

CLOSED, JMR, JURY

**U.S. District Court
Southern District of Mississippi (Southern)
CIVIL DOCKET FOR CASE #: 1:02-cv-00663-DCB**

Equal Employment v. Occu-Health, Inc.
Assigned to: Judge David C. Bramlette, III
Demand: \$0
Cause: 42:2000 Job Discrimination (Age)

Date Filed: 03/29/2002
Date Terminated: 01/29/2004
Jury Demand: Plaintiff
Nature of Suit: 442 Civil Rights: Jobs
Jurisdiction: U.S. Government Plaintiff

Plaintiff

**Equal Employment Opportunity
Commission**

represented by **C. Emanuel Smith**
EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION -
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V.

Defendant

Occu-Health, Inc.

represented by **Lynn Patton Thompson**
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 TERMINATED: 07/21/2005

Date Filed	#	Docket Text
03/29/2002	1	COMPLAINT; jury demand; Notice of Assignment mailed. (trs) (Entered: 03/29/2002)
03/29/2002		Magistrate Judge Assignment Alfred G. Nicols, Jr. (trs) (Entered: 03/29/2002)
03/29/2002		Case assigned to Pending Track - designation of appropriate track will be made after Case Management Conference and a final track assignment. (trs) (Entered: 03/29/2002)
04/29/2002	2	AMENDED COMPLAINT by plaintiff Equal Employment (Answer due 5/9/02 for Occu-Health, Inc.) amending [1-1] complaint (mgb) (Entered: 04/29/2002)
07/15/2002	3	REQUEST FOR WAIVER of Service as to Occu-Health, Inc. 6/24/02 Waiver of Service due by 7/24/02 for Occu-Health, Inc. (mgb) (Entered: 07/16/2002)
07/29/2002	4	ANSWER to Complaint by defendant Occu-Health, Inc. (Attorney E. Howell Crosby), (mgb) (Entered: 07/30/2002)
07/29/2002	5	MOTION by defendant Occu-Health, Inc. to Transfer Case (mgb) (Entered: 07/30/2002)

07/29/2002	6	MOTION by defendant Occu-Health, Inc. for G. Phillip Shuler, III to Appear Pro Hac Vice (mgb) (Entered: 07/30/2002)
07/29/2002	7	MOTION by defendant Occu-Health, Inc. for Michael D. Spencer to Appear Pro Hac Vice (mgb) (Entered: 07/30/2002)
07/29/2002		Pro Hac Vice fee paid for Michael D. Spencer FILING FEE \$ 25.00 RECEIPT # J049768 (mgb) (Entered: 07/30/2002)
07/29/2002		Pro Hac Vice fee paid For G. Phillip Shuler, III FILING FEE \$ 25.00 RECEIPT # J049767 (mgb) (Entered: 07/30/2002)
07/31/2002	8	Rule 16.1(A) Initial Order; copies mailed (trs) (Entered: 07/31/2002)
07/31/2002		Telephonic Case Management Conference set 11:00 10/17/02 location: Jackson, MS before Magistrate Judge James C. Sumner copies mailed to E. Howell Crosby, Charles E. Guerrier (trs) (Entered: 07/31/2002)
08/07/2002	9	DISCLOSURE STATEMENT regarding corporate structure by defendant Occu-Health, Inc. . (mgb) (Entered: 08/07/2002)
08/07/2002	10	ORDER granting [5-1] motion to Transfer Case to Southern District of Mississippi (signed by Judge Henry T. Wingate); copies mailed. (rrl) (Entered: 08/08/2002)
08/07/2002		Intradistrict transfer to Southern Division (rrl) (Entered: 08/08/2002)
08/07/2002		Certified copy of Order Transferring Venue [10-1], docket entries and original case file forwarded to Southern District of MS. (rrl) (Entered: 08/08/2002)
08/12/2002	11	Notice of Service of Interrogatories and Request for Production of Documents by defendant Occu-Health, Inc. (mgb) (Entered: 08/12/2002)
08/12/2002		Original file, certified copy of transfer order and docket sheet received from Jackson Division (avm) (Entered: 08/13/2002)
08/12/2002		CASE ASSIGNED to Judge David C. Bramlette III (avm) (Entered: 08/13/2002)
08/12/2002		Magistrate Judge Assignment - John M. Roper (avm) (Entered: 08/13/2002)
08/13/2002		Letter to all counsel re: new case number pursuant to transfer, and Judge and Magistrate Judge assignments (cc all chambers) (avm) (Entered: 08/13/2002)
08/14/2002	12	Rule 16.1(A) Initial Order; copies mailed (avm) (Entered: 08/14/2002)
08/14/2002		Telephonic Case Management Conference set 10:00 10/29/02 before Magistrate Judge John M. Roper copies mailed to E. Howell Crosby, Charles E. Guerrier (avm) (Entered: 08/14/2002)
09/12/2002		duplicate Rule 16 order mailed Att: Gail Fantop with EEOC in Birmingham address for Charles Guerrier to replace lost original (avm) (Entered: 09/12/2002)
10/10/2002	13	Notice of Service of Disclosure by defendant Occu-Health, Inc. (avm) (Entered: 10/10/2002)
10/21/2002	14	ORDER granting [6-1] motion for G. Phillip Shuler, III to Appear Pro Hac Vice (signed by Magistrate Judge John M. Roper); copies mailed. (cc KA) (avm) (Entered: 10/21/2002)

10/29/2002		Telephonic Case Management Conference held (pak) (Entered: 10/31/2002)
10/31/2002	15	CASE MANAGEMENT ORDER Case Assigned to CJRA Track: Standard Parties do not consent to trial by a Magistrate Judge; Scheduling Deadlines: Jury Trial 7/7/03-7/25/03 (ETT: 3 days); Final Pretrial Conference for 3:30 6/26/03; Discovery cutoff 4/1/03; Joining of parties,amending of pleadings by 12/1/02; Pla. Designation of Experts by 1/3/03; Dft Designation of Experts by 2/3/03; Motion Filing deadline on 4/15/03; Settlement Conference for 1:45 2/20/03; (signed by Magistrate Judge John M. Roper) copies mailed. (pak) (Entered: 10/31/2002)
10/31/2002		Case assigned to Standard Track. (pak) (Entered: 10/31/2002)
11/13/2002	16	Minute Entry Order: granting [7-1] motion for Michael D. Spencer to Appear Pro Hac Vice (signed by Magistrate Judge John M. Roper) Copies mailed. (cc KA) (avm) (Entered: 11/13/2002)
11/18/2002	17	Notice of Service of Interrogatories and request for production by defendant Occu-Health, Inc. (spc) (Entered: 11/18/2002)
11/18/2002	18	MOTION by plaintiff Equal Employment to Withdraw [1-1] complaint (avm) (Entered: 11/18/2002)
02/20/2003		Status Conference held (avm) (Entered: 02/21/2003)
02/21/2003	19	Minute Entry Order: granting [18-1] motion to Withdraw [1-1] complaint as to Bonnie Dillard only. (signed by Magistrate Judge John M. Roper) Copies mailed. (avm) Modified on 02/21/2003 (Entered: 02/21/2003)
02/21/2003		MOTION ORE TENUS by plaintiff Equal Employment to Extend Time (avm) (Entered: 02/21/2003)
02/21/2003	20	Minute Entry Order: granting [0-0] oral motion to Extend Time, and Set Case Management Order Deadlines Jury Trial 1/5/04 ; Discovery Cutoff 8/1/03 ; Pla. Designation of Experts by 4/1/03 ; Dft Designation of Experts by 5/1/03 ; Motion Filing Deadline on 8/15/03 ; (signed by Magistrate Judge John M. Roper) Copies mailed. (avm) (Entered: 02/21/2003)
02/24/2003	21	Notice of Service of Supplemental Pre-Discovery Disclosure by plaintiff Equal Employment (avm) (Entered: 02/24/2003)
02/24/2003	22	Notice of Service of First Interrogatories and Requests for Production by plaintiff Equal Employment to Defendant (avm) (Entered: 02/24/2003)
02/24/2003	23	MOTION by plaintiff Equal Employment to Amend [15-1] case management order, and [20-1] scheduling order (avm) (Entered: 02/24/2003)
03/05/2003	24	Minute Entry Order: mootng [23-1] motion to Amend [15-1] case management order, and [20-1] scheduling order pursuant to order of 2/21/03. (signed by Magistrate Judge John M. Roper) Copies mailed. (avm) (Entered: 03/05/2003)
07/03/2003	25	NOTICE of Attorney Appearance for plaintiff Equal Employment by J. Mark Graham (avm) (Entered: 07/03/2003)
07/15/2003	26	NOTICE by defendant Occu-Health, Inc. to take deposition of Beverly Creel, 7/22/03 (avm) (Entered: 07/15/2003)

07/21/2003	27	NOTICE by defendant Occu-Health, Inc. to take deposition of Bonnie Dillard, 7/22/03 (avm) (Entered: 07/21/2003)
08/15/2003	28	MOTION by plaintiff Equal Employment to Compel (avm) (Entered: 08/15/2003)
08/18/2003	29	MOTION by defendant Occu-Health, Inc. for Summary Judgment (avm) (Entered: 08/18/2003)
09/16/2003	30	RESPONSE by plaintiff Equal Employment to [29-1] motion for Summary Judgment by defendant (rlw) (Entered: 09/16/2003)
09/16/2003	31	Attachment: Commission's Evidentiary Submission in Support of Its Response by Equal Employment to [29-1] motion for Summary Judgment by defendant (rlw) (Entered: 09/16/2003)
09/18/2003		MOTION ORE TENUS by plaintiff Equal Employment to Extend Time to Respond to the Defendant's Motion for Summary Judgment (msd) (Entered: 09/19/2003)
09/18/2003	32	ORDER granting [0-0] oral motion to Extend Time to Respond to the Defendant's Motion for Summary Judgment, Response to Motion reset to 9/29/03 for [29-1] motion for Summary Judgment (signed by Judge David C. Bramlette III); copies mailed. (msd) (Entered: 09/19/2003)
11/25/2003		Pre-Trial Conference set for 10:00 12/10/03 (avm) (Entered: 11/25/2003)
12/01/2003	33	MEMORANDUM OPINION and ORDER denying [29-1] defendant Occu-Health's motion for Summary Judgment (signed by Judge David C. Bramlette III ;copies mailed. ob: 2003 page: 814-820 (avm) (Entered: 12/02/2003)
01/06/2004	34	PRETRIAL ORDER filed: ETT 2-3 days. (signed by Judge David C. Bramlette III) (avm) (Entered: 01/06/2004)
01/20/2004	35	NOTICE of Attorney Appearance for plaintiff Equal Employment by Stephen R. Graben (jch) (Entered: 01/20/2004)
01/21/2004	36	MOTION by defendant Occu-Health, Inc. in Limine prohibiting Plaintiff from referring to certain matters and documents at the trial of this matter (rlw) (Entered: 01/21/2004)
01/21/2004	37	MEMORANDUM by defendant Occu-Health, Inc. in support of [36-1] motion in Limine prohibiting Plaintiff from referring to certain matters and documents at the trial of this matter by defendant (rlw) (Entered: 01/21/2004)
01/29/2004	38	ORDER, Dismissing This case is hereby dismissed with prejudice as to all parties. If any party fails to consummate this settlement within 30 days, any aggrieved party may reopen the case for enforcement of the settlement agreement within 10 days, and if successful, all additional attorneys' fees and costs from this date shall be awarded such aggrieved party or parties against the party failing to consummate the agreement, The Court specifically retains jurisdiction to enforce the settlement agreement. (signed by Magistrate Judge John M. Roper); copies mailed. (jch) (Entered: 01/29/2004)
01/29/2004		Case closed (jch) (Entered: 01/29/2004)

03/17/2004	39	MOTION by plaintiff Equal Employment to Extend Time to allow parties to complete settlement process (rlw) (Entered: 03/17/2004)
08/25/2004	40	Minute Entry Order: mootng [39-1] motion to Extend Time to allow parties to complete settlement process. (signed by Magistrate Judge John M. Roper) Copies mailed. (msd) (Entered: 08/26/2004)
10/06/2004	41	Consent Decree: This decree fully and finally resolves with prejudice, all claims, with each party to bear their own attorney's fees and costs. This Court retains jurisdiction for 2 years and 2 months for purpose of ensuring compliance (signed by Judge David C. Bramlette III); copies mailed. (rlw) (Entered: 10/07/2004)
07/21/2005	42	Ex-Parte MOTION for G. Philip Shuler, III, Michael D. Spencer, and E. Howell Crosby to Withdraw as Attorney by Occu-Health, Inc. (rlw) (Entered: 07/21/2005)
07/21/2005	43	ORDER granting 42 Motion to Withdraw as Attorney. Attorney Michael D. Spencer(PHV); E. Howell Crosby and G. Phillip Shuler(PHV), III terminated. Signed by Judge David C. Bramlette III on 7/18/05. (rlw) (Entered: 07/21/2005)
04/11/2006	44	NOTICE of Appearance by Debra Hawes Crook on behalf of Equal Employment Opportunity Commission (Crook, Debra) (Entered: 04/11/2006)
04/12/2006	45	Ex Parte MOTION to Substitute Attorney <i>C. Emanuel Smith for Charles E. Guerrier</i> by Equal Employment Opportunity Commission. (Crook, Debra) (Entered: 04/12/2006)
05/02/2006	46	First MOTION for Order to Show Cause <i>Regarding Occu-Health's Compliance with Consent Decree</i> by Equal Employment Opportunity Commission. (Attachments: # 1 Exhibit A# 2 Exhibit B# 3 Exhibit C# 4 Exhibit D# 5 Exhibit E# 6 Exhibit F)(Crook, Debra) (Entered: 05/02/2006)
05/03/2006		DOCKET ANNOTATION as to #42. Certificate of service not signed, attorney will refile signed certificate using Attachment. (Huey, Gordon) (Entered: 05/03/2006)
05/03/2006	47	AMENDED DOCUMENT by Equal Employment Opportunity Commission. Amendment to 46 First MOTION for Order to Show Cause <i>Regarding Occu-Health's Compliance with Consent Decree (Corrected Certificate of Service)</i> . (Crook, Debra) (Entered: 05/03/2006)
06/21/2006	48	NOTICE of Appearance by Lynn Patton Thompson on behalf of Occu-Health, Inc. (Thompson, Lynn) (Entered: 06/21/2006)
06/21/2006	49	MOTION for Extension of Time to File Response/Reply as to 48 Notice of Appearance by Occu-Health, Inc.. (Thompson, Lynn) (Entered: 06/21/2006)
06/22/2006		DOCKET ANNOTATION as to #49. Motion terminated. Attorney's office will refile this Motion, link it to document #46, and will do the exhibits as an attachment. (rlw) (Entered: 06/22/2006)
06/22/2006	50	MOTION for Extension of Time to File Response/Reply as to 46 First MOTION for Order to Show Cause <i>Regarding Occu-Health's Compliance with Consent Decree</i> by Occu-Health, Inc.. (Attachments: # 1 Exhibit A-C)(Thompson, Lynn) (Entered: 06/22/2006)

06/23/2006	51	ORDER granting 50 Motion for Extension of Time to File Response as to 46 First MOTION for Order to Show Cause Regarding Occu-Health's Compliance with Consent Decree. The response is due July 6, 2006. Signed by Judge David C. Bramlette III on June 23, 2006. (sb) (Entered: 06/23/2006)
06/29/2006	52	MOTION to Substitute Attorney <i>Charles E. Guerrier</i> by Equal Employment Opportunity Commission. (Crook, Debra) (Entered: 06/29/2006)
07/06/2006	53	RESPONSE to Motion re 46 First MOTION for Order to Show Cause <i>Regarding Occu-Health's Compliance with Consent Decree and Motion for Sanctions and Specific Performance</i> filed by Occu-Health, Inc.. (Attachments: # 1 Exhibit 1, Part A# 2 Exhibit 1, Part B# 3 Exhibit 1, Part C# 4 Exhibit 1, Part D# 5 Exhibit 2)(Thompson, Lynn) (Entered: 07/06/2006)
07/06/2006	54	MOTION for <i>Status Conference or Other Hearing</i> re 46 First MOTION for Order to Show Cause <i>Regarding Occu-Health's Compliance with Consent Decree</i> by Occu-Health, Inc.. (Attachments: # 1 Exhibit 1, Part A# 2 Exhibit 1, Part B# 3 Exhibit 1, Part C# 4 Exhibit 1, Part D# 5 Exhibit 2)(Thompson, Lynn) (Entered: 07/06/2006)
09/27/2006	55	First MOTION to Amend/Correct [41] Order, <i>Consent Decree</i> , MOTION re 46 First MOTION for Order to Show Cause <i>Regarding Occu-Health's Compliance with Consent Decree</i> , 47 Amended Document to <i>First Motion for Order to Show Cause</i> by Equal Employment Opportunity Commission. (Attachments: # 1 Exhibit Modified Consent Decree)(Crook, Debra) (Entered: 09/27/2006)
10/11/2006		Set/Reset Hearings: Status Conference set for 11/7/2006 11:00 AM before Magistrate Judge John M. Roper in Natchez,Ms. Confidential status memoranda must be submitted on or prior to October 31,2006 to the Court's Gulfport,Ms office. (Nicaud, Jenny) (Entered: 10/11/2006)
10/11/2006		TEXT ORDER ONLY granting 45 Motion to Substitute Attorney. Added attorney C. Emanuel Smith for Equal Employment Opportunity Commission. Attorney Charles E. Guerrier terminated, granting 52 Motion to Substitute Attorney. Added attorney C. Emanuel Smith for Equal Employment Opportunity Commission. Attorney Charles E. Guerrier terminated. No further written order shall be issued by this Court . Signed by Judge John M. Roper on October 11,2006. (Nicaud, Jenny) (Entered: 10/11/2006)
10/11/2006	56	MODIFIED CONSENT DECREE . Signed by Judge John M. Roper on October 11, 2006. (Stokes, Porfi) (Entered: 10/11/2006)
11/14/2006		TEXT ORDER ONLY finding as moot 46 Motion for Order to Show Cause, finding as moot 54 Motion for Hearing, granting 55 Motion to Amend/Correct, finding as moot 55 Motion.Pursuant to the modified consent decree entered on October 11,2006, the Court finds these motions are mootexcept as they relate to the allowance of the aforementioned decree. No further wrtten order shall be issued by this Court . Signed by Judge John M. Roper on November 14,2006. (Nicaud, Jenny) (Entered: 11/14/2006)

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