

CLOSED

**U.S. District Court
District of Nebraska (8 Omaha)
CIVIL DOCKET FOR CASE #: 8:98-cv-00073-TMS**

EEOC v. Aksarben Nursing
Assigned to: Senior Judge Thomas M. Shanahan
Demand: \$0
Case in other court: USBK-NE, A:99-BK-08035
Cause: 28:451 Employment Discrimination

Date Filed: 02/20/1998
Date Terminated: 03/20/2000
Jury Demand: Plaintiff
Nature of Suit: 442 Civil Rights: Jobs
Jurisdiction: U.S. Government Plaintiff

Plaintiff

**Equal Employment Opportunity
Commission**

represented by **Frank Lopez**
303 East 17th Avenue
Suite 510
Denver, CO 80203
(303) 866-1300
Fax: 866-1375
ATTORNEY TO BE NOTICED

Jacqueline A. Gilvard
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ATTORNEY TO BE NOTICED

V.

Defendant

**Aksarben Nursing Centers
INC.**
doing business as
Aksarben Manor

represented by **Aksarben Nursing Centers**
3 Danada Square East
Wheaton, IL 60187-8484
PRO SE

Christopher E. Hoyme
BERENS, TATE LAW FIRM

10050 Regency Circle
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TERMINATED: 03/01/1999

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TERMINATED: 03/01/1999

Interested Party

U.S. Bankruptcy Clerk

represented by **U.S. Bankruptcy Clerk**
 UNITED STATES BANKRUPTCY
 COURT
 Roman L. Hruska Courthouse
 111 South 18th Plaza, Suite 1125
 Omaha, NE 68102
 (402) 661-7444
 PRO SE

Date Filed	#	Docket Text
02/20/1998	1	COMPLAINT: No Summons issued with req for trial by jury (TLS) (Entered: 02/20/1998)
02/20/1998	2	APPLICATION/ORDER by Clerk Adding atty Frank Lopez to practice pro hac vice as to the plf - COPIES MAILED (TLS) (Entered: 02/20/1998)
02/20/1998	3	REQUEST by plaintiff EEOC for trial by jury in Omaha, Nebraska (TLS) (Entered: 02/20/1998)
04/06/1998		SUMMONS ISSUED to CT Corporation registered agent for defendant Aksarben Nursing (TLS) (Entered: 04/06/1998)
04/21/1998	4	SUMMONS RETURNED EXECUTED upon defendant Aksarben Nursing on 4/17/98 (TLS) (Entered: 04/22/1998)
05/07/1998	5	ANSWER by defendant Aksarben Nursing to complaint [1-1] (TLS) (Entered: 05/07/1998)
05/29/1998	6	SCHEDULING PACKET by Magistrate Judge Thomas D. Thalken - COPIES MAILED (KMG) (Entered: 05/29/1998)

06/26/1998	7	ORDER SETTING SCHEDULE FOR PROGRESSION OF CASE by Magistrate Judge Thomas D. Thalken - deposition ddl set for 1/8/99 - pretrial conference set 10:00 a.m. on 2/8/99 before Magistrate Judge Thomas D. Thalken - jury trial set for 3/1/99 - COPIES MAILED (KMG) (Entered: 06/26/1998)
06/26/1998	8	RULE 26(f) PLANNING REPORT (KMG) (Entered: 06/26/1998)
07/17/1998	9	NOTICE by defendant Aksarben Nursing of serving dft's rule 26(a)(1) disclosures (ICMSUSER) Modified on 07/20/1998 (Entered: 07/17/1998)
07/20/1998	10	NOTICE by plaintiff EEOC of serving rule 26(a)(1) disclosures upon the dft (TLS) (Entered: 07/20/1998)
08/14/1998	11	NOTICE by plaintiff EEOC of Serving Plf's First Set of Interrogatories and Requests for Production of Documents (ICMSUSER) (Entered: 08/17/1998)
09/29/1998	12	NOTICE by defendant Aksarben Nursing of serving ans to plf's interrogs and dft's responses to plf's request for production of docs. (ETC) (Entered: 09/29/1998)
12/03/1998	13	TRIAL ORDER by Judge Thomas M. Shanahan - jury trial set for 3/1/99 - COPIES MAILED (KMG) (Entered: 12/03/1998)
12/16/1998	14	STIPULATED MOTION by plaintiff EEOC and defendant Aksarben Nursing to amend order setting schedule for progression of case (TLS) (Entered: 12/17/1998)
12/16/1998	15	AMENDED ORDER SETTING SCHEDULE FOR PROGRESSION OF CASE by Magistrate Judge Thomas D. Thalken - deposition ddl set for 3/15/99 - pretrial conference set 3:30 4/12/99 before Magistrate Judge Thomas D. Thalken - jury trial set for 5/1/99 granting motion to amend order setting schedule for progression of case [14-1] - COPIES MAILED (TLS) Modified on 12/17/1998 (Entered: 12/17/1998)
02/01/1999	16	MOTION by plaintiff EEOC to set status conf (TLS) (Entered: 02/01/1999)
02/01/1999	17	NOTICE by plaintiff EEOC of taking deposition of Tamara Nields, Paul Diamond, Mark Anderson, Marilyn Bowens, Brandi Richards and Kim Nichols on 2/4/99 (TLS) (Entered: 02/01/1999)
02/01/1999	18	NOTICE by plaintiff EEOC of serving request for admissions upon the dft (TLS) (Entered: 02/01/1999)
02/05/1999	19	SECOND AMENDED ORDER SETTING SCHEDULE FOR PROGRESSION OF CASE by Magistrate Judge Thomas D. Thalken - jury trial set for 6/1/99 - pretrial conference set for 9:00 on 5/12/99 before Magistrate Thomas D. Thalken - deposition ddl set for 4/15/99; granting motion to set status conf [16-1] - COPIES MAILED (ETC) (Entered: 02/08/1999)
03/01/1999	20	MOTION by defendant Aksarben Nursing's attys to withdraw attorneys

		Christopher Hoyme and Donna Colley ; with attachments (Attachments separate in folder) (JLS) Modified on 03/01/1999 (Entered: 03/01/1999)
03/01/1999	21	NOTICE by plaintiff EEOC of taking deposition of Aksarben Nursing Center on 3/8/99 (TLS) (Entered: 03/01/1999)
03/01/1999	22	ORDER by Magistrate Judge Thomas D. Thalken granting motion to withdraw attorneys Christopher Hoyme and Donna Colley [20-1] for Aksarben Nursing, Pursuant to NELR 76.1(a) this case is referred to the United States Bankruptcy Court for the District of Nebraska, this case shall be terminated for statiscal purposes by the Clerk of the Court for the District of Nebraska and the Clerk of the Court shall deliver the court file to the Clerk of the Bankruptcy Court - COPIES MAILED (TLS) (Entered: 03/02/1999)
03/02/1999	23	COPY OF LETTER TRANSMITTING ORIGINAL DOCUMENTS to USBK-NE (TLS) (Entered: 03/02/1999)
03/05/1999	24	NOTICE by Berens & Tate Law Firm of w/drawing as attys for the defendant Aksarben Nursing (TLS) (Entered: 03/05/1999)
04/16/1999	25	REPORT AND RECOMMENDATION by Timothy Mahoney that the reference of this adversary proceeding and civil action be withdrawn to the USDC for further proceeding (JLS) (Entered: 04/27/1999)
05/11/1999	26	ORDER by Judge Thomas M. Shanahan RECOMMENDATION by Timothy Mahoney that the reference of this adversary proceeding and civil action be withdrawn to the USDC for further proceeding [25-1] is adopted and this action is referred to the United States District Court for the District of Nebraska - COPIES MAILED (TLS) (Entered: 05/12/1999)
06/14/1999	27	ORDER by Magistrate Judge Thomas D. Thalken that the dft shall have to 6/30/99 in which to inform the court of substitute cnsl or if they shall be proceeding pro se. Clerk shall mail a copy of this order to Raymond Tutwiler - COPIES MAILED as directed (TLS) (Entered: 06/15/1999)
07/15/1999	28	TRIAL ORDER by Judge Thomas M. Shanahan - jury trial set for 11/1/99 - COPIES MAILED (KMG) (Entered: 07/15/1999)
07/15/1999	29	ORDER by Magistrate Judge Thomas D. Thalken this matter is before the court sua sponte jury trial set for 9/7/99 - pretrial conference set for 10:00 8/16/99 and the Clerk shall mail a copy of this order to the dft c/o Raymond Tutwiler - COPIES MAILED as directed [EOD Date 7/16/99] (TLS) (Entered: 07/16/1999)
08/04/1999	30	MOTION by plaintiff EEOC for summary judgment (TLS) (Entered: 08/04/1999)
08/04/1999	31	STATEMENT of Undisputed Facts by plaintiff EEOC (TLS) (Entered: 08/04/1999)
08/11/1999	32	ORDER by Magistrate Judge Thomas D. Thalken on the court's own mtn pretrial conference is rescheduled to 10:00 9/23/99 - COPIES MAILED

		[EOD Date 8/12/99] (TLS) (Entered: 08/12/1999)
09/23/1999	33	MINUTES: before Magistrate Judge Thomas D. Thalken - Court Reporter: electronic recorder; hearing on pretrial conference; dft failed to appear; written order forthcoming (MBB) (Entered: 09/23/1999)
09/23/1999	34	EXHIBIT LIST from hearing held on 9/23/99 (MBB) (Entered: 09/23/1999)
09/23/1999	35	ORDER by Magistrate Judge Thomas D. Thalken dft shall show cause by 10/4/99 why dflt jgm should not be entered against him, and the clerk shall mail a copy of this order to the dft, Aksarben Nursing Centers - COPIES MAILED as directed [EOD Date 9/24/99] (TLS) Modified on 09/24/1999 (Entered: 09/24/1999)
10/08/1999	36	REPORT AND RECOMMENDATION by Magistrate Judge Thomas D. Thalken that dft jgm should be entered against the dft for failure to appear at the scheduled PTC of 9/23/99 - COPIES MAILED (TLS) (Entered: 10/12/1999)
12/02/1999	37	MEMORANDUM AND ORDER: by Judge Thomas M. Shanahan adopting in its entirety the REPORT AND RECOMMENDATION by Magistrate Judge Thomas D. Thalken of 9/23/99 [36-1]; dflt is entered against the dft, Aksarben Nursing Centers, Inc. d/b/a Aksarben Manor; that the issue of the relief to be granted is referred to Magistrate Judge Thomas D. Thalken for findings and recommendations; that plf's motion for summary judgment [30-1] is denied moot. - COPIES MAILED [EOD Date 12/6/99] (JAE) (Entered: 12/06/1999)
12/06/1999	38	ORDER by Magistrate Judge Thomas D. Thalken regarding Memo and Order [37-1]; Evidentiary hrg on the determination of damages for the entry of jgm is set for 2:00 on 1/18/00 - COPIES MAILED [EOD Date 12/9/99] (ICMSUSER) (Entered: 12/09/1999)
01/18/2000	39	MINUTES: before Magistrate Judge Thomas D. Thalken - Court Reporter: electronic recorder; damages hearing held on 01/18/00; evidence by plf; clerk to order transcript; Report and Recommendation forthcoming (MBB) (Entered: 01/19/2000)
01/18/2000	40	WITNESS LIST from hearing held on 1/18/00 (MBB) (Entered: 01/19/2000)
01/18/2000	41	EXHIBIT LIST from hearing held on 1/18/00 (MBB) (Entered: 01/19/2000)
02/01/2000	42	TRANSCRIPT of proceedings for the following date: 1/18/00 (Re: Hrg on damages) - number of pages: 63 - Original in separate folder (TLS) (Entered: 02/02/2000)
02/11/2000	43	REPORT AND RECOMMENDATION by Magistrate Judge Thomas D. Thalken that Patricia Knight be awarded the sum of \$15,000.00 in back pay pursuant to 42 USC 2000e-5(g)(1), against the dft, Patricia Knight be awarded compensatory and punitive damages in the sum of \$50,000 pursuant to 48 USC 1981a, against the dft, the dft be enjoined from

		future acts of discrimination and Patricia Knight be awarded postjgm interest at the interest rate as of the date of jgm provided in 28 USC 1961 against the dft - COPIES MAILED (TLS) (Entered: 02/14/2000)
03/20/2000	44	MEMORANDUM AND ORDER: by Judge Thomas M. Shanahan that the REPORT AND RECOMMENDATION by Magistrate Judge Thomas D. Thalken [43-1] is adopted on all matters not inconsistent with this memorandum and order; that jgm will be entered for the plf, EEOC, and against the dft, Aksarben Nursing Centers, on the plf's cmp as follows: the court awards Patricia Knight compensatory damages in the sum of \$50,000 against the dft; the court awards Patricia Knight back pay in the sum of \$15,000 against the dft; the court permanently enjoins the dft, its officers, and employees from maintaining any policy, practice, rule, regulation, or custom that violates the prohibition against intentional racial discrimination contained in Title VII of the Civil Rights Act of 1964; and the Court awards Patricia Knight postjudgment interest on the sum of \$65,000 (the total jgm) and prejudgment interest on the sum of \$15,000 (the backpay award); and a separate jgm will be entered against the dft, Aksarban Nursing Centers, Inc. - COPIES MAILED [EOD Date 3/20/00] (DKM) (Entered: 03/20/2000)
03/20/2000	45	JUDGMENT by Judge Thomas M. Shanahan that the court awards Patricia Knight compensatory damages in the sum of \$50,000 against the dft; the court awards Patricia Knight back pay in the amount of \$15,000, against the dft; The court permanently enjoins the dft, its officers, and employees from maintaining any policy, rule, regulation, or custom that violates the prohibition against intentional racial discrimination contained in Title VII of the Civil Rights Act of 1964; the court awards Patricia Knight postjgm interest in the sum of \$65,000 and prejgm interest on the sum of \$15,000 - COPIES MAILED [EOD Date 3/20/00] (DKM) (Entered: 03/20/2000)
03/30/2000	46	MAIL Returned [45-1], [45-2], [44-1] addressed to defendant Aksarben Nursing; REMAILED to 3 Danada SQ E, Wheaton, IL 60187-8484 (ICMSUSER) (Entered: 03/30/2000)
06/21/2000		COURT'S EXHIBIT #1 from 9/23/1999 Hearing DESTROYED on 6/21/2000 by Clerk of Court (KMG) (Entered: 06/21/2000)
06/21/2000	47	NOTICE by Clerk of intent to destroy exhibits - COPIES MAILED (KMG) (Entered: 06/21/2000)
07/17/2000		PLF'S EXHIBITS DESTROYED on 7/17/2000 by Clerk of Court (KMG) (Entered: 07/17/2000)

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