

, CLOSED

**U.S. District Court  
District of Nebraska (8 Omaha)  
CIVIL DOCKET FOR CASE #: 8:96-cv-00644-JFB**

EEOC v. Nebco Evans Distr  
Assigned to: Chief Judge Joseph F. Bataillon  
Demand: \$0  
Cause: 28:451 Employment Discrimination

Date Filed: 12/16/1996  
Date Terminated: 06/22/1999  
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**  
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V.

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*a Nebraska Corporation*

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<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
12/16/1996	1	COMPLAINT: No Summons issued with request for jury trial in Omaha, Nebraska. (ETC) (Entered: 12/16/1996)
12/16/1996	2	DEMAND for jury trial by plaintiff EEOC (ETC) (Entered: 12/16/1996)
01/02/1997	3	MOTION by plaintiff EEOC to withdraw attorney Jerome N. Scanlan (ETC) (Entered: 01/03/1997)
02/04/1997	4	ORDER by Judge Lyle E. Strom granting motion to withdraw attorney Jerome N. Scanlan [3-1]; Jerome N. Scanlan is no longer counsel of record for plf - COPIES MAILED (ETC) (Entered: 02/04/1997)
02/18/1997	5	ANSWER by defendant Nebco Evans Distr (ETC) (Entered: 02/19/1997)
02/20/1997	6	SCHEDULING PACKET by Judge Lyle E. Strom . - COPIES MAILED w/ packet. (ETC) (Entered: 02/20/1997)
02/21/1997	7	WAIVER OF SERVICE (Rule 4 - Summons) upon defendant Nebco Evans Distr on 12/18/96 (ETC) (Entered: 02/24/1997)
03/31/1997	8	MOTION by plaintiff EEOC to bifurcate trial and discovery, limit discovery and preserve attorney client protection for class members (ETC) (Entered: 03/31/1997)
04/04/1997	9	MINUTES: hearing before Judge Lyle E. Strom report of rule 26(f) planning conference (Form 35) and mtn by plf EEOC to bifurcate trial

		and discovery (Filing No. 8) ORDERED: Brief time set. (ETC) (Entered: 04/07/1997)
04/14/1997	10	CERTIFICATE by plaintiff EEOC of serving amended first interrogatories and request for docs to dft. (ETC) (Entered: 04/14/1997)
04/14/1997	11	ORDER by Judge Lyle E. Strom dft shall have until April 18, 1997 to file a brief in opposition to the motion to bifurcate trial and discovery [8-1]; Plf shall have until April 28, 1997, to file a reply brief - COPIES MAILED (ETC) (Entered: 04/14/1997)
04/16/1997	12	AMENDED CERTIFICATE by plaintiff EEOC of serving amd first interrogatories and requests for docs to dft. (ETC) (Entered: 04/16/1997)
04/18/1997	13	INDEX by defendant Nebco Evans Distribution, Inc of materials to be offered in response to plf's motion to bifurcate [8-1] (ETC) Modified on 06/06/1997 (Entered: 04/21/1997)
05/12/1997	14	NOTICE by defendant Nebco Evans Distribution, Inc. of serving obj to plf's first set of Amended Interrogatories and request for production of docs. (ETC) (Entered: 05/13/1997)
06/05/1997	15	MEMORANDUM AND ORDER: by Judge Lyle E. Strom granting motion to bifurcate trial and discovery, limit discovery and preserve attorney client protection for class members [8-1]; Discovery of this case will be bifurcated into liability and remedial phases. Discovery relevant to the remedial phase shall begin, if necessary, after the trial of the liability phase; trial of this case will be bifurcated into liability and remedial phases. The liability phase will determine liability and injunctive relief. The remedial phase, if necessary, will determine individual relief and will be heard by a second jury; dft is permitted to depose fifteen people in addition to any witness designated by the plf as a trial witness; the dft is prohibited from informally communicating w/any individual applicant w/out the prior consent of counsel for the EEOC - COPIES MAILED (ETC) Modified on 06/06/1997 (Entered: 06/05/1997)
06/06/1997	16	NOTICE by defendant Nebco Evans Distr of serving 26 (a)(1) disclosures (ETC) (Entered: 06/06/1997)
06/12/1997	17	ORDER by Judge Lyle E. Strom ddl for an amended Rule 35 Report setting forth realistic deadlines for discovery as to the liability phase of this action set for June 30, 1997 - COPIES MAILED (ETC) (Entered: 06/12/1997)
06/17/1997	18	NOTICE by defendant Nebco Evans Distr of serving first set of amended interrogatories and request for production of docs. (ETC) (Entered: 06/18/1997)
07/02/1997	19	MOTION by plaintiff EEOC for leave to propound up to 250 additional interros to dft (TLS) (Entered: 07/02/1997)
07/02/1997	20	EXHIBITS by plaintiff EEOC in support of motion for leave to propound up to 250 additional interros to dft [19-1] Attachments in separate folder (TLS) (Entered: 07/02/1997)

07/09/1997	21	ORDER by Judge Lyle E. Strom at request of the parties; scheduling cnf set for July 16, 1997 at 8:30 a.m. - COPIES MAILED (ETC) (Entered: 07/09/1997)
07/21/1997		REMARK - Changed receive notice filed to "n" and termed atty Jerome Scanlan per correspondence of 7/21/97 (ICMSUSER) (Entered: 07/21/1997)
08/04/1997	22	CERTIFICATE by plaintiff EEOC of serving second set of req for docs (PLW) (Entered: 08/05/1997)
08/15/1997	23	REPORT OF RULE 26(f) PLANNING CONFERENCE (Form 35) (ETC) (Entered: 08/15/1997)
08/15/1997	24	ORDER by Judge Lyle E. Strom denying motion for leave to propound up to 250 additional interros to dft [19-1]; a maximun of fifty request for admission to be submitted by each party; Plf shall identify its trial witnesses on the liability phase by Jan 1, 1998; dft shall identify its trial witnesses on the liability phase by April 1, 1998; Paragraphs 2(e), 3(f), 3 (g) and 4(c), 4(c) and 4(h) of the Rule 26(f) report dated June 30, 1997, are approved and adopted by the Court; Pretrial conference set for 7/9/98 at 9:00; Jury Trial set for 9/1/98; Discovery set for 6/15/98; scheduling cnf held 8:30 7/16/97 ; dispositive mtn will be filed by May 15, 1998 ; the final list of exhibits is due on or before May 1, 1998 - COPIES MAILED (ETC) Modified on 08/21/1997 (Entered: 08/15/1997)
09/02/1997	25	NOTICE of service of dft's response & objs to plf's second set of requests for production of docs by defendant Nebco Evans Distr (ICMSUSER) (Entered: 09/03/1997)
09/15/1997	26	NOTICE by defendant Nebco Evans Distribution, Inc. of serving dft's first request for production. (ETC) (Entered: 09/16/1997)
10/01/1997	27	MOTION by defendant Nebco Evans Distr for protective order (ETC) (Entered: 10/02/1997)
10/01/1997	28	INDEX by defendant Nebco Evans Distr re: motion for protective order [27-1]; (Attachments in separate folder) (ETC) (Entered: 10/02/1997)
10/03/1997	29	ORDER by Judge Lyle E. Strom Case reassigned to Judge Joseph F. Bataillon - COPIES MAILED (DML) (Entered: 10/03/1997)
10/06/1997	30	MOTION by plaintiff EEOC to compel discovery (ETC) (Entered: 10/06/1997)
10/06/1997	31	INDEX by plaintiff EEOC re: motion to compel discovery [30-1]; (Original in separate folder) (ETC) (Entered: 10/06/1997)
10/06/1997	32	CERTIFICATE by plaintiff EEOC of serving third set of requests for docs. (ETC) (Entered: 10/06/1997)
10/06/1997	33	CERTIFICATE by plaintiff EEOC of serving good faith efforts to reslove discovery dispute. (ETC) (Entered: 10/06/1997)
10/07/1997	34	ORDER by Judge Joseph F. Bataillon Case referred to Magistrate Judge

		Thomas D. Thalken for judicial supervision and processing of all pretrial matters - COPIES MAILED (ETC) (Entered: 10/07/1997)
10/08/1997	35	STIPULATED PROTECTIVE ORDER by Judge Joseph F. Bataillon: Upon agreeemnt of plf and dft, and in order to preserve the confidentiality of certain personnel docs of employees of dft; Plf's counsel shall comply with each of the conditions regarding the personnel files for former and current employees provided by dft in the course of this litigation - COPIES MAILED (ETC) (Entered: 10/09/1997)
10/10/1997	36	NOTICE by defendant Nebco Evans Distr of serving dft's amended disclosures (ICMSUSER) (Entered: 10/14/1997)
10/17/1997	37	INDEX by plaintiff EEOC in response to plf's motion to compel discovery [30-1]; (Attachments in separate folder) (ETC) (Entered: 10/17/1997)
10/23/1997	38	NOTICE by plaintiff EEOC of serving responses to dft's first request for production. (ETC) (Entered: 10/24/1997)
10/23/1997	39	ORDER by Magistrate Judge Thomas D. Thalken denying motion for protective order [27-1]; Counsel for the dft shall have the telephone conf transcribed and file the transcript of the telephone conf as part of the record in this matter - COPIES MAILED (ETC) (Entered: 10/24/1997)
10/28/1997	40	NOTICE by defendant Nebco Evans Distribution, Inc. of serving first amd ans to interros (First Set). (ETC) (Entered: 10/29/1997)
10/29/1997	41	MOTION by plaintiff EEOC to extend time to provide expert reports (ETC) (Entered: 10/29/1997)
10/29/1997	42	INDEX by plaintiff EEOC in support of motion to extend time to provide expert reports [41-1] (Attachments in separate folder) (ETC) (Entered: 10/29/1997)
11/03/1997	43	NOTICE by defendant Nebco Evans Distribution, Inc of serving response to plf's third set of request for production of docs. (ETC) (Entered: 11/04/1997)
11/03/1997	44	TRANSCRIPT of telephone conference on October 23, 197 at 9:10 (14 pages, Original in separate folder) (ETC) (Entered: 11/04/1997)
11/10/1997	45	CERTIFICATE of service by plaintiff EEOC that plf's Second Set of Interrogatories were served by mail (ICMSUSER) Modified on 11/14/1997 (Entered: 11/10/1997)
11/17/1997	46	JOINT MOTION by plaintiff EEOC and defendant Nebco Evans Distribution, Inc. for revision of progression order (ETC) (Entered: 11/18/1997)
12/03/1997	47	NOTICE by defendant Nebco Evans Distribution, Inc., of serving ans to second set of interrogatories. (ETC) (Entered: 12/04/1997)
12/04/1997	48	CERTIFICATE OF DEPOSITION by ct rprr for the depo of Robert Larson. (ETC) (Entered: 12/05/1997)

12/04/1997	49	CERTIFICATE OF CONFERENCE by ct rprr taken on October 23, 1997. (ETC) (Entered: 12/05/1997)
12/04/1997	50	CERTIFICATE OF PROCEEDING by ct rprr taken on October 23, 1997. (ETC) (Entered: 12/05/1997)
12/04/1997	51	ORDER by Magistrate Judge Thomas D. Thalken the Plf's motion to extend time to provide expert reports [41-1] is denied as moot; granting motion for revision of progression order [46-1]; An amended progression order will issue forthwith - COPIES MAILED (ETC) (Entered: 12/05/1997)
12/04/1997	52	AMENDED PROGRESSION ORDER by Magistrate Judge Thomas D. Thalken; jury trial set for 11/1/98; pretrial conf set for 10:00 on 9/9/98 before Magistrate Judge Thomas D. Thalken; discovery set for 7/30/98 - COPIES MAILED (ETC) Modified on 08/13/1998 (Entered: 12/05/1997)
12/08/1997	53	ORDER by Magistrate Judge Thomas D. Thalken denying motion to compel discovery [30-1] - COPIES MAILED (ETC) (Entered: 12/09/1997)
12/17/1997	54	APPLICATION/ORDER by Clerk adding attorney Merrily S. Archer to practice pro hac vice as to Plf EEOC - COPIES MAILED (ETC) (Entered: 12/18/1997)
12/17/1997	55	ATTORNEY APPEARANCE for plaintiff EEOC; atty Merrily S. Archer. (ETC) (Entered: 12/19/1997)
12/19/1997	56	NOTICE by defendant Nebco Evans Distribution, Inc of serving first set of interrogs. (ETC) (Entered: 12/22/1997)
01/05/1998	57	NOTICE by plaintiff EEOC of taking deposition (Duces tecum) of Alfonza Whitaker on 1/14/98 9:00. (ETC) (Entered: 01/06/1998)
01/16/1998	58	NOTICE by defendant Nebco Evans Distribution, Inc of serving second amd disclosures. (ETC) (Entered: 01/20/1998)
01/26/1998	60	CERTIFICATE by plaintiff EEOC of serving ans to dft's first set of interrogatories to plf. (ETC) Modified on 01/28/1998 (Entered: 01/27/1998)
01/27/1998	59	APPLICATION/ORDER by Clerk adding attorney Mia E. Bitterman to practice pro hac vice re Plf EEOC - COPIES MAILED (ETC) (Entered: 01/27/1998)
02/05/1998	61	NOTICE by defendant Nebco Evans Distribution, Inc of serving supplemental ans and obj to second set of interrogs. (ETC) (Entered: 02/06/1998)
02/13/1998	62	CERTIFICATE by plaintiff EEOC of serving third set of interrogs and fourth request for docs. (ETC) (Entered: 02/16/1998)
02/20/1998	63	NOTICE by defendant Nebco Evans Distr of serving rule 26(a)(2) disclosures upon the plf (TLS) (Entered: 02/23/1998)

02/23/1998	64	CERTIFICATE by plaintiff EEOC of disclosing trial witnesses for the liability phase, pursuant to FRCivP 26(a)(3) (ICMSUSER) (Entered: 02/24/1998)
02/26/1998	65	OBJECTION by defendant Nebco Evans Distribution to plf's disclosure of liability phase witnesses (DML) (Entered: 02/28/1998)
03/09/1998	66	MOTION by plaintiff EEOC for extension of time to disclose a rebuttal expert report (ADB) (Entered: 03/10/1998)
03/12/1998	67	NOTICE by defendant Nebco Evans Distr of mailing discovery (ADB) (Entered: 03/13/1998)
03/17/1998	68	MOTION by defendant Nebco Evans Distr to compel ans to its first set of interrog to P. and certificate of good faith (CJS) (Entered: 03/18/1998)
03/17/1998	69	INDEX OF MATERIALS by defendant Nebco Evans Distr in response re: motion for extension of time to disclose a rebuttal expert report [66-1] (CJS) (Entered: 03/18/1998)
03/17/1998	70	INDEX OF MATERIALS by defendant Nebco Evans Distr in support re: motion to compel ans to its first set of interrogs [68-1] (CJS) (Entered: 03/18/1998)
03/17/1998	71	AFFIDAVIT of Charles F. Gotch (CJS) (Entered: 03/18/1998)
03/23/1998	72	MOTION by plaintiff EEOC to compel disclosures and for sanctions against dft for failure to disclose and resp to discovery (TLS) (Entered: 03/25/1998)
03/23/1998	73	CERTIFICATE by plaintiff EEOC of good faith efforts to resolve discovery disputes (TLS) (Entered: 03/25/1998)
03/23/1998	74	INDEX by plaintiff EEOC in support of motion to compel disclosures and for sanctions against dft for failure to disclose and resp to discovery [72-2] - Attachments in separate folder (TLS) (Entered: 03/25/1998)
04/02/1998	75	CERTIFICATE by plaintiff EEOC of serving Plf's Supplemental Answers to Dft's First Set of Interrogatories (ICMSUSER) (Entered: 04/03/1998)
04/03/1998	76	INDEX by plaintiff EEOC in support of EEOC'S memorandum in opposition to dft's motion to compel ans to dft's first set of interrogs [72-1] (ETC) (Entered: 04/06/1998)
04/03/1998	77	AFFIDAVIT of J. Mark Baird regarding motion to compel disclosures [72-1] (ETC) (Entered: 04/06/1998)
04/03/1998	78	INDEX by defendant Nebco Evans Distr in response to plf's motion to compel disclosures [72-1] and motion for sanctions against dft for failure to disclose and resp to discovery [72-2]; (Attachments in separate folder) (ETC) (Entered: 04/06/1998)
04/07/1998	79	NOTICE by defendant Nebco Evans Distr of taking depositions of Roger Riha 4/14/98 at 9:00, Patrick Wallace 4/15/98 at 10:45; Ed Price 4/15/98



		at 1:30; Greg Ramirez 4/15/98 at 3:15; George Lea 4/16/98 at 9:00; Charles Dunn 4/16/98 at 10:45; Richard Pearson 4/16/98 at 1:30; Nick Mueller 4/16/98 at 3:15; Richard Zimmerman 4/17/98 at 10:45; Mike Woells 4/17/98 at 1:30; Phillip May 4/17/98 at 3:15; Wlater Renshaw 4/18/98 at 10:45; Neil Peterson 4/20/98 at 10:45; Richard Osborn 4/20/98 at 1:30; David Johannes 4/20/98 at 3:15; Ralph Horn 4/21/98 at 9:00; Ruben Bentley 4/21/98 at 10:30; Joseph Mantich 4/21/98 at 4:00; Calvin Kirby 4/22/98 at 9:00 (ETC) (Entered: 04/08/1998)
04/13/1998	80	MOTION by plaintiff EEOC for hearing on the mtn for sanctions , and, in the alternative for leave to file reply brief and suggestions in support (ETC) (Entered: 04/14/1998)
04/13/1998	81	NOTICE by defendant Nebco Evans Distribution, Inc, of serving response to plf's fifth request for docs to dft Nos. 1-5, inclusive. (ETC) (Entered: 04/14/1998)
04/17/1998	82	ORDER by Magistrate Judge Thomas D. Thalken granting the plf's motion for extension of time to disclose a rebuttal expert report [66-1] to the extent set forth herein; The plf shall have to on or before 5/15/98, to serve its expert reports and the dft shall have to on or before 6/8/98, to serve its expert reports; No subsequent reports will be permitted; The dft's motion to compel answers to interrogatories [68-1] is denied; The plf's motion to compel disclosures [72-1] and for sanctions [72-2] is denied; The plf shall have to on or before 6/12/98, to amend its witness list to add those persons first identified in the dft's supplemental disclosures of January 1998 and docs received by the plf in March of 1998; The plf may continue the depositions of the dft's management employees only with regard to the information first disclosed in the supplemental disclosures of January of 1998 and docs produced in March of 1998; The plf's request for a hearing on the motion for sanctions [80-1] or in the alternative, for leave to file a reply brief and suggestions in support [80-2] is denied - COPIES MAILED (ICMSUSER) (Entered: 04/21/1998)
05/06/1998	83	NOTICE by defendant Nebco Evans Distribution, Inc of serving supplemental response to plf's third set of interrogs. (ETC) (Entered: 05/07/1998)
05/14/1998	84	NOTICE by defendant Nebco Evans Distr of serving witness list upon the plf (TLS) (Entered: 05/18/1998)
05/18/1998	85	MOTION by plaintiff EEOC to compel resp to plf's 5th req for production of docs (TLS) (Entered: 05/20/1998)
05/18/1998	86	INDEX by plaintiff EEOC in support of motion to compel resp to plf's 5th req for production of docs [85-1] - Attachments in separate folder (TLS) (Entered: 05/20/1998)
05/18/1998	87	AFFIDAVIT of Merrily S. Archer regarding motion to compel resp to plf's 5th req for production of docs [85-1] (TLS) (Entered: 05/20/1998)
05/18/1998	88	MOTION by plaintiff EEOC to amend ddl for disclosing rule 26(a)(2)

		information for rebuttal experts (TLS) (Entered: 05/20/1998)
05/18/1998	89	AFFIDAVIT of J. Mark Baird regarding motion to amend ddl for disclosing rule 26(a)(2) information for rebuttal experts [88-1] (TLS) (Entered: 05/20/1998)
05/19/1998	90	NOTICE by defendant Nebco Evans Distr of taking deposition of Kenneth Backhus on May 28, 1998 at 10:45; Dennis Gottsch on May 28, 1998 at 1:30; Raymond Payton May 28, 1998 at 3:30; Carl Foutch on May 29, 1998 at 10:45; Robert Hallett on May 29, 1998 at 1:30 and Walter Renshaw on May 29, 1998 at 3:30. (ETC) (Entered: 05/20/1998)
05/28/1998	91	INDEX by defendant Nebco Evans Distr re: motion to compel resp to plf's 5th req for production of docs [85-1]; (Attachments in separate folder) (ETC) (Entered: 05/29/1998)
05/28/1998	92	INDEX by defendant Nebco Evans Distr re: motion to amend ddl for disclosing rule 26(a)(2) information for rebuttal experts [88-1]; (Attachments in separate folder) (ETC) (Entered: 05/29/1998)
06/01/1998	93	OBJECTION by plaintiff EEOC to dft's Disclosure of Liability Phase Witnesses (ICMSUSER) (Entered: 06/03/1998)
06/08/1998	94	NOTICE by defendant Nebco Evans Distribution, Inc of serving disclosures of expert testimony. (ETC) (Entered: 06/09/1998)
06/12/1998	95	NOTICE by defendant Nebco Evans Distribution, Inc of serving list of exhibits (ETC) (Entered: 06/15/1998)
06/17/1998	96	NOTICE by defendant Nebco Evans Distribution, Inc of serving supplemental ans to plf's third set of interrogs. (ETC) (Entered: 06/18/1998)
06/19/1998	97	CERTIFICATE by plaintiff EEOC of serving exhibit list for the liability phase (ETC) (Entered: 06/23/1998)
06/22/1998	98	CERTIFICATE OF SERVICE by plaintiff EEOC that Sixth set of requests for documents to dft was served by mail (ICMSUSER) (Entered: 06/23/1998)
06/25/1998	99	OBJECTION by defendant Nebco Evans Distr to plaintiff EEOC's exhibit list for the liability phase (ADB) (Entered: 06/26/1998)
06/26/1998	100	STATUS REPORT by plaintiff EEOC (ICMSUSER) Modified on 09/04/1998 (Entered: 06/26/1998)
06/29/1998	101	OBJECTION by plaintiff EEOC to dft's exhibits (ETC) (Entered: 06/30/1998)
07/01/1998	102	ORDER by Magistrate Judge Thomas D. Thalken regarding plf's fifth request for production of docs [85-1]; the dft shall provide an unredacted copy of the database document provided to Dr. Neumann to the court for in camera inspection on or before July 9, 1998 - COPIES MAILED (ETC) (Entered: 07/02/1998)

07/06/1998	103	CERTIFICATE by plaintiff EEOC of serving supplemental ans to dft's first set of interros. (ETC) (Entered: 07/06/1998)
07/08/1998	104	ORDER by Magistrate Judge Thomas D. Thalken denying motion to amend ddl for disclosing rule 26(a)(2) information for rebuttal experts [88-1]; granting motion to compel resp to plf's 5th req for production of docs [85-1]; the dft shall have to July 16, 1998, to provide a copy of the database, including the comments column, to the plf; Clerk of the Court shall file under seal the database document containing the comments column which was submitted to the court for in camera review - COPIES MAILED (ETC) (Entered: 07/09/1998)
07/08/1998	105	SEALED (ETC) (Entered: 07/09/1998)
07/09/1998	106	NOTICE by defendant Nebco Evans Distr of taking deposition of personnel and employment records in theri possession directed to the folowing list of employers concerning the following employees list in alphabetical order on July 31, 1998 at 10:00 (ETC) (Entered: 07/10/1998)
07/20/1998	107	TRIAL ORDER by Judge Joseph F. Bataillon - jury trial set for 11/2/98 - COPIES MAILED (TLS) (Entered: 07/20/1998)
07/20/1998	108	NOTICE TO TAKE DEPOSITION by plaintiff EEOC of taking deposition of George R. Neumann on 7/21/98; with attachment (ICMSUSER) (Entered: 07/20/1998)
07/20/1998	109	NOTICE by defendant Nebco Evans Distribution, Inc. that Response to plf's Sixth Request for Production of Documents to dft was served (ICMSUSER) (Entered: 07/21/1998)
07/22/1998	110	APPEAL FROM MAGISTRATE'S ORDER by plaintiff EEOC re: order regarding designation of rebuttal witnesses [104-1] (ICMSUSER) (Entered: 07/23/1998)
07/24/1998	111	MOTION by plaintiff EEOC for protective order ; with attachments. (ETC) (Entered: 07/24/1998)
07/24/1998	112	ORDER by Magistrate Judge Thomas D. Thalken the subpoena duces tecum issued by the dft upon the employers listed in the plf's mtn for personnel and employment records to be produced by July 31, 1998 is held in abeyance; Clerk shall fax a copy of this order together with a copy of plf's mtn to counsel for both parties; Plf's counsel shall provide a copy of this order to the subpoenaed parties or otherwise notify each of the subpoenaed parties of this order; Counsel for both parties shall participate in a telephone conference on July 27, 1998, at 11:15; - COPIES MAILED (ETC) (Entered: 07/27/1998)
07/27/1998	113	CERTIFICATE OF COURT REPORTER re: deposition of William John Volenec : (ETC) (Entered: 07/27/1998)
07/27/1998	114	CERTIFICATE OF COURT REPORTER re: deposition of Gregory John Toohey : (ETC) (Entered: 07/27/1998)
07/27/1998	115	CERTIFICATE OF COURT REPORTER re: deposition of David

		Michael Weist : (ETC) (Entered: 07/27/1998)
07/27/1998	116	CERTIFICATE OF COURT REPORTER re: deposition of James Raymond LaFleur : (ETC) (Entered: 07/27/1998)
07/27/1998	117	ORDER by Magistrate Judge Thomas D. Thalken motion for protective order [111-1] set for hearing on 8/13/98 at 1:30 - COPIES MAILED (ETC) (Entered: 07/27/1998)
07/30/1998	118	MOTION by defendant Nebco Evans Distr for leave to complete record discovery of applicants' employers (ETC) (Entered: 07/31/1998)
07/30/1998	119	INDEX by defendant Nebco Evans Distr re: motion for protective order [111-1], motion for leave to complete record discovery of applicants' employers [118-1]; (Attachments in separate folder) (ETC) (Entered: 07/31/1998)
07/31/1998	120	NOTICE (motion) by plaintiff EEOC that it intends to seek a definite trial date at the pre-trial conference (ICMSUSER) (Entered: 07/31/1998)
07/31/1998	121	INDEX by plaintiff EEOC pertaining to plf's notice (motion) that it intends to seek definite trial date at the pre-trial conference [120-1]; attachments are in a separate folder (ICMSUSER) (Entered: 07/31/1998)
07/31/1998	122	AMENDMENT by defendant Nebco Evans Distr to motion for leave to complete record discovery of applicants' employers [118-1] (ETC) (Entered: 07/31/1998)
08/06/1998	123	MOTION by plaintiff EEOC in limine to exclude expert witness testimony ; with attached Exhibits in Support of Motion in Limine (ETC) Modified on 09/04/1998 (Entered: 08/06/1998)
08/06/1998	124	INDEX OF MATERIALS by plaintiff EEOC re: motion for leave to complete record discovery of applicants' employers [118-1] and reply in support of motion for entry of protective order [111-1]; (Attachments in separate folder) (ETC) Modified on 09/04/1998 (Entered: 08/06/1998)
08/10/1998	125	INDEX by defendant Nebco Evans Distr in resp to plf's ntc regarding req for definite trial setting - Attachments in separate folder (TLS) (Entered: 08/11/1998)
08/12/1998	126	AMENDED CERTIFICATE by plaintiff EEOC of serving mtn in limine, memorandum in support and exhibits in support. (ETC) (Entered: 08/12/1998)
08/12/1998	127	MOTION by defendant Nebco Evans Distr for continuance of time to resp to plf's mtn in limine to exclude expert witness testimony (TLS) (Entered: 08/13/1998)
08/12/1998	128	INDEX by defendant Nebco Evans Distr in support of motion for continuance of time to resp to plf's mtn in limine to exclude expert witness testimony [127-1] - Attachments in separate folder (TLS) (Entered: 08/13/1998)
08/13/1998	129	ORDER by Judge Joseph F. Bataillon granting motion for continuance of

		time to resp to plf's mtn in limine to exclude expert witness testimony [127-1] until 08/31/98 - COPIES MAILED (ETC) (Entered: 08/13/1998)
08/20/1998	130	ORDER by Magistrate Judge Thomas D. Thalken granting motion to quash and for protective order [111-1]; denying motion for leave to complete record discovery of applicants' employers [118-1]; the dft shall turn over to the plf any records obtained as a result of its subpoenas served on the applicants' employers on or before 08/28/98; dft is precluded from using the recods already obtained by its subpoena during the liability phase of this case; dft shall notify all subpoenaed employers of this order on or before 08/26/98; dft shall not review any further documents received as a result of the subpoenas and shall immediately give such doct to the plf upon receipt - COPIES MAILED (ETC) (Entered: 08/21/1998)
08/31/1998	131	INDEX by defendant Nebco Evans Distr in opposition to Plf's motion in limine to exclude expert witness testimony [123-1]; (Attachments in separate folder) (ETC) (Entered: 09/01/1998)
09/04/1998	132	MEMORANDUM, OPINION, AND ORDER: by Judge Joseph F. Bataillon APPEAL FROM MAGISTRATE'S ORDER by plaintiff EEOC re: order regarding designation of rebuttal witnesses [104-1] [110-1] is denied and motion in limine to exclude expert witness testimony [123-1] is denied w/out prejudice to renew at time of trial - COPIES MAILED (TLS) (Entered: 09/08/1998)
09/08/1998	133	MOTION by plaintiff EEOC for leave to submit reply brief in resp to dfts memo in opposition to plf's mtn in limine (TLS) (Entered: 09/09/1998)
09/08/1998	134	ORDER by Judge Joseph F. Bataillon motion for leave to submit reply brief in resp to dfts memo in opposition to plf's mtn in limine [133-1] is denied as moot in light of the memo and order [132-1] - COPIES MAILED (TLS) (Entered: 09/09/1998)
09/08/1998	135	MAIL Returned [130-1] addressed to plaintiff EEOC's atty Rosalind D. Gray, REMAILED ON 9/8/98 to 1801 L. Street, N.W., Washington, DC, 20507 - Verified atty is still w/the EEOC (ICMSUSER) (Entered: 09/09/1998)
09/09/1998	136	PRE-TRIAL ORDER by Magistrate Judge Thomas D. Thalken - jury trial set for 11/2/98 - estimated length of trial 10-15 days pretrial conference held - COPIES HANDED OUT AT PTC (TLS) Modified on 09/10/1998 (Entered: 09/10/1998)
09/11/1998	137	ORDER by Judge Joseph F. Bataillon jury trial set for 8:30 11/9/98 and to be concluded on or before 11/25/98 - COPIES MAILED (TLS) (Entered: 09/14/1998)
09/15/1998	138	NOTICE by defendant Nebco Evans Distr of serving supplemental resp to plf's 6th req for docs upon the plf (TLS) (Entered: 09/16/1998)
09/18/1998	139	APPEAL FROM MAGISTRATE'S ruling during PTC by defendant Nebco Evans Distr re: pre-trial order [136-2] (TLS) (Entered: 09/18/1998)

		09/22/1998)
09/22/1998	140	MAIL Returned [134-1] addressed to plaintiff EEOC as to attorney Rosalind D. Gray; attorney no longer with EEOC, remailed to General Counsel, 1801 L Street, N.W., Washington, DC 20507 (ETC) (Entered: 09/23/1998)
10/01/1998	141	ATTORNEY ADMISSION LETTER (COPY) re: plaintiff EEOC - letter sent to Rosalind Gray with forms. (ADB) (Entered: 10/01/1998)
10/26/1998	142	APPLICATION/ORDER by clerk re: plaintiff EEOC - atty Mia E. Bitterman is admitted to practice - COPIES MAILED (TLS) (Entered: 10/26/1998)
10/26/1998	143	MOTION by defendant Nebco Evans Distr in limine re: evidence (TLS) (Entered: 10/26/1998)
10/26/1998	144	MEMORANDUM, OPINION, AND ORDER: by Judge Joseph F. Bataillon APPEAL FROM MAGISTRATE'S ruling during PTC by defendant Nebco Evans Distr re: pre-trial order [136-2] [139-1] is overruled - COPIES MAILED (TLS) (Entered: 10/27/1998)
10/28/1998	145	MINUTES: Status Conference telephonic hearing before Judge Joseph F. Bataillon - Court Reporter: Allan G. Kuhlman; it is ordered that preliminary jury instructions are due on 11/2/98; jury instruction conference and motions in limine will be heard 11/4/98 at 1:30 p.m. telephonically. (NCD) (Entered: 10/28/1998)
11/02/1998	146	MOTION by plaintiff EEOC in limine to prevent Dft from introducing evidence (ICMSUSER) (Entered: 11/02/1998)
11/09/1998	147	MINUTES: before Judge Joseph F. Bataillon - Court Reporter: Allan G. Kuhlman Civil trial began ; Jury empaneled ; Opening Statements; Evidence presented by Plf; Trial not concluded, continued to 11/10/98 (ICMSUSER) (Entered: 11/12/1998)
11/09/1998	148	JURY PANEL RECORD (ICMSUSER) (Entered: 11/12/1998)
11/10/1998	149	MINUTES: before Judge Joseph F. Bataillon - Court Reporter: Allan G. Kuhlman; Trial not concluded, continued to 11/12/98 at 9:00 (ICMSUSER) (Entered: 11/12/1998)
11/12/1998	150	MINUTES: before Judge Joseph F. Bataillon - Court Reporter: Allan G. Kuhlman; evidence by plf and dft; trial not concluded; continued to 11/13/98 (NCD) (Entered: 11/13/1998)
11/13/1998	151	MINUTES: before Judge Joseph F. Bataillon - Court Reporter: Allan G. Kuhlman; evidence by plf and dft; trial not concluded, continued to 11/16/98 (NCD) (Entered: 11/13/1998)
11/16/1998	152	MINUTES: before Judge Joseph F. Bataillon - Court Reporter: Allan G. Kuhlman; evidence by plaintiff and defendant; jury trial continued to 11/17/98 (NCD) (Entered: 11/16/1998)
11/17/1998	153	MINUTES: before Judge Joseph F. Bataillon - Court Reporter: Allan G.

		Kuhlman; evidence by plf and dft; plf rests; jury trial continued to 11/18/98 (NCD) (Entered: 11/18/1998)
11/18/1998	154	MINUTES: before Judge Joseph F. Bataillon - Court Reporter: Allan G. Kuhlman; evidence by plf and dft; dft's motion for directed verdict is denied; jury trial continued to 11/19/98 (NCD) Modified on 11/18/1998 (Entered: 11/18/1998)
11/19/1998	155	MINUTES: before Judge Joseph F. Bataillon - Court Reporter: Allan G. Kuhlman; evidence by plaintiff and defendant; dft's mtn for directed verdict on Disparate Impact is granted; jury trial continued to 11/20/98 (NCD) (Entered: 11/19/1998)
11/20/1998	156	MINUTES: before Judge Joseph F. Bataillon - Court Reporter: Allan G. Kuhlman; evidence by plaintiff and defendant; defendant rests - jury trial continued to 10:00 a.m. 11/23/98 (NCD) (Entered: 11/23/1998)
11/23/1998	157	SUPPLEMENTAL REQUESTED JURY INSTRUCTIONS submitted by defendant Nebco Evans Distr (ADB) (Entered: 11/23/1998)
11/23/1998	158	PROPOSED FINAL JURY INSTRUCTIONS submitted by plaintiff EEOC (ICMSUSER) (Entered: 11/24/1998)
11/23/1998	159	MINUTES: before Judge Joseph F. Bataillon - Court Reporter: Allan G. Kuhlman; closing arguments; instruction conference; jury rec'd case at 4:45 p.m.; jury returned at 5:10 p.m. without a verdict. - jury trial continued to 9:00 a.m. 11/24/98 ; oral motions by plaintiff and defendant for directed verdict are denied. (NCD) (Entered: 11/24/1998)
11/24/1998	160	FINAL JURY INSTRUCTIONS submitted (ICMSUSER) (Entered: 11/25/1998)
11/24/1998	161	MINUTES before Judge Joseph F. Bataillon - Court Reporter Allan G. Kuhlman; Jury resumed deliberations on 11/24/98 at 9:00; Verdict received at 1:20 for plf; Civil trial ended ; Clerk is to file the Verdict, but withhold entry of Judgment until further order (ICMSUSER) (Entered: 11/25/1998)
11/24/1998	162	VERDICT for plaintiff EEOC and against defendant Nebco Evans Distr; With attachments (ICMSUSER) (Entered: 11/25/1998)
11/24/1998	163	WITNESS LIST by defendant Nebco Evans Distr, plaintiff EEOC from trial dates held on 11/9/98, 11/12/98, 11/13/98, 11/16/98, 11/17/98, 11/18/98, 11/19/98, 11/20/98, 11/23/98, 11/24/98 (ICMSUSER) (Entered: 11/25/1998)
11/24/1998	164	SUPPLEMENTAL EXHIBIT LIST by plaintiff EEOC for liability phase (ICMSUSER) (Entered: 11/25/1998)
11/24/1998	165	NOTICE by defendant Nebco Evans Distr of serving dft's proposed jury instructions; With attachments (ICMSUSER) (Entered: 11/27/1998)
11/30/1998	166	ORDER by Judge Joseph F. Bataillon that a scheduling conf with Magistrate Judge Thomas D. Thalken on the issue of damages will be

		had by telephone on 12/4/98 at 10:00; The plf will initiate the telephone conf ; That the EEOC has met its statutory obligation toward conciliation prior to the filing of suit; That a mandatory settlement conf is to be scheduled pursuant to the magistrate judge's scheduling order - COPIES MAILED (ICMSUSER) (Entered: 12/01/1998)
12/07/1998	167	ORDER by Magistrate Judge Thomas D. Thalken rule 26(f) rpt ddl set for 1/8/99 - scheduling conference held 10:00 12/4/98 - COPIES MAILED (ETC) (Entered: 12/08/1998)
12/09/1998	168	MOTION by defendant Nebco Evans Distr for judgment as a matter of law , and for new trial (ETC) (Entered: 12/10/1998)
12/28/1998	169	MOTION by plaintiff EEOC to extend time to resp to dft's mtn for jgm as a matter of law and mtn for new trial (TLS) (Entered: 12/28/1998)
12/28/1998	170	ATTORNEY APPEARANCE for plaintiff EEOC by atty C. Emanuel Smith (TLS) (Entered: 12/28/1998)
12/28/1998	171	ATTORNEY APPEARANCE for plaintiff EEOC by atty Jacqueline A. Gilvard (TLS) (Entered: 12/28/1998)
12/28/1998	172	MOTION by J. Mark Baird to withdraw as attorney for the plf (TLS) (Entered: 12/28/1998)
12/28/1998	173	NOTICE by Mia E. Bitterman atty for plaintiff EEOC of change of telephone number to (303) 866-1374 (TLS) (Entered: 12/28/1998)
01/20/1999	174	MOTION by plaintiff EEOC to establish procedure for identifying deterred and/or missing applicants (ETC) (Entered: 01/20/1999)
01/20/1999	175	CERTIFICATE by plaintiff EEOC of good faith efforts to resolve discovery disputes (ETC) (Entered: 01/20/1999)
01/20/1999	176	ORDER by Magistrate Judge Thomas D. Thalken granting motion to withdraw as attorney attorney John M. Baird for EEOC [172-1]. Withdrawing counsel shall comply with NELR 3.3(d) - COPIES MAILED (ETC) (Entered: 01/20/1999)
01/20/1999	177	ORDER by Magistrate Judge Thomas D. Thalken this matter is before the court following a report from counsel regarding the further progression of this matter. The court adopts the parties' suggestions; The parties will exchange, by January 29, 1999, the information required by Fed. R. Civ. P. 26(a)(1)(A), (B), and (C) on a preliminary basis for the damage phase of the trial. The parties will supplement this damage information by February 26, 1999. Plaintiff shall provide to defendant, by January 29, 1999, the names of those members of the Class that they are unable to locate. Defendant shall provide any information it has pertaining to the location of said individuals within twenty (20) days of receipt of said names. Plaintiff shall also advise defendant as to whether other governmental agencies have the capability of locating the Class members who cannot be found and, if so, whether there is a charge those agencies assess for performing this service. Plaintiff shall provide to defendant, by January 29, 1999, a proposed advertisement to be



		published in a newspaper designed to achieve the relief plaintiff claims it is entitled to, i.e., locating missing members of the Class, and identify other potential Class members who had not applied for employment with defendant as a truck driver. By January 22, 1999, plaintiff shall submit a Memorandum in support of its claim that defendant should be required to place certain advertisements in newspapers, and defendant shall file a response Memorandum by February 1, 1999. By March 12, 1999, the parties shall report further to the court concerning their proposals for the further progression of this case, and a proposed date for a settlement conference. - COPIES MAILED (ETC) (Entered: 01/21/1999)
01/29/1999	178	NOTICE by defendant Nebco Evans Distr of Serving Third Amended Disclosures (ICMSUSER) (Entered: 02/01/1999)
01/29/1999	179	INDEX by defendant Nebco Evans Distr in opposition to plf's motion to establish procedure for identifying deterred and/or missing applicants [174-1]; With attachments (ICMSUSER) (Entered: 02/01/1999)
02/02/1999	180	CERTIFICATE by plaintiff EEOC of Serving Rule 26(a)(1)(A),(B) and (C) Disclosures (ICMSUSER) (Entered: 02/02/1999)
02/26/1999	181	NOTICE OF SERVING by defendant Nebco Evans Distr of 4th amended disclosures (ADB) (Entered: 03/01/1999)
03/03/1999	182	CERTIFICATE by plaintiff EEOC of serving disclosures. (ETC) (Entered: 03/03/1999)
03/11/1999	183	ORDER by Magistrate Judge Thomas D. Thalken that the plf's motion to establish a procedure for indentifying deterred and/or missing applicants [174-1] is denied as to deterred applicants, denied as moot to the extent it seeks procedures already provided by the court's 1/20/99 order, and granted as to missing applicants to the extent set forth herein - COPIES MAILED (ICMSUSER) (Entered: 03/12/1999)
03/16/1999	184	NOTICE OF SERVICE by defendant Nebco Evans Distribution of serving dft's fifth amended disclosures pursuant to rule 26(a)(1) (JLS) (Entered: 03/17/1999)
03/23/1999	185	MOTION by defendant Nebco Evans Distr to stay order dated 3/11/99 pending appeal (TLS) (Entered: 03/23/1999)
03/23/1999	186	INDEX by defendant Nebco Evans Distr in support of motion to stay order dated 3/11/99 pending appeal [185-1]; with attachment (TLS) (Entered: 03/23/1999)
03/23/1999	187	ORDER by Magistrate Judge Thomas D. Thalken granting motion to stay order dated 3/11/99 pending appeal [185-1]; the provisions of the court's March 11, 1999 order [183-1] requiring the dft to publish notice to notify known applicants by mail, and to bear the costs of the same is hereby stayed pending appeal and further order of the court. In the event that no appeal is filed, this stay shall automatically dissolve on March 29, 1999 - COPIES MAILED (ETC) (Entered: 03/24/1999)
03/24/1999	188	APPEAL FROM MAGISTRATE'S ORDER by defendant Nebco Evans

		Distr re: order [183-1] (TLS) (Entered: 03/25/1999)
03/30/1999	189	MAIL Returned [183-1] addressed to plaintiff EEOC via Rosalind D. Gray - NOT REMAILED, No Forwarding Address (ICMSUSER) (Entered: 03/30/1999)
04/06/1999	190	ORDER by Magistrate Judge Thomas D. Thalken that status conference hearing is set for 4/30/99 at 10:30 (Central Daylight Time) - COPIES MAILED (ICMSUSER) (Entered: 04/07/1999)
04/06/1999	191	ORDER by Judge Joseph F. Bataillon that dft's motions for jgm as a matter of law and for a new trial [168-1] are denied. The plf's motion for extension of time to file a response to the dft's motions [169-1] is denied as moot - COPIES MAILED (ICMSUSER) (Entered: 04/07/1999)
04/06/1999	192	NOTICE by defendant Nebco Evans Distr of Serving 6th Amended Disclosures (ICMSUSER) (Entered: 04/07/1999)
04/08/1999	193	CERTIFICATE OF SERVICE by plaintiff EEOC of plf's 2nd Supplemental Rule 26(a)(1)(A),(B) and (C) Disclosures upon dft (ICMSUSER) (Entered: 04/09/1999)
04/12/1999	194	NOTICE by plaintiff EEOC that Rosalind D. Gray is no longer employed by Plf EEOC and is not acting as attorney for plf. (ETC) (Entered: 04/13/1999)
04/21/1999	195	ORDER by Judge Joseph F. Bataillon the magistrate judge's order [183-1] is modified in part and affirmed in part, dft shall publish ntc in the Omaha World Herald, Sioux Falls Argus Leader, Dex Moines Register and USA Today according to the terms outlined in order [183-1] and publication shall commence on 5/2/99 - COPIES MAILED (TLS) (Entered: 04/22/1999)
05/03/1999	196	ORDER by Magistrate Judge Thomas D. Thalken that settlement conference is set for 5/21/99 at 9:00 . A settlement conference statement of each party shall be submitted directly to the undersigned no later than 5/19/99 - COPIES MAILED (ICMSUSER) (Entered: 05/04/1999)
05/04/1999	197	NOTICE OF MAILING by defendant Nebco Evans Distr of the most recent addresses of the 153 class members that have been identified to date; with attachments (ICMSUSER) (Entered: 05/04/1999)
05/10/1999	198	STIPULATION (Motion) by defendant Nebco Evans Distr and plaintiff EEOC on Published Notice (ICMSUSER) (Entered: 05/10/1999)
05/17/1999	199	NOTICE by defendant Nebco Evans Distr of serving seventh amd disclosures pursuant to rule 26(a)(1) upon the plf (TLS) (Entered: 05/18/1999)
05/24/1999	200	ORDER by Magistrate Judge Thomas D. Thalken a settlement conf was held and the parties arrived at a settlement, accordingly parties to file a joint stip of dism dismissal paper ddl set for 6/21/99 absent compliance with this order may cause dism w/out ntc - COPIES MAILED (TLS) (Entered: 05/25/1999)

05/24/1999	201	MINUTES: before Magistrate Judge Thomas D. Thalken - Court Reporter: electronic recorder - settlement conference held 5/21/99; appearances made on the record; procedures to be followed for the settlement conference stated; conference continued off the record; settlement reached; terms stated on the record; written order forthcoming (MBB) (Entered: 05/25/1999)
06/04/1999	202	SEALED (TLS) (Entered: 06/04/1999)
06/22/1999	203	CONSENT DECREE by Judge Joseph F. Bataillon re: stipulations agreed upon by the parties for the dismissal of the case - COPIES MAILED as directed (TLS) (Entered: 06/23/1999)
07/18/2000	204	NOTICE by Clerk of intent to destroy exhibits - COPIES MAILED (KMG) (Entered: 07/18/2000)
07/26/2000	205	RECEIPT FOR TRIAL EXHIBITS by Chad Kinney for David Blagg re defendant Nebco Evans Distr (KMG) (Entered: 07/26/2000)
07/27/2000	206	MOTION by plaintiff EEOC for order authorizing payment of settlement amts ; with attachments (JLS) (Entered: 07/27/2000)
08/09/2000		PLAINTIFF'S EXHIBITS DESTROYED on 8/9/2000 by Clerk of Court (KMG) (Entered: 08/09/2000)
09/14/2000	207	STIPULATION (MOTION) by defendant Nebco Evans Distr and plaintiff EEOC for an order authorizing distribution of settlement funds (ICMSUSER) (Entered: 09/15/2000)
09/15/2000	208	ORDER by Judge Joseph F. Bataillon granting the parties joint stipulation authorizing distribution of settlement funds [207-1] - COPIES MAILED cc: Fin Admin [EOD Date 9/15/00] (ICMSUSER) (Entered: 09/15/2000)

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<b>Description:</b>	Docket Report	<b>Search Criteria:</b>	8:96-cv-00644-JFB
<b>Billable Pages:</b>	11	<b>Cost:</b>	0.88