

**U.S. District Court
Eastern District of Louisiana (New Orleans)
CIVIL DOCKET FOR CASE #: 2:05-cv-02668-DEW-JCW**

Equal Employment Opportunity Commission v. Kansas City
Southern Railway Company
Assigned to: Donald E Walter
Referred to: Magistrate Judge Joseph C. Wilkinson, Jr
Lead case: [2:03-cv-02742-DEW-JCW](#)
Member case: ([View Member Case](#))
Cause: 42:2000e Job Discrimination (Employment)

Date Filed: 06/29/2005
Date Terminated: 01/31/2013
Jury Demand: Both
Nature of Suit: 442 Civil Rights: Jobs
Jurisdiction: Federal Question

Plaintiff

**Equal Employment Opportunity
Commission**

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V.

Intervenor

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Intervenor

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V.

Intervenor Plaintiff

Clarence Cargo

TERMINATED: 03/29/2006

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Intervenor Plaintiff

Jesse James Frank

TERMINATED: 03/29/2006

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Movant

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Gregory Paul
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Date Filed	#	Docket Text
06/29/2005	<u>1</u>	COMPLAINT against Kansas City Southern Railway Company filed by Equal Employment Opportunity Commission.(bbc,) (Entered: 06/30/2005)
06/29/2005	2	Summons Issued as to Kansas City Southern Railway Company. (bbc,) (Entered: 06/30/2005)
07/15/2005	<u>3</u>	WAIVER OF SERVICE Returned Executed; waiver sent to Kansas City Southern Railway Company on 6/29/2005, answer due 8/29/2005. (bbc,) (Entered: 07/18/2005)
07/27/2005	<u>4</u>	AMENDED COMPLAINT against Kansas City Southern Railway Company filed by Equal Employment Opportunity Commission.(gec,) (Entered: 08/01/2005)
08/26/2005	<u>10</u>	MOTION to Intervene by Roberta Brown. (lag,) (Entered: 11/03/2005)
10/11/2005	<u>5</u>	ANSWER to Amended Complaint with Jury Demand by Defendant Kansas City Southern Railway Company.(gbw,) (Entered: 10/18/2005)
10/11/2005	<u>6</u>	Statement of Corporate Disclosure by Kansas City Southern Railway Company identifying Kansas City Southern as Corporate Parent. (gbw,) (Entered: 10/18/2005)
10/11/2005	<u>7</u>	Notice of Related Case(s) by Kansas City Southern Railway Company of related case(s) 05-69, 03-2742 (EDLA), 03-765 (WDLA). (gbw,) (Entered: 10/18/2005)
10/18/2005	<u>8</u>	ORDER TRANSFERRING CASE. Case transferred to Judge Helen G. Berrigan and Joseph C. Wilkinson, Jr for all further proceedings. Judge Sarah S. Vance, Alma L. Chazez no longer assigned to case. Signed by Judge Sarah S. Vance on 10/17/05.(plh,) (Entered: 10/21/2005)
10/28/2005	<u>9</u>	ORDER Preliminary Conference set for 12/13/2005 11:00 AM before Magistrate Judge Joseph C. Wilkinson, Jr. Signed by Judge Joseph C. Wilkinson Jr. on 10/25/05.(plh,) (Entered: 10/31/2005)

11/01/2005	<u>11</u>	ORDER deferring ruling on <u>10</u> Motion to Intervene . Signed by Judge Joseph C. Wilkinson Jr. (lag,) (Entered: 11/03/2005)
11/08/2005	<u>12</u>	ORDER that all parties do not consent to proceed before a magistrate judge; the preliminary conference set for 12/13/05 is CANCELED. Signed by Judge Joseph C. Wilkinson Jr. on 11/8/05.(plh,) (Entered: 11/10/2005)
11/10/2005	<u>13</u>	ORDER that the automatic referral to the Magistrate Judge is VACATED. Signed by Judge Helen G. Berrigan on 11/10/05.(plh,) (Entered: 11/14/2005)
11/18/2005	<u>16</u>	MOTION by William C. Martucci to Appear Pro Hac Vice (Filing fee \$5.) by Kansas City Southern Railway Company. (dno,) (Entered: 12/01/2005)
11/18/2005	<u>17</u>	MOTION by Kristen A. Page to Appear Pro Hac Vice (Filing fee \$5.) by Kansas City Southern Railway Company. (dno,) (Entered: 12/01/2005)
11/28/2005	<u>14</u>	ORDER granting <u>10</u> Motion to Intervene . Signed by Judge Joseph C. Wilkinson Jr. on 11/28/05. (plh,) (Entered: 11/29/2005)
11/28/2005	<u>15</u>	Intervenor COMPLAINT filed by Roberta Brown.(plh,) (Entered: 11/29/2005)
11/28/2005	<u>18</u>	ORDER granting <u>16</u> Motion to Appear Pro Hac Vice as to William C. Martucci. Signed by Judge Sarah S. Vance on 11/28/05. (dno,) (Entered: 12/01/2005)
11/28/2005	<u>19</u>	ORDER granting <u>17</u> Motion to Appear Pro Hac Vice as to Kristen A. Page. Signed by Judge Sarah S. Vance on 11/28/05. (dno,) (Entered: 12/01/2005)
12/16/2005	<u>20</u>	ORDER that parties show cause why this matter should not be transferred as set forth in document. Signed by Judge Helen G. Berrigan on 12/16/05.(plh,) (Entered: 12/19/2005)
12/19/2005	<u>21</u>	ANSWER to Intervenor Complaint by Defendant Kansas City Southern Railway Company.(plh,) (Entered: 12/21/2005)
01/04/2006	<u>22</u>	MOTION to Transfer Venue by Kansas City Southern Railway Company. (plh,) (Entered: 01/05/2006)
01/04/2006	<u>23</u>	MOTION for Extension of Transfer of Venue Briefing Deadline by Equal Employment Opportunity Commission. (plh,) (Entered: 01/06/2006)
01/04/2006	<u>25</u>	MOTION to Change Designation of Trial Attorney by Equal Employment Opportunity Commission. (plh,) (Entered: 01/06/2006)
01/06/2006	<u>24</u>	ORDER granting <u>23</u> Motion for Extension of Transfer of Venue Briefing Deadline . Signed by Judge Helen G. Berrigan on 1/4/06. (plh,) (Entered: 01/06/2006)
01/06/2006	<u>26</u>	ORDER granting <u>25</u> Motion to Change Designation of Trial Attorney . Signed by Judge Helen G. Berrigan on 1/4/06. (plh,) (Entered: 01/06/2006)
01/31/2006	<u>30</u>	MOTION to Intervene by Thomas D Turner and UNSIGNED ORDER. (plh,) (Entered: 03/20/2006)
02/01/2006	<u>27</u>	BRIEF re: whether venue should be transferred and RESPONSE/MEMORANDUM in Opposition filed by Equal Employment Opportunity Commission re <u>22</u> MOTION to Transfer Case. (plh,) (Entered: 02/01/2006)
03/01/2006	<u>28</u>	MOTION to Intervene by Clarence Cargo, Jesse James Frank. Motion Hearing set for 3/29/2006 11:00 AM before Magistrate Judge Joseph C. Wilkinson, Jr. (proposed original intervening cmp attached) (bbc,) Modified on 3/7/2006 to correct referral Judge (bbc,). (Entered: 03/02/2006)
03/01/2006	29	Correction of Docket Entry by Clerk re <u>28</u> MOTION to Intervene should be set before Magistrate Judge Joseph C. Wilkinson, Jr. (Judge Vance & Mag Judge Chasez no longer assigned to this case, case is now before Judge Berrigan & Magistrate Wilkinson) (bbc,) (Entered: 03/07/2006)
03/17/2006	<u>31</u>	ORDER denying <u>22</u> Motion to Transfer Case AND granting <u>30</u> Motion to Intervene . Signed by Judge Helen G. Berrigan on 3/16/06. (plh,) (Entered: 03/20/2006)
03/17/2006	<u>32</u>	Intervenor COMPLAINT filed by Thomas D Turner.(plh,) (Entered: 03/20/2006)

03/21/2006	<u>33</u>	RESPONSE/MEMORANDUM in Opposition filed by Kansas City Southern Railway Company re <u>28</u> MOTION to Intervene. (gac,) (Entered: 03/22/2006)
03/22/2006	<u>34</u>	MOTION for Leave to File Exhibit to dft's Opposition to Motion to Intervene by Kansas City Southern Railway Company. (plh,) (Entered: 03/24/2006)
03/23/2006	<u>35</u>	ORDER granting <u>34</u> Motion for Leave to File . Signed by Judge Helen G. Berrigan on 3/23/06. (plh,) (Entered: 03/24/2006)
03/29/2006	<u>36</u>	ORDER denying <u>28</u> Motion to Intervene filed by Clarence Cargo & Jesse James Frank. Signed by Judge Joseph C. Wilkinson Jr. (car,) (Entered: 03/29/2006)
04/06/2006	<u>37</u>	MOTION to Appear as Additional Counsel of Record as to Jim Sacher by Equal Employment Opportunity Commission. (plh,) (Entered: 04/11/2006)
04/10/2006	<u>38</u>	ORDER granting <u>37</u> Motion to Appear . Signed by Judge Helen G. Berrigan on 4/7/06. (plh,) (Entered: 04/11/2006)
05/01/2006	<u>39</u>	NOTICE Scheduling Conference set for 5/16/2006 10:15 AM before courtroom deputy by telephone, by Clerk.(plh,) (Entered: 05/01/2006)
05/16/2006	<u>40</u>	SCHEDULING ORDER: Final Pretrial Conference set for 3/6/2007 09:00 AM before Chief Judge Helen G. Berrigan. Telephone Status Conference set for 2/6/2007 03:00 PM before Chief Judge Helen G. Berrigan. Jury Trial set for 3/26/2007 10:00 AM before Chief Judge Helen G. Berrigan. Signed by Clerk for Judge Helen G. Berrigan on 5/16/06. (Attachments: # <u>1</u> Pretrial Notice Form)(plh,) (Entered: 05/16/2006)
06/20/2006	<u>41</u>	EXPARTE/CONSENT MOTION to Appear Pro Hac Vice as to Carrie A. McAtee (Filing fee \$5.) by Kansas City Southern Railway Company. (Attachments: # <u>1</u> Exhibit)(plh,) (Entered: 06/26/2006)
06/22/2006	<u>42</u>	ORDER granting <u>41</u> Motion to Appear Pro Hac Vice as to Carrie A. McAtee. Signed by Judge Helen G. Berrigan on 6/21/06. (plh,) (Entered: 06/26/2006)
06/28/2006	<u>43</u>	EXPARTE/CONSENT MOTION to Appear Pro Hac Vice as to Kristen A. Page (Filing fee \$5.) by Kansas City Southern Railway Company. (plh,) (Entered: 07/03/2006)
06/29/2006	<u>44</u>	ORDER granting <u>43</u> Motion to Appear Pro Hac Vice as to Kristen A. Page. Signed by Judge Helen G. Berrigan on 6/28/06. (plh,) (Entered: 07/03/2006)
07/25/2006	<u>45</u>	ORDER consolidating cases 03-2742 with member case 05-2668. The clerk is to establish a master file and docket sheet. All entries are made on master docket sheet except orders and documents terminating a party or disposing of a case which will also be entered on the individual docket sheet . Signed by Judge Helen G. Berrigan on 7/25/06.(plh,) (Entered: 07/27/2006)
11/04/2008	<u>46</u>	ORDER TRANSFERRING CASE. Case transferred to Donald E Walter for all further proceedings. Judge Helen G. Berrigan no longer assigned to case. Signed by Judge Helen G. Berrigan on 11/3/08.(plh,) (Entered: 11/04/2008)
05/19/2009	<u>47</u>	JUDGMENT: ORDERED that the Motion for Summary Judgment filed by Kansas City Railway Company is granted and all claims against KCS are DISMISSED with prejudice. Signed by Donald E Walter on 5/19/09.(Reference: 03-2742, 05-2668)(jtd) (Entered: 05/19/2009)
06/05/2009	<u>48</u>	NOTICE OF APPEAL by Thomas D Turner as to <u>47</u> Judgment. Filing fee \$ 455 paid. (Reference: 03-2742, 05-2668) (jtd) (Entered: 06/05/2009)
07/17/2009	<u>49</u>	NOTICE OF APPEAL by Equal Employment Opportunity Commission as to <u>47</u> Judgment. (Reference: 03-2742, 05-2668) (jtd) (Entered: 07/23/2009)
07/17/2009	<u>50</u>	CERTIFICATE of Counsel by Gregory T. Juge UNDER FED. R. APP. P. 10(b) stating that no transcript needs to be ordered in connection with appeal. (Reference: 03-2742, 05-2668)(Juge, Gregory)(cc: appeals clerk) (jtd) (Entered: 07/23/2009)
07/17/2009	<u>51</u>	NOTICE OF APPEAL by Roberta Brown as to <u>47</u> Judgment. (Reference: 03-2742, 05-2668) (jtd) Modified on 8/8/2012 to terminate appeal as of 2/5/10 per USCA Order doc. #325 in master case 03cv2742(jtd). (Entered: 07/23/2009)

07/31/2012	<u>52</u>	USCA JUDGMENT issued as mandate on 7/24/12 as to <u>48</u> Notice of Appeal filed by Thomas D Turner, <u>49</u> Notice of Appeal filed by Equal Employment Opportunity Commission. It is ORDERED that the judgment of the District Court is affirmed in part and reversed in part, and the cause is remanded to the District Court for further proceedings in accordance with the opinion of this Court. Further ORDERED that appellee pay to appellants the costs on appeal to be taxed by the Clerk of this Court. USCA judge name: Dennis, Owen, Southwick. (Attachments: # <u>1</u> USCA Opinion, # <u>2</u> Bill of Costs, # <u>3</u> USCA Transmittal Letter)(jtd) (Entered: 08/08/2012)
01/31/2013	<u>53</u>	CONSENT DECREE: Decree is entered in full and complete settlement of any and all claims arising out of or contained in Civil Action 05-2668 as regards to defendant Kansas City Southern Railway. This Consent Decree constitutes a complete resolution of all claims that were made by the U.S. Equal Employment Opportunity Commission against Defendant Kansas City Southern Railway in this action as set forth in document regarding Thomas Turner and Lester Turner. EEOC and defendant shall bear their own costs and attorney's fees. This Consent Decree shall remain in effect and shall be enforceable by EEOC for one year from its entry. Signed by Judge Donald E Walter on 1/31/13.(Reference: 03cv2742, 05cv2668)(jtd) (Entered: 01/31/2013)