

STD, TERMED

**U.S. District Court
DISTRICT OF ARIZONA (Prescott Division)
CIVIL DOCKET FOR CASE #: 3:98-cv-00572-HRH**

EEOC v. Indiana Wstrn Exprss
Assigned to: Judge H Russel Holland
Demand: \$0
Cause: 42:2000e Job Discrimination (Employment)

Date Filed: 03/31/1998
Date Terminated: 01/26/2000
Jury Demand: Plaintiff
Nature of Suit: 442 Civil Rights: Jobs
Jurisdiction: U.S. Government Plaintiff

Plaintiff

**Equal Employment Opportunity
Commission**

represented by **Mary Joleen O'Neill**
EEOC
3300 N Central Ave
Ste 690
Phoenix, Az 85012-1848
602-640-5044
Fax: 602-640-5009
Email: mary.oneill@eEOC.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Patricia Ann Kirtley
Kirtley Wells PC
3800 N Central Ave
Ste 615
Phoenix, AZ 85012
602-264-7424
Fax: 866-743-4332
Email: kirtleywells@cybertrails.com
TERMINATED: 06/10/1999
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

Indiana Western Express, Inc.

represented by **Brian J Foster**
Snell & Wilmer LLP
1 Arizona Ctr
400 E Van Buren
Phoenix, AZ 85004-0001
602-382-6000
Fax: 602-382-6070
Email: bfoster@swlaw.com
LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Lonnie James Williams
 Quarles & Brady LLP
 1 Renaissance Sq
 2 N Central Ave
 Phoenix, AZ 85004-2391
 602-229-5300
 Fax: 602-420-5001
 Email: lwilliams@quarles.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
03/31/1998	1	COMPLAINT FILED (MAP) (Entered: 04/01/1998)
08/11/1998	2	STIPULATION that deft will have until 8/31/98 to answer to pla's complaint (former emp) (Entered: 08/12/1998)
08/13/1998	3	ORDER by Judge Earl H. Carroll: granting stipulation; that deft Indiana Western Express has up to 8/31/98 to file an answer to pla's complaint (cc: all counsel) (former emp) (Entered: 08/13/1998)
09/14/1998	4	ANSWER to pla's complaint by dft Indiana Wstrn Exprss (former emp) (Entered: 09/15/1998)
01/29/1999	5	ORDER by Judge Earl H. Carroll: ; prel scheduling conf set for 9:00 3/8/99 (cc: all counsel) (former emp) (Entered: 01/29/1999)
02/17/1999	6	NOTICE by dft Indiana Wstrn Exprss of service of its notice of deposition, request for production of documents, deft's 1st interrogatories to pl and individual class members and request for admissions by personal hand delivery (former emp) (Entered: 02/18/1999)
02/26/1999	7	DEFENDANT'S PROPOSED DISCOVERY PLAN: Dispositive motions 3/31/00 Discovery cutoff 1/28/00 Motion filing ddl is 6/30/00 (former emp) (Entered: 03/01/1999)
03/02/1999	8	ORDER by Judge Earl H. Carroll ; prel scheduling conf re set for 9:00 4/12/99 , ; PTO ddl set for 4/5/99 (cc: all counsel) (former emp) (Entered: 03/02/1999)
03/05/1999	9	NOTICE of service of initial disclosure statement pursuant to FRCivP 26(a) by pla EEOC (former emp) (Entered: 03/09/1999)
03/16/1999	10	NOTICE by pla EEOC of pla EEOC's 1st set of non-uniform interrogatories, 1st request for admissions, and 1st request for production of documents (former emp) (Entered: 03/16/1999)
03/23/1999	11	NOTICE by pla EEOC to court of pla' responses to defts 1st interrogatories to pla EEOC and individual class members; responses to deft's request for admissions and responses to deft's request for production of documents (former emp)

		(Entered: 03/26/1999)
03/24/1999	12	NOTICE of service of initial disclosure statement pursuant to FRCivP 26(a) by dft Indiana Wstrn Exprss (former emp) (Entered: 03/26/1999)
04/03/1999	17	NOTICE by dft Indiana Wstrn Exprss OF TAKING DEPO OF Sheri Mitchell on the following date(s): 5/17/99; Karron Knight, Sandra M Laughton on 5/18/99; Valerie Jordan, Hannelore Jensen, Berta Escheveste on 5/19/99 (former emp) (Entered: 05/04/1999)
04/06/1999	13	PROPOSED DISCOVERY PLAN: joint pretrial statement 6/30/00 Discovery cutoff 10/29/99 Motion filing ddl is 3/31/00 (former emp) (Entered: 04/07/1999)
04/12/1999	14	MINUTE ENTRY Judge Inits: EHC Crt Rptr: Bridget Brittan Appearances: Patricia Kirley for Plas. Stephanie Quincy for Dft. Prel scheduling conf held. Settlement discussed, order to be filed by the court. [14-2] [cc: chambers] (LCF) (Entered: 04/12/1999)
04/13/1999	15	ORDER by Judge Earl H. Carroll ; Pretrial conference set for 9:00 10/18/99 ; jury trial set for 9:00 10/26/99 , ; discovery ddl set for 7/30/99 ; PTO ddl set for 10/8/99 (cc: all counsel) (former emp) (Entered: 04/13/1999)
04/30/1999	16	NOTICE by dft Indiana Wstrn Exprss of service of deft's responses to pla's discovery requests (former emp) (Entered: 05/03/1999)
05/04/1999	18	NOTICE by pla EEOC OF TAKING DEPO OF Terry Pullins on the following date(s): 6/2/99; Terry O'Hara 6/3/99 (former emp) (Entered: 05/04/1999)
05/05/1999	19	NOTICE by dft Indiana Wstrn Exprss OF TAKING DEPO OF Sheri Mitchell on the following date(s): 5/27/99 (former emp) (Entered: 05/05/1999)
05/19/1999	20	NOTICE of service of first supplemental disclosure statement pursuant to FRCivP 26(a) by pla EEOC (former emp) (Entered: 05/19/1999)
05/19/1999	21	NOTICE of service of first supplemental disclosure statement pursuant to FRCivP 26(a) by dft Indiana Wstrn Exprss (former emp) (Entered: 05/20/1999)
05/24/1999	24	MOTION for extension of time, until after disclose of discovery, for disclosing expert witnesses and expert witness reports by pla EEOC [24-1] (former emp) (Entered: 05/26/1999)
05/25/1999	22	NOTICE by dft Indiana Wstrn Exprss OF TAKING DEPO OF H Jensen and L Jackson on the following date(s): 6/4/99; B Eschevest on 6/7/99; K Knight and S Laughton on 6/8/99; V Jordan and C Watson on 6/9/99; S Mitchell on 6/11/99 (former emp) (Entered: 05/25/1999)
05/25/1999	23	NOTICE by pla EEOC OF TAKING DEPO OF L Yesmont and D Rushing on the following date(s): 7/7/99; R Murphy on 7/8/99 (former emp) (Entered: 05/25/1999)
05/27/1999	25	NOTICE by dft Indiana Wstrn Exprss OF TAKING VIDEOTAPED DEPO OF Terry Pullins on the following date(s): 6/2/99 (former emp) (Entered: 06/01/1999)
06/01/1999	26	AMENDED NOTICE by pla EEOC OF TAKING DEPO OF Persons at Best Western Kings Inn, Terry O'Hara on the following date(s): 6/3/99 (former emp)

		(Entered: 06/03/1999)
06/01/1999	27	NOTICE of service of pla EEOC's 1st supplemental response to deft's first interrogatories to pla EEOC and individual class members (former emp) (Entered: 06/03/1999)
06/03/1999	28	NOTICE of EEOC's 1st supplemental response to deft's first request for production of documents (former emp) (Entered: 06/03/1999)
06/07/1999	29	NOTICE of service of pla's 2nd supplemental responses to deft's first interrogatories to pla EEOC and individual class members (former emp) (Entered: 06/07/1999)
06/08/1999	30	RESPONSE by dft Indiana Wstrn Exprss to motion for extension of time, until after disclose of discovery, for disclosing expert witnesses and expert witness reports by pla EEOC [24-1] (former emp) (Entered: 06/09/1999)
06/10/1999	31	NOTICE by pla EEOC of withdrawal of counsel, Trisha Kirtley (former emp) (Entered: 06/10/1999)
06/16/1999	32	NOTICE of filing of 2nd supplemental disclosure statement pursuant to FRCivP 26(a) by dft Indiana Wstrn Exprss (former emp) (Entered: 06/17/1999)
06/23/1999	33	NOTICE of compliance of filing 3rd supplemental disclosure statement pursuant to FRCivP 26(a) by dft Indiana Wstrn Exprss (former emp) (Entered: 06/24/1999)
06/25/1999	34	NOTICE of service of discovery requests by dft Indiana Wstrn Exprss (former emp) (Entered: 06/28/1999)
07/02/1999	35	NOTICE by pla EEOC to the court of second set of non-uniform interrogatories, second request for admissions and second request for production of documents (former emp) (Entered: 07/02/1999)
07/02/1999	36	NOTICE by dft Indiana Wstrn Exprss OF TAKING DEPO OF James and Beverly Eyer on the following date(s): 7/22/99 (former emp) (Entered: 07/02/1999)
07/06/1999	37	NOTICE by dft Indiana Wstrn Exprss OF TAKING DEPO OF Sherri Mitchell on 7/19/99, Valerie Jordan on 7/20/99 and Christina Watson on 7/20/99 (former emp) (Entered: 07/07/1999)
07/12/1999	38	NOTICE by pla EEOC OF TAKING DEPO OF Don Rushing and Randy Murphy on the following date(s): 7/21/99; James Eyer and Beverly Eyer on 7/22/99; Lynn Yesmont on 7/23/99 (former emp) (Entered: 07/13/1999)
07/12/1999	39	NOTICE by pla EEOC OF TAKING DEPO OF N Bodine, A Kryger, F Wade on the following date(s): 7/27/99; L Stevens, S Coulter and Richard Colter on 7/28/99 (former emp) (Entered: 07/13/1999)
07/16/1999	40	MOTION to disqualify counsel for deft by pla EEOC [40-1] (former emp) (Entered: 07/16/1999)
07/16/1999	41	MEMORANDUM IN SUPPORT by pla EEOC of motion to disqualify counsel for deft by pla EEOC [40-1] (former emp) (Entered: 07/16/1999)

07/16/1999	42	MOTION for stay of discovery pending resolution of the motion to disqualify Snell and Wilmer as counsel for deft by pla EEOC [42-1] (former emp) (Entered: 07/16/1999)
07/16/1999	43	MOTION for expedited hearing for its motion for stay of discovery by pla EEOC [43-1] (former emp) (Entered: 07/16/1999)
07/19/1999	44	ORDER by Judge Roslyn O. Silver for Judge Earl H Carroll: granting motion for expedited hearing for its motion for stay of discovery by pla EEOC [43-1] setting motion for stay of discovery pending resolution of the motion to disqualify Snell and Wilmer as counsel for deft by pla EEOC [42-1] at 8:30 7/19/99 (cc: all counsel) (former emp) (Entered: 07/19/1999)
07/19/1999	45	Initial RESPONSE by dft Indiana Wstrn Exprss to motion for stay of discovery pending resolution of the motion to disqualify Snell and Wilmer as counsel for deft by pla EEOC [42-1] (former emp) (Entered: 07/20/1999)
07/19/1999	47	SEALED Minute Entry: hearing held on motion for stay an motion to disqualify; motions are taken under advisement [40-1] ; status hearing set for 8:30 7/30/99 ; sealing proceedings ; [47-2] (former emp) (Entered: 07/21/1999)
07/21/1999	46	SEALED Order granting motion for stay of discovery pending resolution of the motion to disqualify Snell and Wilmer as counsel for deft by pla EEOC [42-1]; this matter be STAYED until 7/29/99; Snell and Wilmer shall turn over a copy of the audiotapes in their possession or that of IWX of the 7 depositions taken in this case to Richard Trujillo of Phoenix by 4:00 pm on 7/19/99; Should the EEOC request originals of the audiotapes, Snell and Wilmer shall produce the originals within 24 hours; the EEOC shall have until 7/23/99 to file any supplemental pleadings or evidence; Snell and Wilmer shall have until 7/28/99 to respond to EEOC's supplemental filing; [24-1] ; status hearing set for 8:30 7/30/99 cc: all cnsl (former emp) (Entered: 07/21/1999)
07/23/1999	48	SEALED Motion for supplemental motion for stay of discovery by pla EEOC [48-1] (former emp) (Entered: 07/26/1999)
07/28/1999	49	NOTICE by dft Indiana Wstrn Exprss OF TAKING DEPO OF Lynn Yesmot and Glenn Lewis on the following date(s): 7/23/99 (former emp) (Entered: 07/29/1999)
07/28/1999	50	SEALED Response to motion [48-1] (former emp) (Entered: 07/29/1999)
07/29/1999	51	AFFIDAVIT of Sandra Padegimas re supplemental motion for stay of discovery (former emp) (Entered: 07/29/1999)
07/30/1999	52	NOTICE of filing 4th supplemental disclosure statement pursuant to FRCivP 26(a) by dft Indiana Wstrn Exprss (former emp) (Entered: 07/30/1999)
07/30/1999	53	ATTORNEY APPEARANCE for dft Indiana Wstrn Exprss by Lonnie J Williams Jr (former emp) (Entered: 08/02/1999)
07/30/1999	54	MOTION for partial summary judgment on deft's affirmative defenses by pla EEOC [54-1] (former emp) (Entered: 08/02/1999)
07/30/1999	55	STATEMENT OF FACTS by pla EEOC in support of motion for partial summary judgment on deft's affirmative defenses by pla EEOC [54-1] (former

		emp) (Entered: 08/02/1999)
07/30/1999	56	MEMORANDUM IN SUPPORT by pla EEOC of motion for partial summary judgment on deft's affirmative defenses by pla EEOC [54-1] (former emp) (Entered: 08/02/1999)
07/30/1999	59	MOTION to extend discovery cutoff date until 9/30/99 by pla EEOC [59-1] (former emp) (Entered: 08/03/1999)
08/02/1999	57	NOTICE of service of 2nd supplemental disclosure statement pursuant to FRCivP 26(a) by pla EEOC (former emp) (Entered: 08/02/1999)
08/02/1999	58	NOTICE of filing of orginal signed AFFIDAVIT of Hannelore Jensen (former emp) (Entered: 08/02/1999)
08/17/1999	60	NOTICE by pla EEOC of pla EEOC's responses to deft's second request for production of documents and deft's second set of interrogatories (former emp) (Entered: 08/17/1999)
08/17/1999	61	NOTICE by pla EEOC of second supplemental response to deft's first interrogatories to pla EEOC and individual class members (former emp) (Entered: 08/17/1999)
08/18/1999	62	NOTICE by dft Indiana Wstrn Exprss of service of responses to pla's discovery requests (former emp) (Entered: 08/18/1999)
08/24/1999	63	STIPULATED joint motion to extend certain pretrial and trial dates by dft Indiana Wstrn Exprss (former emp) (Entered: 08/25/1999)
09/02/1999	64	STIPULATION by the parties that the Court may allow deft to have until 9/17/99 to respond to EEOC's motion for summary judgment on affirmative defenses (former emp) (Entered: 09/07/1999)
09/08/1999	65	SEALED Stipulation re Court order 7/30/99 [65-1] (former emp) (Entered: 09/09/1999)
09/17/1999	66	SEALED Court order granting motion 7/30/99 [65-1] (former emp) (Entered: 09/17/1999)
09/22/1999	67	RESPONSE by dft Indiana Wstrn Exprss to motion for partial summary judgment on deft's affirmative defenses by pla EEOC [54-1] (former emp) (Entered: 09/23/1999)
09/22/1999	68	CONTROVERTING STATEMENT OF FACTS by dft Indiana Wstrn Exprss re motion pla's motion for summary judgment (former emp) (Entered: 09/23/1999)
09/23/1999	69	MOTION to exceed the page limitation on its response to EEOC's motion for summary judgment on deft's affirmative defenses (document not attached) by dft Indiana Wstrn Exprss [69-1] (former emp) (Entered: 09/23/1999)
10/06/1999	70	STIPULATION by all parties that the pla will have to 10/21/99 to reply to dft's response to pla's motion for partial summary judgment (former emp) (Entered: 10/07/1999)
10/07/1999	71	ORDER by Judge Earl H. Carroll: granting stipulation; that pla EEOC has up to 10/21/99 to reply to deft's response to pla EEOC's motion for partial summary judgment (cc: all counsel) (former emp) (Entered: 10/07/1999)

10/18/1999	72	ORDER by Judge Earl H. Carroll: granting stipulation; that deft Indiana Western Express has up to 9/17/99 to respond to EEOC's motion for summary judgment (cc: all counsel) (former emp) (Entered: 10/18/1999)
10/19/1999	73	ORDER by Judge Earl H. Carroll: denying as moot motion for supplemental motion for stay of discovery by pla EEOC [48-1]; denying as moot motion to extend discovery cutoff date until 9/30/99 by pla EEOC [59-1]; denying motion to disqualify counsel for deft by pla EEOC [40-1]; granting stipulation joint motion to extend certain pretrial and trial dates; vacating jury trial on 10/26/99 and scheduling jury trial for 3/7/00; Pretrial conference set for 9:00 on 2/21/00; ; discovery ddl set for 11/30/99 ; PTO ddl set for 2/14/00 (cc: all counsel) (former emp) (Entered: 10/19/1999)
10/19/1999	74	STIPULATION by all parties that pla will have up to 10/28/99 to reply to deft's response to pla's motion for partial summary judgment (former emp) (Entered: 10/20/1999)
10/22/1999	75	ORDER by Judge Earl H. Carroll: granting stipulation; pla has until 10/28/99 to reply to deft's response to pla's motion for partial summary judgment (cc: all counsel) (former emp) (Entered: 10/22/1999)
10/25/1999	76	NOTICE by pla EEOC OF TAKING DEPO OF Randy Murphy on the following date(s): 11/15/99; Don Rushing & Lynn Yesmont on 11/16/99 (former emp) (Entered: 10/25/1999)
10/25/1999	77	NOTICE by pla EEOC OF TAKING DEPO OF Norm Bodine, Adam Kryger, Flor Wade on the following date(s): 11/18/99; Lewis Stevens, Steve Coulter, Richard Coulter 11/19/99 (former emp) (Entered: 10/25/1999)
10/25/1999	78	NOTICE by pla EEOC OF TAKING DEPO OF James Eyer on the following date(s): 11/20/99 (former emp) (Entered: 10/25/1999)
10/25/1999	79	MOTION to compel records relating to class members' claims for lost wages and emotional distress and documents used by the EEOC to solicit class members by dft Indiana Wstrn Exprss [79-1] (former emp) (Entered: 10/26/1999)
10/26/1999	80	Notice of filing 5th SUPPLEMENTAL disclosure statement by dft Indiana Wstrn Exprss (former emp) (Entered: 10/27/1999)
10/28/1999	81	MOTION to exceed the page limit on their reply to response to motion for partial sum jgm by pla [81-1] (lodged reply at docket clerk's desk) (DMT) (Entered: 10/28/1999)
11/01/1999	82	MOTION for partial summary judgment on punitive damages issue and on untimely claims of certain class members by dft Indiana Wstrn Exprss [82-1] (former emp) (Entered: 11/02/1999)
11/01/1999	83	STATEMENT OF FACTS by dft Indiana Wstrn Exprss in support of motion for partial summary judgment on punitive damages issue and on untimely claims of certain class members by dft Indiana Wstrn Exprss [82-1] (former emp) (Entered: 11/02/1999)
01/03/2000	84	ORDER by Judge Stephen M. McNamee Case reassigned to Judge H R. Holland (with notice sent) , ; pretrial conference vacated , ; status hearing vacated ; pleadings and papers filed in these actions should bear the case number CV

		98-571 PCT-EHC (HRH) (cc: all counsel/SMM/EHC/HRH) (former emp) (Entered: 01/03/2000)
01/06/2000	85	STIPULATION by all parties to dismiss this case with prejudice (former emp) (Entered: 01/10/2000)
01/06/2000	86	NOTICE by pla EEOC of settlement agreement with defts (former emp) (Entered: 01/10/2000)
01/26/2000	87	ORDER by Judge H R. Holland: granting stipulation; parties abide by the terms of the attached settlement agreement; Court shall retain jurisdiction over this action until payment of all monies agreed to and completion of the training program and notice period called for in the settlement agreement; this action is dismissed with prejudice, each party to bear its own attorneys' fees incurred in this action denying; all pending motions are denied motion for partial summary judgment on punitive damages issue and on untimely claims of certain class members by dft Indiana Wstrn Exprss [82-1], denying motion to exceed the page limit on their reply to response to motion for partial sum jgm by pla [81-1] denying motion to compel records relating to class members' claims for lost wages and emotional distress and documents used by the EEOC to solicit class members by dft Indiana Wstrn Exprss [79-1], denying motion to exceed the page limitation on its response to EEOC's motion for summary judgment on dft's affirmative defenses by dft Indiana Wstrn Exprss [69-1], denying motion for partial summary judgment on dft's affirmative defenses by pla EEOC [54-1]; to dismiss case (cc: all counsel) (former emp) (Entered: 01/26/2000)

PACER Service Center

Transaction Receipt

05/10/2007 13:33:36

PACER Login:	hs0328	Client Code:	eeoc
Description:	Docket Report	Search Criteria:	3:98-cv-00572-HRH
Billable Pages:	5	Cost:	0.40