

APPEAL, NDPLMB

**U.S. District Court**  
**District of Idaho (LIVE Database)Version 3.0.4 (CDA)**  
**CIVIL DOCKET FOR CASE #: 2:05-cv-00371-EJL-LMB**

Equal Employment Opportunity Commission v. Kimball  
International, Inc.  
Assigned to: Honorable Edward J. Lodge  
Referred to: Honorable Larry M. Boyle  
Case in other court: 9th circuit, 07-35403  
Cause: 29:621 Job Discrimination (Age)

Date Filed: 09/14/2005  
Date Terminated: 02/01/2007  
Jury Demand: Plaintiff  
Nature of Suit: 442 Civil Rights: Jobs  
Jurisdiction: U.S. Government Plaintiff

**Plaintiff**

**Equal Employment Opportunity  
Commission**

represented by **A Luis Lucero, Jr**  
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OPPORTUNITY COMMISSION  
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V.

**Defendant**

**Kimball International, Inc.**  
*doing business as*  
Flexcel

represented by **Mischelle R Fulgham**  
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Date Filed	#	Docket Text
09/14/2005	<a href="#"><u>1</u></a>	COMPLAINT against Kimball International, Inc. Summons Issued, filed by Equal Employment Opportunity Commission. (Attachments: # <a href="#"><u>1</u></a> Civil Cover

		Sheet)(jlg, ) (Entered: 09/16/2005)
09/16/2005	<a href="#">2</a>	NOTICE of Case Number Change re <a href="#">1</a> Complaint. Old case number CV 05-371-S-LMB, new case number CV 05-371-N-LMB. (jlg, )
09/16/2005	<a href="#">3</a>	NOTICE of Assignment to Magistrate Judge and Requirement for Consent sent to counsel for Equal Employment Opportunity Commission re <a href="#">1</a> Complaint (caused to be mailed to non Registered Participants at the addresses listed on the Notice of Electronic Filing (NEF) by jlg, )
09/21/2005	<a href="#">4</a>	ORDER - Parties to discuss Litigation Plan within 60 days. Litigation Plan and consent forms to be filed within 90 days of this order or Plaintiff shall submit a written report advising of the status of this case. Plaintiff shall serve this order on parties not represented on the Court's Certificate of Mailing. Signed by Judge Larry M. Boyle. (caused to be mailed to non Registered Participants at the addresses listed on the Notice of Electronic Filing (NEF) by jlg, )
10/13/2005	<a href="#">5</a>	ANSWER to Complaint by Kimball International, Inc..(Fulgham, Mischelle)
10/17/2005	<a href="#">6</a>	NOTICE of Assignment to Magistrate Judge and Requirement for Consent sent to counsel for Kimball International, Inc. re <a href="#">5</a> Answer to Complaint (caused to be mailed to non Registered Participants at the addresses listed on the Notice of Electronic Filing (NEF) by wm, )
10/18/2005	<a href="#">7</a>	APPLICATION AND APPROVAL FOR ADMISSION PRO HAC VICE, Attorney Timothy P Reilly for Kimball International, Inc. added. (caused to be mailed to non Registered Participants at the addresses listed on the Notice of Electronic Filing (NEF) by wm, )
11/03/2005	<a href="#">8</a>	NOTICE of Substitution - Attorney Terryl T Healy and Kathryn Olson terminated. (Katahira, Wesley)
12/15/2005	<a href="#">9</a>	STIPULATION <i>LITIGATION PLAN</i> by Equal Employment Opportunity Commission. (Katahira, Wesley)
12/16/2005		<b>CORRECTIVE ENTRY - The entry docket number <a href="#">9</a> Stipulation filed by Equal Employment Opportunity Commission, was filed using the incorrect event. The filing party shall re-submit their correct filing using the event "Scheduling Conf Form/Litigation Plan".</b> (jlg, )
12/16/2005	<a href="#">10</a>	SCHEDULING CONFERENCE FORM - LITIGATION PLAN by Equal Employment Opportunity Commission. (Katahira, Wesley)
12/29/2005	11	DOCKET TEXT NOTICE: Parties shall file their Consent Elections(Refer to Doc. 2 and Doc. 6) Prior to a Telephone Scheduling being set. (lc, )
12/30/2005	12	CONSENT filed. (jlg, ) (Entered: 01/04/2006)
01/11/2006	13	AN OBJECTION TO A US MAGISTRATE JUDGE HAS BEEN FILED IN THIS CASE. (jlg, )
01/11/2006	<a href="#">14</a>	NOTICE of Case Number Change re [13] Objection to Consent to Proceed before a US Magistrate Judge. New case number is CV 05-371-N-EJL. (jlg, )
01/12/2006	<a href="#">15</a>	SCHEDULING ORDER Amended Pleadings due by 2/28/2006. Final Discovery due by 5/31/2006. Joinder of Parties due by 2/28/2006. Mediation to take place

		by 6/1/2006. Pre-Trial Motions due by 6/30/2006. Jury Trial set for 12/12/2006 09:30 AM in Coeur d Alene, ID before Honorable Edward J. Lodge. All non-dispositive pretrial matters are referred to US Magistrate Judge Larry M. Boyle. Signed by Judge Edward J. Lodge. (caused to be mailed to non Registered Participants at the addresses listed on the Notice of Electronic Filing (NEF) by jlg, )
05/10/2006	16	DOCKET ENTRY ORDER: Per the oral request of counsel, the deadline to participate in mediation shall be extend to September 15, 2006. Signed by Judge Edward J. Lodge. (caused to be mailed to non Registered Participants at the addresses listed on the Notice of Electronic Filing (NEF) by dmc, )
06/29/2006	<a href="#">17</a>	MOTION for Summary Judgment by Kimball International, Inc.. Responses due by 7/24/2006 (Fulgham, Michelle)
06/29/2006	<a href="#">18</a>	MEMORANDUM in Support re <a href="#">17</a> MOTION for Summary Judgment filed by Kimball International, Inc.. (Fulgham, Michelle)
06/29/2006	<a href="#">19</a>	Statement of Material Facts re <a href="#">17</a> MOTION for Summary Judgment filed by Kimball International, Inc.. (Fulgham, Michelle)
06/29/2006	<a href="#">20</a>	DECLARATION of Michelle R. Fulgham re <a href="#">17</a> MOTION for Summary Judgment filed by Kimball International, Inc.. (Fulgham, Michelle)
06/29/2006	<a href="#">21</a>	DECLARATION of Timothy Mongan re <a href="#">17</a> MOTION for Summary Judgment filed by Kimball International, Inc.. (Fulgham, Michelle)
06/29/2006	<a href="#">22</a>	DECLARATION of Philip Stucke re <a href="#">17</a> MOTION for Summary Judgment filed by Kimball International, Inc.. (Fulgham, Michelle)
06/29/2006	<a href="#">23</a>	DECLARATION of Cindy Avery re <a href="#">17</a> MOTION for Summary Judgment filed by Kimball International, Inc.. (Fulgham, Michelle)
06/29/2006	<a href="#">24</a>	DECLARATION of Shari Sinsley re <a href="#">17</a> MOTION for Summary Judgment filed by Kimball International, Inc.. (Fulgham, Michelle)
06/29/2006	<a href="#">25</a>	DECLARATION of Melissa Davaz re <a href="#">17</a> MOTION for Summary Judgment filed by Kimball International, Inc.. (Fulgham, Michelle)
06/29/2006	<a href="#">26</a>	DECLARATION of Cathy Fleetwood re <a href="#">17</a> MOTION for Summary Judgment filed by Kimball International, Inc.. (Fulgham, Michelle)
06/29/2006	<a href="#">27</a>	DECLARATION of Kenneth Freeman re <a href="#">17</a> MOTION for Summary Judgment filed by Kimball International, Inc.. (Fulgham, Michelle)
07/24/2006	<a href="#">28</a>	RESPONSE to Motion re <a href="#">17</a> MOTION for Summary Judgment <i>Filed June 29, 2006</i> filed by Equal Employment Opportunity Commission. Replies due by 8/7/2006. (Katahira, Wesley)
07/24/2006	<a href="#">29</a>	Statement OF FACTS re <a href="#">17</a> MOTION for Summary Judgment <i>FILED JUNE 29, 2006</i> filed by Equal Employment Opportunity Commission. (Katahira, Wesley)
07/24/2006	<a href="#">30</a>	DECLARATION of Wesley Katahira re <a href="#">28</a> Response to Motion filed by Equal Employment Opportunity Commission <i>In Support of EEOC's Response to the Motion for Summary Judgment filed 6/29, 2006</i> . (Attachments: # <a href="#">1</a> Exhibit 1# <a href="#">2</a> Exhibit 2# <a href="#">3</a> Exhibit 3# <a href="#">4</a> Exhibit 4# <a href="#">5</a> Exhibit 5# <a href="#">6</a> Exhibit 6# <a href="#">7</a> Exhibit 7# <a href="#">8</a>

		Exhibit 8# <a href="#">9</a> Exhibit 9# <a href="#">10</a> Exhibit 10# <a href="#">11</a> Exhibit 11# <a href="#">12</a> Exhibit 12# <a href="#">13</a> Exhibit 13# <a href="#">14</a> Exhibit 14# <a href="#">15</a> Exhibit 15# <a href="#">16</a> Exhibit 16# <a href="#">17</a> Exhibit 17# <a href="#">18</a> Exhibit 18# <a href="#">19</a> Exhibit 19# <a href="#">20</a> Exhibit 20# <a href="#">21</a> Exhibit 21# <a href="#">22</a> Exhibit 22# <a href="#">23</a> Exhibit 23# <a href="#">24</a> Exhibit 24# <a href="#">25</a> Exhibit 25# <a href="#">26</a> Exhibit 26# <a href="#">27</a> Exhibit # <a href="#">28</a> Exhibit 28# <a href="#">29</a> Exhibit 29# <a href="#">30</a> Exhibit 30# <a href="#">31</a> Exhibit 31# <a href="#">32</a> Exhibit 32# <a href="#">33</a> Exhibit 33# <a href="#">34</a> Exhibit 34# <a href="#">35</a> Exhibit 35)(Katahira, Wesley)
07/24/2006	<a href="#">31</a>	DECLARATION of Robert Zychek re <a href="#">28</a> Response to Motion filed by Equal Employment Opportunity Commission <i>Filed June 29, 2006</i> . (Katahira, Wesley)
07/24/2006	<a href="#">32</a>	DECLARATION of Russell St. Germain re <a href="#">28</a> Response to Motion filed by Equal Employment Opportunity Commission <i>Filed June 29, 2006</i> . (Katahira, Wesley)
07/24/2006	<a href="#">33</a>	CERTIFICATE OF SERVICE by Equal Employment Opportunity Commission re <a href="#">28</a> Response to Motion <i>Filed June 29, 2006</i> (Katahira, Wesley)
08/07/2006	<a href="#">34</a>	MOTION to Strike <a href="#">29</a> Statement by Kimball International, Inc.. Responses due by 8/31/2006 (Attachments: # (1)Memorandum in Support)(Fulgham, Michelle) . Modified on 8/7/2006 (wm, ).
08/07/2006	<a href="#">35</a>	REPLY to Response to Motion re <a href="#">17</a> MOTION for Summary Judgment filed by Kimball International, Inc.. (Attachments: # <a href="#">1</a> Declaration of Debra Williams)(Fulgham, Michelle)
08/16/2006	<a href="#">36</a>	RESPONSE to Motion re <a href="#">34</a> MOTION to Strike <a href="#">29</a> Statement of <i>Material Facts in Support of EEOC's Response to the Motion for Summary Judgment Filed on August 7, 2006</i> filed by Equal Employment Opportunity Commission. Replies due by 8/30/2006. (Katahira, Wesley)
08/25/2006	<a href="#">37</a>	REPLY to Response to Motion re <a href="#">34</a> MOTION to Strike <a href="#">29</a> Statement of <i>Material Facts in Support of the EEOC's Response to the Motion for Summary Judgment Filed on August 7, 2006</i> filed by Kimball International, Inc.. (Fulgham, Michelle)
08/25/2006	<a href="#">38</a>	MOTION to Continue <i>Extend Deadline for Mediation</i> by Kimball International, Inc.. Responses due by 9/18/2006 (Attachments: # <a href="#">1</a> Declaration of Michelle R. Fulgham in Support of Motion)(Fulgham, Michelle)
08/30/2006	<a href="#">39</a>	ORDER granting <a href="#">38</a> Motion to extend deadline for mediation. Signed by Judge Edward J. Lodge. (caused to be mailed to non Registered Participants at the addresses listed on the Notice of Electronic Filing (NEF) by dks, )
10/23/2006	40	Docket Entry NOTICE PLEASE TAKE NOTICE that the Jury Trial set for Tuesday, December 12, 2006, IS HEREBY VACATED pending the outcome of the Summary Judgment Motion. (cv, )
02/01/2007	<a href="#">41</a>	MEMORANDUM ORDER denying as moot <a href="#">34</a> Motion to Strike ; Granting <a href="#">17</a> Motion for Summary Judgment. Signed by Judge Edward J. Lodge. (caused to be mailed to non Registered Participants at the addresses listed on the Notice of Electronic Filing (NEF) by jg, )
02/01/2007	<a href="#">42</a>	JUDGMENT that Plaintiff take nothing from Defendant and this case is DISMISSED IN ITS ENTIRETY.. Signed by Judge Edward J. Lodge. (caused to be mailed to non Registered Participants at the addresses listed on the Notice of

		Electronic Filing (NEF) by jg, )
03/30/2007	<a href="#">43</a>	NOTICE OF APPEAL as to <a href="#">42</a> Judgment, <a href="#">41</a> Order on Motion to Strike, Order on Motion for Summary Judgment,, by Equal Employment Opportunity Commission. (Notice sent by e-mail to Court Reporter) (Attachments: # <a href="#">1</a> Civil Appeals Docketing Statement# <a href="#">2</a> Representation Statement# <a href="#">3</a> Judgment# <a href="#">4</a> Memorandum Order# <a href="#">5</a> Certificate of Service)(Lee, Damien)
05/15/2007	<a href="#">44</a>	NOTICE OF APPEAL NOTIFICATION FORM re <a href="#">43</a> Notice of Appeal, (jg, )
05/15/2007	45	Transmission of Notice of Appeal and Docket Sheet to US Court of Appeals re <a href="#">43</a> Notice of Appeal, (jg, )
05/15/2007	<a href="#">46</a>	CERTIFICATE of Record on Appeal re <a href="#">43</a> Notice of Appeal, No Transcripts Necessary. (jg, )
05/23/2007	<a href="#">47</a>	USCA Case Number 07-35403 for <a href="#">43</a> Notice of Appeal, filed by Equal Employment Opportunity Commission. (jg, ) (Entered: 05/24/2007)
05/23/2007	<a href="#">48</a>	USCA Scheduling Order as to <a href="#">43</a> Notice of Appeal, filed by Equal Employment Opportunity Commission. (Notice sent by e-mail to Court Reporter) (jg, ) (Entered: 05/24/2007)

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