

**U.S. District Court
Eastern District of Arkansas (Little Rock)
CIVIL DOCKET FOR CASE #: 4:98-cv-00739-SWW**

Robinson, et al v. Sears Roebuck & Co
Assigned to: Judge Susan Webber Wright
Demand: \$0
Case in other court: USCA8, :00-00000-08015
Cause: 42:2000e Job Discrimination (Employment)

Date Filed: 11/04/1998
Date Terminated: 08/17/2001
Jury Demand: Plaintiff
Nature of Suit: 442 Civil Rights: Jobs
Jurisdiction: Federal Question

Plaintiff

Eurlene Robinson
*on behalf of herself and all other persons
similarly situated*

represented by **Holly Elizabeth Dickson**
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Plaintiff

Rashad L Atkinson
*on behalf of himself and all other persons
similarly situated*

represented by **Holly Elizabeth Dickson**
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Paul J. James
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Plaintiff

Carla Droughn
*on behalf of herself and all other persons
similarly situated*

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Paul J. James
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Plaintiff

David Fitzpatrick
*on behalf of himself and all other persons
similarly situated*

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Plaintiff

Kirestin J Harris
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similarly situated

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Plaintiff

Janice L Medley
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similarly situated

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Plaintiff

Willie L Toombs, Jr
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similarly situated

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Plaintiff

Kahlil Watkins
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similarly situated

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Plaintiff

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similarly situated

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Defendant

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Date Filed	#	Docket Text
11/04/1998	<u>1</u>	COMPLAINT-CLASS ACTION, \$150.00 filing fee/receipt #81666; summons issued & returned to counsel (jap) (Entered: 11/05/1998)
11/09/1998	<u>2</u>	RETURN OF SERVICE executed upon defendant Sears Roebuck & Co on 11/6/98 (vjt) (Entered: 11/10/1998)
11/24/1998	<u>3</u>	MOTION by Columbus R. Gangemi, Jr. and John M. Dickman through local counsel, Dover & Dixon to appear pro hac vice for deft Sears (vjt) (Entered: 11/24/1998)
11/24/1998	<u>4</u>	MOTION by defendant for extension of time to answer or otherwise respond to the complt and to extend time to respond to discovery (vjt) (Entered: 11/25/1998)
12/02/1998	<u>5</u>	ORDER by Chief Judge Susan W. Wright granting motion by Columbus R. Gangemi, Jr. and John M. Dickman through local counsel, Dover & Dixon to appear pro hac vice for deft Sears [3-1] (cc: all counsel) EOD 12/2/98 (vjt) (Entered: 12/02/1998)
12/02/1998	<u>6</u>	ORDER by Chief Judge Susan W. Wright granting deft's motion for extension of time until 12/30/98 to answer or otherwise respond to the complt [4-1]; granting deft's motion to extend time until 2/5/99 to respond to discovery requests [4-2]; the time in which pltf has to move for a determination under FRCP 23(c)(1) is hereby extended up to and including 5/5/99, unless extended by subsequent order (cc: all counsel) EOD 12/2/98 (vjt) (Entered: 12/02/1998)
12/30/1998	<u>7</u>	ANSWER by defendant (vjt) (Entered: 12/30/1998)
01/06/1999	<u>8</u>	DEMAND for jury trial by plaintiffs (vjt) (Entered: 01/06/1999)
01/06/1999	<u>9</u>	SCHEDULING ORDER by Chief Judge Susan W. Wright; jury trial set for 9:30 11/1/99 in Little Rock; motions to amend pleadings due 8/20/99; motions in limine due 10 calendar days prior to trial; all other motions and discovery due 9/17/99; pretrial info sheet due 10/1/99 (cc: all counsel) (vjt) (Entered: 01/07/1999)
04/26/1999	<u>10</u>	MOTION by pltf's for extension of time to move for class certification (vjt) (Entered: 04/26/1999)
04/27/1999	<u>11</u>	STIPULATED PROTECTIVE ORDER by Chief Judge Susan W. Wright, upon stipulation of the parties, all personnel documents and affirmative action plans produced by any party in this action, unless otherwise ordered by the Court, shall be treated as confidential (cc: all counsel) EOD 4/27/99 (vjt) (Entered: 04/27/1999)
04/27/1999	<u>12</u>	ORDER by Chief Judge Susan W. Wright granting pltf's motion for extension of time until 6/30/99 to move for class certification [10-1] (cc: all counsel) EOD 4/27/99 (vjt) (Entered: 04/27/1999)
05/14/1999	<u>13</u>	MOTION by counsel for deft Sears Roebuck & Co for attorney Peter C. Warman to appear pro hac vice (bsm) Modified on 05/17/1999 (Entered: 05/17/1999)
05/26/1999	<u>14</u>	ORDER by Chief Judge Susan W. Wright granting motion for atty Peter C. Warman to appear pro hac vice for deft Sears [13-1] (cc: all counsel) (vjt) (Entered: 05/27/1999)

06/28/1999	<u>15</u>	MOTION by pltf for extension of time to move for class certification (vjt) (Entered: 06/28/1999)
06/28/1999	<u>16</u>	BRIEF by pltfs in support of motion for extension of time to move for class certification [15-1] (vjt) (Entered: 06/28/1999)
06/28/1999	<u>17</u>	MOTION by pltfs to compel deft to answer pltfs' first set of interrogs and requests for production of documents (vjt) (Entered: 06/28/1999)
06/28/1999	<u>18</u>	BRIEF by pltfs in support of motion to compel deft to answer pltfs' first set of interrogs and requests for production of documents [17-1] (vjt) (Entered: 06/28/1999)
07/12/1999	<u>19</u>	OPPOSITION RESPONSE by deft to motion for extension of time to move for class certification [15-1] (vjt) (Entered: 07/12/1999)
07/16/1999	<u>20</u>	OPPOSITION RESPONSE by deft to motion to compel [17-1] (vjt) (Entered: 07/19/1999)
08/06/1999	21	REPLY by plaintiffs to deft's opposition to motion to compel [17-1] (bsm) (Entered: 08/09/1999)
08/13/1999	<u>22</u>	ORDER by Chief Judge Susan W. Wright granting motion to compel [17-1], deft Sears is directed to provide complete responses to pltfs' discovry requests (with the exception of interrogatory Nos. 38, 53 &54; granting motion for extension of time until 10/18/99 to move for class certification [15-1]; Jury trial continued ; Court will issue an amended scheduling order setting a new trial date and a new completion of discovery and the filing of motions (cc: all counsel) (bsm) (Entered: 08/16/1999)
08/16/1999	<u>23</u>	MOTION by plaintiffs for continuance (former empl) (Entered: 08/16/1999)
08/20/1999	<u>24</u>	ORDER by Chief Judge Susan W. Wright that deft's motion for continuance is denied as moot since the trial has already been continued by Order filed 8/13/99 [23-1] (EOD 8/20/99) (cc: all counsel) (bsm) (Entered: 08/20/1999)
09/02/1999	<u>25</u>	AMENDED SCHEDULING ORDER by Chief Judge Susan W. Wright; jury trial set for 9:30 a.m. on 6/26/00 in Little Rock, AR; discovery due 2/29/00; pretrial info sheet due 5/26/00; all other deadlines remain as previously scheduled (cc: all counsel) (bsm) (Entered: 09/03/1999)
09/03/1999	<u>26</u>	MOTION by defendant for protective order and for clarification (bmt) (Entered: 09/07/1999)
09/03/1999	<u>27</u>	MEMORANDUM by defendant in support of motion for protective order [26-1] and for clarification [26-2] (bmt) (Entered: 09/07/1999)
09/03/1999	<u>28</u>	MOTION by defendant to extend time to provide supplemental discovery responses (bmt) (Entered: 09/07/1999)
09/22/1999	<u>29</u>	MOTION by plaintiffs to extend time to respond to deft's motion for extension of time, motion for protective order and request for clarification (bsm) (Entered: 09/22/1999)
09/29/1999	<u>30</u>	ORDER by Chief Judge Susan W. Wright granting pltfs' motion to extend time until 10/1/99 to respond to deft's motion for extension of time, motion for protective order and request for clarification [29-1] [28-1] [26-1] [26-2] (cc: all counsel) (vjt) (Entered: 09/30/1999)
09/30/1999	<u>31</u>	RESPONSE by pltfs to deft's motion for extension of time to provide supplemental discovery responses [28-1] (vjt) (Entered: 10/01/1999)
09/30/1999	<u>32</u>	RESPONSE with Exhibits by pltfs to deft's motion for protective order [26-1] and for clarification [26-2] (vjt) (Entered: 10/01/1999)
09/30/1999	33	EXHIBIT 2 to pltfs' response to deft's motion for protective order and request for clarification [32-1] (FILED UNDER SEAL) (vjt) (Entered: 10/01/1999)
09/30/1999	34	BRIEF by pltfs in support of response to deft's motion for protective order and clarification [32-1] (vjt) (Entered: 10/01/1999)

10/12/1999	<u>35</u>	REPLY MEMORANDUM by deft in support of motion for protective order [26-1] and request for clarification [26-2] (vjt) (Entered: 10/13/1999)
10/27/1999	<u>36</u>	NOTICE OF HEARING by Chief Judge Susan W. Wright granting deft's request for a hearing to present oral argument in this matter; a hearing is scheduled on pending motions, including deft's motion for protective order [26-1] and for clarification [26-2], and any other matters the Court deems appropriate for 9:30 11/30/99 in Little Rock; any documents to be examined by the Court shall be submitted no later than noon on Friday, 11/19/99, along with names of any witnesses to be called (cc: all counsel) (vjt) (Entered: 10/27/1999)
11/10/1999	<u>37</u>	MOTION by deft to dismiss putative across-the-board class claims (vjt) (Entered: 11/12/1999)
11/10/1999	<u>38</u>	MEMORANDUM by deft in support of motion to dismiss putative across-the-board class claims [37-1] (vjt) (Entered: 11/12/1999)
11/10/1999	39	DECLARATION by Kim Murphy in support of deft's motion to dismiss putative across-the-board class claims [37-1] (FILED UNDER SEAL) (vjt) (Entered: 11/12/1999)
11/17/1999	<u>40</u>	MOTION by Gerald C. Peterson to appear pro hac vice for deft (vjt) (Entered: 11/18/1999)
11/19/1999	<u>41</u>	MOTION by pltfs for extension of time to respond to deft's motion to dismiss class claims (vjt) (Entered: 11/22/1999)
11/19/1999	<u>42</u>	ORDER by Chief Judge Susan W. Wright granting motion by Gerald C. Peterson to appear pro hac vice for deft [40-1] (cc: all counsel) (vjt) (Entered: 11/22/1999)
11/22/1999	<u>43</u>	ORDER by Chief Judge Susan W. Wright granting pltfs' motion for extension of time until 11/26/99 to respond to deft's motion to dismiss class claims [41-1] [37-1] (cc: all counsel) (vjt) (Entered: 11/22/1999)
11/22/1999	<u>44</u>	OPPOSITION RESPONSE by deft to pltfs' motion for extension of time to file brief in response to motion to dismiss (vjt) (Entered: 11/23/1999)
11/26/1999	<u>45</u>	RESPONSE by pltfs to deft's motion to dismiss class claims [37-1] (vjt) (Entered: 11/29/1999)
11/26/1999	<u>46</u>	BRIEF by pltfs in support of response to deft's motion to dismiss class claims [45-1] (vjt) (Entered: 11/29/1999)
11/30/1999	47	CLERK'S MINUTES: HEARING before Chief Judge Susan W Wright at defendant's request to take up pending motions; oral argument by deft and response by pltfs; Court will conduct phone conference each week until discovery is completed to begin in two weeks, and decision will be made on discovery issues (Lois Lambert, court reporter) (sjc) (Entered: 11/30/1999)
12/03/1999	<u>48</u>	ORDER by Chief Judge Susan W. Wright denying in large part Sears' motion for protective order [26-1] and request for clarification [26-2]; granting Sears' motion to extend time until 20 days from the date of entry of this Order, to provide supplemental discovery responses [28-1]; denying w/o prej Sears' motion to dismiss putative across-the-board class claims [37-1]; Sears is directed to fully and in good faith comply with the requirements set forth in the Court's August 13th Order (doc.#22) as herein limited, w/in 20 days of the date of entry of this Order; pltfs have until 3/14/00 in which to file a motion for class certification (cc: all counsel) (vjt) (Entered: 12/06/1999)
12/14/1999	49	CLERK'S MINUTES: PHONE CONFERENCE before Chief Judge Susan W Wright re: discovery problems; deft will produce electronic evidence by 1/7/00 at 5:00 p.m.; pltfs are to submit affidavits to the Court and deft that data turned over is to be used only for court purposes and pltfs' counsel is to control access to data by pltfs; deft is to identify officers; phone conference to be next week (Lois Lambert, court reporter) (sjc) (Entered: 12/14/1999)
12/15/1999	<u>50</u>	ORDER by Chief Judge Susan W. Wright in accordance with the telephone conference on 12/14/99, deft is directed to produce to pltf's counsel the electronic evidence the Court has ordered the deft to produce and pltfs' expert and deft's

		technical staff my communicate in the exchange of information w/out waiving any privileges that exist; pltfs must obtain the unredacted portion of the DOL report from the DOL pursuant to a Freedom of Infomation Act request; pltfs must submit an afdt before pltfs will have access to personnel data produced in discovery by deft; counsel for pltfs must allow pltfs access to such personnel data and deft is ordered to fully answer Interrogatory No. 4 within the applicable deadline cc: all counsel) (bsm) (Entered: 12/16/1999)
12/21/1999	51	CLERK'S MINUTES: PHONE conference before Chief Judge Susan W Wright; matter of affidavit of pltfs regarding confidentiality discussed, and Court will require language that pltfs are not to talk to anyone about information, including family members and that information is to be used only for this lawsuit; Court will issue order to this effect and that supplemental responses to discovery will be due 1/7/00, and phone conference will be next week; pltfs are to advise Court after 1/7/00 when export will be ready and and he will be available for deposition (Lois Lambert, court reporter) (sjc) (Entered: 12/21/1999)
12/27/1999	<u>52</u>	ORDER by Chief Judge Susan W. Wright purs to the telephone conference on 12/21/99, it is hereby ordered as follows: (1) The following sentence shall be included in the Affidavit of Confidentiality that any pltf must submit before that pltf will have access to personnel data produced in discovery by deft: "I will not discuss, talk about, disclose, or share any such personnel information with anyone other than my attys, the other named pltfs, or any expert retained by my attys in this lawsuit." (2) any supplemental responses to discovery requests due Friday, 1/7/99 @ 5:00 p.m. (CDT). (3) the telephone conference scheduled for 12/28/99 @ 12:45 p.m. remains as scheduled; (4) after 1/7/99, counsel for pltf shall present to the Court a schedule in which they propose to have an expert report ready for purposes of class certification and when such expert will be made available for deposition; after deft has had an opportunity to review the info contained in said expert's report and/or deposition, deft will be required to name, on or before a date to later to be determined, any expert it intends to call in this matter (cc: all counsel) (vjt) (Entered: 12/28/1999)
12/28/1999	53	CLERK'S MINUTES: PHONE conference before Chief Judge Susan W Wright; pltfs' counsel states that she has reviewed discovery and deft objects to Interrogatory #79; after response, the Court rules that pltfs have a right to the information requested and directs Sears to respond (Lois Lambert, court reporter) (sjc) (Entered: 12/28/1999)
12/28/1999	<u>54</u>	ORDER by Chief Judge Susan W. Wright purs to the telephone conference held on 12/28/99, it is hereby ordered as follows: the deft is ordered to answer Interrogatory No. 79 insofar as it relates to what employees of the University Store are paid; the Court takes an expansive view of this interrogatory and anticipates that many factors relate to and affect what employees of the University Store are paid, including, for example, inventory, advertising, etc. (cc: all counsel) (vjt) (Entered: 12/29/1999)
01/04/2000	55	CLERK'S MINUTES: PHONE conference before Chief Judge Susan W Wright; pltfs' counsel states there is a dispute with respect to Interrogatory #80; after discussion, the Court directs Sears to provide pltfs with any manual or policy that deft refers to in handling claims, complaints, charges of discrimination; deft is allowed until 1/14/00 to provide information to pltfs (Lois Lambert, court reporter) (sjc) (Entered: 01/04/2000)
01/04/2000	<u>56</u>	ORDER by Chief Judge Susan W. Wright in accordance with the telephone conference on 1/4/00, it is hereby ordered as follows: as requested by Interrogatory No. 80, deft is ordered to provide pltfs with copies of all policies, procedures, and manuals used or referred to by Sears in investigating allegations, complts, claims, or charges of discrimination; deft is to provide the requested info on or before 1/14/00 (cc: all counsel) (vjt) (Entered: 01/05/2000)
01/11/2000	57	CLERK'S MINUTES: weekly telephone conference from chambers. Lois Lambert reporter. Written order to follow. (mar) (Entered: 01/11/2000)
01/11/2000	<u>58</u>	ORDER by Chief Judge Susan W. Wright telephone conference is scheduled for 1/19/00 at 12:45 p.m. ; Court will take up at the telephone conference the question of which departments at the University Store have hourly and/or commissioned

		employees and whether pltf's have been provided such information; on or before 10:00 a.m. on 1/19/00 def't is ordered to provide pltf with the identity of the custodian(s) of HR Decisions Support Reports 2592-2695 and 4319-4360; Court's Order of 8/13/99 remains in full force and effect, including that portion of the Order addressing Interrogatory No. 38 however, the Court requires that Sears disclosed any information regarding additional charging parties as requested by Interrogatory No. 38 should Sears at any time become aware of any such information; in accordance with Interrogatory No. 80, this Court ordered the def't to provide pltf's with copies of all policies, procedures, and manuals used or referred to by Sears in investigating allegations, compl'ts, claims, or charges of discrimination; def't was ordered to provide the requested information on or before 1/14/00, although def't stated that it has not yet provided the requested information, the Court continues to expect that said information will be provided on or before Friday, 1/14/00 (cc: all counsel) (former empl) (Entered: 01/13/2000)
01/19/2000	59	CLERK'S MINUTES: PHONE conference before Chief Judge Susan W Wright; the Court has received pltf's' proposed schedule re: class action, and def't will submit counter proposal prior to next week's conference at 12:30 p.m. on Tuesday; discovery issues still concern Interrogatory #80 and #79, and Court will issue an order on this that #80 information is to be provided by 1/20 and #79 information within 7 days from today (Lois Lambert, court reporter) (sjc) (Entered: 01/19/2000)
01/19/2000	<u>60</u>	ORDER by Chief Judge Susan W. Wright, in accordance with the telephone conference held on the afternoon of 1/19/00, it is hereby ordered as follows: 1. As requested by Interrogatory No. 80, the def't is ordered to provide pltf's with copies of all policies, procedures, and manuals used or referred to by Sears in investigating allegations, compl'ts, claims, or charges of discrimination; the info requested by Interrogatory No. 80 and as set forth in this order must be placed in the mail to pltf's' counsel on or before Thursday, 1/20/00; 2. the def't was previously ordered to answer Interrogatory No. 79 insofar as it relates to what employees of the University Store are paid; the Court will allow Sears an additional period of time to gather the relevant info; accordingly, Sears is hereby ordered to provide to pltf's' counsel the info relevant to Interrogatory No. 79 and as ordered by this Court on or before Wednesday, 1/26/00 (cc: all counsel) (vjt) (Entered: 01/20/2000)
01/21/2000	61	TRANSCRIPT (Volume I) of Motions Hearing before the Honorable Susan Webber Wright on 11/30/99 (vjt) (Entered: 01/21/2000)
01/21/2000	62	TRANSCRIPT (Volume I) of Telephone Conference before the Honorable Susan Webber Wright on 12/14/99 (vjt) (Entered: 01/21/2000)
01/21/2000	<u>63</u>	MOTION by Peggy A. Davis for admission to appear pro hac vice for def't (vjt) (Entered: 01/24/2000)
01/25/2000	64	CLERK'S MINUTES: HEARING before Chief Judge Susan W Wright; parties indicate there are no discovery issues to take up; Court reminds counsel that trial is scheduled for 6/26; after discussions concerning scheduling, the Court sets certain deadlines for counsel to follow; order will issue setting forth deadlines (Elaine Hinson, court reporter) (sjc) (Entered: 01/25/2000)
01/25/2000	<u>65</u>	ORDER by Chief Judge Susan W. Wright granting motion by Peggy A. Davis for admission to appear pro hac vice for def't [63-1] (cc: all counsel) (vjt) (Entered: 01/26/2000)
01/27/2000	<u>66</u>	AMENDED SCHEDULING ORDER by Chief Judge Susan W. Wright; jury trial set for 9:30 6/26/00 in Little Rock; report of pltf's' expert must be provided to def't 3/1/00; pltf's' motion for class certification due 3/10/00; deposition of pltf's' expert by def't must be conducted on or before 3/22/00; report of def't's expert must be provided to pltf's 3/24/00; response to pltf's' motion for class certification due 3/31/00; deposition of def't's expert by pltf's must be conducted on or before 4/3/00; pltf's' reply to def't's response to the motion for class certification due 4/10/00; motions in limine due 6/16/00; discovery and dispositive motions due 4/28/00; response to dispositive motions due 5/19/00; pretrial info sheet due 5/26/00; jury instr due 6/16/00; (cc: all counsel) (vjt) (Entered: 01/31/2000)
01/31/2000	<u>67</u>	MOTION by pltf's to shorten time for def't to respond to discovery requests (vjt) (Entered: 02/01/2000)

01/31/2000	<u>68</u>	BRIEF by pltfs in support of motion to shorten time for deft to respond to discovery requests [67-1] (vjt) (Entered: 02/01/2000)
01/31/2000	<u>69</u>	AFFIDAVIT OF CONFIDENTIALITY of Janice Medley regarding Protective Order [11-1] (vjt) (Entered: 02/01/2000)
01/31/2000	<u>70</u>	AFFIDAVIT OF CONFIDENTIALITY of Eurlene Robinson regarding Protective Order [11-1] (vjt) (Entered: 02/01/2000)
01/31/2000	<u>71</u>	AFFIDAVIT OF CONFIDENTIALITY of David Fitzpatrick regarding Protective Order [11-1] (vjt) (Entered: 02/01/2000)
01/31/2000	<u>72</u>	AFFIDAVIT OF CONFIDENTIALITY of Kahlil Watkins regarding Protective Order [11-1] (vjt) (Entered: 02/01/2000)
01/31/2000	<u>73</u>	AFFIDAVIT OF CONFIDENTIALITY of Willie Toombs, Jr. regarding Protective Order [11-1] (vjt) (Entered: 02/01/2000)
01/31/2000	<u>74</u>	AFFIDAVIT OF CONFIDENTIALITY of Rashad Atkinson regarding Protective Order [11-1] (vjt) (Entered: 02/01/2000)
01/31/2000	<u>75</u>	AFFIDAVIT OF CONFIDENTIALITY of Carla Droughn regarding Protective Order [11-1] (vjt) (Entered: 02/01/2000)
01/31/2000	<u>76</u>	AFFIDAVIT OF CONFIDENTIALITY of Kirestin Harris regarding Protective Order [11-1] (vjt) (Entered: 02/01/2000)
01/31/2000	<u>77</u>	AFFIDAVIT OF CONFIDENTIALITY of Tamera Williams regarding Protective Order [11-1] (vjt) (Entered: 02/01/2000)
02/01/2000	78	CLERK'S MINUTES: PHONE conference before Chief Judge Susan W Wright; parties are directed to provide certain discovery information to opposing counsel prior to depositions; deft's request that rules be established for phone conferences is denied (Lois Lambert, court reporter) (sjc) (Entered: 02/01/2000)
02/02/2000	<u>79</u>	ORDER by Chief Judge Susan W. Wright in accordance with the telephone conference on 2/1/00, it is hereby ordered as follows: pltfs' motion to shorten time [67-1] is granted in part and denied in part; Sears is directed to serve on pltfs, prior to depositions scheduled for February 9 &10, 2000, all info &documents responsive to pltfs' interogs 86 &87 and corresponding Requests for Production of Documents that Sears currently possesses or obtains prior to depositions; directing Sears to serve on pltfs at this time its response to interrog 88, which requests the identity of the custodian of the REMIS report; pltfs are directed to serve deft, prior to depositions scheduled for February 9 &10, 2000, all info and documents responsive to deft's first set of discovery requests that pltfs currently possess or obtain prior to depositions; pltfs are directed to fully &completely respond to deft's additional discovery requests, which were served on pltfs on 1/24/00; the Court will not require that any party provide two-day written notice to the opposing party regarding any issue to be raised at the weekly conference (cc: all counsel) (vjt) (Entered: 02/04/2000)
02/07/2000	<u>80</u>	MEMORANDUM by pltfs regarding contact with former employees of adverse corporate party (vjt) (Entered: 02/08/2000)
02/07/2000	<u>81</u>	MEMORANDUM of points and authorities by deft regarding ex parte communications with former management employees (vjt) (Entered: 02/08/2000)
02/08/2000	82	CLERK'S MINUTES: PHONE conference before Chief Judge Susan W Wright; submissions have been received regarding contact by pltfs of former employees of deft; the Court advises as to improper ex parte communications by pltfs; the parties and the Court discuss problems with CD information provided to pltfs that is not complete and that defense counsel should contact Sears for information (Lois Lambert, court reporter) (sjc) (Entered: 02/08/2000)
02/09/2000	<u>83</u>	ORDER by Chief Judge Susan W. Wright in accordance with the telephone conference held on 2/8/00, it is hereby ordered as follows: the Court will not prohibit pltfs' counsel from engaging in ex parte communications with any former managerial employee of deft if the purpose of such communication is to gather factual info relevant to this litigation; if however, pltfs' counsel seeks by way of

		any such communication to impute an act or omission of any former managerial employee to deft for purposes of liability in this litigation, or seeks to have any statement by a former managerial employee deemed an admission against deft, then pltfs' counsel should not engage in any ex parte communications with said former managerial employee; given the difficulty of pltfs' counsel in obtaining info concerning the addresses and telephone numbers of deft's former managers from the CD-ROM provided by deft to pltfs' counsel, deft is directed to take any appropriate steps to facilitate the delivery of such info to pltfs' counsel (cc: all counsel) (vjt) (Entered: 02/10/2000)
02/15/2000	84	CLERK'S MINUTES: PHONE conference before Chief Judge Susan Webber Wright; due to incomplete data being provided by deft, the Court will allow an extension to 3/8/00 for pltfs' expert's report; pltfs are having problems interpreting data field codes and are directed to put examples in writing; deft is directed to provide information forthwith to help pltfs understand materials produced; deft's request for an additional 7 days for its expert is denied (Lois Lambert, court reporter) (sjc) (Entered: 02/15/2000)
02/16/2000	<u>85</u>	ORDER by Chief Judge Susan W. Wright, the next teleconf is scheduled for 12:45 2/23/00 ; pltfs are given an extension of until 3/8/00 to provide their expert's report to deft; pltfs are directed to submit the report prior to that time if at all possible, however, the report of deft's expert must be provided to pltfs on or before 3/24/00; the Court directs that pltfs' counsel submit to deft a list setting forth examples of such codes and fields of data that she does not understand; upon receipt of such list, deft is directed to forthwith provide pltfs' counsel with useful and decipherable info that clears up any such confusion and/or to direct pltfs' counsel to the appropriate person or persons who will provide such useful and decipherable info in a deposition (cc: all counsel) (vjt) (Entered: 02/17/2000)
02/18/2000	<u>86</u>	MOTION by pltfs to extend time to respond to contention interrogs (vjt) (Entered: 02/22/2000)
02/18/2000	<u>87</u>	OPPOSITION RESPONSE by deft to pltfs' motion to extend time to respond to first and second combined interrogs and document requests [86-1] (vjt) (Entered: 02/22/2000)
02/22/2000	<u>88</u>	MOTION by pltfs for continuance (vjt) (Entered: 02/23/2000)
02/23/2000	89	CLERK'S MINUTES: PHONE conference before Chief Judge Susan W Wright; pltfs' mot to continue trial is granted and parties are to work out a proposed schedule for class certification motion and the response; pltfs' motion to extend time to respond to contention interrogatories is granted; counsel are to advise Court of anticipated length of trial (Genie Power, court reporter) (sjc) (Entered: 02/23/2000)
02/23/2000	<u>90</u>	RESPONSE by deft to motion for continuance [88-1] (vjt) (Entered: 02/23/2000)
02/25/2000	<u>91</u>	ORDER by Chief Judge Susan W. Wright purs to the telephone conference on 2/23/00, it is hereby ordered as follows: the next telephone conference is set for 2/29/00 @ 12:45 p.m.; pltfs' motion for continuance [88-1] is granted; parties are directed to confer and submit to the Court for approval a new schedule for the filing of pltfs' motion for class certification and deft's response; granting pltfs' motion to extend time until 4/10/00 to respond to contention interrogs [86-1]; pltfs should state with more specificity the subject matter and facts of which that person has personal knowledge regarding any facts or circumstances which refer to or relate to the allegations in the complt; jury trial scheduled for 6/26/00 will be reset by separate order (cc: all counsel) (vjt) (Entered: 02/28/2000)
02/29/2000	92	CLERK'S MINUTES: PHONE conference before Chief Judge Susan W Wright; possible trial dates are discussed and 9/11 is agreed date; conference with counsel to be held week before trial to handle preliminary matters (Lois Lambert, court reporter) (sjc) Modified on 03/01/2000 (Entered: 02/29/2000)
03/01/2000	<u>93</u>	AMENDED SCHEDULING ORDER by Chief Judge Susan W. Wright; jury trial is reset for 9:30 9/11/00 in Little Rock; pretrial info sheet due 8/11/00; all other deadlines remain in effect (cc: all counsel) (vjt) (Entered: 03/02/2000)

03/07/2000	94	CLERK'S MINUTES: PHONE conference before Chief Judge Susan W. Wright; Holly Isaac indicates the parties are working on the schedule previously ordered; pltfs propose to have discovery cut-off date in June, but the Court is not willing to do this and indicates that a motion for extension may be filed for consideration if necessary; if the proposed schedule is not ready by next Tuesday, parties are to submit what they do have (Lois Lambert, court reporter) (sjc) (Entered: 03/07/2000)
03/14/2000	95	CLERK'S MINUTES: PHONE conference before Chief Judge Susan W. Wright; the Court and counsel discuss scheduling deadlines; a scheduling order will issue (Lois Lambert, court reporter) (sjc) (Entered: 03/14/2000)
03/15/2000	<u>96</u>	ORDER by Chief Judge Susan W. Wright in accordance with the telephone conference on 3/14/00, the next telephone conference is scheduled for 12:45 p.m. on Wednesday, March 22, 2000; the following deadlines are to be adhered to by the parties; 3/31/00 – exchange of preliminary witness lists; 4/10/00 – pltfs' response to contention interrogs; 4/17/00 – report by pltfs' expert due, list of any additional witnesses deft might call regarding responses to contention interrogs, and pltfs' deadline to ask to supplement witness list; 4/28/00 – discovery deadline; 5/1/00 – motion for class certification due; May 1st – May 5th – deposition of pltfs' expert; 5/15/00 – report by deft's expert due; May 31st to June 7th – deposition of deft's expert; 6/1/00 – deft's response to motion for class certification; 6/15/00 – reply by pltfs to response; 7/14/00 – dispositive motion due; 7/28/00 – response due; 8/18/00 – pretrial info sheets due; 8/25/00 – motions in limine due; 9/1/00 – responses to motion in limine, proposed jury instr and voir dire questions, stipulation of agreed facts due; 9/5/00 – final witness and exhibit lists due; 9/8/00 – pretrial conference @ 9:30 a.m. (cc: all counsel) (vjt) (Entered: 03/16/2000)
03/22/2000	97	CLERK'S MINUTES: PHONE conference before Chief Judge Susan W. Wright; counsel have no questions concerning order entered on March 15th and have nothing to bring up in this conference; the next phone conference is scheduled for April 3rd at 12:45 p.m. (Lois Lambert, court reporter) (sjc) (Entered: 03/22/2000)
03/27/2000	<u>98</u>	FIRST SET OF REQUESTS for Admissions by pltfs to deft (vjt) (Entered: 03/28/2000)
04/03/2000	99	CLERK'S MINUTES: PHONE conference before Chief Judge Susan W. Wright; pltfs' counsel state concerns about the current discovery deadlines in light of the witness lists exchanged; the Court will not move anything at this time, and parties should try to work this out and, if unable to do so, they should bring it up next week (Carolyn Fant, court reporter) (sjc) (Entered: 04/03/2000)
04/03/2000	<u>100</u>	REQUEST by plaintiffs for admissions (former empl) (Entered: 04/04/2000)
04/07/2000	<u>101</u>	MOTION by pltfs regarding discovery cut-off and witness identification (vjt) (Entered: 04/10/2000)
04/10/2000	102	CLERK'S MINUTES: PHONE conference before Chief Judge Susan W. Wright. After discussions regarding pltfs' mot regarding discovery cut-off and witness identification, the Court directs both sides to identify where possible knowledge of each witness to class issues. With respect to pltfs' mot to enjoin deft from ex parte communication with putative class members, deft is temporarily enjoined pending response to motion. The next conference will be April 19th at 12:45 p.m. (Lois Lambert, court reporter) (sjc) (Entered: 04/10/2000)
04/10/2000	<u>103</u>	MOTION by pltfs to enjoin ex parte communication with putative class members (vjt) (Entered: 04/11/2000)
04/10/2000	<u>104</u>	BRIEF by pltfs in support of motion to enjoin ex parte communication with putative class members [103-1] (vjt) (Entered: 04/11/2000)
04/10/2000	<u>105</u>	ORDER by Chief Judge Susan W. Wright in accordance with the telephone conference held on 4/10/00, it is hereby ordered as follows: the next telephone conference is on 4/19/00 @ 12:45 p.m.; with respect to pltfs' motion regarding discovery cut-off and witness identification [101-1] both sides are directed to identify each witness who has knowledge about class certification issues and about liability issues, i.e., individual claims; otherwise, deft is given until 4/13/00 to file a response to pltfs' motion [101-1]; with respect to pltfs' motion to enjoin ex parte

		communication with putative class members [103-1] deft is temporarily enjoined from contacting putative class members about this lawsuit w/o the Court's approval until further notice; in the meantime, deft is given until 4/14/00 to file a response to pltf's motion [103-1] (cc: all counsel) (vjt) (Entered: 04/11/2000)
04/14/2000	<u>106</u>	OPPOSITION RESPONSE by deft to motion to enjoin ex parte communication with putative class members [103-1] (vjt) (Entered: 04/17/2000)
04/14/2000	<u>107</u>	NOTICE of Motion to Extend the Date for Submitting Supplemental Witness List by deft (vjt) (Entered: 04/17/2000)
04/14/2000	<u>108</u>	MOTION by deft to extend the date for submitting supplemental witness list (vjt) (Entered: 04/17/2000)
04/17/2000	<u>109</u>	REPLY by pltf's to deft's response to motion regarding discovery cut-off and witness identification [101-1] (vjt) (Entered: 04/18/2000)
04/17/2000	<u>109</u>	RESPONSE by pltf to deft's motion to compel (vjt) (Entered: 04/18/2000)
04/19/2000	110	CLERK'S MINUTES: PHONE conference before Chief Judge Susan W. Wright. The Court takes up pltf's mot regarding the discovery cut-off and extends date to July 14th. Deft's mot concerning an extension for supplemental witnesses is denied without prejudice. An order will be issued on pltf's mot for ex parte communications. (Lois Lambert, court reporter) (sjc) (Entered: 04/19/2000)
04/21/2000	<u>111</u>	ORDER by Chief Judge Susan W. Wright that the next telephone conference is hereby scheduled to begin at 12:45 on 4/25/00; the Court will grant pltf's motion for an extension of the discovery cut-off date [101-1] and extend the deadline for the completion of discovery regarding liability issues to 7/14/00, the date that dispositive motions are due; all deadlines concerning class certification issues shall remain as currently scheduled; denying deft's motion to extend the date for submitting supplemental witness list [108-1]; the Court will require the "NOTICE" (as set forth in this Order) to be posted w/in 7 days of the date of entry of this Order in the same manner and in all locations as the memo posted by deft; the Court permanently enjoins deft from posting any other memorandums or notices that would relate in any way to this lawsuit w/o first obtaining this Court's approval; the Court will not at this time enjoin deft from communicating with putative class members; therefore pltf's motion [103-1] is denied at this time; deft may not in any way give false or misleading information or attempt to influence class members in making their decision whether to join or remain in the class (if certified); should such misconduct occur, the Court will entertain a motion for the imposition of sanctions (cc: all counsel) (vjt) (Entered: 04/24/2000)
04/25/2000	112	CLERK'S MINUTES: PHONE conference before Chief Judge Susan W. Wright. Counsel advise there is nothing to take up today, but pltf's indicate a conference may be necessary later in the week. The Court will conduct another phone conference on Wednesday at 2:30 p.m. (Lois Lambert, court reporter) (sjc) (Entered: 04/25/2000)
05/01/2000	<u>113</u>	MOTION by deft to stay enforcement of the April 24, 2000 Order compelling deft to post a corrective notice pending appeal (vjt) (Entered: 05/02/2000)
05/01/2000	<u>114</u>	MEMORANDUM by deft in support of motion to stay enforcement of the April 24, 2000 Order compelling deft to post a corrective notice pending appeal [113-1] (vjt) (Entered: 05/02/2000)
05/01/2000	<u>115</u>	MOTION by pltf's for class certification (vjt) (Entered: 05/02/2000)
05/01/2000	<u>116</u>	BRIEF by pltf's in support of motion for class certification [115-1] (vjt) (Entered: 05/02/2000)
05/01/2000	117	EXHIBITS by pltf's to motion for class certification (FILED UNDER SEAL) (vjt) (Entered: 05/02/2000)
05/02/2000	118	CLERK'S MINUTES: PHONE conference before Chief Judge Susan W. Wright; deft advises that it has filed a motion to stay the order regarding the notice pending appeal; pltf's respond which the Court will consider as an oral response; an order will be issued by the end of the week. (Lois Lambert, court reporter) (sjc) (Entered: 05/02/2000)

		05/02/2000)
05/03/2000	<u>119</u>	RESPONSE by pltfs to Sears' motion to stay enforcement of the April 24, 2000 Order pending appeal [113-1] (vjt) (Entered: 05/03/2000)
05/03/2000	<u>120</u>	BRIEF by pltf in support of response to deft's motion to stay [119-1] (vjt) (Entered: 05/03/2000)
05/03/2000	<u>121</u>	ORDER by Chief Judge Susan W. Wright denying deft's motion to stay enforcement, pending appeal, of the April 24, 2000 Order compelling deft to post a corrective notice [113-1]; however, so that deft may have an opportunity to seek relief with the Court of Appeals for the Eighth Circuit from today's Order, the Court will extend the time by which deft must post the corrective notice; accordingly, unless instructed otherwise by the Eighth Circuit, deft is hereby ordered to fully comply with this Court's April 24th Order [111-1] by posting the corrective notice as therein set forth beginning on or before May 11, 2000 (cc: counsel) (vjt) (Entered: 05/03/2000)
05/03/2000	<u>122</u>	ORDER by Chief Judge Susan W. Wright amending footnote four of the Court's May 3rd Order [121-1] to provide as follows: The Court notes that deft could moot many of the issues addressed in today's Order by agreeing to provide a list of the identities and addresses of all putative class members. Defendant has not agreed to provide such a list, however, thus requiring the posting of a corrective notice to correct any misleading or deterrent effect that may have occurred with the distribution of deft's misleading memo (cc: all counsel) (vjt) (Entered: 05/04/2000)
05/04/2000	123	CLERK'S MINUTES: PHONE conference before Chief Judge Susan W. Wright at deft's request; Dickman states concerns as to footnote four of the Court's orders; after discussion, the Court will amend the corrective notice previously ordered and will issue another order today (Lois Lambert, court reporter) (sjc) (Entered: 05/04/2000)
05/04/2000	<u>124</u>	ORDER by Chief Judge Susan W. Wright granting request that a corrective notice be posted and that the corrective notice as drafted by this Court be amended by inserting a sentence stating that Sears denies the allegations of pltfs' lawsuit; the Court reaffirms its previous Orders in all other respects; unless instructed otherwise by the Eighth Circuit, deft is hereby ordered to fully comply with this Court's April 24th Order [111-1] by posting the corrective notice as therein set forth, and amended by today's Order, beginning on or before May 11, 2000 (cc: all counsel) (vjt) (Entered: 05/04/2000)
05/08/2000	125	TRANSCRIPT (Volume I) of Telephone Conference before the Honorable Susan Webber Wright on 4/19/00 @ 12:45 p.m. (vjt) (Entered: 05/08/2000)
05/08/2000	126	TRANSCRIPT (Volume I) of Telephone Conference before the Honorable Susan Webber Wright on 5/4/00 @ 2:00 p.m. (vjt) (Entered: 05/08/2000)
05/09/2000	127	CLERK'S MINUTES: PHONE conference before Chief Judge Susan W Wright. Counsel advise there is nothing to take up today. There will be no conference next week unless problems arise, and the next conference will be the following Tuesday. (Lois Lambert, court reporter) (sjc) (Entered: 05/09/2000)
05/23/2000	128	CLERK'S MINUTES: PHONE conference before Chief Judge Susan W. Wright. After lengthy discussions regarding deft's answers to pltfs' interrogatories, the Court directs deft to answer interrogatories 89 through 99 and requires deft to produce corresponding documents. Deft is required to answer requests for admissions 1 and 4. (Lois Lambert, court reporter) (sjc) Modified on 05/25/2000 (Entered: 05/24/2000)
05/24/2000	<u>129</u>	MOTION by defendant to supplement witness list (former empl) Modified on 05/25/2000 (Entered: 05/24/2000)
05/24/2000	<u>130</u>	ORDER by Chief Judge Susan W. Wright as set forth during the telephone conference of 5/23/00, deft is ordered to fully answer pltfs' Fourth Set of Interrogatories 89-99 and to produce the documents requested in the corresponding Requests for Production of Documents; if deft has fully answered any of these interrogatories and fully produced the documents requested it should so state where applicable; deft is ordered to fully answer pltfs' First Set of Requests

		for Admission No.'s 1 and 4; Court finds that said interrogatories, requests for production, requests for admissions are not vague and are reasonable calculated to lead to the discovery of admissible evidence and Court is not at this time ruling on whether any such evidence will in fact be admissible (cc: all counsel) (bsm) Modified on 05/25/2000 (Entered: 05/25/2000)
05/30/2000	131	CLERK'S MINUTES: PHONE conference before Chief Judge Susan W. Wright. After discussions that pltfs have discovered that employee identifier numbers provided by deft are not unique to an employee, the Court directs deft to turn over employees' social security numbers or altered numbers to pltfs. Any document filed containing these numbers should be filed under seal. Pltfs suggest a hearing on motion for class certification. Deft does not see the need for such hearing. The Court will not rule on this issue, but pltfs may file a motion requesting a hearing. (Lois Lambert, court reporter) (sjc) (Entered: 05/31/2000)
05/31/2000	<u>132</u>	ORDER by Chief Judge Susan W. Wright directing Sears, w/in 7 days of the date of entry of this Order, to identify for pltfs, all employees who worked in the University Store from 11/4/93 to the end of 1999, by either their social security number or a number based on their social security number; the Court is making no findings at this time with regard to whether pltfs' expert was reasonable in relying on the employee identification numbers as provided by Sears or whether Ms. Spooner's representations regarding said numbers were in good faith; the Court further orders that any pleadings in this matter which include an individual's social security number or altered social security number be filed UNDER SEAL; after redaction of such identifying numbers, the Court will unseal any such pleadings; next telephone conference is scheduled for 2:00 p.m. on Tuesday, June 6, 2000 (cc: all counsel) (vjt) (Entered: 06/01/2000)
05/31/2000	<u>133</u>	MOTION by pltfs for hearing on motion for class certification (vjt) (Entered: 06/01/2000)
06/02/2000	<u>134</u>	MOTION by deft for summary judgment with respect to pltfs' individual claims of discrimination (vjt) (Entered: 06/02/2000)
06/02/2000	<u>135</u>	MEMORANDUM OF LAW by deft in support of motion for summary judgment with respect to pltfs' individual claims of discrimination [134-1] (UNDER SEAL) (REDACTED 6/19/00) (vjt) Modified on 06/21/2000 (Entered: 06/02/2000)
06/02/2000	<u>136</u>	RESPONSE by deft to pltfs' motion for class certification [115-1] (UNDER SEAL) (REDACTED 6/19/00) (vjt) Modified on 06/21/2000 (Entered: 06/02/2000)
06/02/2000	<u>137</u>	MEMORANDUM OF LAW (with Volumes I, II & III of Exhibits) by deft in opposition to pltfs' motion for class certification [115-1] (UNDER SEAL) (REDACTED 6/19/00) (vjt) Modified on 06/21/2000 (Entered: 06/02/2000)
06/02/2000	<u>138</u>	RESPONSE by pltfs to deft's motion to supplement witness list [129-1] (vjt) (Entered: 06/05/2000)
06/05/2000	<u>139</u>	OPPOSITION RESPONSE by deft to pltfs' motion for hearing on motion for class certification [133-1] (vjt) (Entered: 06/06/2000)
06/06/2000	140	CLERK'S MINUTES: PHONE conference before Chief Judge Susan W. Wright. The Court denies pltfs' mot requesting a hearing on the class action issue. Deft's mot to supplement its witness list is granted, and pltfs may supplement their list by June 15th. Pltfs are allowed until June 20th to respond to mot for summary judgment and response to mot for certification. Protective order will be modified by agreement. Deft is to designate material that can be unsealed. (Lois Lambert, court reporter) (sjc) Modified on 06/07/2000 (Entered: 06/06/2000)
06/07/2000	<u>141</u>	ORDER by Chief Judge Susan W. Wright in accordance with the telephone conference held on 6/6/00, it is hereby ordered as follows: pltfs' motion for hearing on motion for class certification [133-1] [115-1] is denied; granting Sears' motion to supplement witness list [129-1] and allowing pltfs until 6/15/00 to supplement their witness list as well; allowing pltfs an extension of until and including 6/20/00 to respond to Sears' motion for summary judgment with respect to pltfs' individual claims of discrimination [134-1]; directing parties, w/in 2 weeks of the date of entry of this Order, to file with the Court a modified Protective Order reflecting

		that any tests disclosed to pltfs' counsel purs to discovery will not be copied or disseminated by pltfs' counsel to anyone other than their expert, and will only be shown to a named pltf or a putative class member for the purpose of determining whether that named pltf or putative class member has taken any such test; within 2 weeks of the date of entry of this Order, counsel for Sears are to determine what documents currently under seal should be unsealed and shall refile said documents for the public record (cc: all counsel) (vjt) (Entered: 06/07/2000)
06/13/2000	142	CLERK'S MINUTES: PHONE conference before Chief Judge Susan W. Wright. Counsel advise Court there is nothing to take up today. (Lois Lambert, court reporter) (sjc) (Entered: 06/13/2000)
06/15/2000	<u>143</u>	REPLY BRIEF by plaintiffs regarding Class Certification [115-1] (bsm) (Entered: 06/16/2000)
06/15/2000	<u>144</u>	ADDITIONAL EXHIBITS filed by plaintiffs in support of motion for class certification [115-1] (bsm) (Entered: 06/16/2000)
06/15/2000	<u>145</u>	MOTION by plaintiffs for leave to file their first amended complt and join additional parties (bsm) (Entered: 06/16/2000)
06/15/2000	<u>146</u>	BRIEF by plaintiffs in support of motion for leave to file their first amended complt and join additional parties [145-1] (bsm) (Entered: 06/16/2000)
06/20/2000	147	CLERK'S MINUTES: PHONE conference before Chief Judge Susan W. Wright. Counsel have nothing to take up today. Defendant inquires if Court will give a date for ruling on mot for class certification. The Court will not do so. (Lois Lambert, court reporter) (sjc) (Entered: 06/20/2000)
06/20/2000	<u>148</u>	RESPONSE by pltfs to Sears' motion for summary judgment [134-1] (Volume of Exhibits 1-36 UNDER SEAL) (vjt) (Entered: 06/21/2000)
06/20/2000	149	BRIEF by pltfs in support of response to deft's motion for summary judgment [148-1] (FILED UNDER SEAL) (vjt) (Entered: 06/21/2000)
06/20/2000	150	STATEMENT OF FACTS (Local Rule 56.1) by pltfs in support of response to deft's motion for summary judgment [148-1] (FILED UNDER SEAL) (vjt) (Entered: 06/21/2000)
06/22/2000	<u>151</u>	MOTION by defendant to strike third version of pltfs' expert's report (bsm) (Entered: 06/22/2000)
06/23/2000	<u>152</u>	MODIFIED STIPULATED PROTECTIVE ORDER by Chief Judge Susan W. Wright, upon stipulation of the parties, in order to enhance the efficiency and timely advancement of this action, will protect from disclosure the confidential information of the parties hereto (cc: all counsel) (vjt) (Entered: 06/26/2000)
06/26/2000	153	CLERK'S MINUTES: PHONE conference before Chief Judge Susan W. Wright; pltfs state argument with respect to motion to amend complaint that they do not want to lose right to equitable relief; after short discussion, the parties have nothing further to take up today (Lois Lambert, court reporter) (sjc) (Entered: 06/26/2000)
06/26/2000	154	STATEMENT OF FACTS (Local Rule 56.1) by deft in support of motion for summary judgment [134-1] (UNDER SEAL) (vjt) Modified on 07/13/2004 (Entered: 06/27/2000)
06/26/2000	<u>155</u>	SUPPLEMENTAL MOTION by deft to strike third version of pltfs' expert's report (vjt) (Entered: 06/27/2000)
06/26/2000	<u>156</u>	OPPOSITION RESPONSE by deft to pltfs' motion for leave to file first amended complt and join additional parties [145-1] (vjt) (Entered: 06/27/2000)
06/30/2000	<u>157</u>	RESPONSE by pltfs to deft's motion to strike third version of pltfs' expert's report [151-1] (vjt) (Entered: 07/03/2000)
06/30/2000	<u>158</u>	BRIEF by pltfs in support of response to deft's motion to strike third version of pltfs' expert's report [157-1] (vjt) (Entered: 07/03/2000)

06/30/2000	<u>159</u>	COMBINED RESPONSE and Brief by pltfs to def't's submission of statement of material facts [154-1] (vjt) (Entered: 07/03/2000)
07/03/2000	<u>160</u>	MEMORANDUM AND ORDER by Chief Judge Susan W. Wright denying Sears' motion for summary judgment with respect to pltfs' individual claims of discrimination [134-1]; finding that pltfs have satisfied the requirements of Fed.R.Civ.P.23(a) and (b)(2) and that their motion for class certification [115-1] is hereby granted as modified by today's Order; the Court hereby certifies a class consisting of current and former non-White hourly employees of Sears' University Store who allegedly have been discriminated against by Sears' employment practices in job assignment or placement, pay and promotion in the manner and time periods set forth above (cc: all counsel) (vjt) (Entered: 07/05/2000)
07/05/2000	161	CLERK'S MINUTES: PHONE conference before Chief Judge Susan W. Wright. Counsel are advised that all discovery matters will be referred to Magistrate Judge Jones until the end of the month due to Court's absence. The Court states how it will rule on certain outstanding motions. The parties discuss the issue of a stay pending interlocutory appeal which the Court would be inclined to grant. The parties have nothing further. (Lois Lambert, court reporter) (sjc) (Entered: 07/05/2000)
07/05/2000	<u>162</u>	ORDER by Chief Judge Susan W. Wright in accordance with the telephone conference held on 7/5/00, the Court grants in part and denies in part pltfs' motion for leave to file their first amended complt and join additional parties [145-1]; pltfs are allowed to amend the allegations to include discrimination in Sears' evaluation process, but will not allow pltfs to add additional pltfs that are representative of other employees in jobs and pay plans other than those for hourly salespersons; the Court denies def't's motion [151-1] and supplement to its motion to strike the third version of pltfs' expert's report [155-1]; def't is allowed to rebut pltfs' expert latest report, and to redepose pltfs' expert; parties are to confer in good faith on the time and place of any further depositions; should the parties be unable to agree on the time and/or date of any further depositions, the Court will resolve the matter (cc: all counsel) (vjt) (Entered: 07/06/2000)
07/06/2000	163	Telephone Conference on 7/5/00 before the Honorable Susan Webber Wright (bsm) (Entered: 07/07/2000)
07/06/2000	<u>164</u>	ORDER by Chief Judge Susan W. Wright referring to Magistrate Judge Henry L. Jones for determination of any motions concerning discovery which may be filed between today's date and July 28, 2000 (cc: all counsel) (bsm) (Entered: 07/07/2000)
07/10/2000	165	MEMO TO FILE (DOC): pages 28, 40, 45, and 48 of the Memorandum and Order dated and filed July 3, 2000, and entered July 5, 2000 [160-1] are corrected to reflect the proper sequence of letters in the subheadings; specifically, on page 28, "D.Rule 23(a)" is corrected to "E.Rule 23(a)"; page 40, "E.Rule 23(b)(2)" is corrected to "F.Rule 23(b)(2)"; page 45, "F.Burden of Proof" is corrected to "G.Burden of Proof"; and page 48, "G.Appeal pursuant to Rule 23(f)" is corrected to "H.Appeal pursuant to Rule 23(f)" (vjt) (Entered: 07/10/2000)
07/14/2000	<u>166</u>	FIRST AMENDED complaint – class action [1-1] by pltfs (vjt) (Entered: 07/17/2000)
07/21/2000	<u>167</u>	MOTION by Aida M. Alaka to appear pro hac vice for Sears (vjt) (Entered: 07/24/2000)
07/25/2000		DOCKETING LETTER: 8 USCA Number 00-8015; petition for permission to appeal pursuant to FRCvP23 (f) has been filed (2 docket sheets forwarded to Clerk USCA8) (dac) (Entered: 07/25/2000)
07/28/2000	<u>168</u>	ANSWER by def't to first amended complt and additional defenses [166-1] (vjt) (Entered: 07/31/2000)
07/31/2000	<u>169</u>	ORDER by Chief Judge Susan W. Wright granting motion by Aida M. Alaka to appear pro hac vice for Sears [167-1] (cc: all counsel) (former empl) (Entered: 08/01/2000)

08/02/2000	<u>170</u>	MOTION by pltf's for clarification as to the scope of persons protected by the Court's July 3, 2000 Order (vjt) (Entered: 08/03/2000)
08/02/2000	<u>171</u>	MEMORANDUM OF LAW by pltf's in support of motion for clarification as to the scope of persons protected by the Court's July 3, 2000 Order [170-1] (vjt) (Entered: 08/03/2000)
08/10/2000	<u>172</u>	MANDATE from 8 USCA motion for stay is denied; petition for permission to take an interlocutory appeal is denied (dac) (Entered: 08/10/2000)
08/10/2000	<u>173</u>	MOTION by defendant to continue jury trial lej) (Entered: 08/11/2000)
08/14/2000	<u>174</u>	OPPOSITION RESPONSE by def't to pltf's' motion for clarification as to the scope of persons protected by the Court's July 3, 2000 Order [170-1] (vjt) (Entered: 08/15/2000)
08/17/2000	175	CLERK'S MINUTES: PHONE conference before Chief Judge Susan W. Wright to take up def't's motion for a continuance of the trial. Plaintiffs concur that a continuance would be beneficial, and the Court will grant the motion. The Court also takes up pltf's' mot for clarification and, after discussion, states that it will withhold ruling at this time. The new trial date will be April 2nd with new pre-trial deadlines. (Lois Lambert, court reporter) (sjc) (Entered: 08/17/2000)
08/21/2000	<u>176</u>	AMENDED SCHEDULING ORDER by Chief Judge Susan W. Wright granting def't's motion to continue trial [173-1]; jury trial is reset for 9:30 4/2/01 in Little Rock; pretrial info sheet due 3/2/01; all other deadlines remain as previously scheduled (cc: all counsel) (vjt) (Entered: 08/22/2000)
10/26/2000	<u>177</u>	STATUS REPORT by pltf's requesting the Court to lift its abeyance on the ruling for Motion for Clarification; pltf's then will submit to the Court for approval direct notices, notice by publication, and a request to opt out form (vjt) (Entered: 10/26/2000)
11/30/2000	<u>178</u>	ORDER by Chief Judge Susan W. Wright denying motion for clarification as to the scope of persons protected by the Court's July 3, 2000 Order [170-1] (cc: all counsel) (bmt) (Entered: 11/30/2000)
12/06/2000	<u>179</u>	STATUS REPORT by Sears Roebuck & Co (bsm) (Entered: 12/07/2000)
12/06/2000	<u>180</u>	MOTION by plaintiffs for approval of form of notice to Class Members (bsm) (Entered: 12/07/2000)
12/11/2000	181	CLERK'S MINUTES: PHONE conference before Chief Judge Susan W. Wright with counsel regarding the status report submitted by def't; def't believes that a date should be set for advising the Court of result of any settlement negotiations; the Court advises def't to address this in response to pltf's' mot for approval of notice to class; pltf's will have 5 days to respond (Lois Lambert, court reporter) (sjc) (Entered: 12/11/2000)
12/18/2000	<u>182</u>	RESPONSE by def't to pltf's' motion for approval of form of notice to Class Members [180-1] (vjt) (Entered: 12/19/2000)
12/20/2000	<u>183</u>	REPLY by pltf's to def't's response to pltf's' motion for approval of form of notice to Class Members [180-1] (vjt) (Entered: 12/21/2000)
01/09/2001	<u>184</u>	ORDER by Chief Judge Susan W. Wright granting pltf's' motion for approval of form of notice to Class Members [180-1] as set forth in this Order; the back-end date that closes class membership shall be 7/14/00, the discovery cut-off date for liability issues as established by the Court's Order entered 4/24/00 (doc.#111); regarding current employee addresses, Sears should furnish pltf's with the addresses in an acceptable format no later than the close of business on Wednesday, January 17, 2001 (cc: all counsel) (vjt) (Entered: 01/10/2001)
02/05/2001	185	CLERK'S MINUTES: PHONE conference before Chief Judge Susan W. Wright regarding the parties request for extending the time for publishing notice to the class; after discussions concerning any settlement prospects, counsel are to advise the Court by February 9th if the case has settled (Lois Lambert, court reporter) (sjc) (Entered: 02/05/2001)

02/06/2001	<u>186</u>	ORDER by Chief Judge Susan W. Wright giving the parties until the close of business on Friday, February 9, 2001, to file a pleading notifying the Court that this case has or has not settled; should this case fail to settle, the parties are notified that trial will proceed as scheduled on 4/2/01; the Court will schedule a telephone conference for the week of 2/12/01 to discuss these and any other issues that may be appropriate for discussion (cc: all counsel) (vjt) (Entered: 02/07/2001)
03/12/2001	<u>187</u>	MOTION by pltf's for preliminary approval and enforcement of settlement agreement (vjt) (Entered: 03/13/2001)
03/12/2001	<u>188</u>	BRIEF by pltf's in support of motion for preliminary approval and enforcement of settlement agreement [187-1] (vjt) (Entered: 03/13/2001)
03/28/2001	<u>189</u>	MOTION by def't to extend time to respond to pltf's motion to enforce settlement agreement (vjt) (Entered: 03/29/2001)
03/29/2001	<u>190</u>	ORDER by Chief Judge Susan W. Wright granting def't's motion to extend time until 4/12/01 to respond to pltf's motion to enforce settlement agreement [189-1] [187-1] (cc: all counsel) (vjt) (Entered: 03/29/2001)
04/12/2001	<u>191</u>	SECOND MOTION by def't to extend time to respond to pltf's motion to enforce settlement agreement (vjt) (Entered: 04/13/2001)
04/13/2001	<u>192</u>	ORDER by Chief Judge Susan W. Wright granting def't's motion to extend time until 4/19/01 to respond to pltf's motion to enforce settlement agreement [191-1] [187-1] (cc: all counsel) (vjt) (Entered: 04/16/2001)
04/19/2001	<u>193</u>	THIRD MOTION by def't to extend time to respond to pltf's motion to enforce settlement agreement (vjt) (Entered: 04/20/2001)
04/23/2001	<u>194</u>	ORDER by Chief Judge Susan W. Wright granting def't's motion to extend time until 4/25/01 to respond to pltf's motion to enforce settlement agreement [193-1] [187-1] (cc: all counsel) (vjt) (Entered: 04/24/2001)
05/03/2001	<u>195</u>	JOINT MOTION by pltf's for approval of settlement agreement (vjt) (Entered: 05/03/2001)
05/17/2001	<u>196</u>	ORDER by Chief Judge Susan W. Wright that joint motion for approval of settlement agreement is preliminarily approved [195-1] and attached to this Order; Court will in due course consult with the parties regarding a date for a fairness hearing and other matters requiring the Court's attention; finding the motion for preliminary approval and enforcement of settlement agreement moot and need not be addressed [187-1]; Clerk is directed to remove from pending motions report (cc: all counsel) (bsm) Modified on 05/18/2001 (Entered: 05/18/2001)
06/05/2001	<u>197</u>	CLERK'S MINUTES: PHONE conference before Chief Judge Susan W. Wright with counsel to discuss issue of fairness hearing with respect to the settlement to which the Court has given preliminary approval; parties have agreed on notice; fairness hearing is scheduled for 8/17/01 at 9:30 a.m. which will be handled by this Court (Lois Lambert, court reporter) (sjc) (Entered: 06/05/2001)
08/15/2001	<u>198</u>	NOTICE by plaintiffs of filing of Report of Class Council (bsm) Modified on 08/21/2001 (Entered: 08/17/2001)
08/15/2001	<u>199</u>	PROOF OF PUBLICATION of: Notice of Settlement Class Action (bsm) Modified on 08/21/2001 (Entered: 08/17/2001)
08/15/2001	<u>200</u>	PROOF OF MAILING AND AFFIDAVIT of Richard H. Redfern by plaintiffs concerning mailed notice of proposed settlement of class action [199-1] (bsm) Modified on 08/21/2001 (Entered: 08/17/2001)
08/17/2001	<u>201</u>	CLERK'S MINUTES: FAIRNESS hearing before Chief Judge Susan W. Wright; counsel advise re: returned mailings, etc., pertaining to notice to parties; counsel have prepared an order approving settlement which the Court will review (Lois Lambert, court reporter) (sjc) Modified on 08/21/2001 (Entered: 08/17/2001)
08/17/2001	<u>202</u>	ORDER APPROVING SETTLEMENT AGREEMENT by Chief Judge Susan W. Wright, for the reasons stated in this Order, the Settlement Agreement is approved and the Court simultaneously enters a separate Judgment and Order of Dismissal

		regarding the further disposition of this case (cc: all counsel) (vjt) (Entered: 08/21/2001)
08/17/2001	<u>203</u>	JUDGMENT AND ORDER OF DISMISSAL: by Chief Judge Susan W. Wright, the parties are directed to comply with the terms of the Settlement Agreement as part of this Judgment and Order of Dismissal; the case is dismissed w/prej in its entirety; w/o affecting the finality of this Judgment, the Court retains continuing jurisdiction for a period of one year from the Effective Date of the Settlement Agreement over (a) implementation of the Settlement Agreement, (b) the parties hereto for the purposes of enforcing and administering the Settlement Agreement, and (c) the qualified settlement fund; terminating case (cc: all counsel) (vjt) (Entered: 08/21/2001)