

**U.S. District Court
DISTRICT OF ARIZONA (Phoenix Division)
CIVIL DOCKET FOR CASE #: 2:06-cv-00926-SMM**

Equal Employment Opportunity Commission v. Autozone, Inc.
Assigned to: Judge Stephen M McNamee
Case in other court: Ninth Circuit, 09-16860
Ninth Circuit, 09-17149
Ninth Circuit, 10-15059

Date Filed: 03/30/2006
Date Terminated: 06/11/2009
Jury Demand: Plaintiff
Nature of Suit: 442 Civil Rights: Jobs
Jurisdiction: U.S. Government Plaintiff

Cause: 42:2000e Job Discrimination (Employment)

Plaintiff

**Equal Employment Opportunity
Commission**

represented by **Katherine J Kruse**
EEOC
3300 N Central Ave
Ste 690
Phoenix, AZ 85012-1848
602-640-5029
Fax: 602-640-5009
Email: katherine.kruse@eeoc.gov
TERMINATED: 03/09/2009
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

D Andrew Winston
EEOC
303 E 17th Ave
Ste 410
Denver, CO 80203
303-866-1361
Fax: 303866-1375
Email: Andrew.Winston@eeoc.gov
ATTORNEY TO BE NOTICED

Guy David Knoller
EEOC
3300 N Central Ave
Ste 690
Phoenix, AZ 85012
602-640-5067
Fax: 602-640-5009
Email: guy.knoller@eeoc.gov
ATTORNEY TO BE NOTICED

Mary Joleen O'Neill
Equal Employment Opportunity
Commission - Phoenix, AZ
3300 N Central Ave., Ste. 690
Phoenix, AZ 85012-1848
602-640-5044
Fax: 602-640-5009
Email: mary.oneill@eeoc.gov
ATTORNEY TO BE NOTICED

P David Lopez
EEOC
3300 N Central Ave
Ste 690
Phoenix, AZ 85012-1848
602-640-5016
Fax: 602-640-5009

Email: patrick.lopez@eeoc.gov
ATTORNEY TO BE NOTICED

Sally Clifford Shanley
Equal Employment Opportunity
Commission – Phoenix, AZ
3300 N Central Ave., Ste. 690
Phoenix, AZ 85012–1848
602–640–5007
Fax: 602–640–5009
Email: sally.shanley@eeoc.gov
ATTORNEY TO BE NOTICED

V.

Defendant

AutoZone Incorporated
a Nevada Corporation

represented by **Donald Peder Johnsen**
Gallagher & Kennedy PA
2575 E Camelback Rd., Ste. 1100
Phoenix, AZ 85016–9225
602–530–8000
Fax: 602–530–8500
Email: DPJ@gknet.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Laurie M Chess ,
Jones Walker Waechter Poitevent Carrere
& Denegre LLP
601 Brickell Key Dr
Ste 500
Miami, FL 33131
305–679–5728
Fax: 305–679–5710
Email: lchess@joneswalker.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Suzanne M Risey
Fritel Partridge LC
1100 Poydras St
Ste 3600
New Orleans, LA 70163
504–599–8000
Fax: 504–599–8264
Email: srisey@fritelpartridge.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Tracy E Kern
Jones Walker LLP
201 St Charles Ave., Fl. 50
New Orleans, LA 70170–5100
504–582–8134
Fax: 504–589–8134
Email: tkern@joneswalker.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
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03/30/2006	<u>1</u>	COMPLAINT, filed by Equal Employment Opportunity Commission. (Attachments: # <u>1</u> Civil Cover Sheet)(Kruse, Katherine) (Entered: 03/30/2006)
03/30/2006		This case has been assigned to the Honorable Stephen M. McNamee. All future pleadings or documents should bear the correct case number: CV06-926-PHX-SMM. (entered by JIR) (Entered: 04/03/2006)
04/03/2006	<u>2</u>	Summons Issued as to Autozone, Inc.. (JIR) (Entered: 04/03/2006)
04/10/2006	<u>3</u>	Standard Civil Track Initial ORDER . Signed by Judge Stephen M McNamee on 4/10/2006. (TCA,) (Entered: 04/12/2006)
04/17/2006	<u>4</u>	SUMMONS Returned Executed by Equal Employment Opportunity Commission. Autozone, Inc. served on 4/6/2006, answer due 4/26/2006. (Kruse, Katherine) (Entered: 04/17/2006)
04/25/2006	<u>5</u>	ANSWER to Complaint by Autozone, Inc..(Johnsen, Donald) (Entered: 04/25/2006)
04/25/2006	<u>6</u>	Corporate Disclosure Statement by Autozone, Inc.. (Johnsen, Donald) (Entered: 04/25/2006)
05/16/2006	<u>7</u>	MOTION for Admission Pro Hac Vice by Tracy E Kern on behalf of Autozone, Inc.. (BAS,) (Entered: 05/16/2006)
05/16/2006	<u>8</u>	ORDER pursuant to General Order 05-25 granting <u>7</u> Motion for Admission Pro Hac Vice.Per the Court's Administrative Policies and Procedures Manual, applicant has five (5) days in which to register as a user of the Electronic Filing System. Registration to be accomplished via the court's website at www.azd.uscourts.gov. (BAS,)(This is a TEXT ENTRY ONLY. There is no.pdf document associated with this entry.) (Entered: 05/16/2006)
05/16/2006	<u>9</u>	MOTION for Admission Pro Hac Vice by Suzanne M Risey on behalf of Autozone, Inc.. (BAS,) (Entered: 05/16/2006)
05/16/2006	<u>10</u>	ORDER pursuant to General Order 05-25 granting <u>9</u> Motion for Admission Pro Hac Vice.Per the Court's Administrative Policies and Procedures Manual, applicant has five (5) days in which to register as a user of the Electronic Filing System. Registration to be accomplished via the court's website at www.azd.uscourts.gov. (BAS,)(This is a TEXT ENTRY ONLY. There is no.pdf document associated with this entry.) (Entered: 05/16/2006)
06/27/2006	<u>11</u>	Notice re Preparedness for Scheduling Conference by Equal Employment Opportunity Commission re <u>3</u> Order (Kruse, Katherine) (Entered: 06/27/2006)
07/03/2006	<u>12</u>	ORDER Scheduling Conference set for 8/17/2006 04:00 PM in Courtroom 605, 401 West Washington Street, Phoenix, AZ 85003 before Judge Stephen M McNamee.. Signed by Judge Stephen M McNamee on 7/3/2006. (TCA,) (Entered: 07/03/2006)
08/10/2006	<u>13</u>	REPORT re: Rule 26(f) Planning Meeting by Equal Employment Opportunity Commission. (Kruse, Katherine) (Entered: 08/10/2006)
08/16/2006	<u>14</u>	Notice re Service of Intital Disclosure Statement by Equal Employment Opportunity Commission (Kruse, Katherine) (Entered: 08/16/2006)
08/17/2006	<u>15</u>	Notice re Service of Defendant's Rule 26 Initial Disclosures by Autozone, Inc. (Johnsen, Donald) (Entered: 08/17/2006)
08/17/2006	<u>16</u>	Minute Entry (text only entry) for proceedings held before Judge Stephen M McNamee : Apr. Katherine Kruse for pla, pla present, Donald Johnsen/Tracy Kern for dft, client Rep Robert Gomez presentScheduling Conference held on 8/17/2006. Pretrial Conference set for 10/3/2007 04:00 PM in Courtroom 605, 401 West Washington Street, Phoenix, AZ 85003 before Judge Stephen M McNamee. Court order to follow.(Court Reporter Gary Moll.) (TCA,) (Entered: 08/18/2006)
08/22/2006	<u>17</u>	RULE 16 SCHEDULING ORDER: Discovery due by 7/27/2007. Dispositive motions due by 9/14/2007. Final Pretrial Conference set for 10/3/2007 04:00 PM before Judge Stephen M McNamee. Signed by Judge Stephen M McNamee on 8/17/06. (LCF) (Entered: 08/22/2006)

08/28/2006	<u>18</u>	Notice re Service of First Request for Production of Documents by Equal Employment Opportunity Commission (Kruse, Katherine) (Entered: 08/28/2006)
09/27/2006	<u>19</u>	Notice re Service of Defendant's Responses to EEOC's First Request for Production of Documents by Autozone, Inc. (Risey, Suzanne) (Entered: 09/27/2006)
10/11/2006	<u>20</u>	Notice re Service of Defendant's Supplemental Responses to EEOC's First Request for Production of Documents by Autozone, Inc. (Risey, Suzanne) (Entered: 10/11/2006)
10/20/2006	<u>21</u>	Notice re Service of Defendant's First Interrogatories and First Request for Production of Documents to Plaintiff by Autozone, Inc. (Risey, Suzanne) (Entered: 10/20/2006)
12/22/2006	<u>22</u>	Notice re Service of Responses to Defendant's First Discovery Requests by Equal Employment Opportunity Commission (Kruse, Katherine) (Entered: 12/22/2006)
04/10/2007	<u>23</u>	NOTICE of Change of Address by Tracy E Kern (Kern, Tracy) (Entered: 04/10/2007)
04/12/2007	<u>24</u>	NOTICE of Deposition of AutoZone, Inc. pursuant to Fed. R. Civ. P. 30(b)(6), filed by Equal Employment Opportunity Commission. (Kruse, Katherine) (Entered: 04/12/2007)
04/18/2007	<u>25</u>	Notice re Service of First Set of Interrogatories by Equal Employment Opportunity Commission (Kruse, Katherine) (Entered: 04/18/2007)
04/24/2007	<u>26</u>	Notice re of Service of Defendant's Notice of Deposition by Autozone, Inc. (Kern, Tracy) (Entered: 04/24/2007)
04/29/2007	<u>27</u>	First MOTION for Extension of Time for Deadlines on Discovery, Dispositive Motions, and Pretrial Conference by Equal Employment Opportunity Commission. (Attachments: # <u>1</u> Text of Proposed Order)(Kruse, Katherine) (Entered: 04/29/2007)
04/30/2007	<u>28</u>	ORDER granting <u>27</u> Motion for Extension of Time;Discovery due by 9/14/2007, Dispositive motions due by 11/2/2007, Final Pretrial Conference is re-set to 11/20/07 at 4:00, 10/3/07 Final Pretrial Conference is vacated. Signed by Judge Stephen M McNamee on 4/30/07.(LSP) (Entered: 04/30/2007)
05/22/2007	<u>29</u>	NOTICE of Appearance by P David Lopez on behalf of Equal Employment Opportunity Commission (Lopez, P) (Entered: 05/22/2007)
06/05/2007	<u>30</u>	Notice re Service of Defendant's Answers to Plaintiff's First Set of Interrogatories by Autozone, Inc. (Kern, Tracy) (Entered: 06/05/2007)
06/11/2007	<u>31</u>	NOTICE of Deposition of Scott Anderson, filed by Equal Employment Opportunity Commission. (Kruse, Katherine) (Entered: 06/11/2007)
06/11/2007	<u>32</u>	NOTICE of Deposition of Kirk Carter, filed by Equal Employment Opportunity Commission. (Kruse, Katherine) (Entered: 06/11/2007)
06/11/2007	<u>33</u>	NOTICE of Deposition of Brian Slaughter, filed by Equal Employment Opportunity Commission. (Kruse, Katherine) (Entered: 06/11/2007)
06/11/2007	<u>34</u>	NOTICE of Deposition of Donna Porter, filed by Equal Employment Opportunity Commission. (Kruse, Katherine) (Entered: 06/11/2007)
06/14/2007	<u>35</u>	Notice re of Service of Notice of Deposition by Autozone, Inc. (Kern, Tracy) (Entered: 06/14/2007)
06/14/2007	<u>36</u>	Notice re of Service of Defendant's Third Supplemental Responses to Plaintiff's First Request for Production of Documents by Autozone, Inc. (Kern, Tracy) Modified on 6/15/2007, INCORRECT PDF DOCUMENT ATTACHED. ATTORNEY REFILED AT <u>37</u> , (LSP). (Entered: 06/14/2007)
06/14/2007	<u>37</u>	Notice re of Service of Defendant's Third Supplemental Responses to Plaintiff's First Request for Production of Documents [CORRECTED] by Autozone, Inc. re <u>36</u> Other Notice (Kern, Tracy) (Entered: 06/14/2007)
06/19/2007	<u>38</u>	AMENDED DOCUMENT by Equal Employment Opportunity Commission. Amendment to <u>32</u> Notice of Deposition of <i>Kirk Carter</i> . (Kruse, Katherine) (Entered: 06/19/2007)

06/19/2007	<u>39</u>	AMENDED DOCUMENT by Equal Employment Opportunity Commission. Amendment to <u>34</u> Notice of Deposition of <i>Donna Porter</i> . (Kruse, Katherine) (Entered: 06/19/2007)
06/25/2007	<u>40</u>	NOTICE of Deposition of Staci Saucier, filed by Equal Employment Opportunity Commission. (Lopez, P) (Entered: 06/25/2007)
07/06/2007	<u>41</u>	MOTION for Admission Pro Hac Vice as to attorney Laurie M Chess on behalf of Autozone, Inc. (BAS,) (Entered: 07/09/2007)
07/09/2007		PRO HAC VICE FEE PAID. \$ 100, receipt number PHX059752 as to Laurie M Chess. (BAS,) (Entered: 07/09/2007)
07/09/2007	<u>42</u>	ORDER pursuant to General Order 05-25 granting <u>41</u> Motion for Admission Pro Hac Vice. Per the Court's Administrative Policies and Procedures Manual, applicant has five (5) days in which to register as a user of the Electronic Filing System. Registration to be accomplished via the court's website at www.azd.uscourts.gov. (BAS,) (This is a TEXT ENTRY ONLY. There is no.pdf document associated with this entry.) (Entered: 07/09/2007)
07/09/2007	<u>43</u>	NOTICE of Deposition of AutoZone, Inc., filed by Equal Employment Opportunity Commission. (Kruse, Katherine) (Entered: 07/09/2007)
07/30/2007	<u>44</u>	Notice re of Service of Defendant's Second Set of Interrogatories, Second Request for Production of Documents, and Request for Admissions by Autozone, Inc. (Kern, Tracy) (Entered: 07/30/2007)
08/08/2007	<u>45</u>	STIPULATION to Extend Deadlines by Autozone, Inc.. (Attachments: # <u>1</u> Text of Proposed Order)(Johnsen, Donald) (Entered: 08/08/2007)
08/10/2007	<u>46</u>	ORDER denying <u>45</u> STIPULATION to Extend Deadlines. Signed by Judge Stephen M McNamee on 8/9/07. (LSP) (Entered: 08/10/2007)
08/16/2007	<u>47</u>	Notice re Service of Discovery by Equal Employment Opportunity Commission <i>1st Request for Admission, 2nd Set of Request for Production and 2nd Set of Interrogatories</i> (Kruse, Katherine) (Entered: 08/16/2007)
08/16/2007	<u>48</u>	NOTICE of Deposition of Joe Acuna, filed by Equal Employment Opportunity Commission. (Kruse, Katherine) (Entered: 08/16/2007)
08/16/2007	<u>49</u>	NOTICE of Deposition of Josh Arias, filed by Equal Employment Opportunity Commission. (Kruse, Katherine) (Entered: 08/16/2007)
08/16/2007	<u>50</u>	NOTICE of Deposition of Hector Barajas, filed by Equal Employment Opportunity Commission. (Kruse, Katherine) (Entered: 08/16/2007)
08/16/2007	<u>51</u>	NOTICE of Deposition of Ibis Miranda, filed by Equal Employment Opportunity Commission. (Kruse, Katherine) (Entered: 08/16/2007)
08/16/2007	<u>52</u>	NOTICE of Deposition of Johnnie Millan, filed by Autozone, Inc.. (Chess, Laurie) (Entered: 08/16/2007)
08/16/2007	<u>53</u>	NOTICE of Deposition of Mariano Chaffino, filed by Autozone, Inc.. (Chess, Laurie) (Entered: 08/16/2007)
08/16/2007	<u>54</u>	NOTICE of Deposition of Howard Brown, filed by Equal Employment Opportunity Commission. (Kruse, Katherine) (Entered: 08/16/2007)
08/16/2007	<u>55</u>	NOTICE of Deposition of Staci Saucier, filed by Equal Employment Opportunity Commission. (Kruse, Katherine) (Entered: 08/16/2007)
08/20/2007	<u>56</u>	NOTICE of Deposition of Brian Goddard, filed by Equal Employment Opportunity Commission. (Kruse, Katherine) (Entered: 08/20/2007)
08/20/2007	<u>57</u>	Notice re First Supplemental Disclosure Statement by Equal Employment Opportunity Commission (Kruse, Katherine) (Entered: 08/20/2007)
08/21/2007	<u>58</u>	NOTICE of Deposition of Janine Wing, filed by Autozone, Inc.. (Chess, Laurie) (Entered: 08/21/2007)

08/21/2007	<u>59</u>	NOTICE of Deposition of Stacy Wing, filed by Autozone, Inc.. (Chess, Laurie) (Entered: 08/21/2007)
08/31/2007	<u>60</u>	Third MOTION for Extension of Time discovery, dispositive motions, pretrial conference by Equal Employment Opportunity Commission. (Attachments: # <u>1</u> Text of Proposed Order)(Kruse, Katherine) (Entered: 08/31/2007)
09/05/2007	<u>61</u>	ORDER denying <u>60</u> Motion to Extend Discovery. Signed by Judge Stephen M McNamee on 9/4/07.(MAP) (Entered: 09/05/2007)
09/06/2007	<u>62</u>	Notice re of Service of Defendant's Responses to Plaintiff's First Request for Admissions by Autozone, Inc. (Kern, Tracy) (Entered: 09/06/2007)
09/07/2007	<u>63</u>	Notice by Equal Employment Opportunity Commission <i>Service of Responses to Defendant's 1st Set of Admissions, 2nd Request for Production of Documents and 2nd Set of Interrogatories</i> (Kruse, Katherine) (Entered: 09/07/2007)
09/10/2007	<u>64</u>	Notice re Notice of Cancellation by Autozone, Inc. re <u>59</u> Notice of Deposition of <i>Stacy Wing</i> (Chess, Laurie) (Entered: 09/10/2007)
09/10/2007	<u>65</u>	Notice re Re-Notice of Telephone Deposition by Autozone, Inc. re <u>58</u> Notice of Deposition of <i>Janine Wing</i> (Chess, Laurie) (Entered: 09/10/2007)
09/10/2007	<u>66</u>	Notice by Equal Employment Opportunity Commission <i>Second Supplemental Disclosure Statement</i> (Kruse, Katherine) (Entered: 09/10/2007)
09/10/2007	<u>67</u>	Notice re Amended Deposition by Equal Employment Opportunity Commission re <u>50</u> Notice of Deposition <i>Hector Barajas</i> (Lopez, P) (Entered: 09/10/2007)
09/11/2007	<u>68</u>	ORDER Final Pretrial Conference set for 11/20/2007 04:00 PM before Judge Stephen M McNamee FURTHER ORDERED if this case shall be tried to a jury, counsel shall prepare and sign a Proposed Pretrial Order and submit it to the Court no later than 10/19/2007. Signed by Judge Stephen M McNamee on 9/10/07. (MAP) (Entered: 09/11/2007)
09/12/2007	<u>69</u>	Notice re of Service of Defendant's Answers to Plaintiff's Second Set of Interrogatories and Responses to Plaintiff's Second Request for Production of Documents by Autozone, Inc. (Kern, Tracy) (Entered: 09/12/2007)
09/14/2007	<u>70</u>	Notice re Notice of Service of Defendant's First Supplemental Rule 26 Initial Disclosures by Autozone, Inc. (Chess, Laurie) (Entered: 09/14/2007)
09/14/2007	<u>71</u>	Notice re Third Supplement Disclosure by Equal Employment Opportunity Commission (Lopez, P) (Entered: 09/14/2007)
09/17/2007	<u>72</u>	Notice re Notice of Service of Defendant's Supplemental Answers to Plaintiff's First Set of Interrogatories by Autozone, Inc. (Chess, Laurie) (Entered: 09/17/2007)
09/18/2007	<u>73</u>	Notice re Notice of Service of Defendant's Revised Supplemental Answers to Plaintiff's First Set of Interrogatories by Autozone, Inc. (Chess, Laurie) (Entered: 09/18/2007)
09/27/2007	<u>74</u>	Joint MOTION for Extension of Time to Extend Pre-Trial Order Deadlines by Autozone, Inc.. (Attachments: # <u>1</u> Text of Proposed Order)(Chess, Laurie) (Entered: 09/27/2007)
09/28/2007	<u>75</u>	ORDER granting <u>74</u> Motion for Extension of Time. Proposed Pretrial Order due by 11/5/2007. Signed by Judge Stephen M McNamee on 9/28/2007.(TCA)(This is a TEXT ENTRY ONLY. There is no.pdf document associated with this entry.) (Entered: 09/28/2007)
10/01/2007	<u>76</u>	Notice by Equal Employment Opportunity Commission <i>Fourth Supplemental Disclosure Statement</i> (Lopez, P) (Entered: 10/01/2007)
10/19/2007	<u>77</u>	AMENDED ANSWER to <i>Plaintiff's Complaint</i> by Autozone, Inc.. (Kern, Tracy) (Entered: 10/19/2007)
10/25/2007	<u>78</u>	AMENDED DOCUMENT by Autozone, Inc.. <i>Second Amended Answer to Plaintiff's Complaint</i> . (Kern, Tracy) (Entered: 10/25/2007)

11/01/2007	<u>79</u>	MOTION for Summary Judgment by Autozone, Inc.. (Attachments: # <u>1</u> Exhibit Exhibit A part 1# <u>2</u> Exhibit Exhibit A part 2# <u>3</u> Exhibit Exhibit A part 3# <u>4</u> Exhibit Exhibit A part 4# <u>5</u> Exhibit Exhibit A part 5# <u>6</u> Exhibit Exhibit A part 6# <u>7</u> Exhibit Exhibit A part 7# <u>8</u> Exhibit Exhibit B# <u>9</u> Exhibit Exhibit C part 1# <u>10</u> Exhibit Exhibit C part 2# <u>11</u> Exhibit Exhibit C part 3# <u>12</u> Exhibit Exhibit D# <u>13</u> Statement of Material Facts in Support of Motion for Summary Judgment# <u>14</u> Memorandum in Support of Motion for Summary Judgment# <u>15</u> Appendix Anderson vs. Arizona# <u>16</u> Appendix Molina vs. Phoenix Union# <u>17</u> Appendix Penrod vs. Mohave Community College# <u>18</u> Appendix Sykes vs. Pennsylvania State Police)(Chess, Laurie) (Entered: 11/01/2007)
11/01/2007	<u>80</u>	Joint MOTION for Extension of Time to Extend Pre-Trial Order Deadlines by Autozone, Inc.. (Attachments: # <u>1</u> Text of Proposed Order Proposed Order)(Chess, Laurie) (Entered: 11/01/2007)
11/02/2007	<u>81</u>	MOTION for Partial Summary Judgment Affirmative Defenses six and eight in Second Amended Answer by Equal Employment Opportunity Commission. (Lopez, P) (Entered: 11/02/2007)
11/02/2007	<u>82</u>	STATEMENT of Facts in Support of Motion for Partial Summary Judgment re <u>81</u> MOTION for Partial Summary Judgment Affirmative Defenses six and eight in Second Amended Answer by Plaintiff Equal Employment Opportunity Commission. (Attachments: # <u>1</u> Exhibit 1)(Lopez, P) (Entered: 11/02/2007)
11/05/2007	<u>83</u>	ORDER granting <u>80</u> Motion for Extension of Time. Final Pre-Trial Conference scheduled for 11/20/07 is vacated. Signed by Judge Stephen M McNamee on 11/5/07.(LSP) (Entered: 11/05/2007)
11/15/2007	<u>84</u>	RESPONSE in Opposition re <u>81</u> MOTION for Partial Summary Judgment Affirmative Defenses six and eight in Second Amended Answer <i>Defendant's Response to Plaintiff's Statement of Facts in Support of it's[sic] Motion for Partial Summary Judgment</i> filed by Autozone, Inc.. (Attachments: # <u>1</u> Exhibit Exhibit 1# <u>2</u> Exhibit Exhibit 2# <u>3</u> Exhibit Exhibit 3# <u>4</u> Exhibit Exhibit 4# <u>5</u> Exhibit Exhibit 5# <u>6</u> Exhibit Exhibit 6)(Chess, Laurie) (Entered: 11/15/2007)
11/15/2007	<u>85</u>	RESPONSE in Opposition re <u>81</u> MOTION for Partial Summary Judgment Affirmative Defenses six and eight in Second Amended Answer <i>Defendant's Opposition to Plaintiff's Motion for Partial Summary Judgment</i> filed by Autozone, Inc.. (Chess, Laurie) (Entered: 11/15/2007)
11/20/2007	<u>86</u>	First MOTION for Extension of Time <i>To Respond to Defendant's Motion For Summary Judgment; Motion For Expedited Ruling</i> by Equal Employment Opportunity Commission. (Attachments: # <u>1</u> Text of Proposed Order)(Kruse, Katherine) (Entered: 11/20/2007)
11/21/2007	<u>87</u>	ORDER granting <u>86</u> Motion for Extension of Time to 12/13/07 to file response to Dft's Motion for Summary Judgment. Signed by Judge Stephen M McNamee on 11/21/07.(LSP) (Entered: 11/21/2007)
11/29/2007	<u>88</u>	REPLY in Support re <u>81</u> MOTION for Partial Summary Judgment Affirmative Defenses six and eight in Second Amended Answer filed by Equal Employment Opportunity Commission. (Kruse, Katherine) (Entered: 11/29/2007)
12/13/2007	<u>89</u>	DOCUMENT #89 STRICKEN PURSUANT TO ORDER #102 FILED ON 6/19/08. RESPONSE re <u>79</u> MOTION for Summary Judgment <i>Local Rule 56.1Response to Defendant's Separate Statement of Facts</i> by Plaintiff Equal Employment Opportunity Commission. (Kruse, Katherine) Modified on 6/19/2008 (LSP). (Entered: 12/13/2007)
12/13/2007	<u>90</u>	DOCUMENT #90 STRICKEN PURSUANT TO ORDER #102 FILED ON 6/19/08. RESPONSE in Opposition re <u>79</u> MOTION for Summary Judgment filed by Equal Employment Opportunity Commission. (Kruse, Katherine) Modified on 6/19/2008 (LSP). (Entered: 12/13/2007)
12/13/2007	<u>91</u>	DOCUMENT #91 STRICKEN PURSUANT TO ORDER #102 FILED ON 6/19/08. STATEMENT of Facts in Support of EEOC's Response to Defendant's Motion for Summary Judgment re <u>90</u> Response in Opposition to Motion by Plaintiff Equal Employment Opportunity Commission. (Attachments: # <u>1</u> Exhibit 1-5, # <u>2</u> Exhibit 6-11, # <u>3</u> Exhibit 12-19)(Kruse, Katherine) Modified on 6/19/2008 (LSP). (Entered: 12/13/2007)

12/18/2007	<u>92</u>	Notice re of Service of Defendant's Fourth Supplemental Responses to Plaintiff's First Request for Production of Documents by Autozone, Inc. (Kern, Tracy) (Entered: 12/18/2007)
12/21/2007	<u>93</u>	DOCUMENT #93 STRICKEN PURSUANT TO ORDER #102 FILED ON 6/19/08. REPLY in Support re <u>79</u> MOTION for Summary Judgment filed by Autozone, Inc.. (Attachments: # <u>1</u> Exhibit Exhibit A, # <u>2</u> Exhibit Exhibit B, # <u>3</u> Exhibit Exhibit C)(Chess, Laurie) Modified on 6/19/2008 (LSP). (Entered: 12/21/2007)
12/21/2007	<u>94</u>	DOCUMENT #94 STRICKEN PURSUANT TO ORDER #102 FILED ON 6/19/08. OBJECTION re <u>91</u> Statement, <i>Objections to Certain of Plaintiff's Statement of Fact</i> filed by Autozone, Inc.. (Attachments: # <u>1</u> Exhibit Exhibit A, # <u>2</u> Exhibit Exhibit B, # <u>3</u> Exhibit Exhibit C)(Chess, Laurie) Modified on 6/19/2008 (LSP). (Entered: 12/21/2007)
01/07/2008	<u>95</u>	Notice re of Filing of Plaintiff's Exhibit 19: Signed Declaration of Luz Gomez a/k/a Luz Hernandez by Equal Employment Opportunity Commission (Attachments: # <u>1</u> Exhibit Exhibit 19: Signed Declaration of Luz Gomez a/k/a Luz Hernandez)(Lopez, P) (Entered: 01/07/2008)
02/07/2008	<u>96</u>	MOTION to Strike re (1) Motion To Strike Exhibits Attached to Defendants Reply, (2) Motion To Strike Defendants Objections to Certain of Plaintiffs Statement of Facts, or, In the Alternative (3) Motion For Leave To File Surreply; and (4) Motion To Exclude Defendants 2002 Employee Handbook From Evidence And To Strike An Exhibit Containing An Excerpt From That Handbook. by Equal Employment Opportunity Commission. (Attachments: # <u>1</u> Text of Proposed Order)(Kruse, Katherine) (Entered: 02/07/2008)
02/11/2008	<u>97</u>	First MOTION for Extension of Time to extend time to respond to Plaintiff's Motion to Strike Exhibits attached to Defendant's Reply, (2) Motion to Strike "Defendant's Objections to Certain of Plaintiff's Statement of Facts", or, in the alternative, (3) Motion for Leave to File Surreply; and (4) Motion to Exclude Defendant's 2002 Employee Handbook from Evidence and to Strike an Exhibit Containing an Excerpt from that Handbook by Autozone, Inc.. (Attachments: # <u>1</u> Text of Proposed Order Proposed Order)(Chess, Laurie) (Entered: 02/11/2008)
02/20/2008	<u>98</u>	ORDER granting <u>97</u> Motion for Extension of Time to 3/7/08 for Defendant's to file Response to Plaintiff's Motion. Signed by Judge Stephen M McNamee on 2/12/08.(LSP) (Entered: 02/20/2008)
03/07/2008	<u>99</u>	RESPONSE in Opposition re <u>96</u> MOTION to Strike re (1) Motion To Strike Exhibits Attached to Defendants Reply, (2) Motion To Strike Defendants Objections to Certain of Plaintiffs Statement of Facts, or, In the Alternative (3) Motion For Leave To File Surreply; and (4) Motion To Exc MOTION to Strike re (1) Motion To Strike Exhibits Attached to Defendants Reply, (2) Motion To Strike Defendants Objections to Certain of Plaintiffs Statement of Facts, or, In the Alternative (3) Motion For Leave To File Surreply; and (4) Motion To Exc filed by Autozone, Inc.. (Kern, Tracy) (Entered: 03/07/2008)
03/17/2008	<u>100</u>	REPLY in Support re <u>96</u> MOTION to Strike re (1) Motion To Strike Exhibits Attached to Defendants Reply, (2) Motion To Strike Defendants Objections to Certain of Plaintiffs Statement of Facts, or, In the Alternative (3) Motion For Leave To File Surreply; and (4) Motion To Exc MOTION to Strike re (1) Motion To Strike Exhibits Attached to Defendants Reply, (2) Motion To Strike Defendants Objections to Certain of Plaintiffs Statement of Facts, or, In the Alternative (3) Motion For Leave To File Surreply; and (4) Motion To Exc filed by Equal Employment Opportunity Commission. (Kruse, Katherine) (Entered: 03/17/2008)
06/05/2008	<u>101</u>	ORDER granting <u>81</u> Plaintiff's Motion for Partial Summary Judgment as to affirmative defenses numbered six and eight in Defendant's Second Amended Answer. Signed by Judge Stephen M McNamee on 6/5/08.(LSP) (Entered: 06/05/2008)
06/19/2008	<u>102</u>	ORDER granting in part and denying in part <u>96</u> EEOC's Motion to Strike. IT IS FURTHER ORDERED striking <u>89</u> EEOC's Response, <u>90</u> Response in Opposition to Motion, and <u>91</u> Statement and striking <u>93</u> Autozone's Reply in Support of Motion, and <u>94</u> Objection. IT IS FURTHER ORDERED denying <u>96</u> EEOC's Motion for Leave to file a Surreply and EEOC's Motion to Exclude Defendant's 2002 Employee Handbook from Evidence. Signed by Judge Stephen M McNamee on 6/18/08.(LSP) (Entered: 06/19/2008)

		06/19/2008)
07/01/2008	<u>103</u>	RESPONSE in Opposition re <u>79</u> MOTION for Summary Judgment filed by Equal Employment Opportunity Commission. (Kruse, Katherine) (Entered: 07/01/2008)
07/01/2008	<u>104</u>	STATEMENT of of Fact in Support of the EEOC's Response to Defendant's Motion for Summary Judgment and Local Rule 56.1 Response to Defendant's Statement of Facts re <u>103</u> Response in Opposition to Motion by Plaintiff Equal Employment Opportunity Commission. (Attachments: # <u>1</u> Exhibit 1-5, # <u>2</u> Exhibit 6-11, # <u>3</u> Exhibit 12-19)(Kruse, Katherine) (Entered: 07/01/2008)
07/08/2008	<u>105</u>	MOTION for Leave To Exceed Page Limit Under LRCiv 7.2(E) by Autozone, Inc.. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Text of Proposed Order)(Johnsen, Donald) (Entered: 07/08/2008)
07/10/2008	<u>106</u>	ORDER granting <u>105</u> Motion for leave to exceed the page limit for its Reply memorandum in support of its Motion for Summary Judgment. Signed by Judge Stephen M McNamee on 7/10/08.(LSP) (Entered: 07/10/2008)
07/15/2008	<u>107</u>	REPLY in Support re <u>79</u> MOTION for Summary Judgment filed by Autozone, Inc.. (Attachments: # <u>1</u> Exhibit Exhibit A, # <u>2</u> Exhibit Exhibit B – Excerpts from Mr. Millan's deposition transcript, # <u>3</u> Exhibit Exhibit C – Excerpts from Mr. Anderson's deposition transcript, # <u>4</u> Exhibit Exhibit D – Excerpts from Ms. Wing's deposition transcript, # <u>5</u> Appendix EEOC v. Restaurant Marketing, # <u>6</u> Appendix Fowler v. Honeywell, # <u>7</u> Appendix Mercon Coffee v. Beanbag Storage)(Chess, Laurie) (Entered: 07/15/2008)
07/31/2008	<u>108</u>	MOTION to Strike re Reply to Defendant's Motion for Summary Judgment by Equal Employment Opportunity Commission. (Kruse, Katherine) (Entered: 07/31/2008)
08/05/2008	109	Minute Order: A Telephonic Discovery Dispute Conference is set for 8/8/2008 09:00 AM in Courtroom 605, 401 West Washington Street, Phoenix, AZ 85003 before Judge Stephen M McNamee. Counsel for plaintiff will initiate the call to the Court at 602-322-7555. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (TCA,) (Entered: 08/05/2008)
08/08/2008	110	Minute Entry. Proceedings held before Judge Stephen M McNamee: Telephonic Apr. Katherine Kruse for pla:Laurie Chess and Tracy Kern for dftTelephonic Discovery Dispute Conference re: motion to strike exhibits attached to defendant reply to motion for summary judgment held on 8/8/2008. Plaintiff to file a written response by 8/22/2008 on the issue of the 2002 and 2004 employee handbooks. Defendant response is due 9/8/2008. (Court Reporter David German.) This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (TCA,) (Entered: 08/08/2008)
08/13/2008	<u>111</u>	RESPONSE in Opposition re <u>108</u> MOTION to Strike re Reply to Defendant's Motion for Summary Judgment <i>Opposition to Plaintiff's Motion to Strike Exhibits Attached to Defendant's Reply and New Argument Contained in the Reply, or, in the Alternative, Motion for Leave to File Surreply</i> filed by Autozone, Inc.. (Chess, Laurie) (Entered: 08/13/2008)
08/22/2008	<u>112</u>	MOTION to Strike re Exhibit Attached to Reply in Support of Defendant's Motion for Summary Judgment by Equal Employment Opportunity Commission. (Attachments: # <u>1</u> Text of Proposed Order)(Kruse, Katherine) (Entered: 08/22/2008)
08/22/2008	<u>113</u>	REPLY in Support re <u>108</u> MOTION to Strike re Reply to Defendant's Motion for Summary Judgment filed by Equal Employment Opportunity Commission. (Kruse, Katherine) (Entered: 08/22/2008)
08/29/2008	<u>114</u>	RESPONSE in Opposition re <u>112</u> MOTION to Strike re Exhibit Attached to Reply in Support of Defendant's Motion for Summary Judgment <i>Opposition to Plaintiff's Motion to Exclude Defendant's 2002 Store Handbook from Evidence and to Strike an Exhibit Containing an Excerpt from that Handbook</i> filed by Autozone, Inc.. (Attachments: # <u>1</u> Exhibit Exhibit A, # <u>2</u> Exhibit Exhibit B, # <u>3</u> Exhibit Exhibit C, # <u>4</u> Exhibit Exhibit D, # <u>5</u> Appendix Smith vs. United Healthcare)(Chess, Laurie) (Entered: 08/29/2008)
09/11/2008	<u>115</u>	ORDER denying Dft's <u>79</u> Motion for Summary Judgment; denying EEOC's <u>103</u> Response in Opposition to Motion/Request for an adverse inference; denying as moot

		EEOC's <u>108</u> Motion to Strike; denying as moot EEOC's <u>112</u> Motion to Strike. Signed by Judge Stephen M McNamee on 09/10/08.(DNH) (Entered: 09/11/2008)
10/28/2008	<u>116</u>	ORDER, re: FINAL PRETRIAL CONFERENCE, Final Pretrial Conference set for 1/8/2009 04:00 PM before Judge Stephen M McNamee. Proposed Pretrial Order due by 12/12/2008 (see order for full details). Signed by Judge Stephen M McNamee on 10/28/08. (REW,) (Entered: 10/28/2008)
10/29/2008	<u>117</u>	AMENDED ORDER re: FINAL PRETRIAL CONFERENCE, Final Pretrial Conference set for 1/8/2009 04:00 PM before Judge Stephen M McNamee. Proposed Pretrial Order due by 12/12/2008, re <u>116</u> Order (see order for full details). Signed by Judge Stephen M McNamee on 10/29/08. (Attachments: # <u>1</u> Exhibit)(REW,) (Entered: 10/29/2008)
12/04/2008	<u>118</u>	MOTION for Extension of Time Defendant to Submit Objections to Plaintiff's Deposition Designations by Autozone, Inc.. (Attachments: # <u>1</u> Text of Proposed Order)(Chess, Laurie) (Entered: 12/04/2008)
12/04/2008	<u>119</u>	RESPONSE to Motion re <u>118</u> MOTION for Extension of Time Defendant to Submit Objections to Plaintiff's Deposition Designations filed by Equal Employment Opportunity Commission. (Attachments: # <u>1</u> Text of Proposed Order)(Kruse, Katherine) (Entered: 12/04/2008)
12/09/2008	<u>120</u>	ORDER granting in part Dft's <u>118</u> Motion to Extend Deadline for Dft to Submit Objections to Pla's Deposition Designations. FURTHER ORDERED the deadline for filing the proposed pretrial order is extended to Wednesday, 12/17/08. The proposed pretrial order shall include objections to deposition testimony as well as the bases for the objections. (See document for further details). Signed by Judge Stephen M McNamee on 12/8/2008.(LAD) (Entered: 12/09/2008)
12/10/2008	<u>121</u>	Proposed Voir Dire by Autozone, Inc.. (Chess, Laurie) (Entered: 12/10/2008)
12/10/2008	<u>122</u>	TRIAL BRIEF <i>Joint Description of the Case</i> by Autozone, Inc.. (Chess, Laurie) (Entered: 12/10/2008)
12/11/2008	<u>123</u>	Proposed Jury Instructions by Equal Employment Opportunity Commission. (Kruse, Katherine) (Entered: 12/11/2008)
12/12/2008	<u>124</u>	MOTION in Limine re: Testimony/Evidence Regarding Scott Anderson's Performance, Termination and Discipline by Autozone, Inc.. (Attachments: # <u>1</u> Exhibit Exhibit A, # <u>2</u> Appendix Creswell vs. HCAL Corp., # <u>3</u> Appendix Morris vs. Lampher, # <u>4</u> Text of Proposed Order Proposed Order)(Chess, Laurie) (Entered: 12/12/2008)
12/12/2008	<u>125</u>	MOTION in Limine re: Testimony Related to the Mental or Physical Condition of Ms. Wing's Mother by Autozone, Inc.. (Attachments: # <u>1</u> Exhibit Exhibit A, # <u>2</u> Exhibit Exhibit B, # <u>3</u> Appendix Walker vs. Contra Costa, # <u>4</u> Text of Proposed Order Proposed Order)(Chess, Laurie) (Entered: 12/12/2008)
12/12/2008	<u>126</u>	MOTION in Limine re: Testimony of Harassment or Retaliation of Ms. Bracho, Ms. Hernandez, and Mr. Acuna by Autozone, Inc.. (Attachments: # <u>1</u> Exhibit Exhibit A, # <u>2</u> Exhibit Exhibit B, # <u>3</u> Appendix Allen-Cuffee vs. Franklin County, # <u>4</u> Appendix Sarantis vs. ADP Inc., # <u>5</u> Text of Proposed Order Proposed Order)(Chess, Laurie) (Entered: 12/12/2008)
12/12/2008	<u>127</u>	MOTION in Limine re: Evidence Regarding Net Worth, Financial Condition, Size, and/or Market Share by Autozone, Inc.. (Attachments: # <u>1</u> Appendix Barton vs. Cascade Regional Blood Services, # <u>2</u> Appendix Sarantis vs. ADP Inc., # <u>3</u> Text of Proposed Order Proposed Order)(Chess, Laurie) (Entered: 12/12/2008)
12/12/2008	<u>128</u>	Second MOTION in Limine re: Investigative Materials not Preserved by Autozone by Equal Employment Opportunity Commission. (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Exhibit List, # <u>3</u> Exh 1 Part 1 Scott Anderson Dep., # <u>4</u> Exh 1 Part 2 Anderson Deposition, # <u>5</u> Exh 2 Part 1 Rose 30(b)(6) Deposition, # <u>6</u> Exh 2 Part 2 Rose Deposition Excerpts, # <u>7</u> Exh 3 Carter Deposition Excerpts, # <u>8</u> Exhibit 4 Bryant Deposition Excerpts, # <u>9</u> Exhibits 5-6 Barajas and Gomez, # <u>10</u> Exh 7 Reltherford 30(b)(6) Deposition)(Kruse, Katherine) (Entered: 12/12/2008)

12/12/2008	<u>129</u>	First MOTION in Limine re: to Exclude AutoZone's 2002 Handbook by Equal Employment Opportunity Commission. (Attachments: # <u>1</u> Text of Proposed Order)(Kruse, Katherine) (Entered: 12/12/2008)
12/12/2008	<u>130</u>	Proposed Verdict Form by Equal Employment Opportunity Commission. (Kruse, Katherine) (Entered: 12/12/2008)
12/15/2008	<u>131</u>	Proposed Verdict Form by Autozone, Inc.. (Chess, Laurie) (Entered: 12/15/2008)
12/17/2008	<u>132</u>	NOTICE OF FILING Proposed Pretrial Order by Plaintiff Equal Employment Opportunity Commission. (Attachments: # <u>1</u> Exhibit 1-5, # <u>2</u> Exhibit 6- part 1, # <u>3</u> Exhibit 6- part 2, # <u>4</u> Exhibit 7-8)(Kruse, Katherine) Modified on 12/18/2008 (DNH). INCORRECT EVENT SELECTED. THIS DOCKET ENTRY HAS BEEN MODIFIED FROM REPORT TO NOTICE OF FILING PROPOSED PRETRIAL ORDER. (Entered: 12/17/2008)
12/19/2008	<u>133</u>	RESPONSE in Opposition re <u>129</u> First MOTION in Limine re: to Exclude AutoZone's 2002 Handbook filed by Autozone, Inc.. (Attachments: # <u>1</u> Exhibit Exhibit A - Excerpts from deposition of Ms. Wing, # <u>2</u> Exhibit Exhibit B - excerpts from handbooks, # <u>3</u> Exhibit Exhibit C - excerpt from deposition of Mr. Brown, # <u>4</u> Exhibit Exhibit D - excerpt from deposition of Mr. Millan, # <u>5</u> Appendix Smith vs. United Healthcare Services, Inc.)(Chess, Laurie) (Entered: 12/19/2008)
12/19/2008	<u>134</u>	RESPONSE in Opposition re <u>128</u> Second MOTION in Limine re: Investigative Materials not Preserved by Autozone filed by Autozone, Inc.. (Attachments: # <u>1</u> Exhibit Exhibit A - excerpt from deposition of Mr. Anderson, # <u>2</u> Exhibit Exhibit B - July 27, 2004 letter, # <u>3</u> Exhibit Exhibit C - excerpt from deposition of Ms. Rose, # <u>4</u> Appendix EEOC vs. AutoZone, # <u>5</u> Appendix EEOC vs. Recruit USA Inc., # <u>6</u> Appendix Murphy vs. The McGraw-Hill Corp)(Chess, Laurie) (Entered: 12/19/2008)
12/19/2008	<u>135</u>	RESPONSE in Opposition re <u>124</u> MOTION in Limine re: Testimony/Evidence Regarding Scott Anderson's Performance, Termination and Discipline filed by Equal Employment Opportunity Commission. (Attachments: # <u>1</u> Exhibit 1-2)(Kruse, Katherine) (Entered: 12/19/2008)
12/19/2008	<u>136</u>	RESPONSE in Opposition re <u>126</u> MOTION in Limine re: Testimony of Harassment or Retaliation of Ms. Bracho, Ms. Hernandez, and Mr. Acuna filed by Equal Employment Opportunity Commission. (Attachments: # <u>1</u> Exhibit 1)(Kruse, Katherine) (Entered: 12/19/2008)
12/19/2008	<u>137</u>	RESPONSE in Opposition re <u>127</u> MOTION in Limine re: Evidence Regarding Net Worth, Financial Condition, Size, and/or Market Share filed by Equal Employment Opportunity Commission. (Attachments: # <u>1</u> Exhibit A)(Kruse, Katherine) (Entered: 12/19/2008)
12/19/2008	<u>138</u>	RESPONSE in Opposition re <u>125</u> MOTION in Limine re: Testimony Related to the Mental or Physical Condition of Ms. Wing's Mother filed by Equal Employment Opportunity Commission. (Kruse, Katherine) (Entered: 12/19/2008)
01/06/2009	139	Minute Order: TIME CHANGE ONLY Final Pretrial Conference re-set for 1/8/2009 01:30 PM in Courtroom 605, 401 West Washington Street, Phoenix, AZ 85003 before Judge Stephen M McNamee. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (TCA,) (Entered: 01/06/2009)
01/06/2009	<u>140</u>	MOTION to Excuse David Lopez from Attendance at the Pretrial Conference by Equal Employment Opportunity Commission. (Attachments: # <u>1</u> Text of Proposed Order)(Kruse, Katherine) INCORRECT EVENT SELECTED, THIS ENTRY HAS BEEN MODIFIED FROM MOTION FOR RULING TO MISCELLANEOUS RELIEF, ATTORNEY NOTICED, NO FOLLOW UP REQUIRED. Modified on 1/7/2009 (ESL,). (Entered: 01/06/2009)
01/07/2009	<u>141</u>	ORDER denying as moot Plaintiff's <u>140</u> Unopposed Motion to Excuse David Lopez from Attendance at the Pretrial Conference. Signed by Judge Stephen M McNamee on 1/7/09.(REW,) (Entered: 01/07/2009)
01/08/2009	142	Minute Entry. Proceedings held before Judge Stephen M McNamee: Apr. Katherine Kruse/David Lopez for pla; Laurie Chess/Tracy Kern for dft, Client Rep Mike RyleyFinal Pretrial Conference held on 1/8/2009. ORDERED granting <u>124</u> Motion in

		Limine; granting <u>125</u> Motion in Limine; granting <u>126</u> Motion in Limine; taking under advisement <u>127</u> , Court will issue and order, Motion in Limine; denying <u>128</u> Motion in Limine; denying <u>129</u> Motion in Limine. Objections to video depositions to be filed along with the video nlt January 30, 2009. Length of Trial 4–6 days. Parties agree to pre–screen jury for length. Witnesses and exhibits discussed. Jury Trial 4–6 days set for 6/2/2009 09:00 AM in Courtroom 605, 401 West Washington Street, Phoenix, AZ 85003 before Judge Stephen M McNamee. (Court Reporter Linda Schroeder.) This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (TCA,) (Entered: 01/09/2009)
01/13/2009	<u>143</u>	MEMORANDUM OF DECISION AND ORDER granting in part and denying in part <u>127</u> Motion in Limine. FURTHER ORDERED that a jury trial is set for 6/2/09 at 9:00 a.m. before the Honorable Stephen M. McNamee. (See document for full details). Signed by Judge Stephen M McNamee on 1/12/2009. (LAD) (Entered: 01/13/2009)
01/15/2009	<u>144</u>	MOTION for Motion for Clarification <i>and Incorporated Memorandum in Support</i> by Autozone, Inc.. (Attachments: # <u>1</u> Text of Proposed Order)(Chess, Laurie) (Entered: 01/15/2009)
01/15/2009	<u>145</u>	ORDER granting <u>144</u> Motion for Clarification and Incorporated Memorandum. In an effort to clarify its prior ruling, the Court finds that evidence of dft's net worth is potentially relevant to the amount of punitive damages in this case and as a result, such evidence is admissible. Once the Court determines there is sufficient evidence to submit the issue of punitive damages to the jury, such evidence will be admitted subject to a limiting instruction. Signed by Judge Stephen M McNamee on 1/15/2009. (LAD) (Entered: 01/15/2009)
01/30/2009	<u>146</u>	Joint MOTION for Ruling re Deposition Designation Objections Without Video by Equal Employment Opportunity Commission. (Attachments: # <u>1</u> Text of Proposed Order)(Kruse, Katherine) (Entered: 01/30/2009)
02/05/2009	<u>147</u>	ORDER granting <u>146</u> Joint Motion (1) for Ruling on Deposition Designation Objections without Video; or (2) For Leave To Submit Videos In Unedited Form. Signed by Judge Stephen M McNamee on 2/4/09.(REW,) (Entered: 02/05/2009)
03/03/2009	<u>148</u>	MOTION to Withdraw as Attorney by Equal Employment Opportunity Commission. (Attachments: # <u>1</u> Text of Proposed Order)(Kruse, Katherine) (Entered: 03/03/2009)
03/05/2009	<u>149</u>	ORDER DENYING the Motion for Withdrawal of Co–Counsel Katherine K. Kruse <u>148</u> without prejudice with leave to refile. Signed by Judge Stephen M McNamee on 3/4/09.(KMG) (Entered: 03/05/2009)
03/05/2009	<u>150</u>	MOTION to Withdraw as Attorney by Equal Employment Opportunity Commission. (Attachments: # <u>1</u> Text of Proposed Order)(Shanley, Sally) (Entered: 03/05/2009)
03/09/2009	<u>151</u>	ORDER – IT IS ORDERED GRANTING the <u>150</u> Motion to Withdraw Counsel for Plaintiff EEOC. FURTHER ORDERED that attorney Katherine K. Kruse is withdrawn as counsel in the present case. Signed by Judge Stephen M McNamee on 3/9/09.(SAT) (Entered: 03/09/2009)
03/27/2009	<u>152</u>	NOTICE of Appearance by D Andrew Winston on behalf of Equal Employment Opportunity Commission (Winston, D) (Entered: 03/27/2009)
04/02/2009	<u>153</u>	TRANSCRIPT DESIGNATION AND ORDER FORM by Equal Employment Opportunity Commission for proceedings held on 01–08–2009 before Judge Stephen McNamee. (Lopez, P) (Entered: 04/02/2009)
04/07/2009	154	Minute Order: ORDERED A Final Pretrial Conference is set for 5/26/2009 04:00 PM in Courtroom 605, 401 West Washington Street, Phoenix, AZ 85003 before Judge Stephen M McNamee. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (TCA,) (Entered: 04/07/2009)
04/08/2009	<u>155</u>	ORDER – IT IS HEREBY ORDERED that by Friday, 5/1/09, the parties shall submit a stipulation regarding the lost records to the Court, or alternatively, designate one witness to testify regarding Dft's record keeping and retention policies. FURTHER ORDERED that should Pla wish to use additional witnesses' testimony in objection, Pla must provide the Court with the reasons why such testimony is necessary and how it differs from the testimony of the witness designated by the parties by Friday, 5/1/09.

		Signed by Judge Stephen M McNamee on 4/8/09. (SAT) (Entered: 04/08/2009)
04/16/2009	<u>156</u>	TRANSCRIPT of Proceedings re: Final Pretrial Conference held on 1/8/09 before Judge Stephen M McNamee. Court Reporter: Linda Schroeder. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 5/7/2009. Redacted Transcript Deadline set for 5/18/2009. Release of Transcript Restriction set for 7/15/2009. (BAS,) (Entered: 04/16/2009)
04/16/2009	<u>157</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT <u>156</u> (BAS,) (Entered: 04/16/2009)
04/17/2009	<u>158</u>	TRANSCRIPT DESIGNATION AND ORDER FORM by Autozone, Inc. for proceedings held on 01/08/2009 before Judge Stephen McNamee. (Chess, Laurie) (Entered: 04/17/2009)
05/01/2009	<u>159</u>	STIPULATION by Equal Employment Opportunity Commission. (Lopez, P) (Entered: 05/01/2009)
05/11/2009	<u>160</u>	Notice re Notice of Filing Proof of Service Regarding Subpoena for Trial served upon Brian Goddard by Autozone, Inc. (Attachments: # <u>1</u> Exhibit)(Chess, Laurie) (Entered: 05/11/2009)
05/11/2009	<u>161</u>	Notice re Notice of Filing Proof of Service Regarding Subpoena for Trail served upon Scott Anderson by Autozone, Inc. (Attachments: # <u>1</u> Exhibit)(Chess, Laurie) (Entered: 05/11/2009)
05/20/2009	<u>162</u>	Notice re of Filing Proof of Service re Trial Subpoena served on Joe Acuna by Equal Employment Opportunity Commission (Lopez, P) (Entered: 05/20/2009)
05/20/2009	<u>163</u>	Notice re Proof of Service of Trial Subpoena served on Scott Anderson by Equal Employment Opportunity Commission (Lopez, P) (Entered: 05/20/2009)
05/20/2009	<u>164</u>	Notice re Proof of Service of Trial Subpoena on Hector Barajas by Equal Employment Opportunity Commission (Lopez, P) (Entered: 05/20/2009)
05/20/2009	<u>165</u>	Notice re Proof of Service of Trial Subpoena on Kirk Carter by Equal Employment Opportunity Commission (Lopez, P) (Entered: 05/20/2009)
05/20/2009	<u>166</u>	Notice re Proof of Service of Trial Subpoena on Brian Goddard by Equal Employment Opportunity Commission (Lopez, P) (Entered: 05/20/2009)
05/20/2009	<u>167</u>	Notice re Proof of Service of Trial Subpoena on Luz Hernandez by Equal Employment Opportunity Commission (Lopez, P) (Entered: 05/20/2009)
05/20/2009	<u>168</u>	Notice re Proof of Service of Trial Subpoena on Johnnie Millan by Equal Employment Opportunity Commission (Lopez, P) (Entered: 05/20/2009)
05/22/2009	<u>169</u>	LODGED Proposed Amended Pretrial Order. Document to be filed by Clerk if Motion to Leave to File or Amend is granted. Filed by Autozone, Inc.. (Attachments: # <u>1</u> Exhibit Exhibits 1 through 5, # <u>2</u> Exhibit Exhibit 6 part 1, # <u>3</u> Exhibit Exhibit 6 part 2, # <u>4</u> Exhibit Exhibits 7 and 8)(Chess, Laurie) (Entered: 05/22/2009)
05/22/2009	<u>170</u>	MOTION for Leave to File Amend pretrial Order to Add One Exhibit by Autozone, Inc.. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Appendix EEOC vs. Kim and Ted, Inc., # <u>4</u> Appendix U.S. vs. Chamberlain, # <u>5</u> Text of Proposed Order)(Chess, Laurie) (Entered: 05/22/2009)
05/26/2009	<u>171</u>	Notice re Filing Proof of Service re Robert Gomez by Equal Employment Opportunity Commission (Lopez, P) (Entered: 05/26/2009)
05/26/2009	<u>172</u>	MOTION for Leave to File re Filing Proposed Pretrial Order filed by Equal Employment Opportunity Commission (Attachments: # <u>1</u> Exhibit A Second Amended Pretrial Order, # <u>2</u> Text of Proposed Order)(Lopez, P) Modified on 5/27/2009 INCORRECT EVENT SELECTED. THIS ENTRY HAS BEEN MODIFIED FROM OTHER NOTICE TO MOTION FOR LEAVE TO FILE (ESL,). Modified on 5/27/2009 (TLJ) LODGED PROPOSED DOCUMENT EVENT NOT ENTERED. ATTORNEY NOTICED. (Entered: 05/26/2009)

05/26/2009	<u>173</u>	Minute Entry. Proceedings held before Judge Stephen M McNamee: Apr. David Lopez/Andrew Winston for pla;Laurie Chess/Tracy Kern for dftsFinal Pretrial Conference held on 5/26/2009.Court will allow pla a chance to respond to defendant's motion re: Johnnie Millan (doc.#170).Court will accept the parties stipulation (doc. #159) after some editing as discussed on the record.Court will issue a brief order on the tangible defenses issue. Court will review the new jt proposed pretrial statement. Witnesses, deposition testimony, exhibits discussed. Copy of draft preliminary jury instructions given to counsel. (Court Reporter Candy Potter.) This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (TCA,) (Entered: 05/26/2009)
05/27/2009	<u>174</u>	NOTICE TO FILER OF DEFICIENCY re <u>172</u> MOTION for Leave to File filed by Equal Employment Opportunity Commission. Description of deficiency: Original proposed pleading not electronically lodged. (TLJ) (Entered: 05/27/2009)
05/27/2009	<u>175</u>	LODGED Proposed Proposed Second Amended Pretrial Order re: <u>172</u> MOTION for Leave to File. Document to be filed by Clerk if Motion to Leave to File or Amend is granted. Filed by Equal Employment Opportunity Commission. (Lopez, P) (Entered: 05/27/2009)
05/27/2009	<u>176</u>	Notice re Notice of Filing Deposition Designations and Plaintiff's Objections to Same by Autozone, Inc. (Attachments: # <u>1</u> Exhibit AutoZone's Deposition Designations and EEOC's Objections to Howard Brown's deposition testimony)(Chess, Laurie) (Entered: 05/27/2009)
05/27/2009	<u>177</u>	ORDER granting <u>172</u> Motion for Leave to File Second Amended Pretrial order. Clerk of Court shall file the Second Amended Pretrial Order, currently lodged as Doc. 175.. Signed by Judge Stephen M McNamee on 5/27/2009.(TCA,) (Entered: 05/27/2009)
05/27/2009	<u>179</u>	Notice of Filing Proposed Second Amended Pretrial Order, filed by Equal Employment Opportunity Commission and AutoZone, Inc..(ESL) (Entered: 05/28/2009)
05/28/2009	<u>178</u>	TRIAL BRIEF Regarding What Constitutes a "Tangible Employment Action" for Purposes of a Sexual Harassment Claim by Autozone, Inc.. (Attachments: # <u>1</u> Exhibit 1 – EEOC Charge, # <u>2</u> Exhibit 2 – Excerpts from deposition of Ms. Wing)(Chess, Laurie) (Entered: 05/28/2009)
05/28/2009	<u>180</u>	Notice re Filing Deposition Designations and Defendant's Objections to Same by Equal Employment Opportunity Commission (Attachments: # <u>1</u> Exhibit EEOC's Deposition Designations and Defendant's Objections to Howard Brown's deposition testimony)(Lopez, P) (Entered: 05/28/2009)
05/28/2009	<u>181</u>	Notice re Notice of Filing Deposition Designations and Plaintiff's Objections to Same by Autozone, Inc. (Attachments: # <u>1</u> Exhibit AutoZone's Deposition Designations and EEOC's Objections to Charles Bryant's deposition testimony)(Chess, Laurie) (Entered: 05/28/2009)
05/28/2009	<u>182</u>	Notice re Notice of Filing Deposition Designation and Plaintiff's Objections to Same by Autozone, Inc. (Attachments: # <u>1</u> Exhibit AutoZone's Deposition Designations and EEOC's Objections to Debbie Young's deposition testimony)(Chess, Laurie) (Entered: 05/28/2009)
05/28/2009	<u>183</u>	Notice re Notice of Filing Deposition Designations and Plaintiff's Objections to Same by Autozone, Inc. (Attachments: # <u>1</u> Exhibit AutoZone's Deposition Designations and EEOC's Objections to Johnnie Millan's deposition testimony)(Chess, Laurie) (Entered: 05/28/2009)
05/28/2009	<u>184</u>	Notice of Filing Proposed Second Amended Pretrial Order <i>Proposed Second Amended Pretrial Order</i> by Autozone, Inc.. (Chess, Laurie) Modified on 5/28/2009 INCORRECT EVENT SELECTED. THIS ENTRY HAS BEEN MODIFIED FROM A MOTION to NOTICE OF FILING PROPOSED PRETRIAL ORDER (ESL,). (Entered: 05/28/2009)
05/28/2009	<u>185</u>	Notice re Filing Deposition Designations and Defendant's Objections to Same by Equal Employment Opportunity Commission (Attachments: # <u>1</u> Exhibit EEOC's Deposition Designations and Defendant's Objections to Charles Lee Bryant's deposition testimony)(Lopez, P) (Entered: 05/28/2009)

05/28/2009	<u>186</u>	Notice re Filing Deposition Designations and Defendant's Objections to Same by Equal Employment Opportunity Commission (Attachments: # <u>1</u> Exhibit EEOC's Deposition Designations and Defendant's Objections to Johnnie Millan's deposition testimony)(Lopez, P) (Entered: 05/28/2009)
05/28/2009	<u>187</u>	Notice re Filing Deposition Designations and Defendant's Objections to Same by Equal Employment Opportunity Commission (Attachments: # <u>1</u> Exhibit EEOC's Deposition Designations and Defendant's Objections to Darren Reltherford's deposition testimony)(Lopez, P) (Entered: 05/28/2009)
05/28/2009	<u>188</u>	Notice re Filing Deposition Designations and Defendant's Objections to Same by Equal Employment Opportunity Commission (Attachments: # <u>1</u> Exhibit EEOC's Deposition Designations and Defendant's Objections to Lejeune Rose's deposition testimony)(Lopez, P) (Entered: 05/28/2009)
05/28/2009	<u>189</u>	Notice re Deposition Designations and Defendant's Objections to Same by Equal Employment Opportunity Commission (Attachments: # <u>1</u> Exhibit EEOC's Deposition Designations and Defendant's Objections to Staci L. Saucier's deposition testimony)(Lopez, P) (Entered: 05/28/2009)
05/28/2009	<u>190</u>	Notice re Deposition Designations and Defendant's Objections to Same by Equal Employment Opportunity Commission (Attachments: # <u>1</u> Exhibit EEOC's Deposition Designations and Defendant's Objections to Debbie Diane Young's deposition testimony)(Lopez, P) (Entered: 05/28/2009)
05/29/2009	<u>191</u>	ORDER re 173 At the Final Pre-Trial Conference held on May 26, 2009, the Court agreed to address and rule on the parties' objections to the designated testimony of Howard Brown prior to trial. Mr. Brown will appear via videotape deposition and the advance ruling will allow the parties to edit the videotape of the deposition. Signed by Judge Stephen M McNamee on 5/28/09. (Note: See Order for full details)(KMG) (Entered: 05/29/2009)
05/29/2009	<u>192</u>	Notice re Proof of Service of Subpoena for Trial by Autozone, Inc. (Attachments: # <u>1</u> Exhibit Proof of Service regarding Donna Porter)(Chess, Laurie) (Entered: 05/29/2009)
05/29/2009	<u>193</u>	Notice re Proof of Service regarding Subpoena for trial by Autozone, Inc. (Attachments: # <u>1</u> Exhibit Proof of Service regarding Josh Arias)(Chess, Laurie) (Entered: 05/29/2009)
05/29/2009	<u>194</u>	Notice re Proof of Service regarding trial subpoena by Autozone, Inc. (Attachments: # <u>1</u> Exhibit Proof of Service regarding trial subpoena for Hector Barajas)(Chess, Laurie) (Entered: 05/29/2009)
05/29/2009	<u>195</u>	RESPONSE in Opposition re <u>170</u> MOTION for Leave to File Amend pretrial Order to Add One Exhibit <i>Opposition To Defendant's Motion for Leave to Admit Conviction</i> filed by Equal Employment Opportunity Commission. (Attachments: # <u>1</u> Exhibit 1)(Lopez, P) (Entered: 05/29/2009)
06/01/2009	<u>196</u>	TRIAL BRIEF re <i>Tangible Employment Action</i> by Equal Employment Opportunity Commission. (Lopez, P) (Entered: 06/01/2009)
06/01/2009	<u>197</u>	TRANSCRIPT DESIGNATION AND ORDER FORM by Equal Employment Opportunity Commission for proceedings held on 06/02/2009 – 06/05/2009 before Judge Stephen M. McNamee. (Lopez, P) (Entered: 06/01/2009)
06/01/2009	<u>198</u>	Notice re Proof of Service of Trial Subpoena to Josh Arias by Equal Employment Opportunity Commission (Attachments: # <u>1</u> Proof of Service re Josh Arias)(Lopez, P) (Entered: 06/01/2009)
06/01/2009	<u>199</u>	ORDER that the Court will give the preliminary jury instruction concerning an employer's vicarious liability for a hostile work environment caused by a supervisor. Signed by Judge Stephen M McNamee on 6/1/2009. (TCA,) (Entered: 06/01/2009)
06/01/2009	<u>200</u>	Notice re of Service of 4th Supplemental Disclosure by Equal Employment Opportunity Commission (Lopez, P) (Entered: 06/01/2009)
06/02/2009	<u>201</u>	Minute Entry. Proceedings held before Judge Stephen M McNamee: Jury Trial DAY 1 begun on 6/2/2009.granting <u>170</u> Motion for Leave to File. (Court Reporter Candy

		Potter.)(TCA,) (Entered: 06/02/2009)
06/02/2009	<u>202</u>	Preliminary Jury Instructions. (TCA,) (Entered: 06/02/2009)
06/03/2009	<u>203</u>	Minute Entry. Proceedings held before Judge Stephen M McNamee: Jury Trial DAY 2 held on 6/3/2009. (Court Reporter Elaine Cropper/Candy Potter.)(TCA,) (Entered: 06/03/2009)
06/04/2009	<u>204</u>	Minute Entry. Proceedings held before Judge Stephen M McNamee: Jury Trial DAY 3 held on 6/4/2009.Defendant's oral motion for judgment as a matter of law is taken under advisement. (Court Reporter Candy Potter/Elaine Cropper.)(TCA,) (Entered: 06/04/2009)
06/04/2009	<u>205</u>	Notice re Filing of Supplement to Motion for Judgment as a Matter of Law Authorities by Equal Employment Opportunity Commission (Lopez, P) Modified on 6/5/2009 TO REFLECT CORRECT DOCUMENT DESCRIPTION (REW,). (Entered: 06/04/2009)
06/04/2009	<u>206</u>	Notice re: Filing Amended Supplement to Motion for judgment as a Matter of Law by Equal Employment Opportunity Commission (Attachments: # <u>1</u> Appendix EEOC Guidance)(Lopez, P) Modified on 6/5/2009 TO REFLECT CORRECT DOCUMENT DESCRIPTION (REW,). (Entered: 06/04/2009)
06/05/2009	<u>207</u>	Minute Entry. Proceedings held before Judge Stephen M McNamee: Jury Trial DAY 4 held on 6/5/2009. Defendant's motion for judgment as a matter granted in part and denied in part;Plaintiff's motion for judgment as a matter of law is denied. (Court Reporter Candy Potter/Elaine Cropper.)(TCA,) (Entered: 06/05/2009)
06/08/2009	<u>208</u>	Notice re Supplemental Brief by Equal Employment Opportunity Commission (Lopez, P) (Entered: 06/08/2009)
06/09/2009	<u>209</u>	Minute Entry. Proceedings held before Judge Stephen M McNamee: Jury Trial DAY 5 held on 6/9/2009. (Court Reporter Elaine Cropper/Candy Potter.)(TCA,) (Entered: 06/09/2009)
06/09/2009	<u>210</u>	Final Jury Instructions. (TCA,) (Entered: 06/10/2009)
06/10/2009	<u>211</u>	Minute Entry. Proceedings held before Judge Stephen M McNamee: Jury Trial DAY 6 completed on 6/10/2009. Verdict reached. Defendant's motion for judgment as a matter of law on retaliation claim is denied. (Court Reporter Elaine Cropper.)(TCA,) (Entered: 06/10/2009)
06/10/2009	<u>212</u>	Witness List by Equal Employment Opportunity Commission. (DMT,) (Entered: 06/11/2009)
06/10/2009	<u>213</u>	Witness List by Autozone, Inc.. (DMT,) (Entered: 06/11/2009)
06/10/2009	<u>214</u>	Exhibit List by Equal Employment Opportunity Commission.. (DMT,) (Entered: 06/11/2009)
06/10/2009	<u>215</u>	Exhibit List by Autozone, Inc. (DMT,) (Entered: 06/11/2009)
06/10/2009	<u>216</u>	JURY VERDICT for plaintiff for punitive damages of \$50,000 and compensatory damages of \$15,000. (DMT,) (Entered: 06/11/2009)
06/11/2009	<u>217</u>	CLERK'S JUDGMENT entered: that defendants motion for judgment as a matter of law as to the hostile work environment claim is denied; retaliation claim is denied; tangible employment action claim is granted; punitive damages claim is denied. Plaintiff's motion for judgment as a matter of law as to affirmative defense hostile work environment is denied; affirmative defenses punitive damages is denied. That the jury empaneled and sworn unanimously find for plaintiff against defendant on the hostile work environment claim and award damages in the amount of \$15,000; find for defendant against plaintiff on retaliation claim; plaintiff is awarded punitive damages in the amount of \$50,000. (DMT,) (Entered: 06/11/2009)
06/12/2009	<u>218</u>	TRANSCRIPT DESIGNATION AND ORDER FORM by Autozone, Inc. for trial proceedings excluding jury voir dire held on 6/2/09 through 6/10/09 before Judge Stephen M McNamee. (BAS,) (Entered: 06/12/2009)

06/12/2009	<u>219</u>	TRANSCRIPT of Proceedings re: Jury Trial Day 2 A.M. held on 6/3/09 before Judge Stephen M McNamee. Court Reporter: Elaine Cropper. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 7/6/2009. Redacted Transcript Deadline set for 7/13/2009. Release of Transcript Restriction set for 9/10/2009. (BAS,) (Entered: 06/12/2009)
06/12/2009	<u>220</u>	TRANSCRIPT of Proceedings re: Jury Trial Day 1 held on 6/2/09 before Judge Stephen M McNamee. Court Reporter: Candy L Potter. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 7/6/2009. Redacted Transcript Deadline set for 7/13/2009. Release of Transcript Restriction set for 9/10/2009. (BAS,) (Entered: 06/12/2009)
06/12/2009	<u>221</u>	TRANSCRIPT of Proceedings re: Jury Trial Day 2 P.M. held on 6/3/09 before Judge Stephen M McNamee. Court Reporter: Candy L Potter. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 7/6/2009. Redacted Transcript Deadline set for 7/13/2009. Release of Transcript Restriction set for 9/10/2009. (BAS,) (Entered: 06/12/2009)
06/12/2009	<u>222</u>	TRANSCRIPT of Proceedings re: Jury Trial Day 3 A.M. held on 6/4/09 before Judge Stephen M McNamee. Court Reporter: Candy L Potter. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 7/6/2009. Redacted Transcript Deadline set for 7/13/2009. Release of Transcript Restriction set for 9/10/2009. (BAS,) (Entered: 06/12/2009)
06/12/2009	<u>223</u>	TRANSCRIPT of Proceedings re: Jury Trial Day 3 P.M. held on 6/4/09 before Judge Stephen M McNamee. Court Reporter: Elaine Cropper. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 7/6/2009. Redacted Transcript Deadline set for 7/13/2009. Release of Transcript Restriction set for 9/10/2009. (BAS,) (Entered: 06/12/2009)
06/12/2009	<u>224</u>	TRANSCRIPT of Proceedings re: Jury Trial Day 4 A.M. held on 6/5/09 before Judge Stephen M McNamee. Court Reporter: Candy L Potter. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 7/6/2009. Redacted Transcript Deadline set for 7/13/2009. Release of Transcript Restriction set for 9/10/2009. (BAS,) (Entered: 06/12/2009)
06/12/2009	<u>225</u>	TRANSCRIPT of Proceedings re: Jury Trial Day 4 P.M. held on 6/5/09 before Judge Stephen M McNamee. Court Reporter: Elaine M Cropper. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 7/6/2009. Redacted Transcript Deadline set for 7/13/2009. Release of Transcript Restriction set for 9/10/2009. (BAS,) (Entered: 06/12/2009)
06/12/2009	<u>226</u>	TRANSCRIPT of Proceedings re: Jury Trial Day 5 A.M. held on 6/9/09 before Judge Stephen M McNamee. Court Reporter: Elaine Cropper. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 7/6/2009. Redacted Transcript Deadline set for 7/13/2009. Release of Transcript Restriction set for 9/10/2009. (BAS,) (Entered: 06/12/2009)
06/12/2009	<u>227</u>	TRANSCRIPT of Proceedings re: Jury Trial Day 5 P.M. held on 6/9/09 before Judge Stephen M McNamee. Court Reporter: Candy L Potter. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before

		the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 7/6/2009. Redacted Transcript Deadline set for 7/13/2009. Release of Transcript Restriction set for 9/10/2009. (BAS,) (Entered: 06/12/2009)
06/12/2009	<u>228</u>	TRANSCRIPT of Proceedings re: Jury Trial Day 6 held on 6/10/09 before Judge Stephen M McNamee. Court Reporter: Elaine M Cropper. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 7/6/2009. Redacted Transcript Deadline set for 7/13/2009. Release of Transcript Restriction set for 9/10/2009. (BAS,) (Entered: 06/12/2009)
06/12/2009	<u>229</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT <u>219</u> <u>220</u> <u>221</u> <u>222</u> <u>223</u> <u>224</u> <u>225</u> <u>226</u> <u>227</u> and <u>228</u> (BAS,) (Entered: 06/12/2009)
06/22/2009	<u>230</u>	MOTION for Judgment as a Matter of Law by Autozone, Inc.. (Attachments: # <u>1</u> Appendix Molina vs. Phoenix Union High School, # <u>2</u> Text of Proposed Order)(Chess, Laurie) (Entered: 06/22/2009)
06/25/2009	<u>231</u>	BILL OF COSTS by Equal Employment Opportunity Commission. (Attachments: # <u>1</u> Exhibit)(Lopez, P) (Entered: 06/25/2009)
06/25/2009	<u>232</u>	MOTION for Permanent Injunction <i>to Amend Judgment for Equitable Relief</i> by Equal Employment Opportunity Commission. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Text of Proposed Order)(Lopez, P) (Entered: 06/25/2009)
07/07/2009	<u>233</u>	OBJECTION re <u>231</u> Bill of Costs filed by Autozone, Inc.. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Appendix Affymetrix, Inc. vs. Multilyte Ltd, # <u>3</u> Appendix Blaine Larsen vs. Hapco Farms, # <u>4</u> Appendix Corridean vs. Restore Financial Services, # <u>5</u> Appendix Fonseca vs. Secor International, # <u>6</u> Appendix Gouveia vs. Sears, # <u>7</u> Appendix Leal vs. Chapman Chevrolet, # <u>8</u> Appendix Pixion Inc vs. Placeware Inc.)(Chess, Laurie) (Entered: 07/07/2009)
07/08/2009	<u>234</u>	RESPONSE in Opposition re <u>232</u> MOTION for Permanent Injunction <i>to Amend Judgment for Equitable Relief</i> filed by Autozone, Inc.. (Attachments: # <u>1</u> Exhibit A – part 1, # <u>2</u> Exhibit A – part 2, # <u>3</u> Exhibit A – part 3, # <u>4</u> Exhibit B, # <u>5</u> Exhibit C, # <u>6</u> Exhibit D, # <u>7</u> Exhibit E, # <u>8</u> Appendix Denny vs. Union Pacific, # <u>9</u> Appendix EEOC v. Go Daddy Software, # <u>10</u> Appendix Reiter vs. Metropolitan Transportation)(Chess, Laurie) (Entered: 07/08/2009)
07/09/2009	<u>235</u>	RESPONSE to Motion re <u>230</u> MOTION for Judgment as a Matter of Law filed by Equal Employment Opportunity Commission. (Attachments: # <u>1</u> Exhibit)(Lopez, P) (Entered: 07/09/2009)
07/14/2009	<u>236</u>	NOTICE of Appearance by Guy David Knoller on behalf of Equal Employment Opportunity Commission (Knoller, Guy) (Entered: 07/14/2009)
07/15/2009	<u>237</u>	REPLY in Support re <u>230</u> MOTION for Judgment as a Matter of Law filed by Autozone, Inc.. (Attachments: # <u>1</u> Exhibit Transcript pp. 135–136, # <u>2</u> Exhibit Transcript pp. 313–315, # <u>3</u> Exhibit Transcript p. 438, # <u>4</u> Exhibit Transcript pp. 602–603, # <u>5</u> Exhibit Transcript p. 624, # <u>6</u> Exhibit Transcript p. 659, # <u>7</u> Exhibit Transcript pp. 664–665, # <u>8</u> Exhibit Transcript p. 668)(Chess, Laurie) (Entered: 07/15/2009)
07/20/2009	<u>238</u>	REPLY to Response to Motion re <u>232</u> MOTION for Permanent Injunction <i>to Amend Judgment for Equitable Relief</i> filed by Equal Employment Opportunity Commission. (Lopez, P) (Entered: 07/20/2009)
07/24/2009	<u>239</u>	ORDER denying <u>230</u> Renewed Motion for Judgment as a Matter of Law, or Alternatively, Motion for New Trial.. Signed by Judge Stephen M McNamee on 7/24/2009.(TCA,) (Entered: 07/24/2009)
08/06/2009	<u>240</u>	Taxation of Costs in amount of \$ 6,767.28 against Defendant. Signed by Chief Deputy Clerk Michael O'Brien on 08/06/09. (BJW,) (Entered: 08/06/2009)
08/19/2009	<u>241</u>	ORDER that Defendant submit a copy of the problem solving poster posted in its Phoenix Region stores to the Court by Friday, September 4, 2009.. Signed by Judge

		Stephen M McNamee on 8/18/2009. (TCA,) (Entered: 08/19/2009)
08/21/2009	<u>242</u>	Notice re of Appeal by Autozone, Inc. (Chess, Laurie) (Entered: 08/21/2009)
08/21/2009	<u>243</u>	NOTICE OF APPEAL to 9th Circuit, as to <u>239</u> Order on Motion for Judgment by Autozone, Inc. (NOTE: pdf document attached to docket entry # <u>242</u> using incorrect docket event; redocketed to utilize correct "Notice of Appeal" event)(DMT,) Modified on 8/25/2009 to add linkage only (DMT,). (Entered: 08/25/2009)
08/27/2009	<u>244</u>	TRANSCRIPT DESIGNATION AND ORDER FORM by Equal Employment Opportunity Commission for proceedings held on 06-02-09 before Judge Stephen M. McNamee. (Lopez, P) (Entered: 08/27/2009)
08/28/2009	<u>245</u>	Ninth Circuit Case Number 09-16860 for 243 Notice of Appeal. (DMT,) (Entered: 08/28/2009)
09/01/2009	<u>246</u>	Notice re Notice of Filing Problem Solving Poster by Autozone, Inc. re <u>241</u> Order (Attachments: # <u>1</u> Exhibit A – problem solving poster, # <u>2</u> Exhibit B – poster containing contact information)(Chess, Laurie) (Entered: 09/01/2009)
09/02/2009	<u>247</u>	MOTION for Approval of Supersedeas Bond by Autozone, Inc.. (Attachments: # <u>1</u> Exhibit Supersedeas Bond, # <u>2</u> Appendix Gordon v. Prudential, # <u>3</u> Appendix Schugg v. Gila River, # <u>4</u> Text of Proposed Order)(Chess, Laurie) (Entered: 09/02/2009)
09/02/2009	<u>248</u>	MOTION to Stay re Stay of Judgment Pending Appeal by Autozone, Inc.. (Attachments: # <u>1</u> Text of Proposed Order)(Chess, Laurie) (Entered: 09/02/2009)
09/03/2009	<u>249</u>	TRANSCRIPT of Proceedings re: Jury Voir Dire held on 06/02/09 before Judge Stephen M. McNamee. Court Reporter: Candy L. Potter. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 9/24/2009. Redacted Transcript Deadline set for 10/5/2009. Release of Transcript Restriction set for 12/2/2009. (Cady, Elizabeth) (Entered: 09/03/2009)
09/03/2009	<u>250</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT <u>249</u> . (Cady, Elizabeth) (Entered: 09/03/2009)
09/22/2009	<u>251</u>	Notice re Cross-Appeal by Equal Employment Opportunity Commission (Lopez, P) (Entered: 09/22/2009)
09/22/2009	<u>252</u>	Representation Statement by Equal Employment Opportunity Commission re 243 Notice of Appeal, (Lopez, P) (Entered: 09/22/2009)
09/22/2009	<u>253</u>	NOTICE OF CROSS APPEAL to 9th Circuit as to <u>239</u> Order on Motion for Judgment, <u>217</u> Clerk's Judgment, by Equal Employment Opportunity Commission. (NOTE: pdf document attached to docket entry #251 using incorrect docket event; redocketed to utilize correct "Notice of Cross Appeal" event) (KMG) . (Entered: 09/29/2009)
09/29/2009	<u>254</u>	RESPONSE to Motion re <u>248</u> MOTION to Stay re Stay of Judgment Pending Appeal, <u>247</u> MOTION for Approval of Supersedeas Bond filed by Equal Employment Opportunity Commission. (Lopez, P) (Entered: 09/29/2009)
09/29/2009	<u>256</u>	USCA Appeal Fees received \$455 receipt number PHX088964 re 243 Notice of Appeal, filed by Autozone, Inc. (KMG) (Entered: 10/01/2009)
09/30/2009	<u>255</u>	Ninth Circuit Case Number 09-17149 for 253 Notice of Cross Appeal. (KMG) (Entered: 09/30/2009)
10/02/2009	<u>257</u>	ORDER GRANTING Defendants Motion for Approval of Supersedeas Bond (Doc. 247). The supersedeas bond filed by Defendant is approved. IT IS FURTHER ORDERED GRANTING Defendants Motion for Stay of Judgment (Doc. 248). The judgment is stayed pending appeal. Signed by Judge Stephen M McNamee on 10/2/2009.(TCA,) (Entered: 10/02/2009)
11/09/2009	<u>258</u>	ORDER granting in part and denying in part <u>232</u> Motion to Amend Judgment to Add Equitable Relief. (See Order for Details). Signed by Judge Stephen M McNamee on 11/9/2009.(TCA,) (Entered: 11/09/2009)

11/10/2009	<u>259</u>	AMENDED JUDGMENT entered that defendant's motion for judgment as a matter of law as to the hostile work environment claim is denied; retaliation claim is denied; tangible employment action claim is granted; punitive damages claim is denied. Plaintiff's motion for judgment as a matter of law as to affirmative defense hostile work environment is denied; affirmative defenses punitive damages is denied. IT IS FURTHER ORDERED that the jury empaneled and sworn unanimously find for plaintiff against defendant on the hostile work environment claim and award damages in the amount of \$15,000; find for defendant against plaintiff on retaliation claim; plaintiff is awarded punitive damages in the amount of \$50,000. IT IS FURTHER ORDERED that a training program shall be established for Defendant's employees in the Phoenix Region, including supervisors and managers as well as Human Resource officials. The training session should include (1) an overview of Title VII and its purposes, (2) what constitutes sexual harassment under Title VII; (3) types of prohibited activities; (4) Defendant's policies on sexual harassment, including to whom to report complaints of sexual harassment; (5) promise of confidentiality for persons complaining of sexual harassment; and (6) a description of the consequences for harassment, including termination. Employees shall be trained on a yearly basis as a means of educating those in management positions about sexual harassment under Title VII, and particularly, how to deal with harassment complaints. IT IS FURTHER ORDERED that Defendant shall post a poster at all stores in the Phoenix Region. The poster shall be displayed in a prominent location in the store frequented by Defendant's employees. Additionally, the poster shall explain Defendant's responsibilities and the employees' rights under Title VII, including the employees' right to complain about or oppose sexual harassment, and shall provide contact information for the Phoenix office of the Equal Employment Opportunity Commission and the Arizona Civil Rights Division. The contact information on the poster shall be kept updated, including the addresses and phone numbers for the Equal Employment Opportunity Commission and Arizona Civil Rights Division. ORDERED that the Court shall retain jurisdiction over equitable relief should this Order have to be modified in the future due to changed circumstances. (DMT,) (Entered: 11/10/2009)
12/02/2009	<u>260</u>	MANDATE of 9th Circuit (Certified Copy), EEOC' s motion to dismiss cross–appeal 09–17149 only is granted. The parties shall bear their own costs on appeal. This order served on the district court shall act as and for the mandate of this court, case number 09–17149, as to 253 Notice of Cross Appeal, filed by Equal Employment Opportunity Commission (Attachments: #(1) NDA)(KMG) (Entered: 12/02/2009)
12/02/2009	<u>261</u>	MOTION for Reconsideration re Motion for Partial Reconsideration of Order on Plaintiff's Motion to Amend Judgment to Add Equitable Relief by Autozone, Inc.. (Attachments: # <u>1</u> Exhibit 1 – Declaration of Mr. Walton, # <u>2</u> Text of Proposed Order)(Chess, Laurie) (Entered: 12/02/2009)
12/07/2009	<u>262</u>	ORDER that Plaintiff Equal Employment Opportunity Commission may file a response to Defendants motion for reconsideration by December 18,2009. IT IS FURTHER ORDERED that Defendant has until December 31, 2009 to file a reply to Plaintiffs response, if it so desires. Signed by Judge Stephen M McNamee on 12/4/2009. (TCA,) (Entered: 12/07/2009)
12/18/2009	<u>263</u>	RESPONSE in Opposition re <u>261</u> MOTION for Reconsideration re Motion for Partial Reconsideration of Order on Plaintiff's Motion to Amend Judgment to Add Equitable Relief <u>258</u> filed by Equal Employment Opportunity Commission. (Winston, D) (Entered: 12/18/2009)
01/06/2010	<u>264</u>	ORDER granting in part and denying in part <u>261</u> Motion for Partial Reconsideration ;that Defendant display the most recent version of theEqual Employment Opportunity is the Law poster as found on the EEOCs website in itsPhoenix Region stores. Additionally, the Equal Employment Opportunity is the Law postershall be modified to include the contact information for the EEOCs Phoenix field office,including its address and telephone number. The Equal Employment Opportunity is the Lawand Arizona Law Prohibits Discrimination in Employment posters shall be displayed in a prominent location frequented by employees other than the managers office.. Signed by Judge Stephen M McNamee on 1/6/2010.(TCA,) (Entered: 01/06/2010)
01/08/2010	<u>265</u>	NOTICE OF APPEAL to 9th Circuit, as to <u>259</u> Judgment,,,,,, by Equal Employment Opportunity Commission. (Winston, D) (Entered: 01/08/2010)

01/11/2010	<u>266</u>	Ninth Circuit Case Number 10-15059 for <u>265</u> Notice of Appeal. (LSP) (Entered: 01/11/2010)
04/08/2011	<u>267</u>	SATISFACTION OF JUDGMENT re: <u>259</u> Judgment,,,,,, <u>217</u> Clerk's Judgment,, entered In favor of Equal Employment Opportunity Commission Against AutoZone Incorporated <i>Satisfaction of Monetary Judgment</i> by Equal Employment Opportunity Commission. (Attachments: # <u>1</u> Text of Proposed Order Proposed Order)(Winston, D) (Entered: 04/08/2011)
05/11/2011	<u>268</u>	MANDATE of USCA, affirming the decision of the District Court, re: 09-16860, 10-15059 243 Notice of Appeal, <u>265</u> Notice of Appeal. (Attachments: # <u>1</u> Memorandum, # <u>2</u> NDA)(REW) (Entered: 05/11/2011)
07/25/2012	<u>269</u>	ORDER re <u>267</u> Satisfaction of Judgment: IT IS HEREBY ORDERED that Defendant, having satisfied the monetary amount of the judgment entered in this case, the bond securing the judgment may be released. Signed by Senior Judge Stephen M McNamee on 7/23/12. (LAD) (Entered: 07/25/2012)