

CLOSED, PTO

**U.S. District Court  
District of Kansas (Kansas City)  
CIVIL DOCKET FOR CASE #: 2:99-cv-02329-JWL**

EEOC v. Swift Transportation  
Assigned to: Judge John W Lungstrum  
Demand: \$0  
Cause: 42:2000 Job Discrimination (Sex)

Date Filed: 07/28/1999  
Date Terminated: 12/06/2000  
Jury Demand: Plaintiff  
Nature of Suit: 442 Civil Rights: Jobs  
Jurisdiction: U.S. Government Plaintiff

**Plaintiff**

**Equal Employment Opportunity  
Commission**

represented by **Andrea G. Baran**  
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V.

**Defendant****Swift Transportation Co., Inc.**represented by **Patrick M. Gavin**

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**ATTORNEY TO BE NOTICED**

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
07/28/1999	1	COMPLAINT with trial location of Kansas City, Kansas; jury demand by plaintiff; no summons issued (MG) (Entered: 07/29/1999)
08/06/1999	2	MINUTE ORDER ENTERED by Clerk Case reassigned to Judge John W. Lungstrum (cc: all counsel) (ICMSUSER) (Entered: 08/09/1999)
08/13/1999	3	MOTION for attorney, Barbara A Seely, to appear pro hac vice by plaintiff; referred to Judge John W. Lungstrum (ICMSUSER) (Entered: 08/17/1999)
08/30/1999	4	ENTRY OF APPEARANCE for defendant by attorneys, Rebecca McGinnis and Paula E. Hosler (ICMSUSER) (Entered: 09/01/1999)
09/09/1999	5	FIRST AMENDED COMPLAINT re: complaint [1-1] by plaintiff EEOC; jury demand (TRS) (Entered: 09/10/1999)

09/27/1999	6	MOTION to dismiss first amended complaint by defendant; referred to Judge John W. Lungstrum (ICMSUSER) (Entered: 09/28/1999)
09/27/1999	7	MEMORANDUM by defendant in support of motion to dismiss first amended complaint by defendant; referred to Judge John W. Lungstrum [6-1] (ICMSUSER) (Entered: 09/28/1999)
10/04/1999	8	ENTRY OF APPEARANCE for plaintiff EEOC by attorney Andrea G. Baran (TRS) (Entered: 10/05/1999)
10/20/1999	9	ORDER ENTERED: by Judge John W. Lungstrum granting motion for attorney Barbara A Seely, to appear pro hac vice by plaintiff [3-1] (cc: all counsel) (TRS) (Entered: 10/21/1999)
10/20/1999	10	MEMORANDUM in opposition by plaintiff EEOC to motion to dismiss first amended complaint by defendant; referred to Judge John W. Lungstrum [6-1] (TRS) (Entered: 10/21/1999)
11/04/1999	11	REPLY by defendant Swift Transportation to response to motion to dismiss first amended complaint by defendant; referred to Judge John W. Lungstrum [6-1] (TRS) (Entered: 11/05/1999)
11/12/1999	12	MEMORANDUM AND ORDER: by Judge John W. Lungstrum denying motion to dismiss first amended complaint by defendant [6-1] 11 pages (cc: all counsel) (TRS) (Entered: 11/15/1999)
11/29/1999	13	MOTION to consolidate cases 99-2329 and 99-2233 by plaintiff EEOC referred to Judge John W. Lungstrum (TRS) (Entered: 11/30/1999)
11/29/1999	14	MEMORANDUM by plaintiff EEOC in support of motion to consolidate cases 99-2329 and 99-2233 by plaintiff EEOC referred to Judge John W. Lungstrum [13-1] (TRS) (Entered: 11/30/1999)
11/29/1999	15	ANSWER by defendant Swift Transportation to complaint [5-1] (TRS) (Entered: 11/30/1999)
12/10/1999	16	ORDER ENTERED: by Judge John W. Lungstrum denying motion to consolidate cases 99-2329 and 99-2233 by plaintiff EEOC [13-1] (cc: all counsel) (TRS) (Entered: 12/13/1999)
12/16/1999	17	PRELIMINARY SCHEDULING ORDER ENTERED: by Judge John W. Lungstrum; The court orders the parties to conduct their Rule 26(f) meeting on or before 12/23/99; (cc: all counsel) (ICMSUSER) (Entered: 12/17/1999)
12/21/1999	18	REPORT of parties' planning meeting by plaintiff EEOC, defendant Swift Transportation (TRS) (Entered: 12/22/1999)
12/27/1999	19	SCHEDULING ORDER ENTERED by Judge John W. Lungstrum Discovery deadline 6/30/00; dispositive motion deadline 7/31/00; pretrial conference set for 3:30 p.m. on 7/24/00; jury trial set for 12/5/00; ETT 7-10 days (cc: all counsel) (YH) (Entered: 12/28/1999)
01/04/2000	20	CERTIFICATE OF SERVICE of First Interrogatories by defendant Swift Transportation (TRS) (Entered: 01/06/2000)

01/04/2000	21	CERTIFICATE OF SERVICE by plaintiff EEOC of First Request for Production of Documents (TRS) (Entered: 01/06/2000)
01/10/2000	22	CERTIFICATE OF SERVICE of Rule 26(a) Initial Disclosures by plaintiff EEOC (TRS) (Entered: 01/12/2000)
01/11/2000	23	CERTIFICATE OF SERVICE of Initial Disclosures by defendant Swift Transportation (TRS) (Entered: 01/12/2000)
01/13/2000	24	CERTIFICATE OF SERVICE of First Set of Interrogatories and First Request for Production of Documents by defendant Swift Transportation (TRS) (Entered: 01/14/2000)
01/18/2000	25	ORDER ENTERED: by Judge John W. Lungstrum settlement conference set for 1:30 2/1/00 before the Honorable David J. Waxse, Magistrate Judge; settlement statements due 1/25/00 (cc: all counsel) (TRS) (Entered: 01/19/2000)
02/02/2000	26	MINUTE SHEET of hearing before Magistrate Judge David J. Waxse Settlement Hearing held 2/2/00; Case remains unsettled (TRS) (Entered: 02/04/2000)
02/08/2000	27	JOINT STIPULATION FOR PROTECTIVE ORDER by plaintiff EEOC, defendant Swift Transportation (TRS) (Entered: 02/09/2000)
02/09/2000	28	PROTECTIVE ORDER by Judge John W. Lungstrum : re: Stipulation of ptlf. and deft. [27-1]; All documents to be covered under this protective order are to be designated as "confidential" and filed under seal. (See Protective Order for further information) (cc: all counsel) (KM) (Entered: 02/10/2000)
02/22/2000	29	CERTIFICATE OF SERVICE of Responses to First Set of Interrogatories and Responses to First Request for Production of Documents by defendant Swift Transportation (TRS) (Entered: 02/23/2000)
03/06/2000	30	CERTIFICATE OF SERVICE of Responses to First Interrogatories and Responses to First Request for Production of Documents by plaintiff EEOC (TRS) (Entered: 03/07/2000)
03/06/2000	31	REPORT ON MEDIATION by plaintiff EEOC; The mediation was unsuccessful (TRS) (Entered: 03/07/2000)
03/20/2000	32	CERTIFICATE OF SERVICE of first supplemental responses to defendant's first interrogatories and first request for production of documents by plaintiff EEOC (YH) (Entered: 03/21/2000)
03/28/2000	33	NOTICE by plaintiff EEOC of taking deposition of Jon Isaacson on 4/10/00 at 9:00 (TRS) (Entered: 03/29/2000)
03/28/2000	34	MOTION for protective order by plaintiff EEOC referred to Judge John W. Lungstrum (TRS) (Entered: 03/29/2000)
03/28/2000	35	MEMORANDUM by plaintiff EEOC in support of motion for protective order by plaintiff EEOC referred to Judge John Lungstrum [34-1] (TRS) (Entered: 03/29/2000)
03/30/2000	36	MINUTE ORDER ENTERED by Clerk denied for reasons set forth in full on the record motion for protective order by plaintiff EEOC [34-1] (cc: all counsel) (TRS) (Entered: 03/31/2000)

03/30/2000	37	CERTIFICATE OF SERVICE of Second Request for Production of Documents by plaintiff EEOC (TRS) (Entered: 04/03/2000)
04/05/2000	38	CERTIFICATE OF SERVICE of amended second request for production of documents by plaintiff (KM) (Entered: 04/06/2000)
04/10/2000	39	NOTICE by plaintiff EEOC of taking deposition of Jon Isaacson on 5/2/00, Ken Williams on 5/3/00, Cliff Bottorff on 5/5/00, Shane Blair on 5/12/00 (TRS) (Entered: 04/12/2000)
04/19/2000	40	CERTIFICATE OF SERVICE of First Requests for Admissions by plaintiff EEOC (TRS) (Entered: 04/21/2000)
05/01/2000	41	CERTIFICATE OF SERVICE of Responses to Second Request for Production of Documents by defendant Swift Transportation (TRS) (Entered: 05/02/2000)
05/08/2000	42	CERTIFICATE OF SERVICE of responses to plaintiff's amended second request for production of documents by defendant Swift Transportation (YH) (Entered: 05/09/2000)
05/16/2000	43	CERTIFICATE OF SERVICE of Third Request for Production of Documents by defendant Swift Transportation (TRS) (Entered: 05/18/2000)
05/19/2000	44	MOTION to amend amend scheduling order by plaintiff EEOC referred to Judge John W. Lungstrum (TRS) (Entered: 05/22/2000)
05/19/2000	45	ORDER ENTERED: by Judge John W. Lungstrum granting motion to amend amend scheduling order by plaintiff EEOC [44-1] pretrial conference reset for 9:30 7/21/00 (cc: all counsel) (TRS) (Entered: 05/22/2000)
05/23/2000	46	CERTIFICATE OF SERVICE of Responses to Second Set of Interrogatories and First Request for Admissions by defendant Swift Transportation (TRS) (Entered: 05/25/2000)
05/26/2000	47	CERTIFICATE OF SERVICE of Fourth Request for Production of documents by plaintiff EEOC (TRS) (Entered: 05/31/2000)
05/30/2000	48	CERTIFICATE OF SERVICE of First Request for Admissions by defendant Swift Transportation (TRS) (Entered: 06/01/2000)
05/31/2000	49	FINAL WITNESS AND EXHIBIT LIST submitted by defendant Swift Transportation (TRS) (Entered: 06/01/2000)
05/31/2000	50	FINAL WITNESS LIST submitted by plaintiff EEOC (TRS) (Entered: 06/01/2000)
05/31/2000	51	FINAL EXHIBIT LIST by plaintiff EEOC (TRS) (Entered: 06/01/2000)
05/31/2000	52	CERTIFICATE OF SERVICE of Supplemental Rule 26 Initial Disclosures by defendant Swift Transportation (TRS) (Entered: 06/02/2000)
06/13/2000	53	CERTIFICATE OF SERVICE of Responses to Third Request for Production of Documents by defendant Swift Transportation (TRS) (Entered: 06/14/2000)
06/20/2000	54	CERTIFICATE OF SERVICE of Supplemental Response to First Request for Admissions by defendant Swift Transportation (TRS) (Entered: 06/21/2000)

06/28/2000	55	CERTIFICATE OF SERVICE of Response to First Request for Admissions by plaintiff EEOC (TRS) (Entered: 06/30/2000)
06/28/2000	56	CERTIFICATE OF SERVICE of Responses to Fourth Request for Production of Documents by defendant Swift Transportation (TRS) (Entered: 06/30/2000)
07/21/2000	57	PRETRIAL ORDER ENTERED by Judge John W. Lungstrum: dispositive motions due 8/4/00; Jury Trial set for 12/7/00; estimated trial time 7-10 days; prospects for settlement are poor (cc: all counsel) (TRS) (Entered: 07/24/2000)
08/04/2000	58	MOTION for summary judgment by defendant Swift Transportation referred to Judge John W. Lungstrum (TRS) (Entered: 08/07/2000)
08/04/2000	59	MEMORANDUM by defendant Swift Transportation in support of motion for summary judgment by defendant Swift Transportation referred to Judge John W. Lungstrum [58-1] (TRS) (Entered: 08/07/2000)
08/23/2000	60	MOTION to withdraw attorney by and as to Paula E. Hosler for defendant Swift Transportation referred to Judge John W. Lungstrum (TRS) Modified on 08/24/2000 (Entered: 08/24/2000)
08/24/2000	61	MINUTE ORDER ENTERED by Clerk; The parties have requested an extension of the deadline for submission of Rule 26 (a)(3) disclosures; the deadline is hereby extended from 9/29/00 until 10/31/00 (cc: all counsel) (TRS) (Entered: 08/25/2000)
08/28/2000	62	MEMORANDUM in opposition by plaintiff EEOC to motion for summary judgment by defendant Swift Transportation referred to Judge John W. Lungstrum [58-1] (TRS) (Entered: 08/29/2000)
08/28/2000	63	EXHIBITS by plaintiff EEOC in support of memorandum in opposition [62-1],to motion for summary judgment by defendant Swift Transportation referred to Judge John W. Lungstrum [58-1] (TRS) (Entered: 08/29/2000)
08/28/2000	64	CERTIFICATE OF SERVICE of withdraw by Paula E Hosler as counsel for defendant Swift Transportation (TRS) (Entered: 08/29/2000)
09/06/2000	65	ORDER ENTERED: by Judge John W. Lungstrum granting motion to withdraw attorney Paula E. Hosler for defendant Swift Transportation [60-1] (cc: all counsel) (MM) (Entered: 09/07/2000)
09/12/2000	66	REPLY MEMORANDUM in opposition by defendant Swift Transportation to motion for summary judgment by defendant Swift Transportation referred to Judge John W. Lungstrum [58-1] (TRS) (Entered: 09/14/2000)
09/20/2000	67	MOTION for leave to file a surreply to defendant's reply to plaintiff's memorandum in opposition to defendant's motion for summary judgment by plaintiff EEOC referred to Judge John W. Lungstrum (TRS) (Entered: 09/21/2000)
09/22/2000	68	ORDER ENTERED: by Judge John W. Lungstrum granting motion for leave to file a surreply to defendant's reply to plaintiff's memorandum in opposition to defendant's motion for summary judgment by plaintiff EEOC addressing only those issues and arguments raised in plaintiff's surreply on or before 10/5/00 [67-1] (cc: all counsel) (MM) (Entered: 09/22/2000)

09/22/2000	69	SURREPLY by plaintiff EEOC re: memorandum [66-1], re: motion for summary judgment by defendant Swift Transportation referred to Judge John W. Lungstrum [58-1] (TRS) (Entered: 09/28/2000)
10/05/2000	70	SURREPLY by defendant Swift Transportation in support of its motion for summary judgment referred to Judge John W. Lungstrum [58-1] (VLW) (Entered: 10/06/2000)
10/31/2000	71	WITNESS LIST (Pretrial Disclosures) submitted by defendant Swift Transportation (CK) (Entered: 11/01/2000)
10/31/2000	72	ENTRY OF APPEARANCE for defendant Swift Transportation by attorney Patrick M. Gavin (TRS) (Entered: 11/01/2000)
10/31/2000	73	DISCLOSURES PURSUANT TO RULE 26 (a)(3) (WITNESS AND EXHIBIT LIST) submitted by plaintiff EEOC (TRS) (Entered: 11/02/2000)
11/03/2000	74	NOTICE OF HEARING BY CLERK limine conference hearing set for 3:30 12/6/00 (cc: all counsel) (TRS) (Entered: 11/03/2000)
11/09/2000	75	MEMORANDUM AND ORDER: by Judge John W. Lungstrum granted in part and denied in part motion for summary judgment by defendant Swift Transportation [58-1]; Specifically, the motion is granted with respect to plaintiff's retaliation claim and is granted to the extent plaintiff seeks to recover both prejudgment interest and liquidated damages on its EPA claim. The motion is otherwise denied. 33 pages (cc: all counsel) (TRS) (Entered: 11/09/2000)
11/13/2000	76	OBJECTIONS by defendant Swift Transportation to Ruel 26(a)(3) pretrial disclosures [73-1] (TRS) (Entered: 11/14/2000)
11/27/2000	77	MOTION for leave to Amend its Rule 26 (a)(3) Disclosures by plaintiff EEOC referred to Judge John W. Lungstrum (TRS) (Entered: 11/28/2000)
12/06/2000	78	ORDER ENTERED: by Judge John W. Lungstrum The clerk shall administratively terminate this action without prejudice to the rights of the parties to reopen the proceedings for good cause shown, for the entry of any stipulation or order. On or before 12/29/00, the parties shall file a stipulation of dismissal, if no such stipulation is received within the specified time and the parties have not reopened for the purpose of obtaining a final determination, this order shall constitute, the entry of final judgment of dismissal with prejudice (cc: all counsel) (TRS) (Entered: 12/07/2000)
12/07/2000	79	CONSENT DECREE ENTERED: by Judge John W. Lungstrum; Order [78-2]; This Decree shall be binding upon the parties, their successors and assigns. This Decree shall be for a period of 3 years and can only be extended for good cause shown. During the Decree's term the Court shall retain jurisdiction of this cause for purposes of compliance; Each party shall bear that party's own costs (cc: all counsel) (TRS) Modified on 02/23/2001 (Entered: 12/08/2000)

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