

DENLOW, PROTO, TERMED

United States District Court
Northern District of Illinois - CM/ECF LIVE, Ver 3.0 (Chicago)
CIVIL DOCKET FOR CASE #: 1:98-cv-02725

Equal Employment Opp v. Yellow Frt Syst Inc
Assigned to: Hon. Charles P. Kocoras
Demand: \$0
Case in other court: 99-03415
Cause: 42:2000e Job Discrimination (Employment)

Date Filed: 05/04/1998
Date Terminated: 08/12/1999
Jury Demand: Plaintiff
Nature of Suit: 442 Civil Rights: Jobs
Jurisdiction: U.S. Government Plaintiff

Plaintiff

**Equal Employment Opportunity
Commission**

represented by **Diane Ilene Smason**
United States Equal Employment
Opportunity Commission
500 West Madison Street
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V.

Defendant

Yellow Freight Systems, Inc.

represented by **Steven L. Brenneman**
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Intervenor Plaintiff

Michael Nicosia

represented by **Lisa A. Colpoys**
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TERMINATED: 12/16/1998
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Date Filed	#	Docket Text
05/04/1998	1	COMPLAINT; jury demand - Civil cover sheet - Appearance(s) of John C. Hendrickson, Jean Powers Kamp, Diane Ilene Smason as attorney(s) for plaintiff (no summons(es) issued.) (Documents: 1-1 through 1-3) (mjc) (Entered: 05/05/1998)
06/01/1998		SCHEDULE set on 6/1/98 by Hon. Charles P. Kocoras : Status hearing set to 9:30 6/30/98 . Mailed notice (sct) (Entered: 06/01/1998)

06/02/1998	2	WAIVER of service of summons as to defendant sent on 5/6/98 (mjc) Modified on 06/05/1998 (Entered: 06/03/1998)
06/16/1998	3	MOTION by Michael Nicosia to intervene as plaintiff ; Notice of motion. (dmkf) (Entered: 07/01/1998)
06/30/1998	4	MINUTE ORDER of 6/30/98 by Hon. Charles P. Kocoras : Michael Nicosia's motion to intervene and to file a complaint in intervention is granted [3-1]. Status hearing held and continued to 11/30/98 at 9:30 a.m. All discovery to be completed by 11/30/98. Mailed notice (dmkf) (Entered: 07/01/1998)
06/30/1998	5	COMPLAINT in intervention by intervenor plaintiff Michael Nicosia (dmkf) (Entered: 07/01/1998)
07/02/1998	6	ATTORNEY APPEARANCE for intervenor plaintiff Michael Nicosia by Lisa A. Colpoys (mjc) (Entered: 07/06/1998)
07/06/1998	7	ANSWER and Affirmative Defenses by defendant to EEOC's complaint; Notice of filing (mjc) (Entered: 07/07/1998)
07/06/1998	8	ATTORNEY APPEARANCE for defendant by Steven L. Brenneman, Ted C. Tow (mjc) (Entered: 07/07/1998)
07/15/1998		NOTICE by counsel for Michael Nicosia of change of address. (Original in 97-CV-1336) (ar) (Entered: 07/16/1998)
07/21/1998	9	ANSWER and affirmative defenses to complaint in intervention by defendant (lal) (Entered: 07/22/1998)
10/08/1998	10	MOTION by Yellow Frt Syst Inc for entry of stipulated protective order ; Notice of motion (jmp) (Entered: 10/19/1998)
10/15/1998	11	STIPULATED PROTECTIVE ORDER regarding Nicosia's medical information (Attachment) (jmp) (Entered: 10/19/1998)
10/15/1998	12	MINUTE ORDER of 10/15/98 by Hon. Charles P. Kocoras : Defendant's motion for entry of stipulated protective order is granted [10-1]. Enter stipulated protective order regarding Nicosia's medical information. Mailed notice (jmp) (Entered: 10/19/1998)
11/10/1998	16	MOTION by Plaintiff Equal Employment Opp to compel production of documents defendant has received pursuant to subpoena (Exhibits); Notice of motion. (tlm) (Entered: 11/18/1998)
11/12/1998	13	MOTION by defendant to compel production of documents . (srb) (Entered: 11/16/1998)
11/12/1998	14	NOTICE of motion by defendant regarding motion to compel production of documents [13-1]. (srb) (Entered: 11/16/1998)
11/12/1998	15	MEMORANDUM by defendant in support of motion to compel production of documents [13-1]; (Exhibits A-J). (srb) (Entered: 11/16/1998)
11/16/1998	17	MINUTE ORDER of 11/16/98 by Hon. Charles P. Kocoras : Status hearing reset to 9:30 a.m. on 01/11/99 . Counsel to meet face-to-face to try and resolve discovery disputes. Cause to be referred to Magistrate Judge Denlow for

		supervision of all discovery including plaintiff's motion to compel production of documents and defendant's motion to compel production of documents. Discovery cut-off date is hereby extended to 12/30/98. Mailed notice (tlm) (Entered: 11/18/1998)
11/19/1998	18	REFERRAL ORDER of 11/18/98: The case is referred to the Hon. Magistrate Judge Morton Denlow pursuant to Local General Rule 2.41(b) to conduct hearings and enter appropriate orders on the following pretrial motion/matter: All discovery motion. Discovery supervision. ntiff EEOC's motion to compel production of documents and defendant Yellow Freight Systems' motion to compel. (For further details see order.) Mailed notice (eav) (Entered: 11/20/1998)
11/20/1998	21	EMERGENCY MOTION by plaintiff to quash subpoenas (Exhibits); Notice of motion (srb) (Entered: 11/27/1998)
11/23/1998	19	MINUTE ORDER of 11/23/98 by Hon. Morton Denlow: Defendant's motion to compel production of documents [13-1] is denied, subject to agreement between counsel for production of certain documents. No notice (srb) (Entered: 11/27/1998)
11/23/1998	20	MINUTE ORDER of 11/23/98 by Hon. Morton Denlow: Plaintiff's motion to compel production of documents defendant has received pursuant to subpoena [16-1] is granted. Documents to be produced by 11/25/98 and EEOC to pay for copying costs. No notice (srb) (Entered: 11/27/1998)
11/23/1998		ORAL MOTION by defendant to compel appearance by plaintiff Michael Nicosiz for deposition . (srb) (Entered: 11/27/1998)
11/23/1998	22	MINUTE ORDER of 11/23/98 by Hon. Morton Denlow: Plaintiff's emergency motion to quash subpoenas [21-1] is granted and depositions of Doctors Anna Nowobilka, Margaret Bujak, and Anna Hareza to be taken on or before 12/20/98. Oral motion by defendant to compel appearance by plaintiff Michael Nicosiz for deposition [0-1] is granted. Plaintiff to appear for deposition on or before 12/11/98. No notice (srb) (Entered: 11/27/1998)
12/04/1998		SCHEDULE set on 12/4/98 by Hon. Morton Denlow : Status hearing set to 10:00 1/21/99 . Mailed notice (or) (Entered: 12/04/1998)
12/11/1998	28	MOTION by defendant for leave to serve subpoenas on medical doctors ; Notice of motion. (vmj) (Entered: 12/22/1998)
12/14/1998	29	MOTION by Lisa A Colpoys, Patricia A Wrona to substitute counsel for plaintiff ; Notice of motion. (vmj) (Entered: 12/22/1998)
12/16/1998	23	MOTION by defendant for leave to serve subpoenas on medical doctors, Emma Cabusao, Rulon Gibson, Robyn Reed ; Notice of motion (rmm) (Entered: 12/21/1998)
12/16/1998	24	MOTION by intervenor plaintiff Michael Nicosia to substitute counsel Patricia A Wrona in lieu of Lisa A. Colpoys ; Notice of motion (rmm) (Entered: 12/21/1998)
12/16/1998	25	ORDER regarding motion for leave to serve subpoenas on medical doctors, Emma Cabusao, Rulon Gibson, Robyn Reed [23-1] (rmm) (Entered: 12/21/1998)

12/16/1998	26	MINUTE ORDER of 12/16/98 by Hon. Morton Denlow : Patricia A. Wrona is granted leave to substitute her appearance for Lisa A. motion as counsel for plaintiff-intervenor, Michael Nicosia [24-1]. Defendant's motion for leave to serve subpoenas on medical doctors is granted [23-1]. Enter order. It is hereby ordered that defendant Yellow Freight Systems, Inc. is granted leave to subpoena and take the depositions of Dr. Emma Cabusao, Dr. Rulon Gibson and Robyn Reed. Mailed notice by judge's staff (rmm) Modified on 12/21/1998 (Entered: 12/21/1998)
12/17/1998	27	ATTORNEY APPEARANCE for intervenor plaintiff Michael Nicosia by Patricia A. Wrona (rmm) (Entered: 12/21/1998)
12/28/1998	30	MOTION by defendant to compel complete responses to request for admissions and interrogatories ; Notice of motion (jmp) (Entered: 01/05/1999)
12/28/1998	31	MEMORANDUM by defendant in support of defendant's motion to compel complete responses to request for admissions and interrogatories [30-1] (Exhibits) (jmp) (Entered: 01/05/1999)
01/04/1999	32	MINUTE ORDER of 1/4/99 by Hon. Morton Denlow : Motion to compel complete responses to request for admissions and interrogatories is granted [30-1] and plaintiff is to file supplemental responses on 01/19/99 to the request to admit and to the interrogatories setting forth the factual basis upon which plaintiff claims that Mr. Nicosia's discipline and termination were pretextual. No notice (jmp) (Entered: 01/05/1999)
01/04/1999	33	STIPULATION and AGREED ORDER. (vmj) (Entered: 01/07/1999)
01/04/1999	34	MINUTE ORDER of 1/4/99 by Hon. Morton Denlow: Enter stipulation and agreed order. It is hereby agreed, stipulated and ordered that Yellow will produce to EEOC the Karrow notes and that neither the production, nor any of the contents, of the Karrow notes shall be cited as support for, or shall otherwise constitute, a waiver of any claim of privilege by Yellow with respect to any other document or communication. No notice (vmj) (Entered: 01/07/1999)
01/11/1999		SCHEDULE set on 1/11/99 by Hon. Charles P. Kocoras : Status hearing held and continued to 9:30 2/4/99 . No notice (sct) (Entered: 01/11/1999)
01/11/1999	36	MOTION by plaintiff to compel deposition of Ronald Sandhaus (Exhibits); Notice of motion (eav) (Entered: 01/15/1999)
01/12/1999	35	OPPOSITION by defendant to EECO's motion to compel deposition of Ronald Sandhaus (Exhibit); Notice of filing (rmm) (Entered: 01/13/1999)
01/13/1999	37	MINUTE ORDER of 1/13/99 by Hon. Morton Denlow : Plaintiff's motion to compel deposition of Ronald Sandhaus is denied for the reasons stated in open court. [36-1] Discovery is extended to 2/17/99 to allow plaintiff time in which to subpoena and depose Ronald Sanhaus. Status hearing of 1/21/99 is stricken. Settlement conference is set to 1/26/99 at 2:00 p.m. No notice (eav) (Entered: 01/15/1999)
01/26/1999		SCHEDULE set on 1/26/99 by Hon. Morton Denlow : Settlnent conference held. No agreement reached. All discovery to be completed by 2/5/99. No notice (or) (Entered: 01/27/1999)

02/04/1999		SCHEDULE set on 2/4/99 by Hon. Charles P. Kocoras : Status hearing held and continued to 9:30 3/4/99 . No notice (sct) (Entered: 02/04/1999)
03/04/1999	40	MINUTE ORDER of 3/4/99 by Hon. Charles P. Kocoras : Status hearing held. Defendant is given leave to file motion for summary judgment by 04/01/99. Answer and any cross-motion for summary judgment due 04/29/99. Defendant's reply and answer to cross-motion due 05/13/99. Reply in support of cross-motion due 05/27/99. Ruling set for 06/24/99 at 9:30 a.m. Mailed notice (lal) (Entered: 03/09/1999)
03/05/1999	38	STIPULATED PROTECTIVE ORDER regarding documents produced by defendant (rmm) (Entered: 03/08/1999)
03/05/1999	39	MINUTE ORDER of 3/5/99 by Hon. Charles P. Kocoras : Enter stipulated order regarding documents produced by defendant. Mailed notice (rmm) (Entered: 03/08/1999)
03/31/1999	41	MINUTE ORDER of 3/31/99 by Hon. Morton Denlow : All matters relating to the referral of this action having been resolved, the case is returned to the assigned judge. (Terminating the case referral to Hon. Morton Denlow). Mailed notice (jmp) (Entered: 04/01/1999)
04/01/1999	42	MOTION by defendant for summary judgment ; Notice of filing (fce) (Entered: 04/02/1999)
04/01/1999	43	Document Sealed (pursuant to Court Order) (3 vols: 43-1 through 43-3) (fce) (Entered: 04/02/1999)
04/29/1999	44	MEMORANDUM by Equal Employment Opp in opposition to defendant's motion for summary judgment [42-1] (RESTRICTED) (jmp) (Entered: 05/03/1999)
04/29/1999	45	JOINT APPENDIX of exhibits filed by Equal Employment Opp in opposition to defendant's motion for summary judgment [42-1] (RESTRICTED) (jmp) (Entered: 05/03/1999)
04/29/1999	46	JOINT RULE 12(N) Statement of contested facts as to which there are no genuine issues by Equal Employment Opp (RESTRICTED) (jmp) (Entered: 05/03/1999)
04/29/1999	47	JOINT MOTION by plaintiff Equal Employment Opp and plaintiff-intervenor Nicosia for leave to file a brief in excess of 15 pages instanter ; Notice of motion (jmp) (Entered: 05/04/1999)
05/03/1999	48	MINUTE ORDER of 5/3/99 by Hon. Charles P. Kocoras : Plaintiff EEOC and plaintiff-intervenor Nicosia's joint motion for leave to [47-1] file a brief in excess of 15 pages [47-2] instanter is granted [47-3]. Telephoned notice (jmp) (Entered: 05/04/1999)
05/13/1999	49	Document Sealed (pursuant to Court Order) (jmp) (Entered: 05/14/1999)
05/13/1999	50	UNOPPOSED MOTION by Yellow Frt Syst Inc for leave to file a brief in excess of 15 pages instanter ; Notice of motion (jmp) (Entered: 05/14/1999)
05/17/1999	51	MINUTE ORDER of 5/17/99 by Hon. Charles P. Kocoras : Defendant's unopposed motion for leave to [50-1] file a brief in excess of 15 pages [50-2]

		instanter is granted [50-3]. Telephoned notice (jmp) (Entered: 05/18/1999)
06/18/1999		SCHEDULE set on 6/18/99 by Hon. Charles P. Kocoras : Ruling set for June 24, 1999 is stricken. The Court will rule by mail. Mailed notice (sct) (Entered: 06/18/1999)
08/12/1999	52	MEMORANDUM, OPINION, AND ORDER (RESTRICTED) (jmp) (Entered: 08/13/1999)
08/12/1999	53	MINUTE ORDER of 8/12/99 by Hon. Charles P. Kocoras : Enter memorandum opinion: Defendant Yellow Freight's motion for summary judgment is granted [42-1], and the complaint filed by the EEOC is dismissed. Plaintiff to take nothing. All matters in controversy having been resolved, final judgment is entered. This memorandum opinion is issued under seal. terminating case Mailed notice (jmp) Modified on 09/20/1999 (Entered: 08/13/1999)
08/12/1999	54	ENTERED JUDGMENT (jmp) Modified on 09/20/1999 (Entered: 08/13/1999)
08/27/1999	55	BILL OF COSTS filed on 08/27/99 (Attachments) (jmp) (Entered: 08/31/1999)
08/30/1999	56	MINUTE ORDER of 8/30/99 by Hon. Charles P. Kocoras : Answer to defendant's bill of costs [55-1] due 09/14/99. Reply due 09/21/99. The court will ruel by mail. Mailed notice (jmp) (Entered: 08/31/1999)
09/10/1999	57	NOTICE OF APPEAL by Michael Nicosia (\$105.00 PAID) (pmp) (Entered: 09/20/1999)
09/10/1999	58	LETTER regarding docketing statement acknowledged by Michael Nicosia . (pmp) (Entered: 09/20/1999)
09/14/1999	59	JOINT MEMORANDUM by plaintiff Equal Employment Opp and intervenor plaintiff Michael Nicosia in opposition to defendant's bill of costs [55-1]; Notice (jmp) (Entered: 09/21/1999)
09/20/1999		TRANSMITTED to the 7th Circuit the short record on appeal appeal [57-1] . Mailed notice to all counsel. (pmp) (Entered: 09/20/1999)
09/20/1999	60	LETTER from Michael Nicosia to William W. Dobbins dated 09/20/99 regarding inclusions for record on appeal (jmp) (Entered: 09/21/1999)
09/20/1999	61	SEVENTH CIRCUIT transcript information sheet by intervenor plaintiff Michael Nicosia (jmp) (Entered: 09/21/1999)
09/21/1999	62	REPLY by Yellow Frt Syst Inc in support of bill of costs [55-1]; Notice (jmp) (Entered: 09/27/1999)
09/22/1999	63	ACKNOWLEDGEMENT of receipt of short record on appeal [57-1] USCA 99-3415 (jmp) (Entered: 09/27/1999)
10/06/1999		TRANSMITTED to the 7th Circuit the long record on appeal no. 99-3415 consisting of one volume of pleadings with 8 volumes of restricted documents under separate certificate regarding appeal [57-1]. Mailed notice to all counsel. (rmm) (Entered: 10/06/1999)
10/13/1999	64	MINUTE ORDER of 10/13/99 by Hon. Charles P. Kocoras : Enter Memorandum Opinion: Defendant's bill of costs are granted [55-1], as modified. Plaintiffs are hereby ordered to pay \$8,364.98 as allocated inn this opinion. Entered

		Memorandum Opinion. Mailed notice (jmp) (Entered: 10/14/1999)
11/16/1999	65	MOTION by Michael Nicosia to unseal 08/12/99 memorandum opinion and order (Attachment); Notice (ar) (Entered: 11/22/1999)
11/18/1999	66	MINUTE ORDER of 11/18/99 by Hon. Charles P. Kocoras : On oral motion, Intervenor plaintiff's motion to unseal 08/12/99 memorandum opinion and order is withdrawn [65-1]. Telephoned notice (ar) (Entered: 11/22/1999)
08/06/2001	67	LETTER from the 7th Circuit returning the record on appeal no. 99-3415 consisting of 1 vol of pleadings, 8 in camera material. (vmj) (Entered: 08/07/2001)
08/06/2001	68	BILL OF COSTS from Court of Appeals in the amount of \$394.80. (vmj) (Entered: 08/07/2001)
08/06/2001	69	OPINION from the 7th Circuit: Argued 4/4/00, Re-Argued En Banc 11/29/00; Decided 6/12/01 (99-3415) (vmj) (Entered: 08/07/2001)
08/06/2001	70	CERTIFIED COPY of order from the 7th Circuit: Affirming the decision of the District Court [57-1] (99-3415) (vmj) (Entered: 08/07/2001)

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