

**U.S. District Court
DISTRICT OF ARIZONA (Phoenix Division)
CIVIL DOCKET FOR CASE #: 2:06-cv-01921-NVW**

Equal Employment Opportunity Commission v. Eagle Produce,
L.L.C.

Assigned to: Senior Judge Neil V Wake

Cause: 29:203 Equal Pay Act

Date Filed: 08/07/2006

Date Terminated: 10/03/2008

Jury Demand: Both

Nature of Suit: 442 Civil Rights: Jobs

Jurisdiction: U.S. Government Plaintiff

Plaintiff

**Equal Employment Opportunity
Commission**

represented by **Lucila G Rosas**

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V.

Defendant

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an Arizona Limited Liability Company

represented by **Clarissa Braza Reiman**

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Date Filed	#	Docket Text
08/07/2006	<u>1</u>	COMPLAINT, filed by Equal Employment Opportunity Commission. (Attachments: # <u>1</u> Civil Cover Sheet)(Shanley, Sally) (Entered: 08/07/2006)
08/07/2006		This case has been assigned to the Honorable Neil V. Wake. All future pleadings or documents should bear the correct case number: CV06-1921-PHX-NVW. (entered by PEM) (Entered: 08/08/2006)
08/08/2006	<u>2</u>	Summons Issued as to Eagle Produce, L.L.C. (PEM) (Entered: 08/08/2006)
11/29/2006	<u>3</u>	AMENDED COMPLAINT against Eagle Produce, L.L.C.; Jury Demand, filed by Equal Employment Opportunity Commission.(Rosas, Lucila) (Entered: 11/29/2006)
12/05/2006	<u>4</u>	SUMMONS Returned Executed by Equal Employment Opportunity Commission. Eagle Produce, L.L.C. served on 12/1/2006, answer due 12/21/2006. (Shanley, Sally) (Entered: 12/05/2006)
12/22/2006	<u>5</u>	ANSWER to Amended Complaint by Eagle Produce, L.L.C..(Carroll, F) (Entered: 12/22/2006)
12/22/2006	<u>6</u>	DEMAND for Trial by Jury by Eagle Produce, L.L.C.. (Carroll, F) (Entered: 12/22/2006)
12/26/2006	<u>7</u>	ORDER: Scheduling Conference set for 2/2/2007 at 11:00 AM before Judge Neil V Wake. Signed by Judge Neil V Wake on 12/26/06. (SJF) (Entered: 12/26/2006)
01/12/2007	<u>8</u>	Notice by Eagle Produce, L.L.C. // <i>NOTICE OF SERVICE OF DEFENDANT'S RULE 26(a)(1) DISCLOSURE STATEMENT</i> (Carroll, F) (Entered: 01/12/2007)
01/17/2007	<u>9</u>	Notice re Plaintiff EEOC's Initial Rule 26(a)(1) Disclosure Statement by Equal Employment Opportunity Commission (Rosas, Lucila) (Entered: 01/17/2007)
01/26/2007	<u>10</u>	REPORT re: Rule 26(f) Planning Meeting by Equal Employment Opportunity Commission, Eagle Produce, L.L.C.. (Rosas, Lucila) (Entered: 01/26/2007)
02/02/2007	<u>11</u>	Notice re Service of Discovery Documents by Eagle Produce, L.L.C. (Carroll, F) (Entered: 02/02/2007)
02/02/2007	12	TEXT-ONLY Minute Entry. Proceedings held before Judge Neil V Wake: Scheduling Conference held on 2/2/2007. Lucila G. Rosas is present for Plaintiff. F. Michael Carroll and Clarissa Reiman are present for Defendant. Status of the case is discussed and case management deadlines are established. Case Management Order will issue. (Court Reporter Linda Schroeder.) This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (SJF) (Entered: 02/02/2007)
02/02/2007	<u>13</u>	SCHEDULING ORDER: Discovery due by 8/31/2007, Dispositive motions due by 9/14/2007, Proposed Pretrial Order due by 9/28/2007. Signed by Judge Neil V Wake on 2/2/07. (SJF) (Entered: 02/02/2007)
03/15/2007	<u>14</u>	Notice re Service of First Discovery Responses to Defendant by Equal Employment Opportunity Commission (Rosas, Lucila) (Entered: 03/15/2007)

04/23/2007	<u>15</u>	Notice re Service of First Discovery Requests by Equal Employment Opportunity Commission (Rosas, Lucila) (Entered: 04/23/2007)
05/01/2007	<u>16</u>	NOTICE of Deposition of Jimmy Byrd, filed by Equal Employment Opportunity Commission. (Rosas, Lucila) (Entered: 05/01/2007)
05/01/2007	<u>17</u>	NOTICE of Deposition of Mark Lyons, filed by Equal Employment Opportunity Commission. (Rosas, Lucila) (Entered: 05/01/2007)
05/02/2007	<u>18</u>	NOTICE of Deposition of Guerrero, filed by Eagle Produce, L.L.C.. (Carroll, F) (Entered: 05/02/2007)
05/23/2007	<u>19</u>	NOTICE of Deposition of Daniel Gonzalez, filed by Equal Employment Opportunity Commission. (Rosas, Lucila) (Entered: 05/23/2007)
05/23/2007	<u>20</u>	NOTICE of Deposition of Ricardo Gonzalez, filed by Equal Employment Opportunity Commission. (Rosas, Lucila) (Entered: 05/23/2007)
05/25/2007	<u>21</u>	Notice re Notice of Service of Responses to Request for Admissions by Eagle Produce, L.L.C. (Carroll, F) (Entered: 05/25/2007)
05/25/2007	<u>22</u>	Notice re Notice of Service of Responses to 1st Set of Interrogatories by Eagle Produce, L.L.C. (Carroll, F) (Entered: 05/25/2007)
05/29/2007	<u>23</u>	NOTICE of Deposition of Barbara Rusden, filed by Eagle Produce, L.L.C.. (Carroll, F) (Entered: 05/29/2007)
06/11/2007	<u>24</u>	Notice re Notice of Service of Response to Request for Production of Documents by Eagle Produce, L.L.C. (Carroll, F) (Entered: 06/11/2007)
06/11/2007	<u>25</u>	First MOTION for Extension of Time To Complete Discovery by Equal Employment Opportunity Commission. (Attachments: # <u>1</u> Text of Proposed Order)(Rosas, Lucila) (Entered: 06/11/2007)
06/12/2007	<u>26</u>	Notice re Discovery Dispute Regarding Deposition of EEOC Investigator by Equal Employment Opportunity Commission (Rosas, Lucila) (Entered: 06/12/2007)
06/12/2007	<u>27</u>	IT IS ORDERED setting telephonic hearing re <u>26</u> Notice of Discovery Dispute Regarding Deposition of EEOC Investigator for 6/13/2007 at 11:00 AM before Judge Neil V. Wake. Counsel for Plaintiff shall initiate the conference call. Entered by Judge Neil V. Wake on 6/12/2007. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (NVW,) (Entered: 06/12/2007)
06/13/2007	<u>28</u>	Minute Entry. Proceedings held before Judge Neil V Wake: Telephone Conference held on 6/13/2007 re discovery dispute. Lucila Rosas is present telephonically for Plaintiff and F. Michael Carroll is present telephonically for Defendant. Counsel present argument. Plaintiff's notice of discovery dispute is granted in part and denied in part. It is denied to the extent that defendant may inquire of deponent Barbara Rusden concerning the basis for damages to the employee in this case and the relief is granted to the extent that defendant may not inquire generally into the administrative investigation. Discussion is held regarding the pending Motion for Extension of Time. The Court grants the <u>25</u> Motion for Extension of Time and the discovery deadline is extended to 8/31/07 as requested. (Court Reporter Laurie Adams.) This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (SJF) (Entered: 06/13/2007)
06/20/2007	<u>29</u>	Notice re Service of First Supplemental Disclosure and Supplemental Discovery Responses by Equal Employment Opportunity Commission (Rosas, Lucila) (Entered: 06/20/2007)
06/21/2007	<u>30</u>	Notice re Service of First Supplemental Disclosure Statement by Eagle Produce, L.L.C. (Carroll, F) (Entered: 06/21/2007)
07/05/2007	<u>31</u>	NOTICE of Deposition of Paul Collazo, filed by Eagle Produce, L.L.C.. (Carroll, F) (Entered: 07/05/2007)
07/13/2007	<u>32</u>	Notice re Service of Second Set of Discovery Requests by Equal Employment Opportunity Commission (Rosas, Lucila) (Entered: 07/13/2007)

07/16/2007	<u>33</u>	NOTICE of Deposition of Barbara Rusden, filed by Eagle Produce, L.L.C.. (Carroll, F) (Entered: 07/16/2007)
07/16/2007	<u>34</u>	Notice re Subpoena by Eagle Produce, L.L.C. re <u>33</u> Notice of Deposition <i>Barbara Rusden</i> (Carroll, F) (Entered: 07/16/2007)
07/17/2007	<u>35</u>	Notice re Service of 2nd Supplemental Disclosure Statement by Eagle Produce, L.L.C. (Carroll, F) (Entered: 07/17/2007)
07/18/2007	<u>36</u>	NOTICE of Deposition of Paul Collazo, filed by Eagle Produce, L.L.C.. (Carroll, F) (Entered: 07/18/2007)
07/24/2007	<u>37</u>	NOTICE of Deposition of Barbara Rusden, filed by Eagle Produce, L.L.C.. (Carroll, F) (Entered: 07/24/2007)
07/26/2007	<u>38</u>	NOTICE of Deposition of Stephen Martori, filed by Equal Employment Opportunity Commission. (Rosas, Lucila) (Entered: 07/26/2007)
07/26/2007	<u>39</u>	NOTICE of Deposition of Stephen Martori, filed by Equal Employment Opportunity Commission. (Rosas, Lucila) (Entered: 07/26/2007)
07/26/2007	<u>40</u>	NOTICE of Deposition of 30(B)(6), filed by Equal Employment Opportunity Commission. (Rosas, Lucila) (Entered: 07/26/2007)
07/26/2007	<u>41</u>	Notice re Service of Second Supplemental Disclosure by Equal Employment Opportunity Commission (Rosas, Lucila) (Entered: 07/26/2007)
07/31/2007	<u>42</u>	RESPONSE re <u>40</u> Notice of Deposition <i>30(b)(6)</i> by Defendant Eagle Produce, L.L.C.. (Carroll, F) (Entered: 07/31/2007)
08/03/2007	<u>43</u>	NOTICE of Deposition of Paul Collazo, filed by Eagle Produce, L.L.C.. (Carroll, F) (Entered: 08/03/2007)
08/07/2007	<u>44</u>	NOTICE of Deposition of Paul Collazo, filed by Eagle Produce, L.L.C.. (Carroll, F) (Entered: 08/07/2007)
08/17/2007	<u>45</u>	Notice re Service of 3rd Supplemental Disclosure Statement by Eagle Produce, L.L.C. (Carroll, F) (Entered: 08/17/2007)
08/17/2007	<u>46</u>	Notice re Service by Eagle Produce, L.L.C. <i>Responses to 2nd Set of Non-Uniform Interrogatories, Request for Admission, and Request for Production</i> (Carroll, F) (Entered: 08/17/2007)
08/20/2007	<u>47</u>	Notice re Service of 3rd Supplemental Disclosure Statement AMENDED by Eagle Produce, L.L.C. (Carroll, F) (Entered: 08/20/2007)
08/20/2007	<u>48</u>	Notice re Service of Responses to Discovery Requests AMENDED by Eagle Produce, L.L.C. (Carroll, F) (Entered: 08/20/2007)
08/22/2007	<u>49</u>	NOTICE of Deposition of Paul Collazo, filed by Equal Employment Opportunity Commission. (Rosas, Lucila) (Entered: 08/22/2007)
08/23/2007	<u>50</u>	NOTICE of Deposition of Paul Collazo (by Subpoena), filed by Eagle Produce, L.L.C.. (Carroll, F) Modified on 8/24/2007 (SAT). INCORRECT PDF DOCUMENT ATTACHED. ATTORNEY NOTICED TO RE-FILE. (Entered: 08/23/2007)
08/23/2007	<u>51</u>	Notice re of Service by Equal Employment Opportunity Commission <i>re Third Supplemental Disclosure</i> (Rosas, Lucila) (Entered: 08/23/2007)
08/24/2007	<u>52</u>	NOTICE TO FILER OF DEFICIENCY re <u>50</u> Notice of Deposition filed by Eagle Produce, L.L.C.. Description of deficiency: Incorrect PDF document attached. Subpoena in a Civil Action attached to entry instead of the Notice of Deposition. (SAT) (Entered: 08/24/2007)
08/27/2007	<u>53</u>	Notice re of Service by Equal Employment Opportunity Commission <i>re 2nd Supplemental Response to Defendant's First Set of Interrogatories, Request for Admissions and Request for Production of Documents</i> (Rosas, Lucila) (Entered: 08/27/2007)
09/07/2007	<u>54</u>	REPORT of Settlement Talks (Joint) by Plaintiff Equal Employment Opportunity Commission. (Rosas, Lucila) (Entered: 09/07/2007)

09/14/2007	<u>55</u>	MOTION for Summary Judgment by Eagle Produce, L.L.C.. (Carroll, F) (Entered: 09/14/2007)
09/14/2007	<u>56</u>	STATEMENT re <u>55</u> MOTION for Summary Judgment <i>Statement of Facts</i> by Defendant Eagle Produce, L.L.C.. (Attachments: # <u>1</u> Exhibit Exhibits to Statement of Facts# <u>2</u> Exhibit Exhibits 15-21 to Statement of Facts)(Carroll, F) (Entered: 09/14/2007)
09/14/2007	<u>57</u>	MOTION for Partial Summary Judgment by Equal Employment Opportunity Commission. (Rosas, Lucila) (Entered: 09/14/2007)
09/14/2007	<u>58</u>	STATEMENT of Facts in Support of Motion for Partial Summary Judgment by Plaintiff EEOC re <u>57</u> MOTION for Partial Summary Judgment by Plaintiff Equal Employment Opportunity Commission. (Attachments: # <u>1</u> Exhibit 1-10)(Rosas, Lucila) (Entered: 09/14/2007)
09/18/2007	<u>59</u>	AMENDED DOCUMENT by Eagle Produce, L.L.C.. Amendment to <u>56</u> Statement <i>Statement of Facts in support of Motion for Summary Judgment</i> . (Carroll, F) (Entered: 09/18/2007)
09/20/2007	<u>60</u>	STIPULATION for <i>Extension of Time to Respond to Motions for Summary Judgment</i> by Equal Employment Opportunity Commission, Eagle Produce, L.L.C.. (Carroll, F) (Entered: 09/20/2007)
09/20/2007	<u>61</u>	LODGED Proposed Order Granting Extension. Document to be filed by Clerk if Motion to Leave to File or Amend is granted. Filed by Equal Employment Opportunity Commission, Eagle Produce, L.L.C.. (Carroll, F) (Entered: 09/20/2007)
09/20/2007	<u>62</u>	ORDER granting <u>60</u> STIPULATION for <i>Extension of Time (until 10/22/2007) to Respond to Motions for Summary Judgment</i> . Signed by Judge Neil V. Wake on 9/20/2007. (NVW,) (Entered: 09/20/2007)
10/22/2007	<u>63</u>	RESPONSE to Motion re <u>57</u> MOTION for Partial Summary Judgment <i>Re: Statute of Limitations; Laches; and Failure to Mitigate Damages</i> filed by Eagle Produce, L.L.C.. (Reiman, Clarissa) (Entered: 10/22/2007)
10/22/2007	<u>64</u>	STATEMENT of Controverting Statement of Facts and Separate Statement of Facts in Support of Response to Plaintiff's Motion for Partial Summary Judgment re <u>58</u> Statement, <u>63</u> Response to Motion by Defendant Eagle Produce, L.L.C.. (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> Exhibit Exhibit E# <u>6</u> Exhibit Exhibit F# <u>7</u> Exhibit Exhibit G# <u>8</u> Exhibit Exhibit H# <u>9</u> Exhibit Exhibit I)(Reiman, Clarissa) (Entered: 10/22/2007)
10/22/2007	<u>65</u>	RESPONSE in Opposition re <u>55</u> MOTION for Summary Judgment filed by Equal Employment Opportunity Commission. (Rosas, Lucila) (Entered: 10/22/2007)
10/22/2007	<u>66</u>	STATEMENT of Statement of Facts in Opposition to Defendant's Motion for Summary Judgment re <u>55</u> MOTION for Summary Judgment by Plaintiff Equal Employment Opportunity Commission. (Attachments: # <u>1</u> Exhibit 1-11)(Rosas, Lucila) (Entered: 10/22/2007)
10/22/2007	<u>67</u>	RESPONSE re <u>56</u> Statement, <u>59</u> Amended Document (NOT Motion/Complaint) <i>Local Rule of Practice 56.1(b)</i> by Plaintiff Equal Employment Opportunity Commission. (Rosas, Lucila) (Entered: 10/22/2007)
11/01/2007	<u>68</u>	STIPULATION For <i>Extension of Time to File Respective Replies in Support of Motion(s) for Summary Judgment</i> by Equal Employment Opportunity Commission, Eagle Produce, L.L.C.. (Attachments: # <u>1</u> Text of Proposed Order Proposed Order)(Reiman, Clarissa) (Entered: 11/01/2007)
11/02/2007	<u>69</u>	ORDER granting <u>68</u> STIPULATION For <i>Extension of Time to 11/16/2007 to File Respective Replies in Support of Motion(s) for Summary Judgment</i> . Signed by Judge Neil V. Wake on 11/2/2007. (NVW,) (Entered: 11/02/2007)
11/15/2007	<u>70</u>	Reply to Response to Motion re <u>57</u> Motion for Partial Summary Judgment by Plaintiff Equal Employment Opportunity Commission. (Rosas, Lucila) Modified on 11/16/2007 (SAT). DOCKET TEXT MODIFIED TO CORRECT DOCUMENT LINKAGE. INCORRECT EVENT TYPE SELECTED. THIS ENTRY HAS BEEN MODIFIED FROM "REPLY" TO "REPLY TO RESPONSE TO MOTION". (Entered: 11/15/2007)

11/16/2007	<u>71</u>	NOTICE TO FILER OF DEFICIENCY re <u>70</u> Reply filed by Equal Employment Opportunity Commission. Description of deficiency: Document linked incorrectly. Incorrect document type selected. (SAT) (Entered: 11/16/2007)
11/16/2007	<u>72</u>	REPLY in Support re <u>55</u> MOTION for Summary Judgment filed by Eagle Produce, L.L.C.. (Carroll, F) (Entered: 11/16/2007)
11/16/2007	<u>73</u>	STATEMENT of Exhibit to Def Statement of FAacts re <u>72</u> Reply in Support of Motion by Defendant Eagle Produce, L.L.C.. (Attachments: # <u>1</u> Exhibit Exhibit A to Def Statement of Facts# <u>2</u> Exhibit Exhibit B# <u>3</u> Exhibit Exhibit C# <u>4</u> Exhibit Exhibit D# <u>5</u> Exhibit Exhibit E# <u>6</u> Exhibit Exhibit F# <u>7</u> Exhibit Exhibit G# <u>8</u> Exhibit Exhibits H and I to Def Statement of Facts# <u>9</u> Exhibit Exhibits J and K to Def Statement of Facts)(Carroll, F) (Entered: 11/16/2007)
11/20/2007	<u>74</u>	Notice re Service by Eagle Produce, L.L.C. <i>4th Supplemental Disclosure Statement</i> (Carroll, F) (Entered: 11/20/2007)
11/21/2007	<u>75</u>	MOTION for Leave to File to File Sur–Reply to Defendant Eagle Produce's Reply in Support of its Motion for Summary Judgment by Equal Employment Opportunity Commission. (Rosas, Lucila) Modified on 11/26/2007 (SAT). LODGED PROPOSED DOCUMENT EVENT NOT ENTERED. (Entered: 11/21/2007)
11/26/2007	<u>76</u>	NOTICE TO FILER OF DEFICIENCY re <u>75</u> MOTION for Leave to File to File Sur–Reply to Defendant Eagle Produce's Reply in Support of its Motion for Summary Judgment filed by Equal Employment Opportunity Commission. Description of deficiency: Original proposed pleading not electronically lodged usint the "Lodge Proposed Document" event. (SAT) (Entered: 11/26/2007)
11/27/2007	<u>77</u>	ORDER – IT IS THEREFORE ORDERED that Plaintiff EEOC's <u>75</u> Motion for Leave to File Sur–Reply to Defendant Eagle Produce's Reply in Support of Its Motion for Summary Judgment is granted. Plaintiff may have until December 20, 2007, to file a Sur–Reply and additional controverting evidence. Signed by Judge Neil V Wake on 11/26/07. (SAT) (Entered: 11/27/2007)
12/04/2007	<u>78</u>	MOTION to Continue <i>Summary Judgment to Obtain the Deposition of B Gomez and Motion for Leave to File a Sur Rebuttal</i> by Eagle Produce, L.L.C.. (Attachments: # <u>1</u> Exhibit Declaration of Michael Carroll)(Carroll, F) (Entered: 12/04/2007)
12/05/2007	<u>79</u>	Minute Entry for telephonic motion hrg held before Judge Neil V Wake: The <u>77</u> Order granting pla leave to file a sur–reply on dft's motion for summary jgm is VACATED. Discovery is reopened re: the new contention by pla relating to Mr. Gomez as a comparator and matters ancillary to that. Deadline for this discovery extended to 1/31/08. Dft may file an additional motion for summary jgm, by 2/15/08, addressing the newly disclosed contentions from pla re: Mr. Gomez as a comparator. Pla's response due within the time provided by the rules. The pending <u>78</u> Motion for Continuance of Summary Jgm to Obtain the Deposition of Bernardo Gomez and Motion for Leave to File a Sur–Rebuttal is rendered moot by the above ruling. (Court Reporter Laurie Adams.) (SAT) (Entered: 12/06/2007)
01/15/2008	<u>80</u>	NOTICE of Deposition of Bernardo Gomez, filed by Eagle Produce, L.L.C.. (Carroll, F) (Entered: 01/15/2008)
01/15/2008	<u>81</u>	NOTICE of Deposition of Beatriz Lizarraga, filed by Equal Employment Opportunity Commission. (Rosas, Lucila) (Entered: 01/15/2008)
02/15/2008	<u>82</u>	MOTION for Summary Judgment <i>Re Bernardo Gomez</i> by Eagle Produce, L.L.C.. (Carroll, F) (Entered: 02/15/2008)
02/15/2008	<u>83</u>	STATEMENT of Facts re <u>82</u> MOTION for Summary Judgment re Bernardo Gomez by Eagle Produce, L.L.C.. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2)(Carroll, F) Modified on 3/20/2008 (SAT). INCORRECT EVENT SELECTED. THIS ENTRY HAS BEEN MODIFIED FROM "MOTION FOR SUMMARY JUDGMENT" TO "STATMENT". DOCKET TEXT MODIFIED TO CORRECT DOCUMENT LINKAGE. (Entered: 02/15/2008)
03/19/2008	<u>84</u>	RESPONSE in Opposition re <u>82</u> MOTION for Summary Judgment <i>Re Bernardo Gomez</i> filed by Equal Employment Opportunity Commission. (Rosas, Lucila) (Entered: 03/19/2008)

03/19/2008	<u>85</u>	STATEMENT Controverting Statement of Facts re <u>83</u> STATEMENT of Facts in support of <u>82</u> MOTION for Summary Judgment by Plaintiff Equal Employment Opportunity Commission. (Rosas, Lucila) Modified on 3/20/2008 (SAT). INCORRECT EVENT SELECTED. THIS ENTRY HAS BEEN MODIFIED FROM "RESPONSE" TO "STATEMENT". (Entered: 03/19/2008)
03/19/2008	<u>86</u>	STATEMENT of (Additional) Facts in Opposition To Defendant's Motion for Summary Judgment Re: Bernardo Gomez re <u>82</u> MOTION for Summary Judgment <i>Re Bernardo Gomez</i> by Plaintiff Equal Employment Opportunity Commission. (Attachments: # <u>1</u> Exhibit 1-9)(Rosas, Lucila) (Entered: 03/19/2008)
04/07/2008	<u>87</u>	STATEMENT (Controverting) in Response to Plaintiff EEOC's <u>85</u> Controverting STATEMENT of Facts in Response to Defendant's Additional Statement of Facts re: Bernardo Gomez filed by Eagle Produce, L.L.C.. (Attachments: # <u>1</u> Exhibit Exhibit 3, # <u>2</u> Exhibit Exhibit 4, # <u>3</u> Exhibit Exhibit 5)(Reiman, Clarissa) Modified on 4/8/2008 (SAT). INCORRECT EVENT SELECTED. THIS ENTRY HAS BEEN MODIFIED FROM "RESPONSE IN OPPOSITION" TO "STATEMENT". DOCKET TEXT MODIFIED TO CORRECT DOCUMENT LINKAGE. (Entered: 04/07/2008)
04/07/2008	<u>88</u>	REPLY in Support re <u>82</u> MOTION for Summary Judgment <i>Re Bernardo Gomez Reply in Support of Defendants' Additional Motion for Summary Judgment Re: Bernardo Gomez</i> filed by Eagle Produce, L.L.C.. (Reiman, Clarissa) (Entered: 04/07/2008)
06/06/2008	<u>89</u>	ORDER – IT IS THEREFORE ORDERED that Dft Eagle Produce, L.L.C.'s <u>55</u> Motion for Summary Judgment and <u>82</u> Additional Motion for Summary Judgment Re: Bernardo Gomez are DENIED as to the Equal Pay Act claim from 8/7/04, and GRANTED as to the Title VII claim and the Equal Pay Act claim before 8/7/04. FURTHER ORDERED that Pla Equal Employment Opportunity Commission's <u>57</u> Motion for Partial Summary Judgment is GRANTED as to the defense of failure to mitigate damages and is DENIED in all other respects. Signed by Judge Neil V Wake on 6/5/08. (SAT) (Entered: 06/06/2008)
06/06/2008	<u>90</u>	ORDER SETTING FINAL PRETRIAL CONFERENCE – Final Pretrial Conference set for 9/26/2008 at 2:00 PM in Courtroom 504, 401 West Washington Street, Phoenix, AZ 85003 before Judge Neil V Wake. Proposed Pretrial Order due by 8/29/2008 no later than 4:00 p.m.. Jury Trial set for 10/21/2008 at 8:30 AM in Courtroom 504, 401 West Washington Street, Phoenix, AZ 85003 before Judge Neil V Wake. Signed by Judge Neil V Wake on 6/5/08. (SAT) (Entered: 06/06/2008)
06/19/2008	<u>91</u>	MOTION for Reconsideration of <i>Summary Judgment Order</i> by Equal Employment Opportunity Commission. (Attachments: # <u>1</u> Exhibit # 1 – 3)(Rosas, Lucila) (Entered: 06/19/2008)
07/18/2008	<u>92</u>	ORDER denying <u>91</u> Motion for Reconsideration. See text of attached order for full details. Signed by Judge Neil V Wake on 7/18/08.(SJF) Modified on 7/18/2008 to designate as opinion (SJF). (Entered: 07/18/2008)
08/05/2008	<u>93</u>	MOTION for Extension of Time to File Joint Pretrial Order and Reschedule Trial Date by Equal Employment Opportunity Commission. (Attachments: # <u>1</u> Text of Proposed Order)(Rosas, Lucila) (Entered: 08/05/2008)
08/06/2008	<u>94</u>	RESPONSE to Motion re <u>93</u> MOTION for Extension of Time to File Joint Pretrial Order and Reschedule Trial Date filed by Eagle Produce, L.L.C.. (Carroll, F) Modified on 8/7/2008 (TLJ). DOCUMENT NOT IN COMPLIANCE WITH LRCIV 7.1(c). ATTORNEY NOTICED. (Entered: 08/06/2008)
08/08/2008	<u>95</u>	MOTION in Limine re: Exclude Mention of Title VII Claim No Longer Before Court by Equal Employment Opportunity Commission. (Rosas, Lucila) (Entered: 08/08/2008)
08/08/2008	<u>96</u>	MOTION in Limine re: Exclude Evidence Related to Defenses Not Asserted by Defendant by Equal Employment Opportunity Commission. (Attachments: # <u>1</u> Exhibit Attachment 1)(Rosas, Lucila) (Entered: 08/08/2008)
08/14/2008	<u>97</u>	ORDER granting <u>93</u> Motion for Extension of Time. Proposed Pretrial Order due by 9/12/2008. Trial reset for 10/14/2008 08:30 AM before Judge Neil V Wake.. Signed by Judge Neil V Wake on 8/13/08.(TLJ) (Entered: 08/14/2008)

08/22/2008	<u>98</u>	TEXT-ONLY Minute Order: Due to a conflict on the Court's calendar, Final Pretrial Conference is reset from 9/26/08 at 2:00 PM to 9/26/2008 at 10:30 AM before Judge Neil V Wake. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (SJF) (Entered: 08/22/2008)
08/22/2008	<u>99</u>	RESPONSE to Motion re <u>95</u> MOTION in Limine re: Exclude Mention of Title VII Claim No Longer Before Court filed by Eagle Produce, L.L.C.. (Reiman, Clarissa) Modified on 8/25/2008 (TLJ). DOCUMENT NOT IN COMPLIANCE WITH LRCIV 7.1(c). ATTORNEY NOTICED. (Entered: 08/22/2008)
08/22/2008	<u>100</u>	RESPONSE to Motion re <u>96</u> MOTION in Limine re: Exclude Evidence Related to Defenses Not Asserted by Defendant filed by Eagle Produce, L.L.C.. (Reiman, Clarissa) Modified on 8/25/2008 (TLJ). DOCUMENT NOT IN COMPLIANCE WITH LRCIV 7.1(c). ATTORNEY NOTICED. (Entered: 08/22/2008)
08/28/2008	<u>101</u>	NOTICE of Appearance by Tin-Tin Diana Chen on behalf of Equal Employment Opportunity Commission (Chen, Tin-Tin) (Entered: 08/28/2008)
09/12/2008	<u>102</u>	Notice re of Lodging by Equal Employment Opportunity Commission (Rosas, Lucila) (Entered: 09/12/2008)
09/12/2008	<u>103</u>	Notice of Filing Proposed Pretrial Order filed by Equal Employment Opportunity Commission, Eagle Produce, L.L.C. (Attachments: # <u>1</u> Exhibit 1-6B)(Rosas, Lucila) (Entered: 09/12/2008)
09/12/2008	<u>104</u>	TRIAL BRIEF by Equal Employment Opportunity Commission. (Rosas, Lucila) (Entered: 09/12/2008)
09/12/2008	<u>105</u>	TRIAL BRIEF <i>Memorandum on Issues of Law and Fact</i> by Eagle Produce, L.L.C.. (Carroll, F) (Entered: 09/12/2008)
09/16/2008	106	TEXT-ONLY Minute Order: Due to the Court's scheduling conflict, Final Pretrial Conference is reset from 9/26/08 to 10/3/2008 at 10:00 AM before Judge Neil V Wake. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (SJF) (Entered: 09/16/2008)
09/19/2008	<u>107</u>	ORDER: pursuant to Rule 4(m), Fed. R. Civ. P., that this action shall be dismissed on or after October 6, 2008, unless before then Plaintiff has served defendant(s) with process and has filed with the clerk of the court proof thereof pursuant to Rule 4(l). Signed by Judge Neil V Wake on 9/19/08. (SJF) DOCUMENT FILED IN WRONG CASE. REDOCKETED IN CORRECT CASE BY CLERK ON 9/19/2008 (MAP). (Entered: 09/19/2008)
09/19/2008	108	NOTICE OF CORRECTION BY THE CLERK re <u>107</u> Order. Description of deficiency: Document (Order) docketed in wrong case. Follow up by Clerks Office: Order Redocketed in Correct Case by Clerk. Court use only: SJF. (MAP) (Entered: 09/19/2008)
09/22/2008	<u>109</u>	MOTION for Referral to Magistrate Judge for Settlement Conference and for Expedited Ruling by Equal Employment Opportunity Commission. (Attachments: # <u>1</u> Text of Proposed Order)(Rosas, Lucila) (Entered: 09/22/2008)
09/23/2008	<u>110</u>	ORDER – IT IS ORDERED that Plaintiff's <u>109</u> Motion for Expedited Ruling is granted and Motion for Referral to Magistrate Judge for Settlement Conference is denied. Signed by Judge Neil V Wake on 9/23/08.(SAT) (Entered: 09/23/2008)
09/23/2008	<u>111</u>	ORDER – IT IS THEREFORE ORDERED that Plaintiff's <u>109</u> Motion for Expedited Ruling is granted and Motion for Referral to Magistrate Judge for Settlement Conference is denied. Signed by Judge Neil V Wake on 9/23/08. (SAT) (Entered: 09/23/2008)
09/26/2008	<u>112</u>	ORDER – IT IS ORDERED referring this matter to Magistrate Judge David K. Duncan for a mediation on Tuesday, September 30, 2008 from 2:00 p.m. to 5:00 p.m.. Signed by Judge Neil V Wake on 9/26/08. (SAT) (Entered: 09/26/2008)
09/30/2008	<u>113</u>	Minute Entry. Proceedings held before Magistrate Judge David K Duncan: Settlement Conference held on 9/30/2008 and agreement between parties being reached – IT IS HEREBY ORDERED the settlement be fully executed and the final settlement agreement be filed with the Court no later than October 3, 2008. (Court Reporter

		COURTSMART.)(KMG,) (Entered: 10/01/2008)
10/02/2008	<u>114</u>	TRANSCRIPT DESIGNATION AND ORDER FORM by Eagle Produce, L.L.C. for proceedings held on 9/30/2008 before Judge David K. Duncan. (Carroll, F) (Entered: 10/02/2008)
10/03/2008	<u>115</u>	Joint MOTION to Continue Pretrial Conference by Equal Employment Opportunity Commission, Eagle Produce, L.L.C.. (Attachments: # <u>1</u> Text of Proposed Order)(Shanley, Sally) (Entered: 10/03/2008)
10/03/2008	<u>116</u>	TEXT-ONLY ORDER granting <u>115</u> Motion to Continue: ORDERED that Plaintiff's Motion to Continue Pretrial Conference (Doc. # 115) is granted, and the final pretrial conference is continued from 10:00 a.m. to 2:00 p.m. on October 3, 2008. This is a TEXT ENTRY ONLY. There is no PDF document associated with this entry. (SJF) (Entered: 10/03/2008)
10/03/2008	<u>117</u>	Notice re of filing Settlement Agreement by Equal Employment Opportunity Commission, Eagle Produce, L.L.C. (Attachments: # <u>1</u> Exhibit Settlement Agreement)(Shanley, Sally) (Entered: 10/03/2008)
10/03/2008	<u>118</u>	ORDER that the Clerk enter judgment dismissing this action with prejudice, all parties to bear their own costs and attorney fees, but without prejudice to the rights and obligations of the parties under the written Settlement Agreement <u>117</u> . FURTHER ORDERED that the Court retains jurisdiction for one year from the date of this judgment to consider any motion by any party to enforce the terms of the Settlement Agreement. The Clerk shall terminate this action. Signed by Judge Neil V Wake on 10/3/08. (KMG,) (Entered: 10/03/2008)
10/03/2008	<u>119</u>	CLERK'S JUDGMENT – IT IS HEREBY ORDERED, ADJUDGED by way of this Court, dismissing this action with prejudice, all parties to bear their own costs and attorney fees, but without prejudice to the rights and obligations of the parties under the written Settlement Agreement. Signed on 10/3/08. (KMG,) (Entered: 10/03/2008)
10/07/2008	<u>120</u>	TAPE ORDER FORM by Eagle Produce, L.L.C. for settlement proceedings held on 9/30/08 before Judge David K Duncan. (BAS,) (Entered: 10/07/2008)
10/07/2008	<u>121</u>	TRANSCRIPT of Proceedings re: Settlement Conference held on 9/30/08 before Judge David K Duncan. Taped Proceeding Transcribed by 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 10/28/2008. Redacted Transcript Deadline set for 11/7/2008. Release of Transcript Restriction set for 1/5/2009. (BAS,) (Entered: 10/07/2008)
10/07/2008	<u>122</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT (BAS,) (Entered: 10/07/2008)