

CLOSED, REFDS

**U.S. District Court  
Eastern District of Kentucky (Pikeville)  
CIVIL DOCKET FOR CASE #: 7:03-cv-00295-GFVT**

Equal Employment Opportunity Commission v. Continental  
Conveyer & Equipment Company  
Assigned to: Gregory F. Van Tatenhove  
Referred to: Peggy E Patterson  
Cause: 42:2000e Job Discrimination (Employment)

Date Filed: 09/23/2003  
Jury Demand: Plaintiff  
Nature of Suit: 442 Civil Rights: Jobs  
Jurisdiction: U.S. Government Plaintiff

**Plaintiff**

**Equal Employment Opportunity  
Commission**

represented by **Eric S. Dreiband**  
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V.

**Defendant**

**Continental Conveyor & Equipment  
 Company**

represented by **James D. Cockrum**  
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<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
09/23/2003	<a href="#">1</a>	COMPLAINT 1 summons(es) issued with copy , filed by Equal Employment Opportunity Commission. (Attachments: # <a href="#">1</a> Summons, Civil Cover & Case Assignment Sheets)(MJY) (Entered: 09/23/2003)
10/03/2003		JOINT GENERAL ORDER MAILED TO ALL COUNSEL Re: Privacy Policy Regarding Public Access to Electronic Case Files. (MJY) Modified text on

		10/3/2003 (Younce, Mary). (Entered: 10/03/2003)
10/06/2003	<a href="#">2</a>	SUMMONS Returned Executed by Equal Employment Opportunity Commission. Continental Conveyor & Equipment Company served on 9/30/2003 by certified mail, answer due 10/20/2003. (MJY) (Entered: 10/06/2003)
10/23/2003	<a href="#">3</a>	ANSWER to Complaint by dft Continental Conveyor & Equipment Company.(MJY) (Entered: 10/23/2003)
10/24/2003	<a href="#">4</a>	ORDER FOR MEETING AND REPORT 1) No later than 30 days parties shall conduct meeting; 2) at meeting parties shall exchange disclosures; 3) No later than 10 days after the meeting, parties shall file a written joint report Rule 26 Meeting Report due by 11/25/2003.. Signed by Judge Danny C. Reeves. (MJY)cc: COR (Entered: 10/24/2003)
12/02/2003	<a href="#">5</a>	Proposed Litigation Plan & Discovery Schedule by Plaintiff (MJY) (Entered: 12/02/2003)
12/03/2003	<a href="#">6</a>	REPORT of Rule 26(f) Planning Meeting by Defendant's (MJY) (Entered: 12/03/2003)
12/03/2003	<a href="#">7</a>	RULE 7.1 DISCLOSURE Statement of Defendant by Continental Conveyor & Equipment Company.(MJY) (Entered: 12/03/2003)
12/05/2003	<a href="#">8</a>	ORDER Scheduling Conference set for 12/22/2003 11:00 AM in London before Danny C. Reeves; Each party is directed to file a memorandum of authority in support of its position (not to exceed 4 pages in length) on or before 12/19/03. Signed by Judge Danny C. Reeves. (MJY)cc: COR (Entered: 12/05/2003)
12/19/2003	<a href="#">9</a>	DEFENDANT'S MEMORANDUM OF LAW on the EEOC's Duty of Good Faith Concillation <a href="#">8</a> filed by Continental Conveyor & Equipment Company. (MJY) (Entered: 12/19/2003)
12/19/2003	<a href="#">11</a>	MEMORANDUM In Support of Opposition To Bifurcated Discovery to <a href="#">8</a> filed by Equal Employment Opportunity Commission. (Attachments: # <a href="#">1</a> Exhibit 1# <a href="#">2</a> Exhibit 2# <a href="#">3</a> Exhibit 3# <a href="#">4</a> Exhibit 4# <a href="#">5</a> Exhibit 5# <a href="#">6</a> Exhibit 6)(MJY) (Entered: 12/22/2003)
12/22/2003	<a href="#">10</a>	ORDER The Court having been advised that the US Magistrate Judge James B. Todd is available to conduct and initial mediation conference, Parties are directed to confer on available dates and contact the office of US Magistrate Judge James B. Todd to schedule a mediation in this matter to be held in Lexington, Ky . Signed by Judge Danny C. Reeves. (MJY)cc: COR (Entered: 12/22/2003)
12/22/2003	<a href="#">12</a>	STATUS CONFERENCE for proceedings held before Judge Danny C. Reeves : Within 15 days, parties shall file any additional documents they wish the Court to consider regarding the issue of conciliation. Additionally, the parties may, at their option, file a memorandum fo points & authorities regarding this issue within 15 days (Court Reporter Rhonda Sansom) (MJY)cc: COR (Entered: 12/22/2003)
01/06/2004	<a href="#">13</a>	SUPPLEMENTAL MEMORANDUM in Support of Opposition To Bifurcated Discovery <a href="#">11</a> filed by Equal Employment Opportunity Commission. (MJY) (Entered: 01/06/2004)

01/07/2004	<a href="#">14</a>	SUPPLEMENTAL BRIEF On the Duty of the EEOC To Concillate in "Good Faith" <a href="#">11</a> filed by Continental Conveyor & Equipment Company. (Attachments: # <a href="#">1</a> Exhibit 1 thru 8# <a href="#">2</a> Exhibit 9 thru 11# <a href="#">3</a> Exhibit 12 thru 21)(MJY) (Entered: 01/07/2004)
02/09/2004	<a href="#">15</a>	MEMORANDUM AND OPINION, ORDER 1. Defendant's request for a 90 day discovery period relating to the investigation and conciliation process by the EEOC is DENIED; 2. A separate Scheduling Order establishing dates for disposition of this case will be entered this date.. Signed by Judge Danny C. Reeves. (MJY)cc: COR (Entered: 02/09/2004)
02/09/2004	<a href="#">16</a>	SCHEDULING ORDER 1. Supplementation of discovery due within 30 days of discovery of new information but by no later than 9/15/04; 2. No later than 7/15/04 counsel for pla disclose expert witnesses; No later than 8/15/04 counsel for dft disclose expert witnesses; 3. Discovery due by 10/15/04; 4. Pursuant to 28 USC 636(b)(1)(A) discovery disputes referred to Magistrate Judge Peggy E. Patterson; 5. ALL MOTIONS FOR EXTENSION OF TIME REGARDING DEADLIENS SET FORTH HEREIN SHALL BE REFERRED TO THE UNDERSIGNED FOR DISPOSITION; 6. Amended Pleadings or join additional parties due by 6/15/2004; 7. Dispositive Motions due by 11/15/2004; 8. Pretrial Filings due by 2/7/2005; 9. No later than 14 days prior to PTC, counsel shall premark all exhibits and provide opposing counsel copies; 10. No later than 14 days prior to PTC, counsel shall file with the clerk and submit to the Court a copy of Agreed Proposed Jury Instructions; 11. Final Pretrial Conference set for 2/21/2005 01:30 PM in Pikeville before Danny C. Reeves; 12. At least 7 days prior to PTC, counsel shall submit an agreed statement of the caes; 13. At least 7 days prior to the PTC, counsel shall file & submit a copy to the Court & opposing counsel any objections; 14. At least 7 days prior to trial counsel shall submit to Court's chambers a copy of each documentary exhibit; 15. Jury Trial set for 3/22/2005 09:00 AM in Pikeville before Danny C. Reeves; 16. Requests to modify any dates or deadlines shall be submitted upoon motion by the party or parties seeking modification; 17. Parties expected to comply with all rules, in particular LR 7.1(i); This matter is referred to Magistrate Judge Peggy E. Patterson for conducting a telephonic conference & settlement conference. . Signed by Judge Danny C. Reeves. (MJY)cc: COR, PEP (Entered: 02/09/2004)
02/09/2004	<a href="#">17</a>	ORDER 1. Settlement Conference set for 3/9/2004 10:00 AM in Lexington before James B Todd; 2. Before close of business on 3/4/04 plaintiff & defendant shall delover ex parte settlement statements; In addition to counsel, it is required that the parties or a person with actual settlement authority be present; The Magistrate Judge requests that a bona fide settlement negotiations commence as soon as practicaable; Statements shall not be filed; 3. The ex parte settlement conference statements & status reports shall be submitted directly ot Magistrate Judge James B. Todd by mail or fax (not to exceed 10 pages). Signed by Judge James B Todd. (MJY)cc: COR (Entered: 02/09/2004)
02/10/2004		Clerk's Note: Per Judge Reeves, 3/9/04 settlement conference before Judge Todd set at the request of the parties. If this case does not settle, then Judge Patterson will continue with settlement negotiations. (See Docket Entries Nos. 16 & 17) (MJY) (Entered: 02/10/2004)

03/10/2004	<a href="#">18</a>	ORDER 1. Settlement Conference shall be RECONVENED 3/23/2004 10:30 AM in Lexington 4th floor chambers before James B Todd; 2. Cynthia House, Cheryl Collingsworth & Sandy Russell shall be present in person at the reconvened settlement conference. Signed by Judge James B Todd. (MJY)cc: COR (Entered: 03/10/2004)
03/25/2004	<a href="#">19</a>	MINUTE ENTRY FORSETTLEMENT CONFERENCE held on 3/23/04 before Judge James B Todd : Settlement Conf reconvened, pty negotiated in good faith but were unable to settle their claims. This matter shall remain on the court's docket for adjudication. (COURT REPORTER: NONE) (MCB)cc: COR (Entered: 03/26/2004)
04/05/2004	<a href="#">20</a>	ORDER 1. Telephone Conference set for 6/16/2004 03:00 PM before Peggy E Patterson. 2. Undersigned's office shall initiate call. 3. Settlement Conference set for 8/18/2004 11:00 AM in Pikeville before Peggy E Patterson. 4. Settlement conference shall be attended by lead counsel, parties & corporate/carrier representative with full settlement authority. Having a client or corporate/carrier representative available by phone is NOT acceptable. 5. Full Settlement Authority defined. 6. By 8/11/04 counsel submit confidential letters. 7. Confidential letters may be faxed. 8. A copy of confidential letters shall NOT served upon opposing counsel. 9. If parties have not previously exchanged settlement demands, then at least 14 days prior to the Settlement Conference, Plaintiff shall submit to Defendant a written itemization of all damages & a good faith settlement demand. No later than 7 days prior, the Defendant's shall make a good faith response, in writing. A copy of written communications shall be provided to the undersigned no less than 2 days prior to the settlement conference. 10. If, 3 days prior to the Settlement conference a party learns that full compliance with this Order is not possible, counsel shall initiate a telephone conference, 11. If deadline for expert witness disclosures has been extended or if counsel believes that adequate information has not yet been obtained, then counsel may request a telephone conference. 12. If a party, counsel, or corporate/carrier representative appears at the settlement conference without having complied with all requirements of this order, the court may cancel the Settlement Conference & assess against the noncomplying party, attorney or both the fees & expenses incurred by the other parties & court's expenses as well. 13. Parties observe the following directives regarding the filing of discovery material. 14. All evidentiary depositions which will or may be used at trial shall be filed prior to the PTC before Judge Reeves.. Signed by Judge Peggy E Patterson. (MJY)cc: COR (Entered: 04/05/2004)
04/14/2004	<a href="#">21</a>	MOTION to Continue Status Conference by Equal Employment Opportunity Commission (Attachments: # <a href="#">1</a> Proposed Order)(MJY) (Entered: 04/14/2004)
04/19/2004	<a href="#">22</a>	ORDER: Plaintiff's Motion to Continue Status Conference is GRANTED; Telephone Status Conference date changed from 6/16/04 to 6/23/2004 03:00 PM before Peggy E Patterson.re <a href="#">21</a> . Signed by Judge Peggy E Patterson. (MJY)cc: COR (Entered: 04/20/2004)
06/23/2004	<a href="#">23</a>	MINUTE ENTRY FORTELEPHONE CONFERENCE held on 6/23/04 before Judge Peggy E Patterson: No revisions in the court's prior scheduling orders are necessary at this time. (COURT REPORTER: NO COURT REPORTER) (MJY)cc: COR (Entered: 06/23/2004)

08/18/2004	<a href="#">24</a>	MINUTE ENTRY FORSETTLEMENT CONFERENCE held on 8/18/04 before Judge Peggy E Patterson : Matter was recessed to Chambers of the Court for a Settlement Conference. (COURT REPORTER: NEDRA WARD) (MJY)cc: COR (Entered: 08/18/2004)
08/19/2004	<a href="#">25</a>	ORDER: 1) Settlement Conf conducted on 8/18/2004, having resulted in settlement, all time sensitive deadlines and directives, as well as in final pre-trial conf and trial before Judge Reeves set for 2/21/05 at 1:30 PM and 3/22/05 at 9:00 AM, respectively, are all CANCELLED. 2) w/in 14 days, counsel shall submit to undersigned a copy of draft Consent Decree and confidentiality agreement on which counsel have agreed for appropriate review. Signed Judge Peggy E Patterson. (TDA)cc: COR (Entered: 08/19/2004)
09/03/2004	<a href="#">26</a>	AGREED ORDER: Parties shall have up to and including Friday 9/17/04 to submit their final Consent Decree and Confidentiality Agreement. Signed by Judge Peggy E Patterson. (MJY)cc: COR (Entered: 09/03/2004)
09/24/2004	<a href="#">27</a>	ORDER: Counsel shall submit to Judge Reeves the parties' fully signed Consent Decree & Confidentiality Agreement by no later than 10/12/04.. Signed by Judge Peggy E Patterson. (MJY)cc: COR (Entered: 09/24/2004)
10/12/2004	<a href="#">28</a>	CONFIDENTIALITY AGREEMENT signed by all parties (Attachments: # <a href="#">1</a> Proposed Consent Decree)(MJY) (Entered: 10/12/2004)
10/13/2004	<a href="#">29</a>	CONSENT DECREE: 1. This Consent Decree shall not constitute an admission of wrongdoing or an adjudication or finding on the merits of this case against Continental; 2. Continental agrees that all of its officers, directors, employees, agents assigns and/or successors will not discriminate against any employee or applicant for employment on the basis of sex & agree to be bound by the terms of this Decree; 3. Contentiental agrees that there will be no discrimination; 4. Continental shall pay sum of \$53,000.00 to Cynthia Horne, Cheryl Collingsworth & Sandy Russell; 5. Continental shall mail a copy of the check to Laurie A. Young EEOC; 6. The Term of this Decree shall be 24 months from date of entry; 7. Within 90 days, Continental shall provide a training program to all supervisory and/or management employees & upon completion, certify to the Commission the specific training that was undertaken; 8. Continental agrees to make good faith efforts to recruit & hire qualified female applicants; 9. Continental agrees to submit periodic reports to the Commission detailing compliance with this Decree; 10. Continental shall post the Notice at its Salyersville plant; 11. In the event the EEOC determines that a violation of this Decree has occurred, it will provide written notice to Continental identifying alleged violations; 12. The Commission & Continental shall each bear its own costs & attorneys fees; The EEOC, Cynthia Horne, Cheryl Collingsworth & Sandy Russell shall fully & forever release & discharge dft from any claim or obligation; 14. Continentat, Ms. Horne, Ms. Russell & Ms. Collingsworth have entered into a Confidentiality Agreement; 15. The Court will retain jurisdiction of this cause throughout the duration of this Decree for purposes of monitoring compliance with this Decree and entry of such further orders as may be necessary or appropriate. . Signed by Judge Danny C. Reeves. (MJY)cc: COR Additional attachment(s) added on 10/21/2004 (Younce, Mary). (Entered: 10/15/2004)

10/21/2004		NOTICE OF DOCKET MODIFICATION re <a href="#">29</a> Order; Error: Document (Employee Notice) was not included for entry with order; Error made by Attorney; Correction: Added attachments to Docket entry; No steps need be taken by counsel. cc: COR (MJY) (Entered: 10/21/2004)
01/06/2006	<a href="#">30</a>	ORDER REASSIGNING CASE. Case reassigned to Judge Gregory M. Van Tatenhove for all further proceedings. Judge Danny C. Reeves no longer assigned to case. Signed by Judge Danny C. Reeves. (MJY)cc: COR (Entered: 01/06/2006)
10/17/2006	<a href="#">31</a>	ORDER: On 10/13/04, this Court entered a Consent Decree <a href="#">29</a> , and retained jurisdiction of this case "throughout the duration of this Decree for purposes of monitoring compliance with this Decree and entry of such further orders as may be necessary or appropriate"; By its own terms, the Consent Decree expired 24 months after its entry by the Court on 10/13/06; Accordingly, the Decree having expired, this Court no longer retains jurisdiction of this matter. ORDERED that this matter is STRICKEN from the active docket. Signed by Judge Gregory F. Van Tatenhove. (MJY)cc: COR w/noe (Entered: 10/17/2006)

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