

TERMED

**U.S. District Court Northern District of Indiana [LIVE]  
USDC Northern Indiana (South Bend)  
CIVIL DOCKET FOR CASE #: 3:01-cv-00372-AS**

EEOC v. Dana Corporation, et al  
Assigned to: Judge Allen Sharp  
Demand: \$0  
Cause: 42:2000 Job Discrimination (Race)

Date Filed: 05/18/2001  
Date Terminated: 01/10/2005  
Jury Demand: Both  
Nature of Suit: 442 Civil Rights: Jobs  
Jurisdiction: U.S. Government Plaintiff

**Plaintiff**

**Equal Employment Opportunity  
Commission**

represented by **Johanna Philhower Maple**  
Equal Employment Opportunity  
Commission - Ind/IN  
101 W Ohio Street Suite 1900  
Indianapolis, IN 46204-4203  
317-226-5601  
Fax: 317-226-5571  
Email: johanna.maple@eeoc.gov  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Kenneth L Bird**  
Equal Employment Opportunity  
Commission - Ind/IN  
101 W Ohio Street Suite 1900  
Indianapolis, IN 46204-4203  
317-226-7204  
Fax: 317-226-5571  
Email: Kenneth.Bird@EEOC.gov  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**Dana Corporation**

represented by **John R Maley**  
Barnes & Thornburg LLP - Ind/IN  
11 S Meridian Street Suite 1313  
Indianapolis, IN 46204-3535  
317-236-1313  
Fax: 317-231-7433  
Email: john.maley@btlaw.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Kathleen Marie Anderson**

Barnes &amp; Thornburg LLP - FW/IN

600 One Summit Square

Fort Wayne, IN 46802

260-425-4657

Fax: 260-424-8316

Email: kathleen.anderson@btlaw.com

*LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Shaun E Graham**

Barnes &amp; Thornburg LLP - FW/IN

600 One Summit Square

Fort Wayne, IN 46802

260-423-9440

Fax: 260-424-8316

Email: shaun.graham@btlaw.com

*LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Victoria L Nilles**

Thompson Hine LLP - Day/OH

2000 Courthouse Plaza NE

PO Box 8801

Dayton, OH 45401-8801

937-443-6808

Fax: 937-443-6830

Email:

Victoria.Nilles@ThompsonHine.com

*TERMINATED: 07/29/2004***Defendant****Spicer Manufacturing Inc**represented by **John R Maley**

(See above for address)

*LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Kathleen Marie Anderson**

(See above for address)

*LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Shaun E Graham**

(See above for address)

*LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Victoria L Nilles**

(See above for address)

*TERMINATED: 07/29/2004*

**Miscellaneous Party****Lawrence A Falli****Intervenor Plaintiff****Curtis C Thompson**

represented by **Cynthia Rockwell**  
Rockwell & Jansen LLC  
Courtside Bldg Suite 305  
803 S Calhoun Street  
Fort Wayne, IN 46802  
260-420-1070  
Fax: 260-420-1050  
Email:  
cynthiarockwell@rockwelljansen.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**John O Feighner**  
Haller & Colvin PC  
444 East Main Street  
Fort Wayne, IN 46802-1910  
260-426-0444  
Fax: 260-422-0274  
Email: jfeighner@hallercolvin.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Lori W Jansen**  
Rockwell & Jansen LLC  
Courtside Bldg Suite 305  
803 S Calhoun Street  
Fort Wayne, IN 46802  
260-420-1070  
Fax: 260-420-1050  
Email: lorijansen@rockwelljansen.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Intervenor Plaintiff****Delenore Q Guyton**

represented by **Cynthia Rockwell**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**John O Feighner**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Lori W Jansen**

(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Intervenor Plaintiff**

**Derrick O Martin**

represented by **Cynthia Rockwell**  
 (See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**John O Feighner**  
 (See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Lori W Jansen**  
 (See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Intervenor Plaintiff**

**Michael R Steadman**

represented by **Cynthia Rockwell**  
 (See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**John O Feighner**  
 (See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Lori W Jansen**  
 (See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Intervenor Plaintiff**

**Robert Tubbs**

*TERMINATED: 02/19/2002*

represented by **James J Berles**  
 Whitmore Richards & Rochyby  
 116 E Berry St Suite 505  
 Fort Wayne, IN 46802-2410  
 260-423-9471  
*TERMINATED: 02/19/2002*  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
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05/18/2001	1	COMPLAINT ( Number of Summon(es) issued: 1 ) Jury demand by: plaintiff (mjk) (Entered: 05/22/2001)
06/05/2001	2	RETURN OF SERVICE executed on 5/31/01 by certified mail upon CT Corporation Systems, Registered Agent for defendants (mjk) (Entered: 06/06/2001)
06/19/2001	3	ATTORNEY APPEARANCE for defendant Dana Corporation, defendant Spicer Mfg Inc by Victoria L Nilles (jld) (Entered: 06/20/2001)
06/19/2001	4	ATTORNEY APPEARANCE for defendant Dana Corporation, defendant Spicer Mfg Inc by John R Maley (jld) (Entered: 06/20/2001)
06/19/2001	5	ATTORNEY APPEARANCE for defendant Dana Corporation, defendant Spicer Mfg Inc by Kathleen M Anderson (jld) (Entered: 06/20/2001)
06/19/2001	6	CORPORATE DISCLOSURE by defendant Dana Corporation, defendant Spicer Mfg Inc (jld) (Entered: 06/20/2001)
06/19/2001	7	AGREED NOTICE of extension of time to file answer to/including 7/10/01 by defendant Dana Corporation, defendant Spicer Mfg Inc (jld) (Entered: 06/20/2001)
06/22/2001	8	NOTICE: before Judge Allen Sharp ;Pretrial conference set 1:30 7/20/01 w/consent form (cc: all counsel) (saj) (Entered: 06/22/2001)
06/28/2001	9	MOTION by plaintiff EEOC to reset pretrial conference currently set 7/20/01 to a telephonic conference on 7/30/01 at 1:00, plaintiff to initiate call (jld) (Entered: 06/29/2001)
06/28/2001	10	ORDER by Judge Allen Sharp granting motion to reset pretrial conference currently set 7/20/01 to a telephonic conference on 7/30/01 at 1:00, plaintiff to initiate call [9-1] ;Pretrial conference 1:00 7/30/01 before Judge Allen Sharp Number of pages: 2 (cc: all counsel) (jld) (Entered: 06/29/2001)
07/09/2001	11	ANSWER by defendant Dana Corporation, defendant Spicer Mfg Inc to complaint [1-1]; jury demand (mjk) (Entered: 07/10/2001)
07/12/2001	12	MOTION for Curtis C Thompson, Delenore Q Guyton, Derrick O Martin & Michael R Steadman to intervene (mjk) (Entered: 07/12/2001)
07/12/2001		RECEIPT of proposed complaint of intervenors (mjk) (Entered: 07/12/2001)
07/17/2001		tracking sheet sent (jld) (Entered: 07/17/2001)
07/17/2001	13	PROPOSED Discovery plan under FRCP 26 by parties (Report of parties' planning meeting) (mjk) (Entered: 07/18/2001)
07/30/2001	14	MINUTES: Pretrial conference held before Judge Allen Sharp , ;Discovery ddl set for 5/15/02 ; Pre-trial order ddl set for 10/1/02 by defendant counsel for Dana Corp.;Jury trial set for 10/21/02 at 1:30 pm in South Bend, IN ;exch of cont, wit, exhib 9/3/02 by rest of counsel ;disp motion ddl set for 7/8/02 ;Response ddl set for 8/5/02; Lori Jansen will prepare and send an order for Judge Sharp to sign granting intervention. (cc: all counsel) (csi) (Entered: 07/30/2001)

07/30/2001	15	ORDER WITH REFERENCE to conduct of trial by Judge Allen Sharp Number of pages: 7 (cc: all counsel) (mlc) (Entered: 07/30/2001)
08/02/2001	16	ORDER by Judge Allen Sharp granting motion for Curtis C Thompson, Delenore Q Guyton, Derrick O Martin & Michael R Steadman to intervene [12-1] Number of pages: 1 (cc: all counsel) (mjk) (Entered: 08/02/2001)
08/02/2001	17	INTERVENOR'S COMPLAINT by intervenor plaintiff Curtis C Thompson, intervenor plaintiff Delenore Q Guyton, intervenor plaintiff Derrick O Martin, intervenor plaintiff Michael R Steadman (mjk) (Entered: 08/02/2001)
08/07/2001	18	NOTICE OF SERVICE by intervenor plaintiff of Complaint of Intervenors (mjk) (Entered: 08/07/2001)
08/22/2001	19	ANSWER by defendant Dana Corporation, defendant Spicer Mfg Inc to intervenor plaintiffs' complaint [17-1]; jury demand (mjk) (Entered: 08/22/2001)
09/26/2001	20	MOTION for Robert Tubbs to intervene (intervenor complaint attached as Exhibit 1) (mjk) (Entered: 09/27/2001)
10/18/2001	21	ORDER by Judge Allen Sharp granting motion for Robert Tubbs to intervene [20-1] Number of pages: 1 (cc: all counsel) (mjk) (Entered: 10/19/2001)
10/18/2001	22	INTERVENOR'S COMPLAINT by intervenor plaintiff Robert Tubbs (filed per #21) (mjk) (Entered: 10/19/2001)
10/30/2001	23	ANSWER by defendant Dana Corporation, defendant Spicer Mfg Inc to complaint [1-1]; jury demand (mjk) (Entered: 10/31/2001)
12/07/2001		RECEIPT of proposed stipulated protective order (mjk) (Entered: 12/11/2001)
12/07/2001	24	PROTECTIVE ORDER by Judge Allen Sharp : Personnel records or any current or former Dana employee (other than parties to this action) that contain information regarding an employee's family, benefits or compensation and/or social security numbers shall be maintained in confidence. Number of pages: 4 (cc: all counsel) (mjk) (Entered: 12/11/2001)
01/07/2002	25	ATTORNEY APPEARANCE for plaintiff EEOC by Johanna Philhower Maple (mjk) (Entered: 01/08/2002)
02/07/2002	26	MOTION by intervenor plaintiff Robert Tubbs to dismiss claim of Robert Tubbs with prejudice (mjk) (Entered: 02/08/2002)
02/19/2002	27	ORDER by Judge Allen Sharp granting motion to dismiss claim of Robert Tubbs with prejudice [26-1]; dismissing party Robert Tubbs . Number of pages: 1 (cc: all counsel) (mjk) (Entered: 02/19/2002)
02/19/2002	28	STIPULATION by all parties to dismiss Derrick Martin's wrongful termination & retaliation claims re January 2001 RIF (stipulated) , with all of Martin's and other plaintiffs' other claims remaining (mjk) Modified on 02/21/2002 (Entered: 02/20/2002)
02/20/2002	29	ORDER by Judge Allen Sharp granting motion to dismiss ONLY Derrick Martin's wrongful termination & retaliation claims re January 2001 RIF, with prejudice [28-1] Number of pages: 1 (cc: all counsel) (mjk) (Entered: 02/21/2002)

03/01/2002	30	COPY OF LETTER from Thomas R Lemon to counsel re mediation (filed per chambers) (mjk) (Entered: 03/01/2002)
03/11/2002	31	Discovery Filed by plaintiff EEOC: Request for production of documents to non-party Local 1405, UAW (mjk) (Entered: 03/12/2002)
03/19/2002	32	MOTION by plaintiff EEOC for leave to interview one of defendant's former supervisors (mjk) (Entered: 03/20/2002)
03/19/2002	33	MEMORANDUM by plaintiff EEOC in support of motion for leave to interview one of defendant's former supervisors [32-1] (mjk) (Entered: 03/20/2002)
03/21/2002	34	MOTION by plaintiff EEOC to withdraw request for production of documents to non party Local 1405 UAW (mjk) (Entered: 03/22/2002)
03/22/2002	35	ORDER by Judge Allen Sharp granting motion to withdraw request for production of documents to non party Local 1405 UAW [34-1], directing clerk to purge request from file [31-1] Number of pages: 1 (cc: all counsel) (mjk) (Entered: 03/25/2002)
03/25/2002	36	LETTER to Judge Sharp from Thomas R Lemon re mediation (mjk) (Entered: 03/25/2002)
04/05/2002	39	BRIEF IN RESPONSE by defendant Dana Corporation to motion for leave to interview one of defendant's former supervisors [32-1] (mjk) (Entered: 04/11/2002)
04/09/2002	37	MOTION by defendant Dana Corporation for leave to conduct ex parte interviews (mjk) (Entered: 04/10/2002)
04/09/2002	38	BRIEF FILED by defendant Dana Corporation in support of motion for leave to conduct ex parte interviews [37-1] (mjk) (Entered: 04/10/2002)
04/11/2002		RECEIPT of proposed stipulated protective order by parties (mjk) (Entered: 04/12/2002)
04/11/2002	40	PROTECTIVE ORDER by Judge Allen Sharp : Medical, mental-health & educational records pertaining to any class member in this action, as well as personnel records of any class member that contain private family information or that pertain to personal benefits shall be designated as "Confidential Documents." Number of pages: 3 (cc: all counsel) (mjk) (Entered: 04/12/2002)
04/22/2002	41	REPLY by plaintiff EEOC to response/opposition to motion for leave to interview one of defendant's former supervisors [32-1] (mjk) (Entered: 04/23/2002)
04/23/2002	42	OBJECTIONS TO REQUEST OF DOCUMENTS AND MOTION by Lawrence A Falli to quash subpoena (mjk) (Entered: 04/24/2002)
04/29/2002	43	RESPONSE by intervenor plaintiff Curtis C Thompson to defendant's request for admissions (lpw) (Entered: 04/29/2002)
04/29/2002	44	NOTICE by defendant Dana Corporation of supplemental authority (mjk) (Entered: 04/30/2002)

04/30/2002	45	ATTORNEY APPEARANCE for defendant Dana Corporation, defendant Spicer Mfg Inc by Shaun E Graham (mjk) (Entered: 04/30/2002)
05/01/2002	46	RESPONSE by plaintiff EEOC to motion for leave to conduct ex parte interviews [37-1] (mjk) (Entered: 05/01/2002)
05/06/2002	47	REPLY BRIEF by defendant Dana Corporation to response/opposition to motion for leave to conduct ex parte interviews [37-1] (smp) (Entered: 05/10/2002)
05/13/2002	48	NOTICE by Dr Lawrence A Falli of physician's lien re John Jones III (mjk) (Entered: 05/14/2002)
05/16/2002	49	JOINT MOTION by plaintiff, intervenor plaintiffs and defendants to extend time to/including 6/14/02 to complete discovery and STIPULATION regarding number of depositions (mjk) (Entered: 05/17/2002)
05/16/2002	50	ORDER by Judge Allen Sharp granting motion to extend time to/including 6/14/02 to complete discovery [49-1]; Discovery ddl reset for 6/14/02 . Number of pages: 2 (cc: all counsel) (mjk) (Entered: 05/17/2002)
05/20/2002	51	MEMORANDUM AND ORDER: by Judge Allen Sharp granting plaintiff's motion for leave to interview one of defendant's former supervisors [32-1]; granting defendants' motion for leave to conduct ex parte interviews [37-1] Number of pages: 6 (cc: all counsel) (mjk) (Entered: 05/21/2002)
05/30/2002	52	LETTER from Thomas R Lemon advising that following mediation, an agreement was reached among the parties (mjk) (Entered: 05/31/2002)
05/30/2002	53	ORDER by Judge Allen Sharp dismissing case without costs and without prejudice to the right of any party upon good cause shown within 60 days to vacate order & reopen action if settlement not consummated. Upon completion of settlement, parties may stipulate that cause be dismissed with prejudice & that costs be assessed and court will approve stipulation. Jury trial scheduled for 10/21/02 is VACATED . Number of pages: 2 (cc: all counsel) (mjk) (Entered: 05/31/2002)
05/31/2002	54	CLERK'S ENTRY OF JUDGMENT regarding [53-1], [53-2] (cc: all counsel) (mjk) (Entered: 05/31/2002)
06/03/2002	55	JOINT MOTION by plaintiff, intervenor plaintiffs and defendants for entry of consent decree (proposed consent decree received) (mjk) (Entered: 06/04/2002)
06/04/2002	56	Consent Decree by Judge Allen Sharp granting motion for entry of consent decree [55-1]. Court will retain jurisdiction of case for 30 months for purposes of monitoring compliance with Decree and entry of further orders or modifications as may be necessary or appropriate (cc: all counsel) (mjk) (Entered: 06/05/2002)
06/06/2002	57	MOTION by plaintiff EEOC to reinstate the action (mjk) Modified on 06/07/2002 (Entered: 06/06/2002)
06/06/2002	58	ORDER by Judge Allen Sharp granting motion to reinstate the action [57-1]; case reopened. Number of pages: 2 (cc: all counsel) (mjk) (Entered: 06/07/2002)
07/02/2002	59	MOTION by defendant Dana Corporation, defendant Spicer Mfg Inc to modify consent decree (mjk) (Entered: 07/03/2002)



07/08/2002	60	MOTION by plaintiff EEOC for entry of final order on distribution (mjk) (Entered: 07/09/2002)
07/08/2002	61	NOTICE by defendant Dana Corporation re amended proposed form of order to modify consent decree (mjk) (Entered: 07/09/2002)
07/10/2002	62	ORDER by Judge Allen Sharp granting motion to modify consent decree [59-1]. Once conditions are met for payment, Dana's obligations will be met by following payments: \$23,000.00, minus applicable deductions, that Dana would have paid to Dennis Ray Lee, to be paid to Mark A Warsco as Bankruptcy Trustee; \$23,000.00, minus applicable deductions, that Dana would have paid to Jeffery Charles Boatwright, to be paid to Rebecca L Hoyt Fischer as Bankruptcy Trustee; and \$8,282.00 that Dana would otherwise have paid to Delenore Q. Guyton, to be paid to Allen County Clerk to be applied to child supprt arrearage, with remainder of \$32,000.00, minus applicable deductions, to be paid to Mr Guyton. Number of pages: 3 (cc: all counsel) (mjk) (Entered: 07/12/2002)
07/10/2002	63	FINAL ORDER ON DISTRIBUTION by Judge Allen Sharp: Defendants to distribute settlement funds as set out in Consent Decree [56-1], as modified in order entered 7/10/02 [62-1]. Court continues to retain jurisdiction for purpose of monitoring compliance with Decree. Number of pages: 2 (cc: all counsel) (mjk) (Entered: 07/12/2002)
07/29/2004	<a href="#">64</a>	NOTICE of Withdrawal of Appearance. Attorney Victoria L. Nilles withdraws her appearance on behalf of Dana Corpotion. (ksc, ) (Entered: 08/02/2004)
01/05/2005	<a href="#">65</a>	ORDER. Plaintiffs counsel is to file Status Report by 1/25/2005.. Signed by Judge Allen Sharp on 1/5/05. (kds) (Entered: 01/06/2005)
01/07/2005	<a href="#">66</a>	REPORT by Equal Employment Opportunity Commission. (Bird, Kenneth) (Entered: 01/07/2005)
01/10/2005	<a href="#">67</a>	ORDER: The requirements of the Consent Decree having been satisfied and the EEOC having informed the Court that the Plaintiff Intervenors agree with the <a href="#">66</a> Report, this case is ordered closed. ***Civil Case Terminated. Signed by Judge Allen Sharp on 1/10/05. (ksc) (Entered: 01/10/2005)

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