

CLOSED

**U.S. District Court
District of Nebraska (8 Omaha)
CIVIL DOCKET FOR CASE #: 8:01-cv-00462-JFB-TDT**

EEOC v. Oilgear Company
Assigned to: Chief Judge Joseph F. Bataillon
Referred to: Magistrate Judge Thomas D. Thalken
Demand: \$0
Cause: 29:623 Job Discrimination (Age)

Date Filed: 09/04/2001
Date Terminated: 04/23/2003
Jury Demand: Plaintiff
Nature of Suit: 442 Civil Rights: Jobs
Jurisdiction: U.S. Government Plaintiff

Plaintiff

**Equal Employment Opportunity
Commission**

represented by **Evangelina F. Hernandez**
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TERMINATED: 02/24/2003
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V.

Defendant

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Date Filed	#	Docket Text
09/04/2001	1	COMPLAINT: no Summons issued with/jury demand and request for trial at Omaha (MKR) Modified on 10/09/2001 (Entered: 09/05/2001)
10/18/2001	2	WAIVER OF SERVICE (Rule 4 - Summons) upon defendant Oilgear Company on 9/26/01 (CJB) (Entered: 10/18/2001)

01/08/2002	3	NOTICE OF SERVICE by defendant Oilgear Company of 1st request for production of documents and 1st set of interrogatories (ADB) (Entered: 01/09/2002)
02/07/2002	4	NOTICE by defendant Oilgear Company of serving Rule 26(a)(1) disclosures (MKR) (Entered: 02/08/2002)
02/26/2002	5	SCHEDULING PACKET by Magistrate Judge Thomas D. Thalken - COPIES MAILED (NCD) (Entered: 02/26/2002)
03/12/2002	8	ANSWER by defendant Oilgear Company to complaint [1-1] (MKR) (Entered: 03/14/2002)
03/13/2002	6	RULE 26(f) PLANNING REPORT (DKM) (Entered: 03/13/2002)
03/13/2002	7	ORDER SETTING SCHEDULE FOR INITIAL PROGRESSION OF CASE by Magistrate Judge Thomas D. Thalken planning conference set for 10:30 on 6/4/02 - COPIES MAILED [EOD Date 3/13/02] (DKM) (Entered: 03/13/2002)
03/14/2002	9	CERTIFICATE OF SERVICE by plaintiff EEOC of serving plf's disclosure statement (MKR) (Entered: 03/15/2002)
03/27/2002	10	CERTIFICATE OF SERVICE by plaintiff EEOC of serving First Set of Interrogs (CJB) (Entered: 03/27/2002)
03/27/2002	11	CERTIFICATE OF SERVICE by plaintiff EEOC of serving first set of request for admissions and production requests (CJB) (Entered: 03/27/2002)
05/10/2002	12	NOTICE by defendant Oilgear Company of serving discovery requests (MKR) (Entered: 05/10/2002)
05/22/2002	13	NOTICE by defendant Oilgear Company of serving discovery responses (TJS) (Entered: 05/23/2002)
06/04/2002	14	ORDER by Magistrate Judge Thomas D. Thalken that a settlement conference shall be held before the undersigned w/ counsel and representatives of the parties w/ complete authority to negotiate and consummate a settlement shall be in attendance at the conference unless excused by order of the court - rule 26(f) rpt ddl set for 9:00 a.m. on 9/5/02 ; counsel appearing w/out their client representatives will cause the settlement conference to be canceled and rescheduled; settlement conference statement of each pty shall be submitted directly to the undersigned judge no later than 8/30/02 - COPIES MAILED [EOD Date 6/4/02] (MKR) (Entered: 06/04/2002)
06/04/2002	15	FINAL PROGRESSION ORDER by Magistrate Judge Thomas D. Thalken - deposition ddl set for 8/30/02 - pretrial conference set 9:00 12/18/02 before Magistrate Judge Thomas D. Thalken - jury trial set for 8:30 a.m. on 1/6/03 - COPIES MAILED (MKR) (Entered: 06/04/2002)
06/13/2002	16	CERTIFICATE OF SERVICE by plaintiff EEOC of plf's response to dft's first request for production of docs (MKR) (Entered: 06/13/2002)
06/13/2002	17	CERTIFICATE OF SERVICE by plaintiff EEOC of serving plf's response to dft's first set of interrogs (MKR) (Entered: 06/13/2002)

06/26/2002	18	NOTICE by defendant Oilgear Company of serving supplemental answer to EEOC's First set of Interrogs (MKR) (Entered: 06/26/2002)
08/14/2002	19	MOTION by plaintiff EEOC to continue settlement conference of 9/5/02 and extend all discovery and dispositive motion dates (MKR) (Entered: 08/14/2002)
08/16/2002	20	ORDER by Magistrate Judge Thomas D. Thalken granting motion to continue settlement conference of 9/5/02 and extend all discovery and dispositive motion dates [19-1] - settlement conference set for 9:00 11/7/02 - deposition ddl set for 10/30/02 - pretrial conference set for 9:00 2/28/03 - jury trial set for 8:30 3/17/03 - COPIES MAILED [EOD Date 8/16/02] (TJS) (Entered: 08/16/2002)
08/16/2002	21	(STRICKEN) CERTIFICATE OF SERVICE by plaintiff EEOC of serving its first set of requests for admissions, interrogatories and production of docs on the dft (MKR) Modified on 12/4/2002 to strike pleading per filing 31 (MKR,). (Entered: 08/20/2002)
10/01/2002	22	NOTICE by plaintiff EEOC of Non-Expert Witnesses (MKR) (Entered: 10/03/2002)
10/02/2002	23	NOTICE by defendant Oilgear Company of serving non-expert witness list (MKR) (Entered: 10/04/2002)
11/07/2002	24	ORDER regarding the settlement conference; the parties were unable to arrive at a settlement, accordingly, this matter shall proceed to trial as previously ordered by the court; Signed by Magistrate Judge Thomas D. Thalken on 11/7/2002. (MKR,) (Entered: 11/07/2002)
11/07/2002	25	Minute Entry for proceedings held before Magistrate Judge Thomas D. Thalken : Settlement Conference held on 11/7/2002; settlement not reached; written order forthcoming; (Court Reporter - Electronic Recorder)(Tape #02-157: 1633-1989) (MKR,) (Entered: 11/12/2002)
11/14/2002	26	MOTION to Extend <i>Time to File Motion for Summary Judgment</i> by Attorney Patrick J. Barrett on behalf of Defendant Oilgear Company (Barrett, Patrick) (Entered: 11/14/2002)
11/18/2002	27	ORDER granting 26 Motion to Extend. The deadline for filing motions for summary judgment is extended to 11/22/02 Signed by Magistrate Judge Thomas D. Thalken on 11/18/2002. (PAV,) (Entered: 11/18/2002)
11/22/2002	28	MOTION for Summary Judgment by Attorney Patrick J. Barrett on behalf of Defendant Oilgear Company (Barrett, Patrick) (Entered: 11/22/2002)
11/22/2002	29	INDEX In Support of <i>Defendant's Motion for Summary Judgment</i> by Attorney Patrick J. Barrett on behalf of Defendant Oilgear Company (Barrett, Patrick) (Entered: 11/22/2002)
11/22/2002	30	BRIEF In Support of <i>Defendant's Motion for Summary Judgment</i> by Attorney Patrick J. Barrett on behalf of Defendant Oilgear Company (Barrett, Patrick) (Entered: 11/22/2002)
12/04/2002	31	ORDER striking the Certificate[21] filed by Equal Employment Opportunity Commission as document filed in wrong case Signed by Magistrate Judge Thomas D. Thalken on 12/4/2002. (MKR,) (Entered: 12/04/2002)

12/13/2002	32	MOTION for Extension of time to oppose defendant's MOTION for Summary Judgment 28 by Attorney Nancy A. Weeks on behalf of Plaintiff Equal Employment Opportunity Commission (MKR,) (Entered: 12/17/2002)
12/13/2002	33	BRIEF in support of Motion for extension of time to oppose defendant's motion for summary judgment 32 by Attorney Nancy A. Weeks on behalf of Plaintiff Equal Employment Opportunity Commission (MKR,) (Entered: 12/17/2002)
12/13/2002	34	INDEX OF EVIDENCE in support of Motion for extension of time to oppose defendant's motion for summary judgment 32 by Attorney Nancy A. Weeks on behalf of Plaintiff Equal Employment Opportunity Commission (Attachments: # 1 # 2)(MKR,) Additional attachment(3) added on 12/17/2002 (MKR,). (Entered: 12/17/2002)
12/18/2002	35	ORDER granting 32 Plaintiff's Motion to Extend Time to Oppose 28 Defendant's Motion for Summary Judgment. Signed by Judge Joseph F. Bataillon on 12/18/2002. (SMS,) (Entered: 12/18/2002)
12/24/2002	36	MOTION for Enlargement of Time to file EEOC's Motion in Limine by Attorney Evangelina F. Hernandez on behalf of Plaintiff Equal Employment Opportunity Commission (DKM,) (Entered: 12/27/2002)
12/30/2002	37	ORDER granting 36 Motion to Extend the time to file its motion in limine; The deadline for the plaintiff to file its motion in limine is extended to 1/6/2003. Signed by Magistrate Judge Thomas D. Thalken on 12/30/2002. (PAV,) (Entered: 12/30/2002)
01/06/2003	38	MOTION in Limine seeking to exclude verbal and written warnings received by Gerdt's prior to 11/3/93 by Attorney Evangelina F. Hernandez on behalf of Plaintiff Equal Employment Opportunity Commission (MKR,) (Entered: 01/06/2003)
01/06/2003	39	INDEX OF EVIDENCE in support of Motion in Limine seeking to exclude verbal and written warnings received by Gerdt's prior to 11/30/93 38 by Attorney Evangelina F. Hernandez on behalf of Plaintiff Equal Employment Opportunity Commission (Attachments: # 1)(MKR,) (Entered: 01/06/2003)
01/06/2003	40	BRIEF in support of Motion for Summary Judgment 28 by Attorney Evangelina F. Hernandez on behalf of Plaintiff Equal Employment Opportunity Commission (MKR,) (Entered: 01/06/2003)
01/06/2003	41	INDEX OF EVIDENCE in support of Motion for Summary Judgment 28 by Attorney Evangelina F. Hernandez on behalf of Plaintiff Equal Employment Opportunity Commission (Attachments: # 1 # 2 # 3)(MKR,) (Entered: 01/07/2003)
01/10/2003	42	MOTION for Leave to File Reply Brief by Attorney Patrick J. Barrett on behalf of Defendant Oilgear Company (Barrett, Patrick) (Entered: 01/10/2003)
01/14/2003	43	ORDER granting 42 Defendant's Motion for Extension of Time (until 1/29/2003) to File Reply Brief in support of 28 Motion for Summary Judgment. Signed by Judge Joseph F. Bataillon on 1/14/2003. (SMS,) (Entered: 01/14/2003)
01/15/2003	44	BRIEF In Opposition to Plaintiff EEOC's Motion in Limine by Attorney Patrick J. Barrett on behalf of Defendant Oilgear Company (Barrett, Patrick) (Entered: 01/15/2003)

		01/15/2003)
01/29/2003	45	INDEX In Support of <i>Defendant's Motion for Summary Judgment</i> by Attorney Patrick J. Barrett on behalf of Defendant Oilgear Company (Barrett, Patrick) (Entered: 01/29/2003)
01/29/2003	46	REPLY BRIEF In Support of <i>Motion for Summary Judgment</i> by Attorney Patrick J. Barrett on behalf of Defendant Oilgear Company (Barrett, Patrick) (Entered: 01/29/2003)
02/04/2003		***ORAL MOTION by defendant to reschedule the pretrial conference. THIS IS A TEXT ONLY ENTRY. A PDF DOCUMENT IS NOT ATTACHED TO THIS ENTRY.(JSF) (Entered: 02/04/2003)
02/04/2003	47	ORDER that the oral request of counsel for the defendant and with said counsel's representation that no other party objects to the request, the pretrial conference is scheduled to 2/26/03 at 2:00 pm. Signed by Magistrate Judge Thomas D. Thalken on 2/4/2003. (JSF) (Entered: 02/04/2003)
02/18/2003	48	NOTICE of <i>Serving List of Exhibits</i> by Attorney Patrick J. Barrett on behalf of Defendant Oilgear Company (Barrett, Patrick) (Entered: 02/18/2003)
02/20/2003	49	NOTICE of <i>Serving Non-Expert Witness List</i> by Attorney Patrick J. Barrett on behalf of Defendant Oilgear Company (Barrett, Patrick) (Entered: 02/20/2003)
02/20/2003	50	MOTION to Substitute Attorney <i>Nelson G. Alston</i> by Attorney Nelson G. Alston on behalf of Plaintiff Equal Employment Opportunity Commission (Alston, Nelson) (Entered: 02/20/2003)
02/21/2003	51	CERTIFICATE of <i>Service of Deposition Testimony and Written Discovery</i> by Attorney Nelson G. Alston on behalf of Plaintiff Equal Employment Opportunity Commission (Alston, Nelson) (Entered: 02/21/2003)
02/21/2003	52	CERTIFICATE of <i>Service of Plaintiff's List of Exhibits</i> by Attorney Nelson G. Alston on behalf of Plaintiff Equal Employment Opportunity Commission (Alston, Nelson) (Entered: 02/21/2003)
02/24/2003	53	ORDER granting 50 Motion to Substitute Attorney. Attorney Nelson G. Alston for Equal Employment Opportunity Commission added. Attorney Rita Byrnes Kittle terminated; to the extent Rita Byrnes Kittle seeks to withdraw as counsel of record for the plaintiff, withdrawing counsel shall comply with NELR 3.3(d) Signed by Magistrate Judge Thomas D. Thalken on 2/24/2003. (MKR,) (Entered: 02/24/2003)
02/25/2003	54	CERTIFICATE of <i>Service of Plaintiff's Supplemental Response to Defendant's First Set of Interrogatories</i> by Attorney Evangelina F. Hernandez on behalf of Plaintiff Equal Employment Opportunity Commission (Hernandez, Evangelina) (Entered: 02/25/2003)
02/26/2003	55	FINAL PRETRIAL ORDER - estimated length of trial is 3 days; Jury Trial set for 3/17/2003 09:00 AM before Judge Joseph F. Bataillon. Signed by Magistrate Judge Thomas D. Thalken on 2/26/2003. (MKR,) (Entered: 02/27/2003)
03/06/2003	56	STRICKEN - CERTIFICATE of <i>Service Plaintiff's Proposed Voir Dire</i> by Attorney Nelson G. Alston on behalf of Plaintiff Equal Employment Opportunity Commission (Alston, Nelson) Modified on 3/7/2003 (SMS,) per 56 . (Entered: 03/06/2003)

		03/06/2003)
03/06/2003	57	CERTIFICATE of Service of Plaintiff's Proposed Jury Instructions by Attorney Nelson G. Alston on behalf of Plaintiff Equal Employment Opportunity Commission (Alston, Nelson) (Entered: 03/06/2003)
03/06/2003	58	Proposed Jury Instructions by Equal Employment Opportunity Commission. (Alston, Nelson) (Entered: 03/06/2003)
03/06/2003	59	Proposed Jury Instructions /Proposed Voir Dire Questions by Equal Employment Opportunity Commission. (Alston, Nelson) (Entered: 03/06/2003)
03/07/2003	60	CERTIFICATE of Service of Plaintiff's Proposed Voir Dire Questions by Attorney Nelson G. Alston on behalf of Plaintiff Equal Employment Opportunity Commission (Alston, Nelson) (Entered: 03/07/2003)
03/07/2003	61	ORDER striking Filing 56 ; incorrect PDF document attached. Signed by Judge Joseph F. Bataillon on 3/7/2003. (SMS,) (Entered: 03/07/2003)
03/07/2003	62	BRIEF (Trial) by Attorney Evangelina F. Hernandez on behalf of Plaintiff Equal Employment Opportunity Commission (Hernandez, Evangelina) (Entered: 03/07/2003)
03/07/2003	63	CERTIFICATE of Service of Plaintiff EEOC's Trial Brief by Attorney Evangelina F. Hernandez on behalf of Plaintiff Equal Employment Opportunity Commission (Hernandez, Evangelina) (Entered: 03/07/2003)
03/10/2003	64	Proposed Jury Instructions by Oilgear Company. (Barrett, Patrick) (Entered: 03/10/2003)
03/10/2003	65	BRIEF by Attorney Patrick J. Barrett on behalf of Defendant Oilgear Company (Barrett, Patrick) (Entered: 03/10/2003)
03/12/2003	66	MEMORANDUM AND ORDER granting in part and denying in part 28 Defendant's Motion for Summary Judgment; denying 38 Plaintiff's Motion in Limine. Signed by Judge Joseph F. Bataillon on 3/12/2003. (SMS,) (Entered: 03/12/2003)
03/13/2003	67	Minute Entry for proceedings held before Judge Joseph F. Bataillon Status Conference (pretrial) held on 3/13/2003. (Court Reporter - Allan G. Kuhlman) (NCD,) (Entered: 03/13/2003)
04/22/2003	68	ORDER confirming settlement; joint stipulation of dismissal to be filed by 4/30/2003. Signed by Judge Joseph F. Bataillon on 4/22/2003. (SMS,) (Entered: 04/22/2003)
04/23/2003	69	STIPULATION for Joint Motion for Dismissal with Prejudice by Attorney Patrick J. Barrett on behalf of Defendant Oilgear Company (Barrett, Patrick) (Entered: 04/23/2003)
04/23/2003	70	ORDER OF DISMISSAL WITH PREJUDICE granting 69 Stipulation of Joint Motion for Dismissal for Prejudice; this action is dismissed with prejudice, each party to pay its own costs. Signed by Judge Joseph F. Bataillon on 4/23/2003. (JSF) (Entered: 04/23/2003)

04/24/2003	71	CONSENT DECREE - Signed by Judge Joseph F. Bataillon on 4/24/2003. (JAE,) (Entered: 04/25/2003)
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