

**U.S. District Court
Eastern District of Arkansas (Jonesboro)
CIVIL DOCKET FOR CASE #: 3:05-cv-00218-BRW**

Equal Employment Opportunity Commission v. Tobacco
Superstores Inc
Assigned to: Judge Billy Roy Wilson
Cause: 42:2000 Job Discrimination (Race)

Date Filed: 09/19/2005
Date Terminated: 08/04/2008
Jury Demand: Plaintiff
Nature of Suit: 442 Civil Rights: Jobs
Jurisdiction: U.S. Government Plaintiff

Plaintiff

**Equal Employment Opportunity
Commission**

represented by **Celia S. Liner**
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Date Filed	#	Docket Text
09/19/2005	<u>1</u>	COMPLAINT against Tobacco Superstore, Inc , filed by Equal Employment Opportunity Commission.(jct) (Entered: 09/19/2005)
09/19/2005		DEMAND for Trial by Jury by Equal Employment Opportunity Commission. (jct) (Entered: 09/19/2005)
09/19/2005		Summons Issued as to Tobacco Superstore, Inc.; returned to pltf's counsel. (jct) (Entered: 09/19/2005)
09/19/2005		***Set Flags: "Jury"; "JFF". (jct) (Entered: 09/19/2005)
10/18/2005	<u>2</u>	WAIVER OF SERVICE Returned Executed by pltf Equal Employment Opportunity Commission. Tobacco Superstore, Inc waiver sent on 9/20/2005, answer due 11/19/2005. (tlw) (Entered: 10/18/2005)
10/19/2005	<u>3</u>	NOTICE of Appearance by Pamela B. Dixon on behalf of Equal Employment Opportunity Commission (Dixon, Pamela) (Modified on 10/20/2005 to attach signed document) (bfw). (Entered: 10/19/2005)
10/20/2005		NOTICE OF DOCKET CORRECTION: <u>3</u> Notice of Appearance – (modified to attach signed document) (bfw) (Entered: 10/20/2005)
11/09/2005	<u>4</u>	ANSWER to Complaint by deflt Tobacco Superstore, Inc.(tlw) (Entered: 11/09/2005)
11/16/2005	<u>5</u>	INITIAL SCHEDULING ORDER (DOC):Rule 26(f) Conference to occur by 1/18/2006; Rule 26(f) Report due by 2/1/2006; Jury Trial set for 10/16/2006 at 9:00 AM in Jonesboro, Courtroom #324, before Judge William R. Wilson Jr.(maj) (Entered: 11/16/2005)

11/16/2005	<u>6</u>	CERTIFICATE OF MAILING by the Clerk re doc #5 Initial Scheduling Order (maj) (Entered: 11/16/2005)
02/01/2006	<u>7</u>	REPORT of Rule 26(f) Planning Meeting by Equal Employment Opportunity Commission. (Dixon, Pamela) (Entered: 02/01/2006)
02/06/2006	<u>8</u>	FINAL SCHEDULING ORDER (DOC): Jury Trial set for 10/16/2006 at 9:00 AM in Jonesboro Courtroom #324 before Judge William R. Wilson Jr; Discovery due by 8/1/2006; Motions due by 8/16/2006; Pretrial Disclosure Sheet due by 9/18/2006.(maj) (Entered: 02/06/2006)
02/06/2006	<u>9</u>	CERTIFICATE OF MAILING by the Clerk re doc #8 Final Scheduling Order (maj) (Entered: 02/06/2006)
03/30/2006	<u>10</u>	MOTION to Substitute Attorney (<i>Proposed Order submitted</i>) by Equal Employment Opportunity Commission. (Rappart, Adele) (Entered: 03/30/2006)
03/31/2006	<u>11</u>	(This is a TEXT ENTRY ONLY. There is no pdf document associated with this entry.) ORDER granting <u>10</u> Plaintiff's Motion to Substitute Attorney. Accordingly, Ms. Adele Rappart is added as Plaintiff's counsel and Ms. Katharine Kores is relieved as Plaintiff's counsel of record. Signed by Judge William R. Wilson Jr. on 03/31/06. (dmm,) (Entered: 03/31/2006)
03/31/2006	<u>12</u>	CERTIFICATE OF MAILING by the Clerk of <u>11</u> Order on Motion to Substitute Attorney. (jct) (Entered: 03/31/2006)
03/31/2006		*** Attorney Katharine W. Kores terminated pursuant to 3/31/06 Text Entry Order. (jct) (Entered: 03/31/2006)
05/23/2006	<u>13</u>	AGREED PROTECTIVE ORDER regarding confidential discovery material. Signed by Judge William R. Wilson Jr. on 5/22/06. (jct) (Entered: 05/23/2006)
05/23/2006	<u>14</u>	CERTIFICATE OF MAILING by the Clerk of <u>13</u> Agreed Protective Order. (jct) (Entered: 05/23/2006)
06/13/2006	<u>15</u>	UNOPPOSED MOTION to Continue 10/16/06 trial date, MOTION for Extension of Time to Complete Discovery & Other Deadlines, by Equal Employment Opportunity Commission. (jct) (Entered: 06/13/2006)
06/15/2006	<u>16</u>	MOTION for Discovery – <i>For Leave to Serve Additional Interrogatories (Proposed Order Submitted)</i> by Equal Employment Opportunity Commission. (Liner, Celia) (Entered: 06/15/2006)
06/19/2006	<u>17</u>	AMENDED FINAL SCHEDULING ORDER (DOC): Jury Trial reset for 8/13/2007 at 9:00 AM in Jonesboro Courtroom #324 before Judge William R. Wilson Jr; Discovery due by 5/30/2007; Motions due by 6/13/2007; Pretrial Disclosure Sheet due by 7/13/2007.(maj) (Entered: 06/19/2006)
06/19/2006	<u>18</u>	CERTIFICATE OF MAILING by the Clerk re doc #17 Amended Final Scheduling Order (maj) (Entered: 06/19/2006)
06/26/2006	<u>19</u>	RESPONSE in Opposition re <u>16</u> MOTION for Discovery – <i>For Leave to Serve Additional Interrogatories (Proposed Order Submitted)</i> filed by Tobacco Superstore, Inc. (Lombardi, Robert) (Entered: 06/26/2006)
06/28/2006	<u>20</u>	REPLY to Response to Motion re <u>16</u> MOTION for Discovery – <i>For Leave to Serve Additional Interrogatories (Proposed Order Submitted)</i> filed by Equal Employment Opportunity Commission. (Attachments: # <u>1</u> Exhibit Exhibit 1, D's Responses to P's First Interrogatories# <u>2</u> Exhibit exhibit 2, secretary of state documents# <u>3</u> Exhibit exhibit 3, June 1 letter)(Dixon, Pamela) (Entered: 06/28/2006)
07/26/2006	<u>21</u>	ORDER granting <u>16</u> Pltf's Motion for leave to serve additional interrogatories. Signed by Judge William R. Wilson Jr. on 7/26/06. (jct) (Entered: 07/26/2006)
07/26/2006	<u>22</u>	CERTIFICATE OF MAILING by the Clerk of <u>21</u> Order. (jct) (Entered: 07/26/2006)
07/26/2006	<u>23</u>	MOTION to Substitute Attorney (<i>Proposed Order Submitted</i>), MOTION to Withdraw as Attorney (<i>Proposed Order Submitted</i>) by Equal Employment Opportunity Commission. (Dixon, Pamela) (Entered: 07/26/2006)

08/01/2006	24	(This is a TEXT ENTRY ONLY. There is no pdf document associated with this entry.) ORDER granting <u>23</u> Plaintiff's Motion to Substitute Attorney. Accordingly Ms. Adele Rapport is relieved as counsel and Ms. Faye Williams is substituted as counsel of record for Plaintiff. Signed by Judge William R. Wilson Jr. on 08/01/06. (dmm,) (Entered: 08/01/2006)
08/01/2006		***Attorney Faye A. Williams for Equal Employment Opportunity Commission added. Attorney Adele Rapport terminated pursuant to 24 Text Entry Order. (mkf,) (Entered: 08/01/2006)
09/27/2006	<u>25</u>	NOTICE of Appearance by Jennifer R. Guckert on behalf of Tobacco Superstore, Inc (Guckert, Jennifer) (Entered: 09/27/2006)
02/01/2007	<u>26</u>	First MOTION to Extend Time <i>Unopposed Motion to Extend Expert Deadlines</i> by Tobacco Superstores Inc. (Lombardi, Robert) (Entered: 02/01/2007)
02/05/2007	<u>27</u>	ORDER granting <u>26</u> Motion to Extend Time. Deadlines for case in chief and rebuttal expert reports are extended to 4/10/07 & 5/1/07. Signed by Judge William R. Wilson Jr. on 2/5/07. (jct) (Entered: 02/05/2007)
03/13/2007	<u>29</u>	AMENDED ORDER, re <u>27</u> Order, Jury Trial before Judge William R. Wilson Jr. set for 8/14/2007 at 09:00 AM in Jonesboro Courtroom (large) #324. All other deadlines set by the previous Order remain in full force and effect. This Amended Order further amends the Scheduling Order previously entered. Signed by Judge William R. Wilson Jr. on 3/13/07. (jct) (Entered: 03/13/2007)
04/02/2007	<u>31</u>	NOTICE of Appearance by Christine S. Goldberg on behalf of Tobacco Superstores Inc (Goldberg, Christine) (Entered: 04/02/2007)
04/03/2007	<u>32</u>	NOTICE of Appearance by Darin B. Tuggle on behalf of Equal Employment Opportunity Commission (Tuggle, Darin) (Entered: 04/03/2007)
04/11/2007	<u>33</u>	MOTION to Extend Time of <i>Trial Deadlines and Trial</i> by Equal Employment Opportunity Commission (Dixon, Pamela) (Entered: 04/11/2007)
04/12/2007	<u>34</u>	BRIEF IN OPPOSITION filed by Tobacco Superstores Inc re <u>33</u> Motion to Extend Time (Goldberg, Christine) (Entered: 04/12/2007)
04/16/2007	<u>35</u>	REPLY to Response to Motion re <u>33</u> MOTION to Extend Time of <i>Trial Deadlines and Trial</i> filed by Equal Employment Opportunity Commission. (Liner, Celia) (Entered: 04/16/2007)
04/16/2007	<u>36</u>	DECLARATION of Celia Liner in Support of Reply to Defendant's Opposition to Motion to Modify Scheduling Order Extending Trial Deadlines and Trial by Equal Employment Opportunity Commission. (Attachments: # <u>1</u> Exhibit No. 1# <u>2</u> Exhibit No. 2# <u>3</u> Exhibit No. 3# <u>4</u> Exhibit No. 4)(Liner, Celia) (Entered: 04/16/2007)
05/29/2007	<u>37</u>	ATTORNEY APPEARANCE by Stephen L. Scott for Tobacco Superstores Inc. (jct) (Entered: 05/29/2007)
05/30/2007	<u>38</u>	MOTION to Substitute Attorney <i>William A. Cash</i> , MOTION to Withdraw as Attorney <i>Terry Beck</i> by Equal Employment Opportunity Commission (Cash, William) (Entered: 05/30/2007)
05/30/2007	39	(This is a TEXT ENTRY ONLY. There is no pdf document associated with this entry.) ORDER granting <u>38</u> Plaintiff's Motion to Substitute Counsel. Accordingly, William Cash is substituted and Terry Beck is relieved as Plaintiff's counsel. Signed by Judge William R. Wilson Jr. on 05/30/07. (dmm) (Entered: 05/30/2007)
05/30/2007	<u>40</u>	ORDER REFERRING CASE to Magistrate Judge John F. Forster, Jr. for Settlement Conference. The parties will be contacted directly by Magistrate Judge Forster's Courtroom Deputy, Cecilia Norwood, for the setting of the Settlement Conference. This case is currently set on Judge Wilson's trial docket for the week of 8/13/07 in Jonesboro. Signed by Judge William R. Wilson Jr. on 5/30/07. (jct) (Entered: 05/30/2007)
05/30/2007		(This is a TEXT ENTRY ONLY. There is no pdf document associated with this entry.) Proceedings held before Judge William R. Wilson Jr: Telephone Conference held on 5/30/2007 regarding discovery matters; Order to be entered. (Court Reporter C.

		Newburg) (maj) (Entered: 05/30/2007)
06/01/2007	<u>43</u>	ORDER, pursuant to the 5/30/07 telephone conference, holding in abeyance <u>33</u> Motion to Continue & extend deadlines until the Settlement Conference being scheduled in front of Judge Forster has been resolved. Plaintiff's verbal motion to compel the production of personnel files is granted, subject to an appropriate Protective Order. Plaintiff's verbal motion to compel production of checks issued to pay Tobacco Superstores' fines is granted. Signed by Judge William R. Wilson Jr. on 6/1/07. (jct) (Entered: 06/01/2007)
06/05/2007	<u>45</u>	SCHEDULING ORDER:Settlement Conference set for 6/19/2007 10:00 AM in Little Rock Courtroom #545 before Magistrate Judge John F. Forster Jr. Signed by C. Norwood at the direction of the Court on 6/5/07. (mcn) (Entered: 06/05/2007)
06/19/2007	<u>47</u>	Minute Order. Proceedings held before Judge John F. Forster Jr.: Settlement Conference held on 6/19/2007. No settlement reached. (Court Reporter cn.) (mcn) (Entered: 06/20/2007)
06/25/2007	<u>48</u>	FINAL AMENDED SCHEDULING ORDER (DOC): Jury Trial reset for 7/29/2008 at 9:00 AM in Jonesboro Courtroom #324 before Judge William R. Wilson Jr; Discovery due by 5/14/2008; Motions due by 5/29/2008; Pretrial Disclosure Sheet due by 6/30/2008. MOTION to Extend Time of Trial Deadlines and Trial filed by Equal Employment Opportunity Commission GRANTED. (maj) (Entered: 06/25/2007)
08/22/2007	<u>50</u>	MOTION to Compel <i>Responses to Its Ninth Set of Requests for Production of Documents to Defendant</i> by Equal Employment Opportunity Commission (Liner, Celia) (Entered: 08/22/2007)
08/22/2007	<u>51</u>	MEMORANDUM re <u>50</u> MOTION to Compel <i>Responses to Its Ninth Set of Requests for Production of Documents to Defendant</i> filed by Equal Employment Opportunity Commission (<i>Memorandum in Support</i>) PROPOSED ORDER SUBMITTED (Attachments: # <u>1</u> Exhibit No. 1 – Plaintiff's Ninth Set of Requests for Production of Documents# <u>2</u> Exhibit No. 2 – Defendant's Response to Plaintiff's Ninth Request for Production of Documents# <u>3</u> Certificate of Consultation)(Liner, Celia) (Entered: 08/22/2007)
09/04/2007	<u>52</u>	BRIEF IN OPPOSITION filed by Tobacco Superstores Inc re <u>50</u> Motion to Compel, <u>51</u> Memorandum, (Chrestman, Jennifer) (Entered: 09/04/2007)
11/13/2007	<u>53</u>	MOTION for Partial Summary Judgment <i>Regarding the Temporal Scope of the Class</i> by Tobacco Superstores Inc (Chrestman, Jennifer) (Entered: 11/13/2007)
11/13/2007	<u>54</u>	BRIEF IN SUPPORT filed by Tobacco Superstores Inc re <u>53</u> Motion for Partial Summary Judgment (Attachments: # <u>1</u> Exhibit 1–4, # <u>2</u> Exhibit 5–8, # <u>3</u> Exhibit 9–12, # <u>4</u> Exhibit 13–14, # <u>5</u> Exhibit 15, # <u>6</u> Exhibit 16–18, # <u>7</u> Exhibit 19–22, # <u>8</u> Exhibit 23–26)(Chrestman, Jennifer) (Entered: 11/13/2007)
11/13/2007	<u>55</u>	STATEMENT OF FACTS (Local Rule 56.1) re <u>54</u> Brief in Support, <u>53</u> Motion for Partial Summary Judgment filed by Tobacco Superstores Inc. (Chrestman, Jennifer) (Entered: 11/13/2007)
11/20/2007	<u>56</u>	Unopposed MOTION for Extension of Time to File Response/Reply to <i>Defendant's Motion for Summary Judgment</i> by Equal Employment Opportunity Commission (Dixon, Pamela) (Entered: 11/20/2007)
11/27/2007	<u>57</u>	(This is a TEXT ENTRY ONLY. There is no pdf document associated with this entry.) ORDER granting <u>56</u> Plaintiff's Unopposed Motion for Extension of Time to File Response. Accordingly, Plaintiff's response to the Motion for Summary Judgment must be filed by 5 p.m., Friday, December 14, 2007. Signed by Judge William R. Wilson, Jr on 11/27/07. (dmm) (Entered: 11/27/2007)
12/13/2007	<u>59</u>	RESPONSE in Opposition re <u>53</u> MOTION for Partial Summary Judgment <i>Regarding the Temporal Scope of the Class</i> filed by Equal Employment Opportunity Commission. (Attachments: # <u>1</u> Exhibit No. 1 – Plaintiffs 14th Supplemental Response to Interrogatories, # <u>2</u> Exhibit No. 2 – Def's Response to EEOC's Ist Interrog, # <u>3</u> Exhibit No. 3 – Pat Pamm depo excerpts, # <u>4</u> Exhibit No. 4 – Brandon depo excerpts, # <u>5</u> Exhibit No. 5 – Bell depo excerpts, # <u>6</u> Exhibit No. 6 – Ashley document, # <u>7</u> Exhibit No. 7 – Ashley depo excerpts, # <u>8</u> Exhibit No. 8 – Reese

		document, # <u>9</u> Exhibit No. 9 – REsponse to Production Request, # <u>10</u> Exhibit No. 10 – Hicks document, # <u>11</u> Exhibit No. 11 – Logan document, # <u>12</u> Exhibit No. 12 – Freeman document, # <u>13</u> Exhibit No. 13 – Pippenger document, # <u>14</u> Exhibit No. 14 – Peoples document, # <u>15</u> Exhibit No. 15 – Morgan document, # <u>16</u> Exhibit No. 16 – Baker document, # <u>17</u> Exhibit No. 17 – Beltran document, # <u>18</u> Exhibit No. 18 – Marteny document, # <u>19</u> Exhibit No. 19 – Radford document, # <u>20</u> Exhibit No. 20 – Horchler document, # <u>21</u> Exhibit No. 21 – Herring document, # <u>22</u> Exhibit No. 22 – Faries document, # <u>23</u> Exhibit No. 23 – Deless document, # <u>24</u> Exhibit No. 24 – Vera Sumpter's declaration, # <u>25</u> Exhibit No. 25 – TSS Bates 5928 thru 5933, # <u>26</u> Exhibit No. 26 – Hamm promotion doc 1, # <u>27</u> Exhibit No. 27 – Hamm promotion doc 2, # <u>28</u> Exhibit No. 28 – Bates document, # <u>29</u> Exhibit No. 29 – Chambers document, # <u>30</u> Exhibit No. 30 – Unreported Case No. 1, EEOC v. Custom Co., Inc, # <u>31</u> Exhibit No. 30 – Unreported Case 2, EEOC v. Cabot Co)(Liner, Celia) . (Entered: 12/13/2007)
12/13/2007	<u>60</u>	RESPONSE re <u>55</u> Statement of Facts (Local Rule 56.1) by Equal Employment Opportunity Commission (Liner, Celia) (Entered: 12/13/2007)
12/14/2007	<u>61</u>	ADDENDUM filed by Equal Employment Opportunity Commission to <u>59</u> Response in Opposition to Motion,,,,, <i>This Addendum filing is to replace previously filed Exh 9 to Docket 59. This Addendum filing of Exh. 9 properly includes 37 pages of docs. (TSS 1624–1660) that was inadvertently omitted from the previously filed Exh. 9.</i> (Attachments: # <u>1</u> Document TSS 1624 thru 1660, attachments to Exh. 9 Response to Req. for Prod.)(Liner, Celia) (Entered: 12/14/2007)
12/18/2007	<u>62</u>	MOTION for Extension of Time to File Response/Reply <i>In Support of Motion for Summary Judgment</i> by Tobacco Superstores Inc (Chrestman, Jennifer) (Entered: 12/18/2007)
12/18/2007	63	(This is a TEXT ENTRY ONLY. There is no pdf document associated with this entry.) ORDER granting <u>62</u> Defendant's Motion for Extension of Time to File Reply. Accordingly, Defendant's Reply must be filed by 5 p.m., January 18, 2008. Signed by Judge William R. Wilson, Jr on 12/18/07. (dmm) (Entered: 12/18/2007)
01/16/2008	<u>64</u>	REPLY to Response to Motion re <u>53</u> MOTION for Partial Summary Judgment <i>Regarding the Temporal Scope of the Class</i> filed by Tobacco Superstores Inc. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2)(Chrestman, Jennifer) (Entered: 01/16/2008)
02/29/2008	<u>65</u>	MOTION for Summary Judgment <i>Based on Judicial Estoppel</i> by Tobacco Superstores Inc (Chrestman, Jennifer) (Entered: 02/29/2008)
02/29/2008	<u>66</u>	BRIEF IN SUPPORT filed by Tobacco Superstores Inc re <u>65</u> Motion for Summary Judgment <i>Based on Judicial Estoppel</i> (Attachments: # <u>1</u> Exhibit 1–2, # <u>2</u> Exhibit 3–4, # <u>3</u> Exhibit 5–11, # <u>4</u> Exhibit 12, # <u>5</u> Exhibit 13–16, # <u>6</u> Exhibit 17–19, # <u>7</u> Exhibit 20, # <u>8</u> Exhibit 21–27)(Chrestman, Jennifer) (Entered: 02/29/2008)
02/29/2008	<u>67</u>	STATEMENT OF FACTS (Local Rule 56.1) re <u>65</u> Motion for Summary Judgment, <u>66</u> Brief in Support, <i>Bases on Judicial Estoppel</i> filed by Tobacco Superstores Inc. (Chrestman, Jennifer) (Entered: 02/29/2008)
03/13/2008	<u>68</u>	RESPONSE re <u>67</u> Statement of Facts (Local Rule 56.1) (<i>Plaintiff's Response to Defendant's Statement of Material Facts in Support of Its Motion for Partial Summary Judgment Based on Judicial Estoppel</i>) by Equal Employment Opportunity Commission (Attachments: # <u>1</u> Exhibit No. 1 – Sharkey Charge of Discrimination)(Liner, Celia) (Entered: 03/13/2008)
03/13/2008	<u>69</u>	RESPONSE in Opposition re <u>65</u> MOTION for Summary Judgment <i>Based on Judicial Estoppel</i> filed by Equal Employment Opportunity Commission. (Attachments: # <u>1</u> Exhibit No. 1 – Sharkey Charge of Discrimination, # <u>2</u> Exhibit Unpublished Case – Small v. Ark. Fair Housing Commission, # <u>3</u> Exhibit Unpublished Case – EEOC v. Outback Steak House, # <u>4</u> Exhibit Unpublished Case – EEOC v. J.P. Street & Co., # <u>5</u> Exhibit Unpublished Case – EEOC v. Digital Connections, Inc., # <u>6</u> Exhibit Unpublished Case – EEOC v. Winslow Mem. Hosp. Inc.)(Liner, Celia) (Entered: 03/13/2008)
03/24/2008	<u>70</u>	REPLY to Response to Motion re <u>65</u> MOTION for Summary Judgment <i>Based on Judicial Estoppel</i> filed by Tobacco Superstores Inc. (Attachments: # <u>1</u> Exhibit A, # <u>2</u>

		Document)(Lombardi, Robert) (Entered: 03/24/2008)
04/25/2008	<u>71</u>	MOTION for Partial Summary Judgment <i>on Judicial Estoppel or Integrated Enterprise</i> by Equal Employment Opportunity Commission (Liner, Celia) (Entered: 04/25/2008)
04/25/2008	<u>72</u>	BRIEF IN SUPPORT filed by Equal Employment Opportunity Commission re <u>71</u> Motion for Partial Summary Judgment <i>on Judicial Estoppel or Integrated Enterprise</i> (Attachments: # <u>1</u> Exhibit List to Memo in Support of Motion for Partial Summary Judgment, # <u>2</u> Exhibit No. 1 – Allen Complaint, Doc 1, # <u>3</u> Exhibit No. 2 – Orig. and Amended Answer, Document 2, 16, # <u>4</u> Exhibit No. 3 – David Cohn depo excerpts, # <u>5</u> Exhibit No. 4 – Allen Doc. 32, # <u>6</u> Exhibit No. 5 – Allen doc 68, # <u>7</u> Exhibit No. 6 – Allen doc. 69, # <u>8</u> Exhibit No. 76 – Allen doc 76, # <u>9</u> Exhibit No. 8 – Allen doc 169, # <u>10</u> Exhibit No. 9 – Interrogatories, # <u>11</u> Exhibit No. 10 – David Cohn Trial Testimony, p. 562, # <u>12</u> Exhibit Cobb Trial Testimony, p.904–5, 909, 970–71, # <u>13</u> Exhibit No. 12 – Larry Cobb 30b6 depo excerpts, # <u>14</u> Exhibit No. 13 – Letter dated April 1, 2004, # <u>15</u> Exhibit Larry Cobb depo excerpts, # <u>16</u> Exhibit No. 15 – Exh 2 to Cobb 30b6 depo, # <u>17</u> Exhibit No. 16 – Don Morgan file, # <u>18</u> Exhibit No. 17 – Shannon Cox file, # <u>19</u> Exhibit No. 18 – April Messick docs, # <u>20</u> Exhibit No. 19 – Barbara Avery Shults docs, # <u>21</u> Exhibit No. 20 – Jennifer Boyd docs, # <u>22</u> Document No. 21 – Sherrie Herrell Springer file, # <u>23</u> Exhibit No. 22 – James Phillips docs, # <u>24</u> Exhibit No. 23 – Ashley Thompson Partain file, # <u>25</u> Exhibit No. 24 – Weddington depo excerpts, # <u>26</u> Exhibit No. 25 – Defs Response to Production)(Liner, Celia) (Entered: 04/25/2008)
04/25/2008	<u>73</u>	STATEMENT OF FACTS (Local Rule 56.1) re <u>71</u> Motion for Partial Summary Judgment <i>on Judicial Estoppel or Integrated Enterprise</i> filed by Equal Employment Opportunity Commission. (Attachments: # <u>1</u> Exhibit List to Statement of Material Facts, # <u>2</u> Exhibit No. 1 – Incorporation docs, # <u>3</u> Exhibit David Cohn depo excerpts, # <u>4</u> Exhibit No. 3 – Interrogatories, # <u>5</u> Exhibit No. 4 – Cobb 30b6 depo excerpts, # <u>6</u> Document No. 5 – Parker depo excerpts, # <u>7</u> Exhibit No. 6 – Weddington depo excerpts, # <u>8</u> Exhibit No. 7 – McNamee depo excerpts, # <u>9</u> Exhibit No. 8 – Mills depo excerpts, # <u>10</u> Exhibit No. 9 – Exh. 4 to Cobb 30b6 depo, # <u>11</u> Exhibit No. 10 – Exh. 2 to Cobb 30b6 depo, # <u>12</u> Exhibit No. 11 – Whitlock depo excerpts, # <u>13</u> Exhibit No. 12 – Cobb depo excerpts, # <u>14</u> Exhibit No. 13 – Exh 4 to Cobb depo, # <u>15</u> Exhibit No. 14 – Exh 2 to Cobb depo, # <u>16</u> Exhibit No. 15 – Akers Douglas depo excerpts, # <u>17</u> Exhibit No. 16 – Dooley 30b6 depo excerpts, # <u>18</u> Exhibit No. 17 – Allen Cohn depo excerpts, # <u>19</u> Exhibit No. 18 – Light depo excerpts, # <u>20</u> Exhibit No. 19 – Defs Response to Production, # <u>21</u> Exhibit No. 20 – Williams depo excerpts, # <u>22</u> Exhibit No. 21 – TSS Bates #13260, # <u>23</u> Exhibit No. 22 – AR Tobacco Control Board docs, # <u>24</u> Exhibit No. 23 – Exh 9 to Cobb 30b6 depo, # <u>25</u> Exhibit No. 24 – Mylene Baxter docs, # <u>26</u> Exhibit No. 25 – TSS Pay Increase documents, # <u>27</u> Exhibit No. 26 – Christy Price docs, # <u>28</u> Exhibit No. 27 – Tobacco Server Awareness Forms)(Liner, Celia) (Entered: 04/25/2008)
05/05/2008	<u>74</u>	Unopposed MOTION for Extension of Time to File Response/Reply as to <u>71</u> MOTION for Partial Summary Judgment <i>on Judicial Estoppel or Integrated Enterprise</i> by Tobacco Superstores Inc (Attachments: # <u>1</u> Proposed Order)(Lombardi, Robert) (Entered: 05/05/2008)
05/05/2008	75	(This is a TEXT ENTRY ONLY. There is no pdf document associated with this entry.) ORDER granting <u>74</u> Defendant's Unopposed Motion for Extension of Time to File Response. Accordingly, Defendant's response to Plaintiff's Motion for Partial Summary Judgment <u>71</u> must be filed by 5 p.m., May 20, 2008.Signed by Judge William R. Wilson, Jr on 05/05/08. (dmm) (Entered: 05/05/2008)
05/13/2008	<u>77</u>	ORDER OF REASSIGNMENT. Case reference reassigned to Magistrate Judge J. Thomas Ray. Signed at the Direction of the Court on 5/13/2008. (thd) (Entered: 05/13/2008)
05/20/2008	<u>79</u>	Cross MOTION for Partial Summary Judgment <i>as to Judicial Estoppel and Integrated Enterprise</i> by Tobacco Superstores Inc (Lombardi, Robert) (Entered: 05/20/2008)
05/20/2008	<u>80</u>	BRIEF IN SUPPORT filed by Tobacco Superstores Inc re <u>79</u> Motion for Partial Summary Judgment, <u>71</u> Motion for Partial Summary Judgment <i>on the Issues of Judicial Estoppel and Integrated Enterprise and Opposition</i> (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2 (part a), # <u>3</u> Exhibit 2 (part b), # <u>4</u> Exhibit 3, # <u>5</u> Exhibit 4, # <u>6</u> Exhibit

		5, # <u>7</u> Exhibit 6, # <u>8</u> Exhibit 7, # <u>9</u> Exhibit 8, # <u>10</u> Exhibit 9, # <u>11</u> Attachment)(Lombardi, Robert) (Entered: 05/20/2008)
05/20/2008	<u>81</u>	STATEMENT OF FACTS (Local Rule 56.1) re <u>79</u> Motion for Partial Summary Judgment <i>in Support of Its Cross-Motion for Summary Judgment</i> filed by Tobacco Superstores Inc. (Lombardi, Robert) (Entered: 05/20/2008)
05/20/2008	<u>82</u>	STATEMENT OF FACTS (Local Rule 56.1) re <u>71</u> Motion for Partial Summary Judgment <i>in Opposition to Plaintiff's Motion for Partial Summary Judgment</i> filed by Tobacco Superstores Inc. (Lombardi, Robert) (Entered: 05/20/2008)
05/22/2008	<u>83</u>	Unopposed MOTION for Extension of Time to File Response/Reply as to <u>79</u> Cross MOTION for Partial Summary Judgment <i>as to Judicial Estoppel and Integrated Enterprise (Proposed Order Submitted)</i> by Equal Employment Opportunity Commission (Liner, Celia) (Entered: 05/22/2008)
05/23/2008	84	(This is a TEXT ENTRY ONLY. There is no pdf document associated with this entry.) ORDER granting <u>83</u> Plaintiff's unopposed Motion for Extension of Time to File Response to Defendant's Cross-Motion for Partial Summary Judgment <u>79</u> . Accordingly, Plaintiff's response must be filed by 5 p.m., Monday, June 16, 2008. Signed by Judge William R. Wilson, Jr on 05/23/08. (dmm) (Entered: 05/23/2008)
05/27/2008	<u>85</u>	Unopposed MOTION for Extension of Time to File <i>Motions for Summary Judgment</i> by Tobacco Superstores Inc (Lombardi, Robert) (Docket text modified on 5/28/2008 to indicate the proposed order was filed as an attachment in error.) (thd) (Entered: 05/27/2008)
05/28/2008	86	(This is a TEXT ENTRY ONLY. There is no pdf document associated with this entry.) ORDER granting <u>85</u> Defendant's unopposed Motion for Extension of Time to File Dispositive Motions. Accordingly, all dispositive motions must be filed by 5 p.m., Thursday, June 5, 2008. Signed by Judge William R. Wilson, Jr on 05/28/08. (dmm) (Entered: 05/28/2008)
05/28/2008		NOTICE OF DOCKET CORRECTION re: <u>85</u> Unopposed MOTION for Extension of Time to File <i>Motions for Summary Judgment</i> . CORRECTION: The docket text was modified to indicate the proposed order was filed as an attachment to docket entry <u>85</u> in error. (thd) (Entered: 05/28/2008)
05/30/2008	<u>88</u>	MOTION to Strike <i>Defendant's Supplemental Initial Disclosures</i> by Equal Employment Opportunity Commission (Dixon, Pamela) (Entered: 05/30/2008)
05/30/2008	<u>89</u>	BRIEF IN SUPPORT filed by Equal Employment Opportunity Commission re <u>88</u> Motion to Strike (Attachments: # <u>1</u> Exhibit A - D)(Dixon, Pamela) (Entered: 05/30/2008)
06/04/2008	<u>90</u>	ORDER GRANTING in part and DENYING in part <u>53</u> Defendant's Motion for Partial Summary Judgment as follows: Defendant's Motion for Summary Judgment as to Class Members Who Allege Claims Prior to 9/28/01 is GRANTED; Defendant's Motion for Summary Judgment as to Piggybacking Class Members Bass & Brown is GRANTED; Defendant's Motion for Summary Judgment as to the Forward Temporal Scope of the Class is DENIED. Defendant's <u>65</u> Motion for Summary Judgment Based on Judicial Estoppel is DENIED. Signed by Judge William R. Wilson, Jr on 6/4/08. (jct) (Entered: 06/04/2008)
06/04/2008	<u>92</u>	MOTION for Summary Judgment <i>on Solita Brown's Failure to Promote Claim</i> by Tobacco Superstores Inc (Lombardi, Robert) (Entered: 06/04/2008)
06/04/2008	<u>93</u>	BRIEF IN SUPPORT filed by Tobacco Superstores Inc re <u>92</u> Motion for Summary Judgment <i>on Solita Brown's Failure to Promote Claim</i> (Attachments: # <u>1</u> Exhibit)(Lombardi, Robert) (Entered: 06/04/2008)
06/04/2008	<u>94</u>	STATEMENT OF FACTS (Local Rule 56.1) re <u>92</u> Motion for Summary Judgment <i>on Solita Brown's Failure to Promote Claim</i> filed by Tobacco Superstores Inc. (Lombardi, Robert) (Entered: 06/04/2008)
06/04/2008	<u>95</u>	MOTION for Partial Summary Judgment <i>on Theresa Sharkey's Constructive Discharge Claim</i> by Tobacco Superstores Inc (Lombardi, Robert) (Entered: 06/04/2008)

06/04/2008	<u>96</u>	BRIEF IN SUPPORT filed by Tobacco Superstores Inc re <u>95</u> Motion for Partial Summary Judgment <i>on Theresa Sharkey's Constructive Discharge Claim</i> (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Exhibit)(Lombardi, Robert) (Entered: 06/04/2008)
06/04/2008	<u>97</u>	STATEMENT OF FACTS (Local Rule 56.1) re <u>95</u> Motion for Partial Summary Judgment <i>on Theresa Sharkey's Constructive Discharge Claim</i> filed by Tobacco Superstores Inc. (Lombardi, Robert) (Entered: 06/04/2008)
06/05/2008	<u>98</u>	MOTION for Partial Summary Judgment <i>Regarding the EEOC's Pattern or Practice Claim</i> by Tobacco Superstores Inc (Lombardi, Robert) (Entered: 06/05/2008)
06/05/2008	<u>99</u>	BRIEF IN SUPPORT filed by Tobacco Superstores Inc re <u>98</u> Motion for Partial Summary Judgment <i>Regarding the EEOC's Pattern or Practice Claim</i> (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit)(Lombardi, Robert) (Entered: 06/05/2008)
06/05/2008	<u>100</u>	STATEMENT OF FACTS (Local Rule 56.1) re <u>98</u> Motion for Partial Summary Judgment <i>Regarding the EEOC's Pattern or Practice Claim</i> filed by Tobacco Superstores Inc. (Lombardi, Robert) (Entered: 06/05/2008)
06/05/2008	<u>101</u>	MOTION for Partial Summary Judgment <i>on the Mixed-Motive Affirmative Defense</i> by Tobacco Superstores Inc (Lombardi, Robert) (Entered: 06/05/2008)
06/05/2008	<u>102</u>	BRIEF IN SUPPORT filed by Tobacco Superstores Inc re <u>101</u> Motion for Partial Summary Judgment <i>on the Mixed-Motive Affirmative Defense</i> (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Exhibit, # <u>5</u> Exhibit, # <u>6</u> Exhibit, # <u>7</u> Exhibit, # <u>8</u> Exhibit, # <u>9</u> Exhibit, # <u>10</u> Exhibit, # <u>11</u> Exhibit, # <u>12</u> Exhibit, # <u>13</u> Exhibit, # <u>14</u> Exhibit, # <u>15</u> Exhibit, # <u>16</u> Exhibit, # <u>17</u> Document, # <u>18</u> Document, # <u>19</u> Document, # <u>20</u> Document, # <u>21</u> Document, # <u>22</u> Document, # <u>23</u> Document, # <u>24</u> Document, # <u>25</u> Document, # <u>26</u> Document, # <u>27</u> Document)(Lombardi, Robert) (Entered: 06/05/2008)
06/05/2008	<u>103</u>	STATEMENT OF FACTS (Local Rule 56.1) re <u>101</u> Motion for Partial Summary Judgment <i>on the Mixed-Motive Affirmative Defense</i> filed by Tobacco Superstores Inc. (Lombardi, Robert) (Entered: 06/05/2008)
06/06/2008	<u>104</u>	AMENDED ORDER re <u>90</u> Order: Deft's <u>53</u> Motion for Summary Judgment Regarding the Temporal Scope of the Class is GRANTED in part and DENIED in part; granted as to Class Members Who Allege Claims Prior to 9/28/01; granted as to Piggybacking Class Member Ms. Brown; and denied as to the Forward Temporal Scope of the Class; Deft's <u>65</u> Motion for Summary Judgment Based on Judicial Estoppel is DENIED. Signed by Judge William R. Wilson, Jr on 6/6/08. (vjt) (Entered: 06/06/2008)
06/09/2008	<u>106</u>	MOTION for Extension of Time to File Response/Reply as to <u>101</u> MOTION for Partial Summary Judgment <i>on the Mixed-Motive Affirmative Defense</i> , <u>92</u> MOTION for Summary Judgment <i>on Solita Brown's Failure to Promote Claim</i> , <u>98</u> MOTION for Partial Summary Judgment <i>Regarding the EEOC's Pattern or Practice Claim</i> , <u>95</u> MOTION for Partial Summary Judgment <i>on Theresa Sharkey's Constructive Discharge Claim</i> by Equal Employment Opportunity Commission (Dixon, Pamela) (Entered: 06/09/2008)
06/09/2008	<u>107</u>	Unopposed MOTION for Extension of Time to File Response/Reply as to <u>88</u> MOTION to Strike <i>Defendant's Supplemental Initial Disclosures</i> by Tobacco Superstores Inc (Lombardi, Robert) (Entered: 06/09/2008)
06/09/2008	<u>108</u>	NOTICE by Tobacco Superstores Inc <i>of Conflict</i> (Attachments: # <u>1</u> Document)(Lombardi, Robert) (Entered: 06/09/2008)
06/10/2008	109	(This is a TEXT ENTRY ONLY. There is no pdf document associated with this entry.) ORDER finding as moot <u>107</u> Defendant's unopposed Motion for Extension of Time to File Response to Plaintiffs' Motion to Strike <u>88</u> , since the current due date for the response is 5 p.m., Friday, June 13, 2008. Signed by Judge William R. Wilson, Jr on 06/10/08. (dmm) (Entered: 06/10/2008)
06/10/2008	111	(This is a TEXT ENTRY ONLY. There is no pdf document associated with this entry.) ORDER granting, in part, <u>106</u> Plaintiff's Motion for Extension of Time to File Responses to Defendant's Motions for Summary Judgment <u>92</u> <u>98</u> <u>95</u> <u>101</u> . Plaintiffs are given to and including, <u>Monday, June 23, 2008 -- by 5 p.m.</u> -- within which to file

		responses to Defendants Motions for Summary Judgment. Since the trial date is near, replies by Defendant must be filed by <u>Friday, June 27, 2008 -- by 5 p.m.</u> -- which are limited to 6 pages each.Signed by Judge William R. Wilson, Jr on 06/10/08. (dmm) (Entered: 06/10/2008)
06/10/2008	<u>113</u>	RESPONSE re <u>108</u> Notice (Other) , <i>Plaintiff's Response to Defendant's Notice of Conflict</i> by Equal Employment Opportunity Commission (Cash, William) (Entered: 06/10/2008)
06/12/2008	<u>114</u>	REPLY re <u>113</u> Response (Non Motion) <i>to Notice of Conflict</i> by Tobacco Superstores Inc. (Lombardi, Robert) (Entered: 06/12/2008)
06/13/2008	<u>115</u>	RESPONSE in Opposition re <u>88</u> MOTION to Strike <i>Defendant's Supplemental Initial Disclosures</i> filed by Tobacco Superstores Inc. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Attachment 1, # <u>5</u> Attachment 2, # <u>6</u> Attachment 3)(Lombardi, Robert) (Entered: 06/13/2008)
06/16/2008	<u>116</u>	RESPONSE in Opposition re <u>79</u> Cross MOTION for Partial Summary Judgment <i>as to Judicial Estoppel and Integrated Enterprise</i> filed by Equal Employment Opportunity Commission. (Attachments: # <u>1</u> Exhibit – Larry Cobb depo excerpts, # <u>2</u> Exhibit – Charlie Parker depo excerpts)(Liner, Celia) (Entered: 06/16/2008)
06/16/2008	<u>117</u>	RESPONSE re <u>81</u> Statement of Facts (Local Rule 56.1) by Equal Employment Opportunity Commission (Attachments: # <u>1</u> Exhibit – Larry Cobb depo excerpts, # <u>2</u> Exhibit – Charlie Parker depo excerpts, # <u>3</u> Exhibit – Melissa Akers depo excerpts, # <u>4</u> Exhibit – Euel Weddington depo excerpts)(Liner, Celia) (Entered: 06/16/2008)
06/19/2008	<u>118</u>	RESPONSE in Opposition re <u>92</u> MOTION for Summary Judgment <i>on Solita Brown's Failure to Promote Claim</i> filed by Equal Employment Opportunity Commission. (Attachments: # <u>1</u> Affidavit of Celia S. Liner)(Liner, Celia) (Entered: 06/19/2008)
06/20/2008	<u>119</u>	RESPONSE in Support re <u>79</u> Cross MOTION for Partial Summary Judgment <i>as to Judicial Estoppel and Integrated Enterprise</i> filed by Tobacco Superstores Inc. (Lombardi, Robert) (Entered: 06/20/2008)
06/23/2008	<u>120</u>	RESPONSE in Opposition re <u>98</u> MOTION for Partial Summary Judgment <i>Regarding the EEOC's Pattern or Practice Claim</i> , <u>95</u> MOTION for Partial Summary Judgment <i>on Theresa Sharkey's Constructive Discharge Claim</i> , <u>101</u> MOTION for Partial Summary Judgment <i>on the Mixed-Motive Affirmative Defense</i> filed by Equal Employment Opportunity Commission. (Attachments: # <u>1</u> Exhibit Cobb depo excerpts, # <u>2</u> Exhibit Defendant's Response to 1st Set of Interrogs., #3 REMOVED – See Docket Entry <u>122</u> for replacement, # <u>4</u> Exhibit Ashley depo excerpts, # <u>5</u> Exhibit Thompson depo excerpts, # <u>6</u> Exhibit Cobb Trial Testimony excerpts, # <u>7</u> Exhibit PACER Docket Sheet Darrough v TSS, # <u>8</u> Exhibit Mouton doc TSS 11158, # <u>9</u> Exhibit Marlo Williams doc TSS 11480, # <u>10</u> Exhibit Hamm depo excerpts, # <u>11</u> Affidavit Affidavit of Kathy Klinger, # <u>12</u> Exhibit Cole–Leach depo excerpts, # <u>13</u> Affidavit of Kaye Gustavus, # <u>14</u> Affidavit Affidavit of Vicky Kindrick, # <u>15</u> Exhibit Hancock depo excerpts, # <u>16</u> Exhibit Papa depo excerpts, # <u>17</u> Exhibit EEOC 00737–00747, # <u>18</u> Exhibit EEOC 00731–00736, # <u>19</u> Exhibit Defendant's Response to 3rd Request for Production, # <u>20</u> Exhibit Sharkey depo excerpts, # <u>21</u> Exhibit David Williams depo excerpts, # <u>22</u> Exhibit Bearden Trial Testimony excerpts, # <u>23</u> Exhibit Whitlock depo excerpts, # <u>24</u> Exhibit TSS 00651–00653)(Liner, Celia) (Attachment #3, Cohn Deposition Exhibits, was removed from the docket on 6/24/2008 at the request of the filing party and pursuant to instructions from Chambers; the party filed the corrected document as docket entry <u>122</u> .) (thd) (Entered: 06/23/2008)
06/23/2008	<u>121</u>	RESPONSE re <u>97</u> Statement of Facts (Local Rule 56.1), <u>100</u> Statement of Facts (Local Rule 56.1), <u>103</u> Statement of Facts (Local Rule 56.1) by Equal Employment Opportunity Commission (Attachments: # <u>1</u> Exhibit Sharkey depo excerpts, # <u>2</u> Exhibit Arnold depo excerpts, #3 REMOVED – see <u>123</u> for Replacement document # <u>4</u> Exhibit Humble doc TSS 2715, # <u>5</u> Exhibit Martin doc TSS 0534, # <u>6</u> Exhibit Hancock depo excerpts, # <u>7</u> Exhibit Ashley depo excerpts, # <u>8</u> Exhibit Hamm depo excerpts, # <u>9</u> Exhibit Beltran doc TSS 1790, # <u>10</u> Exhibit Beavers depo excerpts, # <u>11</u> Affidavit Affidavit of Vera Sumpter, # <u>12</u> Exhibit Schultz doc TSS 11003, # <u>13</u> Exhibit Franklin doc TSS 10869, # <u>14</u> Exhibit Bell depo excerpts, # <u>15</u> Exhibit Childers depo excerpts, # <u>16</u> Exhibit Bell doc TSS 7214, # <u>17</u> Exhibit Williamson doc TSS 7547, #18 REMOVED – see <u>124</u> for Replacement Document, # <u>20</u> Exhibit Combs doc

		TSS 10288, # <u>21</u> Exhibit Cobb depo excerpts, # <u>22</u> Exhibit Finch depo excerpts, # <u>23</u> Exhibit Riggs doc TSS 9179, # <u>24</u> Exhibit Jackson depo excerpts, # <u>25</u> Exhibit Murry depo excerpts, # <u>26</u> Exhibit Neal depo excerpts, # <u>27</u> Exhibit Pugh docs TSS 0268, 0251, 0224, # <u>28</u> Exhibit Williams doc TSS 3644, # <u>29</u> Exhibit Pugh depo excerpts, # <u>30</u> Exhibit Defendant's Response to 1st Set of Interrogs, # <u>31</u> Exhibit Richardson depo excerpts, # <u>32</u> Exhibit Roach depo excerpts, # <u>33</u> Exhibit Scott depo excerpts, # <u>34</u> Exhibit Smith doc TSS 0391, # <u>35</u> Exhibit Davis doc TSS 9207, # <u>36</u> Exhibit Mills depo excerpts)(Liner, Celia) (Attachment #3 Brodell documents was removed from the docket (see <u>123</u> for replacement document and Attachment #18 Lipe documents was removed from the docket (see <u>124</u> for replacement document) on 6/24/2008 at the request of the filing party and pursuant to instructions from Chambers.(thd) (Entered: 06/23/2008)
06/23/2008	<u>122</u>	NOTICE of Filing correction document to replace Attachment #3 Cohn depo excerpts re <u>120</u> Response in Opposition to Partial Motion for Summary Judgment by Equal Employment Opportunity Commission (Liner, Celia) (Docket text modified on 6/24/2008 to correct the description of the document filed.) (thd) (Entered: 06/23/2008)
06/23/2008	<u>123</u>	NOTICE of Filing correction to replace Attachment # 3 April Brodell docs, and to redact personal identifying information re: <u>121</u> Response to Statement of Facts filed by Equal Employment Opportunity Commission. (Liner, Celia) (Docket text modified on 6/24/2008 to correct the description of the document filed and remove duplicate text.) (thd) (Entered: 06/23/2008)
06/23/2008	<u>124</u>	NOTICE of Filing correction to replace Attachment #18, Melanie Lipe docs, and to redact personal identifying information re: <u>121</u> Response to Statement of Facts by Equal Employment Opportunity Commission (Liner, Celia) (Docket text modified on 6/24/2008 to correct the description of the document filed and remove duplicate text.) (thd) (Entered: 06/23/2008)
06/24/2008		NOTICE OF DOCKET CORRECTION re: <u>122</u> , <u>123</u> , and <u>124</u> Notices. CORRECTION: The docket entries were modified to correct the description of the documents filed as follows: <u>122</u> NOTICE of Filing correction document to replace Attachment #3 Cohn depo excerpts re <u>120</u> Response in Opposition to Partial Motion for Summary Judgment; <u>123</u> NOTICE of Filing correction to replace Attachment # 3 April Brodell docs, and to redact personal identifying information re: <u>121</u> Response to Statement of Facts; and, <u>124</u> NOTICE of Filing correction to replace Attachment #18, Melanie Lipe docs, and to redact personal identifying information re: <u>121</u> Response to Statement of Facts. (thd) (Entered: 06/24/2008)
06/24/2008		NOTICE OF DOCKET CORRECTION re: <u>120</u> Response in Opposition to Motion for Summary Judgment and <u>121</u> Response to Statement of Facts. CORRECTION: Docket entry <u>120</u> was modified to remove Attachment #3, Cohn Deposition Exhibits (see docket entry <u>122</u> for correct document) at the request of the filing party and pursuant to instructions from Chambers. Docket entry <u>121</u> was modified to remove Attachment #3, Brodell Documents (see <u>123</u> for correct document) and to remove Attachment #18, Lipe Documents (see <u>124</u> for correct document)at the request of the filing party and pursuant to instructions from Chambers. (thd) (Entered: 06/24/2008)
06/27/2008	<u>125</u>	RESPONSE in Support re <u>101</u> MOTION for Partial Summary Judgment <i>on the Mixed-Motive Affirmative Defense</i> , <u>98</u> MOTION for Partial Summary Judgment <i>Regarding the EEOC's Pattern or Practice Claim</i> , <u>95</u> MOTION for Partial Summary Judgment <i>on Theresa Sharkey's Constructive Discharge Claim</i> filed by Tobacco Superstores Inc. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit)(Lombardi, Robert) (Entered: 06/27/2008)
06/30/2008	<u>126</u>	PRETRIAL DISCLOSURE SHEET by Equal Employment Opportunity Commission. (Dixon, Pamela) (Entered: 06/30/2008)
06/30/2008	<u>127</u>	PRETRIAL DISCLOSURE SHEET by Tobacco Superstores Inc. (Lombardi, Robert) (Entered: 06/30/2008)
07/02/2008	128	(This is a TEXT ENTRY ONLY. There is no pdf document associated with this entry.) ORDER finding as moot <u>92</u> Defendant's Motion for Summary Judgment on Plaintiff Solita Brown's Failure to Promote Claim, based on Plaintiff's response to the motion <u>118</u> . Signed by Judge William R. Wilson, Jr on 07/02/08. (dmm) (Entered: 07/02/2008)

		07/02/2008)
07/03/2008	129	(This is a TEXT ENTRY ONLY. There is no pdf document associated with this entry.) ORDER At the request of the parties, this case is referred to Magistrate Judge J. Thomas Ray for a Settlement Conference. The parties will be contacted directly by Judge Ray's chambers for the setting of the Settlement Conference. This case is currently set on Judge Wilson's trial docket for the week of July 29, 2008, in Jonesboro, Arkansas. Signed by Judge William R. Wilson, Jr on 07/03/08. (dmm) (Entered: 07/03/2008)
07/07/2008	<u>131</u>	NOTICE of Hearing: Settlement Conference set for 7/16/2008 at 09:00 AM in Little Rock, AR, Courtroom # 1C, before Magistrate Judge J. Thomas Ray. (ksm) (Entered: 07/07/2008)
07/08/2008	<u>133</u>	MOTION to Amend/Correct <u>127</u> Pretrial Disclosure Sheet by Tobacco Superstores Inc (Lombardi, Robert) (Entered: 07/08/2008)
07/08/2008	<u>134</u>	BRIEF IN SUPPORT filed by Tobacco Superstores Inc re <u>133</u> Motion to Amend/Correct <i>Pre-Trial Disclosure Sheet</i> (Lombardi, Robert) (Entered: 07/08/2008)
07/09/2008	<u>135</u>	ORDER GRANTING <u>50</u> Plaintiff's Motion to Compel. Defendant must produce the documents requested in Plaintiff's Ninth Set of Requests for Production of Documents by 5 p.m., July 18, 2008. Signed by Judge William R. Wilson, Jr on 7/9/08. (jct) (Entered: 07/09/2008)
07/09/2008	<u>137</u>	AMENDMENT TO ORDER, re <u>135</u> Order on Motion to Compel. Defendant must produce the subject documents by 12 noon next Tuesday, July 15, 2008. Signed by Judge William R. Wilson, Jr on 7/9/08. (jct) (Entered: 07/09/2008)
07/09/2008	<u>139</u>	MOTION in Limine by Equal Employment Opportunity Commission (Dixon, Pamela) (Entered: 07/09/2008)
07/09/2008	<u>140</u>	BRIEF IN SUPPORT filed by Equal Employment Opportunity Commission re <u>139</u> Motion in Limine (Attachments: # <u>1</u> Exhibit Exhibits 1 - 4)(Dixon, Pamela) (Entered: 07/09/2008)
07/09/2008	<u>141</u>	MOTION in Limine to <i>Exclude Testimony</i> by Equal Employment Opportunity Commission (Dixon, Pamela) (Entered: 07/09/2008)
07/09/2008	<u>142</u>	BRIEF IN SUPPORT filed by Equal Employment Opportunity Commission re <u>141</u> Motion in Limine (Attachments: # <u>1</u> Exhibit Exhibit 1)(Dixon, Pamela) (Entered: 07/09/2008)
07/09/2008	<u>143</u>	MOTION in Limine <i>Regarding Criminal Acts</i> by Equal Employment Opportunity Commission (Dixon, Pamela) (Entered: 07/09/2008)
07/09/2008	<u>144</u>	BRIEF IN SUPPORT filed by Equal Employment Opportunity Commission re <u>143</u> Motion in Limine (Attachments: # <u>1</u> Exhibit Exhibits 1 - 9)(Dixon, Pamela) (Entered: 07/09/2008)
07/10/2008	<u>145</u>	MOTION for Reconsideration re <u>135</u> Order on Motion to Compel, <u>137</u> Order by Tobacco Superstores Inc (Lombardi, Robert) (Entered: 07/10/2008)
07/10/2008	<u>146</u>	ORDER modifying <u>135</u> Order on Motion to Compel & <u>137</u> Amendment to Order to require the Defendant to bring its documents to the Settlement Conference on 7/16/08 to be presented to U.S. Magistrate Judge J. Thomas Ray in camera. Judge Ray, of course may, in his discretion, order this information disclosed to the Plaintiff there and then. Signed by Judge William R. Wilson, Jr on 7/10/08. (jct) (Entered: 07/10/2008)
07/14/2008	<u>148</u>	ORDER authorizing Faye Williams, Celia Liner, Henry P. Julien, Robert P. Lombardi, Brad Beavers, Larry Cobb & David Cohn to bring a cell phone, laptop computer or personal digital assistant into the Courthouse on 7/16/08 for the scheduled settlement conference, subject to rules contained in said Order. Signed by Magistrate Judge J. Thomas Ray on 7/14/08. (jct) (Entered: 07/14/2008)
07/14/2008	<u>150</u>	RESPONSE in Opposition re <u>133</u> MOTION to Amend/Correct <u>127</u> Pretrial Disclosure Sheet filed by Equal Employment Opportunity Commission. (Attachments: # <u>1</u> Exhibit No. 1 - Letter dated 7-14-05 to Henry Julien, # <u>2</u> Exhibit No. 2 - Letter dated 7-21-05 to Karen Johnson., # <u>3</u> Exhibit No. 3 - Fax cover Sheet dated 7-21-05, # <u>4</u>

		Exhibit No. 4 – Conciliation Failure letter, # <u>5</u> Exhibit NO. 5 – Letter dated 10–17–06 to Henry Julien, # <u>6</u> Exhibit NO. 6 – Letter dated 11–8–06 to Henry Julien, # <u>7</u> Exhibit No. 7– Letter dated 1–5–07 to Celia Liner)(Liner, Celia) (Entered: 07/14/2008)
07/14/2008	<u>151</u>	OBJECTIONS by Equal Employment Opportunity Commission re <u>127</u> Pretrial Disclosure Sheet. (Dixon, Pamela) (Entered: 07/14/2008)
07/14/2008	<u>152</u>	OBJECTIONS by Tobacco Superstores Inc re <u>126</u> Pretrial Disclosure Sheet. (Lombardi, Robert) (Entered: 07/14/2008)
07/15/2008	<u>153</u>	RE–NOTICE of Hearing: The Settlement Conference originally scheduled for 7/16/2008 has been cancelled and is rescheduled for Tuesday, 7/22/2008 at 09:00 AM, in Little Rock, AR, Courtroom # 1C, before Magistrate Judge J. Thomas Ray. (ksm) (Entered: 07/15/2008)
07/15/2008	<u>155</u>	MOTION in Limine <i>on the Issue of Damages</i> by Tobacco Superstores Inc (Lombardi, Robert) (Entered: 07/15/2008)
07/15/2008	<u>156</u>	BRIEF IN SUPPORT filed by Tobacco Superstores Inc re <u>155</u> Motion in Limine <i>to Preclude Plaintiff from Introducing Evidence of Damages and Precluding the Testimony of the Proposed Witness, Nancy Kincaid</i> (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)(Lombardi, Robert) (Entered: 07/15/2008)
07/15/2008	<u>157</u>	MOTION in Limine by Tobacco Superstores Inc (Lombardi, Robert) (Entered: 07/15/2008)
07/15/2008	<u>158</u>	BRIEF IN SUPPORT filed by Tobacco Superstores Inc re <u>157</u> Motion in Limine (Lombardi, Robert) (Entered: 07/15/2008)
07/16/2008	<u>159</u>	MOTION to Strike <u>157</u> MOTION in Limine, <u>155</u> MOTION in Limine <i>on the Issue of Damages</i> by Equal Employment Opportunity Commission (Dixon, Pamela) (Entered: 07/16/2008)
07/16/2008	<u>160</u>	BRIEF IN SUPPORT filed by Equal Employment Opportunity Commission re <u>159</u> Motion to Strike (Dixon, Pamela) (Entered: 07/16/2008)
07/16/2008	<u>161</u>	BRIEF IN OPPOSITION filed by Tobacco Superstores Inc re <u>144</u> Brief in Support, <u>143</u> Motion in Limine <i>Regarding Prior Criminal Acts</i> (Lombardi, Robert) (Entered: 07/16/2008)
07/16/2008	<u>162</u>	BRIEF IN OPPOSITION filed by Tobacco Superstores Inc re <u>141</u> Motion in Limine, <u>142</u> Brief in Support <i>to Exclude Testimony or Evidence Regarding Involuntary Terminations of Class Members from Defendant and Testimony or Evidence Regarding Bankruptcy Filings by Class Members</i> (Lombardi, Robert) (Entered: 07/16/2008)
07/16/2008	<u>163</u>	REPLY to Response to Motion re <u>133</u> MOTION to Amend/Correct <u>127</u> Pretrial Disclosure Sheet filed by Tobacco Superstores Inc. (Lombardi, Robert) (Entered: 07/16/2008)
07/16/2008	<u>164</u>	MOTION for Sanctions <i>Under Fed. R. Civ. Proc. 37(c)(1) and Motion to Strike Nancy Kincaid as a Witness</i> , MOTION to Strike <u>126</u> Pretrial Disclosure Sheet () by Tobacco Superstores Inc (Lombardi, Robert) (Entered: 07/16/2008)
07/16/2008	<u>165</u>	BRIEF IN SUPPORT filed by Tobacco Superstores Inc re <u>164</u> Motion for Sanctions, Motion to Strike <i>Nancy Kincaid as a Witness</i> (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)(Lombardi, Robert) (Entered: 07/16/2008)
07/17/2008	<u>166</u>	MOTION to Substitute Attorney <i>Thomas J. Woodford</i> by Tobacco Superstores Inc (Woodford, Thomas) (Entered: 07/17/2008)
07/17/2008	<u>167</u>	BRIEF IN OPPOSITION filed by Tobacco Superstores Inc re <u>159</u> Motion to Strike (Lombardi, Robert) (Entered: 07/17/2008)
07/17/2008	<u>168</u>	MOTION to Strike <u>126</u> Pretrial Disclosure Sheet <i>Plaintiff's Deposition Designations</i> by Tobacco Superstores Inc (Lombardi, Robert) (Entered: 07/17/2008)

07/17/2008	<u>169</u>	BRIEF IN SUPPORT filed by Tobacco Superstores Inc re <u>168</u> Motion to Strike <i>Plaintiff's Deposition Designations</i> (Lombardi, Robert) (Entered: 07/17/2008)
07/17/2008	<u>170</u>	MOTION for Sanctions <i>Regarding Plaintiff's Failure to Disclose Alleged Promotion Opportunities</i> by Tobacco Superstores Inc (Lombardi, Robert) (Entered: 07/17/2008)
07/17/2008	<u>171</u>	BRIEF IN SUPPORT filed by Tobacco Superstores Inc re <u>170</u> Motion for Sanctions <i>Regarding Plaintiff's Failure to Disclose Alleged Promotion Opportunities</i> (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2)(Lombardi, Robert) (Entered: 07/17/2008)
07/21/2008	<u>172</u>	RESPONSE to Motion re <u>155</u> MOTION in Limine <i>on the Issue of Damages</i> filed by Equal Employment Opportunity Commission. (Dixon, Pamela) (Entered: 07/21/2008)
07/21/2008	<u>173</u>	RESPONSE to Motion re <u>157</u> MOTION in Limine filed by Equal Employment Opportunity Commission. (Attachments: # <u>1</u> Exhibit Exhibits 1 – 7)(Dixon, Pamela) (Entered: 07/21/2008)
07/22/2008	174	(This is a TEXT ENTRY ONLY. There is no pdf document associated with this entry.) Minute Entry for proceedings held before Magistrate Judge J. Thomas Ray: The parties appeared for a Settlement Conference held on 7/22/2008. The parties reached a full and complete settlement with the agreement made part of the record as Exhibit "A". Plf–Celia S. Liner, Faye A. Williams, Pamela B. Dixon, William A. Cash, Jr. Dft–Brad J. Beavers, Henry P. Julien, Jr., Robert P. Lombardi. (ERO–Kathy McBryde) (ksm) (Entered: 07/22/2008)
08/04/2008	<u>176</u>	CONSENT DECREE pursuant to settlement of this cause of action. Each party shall bear that party's own costs, attorneys' fees and expenses. Signed by Judge William R. Wilson, Jr on 8/4/08. (jct) (Entered: 08/05/2008)