

CLOSED

**U.S. District Court**  
**District of Kansas (Kansas City)**  
**CIVIL DOCKET FOR CASE #: 2:06-cv-02069-JAR-GLR**

Equal Employment Opportunity Commission v. Burlington  
Northern Santa Fe Railway Company et al  
Assigned to: District Judge Julie A. Robinson  
Referred to: Magistrate Judge Gerald L. Rushfelt  
Cause: 29:621 Job Discrimination (Age)

Date Filed: 02/28/2006  
Date Terminated: 02/27/2007  
Jury Demand: None  
Nature of Suit: 442 Civil Rights: Jobs  
Jurisdiction: U.S. Government Plaintiff

**Plaintiff**

**Equal Employment Opportunity  
Commission**

represented by **Barbara A. Seely**  
Equal Employment Opportunity  
Commission- St Louis  
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V.

**Defendant**

**Burlington Northern Santa Fe Railway  
Company**

represented by **Donald J. Munro**  
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**Defendant**

**Transportation Communications  
 International Union**  
*TERMINATED: 02/27/2007*

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**Mitchell M. Kraus**

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*TERMINATED: 02/27/2007*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

Date Filed	#	Docket Text
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02/28/2006	<a href="#">1</a>	COMPLAINT (No Summons Issued) with trial location of Kansas City, Kansas, filed by Equal Employment Opportunity Commission.(kao) (Entered: 02/28/2006)
02/28/2006	2	ORDER REASSIGNING CASE. Case reassigned to Judge Gerald L. Rushfelt for all further pretrial proceedings. Judge David J. Waxse no longer assigned to case. Entered by deputy clerk on 2/28/06. (This is a TEXT ENTRY ONLY. There is no.pdf document associated with this entry.) (ll) (Entered: 02/28/2006)
03/09/2006	<a href="#">3</a>	FIRST AMENDED COMPLAINT against all defendants, filed by Equal Employment Opportunity Commission. (Seely, Barbara) (Entered: 03/09/2006)
03/27/2006	<a href="#">4</a>	CONSENT MOTION for Extension of Time to File Answer re <a href="#">3</a> Amended Complaint by Defendant Burlington Northern Santa Fe Railway Company. (Rowe, Jack) (Entered: 03/27/2006)
03/29/2006	5	CLERK'S ORDER extending time until 4/13/06 for Defendants Burlington Northern Santa Fe Railway Company to answer or otherwise plead. Document <a href="#">4</a> was filed as a motion and per Magistrate Judge Gerald L. Rushfelt is being construed as a Clerk's Extension. Motion is termed. Signed by deputy clerk on 3/29/06.(This is a TEXT ENTRY ONLY. There is no.pdf document associated with this entry.)(ck ) (Entered: 03/29/2006)
04/04/2006	<a href="#">6</a>	MOTION for attorney Donald J. Munro to appear pro hac vice by Defendant Burlington Northern Santa Fe Railway Company. (Attachments: #(1) Affidavit) (Rowe, Jack) (Entered: 04/04/2006)
04/04/2006	<a href="#">7</a>	MOTION for attorney Joshua Rosenstein to appear pro hac vice by Defendant Burlington Northern Santa Fe Railway Company. (Attachments: #(1) Affidavit) (Rowe, Jack) (Entered: 04/04/2006)
04/04/2006		PRO HAC VICE FEE PAID: On 4/4/06 in the amount of \$100.00 re: <a href="#">7</a> MOTION for attorney Joshua Rosenstein to appear pro hac vice, <a href="#">6</a> MOTION for attorney Donald J. Munro to appear pro hac vice. Receipt Number K4631002178. (This is a TEXT ENTRY ONLY. There is no.pdf document associated with this entry.) (kao) (Entered: 04/04/2006)
04/04/2006	8	ORDER OF RECUSAL. Judge Kathryn H. Vratil recused. Case reassigned to Judge John W. Lungstrum for all further proceedings. By Judge Kathryn H. Vratil on 4/4/06.(This is a TEXT ENTRY ONLY. There is no.pdf document associated with this entry.)(ls) (Entered: 04/04/2006)
04/13/2006	<a href="#">9</a>	CORPORATE DISCLOSURE STATEMENT by Burlington Northern Santa Fe Railway Company identifying Burlington Northern Santa Fe Corporation as corporate parent. (Rowe, Jack) (Entered: 04/13/2006)
04/13/2006	<a href="#">10</a>	ANSWER to Amended Complaint by Burlington Northern Santa Fe Railway Company.(Rowe, Jack) (Entered: 04/13/2006)
04/18/2006	<a href="#">11</a>	ORDER granting <a href="#">6</a> and <a href="#">7</a> Motions to Appear Pro Hac Vice. Attorneys Donald J. Munro and Joshua Ian Rosenstein are granted leave to appear pro hac vice on behalf of Burlington Northern Santa Fe Railway Company. If pro hac vice counsel has not already done so, counsel is directed to immediately register for electronic notification pursuant to the court's Administrative Procedures by completing a CM/ECF Electronic Filing Registration Form at

		<a href="http://www.ksd.uscourts.gov/forms/index.php">http://www.ksd.uscourts.gov/forms/index.php</a> . Signed by Magistrate Judge Gerald L. Rushfelt on 04/18/06. (mg) (Entered: 04/18/2006)
04/28/2006	<a href="#">12</a>	ANSWER to Amended Complaint by Transportation Communications International Union. (Schwartz, Charles) (Entered: 04/28/2006)
05/08/2006	<a href="#">13</a>	MOTION for attorney Mitchell M. Kraus to appear pro hac vice by Defendant Transportation Communications International Union. (Attachments: #(1) Affidavit) (Schwartz, Charles) (Entered: 05/08/2006)
05/09/2006		PRO HAC VICE FEE PAID: on 5/9/06 re: <a href="#">13</a> MOTION for attorney Mitchell M. Kraus to appear pro hac vice in the amount of \$50.00. Receipt Number 1002756. (This is a TEXT ENTRY ONLY. There is no.pdf document associated with this entry.) (jb) (Entered: 05/09/2006)
05/26/2006	<a href="#">14</a>	ORDER granting <a href="#">13</a> Motion to Appear Pro Hac Vice. Mitchell M. Kraus is granted leave to appear pro hac vice on behalf of Transportation Communications International Union. If pro hac vice counsel has not already done so, counsel is directed to immediately register for electronic notification pursuant to the court's Administrative Procedures by completing a CM/ECF Electronic Filing Registration Form at <a href="http://www.ksd.uscourts.gov/forms/index.php">http://www.ksd.uscourts.gov/forms/index.php</a> . Signed by Magistrate Judge Gerald L. Rushfelt on 05/25/06. (mg) (Entered: 05/26/2006)
06/14/2006	<a href="#">15</a>	JOINT STIPULATION to Amend <a href="#">10</a> Answer to Amended Complaint by Burlington Northern Santa Fe Railway Company. (Rowe, Jack) (Document title modified on 6/15/2006. (mg)) (Entered: 06/14/2006)
06/14/2006	<a href="#">16</a>	AMENDED ANSWER to <i>First Amended Amended Complaint per Joint Stipulation Doc#15</i> <a href="#">3</a> Amended Complaint by Burlington Northern Santa Fe Railway Company. (Rowe, Jack) (Entered: 06/14/2006)
06/15/2006	<a href="#">17</a>	ORDER SETTING SCHEDULING CONFERENCE: Telephone Scheduling Conference set for 8/15/2006 at 02:15 PM before Magistrate Judge Gerald L. Rushfelt. Report of Parties Planning Meeting deadline 8/8/2006. Signed by Magistrate Judge Gerald L. Rushfelt on 6/15/06. (ll) (Entered: 06/15/2006)
08/15/2006		Minute Entry for Telephone Scheduling Conference held before Magistrate Judge Gerald L. Rushfelt on 8/15/2006. Written Scheduling Order to follow. (This is a TEXT ENTRY ONLY. There is no.pdf document associated with this entry.) (ll) (Entered: 08/15/2006)
08/16/2006	<a href="#">18</a>	CERTIFICATE OF SERVICE of Plaintiff EEOC's First Interrogatories to Defendant BNSF by Equal Employment Opportunity Commission. (Seely, Barbara) (Entered: 08/16/2006)
08/16/2006	<a href="#">19</a>	CERTIFICATE OF SERVICE of Plaintiff EEOC's First Request for Production of Documents to Defendant BNSF by Equal Employment Opportunity Commission. (Seely, Barbara) (Entered: 08/16/2006)
08/17/2006	<a href="#">20</a>	SCHEDULING ORDER from Scheduling Conference held before Magistrate Judge Gerald L. Rushfelt on 8/15/2006. Discovery deadline 5/15/2007. Dispositive motion deadline set for 5/15/2007. Confidential settlement reports due 1/31/2007. Proposed Pretrial Order due by 5/15/2007. Final Pretrial Conference set for 5/22/2007 at 10:00 AM before Magistrate Judge Gerald L. Rushfelt. Status Conference set for 1/16/2007 at 02:00 PM before Magistrate

		Judge Gerald L. Rushfelt. Court Trial set for 11/6/2007 at 09:30 AM before Chief Judge John W. Lungstrum. Estimated trial time 2 weeks. (SEE SCHEDULING ORDER FOR FURTHER DEADLINES.) Signed by Magistrate Judge Gerald L. Rushfelt on 8/17/2006.(jm) (Entered: 08/17/2006)
08/21/2006	<a href="#">21</a>	<i>JOINT STIPULATION Regarding Inadvertent Disclosure of Privileged Materials</i> by Burlington Northern Santa Fe Railway Company. (Rowe, Jack) (Modified on 8/22/2006. (mg)) (Entered: 08/21/2006)
08/21/2006	<a href="#">22</a>	CERTIFICATE OF SERVICE of Defendant BNSF's First Set of Interrogatories and First Request for Production of Documents by Burlington Northern Santa Fe Railway Company. (Rowe, Jack) (Entered: 08/21/2006)
08/25/2006	<a href="#">23</a>	NOTICE OF SERVICE by Burlington Northern Santa Fe Railway Company of Rule 26(a) Initial Disclosures. (Rowe, Jack) (Entered: 08/25/2006)
08/25/2006	<a href="#">24</a>	CERTIFICATE OF SERVICE of Plaintiff's Initial Disclosures Made Pursuant to Rule 26 (a)(1) by Equal Employment Opportunity Commission. (Seely, Barbara) (Entered: 08/25/2006)
08/28/2006	<a href="#">25</a>	CERTIFICATE OF SERVICE of Plaintiff EEOC's Second Request for Production of Documents to Defendant BNSF by Equal Employment Opportunity Commission. (Seely, Barbara) (Entered: 08/28/2006)
08/28/2006	<a href="#">26</a>	CERTIFICATE OF SERVICE of Plaintiff's Notice of Rule 30(b)(6) Deposition by Equal Employment Opportunity Commission. (Seely, Barbara) (Entered: 08/28/2006)
08/28/2006	<a href="#">27</a>	PARTIAL CONSENT DECREE. Signed by Judge John W. Lungstrum on 08/28/2006.(ses) (Entered: 08/28/2006)
09/06/2006	<a href="#">28</a>	MOTION to Amend Complaint re <a href="#">1</a> Complaint by Plaintiff Equal Employment Opportunity Commission. (Attachments: #(1)) (Seely, Barbara) (Entered: 09/06/2006)
09/11/2006	<a href="#">29</a>	ORDER granting <a href="#">28</a> Plaintiff's unopposed Motion for Leave to File Second Amend Complaint. Plaintiff shall electronically file its Second Amended Complaint within ten (10) days of the date of this Order. Signed by Magistrate Judge Gerald L. Rushfelt on 9/11/2006. (byk) (Entered: 09/11/2006)
09/11/2006	<a href="#">30</a>	SECOND AMENDED COMPLAINT <i>Second Amended Complaint</i> against Burlington Northern Santa Fe Railway Company, filed by Equal Employment Opportunity Commission.(Seely, Barbara) (Entered: 09/11/2006)
09/11/2006	<a href="#">31</a>	ANSWER to Second Amended Complaint by Burlington Northern Santa Fe Railway Company.(Rowe, Jack) (Entered: 09/11/2006)
09/19/2006	<a href="#">32</a>	CERTIFICATE OF SERVICE of BNSF's Responses to Plaintiff's First Set of Interrogatories and BNSF's Responses to Plaintiff's First Request for Production of Documents by Burlington Northern Santa Fe Railway Company. (Rowe, Jack) (Entered: 09/19/2006)
09/21/2006	<a href="#">33</a>	CERTIFICATE OF SERVICE of Plaintiff EEOC's Answers and Objections to Defendant's First Interrogatories to Plaintiff EEOC by Equal Employment Opportunity Commission. (Seely, Barbara) (Entered: 09/21/2006)

09/21/2006	<a href="#">34</a>	CERTIFICATE OF SERVICE of Plaintiff EEOC's Responses and Objections to Defendant's First Request for Production by Equal Employment Opportunity Commission. (Seely, Barbara) (Entered: 09/21/2006)
09/21/2006	<a href="#">35</a>	CERTIFICATE OF SERVICE of Plaintiff EEOC's Privilege Log for its Responses and Objections to Defendant's First Request for Production by Equal Employment Opportunity Commission. (Seely, Barbara) (Entered: 09/21/2006)
09/21/2006	<a href="#">36</a>	CERTIFICATE OF SERVICE of Plaintiff EEOC's Amended Privilege Log for its Responses and Objections to Defendant's First Request for Production by Equal Employment Opportunity Commission. (Seely, Barbara) (Entered: 09/21/2006)
09/25/2006	<a href="#">37</a>	CERTIFICATE OF SERVICE of Defendant BNSF's privilege log regarding Defendant's responses to Plaintiff's First Request for Production by Burlington Northern Santa Fe Railway Company. (Rowe, Jack) (Entered: 09/25/2006)
09/26/2006	<a href="#">38</a>	CERTIFICATE OF SERVICE of Defendant's Responses and Objections to Plaintiff's Second Interrogatories and Defendant's Responses to Plaintiff's Second Request for Production of Documents by Burlington Northern Santa Fe Railway Company. (Rowe, Jack) (Entered: 09/26/2006)
10/13/2006	<a href="#">39</a>	CERTIFICATE OF SERVICE of Notice of Deposition (Birmingham) by Equal Employment Opportunity Commission. (Seely, Barbara) (Entered: 10/13/2006)
10/17/2006	<a href="#">40</a>	CERTIFICATE OF SERVICE of this Defendant's Supplemental to Plaintiff's First Request for Production of Documents by Burlington Northern Santa Fe Railway Company. (Rowe, Jack) (Entered: 10/17/2006)
10/17/2006	<a href="#">41</a>	CERTIFICATE OF SERVICE of this Defendant's Amended Privilege Log by Burlington Northern Santa Fe Railway Company. (Rowe, Jack) (Entered: 10/17/2006)
10/31/2006	<a href="#">42</a>	CERTIFICATE OF SERVICE of Plaintiff's Notice of Rule 30(b)(6) Deposition by Equal Employment Opportunity Commission. (Seely, Barbara) (Entered: 10/31/2006)
11/02/2006	<a href="#">43</a>	CERTIFICATE OF SERVICE of Plaintiff EEOC's Second Interrogatories to Defendant BNSF by Equal Employment Opportunity Commission. (Seely, Barbara) (Entered: 11/02/2006)
11/07/2006	<a href="#">44</a>	CERTIFICATE OF SERVICE of Defendant's Additional Responses to the EEOC's Request for Production by Burlington Northern Santa Fe Railway Company. (Rowe, Jack) (Entered: 11/07/2006)
11/08/2006	<a href="#">45</a>	CERTIFICATE OF SERVICE of Plaintiff EEOC's Third Request for Production of Documents to Defendant BNSF by Equal Employment Opportunity Commission. (Seely, Barbara) (Entered: 11/08/2006)
11/08/2006	<a href="#">46</a>	CERTIFICATE OF SERVICE of Plaintiff EEOC's Third Interrogatories to Defendant BNSF by Equal Employment Opportunity Commission. (Seely, Barbara) (Entered: 11/08/2006)
11/14/2006	<a href="#">47</a>	Joint MOTION to Stay Deadlines <i>and Extension of Time</i> by Defendant Burlington Northern Santa Fe Railway Company. (Rowe, Jack) (Entered: 11/14/2006)

11/15/2006	<a href="#">48</a>	ORDER granting in part and denying in part <a href="#">47</a> the parties' Motion to Stay and Extension of Time. Discovery deadline 6/6/2007. Dispositive motion deadline set for 2/23/2007. Proposed Pretrial Order due by 6/12/2007. Final Pretrial Conference set for 6/19/2007 at 02:00 PM before Magistrate Judge Gerald L. Rushfelt. Status Conference set for 2/13/2007 at 11:15 AM before Magistrate Judge Gerald L. Rushfelt. (SEE ORDER FOR FURTHER DEADLINES.) Signed by Magistrate Judge Gerald L. Rushfelt on 11/15/2006.(jm) (Entered: 11/15/2006)
11/20/2006	<a href="#">49</a>	CERTIFICATE OF SERVICE of Defendant's Objections and Responses to the Plaintiff's Third Request for Production of Documents by Burlington Northern Santa Fe Railway Company. (Rowe, Jack) (Entered: 11/20/2006)
11/21/2006	<a href="#">50</a>	CERTIFICATE OF SERVICE of Defendant's Objections and Responses to Plaintiff's Third and Fourth Sets of Interrogatories by Burlington Northern Santa Fe Railway Company. (Rowe, Jack) (Entered: 11/21/2006)
11/30/2006	<a href="#">51</a>	CERTIFICATE OF SERVICE of Defendant's Second Requests for Production and Second Set of Interrogatories by Burlington Northern Santa Fe Railway Company. (Rowe, Jack) (Entered: 11/30/2006)
02/03/2007	52	ORDER REASSIGNING CASE. Case reassigned to Judge Julie A. Robinson for all further proceedings. Judge John W. Lungstrum no longer assigned to case. Signed by Judge John W. Lungstrum on 2/02/2007.(This is a TEXT ENTRY ONLY. There is no.pdf document associated with this entry.)(ses) (Entered: 02/03/2007)
02/13/2007	53	ORDER: The Telephone Status Conference set for 2/13/2007 is hereby rescheduled for 2/15/2007 at 11:15 AM before Magistrate Judge Gerald L. Rushfelt. Entered by Magistrate Judge Gerald L. Rushfelt on 2/13/07. (This is a TEXT ENTRY ONLY. There is no.pdf document associated with this entry.) (ll) (Entered: 02/13/2007)
02/15/2007	54	Minute Entry for Telephone Status Conference held before Magistrate Judge Gerald L. Rushfelt on 2/15/2007: Plaintiff appeared through counsel Barbara A. Seely. Defendant Burlington Northern Santa Fe Railway Company appeared through counsel Donald J. Munro, Joshua I. Rosenstein and Jack D. Rowe. Defendant Transportation Communications International Union appeared through counsel Mitchell M. Kraus. Upon the oral motion of defendant Burlington Northern Santa Fe Railway Company and without objection, the deadlines for discovery on liability issues and dispositive motions on liability issues are extended to 4/23/2007. (This is a TEXT ENTRY ONLY. There is no.pdf document associated with this entry.) (ll) (Entered: 02/16/2007)
02/27/2007	<a href="#">55</a>	STIPULATED ORDER OF DISMISSAL re <a href="#">27</a> partial Consent Decree. SEE ORDER FOR DETAILS. Signed by Judge Julie A. Robinson on 2/27/2007.(mkc) (Entered: 02/27/2007)
03/30/2007	<a href="#">56</a>	CONSENT DECREE. The court shall retain jurisdiction of this case for purposes of compliance and enforcement and each party shall bear its own costs and attorneys' fees. SEE CONSENT DECREE FOR FURTHER DETAILS. Signed by Judge Julie A. Robinson on 3/30/2007.(mkc) (Entered: 03/30/2007)

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