

CLOSED

**United States District Court  
Western District of Michigan (Southern Division (1))  
CIVIL DOCKET FOR CASE #: 1:97-cv-00064-RHB**

EEOC v. Allendale Nursing  
Assigned to: Chief Judge Robert Holmes Bell  
Demand: \$0  
Cause: 28:1331 Federal Question: Other Civil Rights

Date Filed: 01/27/1997  
Date Terminated: 03/06/1998  
Jury Demand: Both  
Nature of Suit: 442 Civil Rights: Jobs  
Jurisdiction: U.S. Government Plaintiff

**plaintiff**

**Equal Employment Opportunity  
Commission**

represented by **Laura A. Brodeur**  
Equal Employment Opportunity  
Commission  
Detroit District Office  
477 Michigan Ave., Rm. 865, Federal  
Bldg.  
Detroit, MI 48226-9704  
(313) 226-6701  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

V.

**defendant**

**Allendale Nursing Centre**  
*doing business as*  
CCG Allendale Inc

represented by **David M. Foy**  
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Date Filed	#	Docket Text

01/27/1997	1	COMPLAINT (5 pgs) filed w/jury demand (mfb) (Entered: 01/31/1997)
01/27/1997	2	TRACK INFORMATION STATEMENT filed by pltf EEOC. Expedited track preferred (mfb) (Entered: 01/31/1997)
01/27/1997		SUMMONS issued as to deft Allendale Nursing and returned to pltf's rep. (mfb) (Entered: 01/31/1997)
03/05/1997	3	LETTER to court from pltf's counsel re: parties informal agreement to allow deft a two week extension of time to file answer to complaint. (gjf) (Entered: 03/06/1997)
03/18/1997	4	ANSWER to complaint by deft w/affirmative defenses. (gjf) (Entered: 03/18/1997)
03/20/1997	5	ORDER Scheduling Rule 16 Status Conference by Judge Robert Holmes Bell; status conf set for 1:00 p.m. on 4/22/97; joint status report to be filed three days prior to conference (4/17/97) (cc: all counsel 3/21/97) (gjf) (Entered: 03/21/1997)
03/24/1997	6	DEMAND for Jury Trial by deft. (gjf) (Entered: 03/25/1997)
03/31/1997	7	CHANGE OF ADDRESS notice by attorney David M. Foy (skb) (Entered: 04/02/1997)
04/18/1997	8	JOINT STATUS REPORT filed by pltf and deft w/estimated length of trial of approximately 3-4 full days. (gjf) (Entered: 04/21/1997)
04/22/1997		PROCEEDING before Judge Robert Holmes Bell; Rule 16 Status Conf held by telephone 4/22/97 . Case assigned to Standard Track III. Jury trial 1/20/98 at 9:00 a.m. and final pretrial before Judge Bell on 1/8/98 at 1:15 p.m. Estimated length of trial of 2-3 days. Court reporter Kevin Gaugier (gjf) (Entered: 04/23/1997)
04/22/1997	9	CASE MANAGEMENT ORDER (5 pgs) by Judge Robert Holmes Bell; pltf's and deft's known witnesses by 7/1/97 and expert witnesses by 8/15/97; interrogatories limited to 30 single part questions; depositions limited to 8 fact witnesses per party; jury trial set for 9:00 a.m. on 1/20/98; discovery completed by 10/20/97; dispositive motion filing ddl set for 11/21/97; final pretrial conf set for 1:15 p.m. on 1/8/98 before Judge Bell; case assigned to standard track (cc: all counsel 4/23/97) (gjf) (Entered: 04/23/1997)
04/24/1997	10	PROOF OF SERVICE by deft for first interrogatories and first request for production of documents to pltf. (gjf) (Entered: 04/25/1997)
05/16/1997	11	PROOF OF SERVICE by deft for first request for admissions to pltf. (gjf) (Entered: 05/19/1997)
06/05/1997	12	CERTIFICATE OF SERVICE by pltf for answers to deft's first set of interrogatories and request for documents. (gjf) (Entered: 06/06/1997)
06/09/1997	13	NOTICE by deft of taking deposition and request for production of documents of Stephanie Rhoads on 7/9/97 at 11:00 a.m. w/proof of svc. (gjf) (Entered: 06/10/1997)
06/30/1997	14	RE-NOTICE by deft of taking deposition and request for production of documents of Stephanie Rhoads on 7/23/97 at 11:00 a.m. w/proof of svc. (gjf) (Entered: 06/30/1997)

06/30/1997	15	PROOF OF SERVICE by deft for second request for production of documents to pltf. (gjf) (Entered: 06/30/1997)
07/02/1997	16	CERTIFICATE OF SERVICE by pltf for answer to deft's first set of requests for admissions. (gjf) (Entered: 07/03/1997)
07/03/1997	17	FACT WITNESS LIST submitted by deft w/proof of svc. (gjf) (Entered: 07/03/1997)
07/07/1997	18	FIRST WITNESS LIST submitted by pltf w/certificate of svc. (gjf) (Entered: 07/08/1997)
07/31/1997	19	RE-NOTICE by deft of taking deposition of Stephanie Rhoads and request for production of documents on 8/7/97 at 11:00 a.m. w/proof of svc. (gjf) (Entered: 08/01/1997)
08/20/1997	20	PROOF OF SERVICE by pltf for first set of interrogatories and requests for production of documents (dsc) (Entered: 08/21/1997)
08/20/1997	21	PROOF OF SERVICE by pltf for answer to deft's second request for documents (dsc) (Entered: 08/21/1997)
09/09/1997	22	NOTICE by pltf of taking depositions of Carol VanPutten on 10/1/97 at 10:00 a.m.; Patricia Door on 10/2/97 at 10:00 a.m.; Debra Kanaar on 10/3/97 at 10:00 a.m. and Robert Schmidt on 10/3/97 at 11:30 a.m. w/certificate of svc. (gjf) (Entered: 09/09/1997)
10/22/1997	23	AMENDMENT by deft to fact witness list [17-1] w/proof of svc. (gjf) (Entered: 10/22/1997)
10/22/1997	24	PROOF OF SERVICE by deft for request to admit directed to pltf. (gjf) (Entered: 10/22/1997)
10/23/1997	25	PROOF OF SERVICE by deft for responses to pltf's first request for admissions. (gjf) (Entered: 10/23/1997)
10/23/1997	26	RE-NOTICE by deft of taking deposition of Stephanie Rhoads on 10/30/97 at 10:00 a.m. w/proof of svc. (gjf) (Entered: 10/23/1997)
10/30/1997	27	PROOF OF SERVICE by deft for responses to pltf's first interrogatories and requests for production of documents. (gjf) (Entered: 10/30/1997)
10/30/1997	28	PROOF OF SERVICE by deft for notice of deposition of Tom Boehm and request for production of documents. (gjf) (Entered: 10/30/1997)
11/06/1997	29	NOTICE by pltf of taking deposition of Robert Schmidt at 10:00 a.m. & Debra Kanaar at 2:00 p.m. on 11/12/97 and Kurt Alter at 10:00 a.m. & Margo Duba at 2:00 p.m. on 11/13/97 w/certificate of svc. (gjf) Modified on 11/06/1997 (Entered: 11/06/1997)
11/06/1997	30	NOTICE by pltf of taking deposition of Patricia Door at 9:30 a.m. & Barbara Jackson at 2:30 p.m. on 11/5/97 and Carol Jones at 9:30 a.m. on 11/6/97 w/certificate of svc. (gjf) (Entered: 11/06/1997)
11/07/1997	31	PROOF OF SERVICE by deft for third request for production of documents (gjf) (Entered: 11/07/1997)

11/20/1997	32	MOTION by deft for partial summary judgment w/notice of hearing at date and time to be set by the Court (gjf) (Entered: 11/20/1997)
11/20/1997	33	BRIEF IN SUPPORT by deft of motion for partial summary judgment [32-1] w/exhibits A-I (gjf) (Entered: 11/20/1997)
11/20/1997	34	PROOF OF SERVICE by deft for pleadings 32 & 33 (gjf) (Entered: 11/20/1997)
11/24/1997	35	MOTION by pltf for partial summary judgment w/brief in support and attachments (gjf) (Entered: 11/24/1997)
11/26/1997	36	SCHEDULING ORDER (1 pg) by Judge Robert Holmes Bell; setting oral argument on cross-motions for partial summary judgment [35-1] & [32-1] at 2:00 p.m. on 1/9/98. Final pretrial conference rescheduled to 1:00 p.m. on 2/3/98; jury trial rescheduled to 9:00 a.m. on 2/17/98 (cc: all counsel) (gjf) (Entered: 11/26/1997)
12/03/1997	37	CERTIFICATE OF SERVICE by pltf for answer to deft's second set of requests for admissions to pltf (gjf) (Entered: 12/04/1997)
12/03/1997	38	CERTIFICATE OF SERVICE by pltf for motion for partial summary judgment and brief in support (gjf) (Entered: 12/04/1997)
12/03/1997	39	CERTIFICATE OF SERVICE by pltf for answers to deft's third set requests for production of documents (gjf) (Entered: 12/04/1997)
12/08/1997	40	PROOF OF SERVICE by deft for supplemental responses to pltf's first interrogatories, supplemental responses to pltf's first request for admissions and second supplemental responses to pltf's first interrogatories (gjf) (Entered: 12/09/1997)
12/08/1997	41	NOTICE by pltf of taking deposition of Daniel Pierce on 11/14/97 at 10:00 a.m. w/certificate of svc (gjf) (Entered: 12/09/1997)
12/11/1997	42	MOTION by deft for extension of briefing schedule and to adjourn the dates listed in the 11/24/97 scheduling order w/brief in support, notice of hearing at a date and time to be set by the court, proof of svc and PROPOSED order (gjf) (Entered: 12/12/1997)
12/11/1997	43	NOTICE by deft of concurrence sought for motion pursuant to LR 27(d) (gjf) (Entered: 12/12/1997)
12/15/1997	44	ORDER (2 pgs) by Judge Robert Holmes Bell; granting joint motion for extension of briefing schedule and to adjourn the dates listed in the 11/24/97 scheduling order [42-1]. Deft's and pltf's responses to motions for partial summary judgment [35-1] & [32-1] by 1/22/98 and hearing set for 1:00 p.m. on 2/10/98 . Reply briefs in support of motions for partial summary judgment by 2/5/98. Pretrial conference rescheduled to 1:00 p.m. on 3/12/98 and Jury trial rescheduled to 9:00 a.m. on 3/23/98 (cc: all counsel) (gjf) (Entered: 12/15/1997)
12/19/1997	45	SECOND AMENDMENT TO FACT WITNESS LIST submitted by deft w/proof of svc (gjf) (Entered: 12/19/1997)
01/22/1998	46	MOTION by pltf to extend briefing schedule and hearing date on pltf and deft's motions for partial summary judgment w/brief in support, attachment and certificate of svc (gjf) (Entered: 01/23/1998)

01/22/1998	47	ORDER (1 pg) by Judge Robert Holmes Bell; granting pltf's motion to extend briefing schedule and hearing date on pltf and deft's motions for partial summary judgment [46-1]. Response briefs re: cross-motions for partial summary judgment [35-1] & [32-1] filed on or before 2/5/98. Reply briefs filed on or before 2/19/98 and oral argument rescheduled to 3:00 p.m. on 2/24/98 (cc: all counsel 1/23/98) (gjf) (Entered: 01/23/1998)
01/30/1998	48	CROSS-MOTION by deft for summary judgment (gjf) (Entered: 01/30/1998)
01/30/1998	49	BRIEF IN OPPOSITION by deft to pltf's motion for partial summary judgment [35-1] and in support of its cross-motion for summary judgment w/attachments 1-15 (gjf) (Entered: 01/30/1998)
01/30/1998	49	BRIEF by deft in support of cross-motion for summary judgment [48-1] (incorporated in brief in opposition) (gjf) (Entered: 01/30/1998)
01/30/1998	50	PROOF OF SERVICE by deft for pleadings 48 & 49 (gjf) (Entered: 01/30/1998)
02/06/1998	51	BRIEF IN RESPONSE by pltf to deft's motion for partial summary judgment [32-1] w/exhibits A&B and certificate of svc (gjf) (Entered: 02/09/1998)
02/19/1998	52	BRIEF IN REPLY by deft to pltf's response to deft's motion for partial summary judgment [32-1] w/afdv of Carol Jones and proof of svc (gjf) (Entered: 02/19/1998)
02/20/1998	53	RESPONSE by pltf to deft's cross-motion for summary judgment [48-1] and reply to deft's response to pltf's motion for summary judgment w/attachments (gjf) (Entered: 02/20/1998)
02/20/1998	53	REPLY by pltf to deft's response to pltf's motion for summary judgment [35-1] (incorporated in response to deft's cross-motion for summary judgment) (gjf) (Entered: 02/20/1998)
02/20/1998	54	MOTION by pltf to strike deft's cross-motion for summary judgment and brief in support (gjf) (Entered: 02/20/1998)
02/20/1998	55	MOTION by pltf to strike afdvt of Steve Armstrong and brief in support w/attached copy of afdvt (gjf) (Entered: 02/20/1998)
02/24/1998		PROCEEDING before Judge Robert Holmes Bell; re motion for summary judgment [48-1], motion for partial summary judgment [35-1] and motion for partial summary judgment [32-1]. Matters taken under advisement. Court reporter Kevin Gaugier (gjf) (Entered: 03/02/1998)
03/06/1998	56	OPINION (14 pgs) by Judge Robert Holmes Bell (cc: all counsel 3/9/98) (gjf) (Entered: 03/09/1998)
03/06/1998	57	ORDER AND JUDGMENT: (1 pg) by Judge Robert Holmes Bell; denying pltf's motion to strike afdvt of Steve Armstrong and brief in support [55-1], denying pltf's motion to strike deft's cross-motion for summary judgment and brief in support [54-1], granting deft's motion for summary judgment [48-1], denying pltf's motion for partial summary judgment [35-1], denying pltf's motion for partial summary judgment [32-1] and terminating case (cc: all counsel 3/9/98) (gjf) (Entered: 03/09/1998)

03/19/1998	58	MOTION by deft for attorneys fees and costs w/oral argument requested (gjf) (Entered: 03/20/1998)
03/19/1998	59	BRIEF IN SUPPORT by deft of its motion for attorneys fees and costs [58-1] w/attachments 1-11 (gjf) (Entered: 03/20/1998)
03/19/1998	60	PROOF OF SERVICE by deft for pleadings 58 & 59 (gjf) (Entered: 03/20/1998)
03/23/1998	61	AMENDED PROOF OF SERVICE by deft for pldgs #58 & #59 (mfb) (Entered: 03/24/1998)
04/02/1998	62	RESPONSE by pltf to deft's motion for attorneys fees and costs [58-1] w/attachments (gjf) (Entered: 04/03/1998)
04/06/1998	63	CERTIFICATE OF SERVICE by pltf for response to deft's motion for atty fees and costs (gjf) (Entered: 04/06/1998)
04/20/1998	64	REPLY BRIEF by deft in support of motion for attorneys fees and costs [58-1] w/oral argument requested and attachments 1 & 2 (gjf) (Entered: 04/20/1998)
05/04/1998	65	NOTICE OF APPEAL to Circuit Court by pltf [57-2] of decision entered on 3/6/98 (gjf) (Entered: 05/04/1998)
05/04/1998	66	OPINION (5 pgs) by Judge Robert Holmes Bell (cc: all counsel 5/5/98) (gjf) (Entered: 05/05/1998)
05/04/1998	67	ORDER (1 pg) by Judge Robert Holmes Bell; granting deft's motion for attorneys fees in the amount of \$12,304.00 and costs in the amount of \$3,289.09 [58-1] (cc: all counsel 5/5/98) (gjf) (Entered: 05/05/1998)
05/06/1998		MAILED information copies to CCA consisting of Notice of Appeal [65-1], docket sheet and opinion [56-1] & order and judgment [57-1] (cc: District Judge, court reporter and all counsel) (gjf) (Entered: 05/06/1998)
05/18/1998	68	TRANSMISSION FORM showing notice of appeal [65-1] filed by CCA on 5/13/98 and assigned CCA 98-1544 (gjf) (Entered: 05/18/1998)
05/26/1998	69	NOTICE OF APPEAL to Circuit Court by pltf EEOC [67-1] decision entered on 5/4/98 (ghl) (Entered: 05/26/1998)
05/26/1998		MAILED information copies to CCA consisting of Notice of Appeal [69-1] , docket sheet and # 67 Order, Opinion # 66 (cc: District Judge and all counsel) (ghl) (Entered: 05/26/1998)
06/01/1998	70	TRANSMISSION FORM showing notice of appeal [69-1] filed by CCA on 5/28/98 and assigned CCA 98-1544 (ghl) (Entered: 06/01/1998)
06/23/1998	71	TRANSCRIPT of oral argument re: cross-motions for summary judgment held 2/24/98 before Judge Robert Holmes Bell; transcribed by Kevin Gaugier (gjf) (Entered: 06/23/1998)
10/01/1998	72	ORDER from CCA; re: CCA # 98-1544;98-1633 dismissing the appeal [69-1] dismissing the appeal [65-1] ; 1/29/99 as to deft Allendale Nursing Centre, in accordance with Rule 18, Rules of the Sixth Circuit, and upon consideration of the stipulation of the parties to voluntarily dismiss the appeal pursuant to 42(b),FRAP. (ghl) (Entered: 10/02/1998)

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