

**U.S. District Court
Western District of Kentucky (Louisville)
CIVIL DOCKET FOR CASE #: 3:06-cv-00353-CRS-DW**

Equal Employment Opportunity Commission v. Kentucky
Convention Hotel Partners, LLC et al
Assigned to: Senior Judge Charles R. Simpson, III
Referred to: Magistrate Judge Dave Whalin
Cause: 28:451 Employment Discrimination

Date Filed: 07/24/2006
Date Terminated: 07/21/2010
Jury Demand: Plaintiff
Nature of Suit: 442 Civil Rights: Jobs
Jurisdiction: U.S. Government Plaintiff

Plaintiff

**Equal Employment Opportunity
Commission**

represented by **Kenneth W. Brown**
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V.

Defendant

**Kentucky Convention Hotel Partners,
LLC**
TERMINATED: 05/22/2007
doing business as
Louisville Marriott Downtown
TERMINATED: 05/22/2007

represented by **Kevin M. Norris**
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Defendant

White Lodging Services Corp.

represented by **Thomas M. Williams**
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Date Filed	#	Docket Text
07/24/2006	<u>1</u>	COMPLAINT against Kentucky Convention Hotel Partners, LLC, White Lodging Services Corp., filed by Equal Employment Opportunity Commission. Filing Fee waived. (Attachments: # <u>1</u> Cover Sheet)(TLB) (Entered: 07/25/2006)
07/24/2006	<u>2</u>	Case Assignment (Random Selection): Case Assigned to Charles R. Simpson III. Magistrate designation: Dave Whalin. (TLB) (Entered: 07/25/2006)
07/24/2006		Summons Issued as to Kentucky Convention Hotel Partners, LLC, White Lodging Services Corp.. (TLB) (Entered: 07/25/2006)
07/26/2006	<u>3</u>	SUMMONS Returned Executed as to Kentucky Convention Hotel Partners, LLC served on 7/26/2006, answer due 8/15/2006; White Lodging Services Corp. served on 7/26/2006, answer due 8/15/2006. (TLB) (Entered: 07/28/2006)
09/15/2006	<u>4</u>	ANSWER to Complaint by White Lodging Services Corp..(Williams, Thomas) (Entered: 09/15/2006)
09/15/2006	<u>5</u>	MOTION to Dismiss by Kentucky Convention Hotel Partners, LLC. Responses due by 10/3/2006 (Attachments: # <u>1</u> Memorandum in Support # <u>2</u> Proposed Order # <u>3</u> Exhibit A Poe Affidavit# <u>4</u> Exhibit B Stessens Statement# <u>5</u> Exhibit C Payne Statement# <u>6</u> Exhibit D Management Agreement)(Hovious, R.) (Entered: 09/15/2006)
09/25/2006	<u>6</u>	MOTION for Extension of Time to File Response/Reply as to <u>5</u> MOTION to Dismiss by Equal Employment Opportunity Commission. Responses due by 10/2/2006 (Attachments: # <u>1</u> Proposed Order)(Brown, Kenneth) (Entered: 09/25/2006)
09/26/2006	<u>7</u>	ORDER by Dave Whalin on 9/26/06; granting <u>6</u> Motion for Extension of Time to File Response to Motion <u>5</u> . Extension granted until 10/24/06. cc:Counsel(JBM) (Entered: 09/26/2006)
10/24/2006	<u>8</u>	RESPONSE to Motion re <u>6</u> MOTION for Extension of Time to File Response/Reply as to <u>5</u> MOTION to Dismiss, <u>5</u> MOTION to Dismiss <i>Response to Motion to Dismiss</i> by Equal Employment Opportunity Commission. Replies due by 11/7/2006. (Attachments: # <u>1</u> Exhibit EEOC Information Sheet# <u>2</u> Exhibit Affidavit of Rasool# <u>3</u> Exhibit Interview with Mesa# <u>4</u> Exhibit Interview with Stessens# <u>5</u> Exhibit EEOC Questionnaire# <u>6</u> Exhibit Mahdi Charge of Discrimination# <u>7</u> Exhibit Muya Charge of Discrimination# <u>8</u> Exhibit Fayi Charge of Discrimination# <u>9</u> Exhibit Issa Charge of Discrimination# <u>10</u> Exhibit Myer Letter dtd June 29, 2005# <u>11</u> Exhibit Position Statement by Myer)(Brown, Kenneth) Additional attachment(s) added on 11/1/2006:

		Proposed Order (NMB). (Entered: 10/24/2006)
10/25/2006	<u>9</u>	Proposed Order re <u>8</u> Response to Motion,, by Equal Employment Opportunity Commission. (Brown, Kenneth) (Entered: 10/25/2006)
11/07/2006	<u>10</u>	MOTION for Extension of Time to File Response/Reply as to <u>8</u> Response to Motion,,, by Kentucky Convention Hotel Partners, LLC. Responses due by 11/15/2006 (Attachments: # <u>1</u> Proposed Order)(Norris, Kevin) (Entered: 11/07/2006)
11/09/2006	<u>11</u>	Proposed Agreed Order/Stipulation <i>Protective Order</i> . by Equal Employment Opportunity Commission, Kentucky Convention Hotel Partners, LLC, White Lodging Services Corp.. (Norris, Kevin) (Entered: 11/09/2006)
11/13/2006	<u>12</u>	AGREED PROTECTIVE ORDER by Magistrate Judge Dave Whalin on 11/13/2006;cc:Counsel(RLK) (Entered: 11/13/2006)
11/13/2006	<u>13</u>	ORDER by Magistrate Judge Dave Whalin on 11/13/2006; granting <u>10</u> Motion for Extension of Time to File Response. Louisville Marriott Downtown shall have until 11/13/2006 to file its Reply in support of its motion to dismiss. cc:Counsel(RLK) (Entered: 11/13/2006)
11/13/2006	<u>14</u>	REPLY to Response to Motion re <u>5</u> MOTION to Dismiss by Kentucky Convention Hotel Partners, LLC. (Attachments: # <u>1</u> Exhibit A – Poe Affidavit# <u>2</u> Exhibit B – Myer Affidavit)(Hovious, R.) (Entered: 11/13/2006)
01/29/2007	<u>16</u>	NOTICE of Appearance/Substitution by Jeffrey Calabrese on behalf of White Lodging Services Corp. (Calabrese, Jeffrey) (Entered: 01/29/2007)
02/15/2007	<u>17</u>	MOTION to Withdraw as Attorney <i>Kevin M. Norris</i> by Kentucky Convention Hotel Partners, LLC. Responses due by 3/5/2007 (Attachments: # <u>1</u> Proposed Order)(Norris, Kevin) (Entered: 02/15/2007)
02/22/2007	<u>18</u>	ORDER by Judge Charles R. Simpson III on 2/22/07 granting <u>17</u> Motion to Withdraw as Attorney by Kevin Norris. cc:Counsel(NMB) (Entered: 02/22/2007)
05/11/2007	<u>19</u>	MOTION to Notice of <i>Sealed Document</i> by Kentucky Convention Hotel Partners, LLC. Responses due by 5/29/2007 (Hovious, R.) (Entered: 05/11/2007)
05/22/2007	<u>20</u>	MEMORANDUM AND OPINION by Judge Charles R. Simpson III on 5/21/07 re <u>5</u> MOTION to Dismiss filed by Kentucky Convention Hotel Partners, LLC. Court will enter separate Order in accordance with this opinion.cc:Counsel(NMB) (Entered: 05/22/2007)
05/22/2007		ORDER by Judge Charles R. Simpson III on 5/21/07 granting <u>5</u> Motion to Dismiss for reasons set forth in <u>20</u> Memorandum Opinion. Action is DISMISSED WITH PREJUDICE AS TO KENTUCKY CONVENTION HOTEL PARTNERS, LLC. cc:Counsel(NMB) (Entered: 05/22/2007)
05/22/2007	<u>21</u>	NOTICE OF DOCKET CORRECTION re: Order on Motion to Dismiss. No document attached to entry; document attached to this entry. (NMB) (Entered: 05/22/2007)
07/16/2007	<u>22</u>	REPORT of Rule 26(f) Planning Meeting by Equal Employment Opportunity Commission, White Lodging Services Corp.. (Williams, Thomas) (Entered: 07/16/2007)
08/15/2007	<u>23</u>	ORDER by Judge Charles R. Simpson III (eboc) on 8/14/07 Referring Case to Magistrate Judge Dave Whalin. Scheduling Conference set for 9/12/2007 at 11:30 AM in Chambers before Magistrate Judge Whalin. Parties to comply with remainder of Order as set forth.cc:Counsel(NMB) (Entered: 08/15/2007)
08/22/2007	<u>24</u>	ORDER by USMJ Dave Whalin (eboc) on 8/21/07: Scheduling Conference previously set for 9/12/07 is moved to 10/3/2007 at 2:30 PM.cc:Counsel (NMB) (Entered: 08/22/2007)
09/24/2007	<u>25</u>	<i>Plaintiff's Scheduling Conference Statement</i> CONFERENCE STATEMENT re <u>24</u> Order, <u>23</u> Order Referring Case to Magistrate Judge, Schedules,, by Equal Employment Opportunity Commission. (Brown, Kenneth) (Entered: 09/24/2007)

09/27/2007	<u>26</u>	<i>Scheduling</i> CONFERENCE STATEMENT re <u>23</u> Order Referring Case to Magistrate Judge, Schedules,, by White Lodging Services Corp.. (Calabrese, Jeffrey) (Entered: 09/27/2007)
10/03/2007		Proceedings held before Magistrate Judge Dave Whalin : Scheduling Conference held on 10/3/2007. (NM) (Entered: 10/09/2007)
10/09/2007	<u>27</u>	ORDER by Magistrate Judge Dave Whalin on 10/5/07. Scheduling Conference held 10/3/07. Amended Pleadings due by 12/1/2007. Discovery due by 7/1/2008. Dispositive Motions due by 9/1/2008. Expert Witness (Defendant) due by 1/2/2008. Expert Witness (Plaintiff) due by 12/1/2007. Joinder of Parties due by 12/1/2007. Telephonic Status Conference set for 12/5/2007 at 10:15 AM. cc:Counsel (NM) (Entered: 10/09/2007)
12/05/2007	<u>28</u>	Order for proceedings held before Magistrate Judge Dave Whalin: Telephonic Status Conference held on 12/5/2007. Further Telephonic Status Conference set for 1/30/2008 at 11:30 AM. cc: counsel (NM) (Entered: 12/11/2007)
01/30/2008	<u>29</u>	Order (eboc) for proceedings held before Magistrate Judge Dave Whalin: Telephonic Status Conference held on 1/30/2008. Further Telephonic Status Conference set for 3/26/2008 at 09:45 AM. cc: counsel (NM) (Entered: 01/31/2008)
03/26/2008	<u>30</u>	Order (eboc) for proceedings held before Magistrate Judge Dave Whalin: Telephonic Status Conference held on 3/26/2008. Further Telephonic Status Conference set for 4/16/2008 at 10:15 AM. cc: counsel (NM) (Entered: 03/27/2008)
04/18/2008	<u>31</u>	Order (eboc) for proceedings held before Magistrate Judge Dave Whalin: Telephonic Status Conference was held on 4/16/2008. Discovery due by 8/1/2008. Dispositive Motions due by 9/1/2008. Further Telephonic Status Conference was set for 7/23/2008 at 09:30 AM before Magistrate Judge Dave Whalin. cc: Counsel (RLK) (Entered: 04/18/2008)
05/23/2008	<u>32</u>	NOTICE to Take Deposition of Fatuma Mahdi by White Lodging Services Corp.. (Williams, Thomas) (Entered: 05/23/2008)
05/23/2008	<u>33</u>	NOTICE to Take Deposition of Hawa Issa by White Lodging Services Corp.. (Williams, Thomas) (Entered: 05/23/2008)
05/23/2008	<u>34</u>	NOTICE to Take Deposition of Sangabo A. Fayi by White Lodging Services Corp.. (Williams, Thomas) (Entered: 05/23/2008)
07/23/2008	<u>35</u>	NOTICE to Take Deposition of Hawa Issa by White Lodging Services Corp.. (Williams, Thomas) (Entered: 07/23/2008)
07/23/2008	<u>36</u>	NOTICE to Take Deposition of Fatuma Mahdi by White Lodging Services Corp.. (Williams, Thomas) (Entered: 07/23/2008)
07/23/2008	<u>37</u>	NOTICE to Take Deposition of Sangabo A. Fayi by White Lodging Services Corp.. (Williams, Thomas) (Entered: 07/23/2008)
07/23/2008	<u>38</u>	Order (eboc) for proceedings held before Magistrate Judge Dave Whalin signed on 8/6/08: Telephonic Status Conference held on 7/23/2008. Discovery due by 10/1/2008. Dispositive Motions due by 11/1/2008. Further Telephonic Status Conference set for 9/25/2008 at 09:30 AM cc:counsel (NM) (Entered: 08/08/2008)
09/22/2008	<u>39</u>	NOTICE to Take Deposition of Nurta Muya by White Lodging Services Corp.. (Williams, Thomas) (Entered: 09/22/2008)
09/23/2008	<u>40</u>	NOTICE to Take Deposition of Nurta Muya (Amended) by White Lodging Services Corp.. (Williams, Thomas) (Entered: 09/23/2008)
09/25/2008	<u>41</u>	Order (eboc) for proceedings held before Magistrate Judge Dave Whalin: Telephonic Status Conference held on 9/25/2008. Discovery due by 11/15/2008. Dispositive Motions due by 12/25/2008. cc:counsel (NM) (Entered: 10/07/2008)
10/15/2008	<u>42</u>	NOTICE to Take Deposition of Veronica Stessons by White Lodging Services Corp.. (Williams, Thomas) (Entered: 10/15/2008)
11/03/2008	<u>43</u>	NOTICE TO TAKE DEPOSITION of Veronica Stessenson November 10, 2008 by White Lodging Services Corp.. (Williams, Thomas) Modified on 11/7/2008: changed

		from deposition to notice (NM). (Entered: 11/03/2008)
12/22/2008	<u>44</u>	Joint MOTION for Extension of Time to File <i>dispositive motions</i> by Plaintiff Equal Employment Opportunity Commission, Defendant White Lodging Services Corp. Responses due by 1/2/2009 (Attachments: # <u>1</u> Proposed Order Agreed Order) (Williams, Thomas) Modified on 12/23/2008: noted joint (NM). (Entered: 12/22/2008)
12/24/2008	<u>45</u>	AGREED ORDER by Magistrate Judge Dave Whalin on 12/24/08: Dispositive Motions due by 1/5/2009.cc:counsel (NM) (Entered: 12/24/2008)
01/05/2009	<u>46</u>	MOTION for Summary Judgment by Defendant White Lodging Services Corp. Responses due by 1/23/2009 (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Exhibit A-part 1-depo of Pascall, # <u>3</u> Exhibit A-part 2-depo of Pascall, # <u>4</u> Exhibit A-part 3-depo of Pascall, # <u>5</u> Exhibit A-part 4-depo of Pascall, # <u>6</u> Exhibit B-part 1 Depo of Payne, # <u>7</u> Exhibit B-part 2 Depo of Payne, # <u>8</u> Exhibit B-part 3 Depo of Payne, # <u>9</u> Exhibit B-part 4 Depo of Payne, # <u>10</u> Exhibit C-Agreement, # <u>11</u> Exhibit D-Depo of Stessens, # <u>12</u> Exhibit E-Employee Handbook, # <u>13</u> Exhibit F-Depo of Saidi, # <u>14</u> Exhibit G-Depo of Issa, # <u>15</u> Exhibit H-Depo of Mahdi, # <u>16</u> Exhibit I-EEOC Info Sheet, # <u>17</u> Affidavit of Chuck Lamotte, # <u>18</u> Proposed Order) (Williams, Thomas) (Additional attachment(s) added on 1/9/2009: # <u>19</u> Exhibit I) (TLB). (Entered: 01/05/2009)
01/06/2009	<u>47</u>	MOTION to Strike <u>46</u> MOTION for Summary Judgment by Defendant White Lodging Services Corp. Responses due by 1/26/2009 (Attachments: # <u>1</u> Exhibit I-Redacted Version of EEOC Info Sheet, # <u>2</u> Proposed Order) (Williams, Thomas) (Entered: 01/06/2009)
01/09/2009	<u>48</u>	ORDER by Judge Charles R. Simpson, III on 1/7/2009 granting <u>47</u> motion to strike and substitute Exhibit I re <u>46</u> MOTION for Summary Judgment. cc:counsel (TLB) (Entered: 01/09/2009)
01/21/2009	<u>49</u>	Joint MOTION for Extension of Time to File Response/Reply as to <u>46</u> MOTION for Summary Judgment by Plaintiff Equal Employment Opportunity Commission Responses due by 2/2/2009 (Attachments: # <u>1</u> Proposed Order For Enlargement of Time) (Brown, Kenneth) Modified on 1/22/2009: noted joint (NM). (Entered: 01/21/2009)
01/23/2009	<u>50</u>	AGREED ORDER signed by Judge Charles R. Simpson, III on 1/22/2009, GRANTING <u>49</u> Joint Motion for Extension of Time to File Response. Plaintiff's response to <u>46</u> Defendant's Motion for Summary Judgment is due by 2/6/2009. cc: Counsel (RLK) (Entered: 01/23/2009)
02/06/2009	<u>51</u>	RESPONSE to Motion re <u>46</u> MOTION for Summary Judgment filed by Equal Employment Opportunity Commission. Replies due by 2/20/2009. (Attachments: # <u>1</u> Plt Points and Authorities, # <u>2</u> Plt's List of Exhibits, # <u>3</u> Proposed Order, # <u>4</u> Exhibit No. 1, # <u>5</u> Exhibit No. 2, # <u>6</u> Exhibit, # <u>7</u> Exhibit 4 part 1, # <u>8</u> Exhibit 4 part 2, # <u>9</u> Exhibit No. 5, # <u>10</u> Exhibit No 6, # <u>11</u> Exhibit No 7 part 1, # <u>12</u> Exhibit No. 7 part 2, # <u>13</u> Exhibit No. 8, # <u>14</u> Exhibit No. 9, # <u>15</u> Exhibit No 10, # <u>16</u> Exhibit No. 11, # <u>17</u> Exhibit No. 12, # <u>18</u> Exhibit No. 13, # <u>19</u> Exhibit No. 14, # <u>20</u> Exhibit No. 15) (Brown, Kenneth) (Entered: 02/06/2009)
02/17/2009	<u>52</u>	Proposed Agreed Order/Stipulation by White Lodging Services Corp.. (Williams, Thomas) (Entered: 02/17/2009)
02/20/2009	<u>53</u>	AGREED ORDER by Judge Charles R. Simpson, III on 2/19/2009; <u>46</u> MOTION for Summary Judgment : Replies due by 3/13/2009.cc:counsel (TLB) (Entered: 02/20/2009)
03/12/2009	<u>54</u>	REPLY re <u>46</u> MOTION for Summary Judgment filed by White Lodging Services Corp. (Williams, Thomas) Modified on 3/13/09: removed link to Response (NM). (Entered: 03/12/2009)
04/01/2009	<u>55</u>	MOTION for Leave to File Surreply filed by Equal Employment Opportunity Commission. Responses due by 4/18/09. (Attachments: # <u>1</u> Tendered Sur-Reply, # <u>2</u> Proposed Order, # <u>3</u> Affidavit Veronica Stessens) (Brown, Kenneth) Modified on 4/2/2009: changed from response to motion , to motion; correct description of attachment (NM). (Entered: 04/01/2009)

04/15/2009	<u>56</u>	RESPONSE to re <u>55</u> MOTION for Leave to filed by White Lodging Services Corp.. (Attachments: # <u>1</u> Proposed Order) (Williams, Thomas) (Entered: 04/15/2009)
03/31/2010	<u>57</u>	MEMORANDUM OPINION AND ORDER signed by Judge Charles R. Simpson, III on 3/31/2010. For the reasons set forth, <u>55</u> Plaintiff's Motion for Leave to file a surreply is GRANTED, and <u>46</u> Defendant's Motion for Summary Judgment is DENIED. cc: Counsel (RLK) (Entered: 03/31/2010)
04/26/2010	<u>58</u>	Joint MOTION for Hearing <i>and settlement conference</i> by Plaintiff Equal Employment Opportunity Commission, and Defendant White Lodging Services Corp. Responses due by 5/20/2010. (Attachments: # <u>1</u> Proposed Order) (Brown, Kenneth) Modified on 4/27/2010: added party filer (RLK). (Entered: 04/26/2010)
04/30/2010	<u>59</u>	ORDER FOR SETTLEMENT CONFERENCE signed by Magistrate Judge Dave Whalin on 4/29/2010. Settlement Conference is set for 6/25/2010 at 09:00 AM before Magistrate Judge Dave Whalin. Parties to submit a CONFIDENTIAL settlement statement to the Magistrate Judge, by mail, at least seven (7) days prior to the Conference. Parties to comply with remainder of Order as set forth.cc: Counsel (RLK) (Entered: 04/30/2010)
06/21/2010	<u>60</u>	ORDER signed by Magistrate Judge Dave Whalin on 6/21/2010. Counsel has advised that all claims have been resolved. Settlement Conference set for 6/25/2010 is REMANDED. Parties to execute a detailed settlement agreement and release of all claims within twenty (20) days of the date of this Order. Magistrate Judge recommends action be dismissed as settled, with prejudice, with leave to reinstate within thirty (30) days should parties fail to fulfill the terms of the settlement agreement.cc: Counsel (RLK) (Entered: 06/21/2010)
06/28/2010	<u>61</u>	Joint MOTION to Submit Consent Decree by Plaintiff Equal Employment Opportunity Commission, and Defendant White Lodging Services Corp. (Attachments: # <u>1</u> Proposed Consent Decree). Responses due by 7/22/2010. (Brown, Kenneth) Modified on 6/29/2010: changed from a Settlement Statement to a Motion, set Response date, and added party filer (RLK). (Entered: 06/28/2010)
07/21/2010	<u>62</u>	CONSENT DECREE signed by Judge Charles R. Simpson, III on 7/14/2010. This is a final and appealable Order. cc: Counsel (RLK) (Entered: 07/21/2010)