

TERMED

**U.S. District Court
District of Colorado (Denver)
CIVIL DOCKET FOR CASE #: 1:00-cv-01809-EWN**

EEOC v. Cedar Supply Company
Assigned to: Judge Edward W. Nottingham
Demand: \$0
Case in other court: 01-01305
Cause: 42:2000 Job Discrimination (Sex)

Date Filed: 09/14/2000
Date Terminated: 04/23/2001
Jury Demand: Both
Nature of Suit: 442 Civil Rights: Jobs
Jurisdiction: U.S. Government Plaintiff

Plaintiff

**Equal Employment Opportunity
Commission**

represented by **Evangelina Fierro Hernandez**
Equal Employment Opportunity
Commission-Colorado
303 East 17th Avenue
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V.

Defendant

Cedar Supply Company
doing business as
Rocky Mountain Forest Products, Inc.

represented by **Mary Hurley Stuart**
Holme, Roberts & Owen, LLP-Denver
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Date Filed	#	Docket Text
09/14/2000	1	COMPLAINT (Summons(es) not issued); jury demand (former empl) (Entered: 09/15/2000)
09/15/2000	2	MEMORANDUM by Judge Edward W. Nottingham re: service & initial procedure (former empl) (Entered: 09/18/2000)
09/15/2000	3	AMENDED COMPLAINT [1-1]; jury demand (former empl) (Entered: 09/18/2000)
09/26/2000	4	ORDER R16 stat stlmt pt pto referred to Magistrate Judge Michael J. Watanabe & General Case Mgmt Order by Judge Edward W. Nottingham; dispo motion ddl 5/14/01 (cc: to counsel) (former empl) (Entered: 09/28/2000)
09/28/2000	5	Minute ORDER FOR RULE 16 CONFERENCE by Magistrate Judge Michael J. Watanabe ; Rule 16 conference set for 8:30 11/14/00 (cc: all counsel) (former empl) (Entered: 09/29/2000)
11/01/2000	6	WAIVER OF SERVICE of Summons and Complaint by defendant Cedar Supply Company (request sent on 10/11/00) (former empl) (Entered: 11/02/2000)
11/07/2000	7	Unopposed MOTION by plaintiff to vacate sched conf (former empl) (Entered: 11/08/2000)
11/13/2000	8	MEMORANDUM by Judge Edward W. Nottingham referring to Magistrate Judge Michael J. Watanabe the motion to vacate sched conf [7-1] (former empl) (Entered: 11/14/2000)
11/14/2000	9	COURTROOM MINUTES OF SCHED CONF by Magistrate Judge Michael J. Watanabe DENYING motion to vacate sched conf [7-1]; sched order entered 11/14/00; rule 16 conf held on 11/14/00; discovery ddl set 4/30/01; dispo motions ddl 5/14/01 as set by Judge Nottingham; settlement conf set for 10:30 3/15/01; prelim pretrial (status) conf set for 9:00 5/3/01 ; counsel to submit sched order w/in 10 days; entry date : 11/16/00 Court Reporter: Tape 2000-104 (former empl) (Entered: 11/16/2000)
11/17/2000	10	MINUTE ORDER by Magistrate Judge Michael J. Watanabe: stlmt conf set 10:30 3/15/01; prelim pretrial conf set 9:00 5/3/01 (cc: all counsel) ; entry date : 11/20/00 (former empl) (Entered: 11/20/2000)
11/27/2000	11	SCHEDULING / Planning & Discovery ORDER Magistrate Judge Michael J. Watanabe: disc ddl 4/30/01; dispo motions ddl 5/14/01; settlement conference 9:00 3/15/01; parties anticipate 4-5 day jury trial; final pretrial conf 9:00 5/3/01 (cc: all counsel) (former empl) (Entered: 11/28/2000)
12/11/2000	12	MOTION by defendant to dismiss (former empl) (Entered: 12/12/2000)
12/14/2000	13	MINUTE ORDER by Judge Edward W. Nottingham regarding [12-1] motion to dismiss, response due 12/26/00, reply due w/in 11 days of service of response (cc: all counsel) ; entry date : 12/15/00 (former empl) (Entered: 12/15/2000)
12/21/2000	14	MOTION by defendant to stay discovery pending resolution of motion to dismiss (former empl) (Entered: 12/26/2000)

12/22/2000	15	Memorandum (BRIEF) by plaintiff in opposition to motion to dismiss [12-1] (former empl) (Entered: 12/26/2000)
12/22/2000	17	MEMORANDUM by Judge Edward W. Nottingham referring to Magistrate Judge Michael J. Watanabe the motion to stay discovery pending resolution of motion to dismiss [14-1] (former empl) (Entered: 12/28/2000)
12/27/2000	16	MINUTE ORDER by Magistrate Judge Michael J. Watanabe regarding [14-1] motion to stay discovery pending resolution of motion to dismiss, response due 1/8/01 (cc: all counsel) ; entry date : 12/28/00 (former empl) (Entered: 12/28/2000)
12/27/2000	18	MOTION by defendant to extend time to respond to plf's disc requests (former empl) (Entered: 12/28/2000)
12/28/2000	19	Memorandum (BRIEF) by plaintiff in opposition to motion to stay discovery pending resolution of motion to dismiss [14-1] (former empl) (Entered: 12/29/2000)
12/28/2000	20	MEMORANDUM by Judge Edward W. Nottingham referring to Magistrate Judge Michael J. Watanabe the motion to extend time to respond to plf's disc requests [18-1] (former empl) (Entered: 12/29/2000)
01/03/2001	21	MINUTE ORDER : by Magistrate Judge Michael J. Watanabe Pla has to 1/16/01 to respond to dft's [14-1] motion to stay discovery pending resolution of motion to dismiss & [18-1] motion to extend time to respond to plf's disc requests (cc: all counsel) ; entry date : 1/4/01 (gms) (Entered: 01/04/2001)
01/04/2001	22	REPLY by defendant to memo in opposition to motion to dismiss [12-1] (gms) (Entered: 01/05/2001)
01/09/2001	23	Memorandum in Opposition (RESPONSE) by plaintiff EEOC to dft's motion to extend time to respond to plf's disc requests [18-1] (former empl) (Entered: 01/10/2001)
01/24/2001	24	MINUTE ORDER : by Magistrate Judge Michael J. Watanabe granting dft's motion to extend time to respond to plf's disc requests [18-1] to 2/5/01, denying dft's motion to stay discovery pending resolution of motion to dismiss [14-1] ; Preliminary ptc/ status conf reset for 8:30 3/30/01 (cc: all counsel) ; entry date : 1/25/01 (gms) (Entered: 01/25/2001)
02/05/2001	25	MOTION by plaintiff EEOC to vacate date of preliminary pretrial conference (former empl) (Entered: 02/06/2001)
02/08/2001	26	MEMORANDUM by Judge Edward W. Nottingham referring to Magistrate Judge Michael J. Watanabe the motion to vacate date of preliminary pretrial conference [25-1] (former empl) (Entered: 02/12/2001)
02/12/2001	27	MINUTE ORDER : by Magistrate Judge Michael J. Watanabe granting pla's motion to vacate date of preliminary pretrial conference [25-1] ; pretrial conf reset for 8:30 4/9/01 parties to submit their proposed preliminary pretrial order 5 days prior to the preliminary pretrial conf date (cc: all counsel) ; entry date : 2/13/01 (former empl) (Entered: 02/13/2001)

03/15/2001	28	MEMORANDUM by Magistrate Judge Michael J. Watanabe ; settlement conf held 3/15/01, no settlement was reached (former empl) (Entered: 03/20/2001)
03/22/2001	29	MOTION by plaintiff EEOC to amend the scheduling order to extend the discovery cut-off to 6/4/01 and the date to propound written discovery to 4/30/01 (former empl) (Entered: 03/26/2001)
03/22/2001	32	MEMORANDUM by Judge Edward W. Nottingham referring to Magistrate Judge Michael J. Watanabe the motion to amend the scheduling order to extend the discovery cut-off to 6/4/01 and the date to propound written discovery to 4/30/01 [29-1] (former empl) (Entered: 03/27/2001)
03/26/2001	30	Brief Opposing (RESPONSE) by defendant Cedar Supply Company to pla's motion to amend the scheduling order to extend the discovery cut-off to 6/4/01 and the date to propound written discovery to 4/30/01 [29-1] (former empl) (Entered: 03/27/2001)
03/26/2001	31	MINUTE ORDER : by Magistrate Judge Michael J. Watanabe regarding [29-1] motion to amend the scheduling order to extend the discovery cut-off to 6/4/01 and the date to propound written discovery to 4/30/01; any response to be filed by 4/4/01 (cc: all counsel) ; entry date : 3/27/01 (former empl) (Entered: 03/27/2001)
03/27/2001	33	MOTION by plaintiff EEOC for protective order and to quash Subpoena Duces Tecum issued to it's former employee George Allen (former empl) (Entered: 03/28/2001)
03/27/2001	34	AFFIDAVIT of Francisco J. Flores, Jr. in support of EEOC's motion for protective order and to quash Subpoena Duces Tecum issued to it's former employee George Allen [33-1] (former empl) (Entered: 03/28/2001)
03/27/2001	35	AFFIDAVIT of George Allen in support of EEOC's motion for protective order and to quash Subpoena Duces Tecum issued to it's former employee George Allen [33-1] (former empl) (Entered: 03/28/2001)
03/27/2001	36	Memorandum in Support (BRIEF) by plaintiff EEOC of motion for protective order and to quash Subpoena Duces Tecum issued to it's former employee George Allen [33-1] (former empl) (Entered: 03/28/2001)
04/02/2001	37	MINUTE ORDER : by Magistrate Judge Michael J. Watanabe denying pla EEOC's motion to amend the scheduling order to extend the discovery cut-off to 6/4/01 and the date to propound written discovery to 4/30/01 [29-1], the pla has had over 2 mos from this Court's ruling dated 1/24/01, denying dft Rocky Mountain Forest Products, Inc.'s motion to stay discovery and the ddl to propound written discovery requests on 3/27/01, to schedule depositions. Moreover, the dft would be prejudiced by an extension because it has proceeded in good faith with discovery based upon the existing ddls set by this Court and Judge Nottingham. It was pla who argued to this Court on the dft's Motion to Stay the need for expedited discovery (cc: all counsel) ; entry date : 4/4/01 (former empl) (Entered: 04/04/2001)
04/05/2001	38	MEMORANDUM by Judge Edward W. Nottingham referring to Magistrate Judge Michael J. Watanabe the motion for protective order and to quash Subpoena Duces Tecum issued to it's former employee George Allen [33-1]

		(former empl) (Entered: 04/06/2001)
04/06/2001	39	MINUTE ORDER : by Judge Edward W. Nottingham setting hearing on dft's motion to dismiss [12-1] 11:00 4/20/01 (cc: all counsel) ; entry date : 4/6/01 (former empl) (Entered: 04/06/2001)
04/06/2001	40	Brief in RESPONSE by defendant Cedar Supply Company to pla EEOC's motion for protective order and to quash Subpoena Duces Tecum issued to it's former employee George Allen [33-1] (former empl) (Entered: 04/09/2001)
04/09/2001	41	COURTROOM MINUTES by Magistrate Judge Michael J. Watanabe ; preliminary pretrial conf held 4/9/01, the Preliminary Pretrial Order was approved as amended and filed ; entry date : 4/10/01 Court Reporter: MJW Civil Tape No. 2001-35 (former empl) (Entered: 04/10/2001)
04/09/2001	42	PRE-TRIAL ORDER by Magistrate Judge Michael J. Watanabe estimated 2 to 2 1/2 day trial to jury (cc: all counsel) (former empl) (Entered: 04/10/2001)
04/12/2001	43	OBJECTION and appeal to the District Judge, Magistrate Judge's order denying EEOC's motion to amend the scheduling order by plaintiff EEOC concerning minute order [37-1] (former empl) (Entered: 04/16/2001)
04/12/2001	44	AFFIDAVIT of Nelson G. Alston re: objection motion OBJECTION and appeal to the District Judge, Magistrate Judge's order denying EEOC's motion to amend the scheduling order [43-1] (former empl) (Entered: 04/16/2001)
04/12/2001	45	MEMORANDUM in Support by plaintiff EEOC regarding [43-1] EEOC's objection motion OBJECTION and appeal to the District Judge, Magistrate Judge's order denying EEOC's motion to amend the scheduling order (former empl) (Entered: 04/16/2001)
04/13/2001	46	MINUTE ORDER : by Magistrate Judge Michael J. Watanabe denying pla EEOC's motion for protective order and to quash Subpoena Duces Tecum issued to it's former employee George Allen [33-1], Dft shall be permitted to depose Mr. Allen concerning the facts of his investigation, factual information pertinent to the claims and defenses of this case, and the documents Mr. Allen generated as part of his investigation. As the dft correctly notes, in this case, the EEOC is a party in this litigation, Mr. Allen was identified by the plaintiff in it's 26(a) disclosures as someone who possesses knowledge about this case, and the pla has submitted an affidavit by Mr. Allen in it's opposition to the dft's dispositive motion. Consequently, this Court is not inclined to issue a blanket protective order concerning Mr. Allen's deposition. During Mr. Allen's deposition, the pla may, of course, make objections to specific questions it feels are protected by the work-product doctrine, the attorney-client privilege, or any other relevant privilege. (cc: all counsel) ; entry date : 4/17/01 (former empl) (Entered: 04/17/2001)
04/20/2001	47	COURTROOM MINUTES by Judge Edward W. Nottingham granting dft's motion to dismiss [12-1], Plaintiff's EEOC's complaint and action are hereby Dismissed with prejudice, Court finds as to the following: The amended charge of sexual harassment discrimination does not relate back to the timely filed charge of disability discrimination, because the amendment advances a new theory of recovery facts are significantly different; There is an insufficient nexus between the allegations of sexual harassment and the allegations of disability

		discrimination to support the EEOC's contention that it's sexual harrassment investigation could be deemed lik or related to the substance of the original charge of disability discrimination; The separate charge of discrimination failed the administrative procedure of providing a ten-day notice of a filing of a charge of discrimination, pursuant to 42 USC 2000(e)(50)(B). ; entry date : 4/20/01 Court Reporter: Paul Zuckerman (former empl) Modified on 04/20/2001 (Entered: 04/20/2001)
04/23/2001	48	TRANSCRIPT of Hearing on Motion to Dismiss on 4/20/01 before Judge Edward W. Nottingham (pages: 1-14) Prepared By: Pat Roney (certified copy) (former empl) (Entered: 04/23/2001)
04/23/2001	49	ORDER by Judge Edward W. Nottingham granting dft's motion to dismiss [12-1] dismissing case with prejudice (cc: all counsel) ; entry date : 4/25/01 (former empl) (Entered: 04/25/2001)
04/25/2001	50	MOTION by defendant Cedar Supply Company for attorney fees and costs (former empl) (Entered: 04/26/2001)
04/25/2001	51	MINUTE ORDER : by Judge Edward W. Nottingham regarding [43-1] objection motion OBJECTION and appeal to the District Judge, Magistrate Judge's order denying EEOC's motion to amend the scheduling order, Dft may respond by 5/9/01 (cc: all counsel) ; entry date 4/26/01 (former empl) (Entered: 04/26/2001)
04/26/2001	52	MINUTE ORDER : by Judge Edward W. Nottingham vacating minute order [51-1], case has been dismissed (cc: all counsel) ; entry date : 4/27/01 (former empl) (Entered: 04/27/2001)
05/18/2001	53	RESPONSE by plaintiff to dft's motion for attorney fees and costs [50-1] (pap) (Entered: 05/22/2001)
06/04/2001	54	REPLY by defendant to pla's response to dft's motion for attorney fees and costs [50-1] (pap) (Entered: 06/05/2001)
06/22/2001	55	NOTICE OF APPEAL by plaintiff of 4/23/01 order [49-2] (Notice of Appeal States "from the final judgment entered in this action on 4/23/01"); Notice of transcript order form due 7/2/01 ; Notice mailed to all counsel on 6/26/01 Fee Status: USA Appellant (former empl) (Entered: 06/26/2001)
06/29/2001	56	NOTIFICATION by Circuit Court of assignment of Case No. [55-1] 01-1305 (former empl) (Entered: 06/29/2001)
07/09/2001	57	NOTICE OF TRANSCRIPT ORDER FORM filed by plaintiff; Necessary Trans already on file in USDC RE: appeal [55-1] (former empl) (Entered: 07/11/2001)
07/11/2001	58	LETTER to USCA and cnsl advising that the record on appeal is complete (Re: [55-1]) (former empl) (Entered: 07/11/2001)
08/27/2001	59	MANDATE from the Court of Appeals; CA # 01-1305; Dt issued 8/27/01 of 8/24/01 Order; dismissing the appeal [55-1] by granting Appellant's Motion to Dismiss (former empl) (Entered: 08/27/2001)
03/29/2002	60	ORDER by Judge Edward W. Nottingham granting dft's motion for attorney fees and costs [50-1]; the parties shall comply with FRCvP 54(d) w/respect to the amt of the fee; dft shall file its papers supporting the amt by 4/15/02, pla may respond

		by 4/25/02; the parties shall thereafter attempt to resolve all issues; dft shall notify the court, in writing, no later than 5/5/02, concerning the status of negotiations and need for a hearing (cc: all counsel) ; entry date : 4/1/02 (lam) (Entered: 04/01/2002)
04/15/2002	61	Dft's support for attorneys' fees and costs ; AFFIDAVIT of Mary Hurley Stuart in accordance with: order [60-1] (pap) (Entered: 04/16/2002)
04/25/2002	62	Opposition (RESPONSE) by plaintiff to Dft's support for attorney's fees and costs (affidavit) [61-1] (pap) (Entered: 04/26/2002)
05/06/2002	63	STATUS REPORT by defendant to the court re: attorneys' fees negotiations (pap) (Entered: 05/07/2002)
05/13/2002	64	STATEMENT concerning attorneys' fees and costs by defendant re: order [60-1] (pap) (Entered: 05/14/2002)
06/05/2002	65	Agreement (RESPONSE) by plaintiff and defendant to motion for attorney fees and costs [50-1] (pap) (Entered: 06/06/2002)

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