

CASREF, CLASS, TERMED

**U.S. District Court Northern District of Indiana [LIVE]
USDC Northern Indiana (Fort Wayne)
CIVIL DOCKET FOR CASE #: 1:05-cv-00004-TLS-RBC**

Equal Employment Opportunity Commission v. Merrill Gardens
LLC
Assigned to: Judge Theresa L Springmann
Referred to: Magistrate Judge Roger B Cosby
Cause: 42:2000 Job Discrimination (Race)

Date Filed: 01/04/2005
Date Terminated: 10/04/2005
Jury Demand: Plaintiff
Nature of Suit: 442 Civil Rights: Jobs
Jurisdiction: Federal Question

Plaintiff

**Equal Employment Opportunity
Commission**

represented by **Kenneth L Bird**
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V.

Defendant

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Date Filed	#	Docket Text
01/04/2005	1	COMPLAINT with Jury Demand against Merrill Gardens LLC, filed by Equal Employment Opportunity Commission. (Attachments: # 1 Civil Cover Sheet)(Ins,) (Entered: 01/07/2005)
01/04/2005	2	Summons Issued as to Merrill Gardens LLC (CT Corp Systems). (Ins,) (Entered: 01/07/2005)
01/12/2005	3	SUMMONS Returned Executed by Equal Employment Opportunity Commission. Merrill Gardens LLC served on 1/10/2005, answer due 1/31/2005. (Bird, Kenneth) (Entered: 01/12/2005)
02/01/2005	4	NOTICE of Appearance by Kathleen Marie Anderson on behalf of Merrill Gardens LLC (Anderson, Kathleen) (Entered: 02/01/2005)
02/01/2005	5	AGREED NOTICE to extend time to file answer filed by Merrill Gardens LLC ; answer due by February 22, 2005. (Anderson, Kathleen) (Entered: 02/01/2005)
02/01/2005	6	NOTICE of Appearance by Tiffany L Gooden on behalf of Merrill Gardens LLC (Gooden, Tiffany) (Entered: 02/01/2005)
02/01/2005	7	ORDER Rule 16 Preliminary Pretrial Conference set for 3/9/2005 01:00 PM in Fort Wayne before Magistrate Judge Roger B Cosby.Signed by Judge Roger B Cosby on 2/1/05. The Court will discuss at the hearing the setting of this case for a settlement conference with all other cases where Merrill Gardens is the named defendant.(wsy) Additional attachment(s) added on 2/1/2005 (wsy). (Entered: 02/01/2005)
02/01/2005	8	MAGISTRATE CONSENT FORMS sent to all parties (Standard Track). (wsy) (Entered: 02/01/2005)
02/02/2005	9	MOTION to Amend/Correct <i>Complaint</i> by Plaintiff Equal Employment Opportunity Commission. (Attachments: # 1 proposed amended complaint)(Bird, Kenneth) (Entered: 02/02/2005)
02/02/2005	10	ORDER granting 9 Motion to Amend/Correct Complaint filed by Pltf Equal Employment Opportunity Commission. Signed by Judge Roger B Cosby on 2/2/2005. (Ins,) (Entered: 02/03/2005)
02/02/2005	11	AMENDED COMPLAINT against Merrill Gardens LLC, filed by Equal

		Employment Opportunity Commission.(Ins,) (Entered: 02/03/2005)
02/10/2005	12	CERTIFICATE of Attorney. (Bird, Kenneth) (Entered: 02/10/2005)
02/21/2005	13	DISCLOSURE of of Corporate Status filed by Merrill Gardens LLC.(Gooden, Tiffany) (Entered: 02/21/2005)
02/22/2005	14	Defendant's ANSWER to 11 Amended Complaint by Merrill Gardens LLC. (Gooden, Tiffany) Modified text to create link on 2/22/2005 (jcp,). (Entered: 02/22/2005)
02/23/2005	15	MOTION for client representative, Michelle Corey, to participate in pretrial conference by telephone by Defendant Merrill Gardens LLC. (Anderson, Kathleen) (Entered: 02/23/2005)
02/23/2005	16	ORDER granting 15 Motion that Michelle Corely, Dir of Human Resources for Merrill gardens, be allowed to partic in 3/9/05 conf by telephone and to sv as deft rep for purposes of said conf. Signed by Judge Roger B Cosby on 2/23/05. (lrm,) (Entered: 02/23/2005)
02/24/2005	17	CERTIFICATE Attorney-Client Certification regarding disclosure of anticipated fees and expenses. (Anderson, Kathleen) (Entered: 02/24/2005)
03/02/2005	18	REPORT of Rule 26(f) Planning Meeting. (Bird, Kenneth) (Entered: 03/02/2005)
03/09/2005	19	Minute Entry for proceedings held before Judge Roger B Cosby : Settlement Conference held on 3/9/2005. A further settlement conference will be set by separate order. (wsy) (Entered: 03/09/2005)
03/09/2005	20	Minute Entry for proceedings held before Judge Roger B Cosby : Preliminary Pretrial Conference held on 3/9/2005. All proceedings are STAYED until further order of the Court with the exception of informal discovery as it relates to settlement. Defendant's response to any outstanding discovery is also stayed, the date to respond, if any, to be reset by further order. Settlement Conference set for 4/18/2005 09:00 AM in Fort Wayne before Magistrate Judge Roger B Cosby. No further deadlines are established.(Tape #68) (wsy) (Entered: 03/09/2005)
03/09/2005	21	SCHEDULING ORDER: Settlement Conference set for 4/18/2005 09:00 AM in Fort Wayne before Magistrate Judge Roger B Cosby.Signed by Judge Roger B Cosby on 3/9/05. (wsy) (Entered: 03/09/2005)
04/18/2005	22	NOTICE. Docket entry reporting case resolution deleted/clerical error. (wsy) (Entered: 04/18/2005)
04/18/2005	23	Minute Entry for proceedings held before Judge Roger B Cosby : Settlement Conference held on 4/18/2005. No Notice of Settlement will be submitted at this time. (wsy) (Entered: 04/19/2005)
04/19/2005	24	ORDER Status Conference set for 5/4/2005 08:30 AM in Fort Wayne before Magistrate Judge Roger B Cosby. Counsel for the EEOC may participate by telephone. No pdf order will follow. (wsy) (Entered: 04/19/2005)
05/04/2005	25	Minute Entry for proceedings held before Judge Roger B Cosby : Status Conference held on 5/4/2005. (Tape #70) (wsy) (Entered: 05/04/2005)
05/04/2005	26	ENTRY FOR JUDGE THERESA L SPRINGMANN re [25] Status Conference. Settlement documents and proposed notices are to be submitted to Judge Springmann by 5/17/2005. Telephonic Status Conference set for 5/20/2005 04:00 PM in Fort Wayne before Judge Theresa L Springmann to be held in conjunction

		with case 1:04CV248TLS. (jjj) Modified case number on 5/9/2005 (jjj). (Entered: 05/04/2005)
05/20/2005	27	TELEPHONE STATUS CONFERENCE held on 5/20/2005 before Judge Theresa L Springmann: Status Conference in conjunction with case 1:04CV248TLS regarding preliminary approval of 44 MOTION to Certify Class. Pltf attys Muholland, Bird; Dft atty Anderson present. Court GRANTS Dft oral Motion to Amend Docket to Reflect Dft name Merrill Gardens LLC in case 1:04CV248TLS. Stipulated Order granting Preliminary approval to be submitted by 6/3/2005. Telephonic Status Conference set for 6/3/2005 01:30 PM in Fort Wayne before Judge Theresa L Springmann. IN-PERSON Hearing to be held on 9/9/2005 at 09:00 AM at Fort Wayne before Judge Theresa L Springmann re objections/final approval. (Court Reporter T. Gallucci.) (jjj) (Entered: 05/26/2005)
06/03/2005	28	ENTRY FOR JUDGE THERESA L SPRINGMANN. Telephonic Status Conference RESET (in conjunction with cause 1:04CV248) for 6/8/2005 01:30 PM in Fort Wayne before Judge Theresa L Springmann at request and agreement of counsel to review revised documents. (jjj) (Entered: 06/06/2005)
06/08/2005	29	TELEPHONE STATUS CONFERENCE held on 6/8/2005 before Judge Theresa L Springmann in conjunction with cause 1:04CV248TLS). Pltf attys Mulholland, Menzie, Bird, Intern Sherman; Dft attys Anderson, Intern Brackey present. Court GRANTS [48] Joint STIPULATION for Addition of Additional Plaintiff filed by William Anthony Hill, Elizabeth A Worthman, Merrill Gardens LLC from cause 1:04CV248TLS. Court to grant Stipulated Order for preliminary approval re class action upon receipt. (Court Reporter T. Gallucci.) (jjj) (Entered: 06/08/2005)
06/08/2005	30	STIPULATION / <i>Stipulated Order Granting Preliminary Approval to Class Action Settlement, Conditional Class Certification, and Proposed Consent Decree</i> by Defendant Merrill Gardens LLC. (Attachments: # 1 Exhibit A-1 to A-3# 2 Exhibit B# 3 Exhibit C# 4 Exhibit D# 5 Exhibit E)(Anderson, Kathleen) (Entered: 06/08/2005)
06/16/2005	31	ORDER granting 30 Stipulation/Stipulated Order Granting Preliminary Approval to Class Action Settlement, Conditional Class Certification, and Proposed Consent Decree by Defendant Merrill Gardens LLC . Signed by Judge Theresa L Springmann on 6/16/2005. (Ins,) (Entered: 06/20/2005)
09/01/2005	32	AFFIDAVIT of Cindy L. Harrison by Merrill Gardens LLC. (Attachments: # 1 Exhibit A-F)(Anderson, Kathleen) (Entered: 09/01/2005)
09/01/2005	33	NOTICE by Equal Employment Opportunity Commission of <i>Determination of Class Members</i> (Bird, Kenneth) (Entered: 09/01/2005)
09/07/2005	34	ENTRY FOR JUDGE THERESA L SPRINGMANN. Telephonic Status Conference set for 9/8/2005 11:00 AM in Fort Wayne before Judge Theresa L Springmann re 9/9/2005 Hearing.(jjj) (Entered: 09/07/2005)
09/08/2005	35	TELEPHONE STATUS CONFERENCE held before Judge Theresa L Springmann. Pltfs' attys Mullholland, Bird; Dft attys Anderson Gooden present. Court reviews pre-hearing conference proceedings and issues. (Court Reporter T. Gallucci.) (jjj) (Entered: 09/13/2005)
09/09/2005	36	FAIRNESS HEARING held before Judge Theresa L Springmann on 9/9/2005; pltfs by Atty J. Menzie, Atty S. Mulholland, Atty K. Bird, Atty M. Eisele, EEOC rep M. Guest, unnamed class rep G. Bailey; defts by Atty K. Anderson, Atty T. Gooden, and party reps D. Manning and B. Bowman; court hears testimony from parties

		having filed objections to proposed class settlement/non-inclusion in class; court calls for testimony of objectors A. Smith, L. Brooks, A. Fowler, R. Hughes, E. Portee, but those individuals are not present; court will consider the written submissions of those parties; EEOC presents evidence; court hears from G. Bailey obo the Unknown Class; court hears from S. Mulholland obo W. Hill, representative of named class, obo named class; court grants final approval of S. Mulholland and J. Menzie to act as class counsel; class counsel request that G. Bailey as rep of unknow class be compensated; cnsl to confer re that possibility; matter of final approval of proposed class settlement TAKEN UNDER ADVISEMENT; counsel to submit revised form of final order of approval; time frame for this submission to be addressed at a TELE CONF set for 9/12/05, 2:00 p.m. before Judge Theresa L Springmann. (Court Reporter Tina Gallucci.) (Entered: 09/13/2005)
09/12/2005	37	TELEPHONE STATUS CONFERENCE held before Judge Theresa L Springmann. Pltfs' attys Mulholland, Bird; Dft atty Anderson present. Court to receive proposed order by 9/15/2005 12:00 PM. Final Briefing of general issues by 9/22/2005. (Court Reporter T. Gallucci.) (jjj) (Entered: 09/13/2005)
09/23/2005	38	ENTRY FOR JUDGE THERESA L SPRINGMANN - Telephone Conference set for 9/23/2005 09:45 AM in Fort Wayne before Judge Theresa L Springmann re notification. (jjj) (Entered: 09/23/2005)
09/23/2005	39	TELEPHONE CONFERENCE held before Judge Theresa L Springmann. Pltfs' attys Menzie, Bird; Dft attys Anderson, Gooden present. Cnsl advised Court as to notification issues. Pltf to mail notification by 9/23/2005 COB with response ddl. Recipient Response to be filed by 9/29/2005. Court to receive notice of status by 9/30/2005. (Court Reporter T. Galucci.) (jjj) (Entered: 09/23/2005)
09/29/2005	40	NOTICE by Equal Employment Opportunity Commission <i>Tender of Declaration of Monica Guest, and Response to Objection of Roszetta Clark</i> (Attachments: # (1) Exhibit 1: Objection of Roszetta Clark# 2 Exhibit 2: Declaration of Monica Guest) (Bird, Kenneth) Additional attachment(s) added on 10/4/2005 (Ins,). (Entered: 09/29/2005)
10/04/2005	41	ENTRY OF CONSENT DECREE. Signed by Judge Theresa L Springmann on 10/4/2005. (Ins) (Entered: 10/06/2005)
10/06/2005	42	OPINION AND ORDER granting Final Approval to Class Action Settlement, Entry of Final Judgment, and Entering Consent Decree. Signed by Judge Theresa L Springmann on 10/6/2005. (Ins) (Entered: 10/06/2005)
04/11/2006	43	Joint MOTION Final Report and Request for Approval by Equal Employment Opportunity Commission. (Attachments: # 1 Exhibit A - Schedule of payments) (Bird, Kenneth) (Entered: 04/11/2006)
04/12/2006	44	COURT APPROVAL AND FINAL ORDER granting 43 Joint Motion for Final Report and Request for Approval by Equal Employment Opportunity Commission. Signed by Judge Theresa L Springmann on 4/12/2006. (Ins) (Entered: 04/12/2006)

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