

CLOSED, TGW

**U.S. District Court  
Middle District of Florida (Tampa)  
CIVIL DOCKET FOR CASE #: 8:03-cv-02043-JDW-TGW**

United States Equal v. Con-Way Transport.  
Assigned to: Judge James D. Whittemore  
Referred to: Magistrate Judge Thomas G. Wilson  
Demand: \$0  
Cause: 42:1981 Civil Rights

Date Filed: 09/30/2003  
Date Terminated: 04/05/2005  
Jury Demand: Plaintiff  
Nature of Suit: 442 Civil Rights: Jobs  
Jurisdiction: U.S. Government Plaintiff

**Plaintiff**

**United States Equal Employment  
Opportunity Commission**

represented by **Carla Johanna Von Greiff**  
Equal Employment Opportunity  
Commission  
Tampa Area Office  
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*LEAD ATTORNEY*  
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V.

**Defendant**

**Con-Way Transportation Services,  
Inc.**  
*doing business as*  
Con-Way Southern Express

represented by **Frank B. Shuster**  
Constangy, Brooks & Smith, LLC  
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**Movant**

**Juan C. Fonseca**

represented by **James Moten Thompson**  
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Email: thompson@tampabay.rr.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Movant**

**Yuly Vazquez-Enriquez**

represented by **James Moten Thompson**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Movant**

**Hector Cepeda**

represented by **James Moten Thompson**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
09/30/2003	<u>1</u>	COMPLAINT for injunctive relief sought filed; jury demand Filing fee

		waived. (wlb) (Entered: 10/01/2003)
09/30/2003		SUMMONS(ES) issued for Con-Way Transport. Consent(s) issued. (wlb) (Entered: 10/01/2003)
09/30/2003		MAGISTRATE JUDGE CASE ASSIGNMENT Magistrate assigned: Thomas G. Wilson (wlb) (Entered: 10/01/2003)
10/03/2003	<u>2</u>	Case Management Notice. (wlb) (Entered: 10/06/2003)
10/03/2003	<u>3</u>	NOTICE of designation under Local Rule 3.05 - TRACK 2. (ctc) (wlb) (Entered: 10/06/2003)
11/25/2003	<u>4</u>	ANSWER and affirmative defenses to [1-1] complaint by Con-Way Transport. (wlb) (Entered: 11/26/2003)
12/29/2003	<u>5</u>	MOTION with memorandum in support to intervene by Juan C. Fonseca, Yuly Vazquez-Enriquez, Hector Cepeda (original signed complaint in intervention attached) (ag) (Entered: 12/30/2003)
12/29/2003	<u>6</u>	APPEARANCE of non-resident counsel and designation of local counsel as to Con-Way Transportation. Local counsel: Angelique Groza Lyons, Michael D. Malfitano, John W. Campbell. Non-resident counsel: Frank B. Shuster. (mrh) (Entered: 12/30/2003)
01/16/2004	<u>7</u>	CASE MANAGEMENT REPORT (wlb) (Entered: 01/20/2004)
01/30/2004	<u>8</u>	ORDER granting [5-1] motion to intervene by Juan C. Fonseca, Yuly Vazquez-Enriquez, Hector Cepeda set amended complaint deadline at 2/17/04 for United States Equal ( Signed by Judge James D. Whittemore ) ctc (wlb) (Entered: 02/02/2004)
02/05/2004	<u>9</u>	CASE MANAGEMENT AND SCHEDULING ORDER setting Discovery cutoff 9/30/04 ; dispositive motion filing deadline for 11/1/04 Pretrial statement due on or before 3/8/05 ; Pretrial conference for 10:00 3/11/05 ; Scheduled for Judge James D. Whittemore; Jury trial set for 4/4/05 before Judge James D. Whittemore ( signed by Judge James D. Whittemore ) ctc (jlh) Modified on 02/06/2004 (Entered: 02/05/2004)
02/05/2004		DEADLINE updated; set jury trial for 4/4/05 scheduled for Judge James D. Whittemore (jlh) (Entered: 02/05/2004)
02/10/2004	<u>10</u>	NOTICE by United States Equal of unavailability of counsel from 2/13/04 to 3/8/04 (wlb) (Entered: 02/11/2004)
02/19/2004	<u>11</u>	NOTICE of filing amended complaint by United States Equal Employment Opportunity Commission. (jab) (Entered: 02/20/2004)
02/19/2004	<u>12</u>	AMENDED COMPLAINT by United States Equal amending [1-1] complaint. (Answer due 3/8/04 for Con-Way Transport.); jury demand. (jab) (Entered: 02/20/2004)
03/08/2004	<u>13</u>	ANSWER and affirmative defenses by Con-Way Transport. to [12-1] amended complaint. (wlb) (Entered: 03/09/2004)

06/03/2004	<a href="#">14</a>	NOTICE OF HEARING: set mediation conference for 9:00 a.m. on 8/24/04 (bls) (Entered: 06/04/2004)
08/06/2004	<a href="#">15</a>	WITNESS LIST by Con-Way Transportation Services, Inc.. (Campbell, John) (Entered: 08/06/2004)
08/20/2004	<a href="#">16</a>	WITNESS LIST by Juan C. Fonseca. (Thompson, James) (Entered: 08/20/2004)
08/30/2004	<a href="#">17</a>	MEDIATION REPORT Hearing held on 8/24/2004 Hearing outcome: IMPASSE(Singletary, Cary) (Entered: 08/30/2004)
09/13/2004	<a href="#">18</a>	First MOTION for Extension of Time to Complete Discovery <i>Consent Motion</i> by Con-Way Transportation Services, Inc.. (Campbell, John) (Entered: 09/13/2004)
09/24/2004		Set/reset deadlines: Discovery due by 9/30/2004. Dispositive Motions due by 11/1/2004. Pretrial statement due by 3/8/2005. (KIT) (Entered: 09/24/2004)
09/24/2004		Set Deadlines/Hearings: Jury Trial set for the Month of April beginning 4/4/2005 in Courtroom 13B before Judge James D. Whittemore. Final Pretrial Conference set for 3/11/2005 10:00 AM in Courtroom 13B before Judge James D. Whittemore. (KIT) (Entered: 09/24/2004)
10/12/2004	<a href="#">19</a>	ORDER granting the <a href="#">18</a> Joint Stipulation and Motion to Extend Discovery Deadline and Unopposed Motion to Extend the Case Management and Scheduling Order Dates. [see order for new deadlines and trial dates]. Signed by Judge James D. Whittemore on 10/12/2004. (kle) (Entered: 10/12/2004)
11/15/2004	<a href="#">20</a>	Second MOTION for Extension of Time to Complete Discovery by Con-Way Transportation Services, Inc.. (Campbell, John) (Entered: 11/15/2004)
11/23/2004	<a href="#">21</a>	ENDORSED ORDER granting <a href="#">20</a> Joint Stipulation and Motion to Extend the Discovery Deadline for Defendant to Continue the Deposition of Plaintiff Yuly Vazquez Enriquez. The parties shall have up to and including 12/6/04 to complete the deposition of Plaintiff Yuly Vazquez Enriquez. By Judge James D. Whittemore on 11/23/2004. (kle) (Entered: 11/23/2004)
01/03/2005	<a href="#">22</a>	MOTION for summary judgment <i>against Plaintiff Fonseca</i> by Con-Way Transportation Services, Inc.. (Campbell, John) (Entered: 01/03/2005)
01/03/2005	<a href="#">23</a>	MEMORANDUM in support re <a href="#">22</a> Motion for summary judgment <i>against Plaintiff Fonseca</i> filed by Con-Way Transportation Services, Inc.. (Campbell, John) (Entered: 01/03/2005)
01/03/2005	<a href="#">24</a>	NOTICE by Con-Way Transportation Services, Inc. re <a href="#">22</a> MOTION for summary judgment <i>against Plaintiff Fonseca</i> , <a href="#">23</a> Memorandum in support of filing exhibits in support in motion for summary judgment <i>against Plaintiff Fonseca</i> (Attachments: # <a href="#">1</a> Affidavit Kerbo# <a href="#">2</a> Affidavit Shoaf# <a href="#">3</a> Affidavit Garcia# <a href="#">4</a> Declaration of Holland# <a href="#">5</a> Declaration of

		Davis# <a href="#">6</a> Declaration of McCain# <a href="#">7</a> Declaration McKell# <a href="#">8</a> Declaration of Quarles# <a href="#">9</a> Fonseca deposition excerpts.part 1# <a href="#">10</a> Fonseca deposition excerpts.part 2# <a href="#">11</a> Shoaf deposition excerpts# <a href="#">12</a> Kerbo deposition excerpts)(Campbell, John) (Entered: 01/03/2005)
01/03/2005	<a href="#">25</a>	MOTION for summary judgment <i>against Plaintiff Cepeda</i> by Con-Way Transportation Services, Inc.. (Campbell, John) (Entered: 01/03/2005)
01/03/2005	<a href="#">26</a>	MEMORANDUM in support re <a href="#">25</a> Motion for summary judgment <i>against Plaintiff Cepeda</i> filed by Con-Way Transportation Services, Inc.. (Campbell, John) (Entered: 01/03/2005)
01/03/2005	<a href="#">27</a>	NOTICE by Con-Way Transportation Services, Inc. re <a href="#">26</a> Memorandum in support, <a href="#">25</a> MOTION for summary judgment <i>against Plaintiff Cepeda of filing exhibits in support of motion for summary judgment against Plaintiff Cepeda</i> (Attachments: # <a href="#">1</a> Affidavit of Kerbo# <a href="#">2</a> Affidavit of Shoaf# <a href="#">3</a> Affidavit of Garcia# <a href="#">4</a> Declaration of Davis# <a href="#">5</a> Declaration of McCain# <a href="#">6</a> Cepeda deposition excerpts# <a href="#">7</a> Shoaf deposition excerpts# <a href="#">8</a> Kerbo deposition excerpts# <a href="#">9</a> Hamelin deposition excerpts)(Campbell, John) (Entered: 01/03/2005)
01/03/2005	<a href="#">28</a>	MOTION for leave to file excess pages by Con-Way Transportation Services, Inc.. (Campbell, John) (Entered: 01/03/2005)
01/03/2005	<a href="#">29</a>	MOTION for summary judgment <i>against Plaintiff Enriquez</i> by Con-Way Transportation Services, Inc.. (Campbell, John) (Entered: 01/03/2005)
01/03/2005	<a href="#">30</a>	MEMORANDUM in support re <a href="#">29</a> Motion for summary judgment <i>against Plaintiff Enriquez</i> filed by Con-Way Transportation Services, Inc.. (Campbell, John) (Entered: 01/03/2005)
01/03/2005	<a href="#">31</a>	NOTICE by Con-Way Transportation Services, Inc. re <a href="#">29</a> MOTION for summary judgment <i>against Plaintiff Enriquez</i> , <a href="#">30</a> Memorandum in support <i>of filing exhibits in support of motion for summary judgment against Plaintiff Enriquez</i> (Attachments: # <a href="#">1</a> Affidavit of Kerbo# <a href="#">2</a> Affidavit of Shoaf# <a href="#">3</a> Affidavit of Garcia# <a href="#">4</a> Enriquez deposition excerpts.part 1# <a href="#">5</a> Enriquez deposition excerpts.part 2# <a href="#">6</a> Kerbo deposition excerpts# <a href="#">7</a> Shoaf deposition excerpts)(Campbell, John) (Entered: 01/03/2005)
01/03/2005	<a href="#">32</a>	MOTION for summary judgment <i>against United States Equal Employment Opportunity Commission</i> by Con-Way Transportation Services, Inc.. (Campbell, John) (Entered: 01/03/2005)
01/07/2005	<a href="#">33</a>	NOTICE of withdrawal of motion by Con-Way Transportation Services, Inc. re <a href="#">32</a> MOTION for summary judgment <i>against United States Equal Employment Opportunity Commission</i> filed by Con-Way Transportation Services, Inc.,. (Campbell, John) (Entered: 01/07/2005)
01/12/2005	<a href="#">34</a>	Unopposed MOTION for Extension of Time to File Response/Reply to <i>Defendant's Motions for Summary Judgment</i> by Juan C. Fonseca. (Thompson, James) (Entered: 01/12/2005)
01/13/2005	<a href="#">35</a>	ORDER granting <a href="#">34</a> Motion for Extension of Time to File

		Response/Reply . Signed by Judge James D. Whittemore on 1/13/2005. (kle) (Entered: 01/13/2005)
01/14/2005	<a href="#">36</a>	NOTICE:Mediation Conference set for 2/11/2005, 09:30 AM in Courtroom 10 A before Magistrate Judge Mary S. Scriven. (scr) (Entered: 01/14/2005)
01/20/2005	37	NOTICE of Hearing: Final Pretrial Conference RESET for 3/9/2005 10:00 AM in Courtroom 13 B before Judge James D. Whittemore. (aho) (Entered: 01/20/2005)
01/20/2005	38	AMENDED NOTICE of Hearing: Final Pretrial Conference RESET for 5/6/2005 10:30 AM in Courtroom 13 B before Judge James D. Whittemore. All other deadlines set forth in the Court's October 12, 2004 order remain in effect.(aho) (Entered: 01/20/2005)
01/24/2005	39	ENDORSED ORDER granting <a href="#">28</a> Defendant's Motion to File A Legal Memorandum in Excess of Twenty Pages. The Court accepts Defendant's 26 page memorandum (Dkt. 30) in support of its Motion for Partial Summary Judgment. By Judge James D. Whittemore on 1/24/2005. (kle) (Entered: 01/24/2005)
02/17/2005	<a href="#">40</a>	Unopposed MOTION for Extension of Time to File Response/Reply to Defendant's Motions for Summary Judgment and Notice of Conditional Settlement by Juan C. Fonseca. (Thompson, James) (Entered: 02/17/2005)
02/24/2005	<a href="#">41</a>	ORDER granting <a href="#">40</a> Agreed Motion for Extension of Time to File Plaintiffs' Responses to Defendant's Motions for Summary Judgment. Signed by Judge James D. Whittemore on 2/23/2005. (kle) (Entered: 02/24/2005)
04/01/2005	<a href="#">42</a>	NOTICE of Settlement and Undisputed and Agreed Motion to Stay Proceedings to Effectuate Final Settlement and Dismissal by Juan C. Fonseca (Thompson, James) (Entered: 04/01/2005)
04/05/2005	<a href="#">43</a>	ORDER directing administrative closure pursuant to the Notice of Settlement (Dkt. 42). The clerk is directed to administratively close this case and terminate any pending motions. Signed by Judge James D. Whittemore on 4/4/2005. (kle) (Entered: 04/05/2005)
04/05/2005	44	ORDER directing administrative closureSigned by Judge James D. Whittemore on 4/5/2005. (wlb) (Entered: 04/14/2005)
05/05/2005	<a href="#">45</a>	NOTICE by United States Equal Employment Opportunity Commission Notice of Filing Consent Decree (Attachments: # <a href="#">1</a> Exhibit Consent Decree)(Brown, Jennifer) (Entered: 05/05/2005)
05/16/2005	<a href="#">46</a>	CONSENT DECREE -- Signed by Judge James D. Whittemore on 5/16/2005. (kle) (Entered: 05/16/2005)
05/20/2005	<a href="#">47</a>	ORDER - Pursuant to the <a href="#">46</a> Consent Decree, the Clerk is directed to close this case. Signed by Judge James D. Whittemore on 5/18/2005. (kle) (Entered: 05/20/2005)

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

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