

**U.S. District Court
Southern District of Mississippi (Jackson)
CIVIL DOCKET FOR CASE #: 3:96-cv-00760-TSL**

United States v. City of Canton
Assigned to: District Judge Tom S. Lee
Demand: \$0
Cause: 42:2000 Job Discrimination (Sex)

Date Filed: 10/16/1996
Date Terminated: 11/20/1997
Jury Demand: Plaintiff
Nature of Suit: 442 Civil Rights:
Jobs
Jurisdiction: U.S. Government
Plaintiff

Plaintiff

United States of America

represented by **Janet Reno**

U.S. DEPARTMENT OF
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P. O. Box 66400
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Michael A. Zubrensky
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V.

Defendant

City of Canton, Mississippi

represented by **Gary E. Friedman**
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Aubry Matt Pesnell
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Movant

**Twentieth Judicial District of
Mississippi**

represented by **John T. Kitchens**
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| Date Filed | # | Docket Text |
|-------------------|----------|---|
| 10/16/1996 | 1 | COMPLAINT; jury demand; Notice of Assignment mailed. (thr) (Entered: 10/17/1996) |
| 10/16/1996 | | Magistrate Judge Assignment Alfred G. Nicols (thr) (Entered: 10/17/1996) |
| 10/16/1996 | | Case assigned to Pending Track - designation of appropriate track will be made after Case Management Conference and a |

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| | | final track assignment. (thr) (Entered: 10/17/1996) |
| 10/16/1996 | 2 | Notice of Service of Disclosure by plaintiff United States (thr) (Entered: 10/17/1996) |
| 10/16/1996 | 3 | REQUEST FOR WAIVER of Service as to City of Canton 10/16/96 Waiver of Service due by 11/15/96 for City of Canton (thr) (Entered: 10/18/1996) |
| 11/01/1996 | 4 | WAIVER OF SERVICE Returned Executed as to City of Canton 10/30/96 Answer due on 12/29/96 for City of Canton (thr) (Entered: 11/01/1996) |
| 11/22/1996 | 5 | ANSWER to Complaint by defendant City of Canton (Attorney Gary E. Friedman, Aubry Matt Pesnell), (thr) (Entered: 11/22/1996) |
| 11/22/1996 | | Case Management Conference set at 3:00 1/28/97 location: Jackson, MS before Magistrate Judge Alfred G. Nicols copies mailed to Aubry Matt Pesnell, Gary E. Friedman, Janet Reno, Mitzi Dease Paige (thr) (Entered: 11/22/1996) |
| 11/27/1996 | 6 | Notice of Service of Disclosure by defendant City of Canton (thr) (Entered: 11/27/1996) |
| 01/17/1997 | 7 | Notice of Service of first set of Interrogatories and request for production of documents by plaintiff United States (fe) (Entered: 01/17/1997) |
| 01/21/1997 | | Letter from Michael Zubrensky requesting to be lead attorney (thr) (Entered: 01/22/1997) |
| 01/28/1997 | | Case Management Conference held (thr) (Entered: 01/29/1997) |
| 01/29/1997 | 8 | Minute entry: CMC held before Mag. Judge Nicols 1/28/97 (thr) (Entered: 01/29/1997) |
| 01/29/1997 | 9 | CASE MANAGEMENT PLAN AND SCHEDULING ORDER Case Assigned to CJRA Track: Standard Scheduling Deadlines: Pla. Designation of Experts by 4/14/97 ; Dft Designation of Experts by 5/12/97 ; Motion Filing deadline on 7/25/97 ; Jury Trial 11/10/97 ; Final Pretrial Conference for 10/7/97 ; Discovery cutoff 7/10/97 ; Case Status Report due 8/8/97 ; Joining of parties,amending of pleadings by 2/26/97 ; (signed by Magistrate Judge Alfred G. Nicols) copies mailed. (thr) (Entered: 01/29/1997) |
| 01/29/1997 | | Case assigned to Standard Track. (thr) (Entered: 01/29/1997) |
| 02/19/1997 | 10 | MOTION by defendant City of Canton to Extend Time to |

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| | | respond to Interrogatories and Production of Documents (thr) (Entered: 02/19/1997) |
| 02/20/1997 | 11 | ORDER granting [10-1] motion to Extend Time to respond to Interrogatories and Production of Documents until 3/2/97 (signed by Magistrate Judge Alfred G. Nicols); copies mailed. (thr) (Entered: 02/20/1997) |
| 03/04/1997 | 12 | Notice of Service of Response by defendant City of Canton to Interrogatories and Production of Documents (thr) (Entered: 03/04/1997) |
| 03/24/1997 | 13 | MOTION by defendant City of Canton for Protective Order (thr) (Entered: 03/24/1997) |
| 03/31/1997 | 14 | RESPONSE by plaintiff United States to [13-1] motion for Protective Order by defendant (thr) (Entered: 03/31/1997) |
| 03/31/1997 | 15 | ORDER denying [13-1] motion for Protective Order (signed by Magistrate Judge Alfred G. Nicols); copies mailed. (thr) (Entered: 03/31/1997) |
| 04/04/1997 | 16 | MOTION by defendant City of Canton to Amend [9-1] case management order (thr) (Entered: 04/04/1997) |
| 04/14/1997 | 17 | Notice of Service of Supplemental Response by defendant City of Canton to interrogatories, production requests (lwe) (Entered: 04/14/1997) |
| 04/16/1997 | 18 | RESPONSE by plaintiff United States to [16-1] motion to Amend [9-1] case management order by defendant (thr) (Entered: 04/16/1997) |
| 04/24/1997 | 19 | REBUTTAL by defendant City of Canton to [16-1] motion to Amend [9-1] case management order by defendant (thr) (Entered: 04/24/1997) |
| 04/25/1997 | 20 | AMENDED CASE MANAGEMENT PLAN AND SCHEDULING ORDER Case Assigned to CJRA Track: Standard Scheduling Deadlines: Pla. Designation of Experts by 4/14/97 ; Dft Designation of Experts by 5/12/97 ; Motion Filing deadline on 7/25/97 ; Jury Trial 11/10/97 ; Final Pretrial Conference for 10/7/97 Discovery cutoff 7/10/97 ; Case Status Report due 8/8/97 ; Joining of parties,amending of pleadings by 2/26/97 ; (signed by Magistrate Judge Alfred G. Nicols) copies mailed. (thr) Modified on 04/25/1997 (Entered: 04/25/1997) |
| 04/28/1997 | 21 | Notice of Service of Supplemental Disclosure by defendant City of Canton (thr) (Entered: 04/28/1997) |

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| 04/30/1997 | 22 | Notice of Service of Second Supplemental Response by defendant City of Canton to interrogatories, production requests (lwe) (Entered: 04/30/1997) |
| 04/30/1997 | 23 | MOTION by defendant City of Canton to Quash , for Protective Order , and for Sanctions (lwe) (Entered: 04/30/1997) |
| 05/01/1997 | 24 | Notice of Service of Interrogatories and Production of Documents and Request for Admissions by defendant City of Canton (thr) (Entered: 05/01/1997) |
| 05/01/1997 | 25 | ORDER, Response to Motion reset to 5/7/97 for [23-1] motion to Quash, reset to 5/7/97 for [23-2] motion for Protective Order, reset to 5/7/97 for [23-3] motion for Sanctions (signed by Magistrate Judge Alfred G. Nicols); copies mailed. (thr) (Entered: 05/05/1997) |
| 05/05/1997 | 26 | NOTICE of RECEIPT of DEPOSITION by plaintiff United States of Fred Esco, Jr. (thr) (Entered: 05/05/1997) |
| 05/07/1997 | 27 | RESPONSE by plaintiff United States to [23-1] motion to Quash, [23-2] motion for Protective Order, [23-3] motion for Sanctions (lwe) (Entered: 05/07/1997) |
| 05/07/1997 | 28 | DECLARATION of Michael A. Zubrensky submitted by plaintiff United States Re: [27-1] motion response (lwe) (Entered: 05/07/1997) |
| 05/07/1997 | 29 | NOTICE by defendant City of Canton to take deposition of Vickie McNeill; George Reed; Fred Boshers; Patrick Weisenberger; Alice Scott; Robbie Johnson; Earl Nichol; Ed Blackman (thr) (Entered: 05/07/1997) |
| 05/07/1997 | 30 | REPLY by defendant City of Canton to response to [23-1] motion to Quash by defendant, [23-2] motion for Protective Order by defendant, [23-3] motion for Sanctions by defendant (thr) (Entered: 05/08/1997) |
| 05/09/1997 | 31 | ORDER granting [23-1] motion to Quash, granting [23-3] motion for Sanctions, set Motion Filing deadline to 8/11/97 , set Discovery deadline to 8/11/97 (signed by Magistrate Judge Alfred G. Nicols); copies mailed. (thr) (Entered: 05/09/1997) |
| 06/06/1997 | 32 | Notice of Service of Response by plaintiff United States to Interrogatories, Production of Documents (thr) (Entered: 06/06/1997) |
| 06/06/1997 | 33 | RESPONSE by plaintiff United States to Discovery re: Requests for Admissions (thr) (Entered: 06/06/1997) |

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| 06/09/1997 | 34 | Copy Notice of Service of Request for Production of Documents by plaintiff United States (thr) (Entered: 06/09/1997) |
| 06/11/1997 | 35 | Notice of Service of Disclosure by defendant City of Canton (thr) (Entered: 06/11/1997) |
| 06/19/1997 | 36 | Notice of Service of Response by defendant City of Canton to Production of Documents (thr) (Entered: 06/19/1997) |
| 06/19/1997 | 37 | RE-NOTICE by defendant City of Canton to take deposition of Ed Blackmon; Barbara Blackmon; Earl Nichols; Robbie Johnson; George Reed; Jimmy Wilson (thr) (Entered: 06/20/1997) |
| 06/20/1997 | 38 | RE-NOTICE by defendant City of Canton to take video deposition of Jimmy Wilson (thr) Modified on 06/23/1997 (Entered: 06/23/1997) |
| 06/25/1997 | 39 | MOTION by movant Twentieth Judicial to Quash Subpoena , or in the Alternative for Protective Order (thr) (Entered: 06/25/1997) |
| 06/30/1997 | 40 | Notice of Service of Supplemental Disclosure by plaintiff United States (lwe) (Entered: 07/01/1997) |
| 07/02/1997 | 41 | Notice of Service of Second Request for Production of Documents by defendant City of Canton (thr) (Entered: 07/02/1997) |
| 07/07/1997 | 42 | RETURN of SUBPOENA executed as to Alice Scott (thr) (Entered: 07/08/1997) |
| 07/08/1997 | 43 | RESPONSE by plaintiff United States to [39-1] motion to Quash Subpoena by movant, [39-2] motion for Protective Order by movant (thr) (Entered: 07/08/1997) |
| 07/09/1997 | 44 | Notice of Service of Request for Production of Documents by defendant City of Canton (thr) (Entered: 07/09/1997) |
| 07/10/1997 | 45 | REQUEST for Admissions by plaintiff United States to defendant City of Canton (thr) (Entered: 07/10/1997) |
| 07/10/1997 | 46 | Notice of Service of Interrogatories and Production of Documents by plaintiff United States (thr) (Entered: 07/10/1997) |
| 07/11/1997 | 47 | MOTION by plaintiff United States for Permission to Designate Treating Physicians as Expert Witnesses and to reaidn Medical Records of Those Physicians Under Seal (thr) (Entered: 07/11/1997) |

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| | | 07/14/1997) |
| 07/11/1997 | 48 | DESIGNATION of EXPERTS by plaintiff United States (thr) (Entered: 07/14/1997) |
| 07/14/1997 | 49 | ORDER: An expedited ruling is warranted upon [47-1] motion; Response to Motion set to 7/18/97 for [47-1] motion; Reply to Response to Motion set to 7/23/97 for [47-1] motion for Permission to Designate Treating Physicians as Expert Witnesses and to retain Medical Records of Those Physicians Under Seal (signed Magistrate Judge Alfred G. Nicols); copies mailed. (lwe) (Entered: 07/15/1997) |
| 07/21/1997 | 50 | RESPONSE by defendant City of Canton in opposition to [47-1] motion for Permission to Designate Treating Physicians as Expert Witnesses (lwe) (Entered: 07/22/1997) |
| 07/21/1997 | 51 | NOTICE of RECEIPT of DEPOSITION by plaintiff United States of Sammy L. Brown; Jon T. Flynn; Fred Esco, Jr.; William J. Mosby, III; John T. Scott; Charles A. Weems; Milton Lockett; Mervyn L. Slay. (lwe) (Entered: 07/22/1997) |
| 07/28/1997 | 52 | Notice of Service of Response by plaintiff United States to second production requests (lwe) (Entered: 07/28/1997) |
| 07/29/1997 | 53 | ORDER granting [47-1] motion for Permission to Designate Treating Physicians as Expert Witnesses and to reaidn Medical Records of Those Physicians Under Seal, set Discovery deadline to 8/15/97 , set designation of defendants' experts deadline to 9/2/97 , set Motion Filing deadline to 9/22/97 (signed by Magistrate Judge Alfred G. Nicols); copies mailed. (thr) (Entered: 07/30/1997) |
| 07/29/1997 | 54 | SEALED DOCUMENT (thr) (Entered: 07/30/1997) |
| 08/11/1997 | 55 | Notice of Service of Interrogatories by defendant City of Canton (thr) (Entered: 08/11/1997) |
| 08/11/1997 | 56 | Notice of Service of Disclosure by defendant City of Canton (thr) (Entered: 08/11/1997) |
| 08/11/1997 | 57 | RESPONSE by defendant City of Canton to Discovery re: [45-1] admission requested by plaintiff (thr) (Entered: 08/11/1997) |
| 08/11/1997 | 58 | ORDER granting [39-1] motion to Quash Subpoena, granting [39-2] motion for Protective Order (signed by Magistrate Judge Alfred G. Nicols); copies mailed. (thr) (Entered: 08/11/1997) |
| 08/25/1997 | 59 | Notice of Service of Second Supplemental Disclosure by plaintiff United States (thr) (Entered: 08/26/1997) |

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| 08/25/1997 | 60 | MOTION by plaintiff United States to Compel discovery (thr) (Entered: 08/26/1997) |
| 08/29/1997 | | Jury Trial set for 9:00 11/3/97 (thr) (Entered: 08/29/1997) |
| 08/29/1997 | | Pre-Trial Conference set for 11:30 10/20/97 (thr) (Entered: 08/29/1997) |
| 09/08/1997 | 61 | RESPONSE by defendant City of Canton to [60-1] motion to Compel discovery by plaintiff (thr) (Entered: 09/08/1997) |
| 09/30/1997 | 62 | ORDER granting in part, denying in part [60-1] motion to Compel discovery. Settlement agreement is denied, offense reports granted. (signed by Magistrate Judge Alfred G. Nicols); copies mailed. (thr) (Entered: 10/01/1997) |
| 10/08/1997 | 63 | JOINT MOTION by plaintiff United States, defendant City of Canton for Protective Order (lwe) (Entered: 10/08/1997) |
| 10/09/1997 | 64 | ORDER granting [63-1] joint motion for Protective Order (signed by Magistrate Judge Alfred G. Nicols); copies mailed. (thr) (Entered: 10/10/1997) |
| 10/23/1997 | 65 | MOTION by defendant City of Canton in Limine allegations of brutality and misconduct of Milton Lockett, etc. (thr) (Entered: 10/23/1997) |
| 10/23/1997 | 66 | MOTION by defendant City of Canton in Limine RE: letter of 11/2/82; Order of Dismissal in "Taylor v. Lockett", etc. (thr) (Entered: 10/23/1997) |
| 10/24/1997 | 67 | NOTICE of RECEIPT of DEPOSITION by defendant City of Canton of Vickie McNeill, Jimmy Wilson, Alice Scott, Robbie Johnson, Willie Nichols, Patrick Weisenberger, George Reid, Fred Boshers, Barbara and Edward Blackmon. (lwe) (Entered: 10/24/1997) |
| 10/28/1997 | 68 | MOTION by defendant City of Canton in Limine to prohibit any testimony concerning contents of Lockett's and McNeill's personnel files. (lwe) (Entered: 10/28/1997) |
| 10/29/1997 | 69 | MOTION by plaintiff United States in Limine to exclude five of Defendant City of Canton's proposed witnesses (thr) (Entered: 10/29/1997) |
| 10/29/1997 | 70 | RETURN of SUBPOENA executed as to Edward Blackmon, Jr. (thr) (Entered: 10/29/1997) |
| 10/29/1997 | 71 | RETURN of SUBPOENA executed as to Barbara Martin Blackmon (thr) (Entered: 10/29/1997) |

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| 10/29/1997 | 72 | RETURN of SUBPOENA executed as to Alice Scott (thr) (Entered: 10/29/1997) |
| 11/06/1997 | 73 | RESPONSE by plaintiff United States to [68-1] motion in Limine by defendant, [66-1] motion in Limine by defendant, [65-1] motion in Limine by defendant (thr) (Entered: 11/06/1997) |
| 11/07/1997 | 74 | RETURN of SUBPOENA executed as to George Reid (thr) (Entered: 11/10/1997) |
| 11/07/1997 | 75 | RETURN of SUBPOENA executed as to W. Earl Nichols (thr) (Entered: 11/10/1997) |
| 11/10/1997 | 76 | RESPONSE by defendant City of Canton to [69-1] motion in Limine to exclude five of Defendant City of Canton's proposed witnesses by plaintiff (thr) (Entered: 11/10/1997) |
| 11/10/1997 | 77 | MOTION by defendant City of Canton in Limine (thr) (Entered: 11/10/1997) |
| 11/10/1997 | 78 | MOTION by defendant City of Canton in Limine (thr) (Entered: 11/10/1997) |
| 11/10/1997 | 79 | MOTION by defendant City of Canton in Limine (thr) (Entered: 11/10/1997) |
| 11/12/1997 | 80 | RETURN of SUBPOENA executed as to Allan Grissett (thr) (Entered: 11/13/1997) |
| 11/12/1997 | 81 | MOTION by defendant City of Canton in Limine (thr) (Entered: 11/13/1997) |
| 11/13/1997 | | Jury Trial held (thr) (Entered: 11/18/1997) |
| 11/18/1997 | 82 | Minute entry: Jury trial held 11/13,14,17,18/97, before Judge Lee. C/R Cherie Bond, Carol Winstead. ACTION TAKEN: Verdict for defendant; judgment to be submitted. (thr) Modified on 12/03/1997 (Entered: 11/18/1997) |
| 11/18/1997 | 83 | JURY VERDICT for defendant City of Canton against plaintiff United States (thr) (Entered: 11/19/1997) |
| 11/18/1997 | 84 | Exhibit list by plaintiff United States, defendant City of Canton, P-1,22 thru 25; 31, 32, 37, 38, 39, 41, 42, 43, 45, 46, 49, 51, 51 A-P; 52, 53, 58, 64, 65, 67. D-2, 6, 9, 12, 16, 19, 20, 22, 23, 25 thru 27, 29, 30, 34, 36, 39, 40, 42A, 45A&B, 46, 48 thru 50. (thr) (Entered: 11/19/1997) |
| 11/20/1997 | 85 | JUDGMENT for defendant City of Canton against plaintiff United States. This action dismissed on the merits, City of |

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| | | Canton recover of the USA its costs of this action. (signed by Judge Tom S. Lee); copies mailed. ob 1997 page 3178 (thr) (Entered: 11/20/1997) |
| 11/20/1997 | | Case closed (thr) (Entered: 11/20/1997) |
| 11/20/1997 | 86 | RETURN of SUBPOENA executed as to Dr. William Truly, Earl Nichols, John Scott, Robbie Johnson, Edward Blackman, Vickie McNeill, Mildred Watkins, Jimmy Houston, Billy Tucker (thr) (Entered: 11/20/1997) |
| 11/24/1997 | 87 | AMENDED PRETRIAL ORDER filed, held 10/23/97, ELT 5 to 6 days (signed by Judge Tom S. Lee) (thr) (Entered: 11/26/1997) |
| 12/11/1997 | 88 | Bill of costs in the amount of \$9,921.43 (thr) (Entered: 12/12/1997) |
| 12/12/1997 | | Costs \$ 9,921.43 taxed for plaintiff United States copies mailed. (thr) (Entered: 12/12/1997) |
| 12/12/1997 | | Bill of cost mailed to all counsel (thr) (Entered: 12/12/1997) |
| 03/11/1998 | | Exhibits destroyed. (fe) (Entered: 03/11/1998) |