

CASREF, CLOSED, MAG-D, MAG-S

**U.S. District Court
District of Maryland (Greenbelt)
CIVIL DOCKET FOR CASE #: 8:05-cv-02697-RWT**

EEOC v. RRR Bowie, LLC
Assigned to: Judge Roger W Titus
Referred to: Magistrate Judge William Connelly
Cause: 42:2000 Job Discrimination (Race)

Date Filed: 09/28/2005
Date Terminated: 03/24/2008
Jury Demand: Plaintiff
Nature of Suit: 442 Civil Rights: Jobs
Jurisdiction: U.S. Government Plaintiff

Plaintiff

EEOC

represented by **Debra Michele Lawrence**
U S Equal Employment Opportunity
Commission
City Crescent Bldg
10 S Howard St Third Fl
Baltimore, MD 21201
14102092734
Fax: 14109624270
Email: debra.lawrence@eeoc.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Gerald S Kiel
US Equal Employment Opportunity
Commission
City Crescent Bldg
10 S Howard St Third Fl
Baltimore, MD 21201
14109624207
Fax: 14109624270
Email: gerald.kiel@eeoc.gov
ATTORNEY TO BE NOTICED

Gwendolyn Young Reams
U S Equal Employment Opportunity
Commission
City Crescent Bldg
10 S Howard St Third Fl
Baltimore, MD 21201
14109624260

Fax: 14109622817
ATTORNEY TO BE NOTICED

Maria Luisa Morocco
US Equal Employment Opportunity
Commission
City Crescent Bldg
10 S Howard St Third Fl
Baltimore, MD 21201
14102092730
Fax: 14109624270
Email: maria.morocco@eeoc.gov
ATTORNEY TO BE NOTICED

Maria Salacuse
U S Equal Employment Opportunity
Commission
Baltimore Field Office
10 S. Howard Street, 3rd Floor
Baltimore, MD 21201
14102092733
Fax: 14109624341
Email: maria.salacuse@eeoc.gov
ATTORNEY TO BE NOTICED

V.

Defendant

RRR Bowie, LLC
doing business as
Toyota of Bowie

represented by **Allan Ames Noble**
Budow and Noble PC
Air Rights Bldg
7315 Wisconsin Ave Ste 500 West
Bethesda, MD 20814
13016540896
Fax: 13019079591
Email: anoble@budownoble.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Steven M Nemeroff
Wortman and Nemeroff
7700 Old Georgetown Rd Ste 520
Bethesda, MD 20814
13019865200
Fax: 13019864520
Email: smn@WortmanNemeroff.com
LEAD ATTORNEY

ATTORNEY TO BE NOTICED

| Date Filed | # | Docket Text |
|------------|--------------------|--|
| 09/28/2005 | 1 | COMPLAINT against RRR Bowie, LLC , filed by EEOC. (Attachments: # 1 Civil Cover Sheet)(apl, Deputy Clerk) (Entered: 09/29/2005) |
| 09/28/2005 | | Jury Trial Demand by EEOC. (apl, Deputy Clerk) (Entered: 09/29/2005) |
| 09/29/2005 | 2 | Summons Issued 20 days as to RRR Bowie, LLC. (apl, Deputy Clerk) (Entered: 09/29/2005) |
| 12/22/2005 | 3 | ANSWER to Complaint by RRR Bowie, LLC.(Noble, Allan) (Entered: 12/22/2005) |
| 12/23/2005 | 4 | SCHEDULING ORDER: Status Report due by 5/8/2006.. Signed by Judge Roger W Titus on 12/23/05. (rank, Deputy Clerk) (Entered: 12/27/2005) |
| 01/04/2006 | 5 | NOTICE of Appearance by Steven M Nemeroff on behalf of RRR Bowie, LLC (Nemeroff, Steven) (Entered: 01/04/2006) |
| 01/06/2006 | 6 | Status Report Submitted by <i>Defendant and</i> by EEOC (Lawrence, Debra) (Entered: 01/06/2006) |
| 01/06/2006 | 7 | ORDER REFERRING CASE to Magistrate Judge Charles B. Day for settlement. Signed by Judge Roger W Titus on 1/6/06. (jmw, Chambers) (Entered: 01/06/2006) |
| 02/02/2006 | 8 | Correspondence re: scheduling settlement conference. Reply required. (bab, Chambers) (Entered: 02/02/2006) |
| 02/03/2006 | 9 | Letter/Order scheduling settlement conference with consent of the parties.. Signed by Judge Charles B. Day on 02/03/2006. (c/m 2/3/06)(elt, Deputy Clerk) (Entered: 02/03/2006) |
| 02/14/2006 | 10 | MOTION to Compel by EEOC. Responses due by 3/3/2006 (Attachments: # 1 Memorandum in Support thereof)(Lawrence, Debra) (Entered: 02/14/2006) |
| 02/14/2006 | 11 | CERTIFICATE of Counsel re 10 MOTION to Compel by Debra Michele Lawrence on behalf of EEOC (Lawrence, Debra) (Entered: 02/14/2006) |
| 02/16/2006 | 12 | ORDER REFERRING CASE to Magistrate Judge William Connelly for discovery. Signed by Judge Roger W Titus on 2/16/06. (jmw, Chambers) (Entered: 02/16/2006) |
| 02/23/2006 | 13 | MOTION to Withdraw <i>Motion to Compel</i> by EEOC. Responses due by 3/13/2006 (Lawrence, Debra) (Entered: 02/23/2006) |
| 02/24/2006 | 14 | PAPERLESS ORDER GRANTING 13 Plaintiff's Motion for Leave to Withdraw Its Motion to Compel. Signed by Judge William Connelly on 02/24/06. (Connelly, William) (Entered: 02/24/2006) |
| 02/24/2006 | 15 | PAPERLESS ORDER FINDING AS MOOT 10 Plaintiff's Motion to Compel. Signed by Judge William Connelly on 02/24/06. (Connelly, William) (Entered: 02/24/2006) |

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| 04/04/2006 | 16 | Consent MOTION to Continue /Revise Scheduling Order by RRR Bowie, LLC. Responses due by 4/21/2006 (Attachments: # 1 Supplement Points and Authorities# 2 Text of Proposed Order)(Noble, Allan) (Entered: 04/04/2006) |
| 04/05/2006 | 17 | PAPERLESS ORDER GRANTING 16 Consent Motion to Modify the Scheduling Order. Discovery/Status Report deadline 9/11/06; Requests for Admissions 9/18/06; Dispositive Motions deadline 10/10/06. Signed by Judge Roger W Titus on 4/4/06. (Titus, Roger) (Entered: 04/05/2006) |
| 04/18/2006 | 18 | NOTICE of Change of Address by Allan Ames Noble (Noble, Allan) (Entered: 04/18/2006) |
| 04/27/2006 | 19 | Settlement Conference - setting (bab, Chambers) (Entered: 04/27/2006) |
| 04/28/2006 | | Settlement Conference held on 4/27/2006 before Judge Charles B. Day. (bab, Chambers) (Entered: 04/28/2006) |
| 06/30/2006 | 20 | Correspondence re: rescheduling settlement conference. (bab, Chambers) (Entered: 06/30/2006) |
| 07/27/2006 | 21 | Correspondence re: rescheduling settlement conference. Reply required. (bab, Chambers) (Entered: 07/27/2006) |
| 08/07/2006 | 22 | Emergency MOTION to Quash Subpoenas by EEOC. Responses due by 8/24/2006 (Attachments: # 1 Exhibit # 2 Exhibit # 3 Exhibit # 4 Exhibit # 5 Exhibit # 6 # 7 Text of Proposed Order # 8)(Lawrence, Debra) (Entered: 08/07/2006) |
| 08/08/2006 | 23 | Correspondence re: confirmation of settlement conference. (bab, Chambers) (Entered: 08/08/2006) |
| 08/15/2006 | 24 | PAPERLESS ORDER DIRECTING Defendant to SEGREGATE documents it receives in response to the subpoenas sent to 18 current and former employers of the two charging parties. The Court understands Defendant has already received and reviewed responsive documents from at least 2 of the 18 current and former employers. Effective immediately, Defendant will set aside and not open envelopes nor review any documents sent in response to its subpoenas. This Order shall remain in effect until the Court resolves Plaintiff's Emergency Motion to Quash Subpoenas Issued to Charging Parties' Current and Former Employers (Doc. No. 22). Defendant's Response is due August 24, 2006. Plaintiff's Reply is due September 7, 2006. The Court will schedule a telephone conference once the Motion to Quash is ripe for resolution. Signed by Judge William Connelly on 08/15/06. (Connelly, William) (Entered: 08/15/2006) |
| 08/24/2006 | 26 | RESPONSE re 22 Emergency MOTION to Quash Subpoenas Opposition to Motion to Quash filed by RRR Bowie, LLC. (Attachments: # 1 Supplement Memorandum of Points and Authorities in Support of Motion to Quash# 2 Supplement Notice of Filing Lengthy Exhibits# 3 Supplement Request for Hearing on Motion to Quash# 4 Text of Proposed Order to Quash# 5 Exhibit A-2 Noble letter dated 3/21/06# 6 Exhibit A-3 EEOC letter dated 5/1/06# 7 Exhibit A-4 Nemeroff letter dated 5/9/06# 8 Exhibit A-5 Notice to Take Deposition of Dyer# 9 Exhibit A-6 Notice of Taking Deposition of Kennedy# 10 Exhibit A-7Noble letter dated 5/16/06# 11 Exhibit A-8 |

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| | | Noble letter dated 6/5/06# 12 Exhibit A-9 Sample Notice of Records Deposition and Subpoena# 13 Exhibit A-11 Noble letter dated 7/25/06# 14 Exhibit A-12 Noble letter dated 7/27/06# 15 Exhibit A-13 EEOC letter dated 7/27/06# 16 Exhibit A-14 EEOC letter dated 7/28/06# 17 Exhibit D Deposition of Breinig)(Noble, Allan) (Entered: 08/24/2006) |
| 08/24/2006 | 27 | MOTION to Compel by RRR Bowie, LLC. Responses due by 9/11/2006 (Attachments: # 1 Supplement Memorandum of Points and Authorities# 2 Supplement Local Rule 104.7 Certification# 3 Supplement Request for Hearing# 4 Text of Proposed Order Motion to Compel)(Noble, Allan) (Entered: 08/24/2006) |
| 08/25/2006 | 28 | NOTICE of service of motion to compel discovery by RRR Bowie, LLC <i>RRR's Motion to Compel</i> (Attachments: # 1 Motion to Compel# 2 Supplement Memorandum of Points and Authorities# 3 Supplement Rule 104.7 Certification# 4 Supplement Request for Hearing# 5 Text of Proposed Order Order to Motion to Compel)(Noble, Allan) (Entered: 08/25/2006) |
| 08/28/2006 | 29 | NOTICE of service of motion to compel discovery by RRR Bowie, LLC <i>RRR Motion to Compel</i> (Attachments: # 1 Supplement Motion to Compel# 2 Supplement Memorandum of Points and Authorities# 3 Supplement Local Rule 104.7 Certification# 4 Supplement Request for Hearing# 5 Text of Proposed Order Order)(Noble, Allan) (Entered: 08/28/2006) |
| 08/28/2006 | 30 | NOTICE of Appearance by Maria Salacuse on behalf of EEOC (Salacuse, Maria) (Entered: 08/28/2006) |
| 09/05/2006 | 31 | REPLY to Response to Motion re 22 Emergency MOTION to Quash <i>Subpoenas</i> filed by EEOC. (Lawrence, Debra) (Entered: 09/05/2006) |
| 09/05/2006 | 32 | NOTICE of service of response to motion to compel discovery by EEOC re 29 Notice of service of motion to compel discovery, (Attachments: # 1 # 2 Exhibit 1# 3 Exhibit 2# 4 Exhibit 3# 5 Exhibit 4# 6 Exhibit 5# 7 Exhibit 6# 8 Exhibit 7)(Lawrence, Debra) (Entered: 09/05/2006) |
| 09/07/2006 | | Settlement Conference held on 9/7/2006 before Judge Charles B. Day. (bab, Chambers) (Entered: 09/07/2006) |
| 09/11/2006 | 33 | STATUS REPORT by RRR Bowie, LLC. (Noble, Allan) (Entered: 09/11/2006) |
| 09/11/2006 | 34 | Status Report Submitted by EEOC (Lawrence, Debra) (Entered: 09/11/2006) |
| 09/12/2006 | | Judge Charles B. Day no longer assigned to case. (rank, Deputy Clerk) (Entered: 09/12/2006) |
| 09/14/2006 | 35 | PAPERLESS ORDER SCHEDULING Motions Hearing for Wednesday, October 25, 2006 at 1:00 p.m. in Courtroom 3B, U.S. Courthouse (Greenbelt) regarding 22 Motion to Quash Subpoenas and Motion to Compel. Signed by Judge William Connelly on 09/14/06. (Connelly, William) (Entered: 09/14/2006) |
| 09/18/2006 | 36 | NOTICE of service of reply to response to motion to compel discovery by RRR Bowie, LLC (Attachments: # 1 Supplement Reply Memorandum)(Noble, Allan) (Entered: 09/18/2006) |

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| 09/18/2006 | 37 | NOTICE by RRR Bowie, LLC <i>RRR's Request for Genuineness of Documents</i> (Noble, Allan) (Entered: 09/18/2006) |
| 09/22/2006 | 38 | MOTION for Leave to File <i>Surreply</i> by EEOC. Responses due by 10/10/2006 (Attachments: # 1 Surreply# 2 Text of Proposed Order)(Lawrence, Debra) (Entered: 09/22/2006) |
| 10/06/2006 | 39 | RESPONSE to Motion re 38 MOTION for Leave to File <i>Surreply</i> filed by RRR Bowie, LLC.Replies due by 10/20/2006. (Noble, Allan) (Entered: 10/06/2006) |
| 10/10/2006 | 40 | MOTION for Summary Judgment by RRR Bowie, LLC.Responses due by 10/27/2006 (Attachments: # 1 Supplement Table of Contents# 2 Exhibit List of Exhibits# 3 Supplement Memorandum of Points and Authorities in Support of Defendant's Motion for Summary Judgment# 4 Exhibit 1 Affidavit of Randy Whalen# 5 Exhibit 5 Excerpts of Trott's Deposition# 6 Exhibit 7 Excerpts from Goldfeder Deposition# 7 Exhibit 9 Schrembs Settlement Agreement# 8 Exhibit 10 Dyer's Resume# 9 Exhibit 10A Dyer's Resume - Errors# 10 Exhibit 11 Notice of Default Transmittal Letter# 11 Exhibit Notice of Default# 12 Exhibit 13 Dyer's Chronology of Events# 13 Exhibit 14 Employee Register# 14 Exhibit 15 Kennedy Employment Application# 15 Exhibit 16 Kennedy Criminal Search# 16 Exhibit 17 Kennedy Pay Plan# 17 Exhibit 18 Standard 30-Day Probation Period# 18 Exhibit 19 Daily Finance Reports# 19 Exhibit 20 Kennedy Termination# 20 Exhibit 21 Plaintiff's Answer to Interrogatory No. 24# 21 Exhibit 23 Receipt for Employee Handbook by Kennedy# 22 Exhibit 24 Preventing Discrimination and Harassment Certification# 23 Exhibit 25 Customer Satisfaction Commitment# 24 Exhibit 26 Kennedy Checks and Pay Sheets# 25 Exhibit 27 Organizational Chart# 26 Supplement Request for Hearing# 27 Text of Proposed Order)(Noble, Allan) Modified on 10/11/2006 (elt, Deputy Clerk). (Lengthy exhibits rec'd - FILED SEPARATELY) (c/s chambers) (Entered: 10/10/2006) |
| 10/10/2006 | 41 | NOTICE by RRR Bowie, LLC re 40 MOTION for Summary Judgment <i>Notice of Lengthy Exhibits</i> (Attachments: # 1 Exhibit List)(Noble, Allan) (Entered: 10/10/2006) |
| 10/10/2006 | 42 | MEMO Scheduling a Motions Hearing for March 19, 2007 at 10:00 a.m. re: 40 Defendant's Motion for Summary Judgment. (Titus, Roger) (Entered: 10/10/2006) |
| 10/19/2006 | 43 | Consent MOTION to Amend/Correct 40 MOTION for Summary Judgment by RRR Bowie, LLC. Responses due by 11/6/2006 (Attachments: # 1 Corrected Memorandum# 2 Corrected Affidavit - Exhibit 1# 3 Order)(Noble, Allan) (Entered: 10/19/2006) |
| 10/23/2006 | 44 | PAPERLESS ORDER GRANTING 43 Consent Motion to Amend/Correct Memorandum of Points and Authorities & Exhibit 1. Signed by Judge Roger W Titus on 10/23/06. (Titus, Roger) (Entered: 10/23/2006) |
| 10/24/2006 | 45 | PAPERLESS ORDER GRANTING 38 Plaintiff's Motion for Leave to File Surreply. Signed by Judge William Connelly on 10/24/06. (Connelly, William) (Entered: 10/24/2006) |
| 10/25/2006 | | Motion Hearing held on 10/25/2006 re 22 Emergency MOTION to Quash <i>Subpoenas</i> |

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| | | filed by EEOC, 27 MOTION to Compel filed by RRR Bowie, LLC held before Judge William Connelly. (FTR Gold: Kemp) (elt, Deputy Clerk) (Entered: 10/26/2006) |
| 10/27/2006 | 46 | PAPERLESS CORRESPONDENCE to counsel RESCHEDULING the March 19, 2007 Motions Hearing for April 2, 2007 at 10:00 a.m. (Titus, Roger) (Entered: 10/27/2006) |
| 10/27/2006 | 47 | RESPONSE in Opposition re 40 MOTION for Summary Judgment filed by EEOC.Replies due by 11/13/2006. (Attachments: # 1 Notice of Filing Lengthy Exhibits)(Lawrence, Debra) Modified on 10/30/2006 (elt, Deputy Clerk). (10/30/06 hard copy rec'd, filed separately) (c/s) (Entered: 10/27/2006) |
| 10/31/2006 | 48 | ORDER denying 22 Motion to Quash; the Court REMOVED the August 15, 2006 restriction 24 on Defendant to segregate and not review subpoenaed documents; granting in part and denying in part 27 Motion for Order Compelling Discovery; the Court ordered Plaintiff to produce voluntarily federal tax returns and W-2s of the two charging parties for a five-year period; the Court ordered Plaintiff to produce Kennedy's pay plans, in Kennedy's possession at home, which Kennedy agreed to produce during his deposition and requested by Defendant in its Notice of Deposition, the Court ordered Plaintiff to produce Kennedy's schedule to pay or "daily logs" which was agreed to during deposition, the Court ordered Plaintiff to produce Kennedy's pay stubs requested in Defendant's Notice of Deposition, the Court ordered Plaintiff to have Kennedy check his records for a copy of deals requested by Schrembs which Kennedy mentioned during his deposition, the Court ordered Plaintiff to produce original copies of Exhibit 6 (Statement) and Exhibit 7 (Agreement) from Kennedy, the Court ordered that if Dyer possesses his DarCars Pay Plan, Plaintiff must produce it, and the Court ordered Plaintiff to comply with this Order [supplemental answers and production of documents] within 20 days from October 25, 2006. The Court took under advisement Defendant's request for attorney's fees. Signed by Judge William Connelly on 10/31/2006. (elt, Deputy Clerk) (Entered: 10/31/2006) |
| 10/31/2006 | 49 | Correspondence re: ECF User Registration mailed to counsel. (elt, Deputy Clerk) (Entered: 10/31/2006) |
| 11/13/2006 | 50 | MOTION for Extension of Time to File Response/Reply as to 47 Response in Opposition to Motion, by RRR Bowie, LLC. Responses due by 11/30/2006 (Attachments: # 1 Text of Proposed Order)(Noble, Allan) (Entered: 11/13/2006) |
| 11/14/2006 | 51 | PAPERLESS ORDER GRANTING 50 Consent Motion for Extension of Time. Defendant's reply to 40 Motion for Summary Judgment due 11/15/06. Signed by Judge Deborah K. Chasanow on 11/14/06. (Chasanow, Deborah) (Entered: 11/14/2006) |
| 11/15/2006 | 52 | REPLY to Response to Motion re 40 MOTION for Summary Judgment filed by RRR Bowie, LLC. (Attachments: # 1 Exhibit List# 2 Exhibit 2A-DyerDepo(Add'l)# 3 Exhibit 3A-KennedyDepo(Add'l)# 4 Exhibit 4A-BreinigDepo(Add'l)# 5 Exhibit 6A-WhalenDepo(Add'l)# 6 Exhibit 8A-SchrembsDepo(Add'l)# 7 Exhibit 28-SchrembsMemo# 8 Exhibit 29-EEOCLetter# 9 Exhibit 30-NemeroffLetter# 10 Exhibit 31-DyerEmployAppl)(Noble, Allan) (Entered: 11/15/2006) |

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| 11/15/2006 | 53 | PAPERLESS ORDER DENYING 27 Defendant's Request for Attorney's Fees and Reasonable Costs incurred in pursuing its Motion for Order Compelling Discovery. The Court took this matter under advisement at the October 25, 2006 Motions Hearing, as memorialized in the Order of October 31, 2006 (Document No. 48). The Court granted in part and denied in part Defendant's Motion for Order Compelling Discovery. Upon further consideration, the Court finds an award is not warranted pursuant to Rule 37 because the EEOC is the Plaintiff and the charging parties, not the EEOC, have or may have the information and documents sought by Defendant. Signed by Judge William Connelly on 11/15/06. (Connelly, William) (Entered: 11/15/2006) |
| 01/05/2007 | 54 | Memo/ORDER the hearing on Defendant's Motion for Summary Judgment previously scheduled for April 2, 2007 is RESCHEDULED to April 30, 2007 at 2:00 p.m. Signed by Judge Roger W Titus on 1/5/2007. (elt, Deputy Clerk) (Entered: 01/05/2007) |
| 04/30/2007 | | Motion Hearing held re 40 MOTION for Summary Judgment filed by RRR Bowie, LLC held before Judge Roger W Titus. (Court Reporter: T. Dunlap) (hbm, Courtroom Deputy Clerk) (Entered: 04/30/2007) |
| 04/30/2007 | | ORAL DECISION rendered by the Court. re Motion Hearing. entered by Judge Roger W Titus on 04/30/07. (hbm, Courtroom Deputy Clerk)(Written Order to be entered by the Court) (Entered: 04/30/2007) |
| 05/01/2007 | 55 | ORDER denying 40 Motion for Summary Judgment; that the Court will hold a telephone status conference on May 16, 2007 at 5:30 p.m. Signed by Judge Roger W Titus on 4/30/2007. (elt, Deputy Clerk) (Entered: 05/01/2007) |
| 05/14/2007 | 56 | NOTICE of service of motion to compel discovery by EEOC (Attachments: # 1 Memorandum in Support of Motion# 2 Exhibit # 3 Exhibit # 4 Exhibit # 5 Exhibit # 6 Exhibit # 7 Exhibit # 8 Exhibit # 9 Exhibit # 10 Exhibit # 11 Exhibit # 12 Text of Proposed Order)(Lawrence, Debra) (Entered: 05/14/2007) |
| 05/16/2007 | | Telephone Status Conference held on 5/16/2007 held before Judge Roger W Titus. (elt, Deputy Clerk) (Entered: 05/17/2007) |
| 05/17/2007 | 57 | Memorandum/ORDER scheduling pre-trial conference and jury trial. Signed by Judge Roger W Titus on 5/17/07. c/m to Gwendolyn Young Reams (ch, Deputy Clerk) Modified on 5/17/2007 (ch, Deputy Clerk). (Entered: 05/17/2007) |
| 05/21/2007 | 58 | STIPULATION <i>Extending time for RRR to file Response to EEOC Motion to Compel</i> by EEOC, RRR Bowie, LLC. (Noble, Allan) (Entered: 05/21/2007) |
| 05/21/2007 | 59 | PAPERLESS ORDER APPROVING 58 Stipulation whereby the parties agree that the deadline for Defendant RRR Bowie to file its Response to EEOC's Motion to Compel (filed on April 14, 2007) be EXTENDED from Tuesday, May 29, 2007 to Friday, June 1, 2007. Signed by Judge William Connelly on 05-2697. (Connelly, William) (Entered: 05/21/2007) |
| 06/01/2007 | 60 | NOTICE of service of response to motion to compel discovery by RRR Bowie, LLC re 56 Notice of service of motion to compel discovery, (Attachments: # 1 Table of |

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| | | Contents# 2 List of Exhibits# 3 Notice of Filing Lengthy Exhibits# 4 Memorandum of Points and Authorities in Support of RRR's Opposition to EEOC's Motion to Compel# 5 Request for Hearing# 6 Text of Proposed Order # 7 Exhibit Exhibit 1 - RRR's Response to EEOC's Second Request for Production of Documents# 8 Exhibit 2 - Noble ltr dated 07/06/06# 9 Exhibit 3- Lawrence ltr 07/25/06# 10 Exhibit 4 - Lawrence ltr 08/03/06# 11 Exhibit 5 - Noble ltr 08/04/06# 12 Exhibit 6 - Lawrence ltr 11/13/06# 13 Exhibit 7 - Noble ltr 01/19/07# 14 Exhibit 8 - Lawrence ltr 01/23/07# 15 Exhibit 9 - Noble ltr 02/02/07# 16 Exhibit 10 - Lawrence ltr 02/05/07# 17 Exhibit 11 - Noble ltr 02/15/07# 18 Exhibit 12 - Noble ltr 02/27/07# 19 Exhibit 13 - Lawrence ltr 05/03/07# 20 Exhibit 14 - Monthly Finance Reports# 21 Exhibit 15 - Affidavit of Randy Whalen# 22 Exhibit 16 - Excerpts from Kennedy Dep.)(Noble, Allan) Modified on 6/4/2007 (aaps, Deputy Clerk). (Hard Copy Rec'd 6/4/07 aap) (Entered: 06/01/2007) |
| 06/08/2007 | 61 | NOTICE of service of reply to response to motion to compel discovery by EEOC re 60 Notice of service of response to motion to compel discovery,,, (Attachments: # 1 # 2 Exhibit 11# 3 Exhibit 12# 4 Exhibit 13# 5 Exhibit 14# 6 Exhibit 15# 7 Exhibit 16# 8 Exhibit 17)(Lawrence, Debra) (Entered: 06/08/2007) |
| 06/25/2007 | 62 | MOTION to Compel <i>Discovery</i> by EEOC. Responses due by 7/12/2007 (Attachments: # 1)(Lawrence, Debra) (Entered: 06/25/2007) |
| 06/28/2007 | 63 | PAPERLESS ORDER SCHEDULING a Motions Hearing on Friday, July 6, 2007 at 3:30 p.m. in Courtroom 2A regarding 62 Motion to Compel Discovery. Signed by Judge William Connelly on 06/28/07. (Connelly, William) (Entered: 06/28/2007) |
| 07/06/2007 | | Motion Hearing held on 7/6/2007 re 62 MOTION to Compel Discovery filed by EEOC held before Judge William Connelly. (Fosbrook 3-B.) (pkf, Deputy Clerk) (Entered: 07/06/2007) |
| 07/13/2007 | 64 | ORDER granting in part and denying in part 62 Motion to Compel. Signed by Judge William Connelly on 7/13/07. (ch, Deputy Clerk) Modified on 7/13/2007 (ch, Deputy Clerk). (c/m 7/13/07 CRH) (Entered: 07/13/2007) |
| 07/18/2007 | 65 | TRANSCRIPT of Proceedings held on April 30, 2007 before Judge Roger W. Titus. Court Reporter: Tracy Dunlap. (Filed Separately) (aap, Deputy Clerk) (Entered: 07/19/2007) |
| 09/17/2007 | 66 | MOTION for Protective Order by RRR Bowie, LLC. Responses due by 10/4/2007 (Attachments: # 1 Supplement Memorandum of Points and Authorities in Support of Motion for Protective Order# 2 Exhibit Letter dated August 9, 2007 from Allan A. Noble to Debra Lawrence# 3 Exhibit Letter dated August 22, 2007 from Debra Lawrence to Allan A. Noble# 4 Exhibit Letter dated August 27, 2007 from Allan A. Noble to Debra Lawrence# 5 Exhibit Letter dated August 28, 2007 from Debra Lawrence to Allan A. Noble# 6 Exhibit Letter dated September 6, 2007 from Allan A. Noble to Debra Lawrence# 7 Exhibit Depo. Breinig# 8 Exhibit Depo. Schrembs# 9 Exhibit Schrembs Depo. Exh. 35# 10 Text of Proposed Order Protective Order)(Noble, Allan) (Entered: 09/17/2007) |
| 09/17/2007 | 67 | Request for Hearing re 66 MOTION for Protective Order. (Noble, Allan) (Entered: 09/17/2007) |

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| | | 09/17/2007) |
| 09/26/2007 | 68 | RESPONSE in Opposition re 66 MOTION for Protective Order filed by EEOC.Replies due by 10/10/2007. (Lawrence, Debra) (Entered: 09/26/2007) |
| 10/05/2007 | 69 | TRANSCRIPT of Motions Hearing held on 7/6/07 before Judge William Connelly. (krc, Deputy Clerk) (Entered: 10/05/2007) |
| 10/08/2007 | 70 | REPLY to Response to Motion re 66 MOTION for Protective Order filed by RRR Bowie, LLC. (Attachments: # 1 List of Exhibits# 2 Notice of Filing Lengthy Exhibits# 3 Exhibit 9 - Transcript of Motions Hearing# 4 Exhibit 10 - Affidavit of Randy Whalen# 5 Exhibit 11 - Kennedy's Depo.# 6 Exhibit 12 - Schrembs' Depo.# 7 Exhibit 14 - Breinig's Depo.# 8 Exhibit 15 - Sept. 23, 2004 Memo)(Noble, Allan) (Entered: 10/08/2007) |
| 10/19/2007 | 71 | ORDER granting in part and denying in part 66 Motion for Protective Order; 67 Request for Hearing is DENIED. Signed by Judge William Connelly on 10/19/07. (aap, Deputy Clerk) (Entered: 10/19/2007) |
| 12/10/2007 | 72 | MOTION in Limine by RRR Bowie, LLC. Responses due by 12/27/2007 (Attachments: # 1 Table of Contents# 2 Memorandum of Points and Authorities# 3 Notice of Filing Lengthy Exhibits# 4 Exhibit Index# 5 Exhibit 2-Toyota of Bowie Memo to Schrembs with notes# 6 Exhibit 3-Toyota of Bowie Memo to Schrembs without notes# 7 Exhibit 4-EEOC determination charge# 8 Exhibit 5-Nemeroff letter to EEOC May 17, 2007# 9 Exhibit 7-Dyer Dep.# 10 Exhibit 8-Schrembs memo re: Dyer Sept. 10, 2004# 11 Exhibit 9-Schrembs note to Dyer# 12 Exhibit 10-Schrembs internal memo to Breinig Aug. 5, 2004# 13 Exhibit 11-Schrembs internal memo re: Lawson termination# 14 Exhibit 12-Schrembs Declaration - Oct. 24, 2006# 15 Exhibit 13-Whalen Affidavit - Oct. 4, 2007# 16 Exhibit 14-Schrembs secret spreadsheet# 17 Exhibit 15-EEOC's letter May 1, 2006# 18 Exhibit 16-Nemeroff letter May 9, 2006# 19 Exhibit 17-Breinig Dep.# 20 Exhibit 18-Goldfeder Dep.# 21 Exhibit 19-Whalen Dep.# 22 Exhibit 20-Whalen Affidavit Oct. 10, 2006# 23 Exhibit 21-Toyota of Bowie Employee Termination Form# 24 Exhibit 22-Toyota of Bowie standard probation period# 25 Exhibit 23-Trott Dep.# 26 Exhibit 24-Toyota of Bowie Finance Reports# 27 Exhibit 25-Kennedy Pay Plan# 28 Exhibit 26-Whalen Affidavit June 1, 2007# 29 Text of Proposed Order proposed Order# 30 Request for Hearing)(Noble, Allan) (LENGHTY EXHIBITS 1 & 6 RECEIVED IN CLERK'S OFFICE 12/11/07-C/S TO JUDGE CONNELLY) Modified on 12/11/2007 (ch, Deputy Clerk). (Entered: 12/10/2007) |
| 12/10/2007 | 73 | MOTION in Limine <i>to Exclude All Evidence Pertaining to Schrembs' August 11th Amended Pay Plan</i> by EEOC. Responses due by 12/27/2007 (Attachments: # 1 Memorandum# 2 Exhibit Excerpt from Whalen deposition# 3 Exhibit Excerpt from Kennedy deposition# 4 Exhibit Excerpt from Whalen deposition)(Lawrence, Debra) (Entered: 12/10/2007) |
| 12/10/2007 | 74 | MOTION in Limine <i>to Exclude Evidence and/or Disparaging Allegations Against Dyer and Kennedy</i> by EEOC. Responses due by 12/27/2007 (Attachments: # 1 Memorandum# 2 Exhibit Excerpts from Whalen deposition# 3 Exhibit Excerpt from Kennedy's deposition# 4 Exhibit Declaration of Kennedy)(Lawrence, Debra) |

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| | | (Entered: 12/10/2007) |
| 12/10/2007 | 75 | MOTION in Limine to <i>Exclude Evidence and/or Disparaging Allegations Against Schrembs</i> by EEOC. Responses due by 12/27/2007 (Attachments: # 1 Memorandum# 2 Exhibit Excerpt from Schrembs deposition)(Lawrence, Debra) (Entered: 12/10/2007) |
| 12/11/2007 | 76 | NOTICE by EEOC of <i>Substituted Declaration</i> (Attachments: # 1 Exhibit Signed Declaration of Kennedy)(Lawrence, Debra) (Entered: 12/11/2007) |
| 12/21/2007 | 77 | Joint MOTION for Extension of Time to File Response/Reply as to 73 MOTION in Limine to <i>Exclude All Evidence Pertaining to Schrembs' August 11th Amended Pay Plan</i> , 72 MOTION in Limine, 75 MOTION in Limine to <i>Exclude Evidence and/or Disparaging Allegations Against Schrembs</i> , 74 MOTION in Limine to <i>Exclude Evidence and/or Disparaging Allegations Against Dyer and Kennedy</i> by RRR Bowie, LLC. Responses due by 1/7/2008 (Attachments: # 1 Text of Proposed Order)(Noble, Allan) (Entered: 12/21/2007) |
| 12/28/2007 | 78 | PAPERLESS ORDER GRANTING 77 Joint Motion to Extend Time for Filing of Responses to Each Parties' Respective Motions in Limine. The parties have to and including January 10, 2008 to file their respective Responses to the Motions in Limine. Signed by Judge William Connelly on 12/28/07. (Connelly, William) (Entered: 12/28/2007) |
| 01/10/2008 | 79 | RESPONSE in Opposition re 72 MOTION in Limine filed by EEOC. Replies due by 1/24/2008. (Attachments: # 1 Notice of Filing Lengthy Exhibit)(Lawrence, Debra) (Entered: 01/10/2008) |
| 01/10/2008 | 80 | Consent MOTION for Extension of Time to File Response/Reply as to 73 MOTION in Limine to <i>Exclude All Evidence Pertaining to Schrembs' August 11th Amended Pay Plan</i> , 75 MOTION in Limine to <i>Exclude Evidence and/or Disparaging Allegations Against Schrembs</i> , 74 MOTION in Limine to <i>Exclude Evidence and/or Disparaging Allegations Against Dyer and Kennedy</i> by RRR Bowie, LLC Responses due by 1/28/2008 (Attachments: # 1 Text of Proposed Order)(Noble, Allan) (Entered: 01/10/2008) |
| 01/11/2008 | 81 | RESPONSE in Opposition re 73 MOTION in Limine to <i>Exclude All Evidence Pertaining to Schrembs' August 11th Amended Pay Plan</i> , 75 MOTION in Limine to <i>Exclude Evidence and/or Disparaging Allegations Against Schrembs</i> , 74 MOTION in Limine to <i>Exclude Evidence and/or Disparaging Allegations Against Dyer and Kennedy</i> filed by RRR Bowie, LLC. Replies due by 1/25/2008. (Attachments: # 1 Table of Contents to RRR's Opposition to Plaintiff's Three Motions in Limine, # 2 Exhibit List, # 3 Notice of Filing Lengthy Exhibits, # 4 Exhibit Exh. E - Schrembs Pay Plan, # 5 Exhibit Exh. F - Kennedy's Witness Statement, # 6 Exhibit Exh. G - TOB Memo to Schrembs with Handwritten Notes, # 7 Exhibit Exh. H - TOB Memo to Shrembs, # 8 Request for Hearing on all Motions in Limine, # 9 Text of Proposed Order)(Noble, Allan) (Entered: 01/11/2008) |
| 01/15/2008 | 82 | PAPERLESS ORDER GRANTING 80 Consent Motion for Extension of Time. Signed by Judge Roger W Titus on 1/14/08. (Titus, Roger) (Entered: 01/15/2008) |

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| 01/24/2008 | 83 | REPLY to Response to Motion re 73 MOTION in Limine to Exclude All Evidence Pertaining to Schrembs' August 11th Amended Pay Plan, 75 MOTION in Limine to Exclude Evidence and/or Disparaging Allegations Against Schrembs, 74 MOTION in Limine to Exclude Evidence and/or Disparaging Allegations Against Dyer and Kennedy filed by EEOC. (Attachments: # 1 Exhibit)(Lawrence, Debra) (Entered: 01/24/2008) |
| 01/25/2008 | 84 | MEMO Scheduling a Motions Hearing for February 29, 2008 at 10:00 a.m. re: 72 73 74 75 Pending Motions In Limine. (Titus, Roger) (Entered: 01/25/2008) |
| 02/08/2008 | 85 | Proposed Jury Instructions by EEOC. (Lawrence, Debra) (Entered: 02/08/2008) |
| 02/08/2008 | 86 | Proposed Voir Dire by EEOC. (Lawrence, Debra) (Entered: 02/08/2008) |
| 02/08/2008 | 87 | Proposed Pretrial Order submitted by RRR Bowie, LLC. (Noble, Allan) (Entered: 02/08/2008) |
| 02/08/2008 | 88 | Proposed Voir Dire by RRR Bowie, LLC. (Noble, Allan) (Entered: 02/08/2008) |
| 02/08/2008 | 89 | NOTICE by RRR Bowie, LLC <i>Defendant's Special Interrogatories to the Jury</i> (Noble, Allan) (Entered: 02/08/2008) |
| 02/08/2008 | 90 | NOTICE by EEOC <i>of filing Special Verdict Form</i> (Lawrence, Debra) (Entered: 02/08/2008) |
| 02/08/2008 | 91 | Proposed Jury Instructions by RRR Bowie, LLC. (Nemeroff, Steven) (Entered: 02/08/2008) |
| 02/08/2008 | 92 | MOTION in Limine to Exclude the Testimony of Gordon Thomas and Fred Gheysari by EEOC Responses due by 2/25/2008 (Attachments: # 1 Memorandum of Law, # 2 Exhibit, # 3 Exhibit)(Lawrence, Debra) (Entered: 02/08/2008) |
| 02/12/2008 | 93 | NOTICE by RRR Bowie, LLC re 87 Proposed Pretrial Order <i>Defendant's Memorandum of Law in Support of Defendant's Objections to Plaintiff's Portion of PreTrial Statement</i> (Attachments: # 1 Table of Contents, # 2 Exhibit List, # 3 Exhibit 1, # 4 Exhibit 2, # 5 Exhibit 3, # 6 Exhibit 4, # 7 Exhibit 5, # 8 Exhibit 6, # 9 Exhibit 7, # 10 Exhibit 8, # 11 Exhibit 9)(Noble, Allan) (Entered: 02/12/2008) |
| 02/14/2008 | 94 | Memo/ORDER to accomodate a change in the Court's calendar, the hearing on motions in limine, previously scheduled for February 29, 2008 is RESCHEDULED for February 25, 2008 at 3:00 p.m. Defendant is DIRECTED to file any response in opposition to Plaintiff's Motion in Limine to Exclude the Testimony of Gordon Thomas and Fred Gheysari [Paper No. 92] on or before February 19, 2008. Plaintiff is DIRECTED to file any reply in support of same motion on or before 12:00 p.m. on February 22, 2008. Signed by Judge Roger W Titus on 2/13/2008. (elt, Deputy Clerk) (Entered: 02/14/2008) |
| 02/14/2008 | 95 | Memo/ORDER regarding Defendant's Objections to Plaintiff's Portion of Pretrial Statement [Paper No. 93] at the pretrial motions hearing scheduled for February 25, 2008, Plaintiff is DIRECTED to file any response in opposition to such objections on or before February 19, 2008; Defendant is DIRECTED to file any reply in support of its objections on or before 12:00 p.m. on February 22, 2008. Signed by Judge Roger |

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| | | W Titus on 2/14/2008. (elt, Deputy Clerk) (Entered: 02/14/2008) |
| 02/15/2008 | 96 | Correspondence re: Joint PreTrial documents (Noble, Allan) (Entered: 02/15/2008) |
| 02/15/2008 | 97 | Proposed Voir Dire by RRR Bowie, LLC. (Noble, Allan) (Entered: 02/15/2008) |
| 02/15/2008 | 98 | Proposed Jury Instructions by RRR Bowie, LLC. (Noble, Allan) (Entered: 02/15/2008) |
| 02/19/2008 | 99 | RESPONSE re 95 Order, filed by EEOC. (Attachments: # 1 Attachment 1, # 2 Attachment 2, # 3 Attachment 3, # 4 Attachment 4, # 5 Attachment 5, # 6 Attachment 6)(Lawrence, Debra) (Entered: 02/19/2008) |
| 02/19/2008 | 100 | RESPONSE in Opposition re 92 MOTION in Limine to <i>Exclude the Testimony of Gordon Thomas and Fred Gheysari</i> filed by RRR Bowie, LLC. Replies due by 3/4/2008. (Attachments: # 1 Supplement Memorandum of Points and Authorities, # 2 Exhibit 1, # 3 Exhibit 2, # 4 Exhibit 3, # 5 Text of Proposed Order)(Noble, Allan) (Entered: 02/19/2008) |
| 02/21/2008 | 101 | REPLY to Response to Motion re 92 MOTION in Limine to <i>Exclude the Testimony of Gordon Thomas and Fred Gheysari</i> filed by EEOC. (Lawrence, Debra) (Entered: 02/21/2008) |
| 02/22/2008 | 102 | REPLY to Response to Motion re 72 MOTION in Limine filed by RRR Bowie, LLC. (Attachments: # 1 Exhibit A)(Nemeroff, Steven) (Entered: 02/22/2008) |
| 02/25/2008 | 103 | Motion Hearing and Pretrial Conference held on 2/25/2008 re 73 MOTION in Limine to Exclude All Evidence Pertaining to Schrembs' August 11th Amended Pay Plan filed by EEOC, 92 MOTION in Limine to Exclude the Testimony of Gordon Thomas and Fred Gheysari filed by EEOC, 72 MOTION in Limine filed by RRR Bowie, LLC, 75 MOTION in Limine to Exclude Evidence and/or Disparaging Allegations Against Schrembs filed by EEOC, 74 MOTION in Limine to Exclude Evidence and/or Disparaging Allegations Against Dyer and Kennedy filed by EEOC before Judge Roger W Titus. (Court Reporter: T. Dunlap) (hbm, Courtroom Deputy Clerk)(Written order to be entered by the Court) (Entered: 02/25/2008) |
| 02/27/2008 | 104 | ORDER denying without prejudice 72 Motion in Limine; granting 73 Motion in Limine; granting in part and denying as moot part 74 Motion in Limine; granting 75 Motion in Limine; granting 92 Motion in Limine; and that Defendant's Objections to Plaintiff's Portion of Pretrial Statement [Paper No. 93] are overruled in part with prejudice and overruled in part without prejudice, in accordance with the Court's rulings on the record. Signed by Judge Roger W Titus on 2/26/2008. (elt, Deputy Clerk) (Entered: 02/27/2008) |
| 02/28/2008 | 105 | MOTION to Amend/Correct 87 Proposed Pretrial Order <i>Defendant's Motion to Modify the Parties' Proposed PreTrial Order and to Withdraw Stipulation</i> by RRR Bowie, LLC Responses due by 3/17/2008 (Attachments: # 1 Text of Proposed Order)(Noble, Allan) (Entered: 02/28/2008) |
| 03/03/2008 | 106 | RESPONSE in Opposition re 105 MOTION to Amend/Correct 87 Proposed Pretrial Order <i>Defendant's Motion to Modify the Parties' Proposed PreTrial Order and to</i> |

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| | | <i>Withdraw Stipulation</i> MOTION to Amend/Correct 87 Proposed Pretrial Order <i>Defendant's Motion to Modify the Parties' Proposed PreTrial Order and to Withdraw Stipulation</i> filed by EEOC. Replies due by 3/17/2008. (Lawrence, Debra) (Entered: 03/03/2008) |
| 03/24/2008 | 107 | ORDER DISMISSING case with each party to bear its own costs unless otherwise agreed, in which event the costs shall be adjusted between the parties in accordance with their agreement. The entry of this Order is WITHOUT PREJUDICE either to the right of the parties to file a consent decree or to the right of a party to move for good cause within 60 days to reopen this action if settlement is not consummated. If no party moves to reopen, the dismissal shall be WITH PREJUDICE. Signed by Judge Alexander Williams, Jr on 3/24/08. (c/s 3/24/08)(ch, Deputy Clerk) (Entered: 03/24/2008) |
| 04/01/2008 | 108 | SETTLEMENT AGREEMENT / <i>Consent Decree</i> by EEOC. (Salacuse, Maria) (Entered: 04/01/2008) |
| 04/01/2008 | 109 | CONSENT DECREE and ORDER resolving all issues, enjoining and restraining defendant, its officers agents, servants, employees and all person acting or claiming to act in its behalf ; posting upon approval in all places the Notice as Exhibit A; paying within ten days to Phillip Kennedy the amount of \$100,000.00 in compensatory damages, plus \$1,000.00 in attorney's fees and to Charles Dyer the amount of \$100,000.00 in compensatory damages, plus \$1,000.00 in attorney's fees, making the sum total \$202,00.00; the Commission and defendant shall bear their own costs and attorneys' fees. Signed by Roger W. Titus on 4/1/08. (Attachments: # 1 Attachment)(rank, Deputy Clerk) Modified to reflect Judge Titus on 4/3/2008 (rank, Deputy Clerk). (Entered: 04/03/2008) |

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