

CLOSED,REFER,REOPEN,TERMED

**U.S. District Court
District of New Mexico – Version 6.1 (Albuquerque)
CIVIL DOCKET FOR CASE #: 1:03-cv-00991-JEC-WDS**

EEOC v. PVNF LLC
Assigned to: District Judge John E. Conway
Referred to: Magistrate Judge W. Daniel Schneider
Demand: \$0
Cause: 42:2000e Job Discrimination (Employment)

Date Filed: 08/25/2003
Date Terminated: 10/11/2007
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.

Defendant

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doing business as
 Chuck Daggett Motors
doing business as
 Big Valley Auto

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| Date Filed | # | Docket Text |
|------------|----------|--|
| 08/25/2003 | <u>1</u> | COMPLAINT for employment discrimination w/jury demand (0 Summons(es) issued) (referred to Magistrate Judge W. D. Schneider) (ed) (Entered: 08/26/2003) |
| 08/27/2003 | | SUMMONS issued as to defendant (emr) (Entered: 08/27/2003) |
| 10/07/2003 | <u>2</u> | ENTRY OF APPEARANCE for deft by Linda G. Hemphill (mjr) (Entered: 10/07/2003) |
| 10/09/2003 | <u>3</u> | ANSWER by defendant [1-1] (mjr) (Entered: 10/09/2003) |
| 11/17/2003 | <u>4</u> | NOTICE of non-availability by Linda G. Hemphil, attorney for PVNF LLC from 11/19/03 though 12/4/03 (former employee) (Entered: 11/17/2003) |
| 12/10/2003 | <u>5</u> | INITIAL SCHEDULING ORDER by Magistrate Judge W. D. Schneider Rule 16 scheduling conference set for 1/20/04 at 9:20 am; provisional discovery plan & IPTR due 1/13/04 (cc: all counsel*) (vv) (Entered: 12/10/2003) |
| 12/23/2003 | <u>6</u> | PROVISIONAL DISCOVERY PLAN by parties * (vv) (Entered: 12/23/2003) |
| 01/13/2004 | <u>7</u> | CERTIFICATE of service by plaintiff of initial disclosures to counsel on 1/13/04 * (vv) (Entered: 01/13/2004) |
| 01/20/2004 | <u>9</u> | CLERK'S MINUTES: before Magistrate Judge W. D. Schneider Rule 16 scheduling conference held (vv) (Entered: 01/26/2004) |
| 01/23/2004 | <u>8</u> | ORDER by Magistrate Judge W. D. Schneider setting settlement conference for 6/29/04 at 9:00 am (cc: all counsel*) (vv) (Entered: 01/23/2004) |

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| 01/30/2004 | <u>10</u> | CERTIFICATE of service by deft of initial disclosures to counsel on 1/12/04 (mjr) (Entered: 01/30/2004) |
| 02/02/2004 | 11 | INITIAL PRE-TRIAL REPORT by Senior Judge John E. Conway and Magistrate Judge W. D. Schneider; Discovery set for 6/18/04 mtn filing ddl set for 8/5/04; proposed pretrial order due 10/21/04; pretrial conference set for 11:00 am on 11/23/04 jury trial set for 8:30 am on 12/14/04; Estimated # of Trial Days: 7-10; Chances of Settlement: cannot be evaluated until discovery (cc: all counsel) (vv) (Entered: 02/02/2004) |
| 03/02/2004 | <u>12</u> | CERTIFICATE of service by plaintiff of 1st request for admissions, request for interrogatories, request for production to counsel on 3/2/04 * (vv) (Entered: 03/02/2004) |
| 03/02/2004 | <u>13</u> | CERTIFICATE of service by plaintiff of 1st supplemental initial disclosures to counsel on 3/2/04 * (vv) (Entered: 03/02/2004) |
| 04/05/2004 | <u>14</u> | CERTIFICATE of service by deft of first requests for production to counsel on 4/1/04 (mjr) (Entered: 04/05/2004) |
| 04/05/2004 | <u>15</u> | CERTIFICATE of service by deft of first set of interrogs to counsel on 4/1/04 (mjr) (Entered: 04/05/2004) |
| 04/21/2004 | <u>16</u> | CERTIFICATE of service by deft PVNF LLC of answers & objections to 1st set of interrogs, 1st request for production and 1st request for admissions to counsel on 4/21/04 (td) (Entered: 04/21/2004) |
| 04/26/2004 | <u>17</u> | CONSENT JUDGMENT [DECREE] by Senior Judge John E. Conway pertaining to charging party Tammy Hulce, claimant Michelle Reid & Pregnancy Class only (cc: all counsel) (vv) (Entered: 04/26/2004) |
| 04/28/2004 | <u>18</u> | ORDER by Magistrate Judge W. D. Schneider re oral mtn to compel as described herein (cc: all counsel*) (vv) (Entered: 04/28/2004) |
| 05/12/2004 | <u>19</u> | CERTIFICATE of service by plaintiff of 2nd supplemental initial disclosures to counsel on 5/11/04 * (vv) (Entered: 05/12/2004) |
| 05/13/2004 | <u>20</u> | UNOPPOSED MOTION by plaintiff to extend time to serve mtn to compel * (vv) (Entered: 05/13/2004) |
| 05/18/2004 | <u>21</u> | CERTIFICATE of service by plaintiff of answers & objections to 1st set of interrogatories to counsel on 5/18/04 * (vv) (Entered: 05/18/2004) |
| 05/18/2004 | <u>22</u> | CERTIFICATE of service by plaintiff of answers & objections to 1st request for production of documents to counsel on 5/18/04 * (vv) (Entered: 05/18/2004) |
| 05/27/2004 | <u>23</u> | JOINT MOTION to extend the discovery deadline and deadline for filing mtns and to vacate the settlement conference (mjr) (Entered: 05/27/2004) |
| 06/01/2004 | <u>24</u> | CERTIFICATE of service by plaintiff of 3rd supplemental initial disclosures to counsel on 6/1/04 * (vv) (Entered: 06/01/2004) |
| 06/15/2004 | <u>25</u> | ORDER by Magistrate Judge W. D. Schneider granting joint motion to extend the discovery deadline and deadline for filing mtns [23-1] & to vacate the settlement conference [23-2] Discovery cutoff reset for 8/30/04; Motion Filing cutoff reset for 10/18/04 & settlement conference reset for 9/16/04 (cc: all counsel) (vv) (Entered: 06/15/2004) |
| 06/15/2004 | <u>26</u> | ORDER by Magistrate Judge W. D. Schneider resetting settlement conference for 9/16/04 at 9:00 am (cc: all counsel*) (vv) (Entered: 06/15/2004) |
| 06/15/2004 | <u>27</u> | MINUTE ORDER: by direction of Senior Judge Conway Pretrial conference reset for 1/26/05 at 11:00 am ; Jury trial reset for 3/8/05 at 8:30 am (cc: all counsel) (vv) (Entered: 06/15/2004) |
| 07/15/2004 | <u>28</u> | CERTIFICATE of service by deft of first supplemental disclosure to counsel on 7/15/04 (mjr) (Entered: 07/15/2004) |
| 07/28/2004 | <u>29</u> | CERTIFICATE of Service by pltf of 2nd request for admissions, interrog(s) & for production to counsel on 7/27/04* (pr) (Entered: 07/28/2004) |

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| 08/26/2004 | <u>30</u> | CERTIFICATE of service by deflt of second supplemental disclosure to counsel on 8/26/04 (mjr) (Entered: 08/26/2004) |
| 08/30/2004 | <u>31</u> | CERTIFICATE of service by deflt of answers & objections to 2nd request for admissions, 2nd request for production & 2nd set of interrogatories to counsel on 8/30/04 (td) (Entered: 08/30/2004) |
| 09/09/2004 | <u>32</u> | ORDER vacating & resetting settlement conference for 9/17/04 at 1:30 pm by Magistrate Judge W. D. Schneider (cc: all counsel*) (vv) (Entered: 09/09/2004) |
| 09/13/2004 | 33 | CERTIFICATE of service by deflt of first supplemental answer to first set of interros to counsel on 9/13/04 (mjr) (Entered: 09/13/2004) |
| 09/17/2004 | <u>34</u> | SETTLEMENT CONFERENCE held before Magistrate Judge Schneider; case did not settle (vv) (Entered: 09/20/2004) |
| 10/13/2004 | <u>35</u> | UNOPPOSED MOTION by defendant to exceed page limitation for pleadings related to mtn for sum/jgm & deadlines for response & reply to mtn * (vv) (Entered: 10/13/2004) |
| 10/15/2004 | <u>36</u> | ORDER by Magistrate Judge W. D. Schneider granting deflt's motion to exceed page limitation for pleadings related to mtn for sum/jgm & deadlines for response & reply to mtn [35-1] (cc: all counsel) (vv) (Entered: 10/15/2004) |
| 10/15/2004 | <u>37</u> | MOTION by plaintiff in limine to exclude certain cell phone bills for failure to comply with disclosure requirements (vv) (Entered: 10/15/2004) |
| 10/15/2004 | 38 | MEMORANDUM by plaintiff in support of motion in limine to exclude certain cell phone bills for failure to comply with disclosure requirements [37-1] (vv) (Entered: 10/15/2004) |
| 10/15/2004 | <u>39</u> | AFFIDAVIT of Loretta Medina regarding motion in limine to exclude certain cell phone bills for failure to comply with disclosure requirements [37-1] (vv) (Entered: 10/15/2004) |
| 10/15/2004 | <u>40</u> | MOTION by plaintiff in limine to exclude all evidence concerning claimant's personal relationship with a non-harasser (vv) (Entered: 10/15/2004) |
| 10/15/2004 | 41 | MEMORANDUM by plaintiff in support of motion in limine to exclude all evidence concerning claimant's personal relationship with a non-harasser [40-1] (vv) (Entered: 10/15/2004) |
| 10/15/2004 | <u>42</u> | AFFIDAVIT of Loretta Medina regarding motion in limine to exclude all evidence concerning claimant's personal relationship with a non-harasser [40-1] (vv) (Entered: 10/15/2004) |
| 10/15/2004 | <u>43</u> | MOTION by plaintiff in limine to exclude evidence concerning profanity, dress, conduct toward non-harassers and performance by claimants (vv) (Entered: 10/15/2004) |
| 10/15/2004 | <u>44</u> | MEMORANDUM by plaintiff in support of motion in limine to exclude evidence concerning profanity, dress, conduct toward non-harassers and performance by claimants [43-1] (vv) (Entered: 10/15/2004) |
| 10/15/2004 | 45 | AFFIDAVIT of Loretta Medina regarding motion in limine to exclude evidence concerning profanity, dress, conduct toward non-harassers and performance by claimants [43-1] (vv) (Entered: 10/15/2004) |
| 10/15/2004 | <u>46</u> | MOTION by plaintiff for partial summary judgment as to any defense based upon conciliation (vv) (Entered: 10/15/2004) |
| 10/15/2004 | <u>47</u> | MEMORANDUM by plaintiff in support of motion for partial summary judgment as to any defense based upon conciliation [46-1] (vv) (Entered: 10/15/2004) |
| 10/15/2004 | <u>48</u> | AFFIDAVIT of Loretta Medina regarding motion for partial summary judgment as to any defense based upon conciliation [46-1] (vv) (Entered: 10/15/2004) |
| 10/15/2004 | <u>49</u> | NOTICE by plaintiff of withdrawal of harassment claim as to Joanne Richmond (vv) (Entered: 10/15/2004) |

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| 10/18/2004 | <u>50</u> | MOTION by deft for sum/jgm (td) (Entered: 10/18/2004) |
| 10/18/2004 | 51 | MEMORANDUM by deft in support of mtn for sum/jgm [50-1] (td) (Entered: 10/18/2004) |
| 10/19/2004 | <u>52</u> | STIPULATED ORDER by Magistrate Judge W. D. Schneider granting request to extend number of exhibits to 151 pages in connection to sum/jgm mtn (cc: all counsel) (vv) (Entered: 10/19/2004) |
| 11/05/2004 | <u>53</u> | RESPONSE by deft to mtn in limine to exclude certain cell phone bills for failure to comply with disclosure requirements [37-1] (td) (Entered: 11/05/2004) |
| 11/05/2004 | <u>54</u> | MEMORANDUM by deft in support of response re mtn to exclude certain cell phone bills for failure to comply with disclosure requirements [53-1] (td) (Entered: 11/05/2004) |
| 11/05/2004 | <u>55</u> | RESPONSE by deft to mtn in limine to exclude all evidence concerning claimant's personal relationship with a non-harasser [40-1] (td) (Entered: 11/05/2004) |
| 11/05/2004 | <u>56</u> | MEMORANDUM by deft in support of response re mtn in limine to exclude all evidence concerning claimant's personal relationship with a non-harasser [55-1] (td) (Entered: 11/05/2004) |
| 11/05/2004 | <u>57</u> | RESPONSE by deft to mtn for partial sum/jgm as to any defense based upon conciliation [46-1] (td) (Entered: 11/05/2004) |
| 11/05/2004 | <u>58</u> | MEMORANDUM by deft in support of response to mtn for partial sum/jgm [57-1] (td) (Entered: 11/05/2004) |
| 11/08/2004 | <u>59</u> | RESPONSE by deft to motion in limine to exclude evidence concerning profanity, dress, conduct toward non-harassers and performance by claimants [43-1] (mjr) (Entered: 11/08/2004) |
| 11/08/2004 | <u>60</u> | MEMORANDUM by deft in support of response [59-1] (mjr) (Entered: 11/08/2004) |
| 11/16/2004 | <u>61</u> | RESPONSE by plaintiff to motion for sum/jgm [50-1] * (vv) (Entered: 11/17/2004) |
| 11/18/2004 | <u>62</u> | APPENDIX filed by plaintiff re response to motion for sum/jgm [50-1] [61-1] (vv) (Entered: 11/19/2004) |
| 11/24/2004 | <u>63</u> | REPLY by pltf to response to motion in limine to exclude certain cell phone bills for failure to comply with disclosure requirements [37-1] (seal) (Entered: 11/29/2004) |
| 11/24/2004 | <u>64</u> | REPLY by pltf to response to motion in limine to exclude all evidence concerning claimant's personal relationship with a non-harasser [40-1] (seal) (Entered: 11/29/2004) |
| 11/24/2004 | <u>65</u> | REPLY by pltf to response to motion for partial summary judgment as to any defense based upon conciliation [46-1] (seal) (Entered: 11/29/2004) |
| 11/24/2004 | <u>66</u> | REPLY by pltf to response to motion in limine to exclude evidence concerning profanity, dress, conduct non-harassers and performance by claimants [43-1] (seal) (Entered: 11/29/2004) |
| 12/01/2004 | <u>67</u> | NOTICE by plaintiff of completion of briefing on motion for partial summary judgment [46-1] (sl) (Entered: 12/02/2004) |
| 12/02/2004 | <u>68</u> | JOINT MOTION by parties herein to extend deadline for submission of Pretrial Order re 45 days after Court's decision on mtns for sum/jgm * (pr) (Entered: 12/02/2004) |
| 12/06/2004 | <u>69</u> | ORDER by Magistrate Judge W. D. Schneider granting deft's request to extend number of pages to 40 pages in connection with its reply to motion for summary judgment (cc: all counsel) (sl) (Entered: 12/06/2004) |
| 12/07/2004 | 70 | NOTICE by counsel for deft of non-availability from 12/9/04 thru 12/22/04 and 12/29/04 thru 12/31/04* (pr) (Entered: 12/07/2004) |
| 12/07/2004 | <u>71</u> | MOTION by deft to strike 3/10/03 letter (td) (Entered: 12/08/2004) |
| 12/07/2004 | <u>72</u> | MOTION by deft to strike portions of Affidavit of Michelle Lynn Reid (td) (Entered: 12/08/2004) |

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| 12/07/2004 | <u>73</u> | MOTION by deft to strike portions of affidavit of Loretta Medina Esq (td) (Entered: 12/08/2004) |
| 12/07/2004 | <u>74</u> | REPLY by deft to mtn for sum/jgm [50-1] (td) (Entered: 12/08/2004) |
| 12/08/2004 | <u>75</u> | STIPULATED ORDER by Magistrate Judge W. D. Schneider granting the stipulated motion to extend deadline for submission of Pretrial Order re 45 days after Court's decision on mtns for sum/jgm [68-1] Pretrial order ddl 2/11/05 ; Pretrial conference reset for 3/9/05 @ 11:00 am ; Jury trial reset for 4/12/05 @ 8:30 am (cc: all counsel) (jrm) (Entered: 12/08/2004) |
| 12/09/2004 | <u>76</u> | NOTICE of completion of briefing on mtn for sum/jgm by deft (mjr) (Entered: 12/09/2004) |
| 12/21/2004 | <u>77</u> | RESPONSE by plaintiff to motion to strike 3/10/03 letter [71-1] * (vv) (Entered: 12/21/2004) |
| 12/21/2004 | <u>78</u> | RESPONSE by plaintiff to motion to strike portions of Affidavit of Michelle Lynn Reid [72-1] * (vv) (Entered: 12/21/2004) |
| 12/21/2004 | <u>79</u> | RESPONSE by plaintiff to motion to strike portions of affidavit of Loretta Medina Esq [73-1] * (vv) (Entered: 12/21/2004) |
| 12/23/2004 | <u>80</u> | APPENDIX filed by plaintiff re motion response [77-1] (vv) (Entered: 12/23/2004) |
| 01/06/2005 | <u>81</u> | REPLY by deft to mtn to strike portions of Affidavit of Michelle Lynn Reid [72-1] (td) (Entered: 01/06/2005) |
| 01/06/2005 | <u>82</u> | REPLY by deft to mtn to strike portions of affidavit of Loretta Medina Esq [73-1] (td) (Entered: 01/06/2005) |
| 01/07/2005 | <u>83</u> | NOTICE by deft of completion of briefing re mtn to strike [72-1] (td) (Entered: 01/10/2005) |
| 01/07/2005 | <u>84</u> | REPLY by deft to mtn to strike 3/10/03 letter [71-1] (td) (Entered: 01/10/2005) |
| 01/07/2005 | <u>85</u> | NOTICE by deft of completion of briefing re mtn to strike [71-1] (td) (Entered: 01/10/2005) |
| 01/07/2005 | <u>86</u> | NOTICE by deft of completion of briefing re mtn to strike [72-1] (td) (Entered: 01/10/2005) |
| 01/13/2005 | <u>87</u> | NOTICE by pltf of withdrawal of their motion for extension of time to serve mtn to compel [20-1]* (pr) (Entered: 01/13/2005) |
| 01/14/2005 | <u>88</u> | ORDER by Magistrate Judge W. D. Schneider denying motion to strike 3/10/03 letter [71-1] by PVNF LLC (cc: all counsel*) (vv) (Entered: 01/14/2005) |
| 01/25/2005 | <u>89</u> | ORDER by Magistrate Judge W. D. Schneider denying motion to strike portions of Affidavit of Michelle Lynn Reid [72-1] by PVNF LLC (cc: all counsel*) (vv) (Entered: 01/25/2005) |
| 02/17/2005 | <u>90</u> | PRE-TRIAL ORDER by Senior Judge John E. Conway : (cc: all counsel) (vv) (Entered: 02/17/2005) |
| 03/07/2005 | <u>91</u> | MEMORANDUM, OPINION, AND ORDER: by Senior Judge John E. Conway granting in part pltf's motion in limine to exclude all evidence concerning claimant's personal relationship with a non-harasser [40-1] (cc: all counsel*) (vv) (Entered: 03/07/2005) |
| 03/08/2005 | <u>92</u> | ORDER by Magistrate Judge W. D. Schneider denying motion in limine to exclude certain cell phone bills for failure to comply with disclosure requirements [37-1] by EEOC (cc: all counsel*) (vv) (Entered: 03/08/2005) |
| 03/09/2005 | <u>93</u> | MEMORANDUM, OPINION, AND ORDER: by Senior Judge John E. Conway granting pltf's motion for partial summary judgment as to any defense based upon conciliation [46-1] (cc: all counsel*) (bap) (Entered: 03/09/2005) |
| 03/17/2005 | <u>94</u> | MEMORANDUM, OPINION, AND ORDER: by Senior Judge John E. Conway granting deft's motion for sum/jgm [50-1] on sole claim on behalf of Ms. Richmond & denied as to all claims on behalf of Ms.Segovia (cc: all counsel*) (vv) (Entered: 03/17/2005) |

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| | | 03/17/2005) |
| 03/23/2005 | <u>95</u> | WITNESS list submitted by defendant * (vv) (Entered: 03/23/2005) |
| 03/23/2005 | <u>96</u> | WITNESS list submitted by plaintiff (vv) (Entered: 03/24/2005) |
| 04/01/2005 | <u>97</u> | CERTIFICATE of service by deft of supplemental responses to 1st request for production of documents to counsel on 4/1/05(td) Modified on 04/08/2005 (Entered: 04/01/2005) |
| 04/05/2005 | <u>98</u> | MOTION by plaintiff in limine to exclude evidence or argument relating to a Faragher/Ellerth defense * (vv) (Entered: 04/06/2005) |
| 04/05/2005 | <u>99</u> | MEMORANDUM by plaintiff in support of motion in limine to exclude evidence or argument relating to a Faragher/Ellerth defense [98-1] * (vv) (Entered: 04/06/2005) |
| 04/05/2005 | <u>100</u> | MOTION by plaintiff in limine to exclude evidence or argument relating to whether claimant is in compliance with federal or state laws re filing of tax returns * (vv) (Entered: 04/06/2005) |
| 04/05/2005 | <u>101</u> | MEMORANDUM by plaintiff in support of motion in limine to exclude evidence or argument relating to whether claimant is in compliance with federal or state laws re filing of tax returns [100-1] * (vv) (Entered: 04/06/2005) |
| 04/05/2005 | <u>102</u> | MOTION by plaintiff in limine to exclude evidence or argument relating to policies or procedures of a corporate entity which is not involved in this litigation * (vv) (Entered: 04/06/2005) |
| 04/05/2005 | <u>103</u> | MEMORANDUM by plaintiff in support of motion in limine to exclude evidence or argument relating to policies or procedures of a corporate entity which is not involved in this litigation [102-1] (vv) (Entered: 04/06/2005) |
| 04/05/2005 | <u>104</u> | MOTION by deft in limine to prohibit introduction of deft's net worth until ruling on mtn for directed verdict on punitive damages (pz) (Entered: 04/06/2005) |
| 04/07/2005 | <u>105</u> | APPENDIX [EXHIBITS] filed by plaintiff re memorandum in support of mtn in limine [103-1] (vv) (Entered: 04/07/2005) |
| 04/07/2005 | <u>106</u> | APPENDIX [EXHIBITS] filed by plaintiff re memorandum in support of mtn in limine [101-1] (vv) (Entered: 04/07/2005) |
| 04/07/2005 | <u>107</u> | NOTICE by plaintiff of joint statement of case for jury selection * (vv) (Entered: 04/08/2005) |
| 04/07/2005 | <u>108</u> | VOIR DIRE submitted by plaintiff * (vv) (Entered: 04/08/2005) |
| 04/07/2005 | <u>109</u> | PROPOSED VOIR DIRE submitted by deft (pz) (Entered: 04/08/2005) |
| 04/08/2005 | <u>110</u> | CERTIFICATE of service by plaintiff of 4th supplemental initial disclosures to counsel on 4/8/05 * (vv) (Entered: 04/08/2005) |
| 04/12/2005 | <u>134</u> | CLERK'S MINUTES: before Senior Judge John E. Conway Jury selection held on 4/12/05; jury trial began 5/4/05 and ended 5/9/05; Directed Verdict granted in favor of deft & against pltf on all of pltf's claims; court will issue written findings in a few weeks C/R: J Sanchez (vv) Modified on 06/28/2005 (Entered: 05/10/2005) |
| 04/19/2005 | <u>111</u> | RESPONSE by deft to mtn in limine to exclude evidence or argument relating to policies or procedures of corporate entity which is not involved in this litigation [102-1] (pz) (Entered: 04/20/2005) |
| 04/19/2005 | <u>112</u> | RESPONSE by deft to mtn in limine to exclude evidence or argument relating to whether claimant is in compliance with federal or state laws re filing of tax returns [100-1] (pz) (Entered: 04/20/2005) |
| 04/19/2005 | <u>113</u> | RESPONSE by deft to mtn in limine to exclude evidence or argument relating to a Faragher/Ellerth defense [98-1] (pz) (Entered: 04/20/2005) |
| 04/21/2005 | <u>114</u> | RESPONSE by plaintiff to motion in limine to prohibit introduction of deft's net worth until ruling on mtn for directed verdict on punitive damages [104-1] * (vv) (Entered: 04/21/2005) |

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| 04/25/2005 | <u>115</u> | MOTION by defendant in limine re testimony of pltf's witness Michelle Reid * (vv) (Entered: 04/26/2005) |
| 04/26/2005 | <u>118</u> | REPLY by deflt to response to motion in limine to prohibit introduction of deflt's net worth until ruling on mtn for directed verdict on punitive damages [104-1] (pz) (Entered: 04/27/2005) |
| 04/26/2005 | <u>119</u> | NOTICE by deflt of completion of briefing of mtn in limine to prohibit introduction of deflt's net worth until ruling on mtn for directed verdict on punitive damages [104-1] (pz) (Entered: 04/27/2005) |
| 04/27/2005 | <u>116</u> | ORDER by Senior Judge John E. Conway approving parties' stipulations re evidentiary & other matters (cc: all counsel) (vv) (Entered: 04/27/2005) |
| 04/27/2005 | <u>117</u> | CERTIFICATE of service by plaintiff of 5th supplemental initial disclosures to counsel on 4/26/05 (vv) (Entered: 04/27/2005) |
| 04/28/2005 | <u>120</u> | PROPOSED JURY INSTRUCTIONS submitted by defendant * (vv) (Entered: 04/28/2005) |
| 04/28/2005 | <u>121</u> | JOINT PROPOSED JURY INSTRUCTIONS submitted by parties * (vv) (Entered: 04/28/2005) |
| 04/28/2005 | <u>122</u> | EXHIBIT list by defendant contested by pltf * (vv) (Entered: 04/28/2005) |
| 04/28/2005 | <u>123</u> | PARTIES' JOINT STIPULATED EXHIBIT list (vv) (Entered: 04/28/2005) |
| 04/28/2005 | <u>124</u> | EXHIBIT list by plaintiff contested by deflt (vv) (Entered: 04/28/2005) |
| 04/28/2005 | <u>125</u> | PROPOSED JURY INSTRUCTIONS & Praeipce submitted by plaintiff (vv) (Entered: 04/28/2005) |
| 04/29/2005 | <u>126</u> | NOTICE of joint supplemental stipulation on stock instructions * (vv) (Entered: 04/29/2005) |
| 04/29/2005 | <u>127</u> | RESPONSE by plaintiff to motion in limine re testimony of pltf's witness Michelle Reid [115-1] (vv) (Entered: 04/29/2005) |
| 04/29/2005 | <u>128</u> | REPLY by plaintiff to response to motion in limine to exclude evidence or argument relating to a Faragher/Elleerth defense [98-1] (vv) (Entered: 04/29/2005) |
| 04/29/2005 | <u>129</u> | REPLY by plaintiff to response to motion in limine to exclude evidence or argument relating to policies or procedures of a corporate entity which is not involved in this litigation [102-1] (vv) (Entered: 04/29/2005) |
| 04/29/2005 | <u>130</u> | REPLY by plaintiff to response to motion in limine to exclude evidence or argument relating to whether claimant is in compliance with federal or state laws re filing of tax returns [100-1] (vv) (Entered: 04/29/2005) |
| 05/02/2005 | <u>131</u> | REPLY by defendant to response to motion in limine re testimony of pltf's witness Michelle Reid [115-1] * (vv) (Entered: 05/02/2005) |
| 05/02/2005 | <u>132</u> | NOTICE by deflt of completion of briefing of mtn in limine re: testimony of pltf's witness, Michelle Reid [115-1] (pz) (Entered: 05/03/2005) |
| 05/02/2005 | <u>133</u> | NOTICE by plaintiff of completion of briefing of mtn in limine to exclude evidence [100-1] (vv) (Entered: 05/03/2005) |
| 06/24/2005 | | TRANSCRIPT OF PROCEEDINGS of jury trial before Senior Judge John E. Conway held on 5/5/05; lodged in separate file folder (pg) (Entered: 06/24/2005) |
| 06/24/2005 | | TRANSCRIPT OF PROCEEDINGS of jury trial before Senior Judge John E. Conway held on 5/6/05; lodged in separate file folder (pg) (Entered: 06/24/2005) |
| 06/29/2005 | <u>135</u> | FINDINGS of fact and conclusions of law by Senior Judge John E. Conway as described herein (cc: all counsel) * (vv) (Entered: 06/29/2005) |
| 06/30/2005 | <u>136</u> | FINAL JUDGMENT: by Senior Judge John E. Conway dismissing case (cc: all counsel) * (vv) (Entered: 06/30/2005) |

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| 07/08/2005 | | TRANSCRIPT OF PROCEEDINGS of Jury Trial III before Senior Judge John E. Conway held on 05/09/05; (re [134-2]) lodged in separate file folder (pg) (Entered: 07/08/2005) |
| 07/14/2005 | <u>137</u> | MOTION by plaintiff to amend Court's Findings of fact & Conclusions of law and for new trial * (vv) (Entered: 07/14/2005) |
| 07/19/2005 | <u>138</u> | UNOPPOSED MOTION by defendant to extend time to file application for atty's fees * (vv) (Entered: 07/19/2005) |
| 07/22/2005 | <u>139</u> | ORDER by Magistrate Judge W. D. Schneider granting deft's motion to extend time to file application for atty's fees [138-1] (cc: all counsel) (vv) (Entered: 07/22/2005) |
| 07/28/2005 | <u>140</u> | RESPONSE by defendant to motion to amend Court's Findings of fact & Conclusions of law [137-1] & for new trial [137-2] * (vv) (Entered: 07/28/2005) |
| 07/29/2005 | <u>141</u> | MOTION by deft for order determining that claims brought by EEOC were frivolous, unreasonable or w/o foundation (td) (Entered: 08/01/2005) |
| 07/29/2005 | <u>142</u> | MEMORANDUM by deft in support of motion for order determining that claims brought by EEOC were frivolous, unreasonable or w/o foundation [141-1] (td) (Entered: 08/01/2005) |
| 07/29/2005 | <u>143</u> | MOTION by deft for costs in the amount of \$8,259.13 (td) (Entered: 08/01/2005) |
| 07/29/2005 | <u>144</u> | MOTION by deft for order awarding expenses in the amount of \$6550.97 (td) (Entered: 08/01/2005) |
| 08/10/2005 | | TRANSCRIPT OF PROCEEDINGS of Jury Trial before Senior Judge John E. Conway held on 05/09/05; (re [134-2]) lodged in separate file folder (pg) (Entered: 08/10/2005) |
| 08/15/2005 | <u>145</u> | UNOPPOSED MOTION by plaintiff to extend time to file responses to fees, costs & expense mtns * (vv) (Entered: 08/15/2005) |
| 08/15/2005 | <u>146</u> | REPLY by plaintiff to response to motion to amend Court's Findings of fact & Conclusions of law [137-1] & for new trial [137-2] * (vv) (Entered: 08/16/2005) |
| 08/16/2005 | <u>147</u> | NOTICE by plaintiff's counsel of unavailability from 8/26-9/9/05 * (vv) (Entered: 08/16/2005) |
| 08/17/2005 | <u>148</u> | ORDER by Senior Judge John E. Conway granting pltf's motion to extend time to file responses to fees, costs & expense mtns [145-1] (cc: all counsel) (vv) (Entered: 08/17/2005) |
| 08/18/2005 | <u>149</u> | SECOND UNOPPOSED MOTION by plaintiff to extend time to file responses to fees, costs and expense mtns * (vv) (Entered: 08/18/2005) |
| 08/23/2005 | <u>150</u> | ORDER by Senior Judge John E. Conway granting pltf's motion to extend time to file responses to fees, costs and expense mtns [149-1] (cc: all counsel) (vv) (Entered: 08/23/2005) |
| 08/24/2005 | <u>151</u> | NOTICE by plaintiff of completion of briefing of mtn to amend [137-1] * (vv) (Entered: 08/24/2005) |
| 08/24/2005 | <u>152</u> | RESPONSE by plaintiff to motion for order awarding expenses in the amount of \$6550.97 [144-1] * (vv) (Entered: 08/25/2005) |
| 08/24/2005 | <u>153</u> | RESPONSE by plaintiff to motion for costs in the amount of \$8,259.13 [143-1] * (vv) (Entered: 08/25/2005) |
| 08/25/2005 | <u>154</u> | RESPONSE by plaintiff to motion for order determining that claims brought by EEOC were frivolous, unreasonable or w/o foundation [141-1] * (vv) (Entered: 08/25/2005) |
| 09/07/2005 | <u>155</u> | REPLY by deft to response to motion for order determining that claims brought by EEOC were frivolous, unreasonable or w/o foundation [141-1] (pz) (Entered: 09/08/2005) |
| 09/07/2005 | <u>157</u> | REPLY by deft to response to motion for costs in the amount of \$8,259.13 [143-1] (pz) (Entered: 09/08/2005) |

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| 09/07/2005 | <u>159</u> | REPLY by deft to response to motion for order awarding expenses in the amount of \$6550.97 [144-1] (pz) (Entered: 09/08/2005) |
| 09/08/2005 | <u>156</u> | NOTICE by deft of briefing complete re: motion to determine that claims brought or maintained by EEOC were frivolous, unreasonable or without foundation [141-1] (pz) Modified on 09/14/2005 (Entered: 09/08/2005) |
| 09/08/2005 | <u>158</u> | NOTICE by deft of briefing complete re: mtn to tax costs [143-1] (pz) Modified on 09/14/2005 (Entered: 09/08/2005) |
| 09/08/2005 | <u>160</u> | NOTICE by deft of briefing complete re: mtn to tax expenses [144-1] (pz) (Entered: 09/08/2005) |
| 10/05/2005 | <u>161</u> | NOTICE by defendant's counsel of non-avaialbility from 10/20-11/4/05 * (vv) (Entered: 10/05/2005) |
| 11/02/2005 | <u>162</u> | MEMORANDUM, OPINION, AND ORDER: by Senior Judge John E. Conway denying motion to amend Court's Findings of fact & Conclusions of law [137-1] & for new trial [137-2] by EEOC (cc: all counsel) * (vv) (Entered: 11/02/2005) |
| 11/02/2005 | <u>163</u> | MEMORANDUM, OPINION, AND ORDER: by Senior Judge John E. Conway granting deft's motion for order determining that claims brought by EEOC were frivolous, unreasonable or w/o foundation [141-1] (cc: all counsel) * (vv) (Entered: 11/02/2005) |
| 11/16/2005 | <u>164</u> | CLERK'S ORDER settling costs; granting deft's motion for costs in the amount of \$6,968.24 [143-1] (cc: all counsel) * (vv) (Entered: 11/17/2005) |
| 11/17/2005 | <u>165</u> | MOTION by deft for attorney fees in the amount of \$183,497.86 & expenses in the amount of \$1,331.79 (pz) (Entered: 11/17/2005) |
| 11/17/2005 | <u>166</u> | MEMORANDUM by deft in support of motion for attorney fees in the amount of \$183,497.86 & expenses in the amount of \$1,331.79 [165-1] (pz) (Entered: 11/17/2005) |
| 12/05/2005 | <u>167</u> | RESPONSE & Objection by plaintiff to motion for attorney fees in the amount of \$183,497.86 & expenses in the amount of \$1,331.79 [165-1] (vv) (Entered: 12/06/2005) |
| 12/22/2005 | <u>168</u> | REPLY by deft to mtn for atty fees in the amount of \$183,497.86 & expenses in the amount of \$1,331.79 [165-1] (td) (Entered: 12/22/2005) |
| 12/22/2005 | <u>169</u> | NOTICE by deft of completion of briefing re mtn for atty fees & expenses [165-1] (td) (Entered: 12/22/2005) |
| 12/30/2005 | <u>170</u> | NOTICE OF APPEAL by plaintiff from Dist. Court decision [163-1], [162-1] ; Fees not paid - Distribution as required. (cc: all counsel) (dmw) (Entered: 12/30/2005) |
| 01/06/2006 | <u>171</u> | TRANSCRIPT Order Form (TOF) from Appellant. Transcript Dates: 05/05/05 re [170-1] (pg) (Entered: 01/11/2006) |
| 01/17/2006 | | ACKNOWLEDGEMENT of receipt of preliminary record by USCA on 01/13/06 - USCA Number: 06-2011 (pg) (Entered: 01/17/2006) |
| 02/14/2006 | | PARTIAL TRANSCRIPT of Proceedings before Senior Judge John E. Conway of motions hearing held on 05/05/05; (re [134-2] lodged in separate file folder (pg) (Entered: 02/14/2006) |
| 02/14/2006 | | PARTIAL TRANSCRIPT OF PROCEEDINGS of opening statements before Senior Judge John E. Conway held on 05/05/05; (re [134-2]) lodged in separate file folder (pg) (Entered: 02/14/2006) |
| 02/14/2006 | | LETTER sent to USCA record complete transcript of proceedings on file [170-1] (pg) (Entered: 02/14/2006) |
| 07/11/2007 | <u>174</u> | USCA JUDGMENT; the Judgment of the US District court is affirmed in part and reversed in part; case remanded to the US District for a new trial (case re-opened 07/11/2007) cc:LJ (pg) (Entered: 07/16/2007) |

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| 07/12/2007 | <u>172</u> | NOTICE of Settings: Pretrial Conference set on 8/29/2007 at 11:00 AM in Albuquerque – Chambers #740 before District Judge John E. Conway. Jury Selection/Trial set on 9/18/2007 at 08:30 AM in Albuquerque – 560 Cimarron Courtroom – before District Judge John E. Conway. (lj) (Entered: 07/12/2007) |
| 07/13/2007 | <u>173</u> | NOTICE of Appearance by Stephanie A Fuchs on behalf of PVNF LLC (Fuchs, Stephanie) (Entered: 07/13/2007) |
| 07/17/2007 | <u>176</u> | AMENDED NOTICE scheduling Jury Selection/Trial on 10/16/2007 at 08:30 AM in Albuquerque – 560 Cimarron Courtroom – before District Judge John E. Conway. Jury selection/trial set on September 18, 2007 at 8:30 a.m. vacated.(lj) (Entered: 07/17/2007) |
| 07/18/2007 | | Set/Reset Hearings: Jury Trial reset for 10/16/2007 at 08:30 AM in Albuquerque – 560 Cimarron Courtroom – before District Judge John E. Conway. (lj) (Entered: 07/18/2007) |
| 08/07/2007 | <u>177</u> | NOTICE by PVNF LLC of <i>Non-Availability</i> from 11/1–11/23/07 (Hemphill, Linda) Modified on 8/8/2007 to add text [vv] (Entered: 08/07/2007) |
| 08/29/2007 | <u>178</u> | NOTICE of Appearance by Christa M Okon on behalf of PVNF LLC (Okon, Christa) (Entered: 08/29/2007) |
| 08/29/2007 | <u>179</u> | Clerk's Minutes for pretrial conference held on 8/29/07 before Judge John Edwards Conway. (Court Reporter Julie Sanchez.) (lj) (Entered: 08/29/2007) |
| 10/11/2007 | <u>180</u> | STIPULATION of Dismissal by Equal Employment Opportunity Commission (Attachments: # <u>1</u>)(Medina, Loretta) (Entered: 10/11/2007) |
| 10/11/2007 | <u>181</u> | ORDER of dismissal with prejudice by Judge John E. Conway (vv) (Entered: 10/11/2007) |