. re: 39 Motion for Summary Judgment. (Modl, Michael),(ps) (Entered: 11/21/2016)
11/21/2016	77	Certificate of Service by Defendants Mayo Clinic Health System - Franciscan Medical Center, Inc., Michael White, M.D. as to 75 Reply in Support of Proposed Findings of Fact, 74 Brief in Reply, 76 Response to Proposed Findings of Fact. (Modl, Michael),(ps) (Entered: 11/21/2016)
11/21/2016	78	Supplemental Declaration of Michael J. Modl filed by Defendants Mayo Clinic Health System - Franciscan Medical Center, Inc., Michael White, M.D. re: 39 Motion for Summary Judgment, (Attachments: # 1 Exhibit 1 - 9/11/13 Letter to Dr. Gallo from Refuah, # 2 Exhibit 2 - 10/11/13 Email Exchanges Between Drs. Gallo and Manini, # 3 Exhibit 3 - 4/23/14 Employment Agreement) (Modl, Michael),(ps) Modified on 11/22/2016. (lak) (Entered: 11/21/2016)
11/23/2016	79	Brief in Opposition by Plaintiff Elisa S. Gallo, M.D. re: 65 Motion to Enforce Settlement, filed by Mayo Clinic Health System - Franciscan Medical Center, Inc., Michael White, M.D. (Attachments: # 1 Envelope) (elc),(ps) (Entered: 11/23/2016)
12/01/2016	80	Motion for Hearing. <i>Request for Scheduling/Status Conference</i> by Defendants Mayo Clinic Health System - Franciscan Medical Center, Inc., Michael White, M.D., (Attachments: # 1 Certificate of Service) (Modl, Michael),(ps) (Entered: 12/01/2016)
12/02/2016	81	** TEXT ONLY ORDER ** This case has a troubled history that I need not recount here. But pretrial filing deadlines are looming, and defendants have understandably filed a motion for a status conference. Dkt. 80 . I will deny that motion, but I will also strike the trial date and suspend the deadlines for making the pretrial filings and disclosures. The court is considering several motions by the parties that might resolve the case without a trial. If my decisions on these motions do not resolve the case, I will set a new trial date and related deadlines in consultation with the parties. In the meantime, I will give the parties short deadlines to submit reply briefs for two of the pending motions. Plaintiff may file a reply brief in support of her motion to strike declaration of Corinna Manini, Dkt. 56 , by December 16, 2016; defendants may file their reply brief in support of their motion to enforce settlement, Dkt. 65 , by December 16, 2016. Defendants' motion for summary judgment, Dkt. 39 , is already fully briefed. Signed by District Judge James D. Peterson on 12/2/2016. (ikc),(ps) (Entered: 12/02/2016)
12/05/2016		Set Deadlines as to 56 Motion to Strike 44 Declaration. Plaintiff's Brief in Reply due 12/16/2016. (elc),(ps) (Entered: 12/05/2016)
12/05/2016		Set Deadlines as to 65 Motion to Enforce Settlement. Defendants' Brief in Reply due 12/16/2016. (elc),(ps) (Entered: 12/05/2016)
12/13/2016	82	Motion to Admit Elizabeth Marie Locke Pro Hac Vice. (Pro Hac Vice fee \$ 100 receipt number 0758-1933972.) by Plaintiff Elisa S. Gallo, M.D. Motions referred to Magistrate Judge Stephen L. Crocker. (Locke, Elizabeth),(ps) (Entered: 12/13/2016)
12/13/2016	83	** TEXT ONLY ORDER ** ORDER granting 82 Motion to Admit Elizabeth Marie Locke Pro Hac Vice. Signed by Magistrate Judge Peter A. Oppeneer on 12/13/2016. (nlh),(ps) (Entered: 12/13/2016)
12/13/2016	84	Motion to Admit Dustin Andrew Pusch Pro Hac Vice. (Pro Hac Vice fee \$ 100 receipt number 0758-1934080.) by Plaintiff Elisa S. Gallo, M.D. Motions referred to Magistrate Judge Stephen L. Crocker. (Pusch, Dustin) (Entered: 12/13/2016)

12/13/2016	85	** TEXT ONLY ORDER ** ORDER granting 84 Motion to Admit Dustin Andrew Pusch Pro Hac Vice. Signed by Magistrate Judge Peter A. Oppeneer on 12/13/2016. (lak) (Entered: 12/13/2016)
12/14/2016	86	Motion to Admit Thomas Arthur Clare Pro Hac Vice. (Pro Hac Vice fee \$ 100 receipt number 0758-1934576.) by Plaintiff Elisa S. Gallo, M.D. Motions referred to Magistrate Judge Stephen L. Crocker. (Clare, Thomas) (Entered: 12/14/2016)
12/14/2016	87	** TEXT ONLY ORDER ** ORDER granting 86 Motion to Admit Thomas Arthur Clare Pro Hac Vice. Signed by Magistrate Judge Peter A. Oppeneer on 12/14/2016. (lak) (Entered: 12/14/2016)
12/14/2016	88	Motion to Stay <i>Proceedings and Requesting a Status Conference</i> by Plaintiff Elisa S. Gallo, M.D. Response due 12/21/2016. (Attachments: # 1 Exhibit A - E-mails, # 2 Exhibit B - E-mail Dated 5/29/2014) (Locke, Elizabeth) Modified on 12/15/2016: Added exhibit descriptions. E-mail to counsel. (lak) (Entered: 12/14/2016)
12/15/2016	89	Brief in Reply by Defendants Mayo Clinic Health System - Franciscan Medical Center, Inc., Michael White, M.D. in Support of 65 Motion to Enforce Settlement. (Modl, Michael) (Entered: 12/15/2016)
12/15/2016	90	Supplemental Declaration of Michael J. Modl filed by Defendants Mayo Clinic Health System - Franciscan Medical Center, Inc., Michael White, M.D. re: 65 Motion to Enforce Settlement. (Modl, Michael) (Entered: 12/15/2016)
12/15/2016	91	Brief in Opposition by Defendants Mayo Clinic Health System - Franciscan Medical Center, Inc., Michael White, M.D. re: 88 Motion to Stay, filed by Elisa S. Gallo, M.D. (Modl, Michael) (Entered: 12/15/2016)
12/15/2016	92	** TEXT ONLY ORDER ** Plaintiff's motion for a status conference and stay, Dkt. 88 , is denied. Defendants' motions for summary judgment and to enforce the settlement agreement are fully briefed, and plaintiff had the benefit of very capable counsel when her briefs were submitted. There is no reason to give plaintiff a do-over on either motion. But I will give plaintiff's new counsel a chance to get up to speed on the one submission that plaintiff has outstanding: her reply in support of her motion to strike the Manini declaration, Dkt. 56 . Given the impending holidays, plaintiff may have until December 30, 2016, to file her reply. Everything else can wait until the court decides the pending motions. (But plaintiff's counsel should know that I would not be inclined to allow witnesses to be re-deposed just so plaintiff can get them on video. This court may not be the rocket docket it once was, but we do not yet run in reverse.). Signed by District Judge James D. Peterson on 12/15/2016. (ikc) Modified on 12/16/2016 (jls). (Entered: 12/15/2016)
12/16/2016	93	Motion to Admit Megan Lambart Meier Pro Hac Vice. (Pro Hac Vice fee \$ 100 receipt number 0758-1936876.) by Plaintiff Elisa S. Gallo, M.D. Motions referred to Magistrate Judge Stephen L. Crocker. (Meier, Megan) (Entered: 12/16/2016)
12/19/2016	94	** TEXT ONLY ORDER ** ORDER granting 93 Motion to Admit Megan Lambart Meier Pro Hac Vice. Signed by Magistrate Judge Peter A. Oppeneer on 12/19/2016. (lak) (Entered: 12/19/2016)
12/30/2016	95	Brief in Reply by Plaintiff Elisa S. Gallo, M.D. in Support of 56 Motion to Strike <i>the Declaration of Dr. Corinna Manini</i> , (Attachments: # 1 Exhibit A - May 7, 2014 Email from A. Khorover, # 2 Exhibit B - June 11, 2014 Email from C. Manini, # 3 Exhibit C - June 6, 2014 Email from C. Manini,

		# 4 Exhibit D - May 29, 2014 Email from C. Manini) (Locke, Elizabeth) Modified on 1/2/2017. (lak) (Entered: 12/30/2016)
01/04/2017	96	Motion for Leave to File <i>Sur-Reply</i> by Defendants Mayo Clinic Health System - Franciscan Medical Center, Inc., Michael White, M.D., (Attachments: # 1 Exhibit 1 - Defendants' Sur-Reply in Opposition to Plaintiff's Motion to Strike Manini Declaration) (Modl, Michael) Modified on 1/4/2017. (lak) (Entered: 01/04/2017)
01/24/2017	97	ORDER denying 65 Motion to Enforce Settlement; denying 56 Motion to Strike; granting 39 Motion for Summary Judgment; denying 96 Motion for Leave to File Sur-Reply; and dismissing this case. Signed by District Judge James D. Peterson on 1/24/2017. (jls) (Entered: 01/24/2017)
01/24/2017	98	JUDGMENT entered in favor of Defendants Mayo Clinic Health System - Franciscan Medical Center, Inc. and Michael White, M.D. dismissing the case. (jls) (Entered: 01/24/2017)
01/27/2017	99	Bill of Costs by Defendants Mayo Clinic Health System - Franciscan Medical Center, Inc., Michael White, M.D. Motions referred to Peter A. Oppeneer, Clerk of Court. Objection to Bill of Costs due 2/6/2017. Brief in Support to Bill of Costs due 2/16/2017. Brief in Reply in Opposition to Bill of Costs due 2/21/2017. (Modl, Michael) (Entered: 01/27/2017)
01/27/2017	100	Affidavit of Michael J. Modl filed by Defendants Mayo Clinic Health System - Franciscan Medical Center, Inc., Michael White, M.D. re: 99 Bill of Costs, (Attachments: # 1 Exhibit 1 - Invoices Related to Deposition Costs, # 2 Exhibit 2 - Invoices Related to Process Server Fees) (Modl, Michael) Modified on 1/29/2017. (lak) (Entered: 01/27/2017)
02/06/2017	101	Objection to Bill of Costs by Plaintiff Elisa S. Gallo, M.D. re: 99 Bill of Costs filed by Mayo Clinic Health System - Franciscan Medical Center, Inc., Michael White, M.D. (Locke, Elizabeth) (Entered: 02/06/2017)
02/16/2017	102	Brief in Support of Bill of Costs by Defendants Mayo Clinic Health System - Franciscan Medical Center, Inc., Michael White, M.D. re: 99 Bill of Costs filed by Mayo Clinic Health System - Franciscan Medical Center, Inc., Michael White, M.D. (Modl, Michael) (Entered: 02/16/2017)
02/16/2017	103	Supplemental Affidavit of Michael J. Modl filed by Defendants Mayo Clinic Health System - Franciscan Medical Center, Inc., Michael White, M.D. re: 99 Bill of Costs, (Attachments: # 1 Exhibit 1 - E-mail dated 3/31/16 from Atty Bellas to MJM, # 2 Exhibit 2 - E-mail dated 5/5/16 from Atty Bellas, # 3 Exhibit 3 - E-mail dated 5/14/16 from Atty Bellas re: Lebwahl Deposition, # 4 Exhibit 4 - E-mail from Mt. Sinai Counsel) (Modl, Michael) Modified on 2/17/2017. (lak) (Entered: 02/16/2017)
02/21/2017	104	Motion to Alter or Amend Judgment by Plaintiff Elisa S. Gallo, M.D., (Attachments: # 1 Pines Declaration Exhibit L - 5/16/14 Email, # 2 Pines Declaration Exhibit F - Excerpts from Flaim Deposition (See 38 for complete deposition in condensed format.), # 3 Pines Declaration Exhibit J - 5/19/14 Email, # 4 Excerpt from Lebwahl Deposition (See 37 for complete deposition in condensed format.), # 5 Pines Declaration Exhibit A - Excerpts from White Deposition (See 52 for complete deposition in condensed format.), # 6 Pines Declaration Exhibit E - 6/11/14 Email, # 7 Pines Declaration Exhibit K - 6/11/14 Email, # 8 Pines Declaration Exhibit D - Dr. Kim Resume) (Locke, Elizabeth) Modified on 2/22/2017. (lak) (Entered: 02/21/2017)

02/21/2017	105	Brief in Reply in Opposition to Bill of Costs by Plaintiff Elisa S. Gallo, M.D. re: 99 Bill of Costs filed by Mayo Clinic Health System - Franciscan Medical Center, Inc., Michael White, M.D. (Locke, Elizabeth) (Entered: 02/21/2017)
02/23/2017	106	ORDER denying 104 Motion to Alter or Amend Judgment. Signed by District Judge James D. Peterson on 2/23/2017. (jls) (Entered: 02/23/2017)
03/21/2017	107	ORDER on Bill of Costs: Costs Taxed in favor of Defendants in the amount of \$2,871.64. Signed by Peter A. Oppeneer, Clerk of Court on 3/21/17. (jat) (Entered: 03/21/2017)
03/23/2017	108	NOTICE OF APPEAL by Plaintiff Elisa S. Gallo, M.D. as to 97 Order on Motion for Summary Judgment, Order on Motion to Strike, Order on Motion to Enforce Settlement, Order on Motion for Leave to File, 107 Order Taxing Costs, 98 Judgment, 92 Text Only Order, 106 Order on Motion to Alter or Amend Judgment. Filing fee of \$ 505, receipt number 0758-1995038 paid. Docketing Statement filed. (Attachments: # 1 Docketing Statement) (Locke, Elizabeth) Modified on 3/24/2017. (lak) (Entered: 03/23/2017)
03/23/2017	 109	Motion to Stay re: 107 Order Taxing Costs by Plaintiff Elisa S. Gallo, M.D. Response due 3/30/2017. (Locke, Elizabeth) (Entered: 03/23/2017)
03/24/2017	110	Appeal Information Packet. (lak) (Entered: 03/24/2017)