

CASREF, CLOSED

U.S. District Court
Western District of Kentucky (Bowling Green)
CIVIL DOCKET FOR CASE #: 1:00-cv-00074-TBR-ERG

EEOC v. Stephen T Cox Inc, et al
Assigned to: Judge Thomas B. Russell
Referred to: Magistrate Judge E. Robert Goebel
Demand: \$0
Cause: 42:2000e Job Discrimination (Employment)

Date Filed: 04/25/2000
Jury Demand: Defendant
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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V.

Defendant

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doing business as
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represented by **Craig Cox**
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Defendant

Arete MDF, LLC

represented by **Craig Cox**
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Marvin L. Coan
 (See above for address)
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ATTORNEY TO BE NOTICED

| Date Filed | # | Docket Text |
|-------------------|----------|--|
| 04/25/2000 | 1 | COMPLAINT (Summons(es) issued) filing fee wv (MLL) (Entered: 04/25/2000) |
| 07/20/2000 | 2 | ANSWER by defendant Stephen T Cox Inc to [1-1]; jury demand (MLL) (Entered: 07/20/2000) |
| 09/15/2000 | 3 | ORDER by Judge Thomas B. Russell ; scheduling conf. set for 4:30 10/2/00 before Judge Thomas B. Russell (cc: all counsel) [Entry Date: 9/15/00] (MLL) (Entered: 09/15/2000) |
| 10/02/2000 | | FILE SUBMITTED to TBR at BG to take to Paducah (DIM) (Entered: 10/02/2000) |
| 10/02/2000 | 4 | RULE 26 DISCLOSURE STATEMENT by defendant Stephen T Cox Inc re [3-1] (MLL) (Entered: 10/02/2000) |
| 10/02/2000 | 5 | LITIGATION PLAN by plaintiff EEOC, defendant Stephen T Cox Inc re [3-2] (MLL) (Entered: 10/02/2000) |
| 10/02/2000 | | DOCUMENT NUMBER: 4,5 SUBMITTED to TBR at Paducah (MLL) (Entered: 10/02/2000) |
| 10/06/2000 | | FILE RETURNED (MLL) (Entered: 10/06/2000) |
| 10/06/2000 | 6 | SCHEDULING ORDER Judge Thomas B. Russell ; scheduling conference held on 10/2/00 ; disclosures set for 10/16/00; expert witnesses set for 4/1/01 for pla and 5/1/01 for dft; amendments set for 1/1/01 ; discovery set for 7/1/01 ; disp mtn ddl set for 8/1/01 ; pretrial conf set for 4:30 10/29/01 before Judge Thomas B. Russell ; jury trial set for 9:00 11/5/01 before Judge Thomas B. Russell Case |

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| | | referred to Mag Judge E. R. Goebel for all discovery matters (cc: all counsel){927} [Entry Date: 10/6/00] (MLL) (Entered: 10/06/2000) |
| 10/13/2000 | 7 | SUPPLEMENT by defendant Stephen T Cox Inc re disclosure statement [4-1] (MLL) (Entered: 10/13/2000) |
| 10/17/2000 | 8 | ATTORNEY APPEARANCE for plaintiff EEOC by Bobby C. Simpson (LMW) (Entered: 10/18/2000) |
| 11/15/2000 | 9 | NOTICE by defendant Stephen T Cox Inc to take deposition of robert Pendleton on 12/6/00 (MLL) (Entered: 11/15/2000) |
| 11/20/2000 | 10 | NOTICE by defendant Stephen T Cox Inc to take deposition of Kiyonta Goodin, LaToya Goodin, Shakara Goodin on 12/7/00 (MLL) (Entered: 11/20/2000) |
| 12/18/2000 | 11 | DEPOSITION of Robert Pendleton taken on the following date(s): 12/6/00 for dft (MLL) (Entered: 12/20/2000) |
| 12/28/2000 | 12 | MOTION by plaintiff EEOC for leave to amend complaint ; Memorandum in Support; amended complaint tendered; order tendered (MLL) (Entered: 12/28/2000) |
| 12/28/2000 | 13 | AFFIDAVIT of Nancy Dean Edmonds re [12-1] (MLL) (Entered: 12/28/2000) |
| 01/08/2001 | 14 | RESPONSE MEMORANDUM by defendant Stephen T Cox Inc to motion for leave to amend complaint [12-1] ; order tendered (MLL) (Entered: 01/08/2001) |
| 01/09/2001 | 15 | MOTION by defendant Stephen T Cox Inc to continue and reschedule conf set 10/29/01 ; order tendered (MLL) (Entered: 01/09/2001) |
| 01/16/2001 | | FILE SUBMITTED to TBR at Paducah (MLL) (Entered: 01/16/2001) |
| 01/16/2001 | 16 | REPLY by plaintiff EEOC to response to motion for leave to amend complaint [12-1] (MLL) (Entered: 01/16/2001) |
| 01/16/2001 | | DOCUMENT NUMBER: 16 SUBMITTED to TBR at Paducah (MLL) (Entered: 01/16/2001) |
| 01/22/2001 | 17 | ORDER by Judge Thomas B. Russell granting motion to continue and reschedule conf set 10/29/01 [15-1] ; telephonic pretrial conf set for 8:30 10/19/01 before Judge Thomas B. Russell (cc: all counsel) [Entry Date: 1/22/01] (MLL) Modified on 01/23/2001 (Entered: 01/22/2001) |
| 01/22/2001 | 18 | ORDER by Judge Thomas B. Russell granting motion for leave to amend complaint [12-1] (cc: all counsel) [Entry Date: 1/22/01] (MLL) (Entered: 01/22/2001) |
| 01/22/2001 | 19 | AMENDED COMPLAINT [1-1] by plaintiff EEOC; adding Arete MDF LLC; jury demand (MLL) (Entered: 01/22/2001) |
| 01/22/2001 | | FILE RETURNED (MLL) (Entered: 01/22/2001) |
| 01/31/2001 | 20 | ANSWER by defendant Stephen T Cox Inc to [19-1]; jury demand (MLL) (Entered: 01/31/2001) |
| 03/01/2001 | 21 | ANSWER by defendant to [19-1] (DIM) (Entered: 03/04/2001) |

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| 04/25/2001 | 22 | DEPOSITION of Nancye Combs taken on the following date(s): February 27, 2001 (LMW) (Entered: 04/25/2001) |
| 04/25/2001 | 23 | DEPOSITION for the Plaintiff of Phil Barber taken on the following date(s): February 27, 2001 (LMW) (Entered: 04/25/2001) |
| 04/25/2001 | 24 | DEPOSITION for Plaintiff of Drexel Curry taken on the following date(s): March 6, 2001 (LMW) (Entered: 04/25/2001) |
| 04/25/2001 | 25 | DEPOSITION for Plaintiff of Connie Sue McCorkle taken on the following date(s): March 6, 2001 (LMW) (Entered: 04/25/2001) |
| 04/25/2001 | 26 | DEPOSITION for Plaintiff of Cecil Clay Stubbs, Jr. taken on the following date(s): March 6, 2001 (LMW) (Entered: 04/25/2001) |
| 04/25/2001 | 27 | DEPOSITION for Plaintiff of Jonathon Shane Patterson taken on the following date(s): March 6, 2001 (LMW) (Entered: 04/25/2001) |
| 05/23/2001 | 28 | ANSWER TO INTERROGATORIES by defendant Arete MDF LLC (MLL) (Entered: 05/23/2001) |
| 05/31/2001 | 29 | DEPOSITION of Shakara Goodin taken on the following date(s): 12/7/00 for dft (MLL) (Entered: 05/31/2001) |
| 05/31/2001 | 30 | DEPOSITION of Kiyonta Goodin taken on the following date(s): 12/7/00 for dft (MLL) (Entered: 05/31/2001) |
| 05/31/2001 | 31 | DEPOSITION of Latoya Goodin Hunfjord taken on the following date(s): 12/7/00 for dft (MLL) (Entered: 05/31/2001) |
| 05/31/2001 | 32 | DEPOSITION of Kenneth Ray Durham taken on the following date(s): 12/7/00 for dft (MLL) (Entered: 05/31/2001) |
| 06/26/2001 | 33 | DEPOSITION of Howard Ray Robertson taken on the following date(s): June 7, 2001, by pla (DIM) (Entered: 06/26/2001) |
| 06/26/2001 | 34 | DEPOSITION of Joseph alan Sharp taken on the following date(s): June 7, 2001, by pla (DIM) (Entered: 06/26/2001) |
| 06/26/2001 | 35 | DEPOSITION of Ronnie Underwood taken on the following date(s): June 7, 2001, by pla (DIM) (Entered: 06/26/2001) |
| 07/09/2001 | 36 | MOTION by plaintiff EEOC for leave to amend complaint ; Memorandum in Support; amended complaint tendered order tendered (MLL) (Entered: 07/09/2001) |
| 07/11/2001 | | FILE SUBMITTED to ERG w/o expandables (KLL) (Entered: 07/11/2001) |
| 07/11/2001 | 37 | ORDER by Mag Judge E. R. Goebel ; telephone conf. set for 9:00 7/13/01 before Mag Judge E. R. Goebel (cc: all counsel) [Entry Date: 7/11/01] (MLL) (Entered: 07/11/2001) |
| 07/11/2001 | 38 | RESPONSE by defendant Stephen T Cox Inc, defendant Arete MDF LLC to motion for leave to amend complaint [36-1] ; order tendered (MLL) (Entered: 07/11/2001) |

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| 07/12/2001 | 39 | DEPOSITION of Stacey Loy taken on the following date(s): 5/23/01 for pla (MLL) (Entered: 07/12/2001) |
| 07/13/2001 | | DOCUMENT NUMBER: 37,38 SUBMITTED to ERG at Owensboro (MLL) (Entered: 07/13/2001) |
| 07/16/2001 | | FILE RETURNED to Bowling Green Clerk (KLL) (Entered: 07/16/2001) |
| 07/17/2001 | 40 | ORDER by Mag Judge E. R. Goebel ; telephone conference held on 7/13/01 : Plaintiff shall file motion for protective order relating to transcript of Sale Meadows no later than 7/23/2001. Response and replies to be filed pursuant to Local Rules. Defendants shall mail copies of transcripts along with any notes addressed to U.S.Magistrate Judge Goebel. It is further ordered that plaintiff shall file motion to compel regarding questions asked during the deposition of Steven T. Cox no later than 10 days following receipt of the transcript of deposition of Steven T. Cox. Responses and replies shall be filed pursuant to Local Rules. (cc: all counsel) [Entry Date: 7/17/01] (LMW) (Entered: 07/17/2001) |
| 07/17/2001 | 41 | CERTIFICATE OF COMPLIANCE (by sending to Judge Goebel, Attn: Kelly, two transcripts of interview of Dale Meadows) by defendant Stephen T Cox Inc (LMW) Modified on 07/17/2001 (Entered: 07/17/2001) |
| 07/19/2001 | 42 | CERTIFICATE by defendant Stephen T Cox Inc, defendant Arete MDF LLC that undersigned has forwarded all copies in his possession of transcript of Dale Meadows' statement (LMW) (Entered: 07/19/2001) |
| 07/20/2001 | 43 | MOTION by plaintiff for protective order ; Memorandum in Support; order tendered (SEALED) (Entered: 07/20/2001) |
| 07/20/2001 | 44 | REPLY by plaintiff to response to motion for leave to amend complaint [36-1] (SEALED) (Entered: 07/20/2001) |
| 07/27/2001 | 45 | ORDER by Mag Judge E. R. Goebel ; telephone conf. set for 2:30 7/30/01 before Mag Judge E. R. Goebel (cc: all counsel) [Entry Date: 7/27/01] (KLL) (Entered: 07/27/2001) |
| 07/30/2001 | | FILE SUBMITTED to ERG at Owensboro (KLL) (Entered: 07/30/2001) |
| 07/30/2001 | | FILE SUBMITTED to TBR at Paducah (KLL) (Entered: 07/30/2001) |
| 07/30/2001 | 46 | ATTORNEY APPEARANCE for plaintiff EEOC by Johanna Philhower Maple (DIM) (Entered: 07/30/2001) |
| 07/31/2001 | | DOCUMENT NUMBER: 45 & 46 SUBMITTED to TBR in Paducah (LMW) (Entered: 07/31/2001) |
| 08/02/2001 | 47 | MOTION by defendant for extension of time to and including 8/24/01 fo file Memorandum in support of its mo for proto regarding transcript of Dale Meadows. order tendered (DIM) (Entered: 08/04/2001) |
| 08/06/2001 | 48 | ORDER by Mag Judge E. R. Goebel; telephonic conference held on 7/30/01 ; pla ordered to respond to dft's request for production of documents (cc: all counsel) [Entry Date: 8/6/01] (PJH) (Entered: 08/06/2001) |
| 08/08/2001 | 50 | AMENDED COMPLAINT [19-1], [1-1] by plaintiff EEOC; jury demand (See Order - DKT # 51) (DIM) Modified on 08/11/2001 (Entered: 08/11/2001) |

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| 08/09/2001 | 49 | MOTION by plaintiff EEOC to compel answers to questions to Stephen T. Cox ; Memorandum in Support; order tendered (LMW) (Entered: 08/09/2001) |
| 08/09/2001 | | DOCUMENT NUMBER: 47 SUBMITTED to ERG (LMW) (Entered: 08/09/2001) |
| 08/10/2001 | | FILE RETURNED (DIM) (Entered: 08/11/2001) |
| 08/11/2001 | 51 | ORDER by Judge Thomas B. Russell granting motion for leave to amend complaint [36-1] (cc: all counsel) [Entry Date: 8/11/01] (DIM) (Entered: 08/11/2001) |
| 08/16/2001 | 52 | ORDER by Mag Judge E. R. Goebel granting motion for extension of time to and including 8/24/01 fo file Memorandum in support of its mo for proto [47-1] (cc: all counsel) [Entry Date: 8/16/01] (LMW) (Entered: 08/16/2001) |
| 08/17/2001 | | BEGIN VOLUME # II (MLL) (Entered: 10/03/2001) |
| 08/21/2001 | 53 | RESPONSE by defendant Stephen T Cox Inc to motion to compel answers to questions to Stephen T. Cox [49-1] ; order tendered (LMW) (Entered: 08/21/2001) |
| 08/21/2001 | 54 | RESPONSE by defendant Stephen T Cox Inc to motion for protective order [43-1] ; order tendered (LMW) (Entered: 08/21/2001) |
| 08/21/2001 | 55 | ANSWER TO SECOND AMENDED COMPLAINT by defendant Stephen T Cox Inc, defendant Arete MDF LLC to [50-1]; jury demand (LMW) (Entered: 08/21/2001) |
| 09/12/2001 | 56 | OBJECTIONS to Plaintiff's First Request for Admissions by defendant Arete MDF LLC (LMW) (Entered: 09/12/2001) |
| 09/12/2001 | 56 | MOTION by defendant Arete MDF LLC to strike Plaintiff's First Request for Admissions ; order tendered (LMW) (Entered: 09/12/2001) |
| 09/14/2001 | 57 | PETITION FOR WRIT OF HABEAS CORPUS AD TESTIFICANDUM for Robert Pendleton on 11/5/01 at 9:00 a.m.; memorandum in support; order tendered (MLL) (Entered: 09/14/2001) |
| 09/17/2001 | 58 | ORDER by Mag Judge E. R. Goebel ; settlement conf set for 11:00 10/2/01 before Mag Judge E. R. Goebel ; status rpt ddl set for 9/25/01 (cc: all counsel) [Entry Date: 9/17/01] (MLL) (Entered: 09/17/2001) |
| 09/21/2001 | 59 | RESPONSE by plaintiff EEOC to motion to strike Plaintiff's First Request for Admissions [56-1] ; order tendered (MLL) (Entered: 09/21/2001) |
| 09/27/2001 | 60 | ORDER by Judge Thomas B. Russell denying motion for protective order [43-1] (cc: all counsel) [Entry Date: 9/27/01] (MLL) (Entered: 09/27/2001) |
| 09/27/2001 | 61 | ORDER by Judge Thomas B. Russell granting motion to compel answers to questions to Stephen T. Cox [49-1]; the motion for fees is denied (cc: all counsel) [Entry Date: 9/27/01] (MLL) (Entered: 09/27/2001) |
| 09/27/2001 | 62 | REPLY by defendant Stephen T Cox Inc, defendant Arete MDF LLC to response to motion to strike Plaintiff's First Request for Admissions [56-1] (MLL) (Entered: 09/27/2001) |

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| 10/02/2001 | 63 | LIST OF DEPOSITION EXCERPTS by plaintiff EEOC (MLL) (Entered: 10/02/2001) |
| 10/02/2001 | 64 | JURY INSTRUCTIONS submitted by plaintiff EEOC (MLL) (Entered: 10/02/2001) |
| 10/02/2001 | 65 | TRIAL brief filed by plaintiff EEOC (MLL) (Entered: 10/02/2001) |
| 10/02/2001 | 66 | WITNESS list filed by plaintiff EEOC (MLL) (Entered: 10/02/2001) |
| 10/02/2001 | 67 | VOIR DIRE filed by plaintiff EEOC (MLL) (Entered: 10/02/2001) |
| 10/02/2001 | 68 | MOTION by plaintiff EEOC in limine re: evidence of any affirmative defense ; memorandum in Support; order tendered (MLL) (Entered: 10/02/2001) |
| 10/02/2001 | 69 | SEALED document by plaintiff EEOC (MLL) (Entered: 10/02/2001) |
| 10/04/2001 | 70 | REPORT by Mag Judge E. R. Goebel: Settlement conf held 10/3/01; following negotiations the undersigned reports that the parties reached an amicable resolution of the case; counsel will submit appropriate documents for consideration by Judge Thomas B. Russell (cc: all counsel) [Entry Date: 10/4/01] (MLL) (Entered: 10/04/2001) |
| 10/04/2001 | 71 | EXHIBIT list by plaintiff EEOC (MLL) (Entered: 10/05/2001) |
| 10/18/2001 | 72 | ORDER by Judge Thomas B. Russell dismissing case as settled (cc: all counsel) [Entry Date: 10/18/01] (MLL) (Entered: 10/18/2001) |
| 10/29/2001 | 73 | MOTION by plaintiff EEOC to reopen the case ; Memorandum in Support; order tendered (MLL) (Entered: 10/29/2001) |
| 11/01/2001 | 74 | ORDER by Mag Judge E. R. Goebel ; telephone conf. set for 11:30 11/6/01 before Mag Judge E. R. Goebel (cc: all counsel) [Entry Date: 11/1/01] (MLL) (Entered: 11/01/2001) |
| 11/06/2001 | 75 | ORDER by Mag Judge E. R. Goebel ; telephone conference cont on 11/6/01 ; telephone conf. set for 11:00 11/8/01 before Mag Judge E. R. Goebel (cc: all counsel) [Entry Date: 11/6/01] (MLL) (Entered: 11/06/2001) |
| 11/13/2001 | 76 | ORDER by Mag Judge E. R. Goebel ; telephone conference held on 11/8/01 ; it was determined there are two options on proceeding i.e., settle as reflected in document signed 10/2/01 or defendant can advise it is unsatisfactory and plaintiff can file motion to enforce settlement to be heard by Judge Russell. the Defendant will communicate in writing within 5 days as to how he will proceed. (cc: all counsel) [Entry Date: 11/13/01] (LMW) (Entered: 11/13/2001) |
| 11/14/2001 | 77 | JOINT MOTION by plaintiff EEOC, defendant Stephen T Cox Inc, defendant Arete MDF LLC for order for entry of consent decree ; Consent Decree; order tendered (LMW) Modified on 11/14/2001 (Entered: 11/14/2001) |
| 11/14/2001 | | FILE SUBMITTED to TBR in O'boro (LMW) (Entered: 11/14/2001) |
| 11/21/2001 | | FILE RETURNED (DIM) (Entered: 11/21/2001) |
| 11/21/2001 | 78 | CONSENT JUDGMENT by Judge Thomas B. Russell granting motion for order for entry of consent decree [77-1]; dfts agree not to discriminate on the basis of race.....see original Consent for further details...the term of this Decree shall be |

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| | | for 18 months following the date of entry of this Decree; Commission and Dfts to bear their own costs and atty fees; Retention of Jurisdiction will remain with Court through the duration of this Decree for purposes of monitoring compliance with Decree and entry of further orders as may be necessary. (cc: all counsel) [Entry Date: 11/21/01] (DIM) (Entered: 11/21/2001) |
| 01/25/2002 | | LETTER from defendants Stephen T Cox Inc and Arete MDF LLC w/copies of settlement checks, certified mail receipts and signed return receipts for Kenneth Durham, Kiyonta Goodin, Shakara Goodin, Latoya Goodin Hunfjord, and Robert Pendleton (CDF) (Entered: 01/25/2002) |
| 04/05/2002 | 79 | ORDER (EBOC) by Judge Thomas B. Russell: Counsel for the parties shall withdraw the depos and any exhibits within 14 days from date of this order...If not withdrawn within 14 days the clerk shall destroy them. (cc: all counsel) [Entry Date: 4/5/02] (MLL) (Entered: 04/05/2002) |

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