

CLOSED, EAPADMIN

**U.S. District Court**  
**United States District Court for the Western District of Missouri (Kansas City)**  
**CIVIL DOCKET FOR CASE #: 4:06-cv-00815-HFS**

Equal Employment Opportunity Commission v. Western  
Container

Assigned to: District Judge Howard F. Sachs

Cause: 42:2000 Job Discrimination (Race)

Date Filed: 09/29/2006

Date Terminated: 04/02/2008

Jury Demand: Plaintiff

Nature of Suit: 442 Civil Rights: Jobs

Jurisdiction: U.S. Government Plaintiff

**Plaintiff**

**Equal Employment Opportunity  
Commission**

represented by **Anne E. Gusewelle**  
Equal Employment Opportunity  
Commission  
Gateway Tower II  
4th and State Avenue, 9th Flr.  
Kansas City, KS 66101  
(913) 551-5844  
Fax: (913) 551-6957  
Email: anne.gusewelle@eeoc.gov  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

V.

**Intervenor Plaintiff**

**Keith Simmons**

represented by **Kevin A Graham**  
Flook & Graham, PC  
11 East Kansas  
Liberty, MO 64068  
(816) 792-0500  
Fax: (816) 781-6843  
Email: kevin@flookandgraham.com  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

V.

**Defendant**

**Western Container**

represented by **Erin C. Kobler**

Stinson Morrison Hecker, LLP-Walnut  
 1201 Walnut Street  
 Suite 2900  
 Kansas City, MO 64106-6251  
 (816) 691-3328  
 Fax: (816) 691-3495  
 Email: ekobler@stinsonmoheck.com  
**ATTORNEY TO BE NOTICED**

**Paul E. Donnelly**  
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 1201 Walnut Street  
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 Kansas City, MO 64106-6251  
 (816)691-3107  
 Fax: (816)691-3495  
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**ATTORNEY TO BE NOTICED**

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
09/29/2006	<a href="#">1</a>	COMPLAINT against Western Container (Filing fee \$350) Service due by 1/29/2007, filed by Anne E. Gusewelle on behalf of Equal Employment Opportunity Commission. (Attachments: # <a href="#">1</a> Civil Cover Sheet)(Gusewelle, Anne) (Entered: 09/29/2006)
10/02/2006	<a href="#">2</a>	Notice of EAPADMIN (Attachments: # <a href="#">1</a> General Order)(Kee, Georgia) (Entered: 10/02/2006)
11/16/2006	<a href="#">3</a>	WAIVER OF SERVICE returned executed by Equal Employment Opportunity Commission. Western Container waiver sent on 10/26/2006, answer due 12/26/2006. (Gusewelle, Anne) (Entered: 11/16/2006)
11/29/2006	<a href="#">4</a>	NOTICE of appearance by Paul E. Donnelly on behalf of Western Container (Donnelly, Paul) (Entered: 11/29/2006)
11/29/2006	<a href="#">5</a>	DISCLOSURE OF CORPORATE INTERESTS / <i>CERTIFICATE OF INTEREST FOR DEFENDANT WESTERN CONTAINER COMPANY</i> filed by Erin C. Kobler on behalf of Defendant Western Container.(Kobler, Erin) (Entered: 11/29/2006)
12/22/2006	<a href="#">6</a>	ANSWER to Complaint filed by Paul E. Donnelly on behalf of Defendant Western Container.(Donnelly, Paul) (Entered: 12/22/2006)
01/03/2007	<a href="#">7</a>	NOTICE OF PRETRIAL PROCEDURE signed by Judge Howard F. Sachs on 1/3/2007. The parties shall file a joint Proposed Scheduling Order by 2/9/2007.(Moritz, Julie) (Entered: 01/03/2007)
01/24/2007	<a href="#">8</a>	CERTIFICATE OF SERVICE OF INITIAL RULE 26 DISCLOSURES filed by

		Paul E. Donnelly on behalf of Defendant Western Container.(Donnelly, Paul) (Entered: 01/24/2007)
02/01/2007	<a href="#">9</a>	CERTIFICATE OF SERVICE OF INITIAL RULE 26 DISCLOSURES filed by Anne E. Gusewelle on behalf of Plaintiff Equal Employment Opportunity Commission.(Gusewelle, Anne) (Entered: 02/01/2007)
02/09/2007	<a href="#">10</a>	PROPOSED SCHEDULING ORDER <i>AND DISCOVERY PLAN</i> by Equal Employment Opportunity Commission, Western Container. (Gusewelle, Anne) (Entered: 02/09/2007)
02/21/2007	<a href="#">11</a>	CERTIFICATE OF SERVICE by Equal Employment Opportunity Commission of <i>Supplemental Disclosures</i> filed by Anne E. Gusewelle on behalf of Plaintiff Equal Employment Opportunity Commission.(Gusewelle, Anne) (Entered: 02/21/2007)
03/29/2007	<a href="#">12</a>	CERTIFICATE OF SERVICE by Western Container / <i>First Interrogatories and First Request for Production of Documents</i> filed by Erin C. Kobler on behalf of Defendant Western Container.(Kobler, Erin) (Entered: 03/29/2007)
04/12/2007	<a href="#">13</a>	MOTION to intervene filed by Kevin A Graham on behalf of Keith Simmons. Suggestions in opposition/response due by 4/27/2007 unless otherwise directed by the court. (Attachments: # <a href="#">1</a> Exhibit Complaint# <a href="#">2</a> Exhibit Exhibit 1# <a href="#">3</a> Exhibit Exhibit 2)(Graham, Kevin) (Entered: 04/12/2007)
05/10/2007	<a href="#">14</a>	CERTIFICATE OF SERVICE by Equal Employment Opportunity Commission re <a href="#">12</a> Certificate of Service of <i>Responses to Defendant's First Interrogatories, First Request for Production of Documents and Privilege Log</i> filed by Anne E. Gusewelle on behalf of Plaintiff Equal Employment Opportunity Commission. Related document: <a href="#">12</a> Certificate of Service filed by Western Container.(Gusewelle, Anne) (Entered: 05/10/2007)
06/07/2007	<a href="#">15</a>	SCHEDULING ORDER signed by Judge Howard F. Sachs on 6/7/2007. Discovery is due by 10/1/2007. An Accelerated Jury Trial is set for 3/31/2008 at 09:00AM in Courtroom 7B, Kansas City (HFS) before Judge Howard Sachs. Dispositive Motions are due by 10/26/2007. (Moritz, Julie) (Entered: 06/07/2007)
06/07/2007	<a href="#">16</a>	ORDER granting Keith Simmons' motion to intervene (Doc. 13) signed by Judge Howard F. Sachs on 6/7/2007. Simmons is to file his intervenor complaint within 3 days of the date of this order. (Moritz, Julie) (Entered: 06/07/2007)
06/14/2007	<a href="#">17</a>	Intervenor COMPLAINT Service due by 10/15/2007. filed by Kevin A Graham on behalf of Keith Simmons. (Attachments: # <a href="#">1</a> Exhibit Exhibit 1# <a href="#">2</a> Exhibit Exhibit 2)(Graham, Kevin) (Entered: 06/14/2007)
07/09/2007	<a href="#">18</a>	MOTION for extension of time <i>to respond to the EEOC's discovery requests</i> filed by Erin C. Kobler on behalf of Western Container. Suggestions in opposition/response due by 7/26/2007 unless otherwise directed by the court. (Kobler, Erin) (Entered: 07/09/2007)

07/26/2007	<a href="#">19</a>	CERTIFICATE OF SERVICE by Western Container filed by Erin C. Kobler on behalf of Defendant Western Container.(Kobler, Erin) (Entered: 07/26/2007)
07/27/2007	<a href="#">20</a>	ORDER granting Western Container's motion for extension of time with retroactive effect (Doc. 18) signed by Judge Howard F. Sachs on 7/27/2007. Western Container's service of the discovery responses at issue on 7/25/2007 is deemed timely. (Moritz, Julie) (Entered: 07/27/2007)
08/07/2007	<a href="#">21</a>	ANSWER to Intervenor Complaint filed by Erin C. Kobler on behalf of Defendant Western Container.(Kobler, Erin) (Entered: 08/07/2007)
09/13/2007	<a href="#">22</a>	NOTICE of filing by Western Container <i>Revised Joint Proposed Scheduling Order and Discovery Plan</i> (Donnelly, Paul) (Entered: 09/13/2007)
09/18/2007	<a href="#">23</a>	Motion to Amend the PROPOSED SCHEDULING ORDER <i>Joint Motion of the Parties to Revise the Scheduling Order and Initial Discovery Plan</i> by Western Container. (Attachments: # <a href="#">1</a> Exhibit 1)(Donnelly, Paul) Modified on 9/18/2007 to correct the document type to a motion and to change the document title text. Suggestions in opposition/response due by 10/4/2007 unless otherwise directed by the court. (Beard, Melanie). (Entered: 09/18/2007)
09/18/2007	<a href="#">24</a>	SUGGESTIONS in support re <a href="#">23</a> MOTION to amend/correct <i>the Scheduling Order and Initial Discovery Plan</i> filed by Paul E. Donnelly on behalf of Defendant Western Container. (Related document(s) <a href="#">23</a> ) (Donnelly, Paul) (Entered: 09/18/2007)
09/27/2007	<a href="#">25</a>	ORDER granting the parties' joint motion to amend the scheduling order (Doc. 23) signed by Judge Howard F. Sachs on 9/27/2007. Discovery is to be completed by 1/30/2008. Dispositive motions are due by 3/3/2008. This matter will be set for trial on the fall accelerated jury trial docket commencing 10/14/2008.(Moritz, Julie) (Entered: 09/27/2007)
09/28/2007	<a href="#">26</a>	CERTIFICATE OF SERVICE by Keith Simmons <i>of mailing Plaintiff-Intervenor's initial discovery</i> filed by Kevin A Graham on behalf of Intervenor Plaintiff Keith Simmons.(Graham, Kevin) (Entered: 09/28/2007)
11/05/2007	<a href="#">27</a>	Consent MOTION for extension of time <i>to respond to the plaintiff-intervenor's discovery requests</i> filed by Erin C. Kobler on behalf of Western Container. Suggestions in opposition/response due by 11/23/2007 unless otherwise directed by the court. (Kobler, Erin) (Entered: 11/05/2007)
11/08/2007	<a href="#">28</a>	CERTIFICATE OF SERVICE by Western Container filed by Paul E. Donnelly on behalf of Defendant Western Container.(Donnelly, Paul) (Entered: 11/08/2007)
11/16/2007	<a href="#">29</a>	Consent MOTION to amend/correct <a href="#">15</a> Scheduling Order, <i>Motion of the Defendant to Revise the Amended Scheduling Order and Initial Discovery Plan</i> filed by Paul E. Donnelly on behalf of Western Container. Suggestions in opposition/response due by 12/3/2007 unless otherwise directed by the court. (Attachments: # <a href="#">1</a> Exhibit Attachment 1)(Related document(s) <a href="#">15</a> ) (Donnelly, Paul) (Entered: 11/16/2007)

11/16/2007	<a href="#">30</a>	SUGGESTIONS in support re <a href="#">29</a> Consent MOTION to amend/correct <a href="#">15</a> Scheduling Order, <i>Motion of the Defendant to Revise the Amended Scheduling Order and Initial Discovery Plan</i> Consent MOTION to amend/correct <a href="#">15</a> Scheduling Order, <i>Motion of the Defendant to Revise the Amended Scheduling Order and Initial Discovery Plan</i> filed by Paul E. Donnelly on behalf of Defendant Western Container. (Related document(s) <a href="#">29</a> ) (Donnelly, Paul) (Entered: 11/16/2007)
11/21/2007	<a href="#">31</a>	CERTIFICATE OF SERVICE OF INITIAL RULE 26 DISCLOSURES filed by Kevin A Graham on behalf of Intervenor Plaintiff Keith Simmons.(Graham, Kevin) (Entered: 11/21/2007)
11/21/2007	<a href="#">32</a>	CERTIFICATE OF SERVICE by Western Container of <i>Response to Plaintiff-Intervenor's First Interrogatories to Defendant, Response to Plaintiff-Intervenor's First Request for Production of Documents to Defendant and Defendant's Supplemental Fed.R.Civ.P. 26(a)(1) Initial Disclosures</i> filed by Erin C. Kobler on behalf of Defendant Western Container.(Kobler, Erin) (Entered: 11/21/2007)
01/03/2008	<a href="#">33</a>	NOTICE to take deposition of Keith Simmons filed by Paul E. Donnelly on behalf of Defendant Western Container.(Donnelly, Paul) (Entered: 01/03/2008)
01/03/2008	<a href="#">34</a>	CERTIFICATE OF SERVICE by Keith Simmons of <i>filing Plaintiff-Intervenor's discovery responses</i> filed by Kevin A Graham on behalf of Intervenor Plaintiff Keith Simmons.(Graham, Kevin) (Entered: 01/03/2008)
01/14/2008	<a href="#">35</a>	NOTICE to take deposition of Rick Horton filed by Kevin A Graham on behalf of Intervenor Plaintiff Keith Simmons.(Graham, Kevin) (Entered: 01/14/2008)
01/14/2008	<a href="#">36</a>	NOTICE to take deposition of Kendall Sanders filed by Kevin A Graham on behalf of Intervenor Plaintiff Keith Simmons.(Graham, Kevin) (Entered: 01/14/2008)
01/23/2008	<a href="#">37</a>	NOTICE to take deposition of Luther Haney filed by Kevin A Graham on behalf of Intervenor Plaintiff Keith Simmons.(Graham, Kevin) (Entered: 01/23/2008)
01/23/2008	<a href="#">38</a>	NOTICE to take deposition of Mark Radosevich filed by Kevin A Graham on behalf of Intervenor Plaintiff Keith Simmons.(Graham, Kevin) (Entered: 01/23/2008)
01/23/2008	<a href="#">39</a>	NOTICE to take deposition of Larry Schroeder filed by Kevin A Graham on behalf of Intervenor Plaintiff Keith Simmons.(Graham, Kevin) (Entered: 01/23/2008)
01/28/2008	<a href="#">40</a>	CERTIFICATE OF SERVICE by Western Container of <i>Defendant's Second Supplemental Fed. R. Civ. P. 26(a)(1) Disclosures</i> filed by Erin C. Kobler on behalf of Defendant Western Container.(Kobler, Erin) (Entered: 01/28/2008)
01/28/2008	<a href="#">41</a>	CERTIFICATE OF SERVICE by Western Container of <i>Defendant's Supplemental Responses to EEOC's First Interrogatories</i> filed by Erin C. Kobler on behalf of Defendant Western Container.(Kobler, Erin) (Entered: 01/28/2008)

01/29/2008	<a href="#">42</a>	MOTION for order Setting New Trial Date filed by Anne E. Gusewelle on behalf of Equal Employment Opportunity Commission. Suggestions in opposition/response due by 2/13/2008 unless otherwise directed by the court. (Gusewelle, Anne) (Entered: 01/29/2008)
01/31/2008	<a href="#">43</a>	NOTICE to take deposition of Dennis Wilson filed by Erin C. Kobler on behalf of Defendant Western Container.(Kobler, Erin) (Entered: 01/31/2008)
01/31/2008	<a href="#">44</a>	NOTICE to take deposition of Danielle Perkins filed by Erin C. Kobler on behalf of Defendant Western Container.(Kobler, Erin) (Entered: 01/31/2008)
01/31/2008	<a href="#">45</a>	NOTICE to take deposition of Tezzie Wells filed by Erin C. Kobler on behalf of Defendant Western Container.(Kobler, Erin) (Entered: 01/31/2008)
02/05/2008	<a href="#">46</a>	Amended NOTICE to take deposition of Danielle Perkins filed by Paul E. Donnelly on behalf of Defendant Western Container.(Donnelly, Paul) (Entered: 02/05/2008)
02/05/2008	<a href="#">47</a>	Amended NOTICE to take deposition of Tezzie Wells filed by Paul E. Donnelly on behalf of Defendant Western Container.(Donnelly, Paul) (Entered: 02/05/2008)
03/27/2008	<a href="#">48</a>	Joint MOTION for consent judgment filed by Anne E. Gusewelle on behalf of Equal Employment Opportunity Commission. Suggestions in opposition/response due by 4/11/2008 unless otherwise directed by the court. (Attachments: # Executed Consent Decree)(Gusewelle, Anne) Modified on 3/28/2008 to delete the proposed order, which was attached in error (Beard, Melanie). (Entered: 03/27/2008)
03/28/2008		<b>NOTICE OF DOCKET MODIFICATION.</b> A modification has been made to the document filed on 3/27/08 as Document No. 48-2, Ex. A (Proposed Consent Decree). The proposed order attached to the motion has been deleted. Per Administrative Procedures any proposed orders are to be emailed to the Courtroom Deputy in WordPerfect format. This is a text entry only - no document is attached. (Beard, Melanie) (Entered: 03/28/2008)
04/02/2008	<a href="#">49</a>	ORDER granting <a href="#">48</a> motion for consent judgment. (See order for details.) Signed by District Judge Howard F. Sachs on 04/02/08. (Duer, Tina) (Entered: 04/02/2008)

<b>PACER Service Center</b>			
<b>Transaction Receipt</b>			
04/22/2008 15:24:34			
<b>PACER Login:</b>	wu0079	<b>Client Code:</b>	eeoc
<b>Description:</b>	Docket Report	<b>Search Criteria:</b>	4:06-cv-00815-HFS
<b>Billable Pages:</b>	4	<b>Cost:</b>	0.32