

CLOSED, PROTO, REFERD

**U.S. District Court  
Eastern District of Kentucky (Covington)  
CIVIL DOCKET FOR CASE #: 2:03-cv-00113-DLB**

Equal Employment Opportunity Commission v. Donna Salyers'  
Fabulous Furs Company  
Assigned to: David L. Bunning  
Referred to: Peggy E Patterson  
Cause: 42:2000e Job Discrimination (Employment)

Date Filed: 05/27/2003  
Jury Demand: Plaintiff  
Nature of Suit: 442 Civil Rights: Jobs  
Jurisdiction: U.S. Government Plaintiff

**Plaintiff**

**Equal Employment Opportunity  
Commission**

represented by **Bobby C. Simpson**  
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Suite 268  
Louisville, KY 40202-2285  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

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*TERMINATED: 02/09/2004*  
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V.

**Defendant**

**Donna Salyers' Fabulous Furs Company**

represented by **Robert D. Hudson**  
 Greenebaum, Doll & McDonald -  
 Covington  
 50 E. Rivercenter Boulevard  
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 P.O. Box 2673  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
05/27/2003	<a href="#">1</a>	COMPLAINT 1 summons(es) issued with copy , filed by Equal Employment Opportunity Commission. [No jdg assign sheet would print, page temp unavailable] (Attachments: # <a href="#">1</a> civil cover sheet# <a href="#">2</a> summons)(RSB) (Entered: 05/28/2003)
06/16/2003	<a href="#">2</a>	ANSWER to Complaint by Donna Salyers' Fabulous Furs Company.(RSB) (Entered: 06/16/2003)
08/07/2003	<a href="#">3</a>	ENTRY OF APPEARANCE by Atty Jo Ann Farnsworth on behalf of Equal Employment Opportunity Commission (RSB) (Entered: 08/08/2003)
08/14/2003	<a href="#">4</a>	ORDER: Docket Call is set for 8/28/2003 09:00 AM in Covington before David L. Bunning. Signed by Judge David L. Bunning. (JMM) (Entered: 08/14/2003)

08/27/2003	<a href="#">5</a>	REPORT of Rule 26(f) Planning Meeting. (RSB) (Entered: 08/27/2003)
08/28/2003	<a href="#">6</a>	Minute Entry for docket call proceedings held before Judge David L. Bunning : 1) The Court will submit a scheduling order; 2) Referring pretrial proceedings to Magistrate Judge Patterson per Order of Referral entered concurrently. (Court Reporter Amy Blosser) (RSB) Additional attachment(s) added on 8/29/2003 (Burgett, Rebecca). (Entered: 08/29/2003)
08/28/2003	<a href="#">7</a>	ORDER OF REFERRAL to Magistrate Judge Peggy E Patterson for supervision of discovery and pretrial proceedings. Signed by Judge David L. Bunning. (RSB) (Entered: 08/29/2003)
09/02/2003	<a href="#">8</a>	NOTICE OF INTENT TO WITHDRAWAL ATTORNEY APPEARANCE by Bobby C. Simpson for Equal Employment Opportunity Commission (Attachments: # <a href="#">1</a> proposed order)(RSB) (Entered: 09/04/2003)
09/02/2003	<a href="#">9</a>	SCHEDULING ORDER: 1) By 9/22/03, ptys shall exchange Rule 26 information; 2) By 6/30/04, plaintiff's counsel shall disclose identity of expert witnesses and def shall do so by 8/15/04; 3) Action will be assigned for preliminary pretrial cnfce after discloses, a time certain to be set by Magistrate Patterson; 4) Any supplementation of disclosures to be done w/i 30 days of discovery; 5) By 12/1/04, parties shall complete discovery and file status rpt; 6) Referring all discovery disputes to Magistrate Patterson; 7) By 12/30/03, plaintiff shall file any motions to joint ptys to amend pleadings and def shall do so by 1/30/04; 8) By 1/30/05, counsel for parties shall file any dipositive motion; 9) 7 days prior to pretrial cnfce, parties shall file witness list, exhibit list, pt memo and shall premark exhibits and conduct jury instruction cnfce; 10) Assigning final pretrial cnfce for 4/27/05 at 9:00 a.m. and jury trial on 5/23/05 at 10:00 a.m. w/ counsel to be present at 9:30 a.m. for 5 day trial; Any requests to modify these deadlines shall be by motion. Discovery due by 12/1/2004. Dispositive Motions due by 1/30/2005. Motion to Join Additional Parties due by 1/30/2004. Status Report due by 12/1/2004.. Signed by Judge David L. Bunning. (RSB) (Entered: 09/04/2003)
09/02/2003		Final Pretrial Conference set for 4/27/2005 09:00 AM in Covington before David L. Bunning. Jury Trial set for 5/23/2005 10:00 AM in Covington before David L. Bunning. (RSB) (Entered: 09/04/2003)
09/04/2003	<a href="#">10</a>	ORDER: Allowing Attorney Bobby C. Simpson to w/d for plaintiff re <a href="#">8</a> Notice filed by Equal Employment Opportunity Commission. Signed by Judge Peggy E Patterson. (RSB) Modified text on 9/8/2003 (Burgett, Rebecca). cc Atty Bobby Simpson (Entered: 09/08/2003)
09/11/2003	<a href="#">11</a>	ORDER setting preliminary Pretrial Conference set for 9/22/2004 01:30 PM in Covington before Peggy E Patterson.. Signed by Judge Peggy E Patterson. (RSB) (Entered: 09/11/2003)
10/24/2003	<a href="#">12</a>	JOINT MOTION for Leave to File Amended Complaint by Donna Salyers' Fabulous Furs Company & Equal Employment Opportunity Commission (Attachments: # <a href="#">1</a> Proposed Order Granting# <a href="#">2</a> Proposed Amended Cmp)(RSB) (Entered: 10/24/2003)
10/24/2003		***Motions Submitted: <a href="#">12</a> MOTION for Leave to File by Donna Salyers' Fabulous Furs Company, Equal Employment Opportunity Commission (RSB)

		(Entered: 10/24/2003)
10/30/2003	<a href="#">13</a>	ORDER granting <a href="#">12</a> Motion for Leave to File Amended Complaint. Amended Complaint shall be deemed filed on this date and svc on def shall be deemed complete on the date of this Order. Signed by Judge David L. Bunning. (RSB)cc: COR Modified TEXT on 10/30/2003 (Burgett, Rebecca). (Entered: 10/30/2003)
10/30/2003	<a href="#">14</a>	FIRST AMENDED COMPLAINT against Donna Salyers' Fabulous Furs Company filed by Equal Employment Opportunity Commission.(RSB) (Entered: 10/30/2003)
12/03/2003	<a href="#">15</a>	STATEMENT OF SPECIAL DAMAGES filed by Equal Employment Opportunity Commission. (RSB) Modified TEXT on 12/4/2003 (Burgett, Rebecca). (Entered: 12/04/2003)
02/06/2004	<a href="#">16</a>	NOTICE of Appearance by Bobby C. Simpson on behalf of Equal Employment Opportunity Commission (RSB) (Entered: 02/06/2004)
02/06/2004	<a href="#">17</a>	MOTION by Atty Jo Ann Farnsworth to Withdraw as Attorney by Equal Employment Opportunity Commission (Attachments: # <a href="#">1</a> proposed order granting withdrawal of Jo Ann Farnsworth)(RSB) (Entered: 02/06/2004)
02/06/2004		***MOTION SUBMITTED TO CHAMBERS FOR REVIEW: <a href="#">17</a> MOTION to Withdraw as Attorney by Equal Employment Opportunity Commission (RSB) (Entered: 02/06/2004)
02/09/2004	<a href="#">18</a>	ORDER granting <a href="#">17</a> Plaintiff's Motion to Withdraw as Attorney. Attorney Jo Ann Farnsworth terminated . Signed by Judge J. Gregory Wehrman. (RSB)cc: COR (Entered: 02/10/2004)
06/08/2004	<a href="#">19</a>	JOINT MOTION for Extension of Time to extend expert disclosure deadlines by Donna Salyers' Fabulous Furs Company and Equal Employment Opportunity Commission (Attachments: # <a href="#">1</a> Proposed Agreed Order)(JMM) (Entered: 06/08/2004)
06/08/2004		***MOTION SUBMITTED TO CHAMBERS FOR REVIEW: <a href="#">19</a> JOINT MOTION for Extension of Time by Donna Salyers' Fabulous Furs Company and Equal Employment Opportunity Commission (JMM) (Entered: 06/08/2004)
06/09/2004	<a href="#">20</a>	AGREED ORDER: Court's 9/2/03 scheduling order is amended to reflect that the EEOC shall file its expert disclosure and report pursuant to Fed R.Civ.P 26 on or before 9/1/04 and that Donna Salyer's Fabulous Furs shall do likewise by 11/1/04. Signed by Judge Peggy E Patterson. (RSB)cc: COR (Entered: 06/14/2004)
06/16/2004	<a href="#">21</a>	ORDER: 1) A Telephone Conference is set for 6/30/2004 02:00 PM in Ashland before Peggy E Patterson to discuss scheduling issues and the feasibility of certain deadlines.2) The Court's office shall initiate said telephone conference call, lead counsel for each party shall participate, with authority to make any stipulation or agreements regarding deadlines or possibility of settlement. 3) In addition to regular service by mail a copy of this order shall be transmitted by facsimile to all counsel of record. Signed by Judge Peggy E Patterson. (JMM)cc: COR (Entered: 06/17/2004)

06/30/2004	<a href="#">22</a>	MINUTE ENTRY FOR TELEPHONE CONFERENCE held on 6/30/04 before Judge Peggy E Patterson : 1) Resetting second telephone cfnce on 8/9/04 at 10:00 a.m. to discuss the utility of schedulign a settlement cfnce; 2) Undersigned shall inititate cnfce call; 3) Extending plaintiff's time for make Rule 26 disclosures until 9/15/04; 4) Resetting 9/22/04 pretrial cfce for 11/16/04 at 10:00 a.m. in Covington Ky. (RSB)cc: COR (Entered: 07/01/2004)
07/01/2004		Set/Reset Hearings: Initial Pretrial Conference set for 11/16/2004 10:00 AM in Covington before Peggy E Patterson. Telephone Conference set for 8/9/2004 10:00 AM in Ashland before Peggy E Patterson. (RSB) (Entered: 07/01/2004)
08/04/2004	<a href="#">23</a>	AGREED PROTECTIVE ORDER: 1) Documents produced by Fabulous Furs to EEOC can be Confidential Information; 2) Documents produced by Def shall be confidential information; 3) Confidential information shall not be disclosed; 4) If confidential information is filed, it shall be placed in sealed envelope; 5) It is the responsiblity of each party to maintain sealed file; 6) Except with the prior consent of Def, information that is confidential shall only be disclosed to staff; 7) All parties are required to abide by terms of this order; 8) Agreed Protective Order shall survive the termination of this action; 9) Within 30 days after the conclusion of this case, shall be returned to the producing party and counsel shall certify to all parties that all confidential information has been destroyed. Signed by Judge David L. Bunning. (RSB)cc: COR (Entered: 08/04/2004)
08/09/2004	<a href="#">24</a>	MINUTE ENTRY FOR TELEPHONE CONFERENCE held on 8/9/04 before Judge Peggy E Patterson : 1) Extending time for plaintiff to make Rule 26 disclosures until 9/30/04 and for def to make disclosures until 11/15/04; 2) By separate order, settlement Settlement Conference set for 9/10/2004 10:00 AM in Covington before David L. Bunning; 3) All other deadlines shall remain. (RSB)cc: COR (Entered: 08/09/2004)
08/09/2004	<a href="#">25</a>	ORDER: 1) Setting settlement cfnce for 9/10/04 at 10:00 a.m. in Courtroom 4 East, Covington; 2) Settlement cfnce shall be attended by lead counsel and reps with full settlement authority; 3) Full settlement authority is defined as the full amount of most recent offer/demand; 4) Counsel shall submit to chambers by 9/3/04, confidential letters containing an assessment of issues, liability, damges, costs, strenghts/weaknesses of the case, settlement demands/offers; 5) Separate letters may be transmitted to chambers by fax and shall not exceed 10 pages; 6) These shall not be filed of record; 7) Plaintiff shall submit to def at least 14 days prior to settlement cfnce, an itemizatin of damages and opposing side shall submit response; 8) If parties learn compliance with this Order is not possible, they shall contact chambers no later than 3 business days prior to confrcce; 9) Failure to comply with this order can result in sanctions. . Signed by Judge Peggy E Patterson. (RSB)cc: COR (Entered: 08/09/2004)
09/13/2004	<a href="#">26</a>	MINUTE ENTRY FOR SETTLEMENT CONFERENCE held on 9/10/04 before Judge Peggy E Patterson : No settlement having been reached. Parties shall continue negotiations and the court will set up future cnfce call (COURT REPORTER: None) (RSB)cc: COR (Entered: 09/14/2004)
09/15/2004	<a href="#">27</a>	ORDER: Setting telephone conference for 9/22/04 at 11:00 a.m. to discuss settlement status; 2) Clerk shall fax and sve by mail . Signed by Judge Peggy E Patterson. (RSB)cc: COR (Entered: 09/16/2004)

09/15/2004		Set/Reset Hearings: Telephone Conference set for 9/22/2004 11:00 AM in Ashland before Peggy E Patterson. (RSB) (Entered: 09/16/2004)
09/22/2004	<a href="#">28</a>	MINUTE ENTRY FOR TELEPHONE CONFERENCE held on 9/22/04 before Judge Peggy E Patterson : Parties are to continue settlement negotiations and future conference call will be scheduled by future order. (COURT REPORTER: NONE) (RSB)cc: COR (Entered: 09/22/2004)
10/01/2004	<a href="#">29</a>	ORDER Counsel having advised case settled; all pending motions denied as moot all court proceedings scheduled are canceled. Within thirty (30) days (11/1/2004) counsel to submit to Judge Bunning agreed order of dismissal; If extension is necessary, counsel may informally request one from the undersigned; In addition to regular mail, copy of this order to be faxed forthwith to all counsel of record;. Signed by Judge Peggy E Patterson. (LMB)cc: Order faxed and mailed to all counsel of record on 10/1/2004 (Entered: 10/04/2004)
10/15/2004	<a href="#">30</a>	CONSENT DECREE: 1)Employees/Employers shall not engage in unlawful sexual harassment; 2) No retaliation will be tolerated; 3) Defendant agrees to post notice; 4) Monetary settlement of \$45,000 to complainants; 5) Within 14 days, defendant agrees to appoint compliance coordinator; 6) Within 6 months defendant shall replace existing harassment policies with updated information. 7) Within 12 months, defendant shall provide training and development to employees; 8) Computer based training program addressing Title VII will occur w/i 6 months; 9) Defendant shall retain all records of 1-8; 10) Within six months, defendant shall institute a procedure which evaluates managers of compliance; 11. Annual report shall be provided by defendant; 12) If non-compliance is found, defendant shall be afforded 45 days to remedy; 15) Each party shall take care of their costs/fees; 16) Court retains jurisdiction for 2 years Signed by Judge David L. Bunning (Attachments: # <a href="#">1</a> Appendix A)(RSB)cc: COR (Entered: 10/15/2004)

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<b>Billable Pages:</b>	4	<b>Cost:</b>	0.32