

LEVIN, TERMED

United States District Court
Northern District of Illinois - CM/ECF LIVE, Ver 3.0 (Chicago)
CIVIL DOCKET FOR CASE #: 1:99-cv-05381

EEOC v. Mid-Continent Sec
Assigned to: Hon. Matthew F. Kennelly
Demand: \$0
Case in other court: 01-03103
Cause: 42:12101 Americans with Disabilities Act

Date Filed: 08/17/1999
Date Terminated: 04/05/2001
Jury Demand: Both
Nature of Suit: 442 Civil Rights: Jobs
Jurisdiction: U.S. Government Plaintiff

Plaintiff

**Equal Employment Opportunity
Commission**

represented by **Jose Jorge Behar**
Hughes Socol Piers Resnick & Dym Ltd.
70 West Madison Street
Suite 4000
Chicago, IL 60602
(312) 580-0100
Fax: 312-580-1994
Email: jbehar@hsplegal.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Ines M. Monte
Brennan & Monte, Ltd.
20 South Clark Street
Suite 1530
Chicago, IL 60603
(312) 422-0001
Email: imonte@brennan-monte.com
ATTORNEY TO BE NOTICED

John C. Hendrickson
United States Equal Employment
Opportunity Commission
500 West Madison Street
Suite 2800
Chicago, IL 60661
(312) 353-8551
Fax: (312) 353-8555
Email: john.hendrickson@eeoc.gov
ATTORNEY TO BE NOTICED

V.

Defendant

Mid-Continent Security Agency, Increpresented by **Daniel J. Pierce**

Daniel J. Pierce, P.C.

3500 Three First National Plaza

Chicago, IL 60602-4283

(312) 977-9293

*LEAD ATTORNEY**ATTORNEY TO BE NOTICED*

Date Filed	#	Docket Text
08/17/1999	1	COMPLAINT; jury demand - Civil cover sheet - Appearance(s) of John C. Hendrickson, Ines M. Monte, Jose Jorge Behar as attorney(s) for plaintiff (One (1) summons(es) issued.) (Documents: 1-1 thorough 1-3) (mak) (Entered: 08/19/1999)
08/19/1999	2	MOTION by plaintiff to expedite discovery ; Memorandum in support of plaintiff's motion to expedite discovery; Notice. (mak) (Entered: 08/20/1999)
08/19/1999	3	MINUTE ORDER of 8/19/99 by Hon. Matthew F. Kennelly : Motion to expedite discovery is granted [2-1] for the reasons stated in open court. All written discovery to be completed by 09/07/99. Court directs the deposition of Mr. Campbell be completed on or before 09/15/99. Status hearing set to 9:30 a.m. 9/21/99. Mailed notice (mak) (Entered: 08/20/1999)
08/24/1999	4	FIRST AMENDED COMPLAINT [1-1] by plaintiff; jury demand. Notice (dj) Modified on 08/25/1999 (Entered: 08/25/1999)
09/20/1999	5	ATTORNEY APPEARANCE for defendant by Daniel J. Pierce; Notice (dj) (Entered: 09/21/1999)
09/21/1999		SCHEDULE set on 9/21/99 by Hon. Matthew F. Kennelly : Status hearing held. Settlement conference set for 1:00 10/1/99 . Mailed notice (or) (Entered: 09/21/1999)
09/29/1999	6	ANSWER by defendant to plaintiff's complaint [1-1]; Notice (yap) (Entered: 09/30/1999)
10/01/1999		SCHEDULE set on 10/1/99 by Hon. Matthew F. Kennelly : Settlement conference held with party representatives present. Case not settled. Case set for status on 12/1/99 at 9:30 a.m. Estimated 2-3 day Jury trial set to 10:00a.m. on 1/17/00 Mailed notice (or) (Entered: 10/02/1999)
11/29/1999		SCHEDULE set on 11/29/99 by Hon. Matthew F. Kennelly : Noticed motion set for 9:30 12/1/99 No notice (or) (Entered: 11/29/1999)
11/29/1999	7	MOTION by defendant to continue 1/17/00 trial date. ; Notice (dj) (Entered: 12/06/1999)
12/01/1999	8	MINUTE ORDER of 12/1/99 by Hon. Matthew F. Kennelly: Defendant's motion to continue 1/17/00 trial date is granted. [7-1] Three-day jury trial reset to 4/17/00 at 10:00am. Discovery deadline set to 2/29/00. Pretrial order due 3/31/00. Pretrial conference set to 4/13/00 at 4:00pm. Status hearing held and

		continued to 9:30am on 2/29/00 . Mailed notice (dj) (Entered: 12/06/1999)
02/28/2000	9	MOTION by plaintiff for an order compelling defendant to respond to interrogatories and document requests (Attachments); Notice (las) (Entered: 03/02/2000)
02/29/2000	10	MINUTE ORDER of 2/29/00 by Hon. Matthew F. Kennelly : Plaintiff's motion to compel is granted, with compliance on or before 3/14/00. [9-1] Status hearing held and continued to 9:30 a.m. on 3/16/00 for filing of summary judgment motion. Mailed notice. (las) (Entered: 03/02/2000)
03/16/2000		SCHEDULE set on 3/16/00 by Hon. Matthew F. Kennelly : Status hearing held. No other date set at this time. No notice (or) (Entered: 03/16/2000)
03/17/2000	11	MOTION by defendant to extend time to file motion for summary judgment ; Notice (las) (Entered: 03/24/2000)
03/23/2000	12	MINUTE ORDER of 3/23/00 by Hon. Matthew F. Kennelly : Defendant's motion for extension of time for the filing of defendant's motion for summary judgment to 4/28/00 is granted [11-1]. Status hearing set for 9:30 a.m. on 4/28/00. Dates set for filing of pretrial trial order, and dates set for the pretrial conference and trial are vacated. Mailed notice. (las) (Entered: 03/24/2000)
04/28/2000	13	MOTION by defendant for summary judgment ; Memorandum in support; Local Rule 56.1(a)(3) statement of material facts (Attachments); Notice (fce) (Entered: 05/01/2000)
05/02/2000	14	MINUTE ORDER of 5/2/00 by Hon. Matthew F. Kennelly : Plaintiff's response to defendant's motion for summary judgment [13-1] is due 5/26/00. Reply brief due 6/9/00. Ruling by mail. Mailed notice (fce) (Entered: 05/04/2000)
05/26/2000	15	MOTION by plaintiff for leave to file instanter, a memorandum in opposition to defendant's motion for summary judgment in excess of 15 pages ; Notice (dj) (Entered: 06/05/2000)
06/01/2000	16	MEMORANDUM by plaintiff in opposition to defendant's motion for summary judgment [13-1]; Notice (dj) (Entered: 06/05/2000)
06/01/2000	17	APPENDIX of exhibits filed by plaintiff in opposition to defendant's motion for summary judgment. [13-1] (dj) (Entered: 06/05/2000)
06/01/2000	18	MINUTE ORDER of 6/1/00 by Hon. Matthew F. Kennelly: Plaintiff's motion for leave to file instanter, a memorandum in opposition to defendant's motion for summary judgment in excess of 15 pages is granted. [15-1] No notice (dj) (Entered: 06/05/2000)
06/01/2000	19	MINUTE ORDER of 6/1/00 by Hon. Matthew F. Kennelly: Plaintiff's motion for sanctions is denied without prejudice. Based on the court's review of plaintiff's response to defendant's motion for summary judgment, it appears to the court that plaintiff has obtained discovery sufficient to address the issues that the motion for sanctions concerns. The court will revisit this ruling if necessary in the course of considering the merits of defendant's motion for summary judgment. Mailed notice (dj) (Entered: 06/05/2000)

06/09/2000	20	AGREED MOTION by defendant for extension of time to file response , response to plaintiff's Rule 56.1(b)(3) statement of additional material facts (Attachments); Notice (rmm) (Entered: 06/15/2000)
06/14/2000	21	MINUTE ORDER of 6/14/00 by Hon. Matthew F. Kennelly : Defendant's agreed motion for extension of time to file response and defendant's response to plaintiff's Rule 56.1(b)(3) statement of additional material facts is granted [20-1][20-2]. Mailed notice (rmm) (Entered: 06/15/2000)
06/23/2000	22	REPLY brief by defendant Mid-Continent Sec in support of motion for summary judgment [13-1] (Attachments); Notice. (amb) (Entered: 06/27/2000)
12/04/2000	23	MINUTE ORDER of 12/4/00 by Hon. Matthew F. Kennelly: Mid-Continent's motion for summary judgment [13-1] is denied. The case is set for a status hearing on 12/12/00 at 9:30 a.m. for the purpose of setting a trial date. Entered Memorandum Opinion and Order. Mailed notice (yap) (Entered: 12/05/2000)
12/13/2000		SCHEDULE set on 12/13/00 by Hon. Matthew F. Kennelly : Status hearing held. Pretrial order to be submitted on 3/12/01 . Pretrial conference set to 4:30p.m. on 3/20/01 Jury trial set to 10:00a.m. on 4/2/01 . Mailed notice (or) (Entered: 12/14/2000)
03/12/2001	24	MOTION by defendant in limine to bar evidence of Utility cut-off or disconnection at Mr. Campbell's residence. (ac) (Entered: 03/13/2001)
03/12/2001	25	MOTION by defendant in limine to bar argument or a request for punitive damages since defendant terminated operations in or about July, 2000. (ac) (Entered: 03/13/2001)
03/12/2001	26	MOTION by defendant in limine to bar argument in opening statement on any aspect of punitive damages. (ac) (Entered: 03/13/2001)
03/12/2001	27	MOTION by defendant in limine to bar testimony on Mr. Campbell's terminal status and ultimate death. (ac) (Entered: 03/13/2001)
03/12/2001	28	MOTION by defendant in limine to bar introduction of or testimony relating to the net worth or financial condition of defendant ; Notice. (ac) Modified on 03/14/2001 (Entered: 03/13/2001)
03/12/2001	33	MOTION by plaintiff in limine barring defendant from introducing evidence or arguments related to Samuel Campbell's character , in limine barring defendant from introducing evidence that is inconsistent with its responses to interrogatories and requests for admissions , in limine barring defendant from introducing evidence or raising any argument related to any affirmative defense never previously pled, including that Samuel Campbell failed to mitigate his damages , in limine barring defendant from arguing or submitting evidence that it did not discriminate against Campbell because it hired other individuals with disabilities , in limine barring defendant from presenting evidence or arguments regarding the plaintiff's statutory caps on recovery of compensatory and punitive damages and in limine barring defendant from presenting evidence regarding the death of Sergeant Charles McGhee Memorandum in Support; Notice (yap) Modified on 03/21/2001 (Entered: 03/21/2001)
03/19/2001	29	LIST OF motions in limine by defendant; Notice (yap) (Entered: 03/20/2001)

03/19/2001	30	OBJECTIONS by defendant to plaintiff's proposed jury instructions; Notice (yap) (Entered: 03/20/2001)
03/19/2001	31	RESPONSE by plaintiff to defendant's motions in limine [28-1], [27-1], [26-1], [25-1] and [24-1]; Notice (yap) (Entered: 03/20/2001)
03/19/2001	32	OBJECTIONS by defendant to plaintiff's motion in limine; Notice (yap) (Entered: 03/20/2001)
03/19/2001	34	JURY INSTRUCTIONS submitted by defendant; Notice (yap) (Entered: 03/21/2001)
03/20/2001	35	MINUTE ORDER of 3/20/01 by Hon. Matthew F. Kennelly: For the reasons stated on the reverse of this order, defendant's motion in limine to bar argument or a request for punitive damages [25-1], its motion to bar argument in opening statement regarding punitive damages [26-1], its motion in limine to bar introduction of evidence concerning its financial condition [28-1], its motion to bar evidence concerning the terminal status and eventual death of Joseph Campbell [27-1] and its motion to preclude evidence that Campbells' utilities were disconnected [24-1] are denied. (See reverse of minute order.) No notice (yap) (Entered: 03/21/2001)
03/20/2001	36	MINUTE ORDER of 3/20/01 by Hon. Matthew F. Kennelly: For the reasons staed on the reverse side of this order, plaintiff's motion to bar evidence that is inconsistent with defendant's discovery responses [33-2], and its motion to bar evidence or argument regarding statutory caps [33-5] are granted. Plaintiff's motion to bar evidence relating to Samuel Campbell's character [33-1], and its motion to bar evidence or argument related to affirmative defense not previously pleaded [33-3] are granted in part and denied in part. Plaintiff's motion to bar evidence that defendant hired other individuals with disabilities [33-4] and its motion to bar evidence concerning the death of Charles McGhee [33-6] are denied. (See reverse of minute order.) No notice (yap) (Entered: 03/21/2001)
03/20/2001	37	MINUTE ORDER of 3/20/01 by Hon. Matthew F. Kennelly: Final pretrial conference held. The reverse side of this order contains the court's rulings on the parties' objections to exhibits. (See reverse of minute order.) Mailed notices by judge's staff (yap) (Entered: 03/22/2001)
03/20/2001	38	MINUTE ORDER of 3/20/01 by Hon. Matthew F. Kennelly: The reverse side of this order contains the court's rulings on the parties' objections concerning the deposition of Samuel Campbell. (See reverse of minute order.) Mailed notice (yap) Modified on 03/22/2001 (Entered: 03/22/2001)
03/22/2001	39	MINUTE ORDER of 3/22/01 by Hon. Matthew F. Kennelly: Entered Final Pretrial Order (Attachments) No notice (yap) (Entered: 03/23/2001)
04/02/2001		SCHEDULE set on 4/2/01 by Hon. Matthew F. Kennelly : Trial begins-Jury. Trial continued to 4/3/01 at 10:00 a.m. No notice (or) (Entered: 04/02/2001)
04/03/2001		SCHEDULE set on 4/3/01 by Hon. Matthew F. Kennelly : Jury trial held and continued to 10:00 4/4/01 . No notice (or) (Entered: 04/03/2001)
04/03/2001	40	COURT'S PROPOSED JURY INSTRUCTIONS (yap) (Entered: 04/04/2001)
04/03/2001	41	JURY INSTRUCTIONS given by the court (yap) (Entered: 04/09/2001)

04/05/2001	42	JURY NOTES (yap) (Entered: 04/09/2001)
04/05/2001	43	VERDICT form for plaintiff against defendant (yap) (Entered: 04/09/2001)
04/05/2001	44	MINUTE ORDER of 4/5/01 by Hon. Matthew F. Kennelly: Trial ends-jury. Enter judgment by verdict in favor of plaintiff and against defendant in the amount of \$961.50 for back pay; \$187.50 in compensatory damages; \$184,000 in punitive damages. , terminating case Mailed notice (yap) (Entered: 04/09/2001)
04/05/2001	45	ENTERED JUDGMENT (yap) (Entered: 04/09/2001)
04/06/2001	46	MINUTE ORDER of 4/6/01 by Hon. Matthew F. Kennelly : Nunc Pro Tunc 04/03/01: Based on the Court's ruling on objections at the final pretrial conference, plaintiff's exhibits 1-8 are admitted in evidence, and defendant's exhibits 1-17, 19, 22-25 and 31 are admitted in evidence. Mailed notice (ar) (Entered: 04/17/2001)
04/17/2001	47	MOTION by defendant pursuant to Rule 50(b) for judgment as a matter of law or in the alternative, for remittitur of the punitive damages award ; Notice (yap) (Entered: 05/03/2001)
04/17/2001	48	MOTION by defendant pursuant to Rule 59(e) to alter or amend the judgment order (Attachments) (yap) (Entered: 05/03/2001)
04/23/2001	50	MOTION by plaintiff for extension of time to respond to defendant's Rule 50(b) and Rule 56(e) motions ; Notice (yap) (Entered: 05/07/2001)
05/02/2001	49	MINUTE ORDER of 5/2/01 by Hon. Matthew F. Kennelly: Response to defendant's motion for judgment as a matter of law [47-1] and remittitur of the punitive damages award [47-2] is due 5/8/01; reply brief is due 5/15/01. Ruling to be made by mail. Mailed notice (yap) (Entered: 05/03/2001)
05/04/2001	51	MINUTE ORDER of 5/4/01 by Hon. Matthew F. Kennelly: Plaintiff's motion for extension of time to respond to defendant's Rule 50(b) and Rule 56(e) motions [50-1] is granted. Response is due 5/29/01 [48-1] [47-1] [47-2]; reply is due 6/5/01. Ruling to be made by mail. Mailed notice (yap) (Entered: 05/07/2001)
05/29/2001	52	MOTION by plaintiff for leave to file memorandum in excess of fifteen pages instanter ; Notice (yap) (Entered: 06/08/2001)
05/29/2001	54	RESPONSE by plaintiff to defendant's motion pursuant to Rule 59(e) to alter or amend the judgment order [48-1]; Table of contents (yap) (Entered: 06/08/2001)
06/05/2001	55	MEMORANDUM by plaintiff in opposition to defendant's Rule 50(b) for judgment as a matter of law [47-1] or, in the alternative, for remittitur of the punitive damages award [47-2] (Attachment) (yap) (Entered: 06/08/2001)
06/07/2001	53	MINUTE ORDER of 6/7/01 by Hon. Matthew F. Kennelly: EEOC's motion for leave to file memorandum in excess of fifteen pages instanter [52-1] is granted. No notice (yap) (Entered: 06/08/2001)
06/13/2001	56	POINTS and authority by defendant; Notice (yap) (Entered: 06/13/2001)
06/13/2001	57	REPLY by defendant regarding its Rule 59(e) motion to alter or amend the judgment order [48-1] (yap) (Entered: 06/13/2001)

06/13/2001	58	REPLY memorandum by defendant in support of his Rule 50(b) motion [47-1] or, in the alternative, for remittitur of the punitive damages award [47-2] (yap) (Entered: 06/13/2001)
07/11/2001	59	MINUTE ORDER of 7/11/01 by Hon. Matthew F. Kennelly: Defendant's motion for judgment as a matter of law [47-1] is denied. Defendant's motion to alter or amend the judgment order [48-1] is granted. Enter Amended Judgment in favor of defendant on plaintiff's termination claim. Judgment is entered in favor of plaintiff on its accommodation claim, in the amount of \$961.50 back pay, \$187.50 for compensatory damages, and \$184,000 for punitive damages. Defendant's motion for remittitur of the punitive damages award [47-2] is granted. The court will order a new trial on the issue of punitive damages unless plaintiff accepts, on or before 7/30/01, a reduction of the punitive damage award to \$50,000. Entered Memorandum Opinion and Order. Mailed notice (yap) (Entered: 07/12/2001)
07/11/2001	60	ENTERED JUDGMENT (yap) (Entered: 07/12/2001)
07/30/2001	61	NOTICE by plaintiff of acceptance (yap) (Entered: 07/31/2001)
07/31/2001	62	MINUTE ORDER of 7/31/01 by Hon. Matthew F. Kennelly: In light of plaintiff's acceptance of the court's remittitur of the punitive damages award, defendant's motion for judgment as a matter of law, insofar as it sought a new trial, is denied. The judgment is amended to reflect that the amount of punitive damages is \$50,000 rather than the \$184,000 awarded by the jury. Mailed notice (vmj) (Entered: 08/03/2001)
07/31/2001	63	ENTERED JUDGMENT. (vmj) (Entered: 08/03/2001)
08/10/2001	64	NOTICE OF APPEAL by defendant from motion minute order [59-2], from Scheduling order Entered Memorandum Opinion and Order. [59-1], from judgment entered [60-1], motion minute order [62-1] from motion minute order [62-1], and from judgment entered [63-1] (\$105.00 Paid) (dj) (Entered: 08/13/2001)
08/10/2001	65	DOCKETING STATEMENT by defendant regarding appeal [64-1] . (dj) (Entered: 08/13/2001)
08/13/2001		TRANSMITTED to the 7th Circuit the short record on appeal [64-1] . Mailed notice to all counsel. (dj) (Entered: 08/13/2001)
08/15/2001	66	ACKNOWLEDGEMENT of receipt of short record on appeal [64-1] USCA 01-3103 (eav) (Entered: 08/17/2001)
08/17/2001	67	SEVENTH CIRCUIT transcript information sheet; Notice (yap) (Entered: 08/20/2001)
08/20/2001	68	TRANSCRIPT of proceedings for the following date(s): 4/2/01, 4/3/01, 4/4/01 and 4/5/01 appeal [64-1] Before Honorable Matthew F. Kennelly (4 vols: 68-1 through 68-4) (yap) (Entered: 08/20/2001)
08/23/2001	69	EXHIBITS 1 through 20 by defendant (dj) (Entered: 08/23/2001)
08/23/2001	70	EXHIBITS 1 through 5 by plaintiff (dj) (Entered: 08/23/2001)

08/24/2001		TRANSMITTED to the 7th Circuit the long record on appeal no. 01-3103 consisting of one volume of pleadings, two volumes of exhibits and three volumes of loose pleadings under separate certificate on appeal [64-1] Mailed notice to all counsel. (mak) (Entered: 08/24/2001)
10/25/2001	71	CERTIFIED COPY of order from the 7th Circuit: appeal dismissed [64-1] . (01-3103) (Attachment) (yap) (Entered: 10/29/2001)
11/14/2001	72	LETTER from the 7th Circuit returning the record on appeal no. 01-3103 consisting of 1 volume of pleadings, 3 loose pleadings and 2 volumes of exhibits (yap) (Entered: 11/15/2001)

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