

CASESETTLED, CLOSED, VFM

**United States District Court  
Western District of Michigan (Southern Division (5))  
CIVIL DOCKET FOR CASE #: 5:04-cv-00167-RAE**

Equal Employment Opportunity Commission v. Applegate  
Holding Co. et al  
Assigned to: Senior Judge Richard Alan Enslen  
Cause: 28:451 Employment Discrimination

Date Filed: 09/30/2004  
Date Terminated: 04/10/2006  
Jury Demand: Both  
Nature of Suit: 442 Civil Rights: Jobs  
Jurisdiction: U.S. Government Plaintiff

**plaintiff**

**Equal Employment Opportunity  
Commission**

represented by **Adele Rapport**  
U.S. Equal Employment Opportunity  
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V.

**defendant**

**Applegate Holding Co.**

represented by **Karen B. Berkery**  
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**defendant****Advance Employment Services**

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**mediator****Facilitative Mediator**

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**LEAD ATTORNEY**

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
09/30/2004	<a href="#">1</a>	COMPLAINT <i>and Jury Trial Demand</i> against Advance Employment Services, Applegate Holding Co. filed by Equal Employment Opportunity Commission (lkd, ) (Entered: 10/01/2004)
09/30/2004		SUMMONS ISSUED as to Advance Employment Services ; Applegate Holding Co. (lkd, ) (Entered: 10/01/2004)
11/02/2004	<a href="#">2</a>	PROPOSED STIPULATION and ORDER <i>for extension of time within which to file responsive pleadings</i> by defendant Advance Employment Services, plaintiff Equal Employment Opportunity Commission (acr, ) (Entered: 11/03/2004)
11/02/2004	<a href="#">3</a>	PROOF OF SERVICE by defendant Advance Employment Services re <a href="#">2</a> <i>proposed stipulation and order for extension of time</i> (acr, ) (Entered: 11/03/2004)
11/02/2004	<a href="#">4</a>	PROOF OF SERVICE by defendant Advance Employment Services re <a href="#">2</a> <i>on 11/02/04 via first-class mail</i> (bd, ) (Entered: 11/04/2004)
11/05/2004	<a href="#">5</a>	ATTORNEY APPEARANCE of Rachel B. Roe, Charles F. Behler on behalf of defendant Advance Employment Services (bd, ) (Entered: 11/08/2004)
11/05/2004	<a href="#">6</a>	PROOF OF SERVICE by defendant Advance Employment Services re <a href="#">5</a> <i>via first-class mail on 11/03/04</i> (bd, ) (Entered: 11/08/2004)
11/08/2004	<a href="#">7</a>	ATTORNEY APPEARANCE of Karen B. Berkery on behalf of defendant Applegate Holding Co. (bd, ) (Entered: 11/09/2004)
11/08/2004	<a href="#">8</a>	ANSWER to complaint by Applegate Holding Co. (bd, ) (Entered: 11/09/2004)
11/08/2004	<a href="#">9</a>	AFFIRMATIVE DEFENSES by defendant Applegate Holding Co. re <a href="#">8</a> <i>Answer</i> (bd, ) (Entered: 11/09/2004)
11/08/2004	<a href="#">10</a>	AFFIDAVIT of service by defendant Applegate Holding Co. re <a href="#">7</a> , <a href="#">8</a> , <a href="#">9</a> <i>via personal service and via first-class mail on 11/05/04</i> (bd, ) (Entered: 11/09/2004)
11/09/2004	<a href="#">11</a>	ANSWER to complaint <i>and Affirmative Defenses and Reliance on Jury Demand</i> by Advance Employment Services (bd, ) (Entered: 11/10/2004)
11/09/2004	<a href="#">12</a>	PROOF OF SERVICE by defendant Advance Employment Services re <a href="#">11</a> <i>via first-class mail on 11/08/04</i> (bd, ) (Entered: 11/10/2004)
11/16/2004	<a href="#">13</a>	ORDER setting Rule 16 scheduling conference for 12/7/2004 at 09:00 AM at 654 Federal Building, Grand Rapids, MI before Magistrate Judge

		Ellen S. Carmody; status report due by 12/2/2004 ; signed by Judge Richard Alan Enslen (Judge Richard Alan Enslen, sas) (Entered: 11/16/2004)
11/16/2004		Copy of Order Setting Rule 16 Scheduling Conference, <a href="#">13</a> sent via U.S. Mail to Charles F. Behler and Karen B. Berkery (bd, ) (Entered: 11/16/2004)
11/16/2004	<a href="#">14</a>	ORDER granting STIPULATION <a href="#">2</a> nunc pro tunc; defendant Advance Employment Services may answer by 11/9/2004; signed by Magistrate Judge Ellen S. Carmody (Magistrate Judge Ellen S. Carmody, cbh) (Entered: 11/16/2004)
11/17/2004		Copy of Order on Stipulation and Proposed Order <a href="#">14</a> sent via U.S. Mail to Charles Behler and Karen Berkery (bd, ) (Entered: 11/17/2004)
12/02/2004	<a href="#">15</a>	JOINT STATUS REPORT submitted for filing by plaintiff Equal Employment Opportunity Commission (Mengesha, Trina) (Entered: 12/02/2004)
12/07/2004	<a href="#">16</a>	MINUTES of Rule 16 Scheduling Conference held before Magistrate Judge Ellen S. Carmody (Tape #C-G04 - #187) (Magistrate Judge Ellen S. Carmody, cr) (Entered: 12/07/2004)
12/10/2004	<a href="#">17</a>	CASE MANAGEMENT ORDER: jury trial set for 2/2006 at 08:30 AM at 174 Federal Building, Kalamazoo, MI before Judge Richard Alan Enslen; settlement conference set for 12/21/2005 at 02:00 PM at 654 Federal Building, Grand Rapids, MI before Magistrate Judge Ellen S. Carmody; final pretrial conference set for 1/26/2006 at 02:30 PM at 174 Federal Building, Kalamazoo, MI before Judge Richard Alan Enslen; ; signed by Judge Richard Alan Enslen (Judge Richard Alan Enslen, sas) Modified date of jury trial on 12/10/2004 (acr, ). (Entered: 12/10/2004)
12/10/2004		Copy of Case Management Order <a href="#">17</a> sent via U.S. Mail to Charles Behler and Karen Berkery (bd, ) (Entered: 12/10/2004)
12/14/2004	<a href="#">18</a>	AMENDED COMPLAINT against all defendants filed by Equal Employment Opportunity Commission (Mengesha, Trina) (Entered: 12/14/2004)
12/21/2004	<a href="#">19</a>	PROOF OF SERVICE by defendant Advance Employment Services <i>for Initial Disclosures Under Rule 26 (a)(1)</i> (acr, ) (Entered: 12/23/2004)
12/23/2004	<a href="#">20</a>	LETTER RETURNING DISCOVERY MATERIAL: Defendant, Advance Employment of Mt. Pleasant, Inc.'s Initial Disclosures Under Rule 26(a)(1) returned to Rachel Brochert Roe (acr, ) (Entered: 12/23/2004)
12/29/2004	<a href="#">21</a>	PROOF OF SERVICE by defendant Applegate Holding Co. <i>re Initial Disclosures Under Rule 26(a)(1)</i> (Berkery, Karen) (Entered: 12/29/2004)
12/30/2004	<a href="#">22</a>	CERTIFICATE OF SERVICE by plaintiff Equal Employment Opportunity Commission (Mengesha, Trina) (Entered: 12/30/2004)

12/30/2004	<a href="#">23</a>	ANSWER to complaint <i>Plaintiff's Amended Complaint</i> by Applegate Holding Co. (Berkery, Karen) (Entered: 12/30/2004)
12/30/2004	<a href="#">24</a>	(PLEASE DISREGARD THIS DOCKET ENTRY-replaced by docket #25) AFFIDAVIT of service by defendant Applegate Holding Co. re <a href="#">23</a> <i>Answer to Amended Complaint</i> (Berkery, Karen) Modified text on 1/3/2005 to reflect this entry should be disregarded (bd, ). (Entered: 12/30/2004)
12/30/2004	<a href="#">25</a>	(Corrected) AFFIDAVIT of service by defendant Applegate Holding Co. re <a href="#">23</a> (This document replaces docket #24) (Berkery, Karen) Modified text on 1/3/2005 to reflect corrected entry (bd, ). (Entered: 12/30/2004)
01/03/2005	<a href="#">26</a>	ORDER referring case to VOLUNTARY FACILITATIVE MEDIATION: Facilitative Mediator rep by Jon G. March added; plaintiff VFM fee to be submitted by 1/18/2005; defendant VFM fee to be submitted by 1/18/2005 ; signed by Judge Richard Alan Enslen (Judge Richard Alan Enslen, sas) (Entered: 01/03/2005)
01/06/2005	<a href="#">27</a>	ANSWER to amended complaint <i>Affirmative Defenses and Reliance on Jury Demand</i> by Advance Employment Services (Behler, Charles) (Entered: 01/06/2005)
01/20/2005		VFM FEE RECEIVED in the amount of \$25.00, check number 277230 for payment of Defendant Applegate Holding Co.'s VFM fee (ADR Administrator, mjs) (Entered: 01/20/2005)
01/24/2005		VFM FEE RECEIVED in the amount of \$25.00, check number 139 for payment of Plaintiff Equal Employment Opportunity Commission's VFM fee (ADR Administrator, mjs) (Entered: 01/24/2005)
01/28/2005	<a href="#">28</a>	MOTION for summary judgment <i>on all Claims of the Joined Class Members for Failure to Comply with Title VII, and Additionally, to Dismiss all of Plaintiff's Claims for Failure by the EEOC to Conciliate, Failure to Investigate in Good Faith and Find Probable Cause, and Failure to Conciliate on Behalf of Class Members</i> by defendant Advance Employment Services; (Behler, Charles) (Entered: 01/28/2005)
01/28/2005	<a href="#">29</a>	BRIEF in support of <a href="#">28</a> filed by Advance Employment Services (Attachments: # <a href="#">1</a> Exhibit 1# <a href="#">2</a> Exhibit 2# <a href="#">3</a> Exhibit 3# <a href="#">4</a> Exhibit 4# <a href="#">5</a> Exhibit 5# <a href="#">6</a> Exhibit 6# <a href="#">7</a> Exhibit 7# <a href="#">8</a> Exhibit 8# <a href="#">9</a> Exhibit 9# <a href="#">10</a> Exhibit 10) (Behler, Charles) (Entered: 01/28/2005)
02/02/2005		VFM FEE RECEIVED in the amount of \$25.00, check number 305807 for payment of Defendant Advance Employment Services' VFM fee (ADR Administrator, mjs) (Entered: 02/02/2005)
02/03/2005	<a href="#">30</a>	PROOF OF SERVICE by defendant Advance Employment Services <i>for First Set of Interrogatories to Plaintiff via first-class mail</i> (bd, ) (Entered: 02/07/2005)
02/07/2005	<a href="#">31</a>	CLERK'S LETTER to attorney Charles F. Behler regarding e-filing requirement and paper filing <a href="#">30</a> (bd, ) (Entered: 02/07/2005)

02/07/2005	<a href="#">32</a>	ORIGINAL PAPER AFFIDAVIT of Timothy Young in reference to the affidavit submitted electronically and assigned document number <a href="#">29</a> (Exhibit 4) ; submitted for filing by defendant Advance Employment Services (bd, ) Modified text on 2/7/2005 (bd, ). (Entered: 02/07/2005)
02/07/2005	<a href="#">33</a>	ORIGINAL PAPER AFFIDAVIT of Ed Culberson in reference to the affidavit submitted electronically and assigned document number <a href="#">29</a> ( <i>Exhibit 1</i> ) ; submitted for filing by defendant Advance Employment Services (bd, ) (Entered: 02/07/2005)
02/11/2005	<a href="#">34</a>	PROOF OF SERVICE by defendant Applegate Holding Co. <i>Request for Production of Documents, Interrogatories</i> (Berkery, Karen) (Entered: 02/11/2005)
02/22/2005	<a href="#">35</a>	STIPULATION titled " <i>Stipulated Order</i> " by plaintiff Equal Employment Opportunity Commission (Mengesha, Trina) Modified title of document on 2/23/2005 (bd, ). (Entered: 02/22/2005)
02/24/2005	<a href="#">36</a>	ORDER granting STIPULATION <a href="#">35</a> , plaintiff shall file a response brief to defendants' motion for summary judgment on or before February 25, 2005; signed by Judge Richard Alan Enslen (Judge Richard Alan Enslen, blb) (Entered: 02/24/2005)
02/25/2005	<a href="#">37</a>	RESPONSE in opposition re <a href="#">28</a> to <i>Defendant's Motion for Summary Judgment</i> filed by Equal Employment Opportunity Commission (Attachments: # <a href="#">1</a> Exhibit A # <a href="#">2</a> Attachment 2 # <a href="#">3</a> Attachment 1 # <a href="#">4</a> Exhibit B # <a href="#">5</a> Exhibit C # <a href="#">6</a> Exhibit C (continued) # <a href="#">7</a> Exhibit D # <a href="#">8</a> Exhibit D (continued) # <a href="#">9</a> Exhibit E # <a href="#">10</a> Exhibit F # <a href="#">11</a> Exhibit G) (Mengesha, Trina) Modified to reflect description of ttachments/exhibits pursuant to telephone call with filing attorney on 3/10/2005 (bd, ). (Entered: 02/25/2005)
02/25/2005	<a href="#">38</a>	CERTIFICATE OF SERVICE by plaintiff Equal Employment Opportunity Commission (Mengesha, Trina) (Entered: 02/25/2005)
03/10/2005	<a href="#">39</a>	REPLY to response to motion re <a href="#">28</a> <i>Plaintiff's Brief in Opposition to Motion for Summary Disposition</i> filed by Advance Employment Services (Behler, Charles) (Entered: 03/10/2005)
05/19/2005	<a href="#">40</a>	OPINION; signed by Judge Richard Alan Enslen (Judge Richard Alan Enslen, blb) (Entered: 05/19/2005)
05/19/2005	<a href="#">41</a>	ORDER granting in part and denying in part <a href="#">28</a> defendant Advance Employment of Mt. Pleasant, Inc.'s motion for summary judgment, all claims of class member Patrick Bliesner are DISMISSED WITHOUT PREJUDICE; all claims of class member Michael Mellon against Defendant Advance Employment are DISMISSED WITHOUT PREJUDICE; signed by Judge Richard Alan Enslen (Judge Richard Alan Enslen, blb) (Entered: 05/19/2005)
05/23/2005	<a href="#">42</a>	ORDER regarding 12/21/2005 settlement conference; signed by Magistrate Judge Ellen S. Carmody (Magistrate Judge Ellen S. Carmody, cbh) (Entered: 05/23/2005)

06/29/2005	<a href="#">43</a>	PROPOSED STIPULATION and ORDER <i>to amend scheduling order</i> by plaintiff Equal Employment Opportunity Commission and defendants Advance Employment Services and Applegate Holding Co. (Mengesha, Trina) Modified text on 7/1/2005 (bd, ). (Entered: 06/29/2005)
06/29/2005	<a href="#">44</a>	CERTIFICATE OF SERVICE by plaintiff Equal Employment Opportunity Commission <i>for joint stipulated order</i> (Mengesha, Trina) (Entered: 06/29/2005)
08/08/2005	<a href="#">45</a>	ORDER granting STIPULATION <a href="#">43</a> to amend scheduling order; an amended case management order will issue; signed by Magistrate Judge Ellen S. Carmody (Magistrate Judge Ellen S. Carmody, cbh) (Entered: 08/08/2005)
08/08/2005	<a href="#">46</a>	FIRST AMENDED CASE MANAGEMENT ORDER: jury trial set for July 2006 trial term at 174 Federal Building, Kalamazoo, MI before Judge Richard Alan Enslin; final pretrial conference set for 6/22/2006 at 03:30 PM at 174 Federal Building, Kalamazoo, MI before Judge Richard Alan Enslin; signed by Magistrate Judge Ellen S. Carmody (Magistrate Judge Ellen S. Carmody, cbh) Modified text on 8/8/2005 (acr, ). (Entered: 08/08/2005)
10/26/2005	<a href="#">47</a>	PROPOSED STIPULATION and ORDER <i>TO AMEND THE SCHEDULING ORDER</i> by plaintiff Equal Employment Opportunity Commission (Price, Dale) (Entered: 10/26/2005)
10/28/2005	<a href="#">48</a>	ORDER granting STIPULATION <a href="#">47</a> TO AMEND THE SCHEDULING ORDER; no hearing dates are changed; further requests for extension will not be favored; signed by Magistrate Judge Ellen S. Carmody (Magistrate Judge Ellen S. Carmody, cbh) (Entered: 10/28/2005)
10/31/2005		Copy of Order on Stipulation and Proposed Order <a href="#">48</a> sent via U.S. Mail to Adele Rapport, Trina Mengesha, Dale Price, Karen Berkery, Charles Behler, Matthew Wikander, Rachel Roe (bd, ) (Entered: 10/31/2005)
12/20/2005	<a href="#">49</a>	ORDER requiring dismissal papers to be submitted by 1/20/2006; signed by Magistrate Judge Ellen S. Carmody (Magistrate Judge Ellen S. Carmody, mdr) (Entered: 12/20/2005)
01/09/2006	<a href="#">50</a>	PROPOSED CONSENT DECREE <i>signed by all parties</i> by plaintiff Equal Employment Opportunity Commission, and defendants Advance Employment Services and Applegate Holding Co (Price, Dale) Modified to correct filers on 1/10/2006 (acr, ). (Entered: 01/09/2006)
02/10/2006	<a href="#">51</a>	ORDER TO SHOW CAUSE: Plaintiff United States Equal Employment Opportunity Commission to show cause in writing within 21 days why proposed Consent Decree should not be rejected for referenced irregularities; signed by Senior Judge Richard Alan Enslin (Senior Judge Richard Alan Enslin, blb) (Entered: 02/10/2006)
03/02/2006	<a href="#">52</a>	RESPONSE to Order to Show Cause <a href="#">51</a> by plaintiff Equal Employment Opportunity Commission (Mengesha, Trina) (Entered: 03/02/2006)
04/10/2006	<a href="#">53</a>	ORDER granting and adopting <a href="#">50</a> consent decree; signed by Senior



		Judge Richard Alan Enslin (Senior Judge Richard Alan Enslin, blb) (Entered: 04/10/2006)
04/10/2006	<a href="#">54</a>	CONSENT DECREE; with Exhibits A & B ; signed by Senior Judge Richard Alan Enslin (bd, ) (Entered: 04/11/2006)

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