

MTNDDL, REFER, TERMED

**U.S. District Court**  
**District of New Mexico - Version 3.0 (Albuquerque)**  
**CIVIL DOCKET FOR CASE #: 1:04-cv-01118-JAP-WPL**

EEOC v. Airborne Express, et al  
Assigned to: District Judge James A. Parker  
Referred to: Magistrate Judge William P Lynch  
Demand: \$0  
Cause: 42:2000e Job Discrimination (Employment)

Date Filed: 09/30/2004  
Date Terminated: 12/06/2005  
Jury Demand: Defendant  
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.

**Defendant**

**DHL Express (USA), Inc.**  
*formerly known as*  
Airborne Express, Inc

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**Defendant****Air One Transport**

*Air One Transport Group, Inc.*

*TERMINATED: 10/03/2005*

*doing business as*

Air One Transport of New Mexico, L.L.C.

represented by **Jeffrey L. Lowry**

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**Defendant****Air One Transport Group, Inc**

*d/b/a Air One Transport of New Mexico,  
LLC*

*TERMINATED: 12/06/2005*

*doing business as*

Air One Transport of New Mexico LLC

represented by **Jeffrey L. Lowry**

(See above for address)  
*TERMINATED: 12/06/2005*  
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**Defendant**

**Air One Transport of New Mexico LLC**  
*TERMINATED: 12/06/2005*

represented by **Jeffrey L. Lowry**  
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**Intervenor**

**Debra Smith**  
*TERMINATED: 01/24/2006*

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<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
09/30/2004	<a href="#"><u>1</u></a>	COMPLAINT for civil rights (referred to Magistrate Judge Don J. Svet) (emr) (Entered: 10/01/2004)
09/30/2004		LETTER re: consent to proceed before a US Magistrate Judge (emr) (Entered: 10/01/2004)
10/06/2004	<a href="#"><u>2</u></a>	NOTICE of refusal to consent to proceed before a US Magistrate Judge by plaintiff (emr) (Entered: 10/06/2004)

10/07/2004	<a href="#">3</a>	MINUTE ORDER: Case reassigned from Magistrate Judge Alan C. Torgerson to District Judge M. C. Armijo (cc: all counsel*) (bap) (Entered: 10/07/2004)
10/15/2004	<a href="#">4</a>	MINUTE ORDER: Case reassigned from Judge M. Christina Armijo to Senior Judge James A. Parker (cc: all counsel*) (bap) (Entered: 10/15/2004)
10/15/2004		SUMMONS issued as to defts (bap) (Entered: 10/18/2004)
11/05/2004	<a href="#">5</a>	ACCEPTANCE/ACKNOWLEDGEMENT OF SERVICE of S/C by Jeffrey Lowry for deft Air One Transport on 11/5/04 (bap) (Entered: 11/08/2004)
12/01/2004	<a href="#">6</a>	MOTION by intervenor Debra Smith to intervene as of right (mjr) (Entered: 12/01/2004)
12/01/2004	<a href="#">7</a>	CERTIFICATE of service by intervenor Debra Smith of mtn to intervene to counsel on 12/1/04 (mjr) (Entered: 12/01/2004)
12/01/2004	<a href="#">8</a>	FIRST AMENDED COMPLAINT [1-1] by pltf; jury demand (bap) (Entered: 12/02/2004)
12/15/2004	<a href="#">9</a>	MOTION by deft Air One Transport to dismiss first amended complaint (bap) (Entered: 12/16/2004)
12/15/2004	<a href="#">10</a>	MEMORANDUM by deft Air One Transport in support of motion to dismiss first amended complaint [9-1] (bap) (Entered: 12/16/2004)
12/22/2004		SUMMONS issued as to defendant DHL Express (sl) (Entered: 12/23/2004)
01/03/2005	<a href="#">11</a>	ORDER by Senior Judge James A. Parker granting Debra Smith's motion to intervene [6-1] (cc: all counsel*) (bap) (Entered: 01/04/2005)
01/05/2005	<a href="#">12</a>	INTERVENOR'S COMPLAINT by intervenor Debra Smith (mjr) (Entered: 01/05/2005)
01/19/2005	<a href="#">13</a>	RESPONSE by pltf to deft Airborne's motion to dismiss first amended complaint [9-1] (*) (bap) (Entered: 01/19/2005)
01/20/2005	<a href="#">14</a>	APPENDIX (Exhibit "A") filed by pltf to response to deft Air One's motion to dismiss first amended complaint [13-1], (bap) (Entered: 01/21/2005)
01/25/2005	<a href="#">15</a>	ENTRY OF APPEARANCE for deft DHL Express by Gregory P. Williams (jrm) (Entered: 01/26/2005)
01/27/2005	<a href="#">16</a>	MOTION by deft DHL Express for attorneys Timonty J. Murphy and Amy K. Skryja to appear pro hac vice (bap) (Entered: 01/28/2005)
01/31/2005	<a href="#">17</a>	ANSWER to 1st amended complaint by defendant DHL Express [8-1] (dmw) (Entered: 02/01/2005)
02/02/2005	<a href="#">18</a>	ORDER by Magistrate Judge Don J. Svet granting deft DHL's motion for attorneys Timonty J. Murphy and Amy K. Skryja to appear pro hac vice [16-1] (cc: all counsel) (bap) (Entered: 02/02/2005)
02/04/2005	<a href="#">19</a>	REPLY by deft Air One Transport in support of motion to dismiss first amended complaint [9-1] (*) (bap) (Entered: 02/04/2005)

02/07/2005	<a href="#">20</a>	NOTICE by deflt Air One Transport of completion of briefing on mtn to dismiss [9-1] (jrm) (Entered: 02/08/2005)
02/16/2005	<a href="#">21</a>	FIRST AMENDED COMPLAINT in Intervention [12-1] w/jury demand (td) (Entered: 02/17/2005)
03/18/2005	<a href="#">22</a>	WAIVER OF SERVICE upon defendant DHL Express on 2/16/05 (pz) (Entered: 03/21/2005)
03/23/2005	<a href="#">23</a>	RETURN OF SERVICE executed upon defendant Air One Transport Group Inc on 2/28/05 upon Brandon Adcock (pz) (Entered: 03/23/2005)
03/23/2005	<a href="#">24</a>	RETURN OF SERVICE executed upon defendant Air One Transport of New Mexico LLC on 2/28/05 upon Brandon Adcock (pz) (Entered: 03/23/2005)
04/14/2005	<a href="#">25</a>	ANSWER by deflt DHL Express [21-1], [12-1]; jury demand (*) (bap) (Entered: 04/15/2005)
04/20/2005	<a href="#">26</a>	ANSWER by defts Air One Transport, Air One Transport, Air One Transport to first amended complaint in intervention [21-1 (bap) (Entered: 04/21/2005)
04/28/2005	<a href="#">27</a>	MINUTE ORDER: terminating case referral to Magistrate Judge Don J. Svet , Case transferred and referred to Magistrate Judge William P. Lynch (cc: all counsel*) (seal) (Entered: 04/28/2005)
05/11/2005	<a href="#">28</a>	NOTICE by intervenor Debra Smith's counsel of non-availability from 7/1/05 through 7/6/05 (pz) (Entered: 05/12/2005)
05/27/2005	<a href="#">29</a>	INITIAL SCHEDULING ORDER by Magistrate Judge William P. Lynch Rule 16 scheduling conference is set for 7/20/05 @ 1:30 pm; provisional discovery plan & IPTR due 7/6/05 (cc: all counsel*) (bap) (Entered: 05/27/2005)
06/23/2005	<a href="#">30</a>	PROVISIONAL DISCOVERY PLAN by parties (bap) (Entered: 06/24/2005)
06/30/2005	<a href="#">31</a>	MEMORANDUM, OPINION, AND ORDER: by Senior Judge James A. Parker denying motion to dismiss first amended complaint [9-1] by Air One Transport (cc: all counsel*) (dmw) (Entered: 06/30/2005)
07/13/2005	<a href="#">32</a>	CERTIFICATE of Service by pltf of initial disclosures, mailed to counsel on 7/13/05 (*) (bap) (Entered: 07/13/2005)
07/13/2005	<a href="#">33</a>	CERTIFICATE of service by intervenor Debra Smith of initial disclosures to counsel on 7/13/05 (pz) (Entered: 07/13/2005)
07/13/2005	<a href="#">34</a>	CERTIFICATE of Service by deflt DHL Express of initial disclosures, mailed to counsel on 7/13/05 (*) (bap) (Entered: 07/14/2005)
07/13/2005	<a href="#">35</a>	CERTIFICATE of Service by defts Air One Transport of initial disclosures, mailed to counsel on 7/13/05 (seal) (Entered: 07/14/2005)
07/14/2005	<a href="#">36</a>	ANSWER by defts Air One to first amended complaint [8-1] (bap) (Entered: 07/15/2005)
07/20/2005	<a href="#">37</a>	NOTICE by defendant Air One Transport of disclosure statement pursuant to Rule 7.1 (sl) (Entered: 07/21/2005)

07/20/2005	<a href="#">38</a>	NOTICE by defendant Air One Transport of New Mexico of disclosure statement pursuant to Rule 7.1 (sl) (Entered: 07/21/2005)
07/21/2005	<a href="#">39</a>	CLERK'S MINUTES: before Magistrate Judge William P. Lynch Rule 16 scheduling conference held * (dmw) (Entered: 07/22/2005)
07/21/2005	<a href="#">40</a>	ORDER by Magistrate Judge William P. Lynch assigning standard track , Discovery cutoff 1/16/06; Motion Filing cutoff 2/15/06; Pretrial order ddl 4/16/06 (cc: all counsel*) (dmw) (Entered: 07/22/2005)
07/21/2005	<a href="#">41</a>	NOTICE of unavailability of counsel by deft 8/1-8/5/05 (jm) (Entered: 07/22/2005)
07/22/2005	<a href="#">42</a>	CERTIFICATE of service by intervenor Debra Smith of 1st interogs & Request for Production to defts DHL, Air One Transport of NM, LLC & Air One Transport Group, Inc and counsel on 7/21/05 (pz) Modified on 07/29/2005 (Entered: 07/25/2005)
07/25/2005	<a href="#">43</a>	CERTIFICATE of service by deft on 1st set of interrog's to counsel on 7/22/05 (jm) (Entered: 07/26/2005)
07/25/2005	<a href="#">44</a>	CERTIFICATE of service by deft on 1st set of interrog's to counsel on 7/22/05 (jm) (Entered: 07/26/2005)
07/28/2005	<a href="#">45</a>	CERTIFICATE of service by plaintiff EEOC on 1st set of interogs & request for production to counsel on 7/26/05 (jm) (Entered: 07/29/2005)
08/04/2005	<a href="#">46</a>	CERTIFICATE of Service by deft DHL Express of supplemental initial disclosures, mailed to counsel on 8/4/05 (*) (bap) (Entered: 08/05/2005)
08/11/2005	<a href="#">47</a>	NOTICE by pltf of non-availability of attorney from 8/26/05 through 9/9/05 (*) (bap) (Entered: 08/11/2005)
08/11/2005	<a href="#">49</a>	CERTIFICATE of Service by deft DHL Express of first set of document requests, mailed to counsel on 8/11/05 (*) (bap) (Entered: 08/12/2005)
08/12/2005	<a href="#">48</a>	INITIAL PRE-TRIAL REPORT by Senior Judge James A. Parker and Magistrate Judge William P. Lynch; Discovery is set for 1/16/06; mtn filing ddl is set for 2/15/06; proposed pretrial order is due 4/16/06; pretrial conference is set for 10:00 am on 4/13/06; jury trial is set for 10:00 am on 6/5/06; Estimated # of Trial Days: 7-10; Chances of Settlement: Unknown (cc: all counsel) (bap) (Entered: 08/12/2005)
08/22/2005	<a href="#">50</a>	CERTIFICATE of Service by deft DHL Express of first set of interrogatories, mailed to counsel on 8/19/05 (bap) (Entered: 08/23/2005)
08/24/2005	<a href="#">51</a>	CERTIFICATE of Service by plaintiff of responses to deft Air One first set of interrogatories, mailed to counsel on 8/24/05 (*) (bap) (Entered: 08/24/2005)
08/24/2005	52	CERTIFICATE OF SERVICE by deft Air One Transport of New Mexico, LLC re deft's answers to pltf Smith's interrogatories and response to request for production was mailed to all counsel of record on 08/12/05 (ln) (Entered: 08/24/2005)
08/24/2005	<a href="#">53</a>	CERTIFICATE OF SERVICE by deft Air One Transport Group, Inc. re answer to pltf Smith's interrogatories and response to request for production were mailed

		to all counsel of record on 08/23/05 (ln) (Entered: 08/24/2005)
08/25/2005	<a href="#">54</a>	CERTIFICATE of Service by deft Air One Transport of NM of answers to first set of interrogatories and response to first request for production, mailed to counsel on 8/25/05 (bap) (Entered: 08/26/2005)
08/25/2005	<a href="#">55</a>	CERTIFICATE of Service by defendant Air One Transport Group, Inc of answers to first set of interrogatories and response to first request for production, mailed to counsel on 8/25/05 (bap) (Entered: 08/26/2005)
08/26/2005	<a href="#">56</a>	CERTIFICATE of service by intervenor Debra Smith of responses to deft Air One Transport Group's first set of (unknown) to counsel on 8/24/05 (mjr) (Entered: 08/26/2005)
08/31/2005	<a href="#">57</a>	ORDER by Magistrate Judge William P. Lynch referring case to Magistrate Judge Torgerson for the purpose of conducting a Settlement Conference (cc: all counsel*) (bap) (Entered: 09/01/2005)
09/02/2005	<a href="#">58</a>	ORDER by Magistrate Judge William P. Lynch setting Rule 16 Settlement Conference for 11/7/05 @ 9:30 am (cc: all counsel*) (bap) (Entered: 09/02/2005)
09/07/2005	<a href="#">59</a>	CERTIFICATE of Service by deft DHL Express of answers to pltf's first set of interrogatories, mailed overnight to counsel on 9/6/05 (*) (bap) (Entered: 09/07/2005)
09/07/2005	<a href="#">60</a>	CERTIFICATE of Service by deft DHL Express of response to pltf's first request for production, overnight delivery to counsel on 9/6/05 (*) (bap) (Entered: 09/07/2005)
09/07/2005	<a href="#">61</a>	CERTIFICATE of Service by deft DHL Express of response to pltf Smith's first request for production, mailed overnight to counsel on 9/6/05 (*) (bap) (Entered: 09/07/2005)
09/07/2005	<a href="#">62</a>	CERTIFICATE of Service by deft DHL Express of answers to pltf Smith's first set of interrogatories, mailed overnight to counsel on 9/6/05 (*) (bap) (Entered: 09/07/2005)
09/07/2005	<a href="#">63</a>	MOTION by pltf's & deft DHL to extend deadline for identification of experts and submission of expert reports (*) (bap) (Entered: 09/07/2005)
09/08/2005	<a href="#">64</a>	ORDER by Magistrate Judge William P. Lynch granting motion to extend deadline for identification of experts and submission of expert reports as further described herein; [63-1] (cc: all counsel) (yc) (Entered: 09/08/2005)
09/12/2005	<a href="#">65</a>	CERTIFICATE of service by intervenor Debra Smith of responses to 1st set of document requests to counsel on 9/12/05 (td) Modified on 11/14/2005 (Entered: 09/13/2005)
09/15/2005	<a href="#">66</a>	CLERK'S MINUTES: before Magistrate Judge William P. Lynch re: telephonic discovery conference held on 9/13/05 allowing pltf until 10/3/05 to amend complaint (*) (bap) Modified on 10/04/2005 (Entered: 09/16/2005)
09/23/2005	<a href="#">67</a>	CERTIFICATE of service by intervenor Debra Smith of supplemental initial disclosures to counsel on 9/19/05 (pz) (Entered: 09/26/2005)

09/28/2005	<a href="#">68</a>	CERTIFICATE of service of 2nd set of interrog(s) by defendant Air One Transport Group to counsel on 9/27/05 (jrm) (Entered: 09/29/2005)
09/28/2005	<a href="#">69</a>	CERTIFICATE of Service by deft Air One Transport of second set of interrogatories, mailed to counsel on 9/27/05 (bap) (Entered: 09/29/2005)
09/30/2005	<a href="#">70</a>	MOTION by defts Air One Transport to amend answer to pltf in intervention's first amended complaint (bap) (Entered: 10/03/2005)
09/30/2005	<a href="#">71</a>	MOTION by pltf Debra Smith to compel written discovery (td) (Entered: 10/03/2005)
09/30/2005	<a href="#">72</a>	MOTION by pltf Debra Smith to compel DHL to respond to requests for production of documents (td) (Entered: 10/03/2005)
09/30/2005	<a href="#">73</a>	CERTIFICATE of service by pltf Debra Smith of mtn to compel DHL to counsel on 9/30/05 (td) (Entered: 10/03/2005)
10/03/2005	<a href="#">74</a>	SECOND AMENDED COMPLAINT by plaintiff; jury demand (bap) (Entered: 10/04/2005)
10/05/2005	<a href="#">75</a>	CERTIFICATE of service on 1st Supplemental Initial Disclosures by plaintiff EEOC to counsel on 10/4/05* (jm) (Entered: 10/05/2005)
10/14/2005	<a href="#">78</a>	RESPONSE by deft DHL Express to mtn to compel DHL to respond to requests for production of documents [72-1] (jm) (Entered: 10/19/2005)
10/17/2005	<a href="#">76</a>	RESPONSE by pltf's EEOC & Debra Smith to motion to amend answer to pltf in intervention's 1st amended complaint [70-1] (td) (Entered: 10/18/2005)
10/17/2005	<a href="#">77</a>	RESPONSE by deft Air One Transport to mtn to compel written discovery [71-1] (jm) (Entered: 10/19/2005)
10/24/2005	<a href="#">79</a>	NOTICE by intervenor Debra Smith of unavailability of counsel George Geran from 11/7/05-11/14/05 & 11/22/05-11/27/05 (td) (Entered: 10/24/2005)
10/24/2005	<a href="#">80</a>	ANSWER by defts Air One Transport & Air One Transport of New Mexico [74-1]* (jm) (Entered: 10/25/2005)
10/25/2005	<a href="#">81</a>	CERTIFICATE of service on supplemental response to pltf Smith's 1st set of interros by deft DHL Express to counsel on 10/24/05* (jm) (Entered: 10/25/2005)
10/25/2005	<a href="#">82</a>	CERTIFICATE of service on supplemental response to pltf EEOC's 1st set of interros by deft DHL Express to counsel on 10/24/05* (jm) (Entered: 10/25/2005)
10/25/2005	<a href="#">83</a>	CERTIFICATE of service on supplemental response to pltf Smith's 1st request for production by deft DHL Express to counsel on 10/24/05* (jm) (Entered: 10/25/2005)
10/25/2005	<a href="#">84</a>	CERTIFICATE of service on supplemental response to pltf EEOC's 1st request for production by deft DHL Express to counsel on 10/24/05* (jm) (Entered: 10/25/2005)
10/26/2005	<a href="#">85</a>	ANSWER by deft DHL Express to 2nd amended complaint [74-1]* (jm) (Entered: 10/26/2005)

10/26/2005	<a href="#">86</a>	REPLY by intervenor Debra Smith to mtn to compel DHL to respond to requests for production of documents [72-1] (td) (Entered: 10/27/2005)
10/27/2005	<a href="#">87</a>	NOTICE by intervenor Debra Smith of briefing complete re: mtn to compel [72-1] (pz) (Entered: 10/28/2005)
10/31/2005	<a href="#">88</a>	CERTIFICATE of service on 2nd set of interrogs by pltf to counsel on 10/28/05 (jm) (Entered: 11/01/2005)
10/31/2005	<a href="#">89</a>	CERTIFICATE of service by intervenor Debra Smith of responses to deflt Air One Transport Group's 2nd set of interrogs to counsel on 10/31/05 (pz) (Entered: 11/02/2005)
10/31/2005	<a href="#">90</a>	CERTIFICATE of service by intervenor Debra Smith of identification of expert witnesses to counsel on 10/31/05 (pz) (Entered: 11/02/2005)
10/31/2005	<a href="#">91</a>	NOTICE of disclosure of expert witnesses by intervenor Debra Smith (pz) (Entered: 11/02/2005)
11/02/2005	<a href="#">92</a>	CERTIFICATE of service by plaintiff of disclosure of expert witnesses to counsel on 10/31/05 (vv) (Entered: 11/03/2005)
11/03/2005	<a href="#">93</a>	REPLY by intervenor Debra Smith to deflt Air One's response to motion to compel written discovery [71-1] (pz) (Entered: 11/03/2005)
11/03/2005	<a href="#">94</a>	NOTICE of briefing complete by intervenor Debra Smith re: mtn to compel written discovery of Air One defts [71-1] (pz) (Entered: 11/03/2005)
11/03/2005	<a href="#">95</a>	REPLY by Air One defendants to response to motion to amend answer to pltf in intervention's first amended complaint [70-1] (vv) (Entered: 11/04/2005)
11/09/2005	<a href="#">96</a>	SETTLEMENT CONFERENCE held 11/7/05 before the Honorable Alan C. Torgerson; case settled* (jm) (Entered: 11/09/2005)
11/17/2005	<a href="#">97</a>	ORDER regarding finalization of settlement documents as described herein by Magistrate Judge Alan C. Torgerson (cc: all counsel)* (jm) (Entered: 11/18/2005)
12/06/2005	<a href="#">98</a>	CONSENT DECREE JUDGMENT by Senior Judge James A. Parker dismissing defts Air One Transport Group and Air One Transport of NM (cc: all counsel) (bap) (Entered: 12/07/2005)
12/06/2005	<a href="#">99</a>	CONSENT DECREE JUDGMENT by Senior Judge James A. Parker as to deflt DHL Express dismissing case (cc: all counsel) (bap) (Entered: 12/07/2005)
01/19/2006	<a href="#">100</a>	UNOPPOSED MOTION by intervenor Debra Smith to dismiss with prejudice all of her claims against all defts (pz) (Entered: 01/20/2006)
01/24/2006	<a href="#">101</a>	ORDER by Senior Judge James A. Parker dismissing pltf-in-intervention by Debra Smith (cc: all counsel) (jm) (Entered: 01/24/2006)
02/24/2006	<a href="#">102</a>	ORDER by Senior Judge James A. Parker of amended consent decree as to DHL Express, Inc. as described herein (cc: all counsel) (sl) (Entered: 02/24/2006)

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<b>Description:</b>	Docket Report	<b>Search Criteria:</b>	1:04-cv-01118-JAP-WPL
<b>Billable Pages:</b>	6	<b>Cost:</b>	0.48