

CLOSED

**U.S. District Court**  
**Southern District of Florida (Miami)**  
**CIVIL DOCKET FOR CASE #: 1:97-cv-04223-UU**

Equal Employment v. Calder Race Course  
Assigned to: Judge Ursula Ungaro  
Demand: \$0  
Cause: 42:2000 Job Discrimination (Age)

Date Filed: 12/18/1997  
Jury Demand: Plaintiff  
Nature of Suit: 442 Civil Rights: Jobs  
Jurisdiction: U.S. Government Plaintiff

**Plaintiff**

**Equal Employment Opportunity  
Commission**

represented by **Eve G. Lowe**  
Equal Employment Opportunity  
Commission  
Miami District Office  
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V.

**Defendant**

**Calder Race Course, Inc.**

represented by **Eric David Isicoff**  
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<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
12/18/1997	<a href="#"><u>1</u></a>	COMPLAINT, jury trial demand, injunctive relief sought filed; FILING FEE waived; LRJ; A-7 (gz, Deputy Clerk) (Entered: 12/22/1997)
12/18/1997		Magistrate identification: Magistrate Judge Linnea R. Johnson (gz, Deputy Clerk) (Entered: 12/22/1997)
12/18/1997	<a href="#"><u>2</u></a>	SUMMONS(ES) issued for Calder Race Course (gz, Deputy Clerk) (Entered: 12/22/1997)
01/15/1998	<a href="#"><u>3</u></a>	ORDER set scheduling conference for 11:00 3/27/98 before Judge Ursula Ungaro-Benages ( signed by Judge Ursula Ungaro-Benages on 1/12/98) CCAP (Former Deputy Clerk) (Entered: 01/23/1998)
02/02/1998	<a href="#"><u>4</u></a>	Answer and affirmative defenses by Calder Race Course; and demand for recovery of attorneys' fees (Attorney Eric David Isicoff, Teresa Ragatz), (Former Deputy Clerk) (Entered: 02/05/1998)
02/02/1998	4	Answer and affirmative defenses by Calder Race Course; Demand by Calder Race Course for recovery of attorney fees (Former Deputy Clerk) (Entered: 02/05/1998)
03/13/1998	<a href="#"><u>5</u></a>	JOINT Scheduling Report of Scheduling Meeting by Equal Employment (tb, Deputy Clerk) (Entered: 03/17/1998)
03/31/1998	<a href="#"><u>6</u></a>	ORDER referring case to mediation. 15 days to appoint mediator ( signed by Judge Ursula Ungaro-Benages on 3/27/98) CCAP (tb, Deputy Clerk) (Entered: 04/02/1998)
03/31/1998	<a href="#"><u>7</u></a>	ORDER set pretrial conference for 11:30 10/23/98 before Judge Ursula Ungaro-Benages , set discovery due for 7/24/98 , set motion filing deadline for 8/28/98 , set pretrial stipulation due for 9/18/98 before Judge Ursula Ungaro-Benages , set calendar call for 1:00 11/18/98 before Judge Ursula Ungaro-Benages , set Jury trial for 9:00 11/23/98 before Judge Ursula Ungaro-Benages ( signed by Judge Ursula Ungaro-Benages on 3/28/98) CCAP (tb, Deputy Clerk) (Entered: 04/02/1998)
04/15/1998	<a href="#"><u>8</u></a>	Notice of compliance: by Calder Race Course, Equal Employment with [6-1] referral/referred order (tb, Deputy Clerk) (Entered: 04/17/1998)

04/17/1998	<a href="#">9</a>	ORDER appointing Mediator Gerald Wetherington and scheduling mediation conference for 8/7/98 at 10:00 ( signed by Judge Ursula Ungaro-Benages on 4/16/98) CCAP (tb, Deputy Clerk) (Entered: 04/21/1998)
04/23/1998	<a href="#">10</a>	MOTION by Equal Employment for reconsideration of [7-7] order (tb, Deputy Clerk) (Entered: 04/28/1998)
04/23/1998	<a href="#">11</a>	MEMORANDUM by Equal Employment in support of [10-1] motion for reconsideration of [7-7] order (tb, Deputy Clerk) (Entered: 04/28/1998)
05/01/1998	<a href="#">12</a>	UNOPPOSED MOTION by Equal Employment to amend [1-1] complaint (Former Deputy Clerk) (Entered: 05/05/1998)
05/01/1998	<a href="#">13</a>	MEMORANDUM by Equal Employment in support of [12-1] motion to amend [1-1] complaint (Former Deputy Clerk) (Entered: 05/05/1998)
05/05/1998	<a href="#">14</a>	ORDER granting [12-1] motion to amend [1-1] complaint ( signed by Judge Ursula Ungaro-Benages on 5/4/98) CCAP (tb, Deputy Clerk) (Entered: 05/07/1998)
05/08/1998	<a href="#">15</a>	ORDER denying [10-1] motion for reconsideration of [7-7] order ( signed by Judge Ursula Ungaro-Benages on 5/8/98) CCAP (Former Deputy Clerk) (Entered: 05/12/1998)
05/18/1998	<a href="#">16</a>	ANSWER by Calder Race Course to amended complaint (tb, Deputy Clerk) (Entered: 05/21/1998)
05/18/1998	16	MOTION by Calder Race Course for attorney fees (tb, Deputy Clerk) (Entered: 05/21/1998)
05/19/1998	<a href="#">17</a>	ORDER set pretrial conference for 11:30 10/23/98 before Judge Ursula Ungaro-Benages , set discovery deadline for 7/24/98 , set motion filing deadline for 8/28/98 , set pretrial stipulation due for 9/18/98 before Judge Ursula Ungaro-Benages , set calendar call for 1:00 11/18/98 before Judge Ursula Ungaro-Benages , set Jury trial for 9:00 11/23/98 before Judge Ursula Ungaro-Benages ( signed by Judge Ursula Ungaro-Benages on 5/11/98) CCAP (tb, Deputy Clerk) (Entered: 05/21/1998)
07/31/1998	<a href="#">18</a>	MOTION by Calder Race Course to continue mediation deadline (sk, Deputy Clerk) (Entered: 08/06/1998)
08/03/1998	<a href="#">19</a>	ORDER granting [18-1] motion to continue mediation deadline ( signed by Judge Ursula Ungaro-Benages on 8/3/98) CCAP (sk, Deputy Clerk) (Entered: 08/07/1998)
08/28/1998	<a href="#">21</a>	NOTICE of filing deposition transcripts and affidavit by Calder Race Course (wj, Deputy Clerk) (Entered: 09/01/1998)
08/28/1998	22	DEPOSITION of Robert J. Anderson (wj, Deputy Clerk) (Entered: 09/01/1998)
08/28/1998	23	DEPOSITION of Arthur G. Carratt (wj, Deputy Clerk) (Entered: 09/01/1998)
08/28/1998	24	DEPOSITION of Stanley Corcell (wj, Deputy Clerk) (Entered: 09/01/1998)
08/28/1998	25	DEPOSITION of Frank Poer (wj, Deputy Clerk) (Entered: 09/01/1998)
08/28/1998	26	DEPOSITION of Don Zumberg (wj, Deputy Clerk) (Entered: 09/01/1998)

08/28/1998	27	DEPOSITION of Kathy Hidalgo (wj, Deputy Clerk) (Entered: 09/01/1998)
08/28/1998	28	DEPOSITION of Raymond Loretto (wj, Deputy Clerk) (Entered: 09/01/1998)
08/28/1998	29	DEPOSITION of John Gantz (wj, Deputy Clerk) (Entered: 09/01/1998)
08/28/1998	<a href="#">30</a>	AFFIDAVIT OF PATRICK MAHONY by Calder Race Course Re: [21-1] notice (wj, Deputy Clerk) (Entered: 09/01/1998)
08/28/1998	<a href="#">20</a>	MOTION by Calder Race Course for summary judgment (Former Deputy Clerk) (Entered: 09/17/1998)
09/09/1998	<a href="#">31</a>	FINAL report of Mediator. Disposition: impasse (wj, Deputy Clerk) (Entered: 09/14/1998)
09/15/1998	<a href="#">32</a>	RESPONSE by Equal Employment to [20-1] motion for summary judgment (Former Deputy Clerk) (Entered: 09/17/1998)
09/15/1998	<a href="#">33</a>	AFFIDAVIT of Michael Farrell by Equal Employment in support of [32-1] motion response (Former Deputy Clerk) (Entered: 09/17/1998)
09/15/1998	<a href="#">34</a>	Statement of material facts in dispute by Equal Employment (Former Deputy Clerk) (Entered: 09/17/1998)
09/18/1998	<a href="#">35</a>	JOINT MOTION by Calder Race Course, Equal Employment to extend time to file joint pretrial stipulation and joint jury instructions (ra, Deputy Clerk) (Entered: 09/23/1998)
09/23/1998	<a href="#">36</a>	ORDER granting [35-1] joint motion to extend time to file joint pretrial stipulation and joint jury instructions ( signed by Judge Ursula Ungaro-Benages on 9/23/98) CCAP (sk, Deputy Clerk) (Entered: 09/30/1998)
09/28/1998	<a href="#">37</a>	PRETRIAL STIPULATION by Equal Employment, Calder Race Course (sk, Deputy Clerk) (Entered: 10/01/1998)
09/28/1998	<a href="#">38</a>	REPLY by Calder Race Course to response to [20-1] motion for summary judgment (sk, Deputy Clerk) (Entered: 10/01/1998)
09/28/1998	<a href="#">39</a>	NOTICE of filing depositions of Mahoney, others by Calder Race Course (sk, Deputy Clerk) (Entered: 10/01/1998)
09/28/1998	40	DEPOSITION of Patrick Mahoney (sk, Deputy Clerk) (Entered: 10/01/1998)
09/28/1998	41	DEPOSITION of Edward Mackey (sk, Deputy Clerk) (Entered: 10/01/1998)
09/28/1998	42	DEPOSITION of Betty Comegys (sk, Deputy Clerk) (Entered: 10/01/1998)
10/02/1998	<a href="#">43</a>	NOTICE of filing attached proposed verdict form by Calder Race Course (Former Deputy Clerk) (Entered: 10/06/1998)
10/02/1998	<a href="#">44</a>	NOTICE of filing attached proposed jury instructions by Calder Race Course (Former Deputy Clerk) (Entered: 10/06/1998)
10/02/1998	<a href="#">45</a>	NOTICE of filing proposed jury instructions and verdict form by Equal Employment (Former Deputy Clerk) (Entered: 10/06/1998)
10/02/1998	<a href="#">46</a>	Proposed Jury instructions and verdict form by Equal Employment (Former Deputy Clerk) (Entered: 10/06/1998)

10/26/1998	<a href="#">47</a>	NOTICE of change of attorney's phone number by Equal Employment (sk, Deputy Clerk) (Entered: 10/30/1998)
10/27/1998	<a href="#">48</a>	SCHEDULING ORDER setting Pretrial conference for 9:30 1/8/99 ; Calendar call set for 1:00 2/10/99 Jury trial set for 9:00 2/15/99 ( signed by Judge Ursula Ungaro-Benages on 10/23/98) CCAP (sk, Deputy Clerk) (Entered: 10/30/1998)
01/12/1999	<a href="#">49</a>	ORDER reset pretrial conference for 10:30 3/26/99 before Judge Ursula Ungaro-Benages , reset calendar call for 1:00 4/21/99 before Judge Ursula Ungaro-Benages , reset Jury trial for 9:00 4/26/99 before Judge Ursula Ungaro-Benages ( signed by Judge Ursula Ungaro-Benages on 1/8/99) CCAP (tb, Deputy Clerk) (Entered: 01/13/1999)
01/27/1999	<a href="#">50</a>	ORDER that no later than 2/12/99, the plaintiff shall file an amended statement of material facts ( signed by Judge Ursula Ungaro-Benages on 1/26/99) CCAP (tb, Deputy Clerk) (Entered: 01/29/1999)
02/08/1999	<a href="#">51</a>	AMENDED Statement of material facts in dispute by Equal Employment (tb, Deputy Clerk) (Entered: 02/10/1999)
02/22/1999	<a href="#">52</a>	MOTION with memorandum in support by Equal Employment for leave to file to compel defendant to supplement its response to number 5 of plaintiffs request for production (Former Deputy Clerk) (Entered: 02/24/1999)
03/08/1999	<a href="#">53</a>	MEMORANDUM by Calder Race Course in opposition to [52-1] motion for leave to file to compel defendant to supplement its response to number 5 of plaintiffs request for production (ra, Deputy Clerk) (Entered: 03/12/1999)
03/18/1999	<a href="#">54</a>	REPLY by Equal Employment to response to [52-1] motion for leave to file to compel defendant to supplement its response to number 5 of plaintiffs request for production (tb, Deputy Clerk) (Entered: 03/23/1999)
03/31/1999	<a href="#">55</a>	ORDER denying [20-1] motion for summary judgment ( signed by Judge Ursula Ungaro-Benages on 3/31/99) CCAP (tb, Deputy Clerk) (Entered: 04/01/1999)
03/31/1999	<a href="#">56</a>	ADMINISTRATIVE ORDER closing case ( signed by Judge Ursula Ungaro-Benages on 3/31/99) CCAP (tb, Deputy Clerk) (Entered: 04/01/1999)
03/31/1999		CASE CLOSED. Case and Motions no longer referred to Magistrate. (tb, Deputy Clerk) (Entered: 04/01/1999)
04/30/1999	<a href="#">57</a>	MOTION by Calder Race Course to Tax Costs (tb, Deputy Clerk) (Entered: 05/04/1999)
05/10/1999	<a href="#">58</a>	ORDER of Magistrate Judge reassignment to Magistrate Judge Stephen T. Brown ( signed by Judge Ursula Ungaro-Benages on 5/10/99) CCAP (tb, Deputy Clerk) (Entered: 05/12/1999)
05/10/1999		Magistrate identification: Magistrate Judge Stephen T. Brown (tb, Deputy Clerk) (Entered: 05/12/1999)
05/10/1999	<a href="#">59</a>	ORDER Referring Motion(s) [57-1] motion to Tax Costs referred to Magistrate Stephen T. Brown ( signed by Judge Ursula Ungaro-Benages on 5/10/99) (tb, Deputy Clerk) (Entered: 05/12/1999)

05/14/1999	<a href="#">60</a>	RESPONSE by Equal Employment to [57-1] motion to Tax Costs (tb, Deputy Clerk) (Entered: 05/18/1999)
05/19/1999	<a href="#">61</a>	Transcript filed re: Pretrial Conference held 3/29/99 before Judge Ursula Ungaro Benages Volume #: 1 of 1 page 1-49 (ra, Deputy Clerk) (Entered: 05/24/1999)
05/20/1999	<a href="#">62</a>	MOTION by Calder Race Course for leave to file certificate of counsel out of time, certificate of counsel and defendant's reply memorandum in support of motion for award of costs (tb, Deputy Clerk) (Entered: 05/26/1999)
05/28/1999	<a href="#">63</a>	NOTICE OF APPEAL by Equal Employment of [55-1] order . EOD Date: 4/1/99; Filing Fee: \$ FEE NOT PAID; Copies to USCA and Counsel of Record. (Former Deputy Clerk) (Entered: 06/02/1999)
06/04/1999	<a href="#">64</a>	ORDER denying [57-1] motion to Tax Costs ( Signed by Magistrate Stephen T. Brown on 6/2/99) CCAP [EOD Date: 6/7/99] (tb, Deputy Clerk) (Entered: 06/07/1999)
06/07/1999	<a href="#">65</a>	RESPONSE by Calder Race Course in opposition to [64-1] order (tb, Deputy Clerk) (Entered: 06/08/1999)
06/07/1999	65	MOTION by Calder Race Course for reconsideration of [64-1] order (tb, Deputy Clerk) (Entered: 06/08/1999)
06/14/1999		NOTICE of Receipt of Transmittal Letter from USCA Re: [63-1] appeal by Equal Employment USCA NUMBER: 99-11532-H (sn, Deputy Clerk) (Entered: 06/30/1999)
06/23/1999	<a href="#">66</a>	RESPONSE by Equal Employment in opposition to [65-1] motion for reconsideration of [64-1] order, [65-1] opposition response (tb, Deputy Clerk) (Entered: 06/29/1999)
06/23/1999		Appeal Information Sheet re: as to Equal Employment [63-1] appeal by Equal Employment. Transcript of Pre-Trial Proceedings on 3/29/99 requested and filed on 6/23/99. Appeal Record due on 7/7/99. (sn, Deputy Clerk) (Entered: 07/01/1999)
06/29/1999	<a href="#">67</a>	REPLY MEMORANDUM by Calder Race Course in support of [66-1] opposition response (tb, Deputy Clerk) (Entered: 07/01/1999)
07/02/1999	<a href="#">68</a>	ORDER granting [65-1] motion for reconsideration of [64-1] order vacating [64-1] order pending outcome of appeal ( Signed by Magistrate Stephen T. Brown on 7/2/99) CCAP [EOD Date: 7/8/99] (vp, Deputy Clerk) (Entered: 07/08/1999)
07/14/1999		Certificate of readiness as to Equal Employment transmitted to USCA Re: [63-1] appeal by Equal Employment USCA NUMBER: 99-11532-H (Former Deputy Clerk) (Entered: 07/16/1999)
07/14/1999		Transmitted record on appeal as to Equal Employment to U.S. Court of Appeals (Miami Office) consisting of 2 volumes of pleadings, 1 volume of transcript, and 2 accordion folders #1 containing DE's #'s 22 thru 27 and #2 DE's #'s 28,29,40,41, & 42: [63-1] appeal by Equal Employment USCA #99-11532-H. (Former Deputy Clerk) (Entered: 07/16/1999)

07/29/1999		ACKNOWLEDGMENT of receipt by U.S.C.A. of: C.O.R on 7/19/99 U.S.C.A. # 99-11532-H (nc, Deputy Clerk) (Entered: 08/02/1999)
08/16/1999	<a href="#">69</a>	MOTION by Calder Race Course for award of Costs (tb, Deputy Clerk) (Entered: 08/17/1999)
08/17/1999	<a href="#">70</a>	ORDER Referring Motion(s) [69-1] motion for award of Costs referred to Magistrate Stephen T. Brown ( signed by Judge Ursula Ungaro-Benages on 8/17/99) [EOD Date: 8/19/99] (tb, Deputy Clerk) (Entered: 08/19/1999)
09/02/1999	<a href="#">71</a>	RESPONSE by Equal Employment to [69-1] motion for award of Costs (tb, Deputy Clerk) (Entered: 09/03/1999)
09/13/1999	<a href="#">72</a>	REPLY MEMORANDUM by Calder Race Course in support of [69-1] motion for award of Costs (tb, Deputy Clerk) (Entered: 09/15/1999)
09/15/1999	<a href="#">73</a>	ORDER of dismissal from USCA (certified copy) dismissing [63-1] appeal pursuant to appellant's motion for voluntary dismissal USCA #: 99-11532-HH USCA Order Date: 9/7/99 (Former Deputy Clerk) (Entered: 09/23/1999)
09/27/1999	<a href="#">74</a>	ORDER granting [69-1] motion for award of Costs ( Signed by Magistrate Stephen T. Brown on 9/24/99) CCAP [EOD Date: 9/28/99] (tb, Deputy Clerk) (Entered: 09/28/1999)
12/15/1999	<a href="#">75</a>	ORDER denying as moot [62-1] motion for leave to file certificate of counsel out of time, certificate of counsel and defendant's reply memorandum in support of motion for award of costs ( Signed by Judge Ursula Ungaro-Benages on 12/15/99) CCAP [EOD Date: 12/16/99] (tb, Deputy Clerk) (Entered: 12/16/1999)
03/04/2002		Record on appeal returned from U.S. Court of Appeals (Miami Office) consisting of 2 volumes of pleadings, 1 volume of transcript, and 2 accordion folders: [63-1] appeal by Equal Employment USCA #: 99-11532-HH (Former Deputy Clerk) (Entered: 03/05/2002)

## PACER Service Center

### Transaction Receipt

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<b>Billable Pages:</b>	4	<b>Cost:</b>	0.32