

Cat03, Expedite, Termed

**U.S. District Court
Northern District of Ohio (Toledo)
CIVIL DOCKET FOR CASE #: 3:02-cv-07374-JGC**

Equal Employment Opportunity Commission v. IBEW
Local No. 998
Assigned to: Hon. James G. Carr
Demand: \$0
Cause: 42:2000e Job Discrimination (Employment)

Date Filed: 07/25/2002
Date Terminated: 01/11/2006
Jury Demand: Plaintiff
Nature of Suit: 442 Civil Rights: Jobs
Jurisdiction: U.S. Government Plaintiff

Plaintiff**Equal Employment Opportunity
Commission**

represented by **C. Larry Watson**
U.S. Equal Employment Opportunity
Commission - Cleveland
3001 AJC Federal Bldg.
1240 East Ninth Street
Cleveland, OH 44199
216-522-7455
Fax: 216-522-7430
Email: larry.watson@eeoc.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Donna L. Williams-Alexander
U.S. Equal Employment Opportunity
Commission - Cleveland
3001 AJC Federal Bldg.
1240 East Ninth Street
Cleveland, OH 44199
216-522-7454
Fax: 216-522-7430
Email: Donna.Williams-
Alexander@eeoc.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

John D. Sargent
INVALID - Equal Employment
Opportunity Commission
850 Skylight Office Tower
1660 West Second Street
Cleveland, OH 44113-1454
216-522-7438
Fax: 216-522-7430
Email: John.Sargent@eeoc.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff/Intervenor

Ms. Goretti Newman

represented by **Linda C. Ashar**
Wickens, Herzer, Panza, Cook &
Batista
35765 Chester Road
Avon, OH 44011-1262
440-930-8052
Fax: 440-937-4466
Email: lashar@wickenslaw.com
ATTORNEY TO BE NOTICED

V.

Defendant

IBEW Local No. 998

represented by **Bryan P. O'Connor**
Goldstein & O'Connor
1040 Leader Bldg.
526 Superior Avenue, E
Cleveland, OH 44114
216-771-6633
Fax: 216-771-7559
Email: boconnor@unionlaw.cc
TERMINATED: 01/13/2004
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Andrea L. Whitaker
Friedman & Gilbert
1700 Standard Bldg.
1370 Ontario Street
Cleveland, OH 44113
330-241-1430
Fax: 330-621-0427
Email: whitakerandrea@yahoo.com
TERMINATED: 01/13/2004
ATTORNEY TO BE NOTICED

Joyce Goldstein
Law Office of Joyce Goldstein
1040 Leader Bldg.
526 Superior Avenue, NE
Cleveland, OH 44114
216-771-6633
Fax: 216-771-7559
Email: jgoldstein@unionlaw.cc
TERMINATED: 01/13/2004
ATTORNEY TO BE NOTICED

Defendant

**International Brotherhood of
Electrical Workers**represented by **Marilyn L. Widman**

Allotta, Farley & Widman - Perrysburg
Ste. W
27457 Holiday Lane
Perrysburg, OH 43551
419-874-7188
Email: marilynlw@afwlaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Robert D. Kurnick

Sherman, Dunn, Cohen, Leifer & Yellig

Ste. 1000
900 7th Street, N.W.
Washington, DC 20001
202-785-9300
Fax: 202-775-1950
Email: kurnick@shermardunn.com

Joseph J. Allotta

Allotta, Farley & Widman - Toledo
2222 Centennial Road
Toledo, OH 43617
419-535-0075
Fax: 419-535-1935
Email: jallotta@afwlaw.com
ATTORNEY TO BE NOTICED

| Date Filed | # | Docket Text |
|-------------------|-------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 07/25/2002 | 1 | Complaint (<i>filing fee waived</i>) (0 summons and Magistrate Consent Forms issued) against Equal Employment Opportunity Commission. Filed by Equal Employment Opportunity Commission. (Attachments: # 1 Civil Cover Sheet)(G, D) Modified on 7/20/2004 (L, V). (Entered: 07/26/2002) |
| 07/25/2002 | 2 | Notice of Placement of case in the CM/ECF Docketing System (G, D) (Entered: 07/26/2002) |
| 12/16/2002 | 3 | Order signed by Judge Carr. This cause is before the Court, sua sponte, for a file review. It appearing to the Court that no return of service has yet been filed, it is therefore ORDERED that the plaintiff shall perfect service within two weeks of this order or show cause why the case should not be dismissed for want of prosecution. (S, A L) (Entered: 12/16/2002) |
| 12/20/2002 | 4 | Notice of Service <i>of waiver of service for summons. Summons sent 11/13/02 and received by certified mail on 11/15/02</i> filed by Equal Employment Opportunity Commission. (G, D) (Entered: 12/20/2002) |
| 01/13/2003 | 5 | Answer filed by all defendants. (Related document(s) 1) (Whitaker, Andrea) (Entered: 01/13/2003) |

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| 01/13/2003 | 6 | Motion to change/transfer venue <i>to Eastern Division</i> filed by all defendants. (Whitaker, Andrea) (Entered: 01/13/2003) |
| 01/29/2003 | 7 | Response (Related Motion(s) 6) <i>to Motion to Transfer to Eastern Division</i> filed by all plaintiffs. (Williams-Alexander, Donna) (Entered: 01/29/2003) |
| 02/26/2003 | 8 | Order signed by Judge Carr. Defendant's motion to transfer this case to the Eastern Division is overruled; Erie County is in the Western Division. (Related Doc # 6) (S, A L) (Entered: 02/26/2003) |
| 03/17/2003 | 9 | Case Management Conference Scheduling Notice: Case management conference to be held on 4/1/2003 at 12:00 PM. Recommended track: expedited. Out of town counsel may participate by phone; parties need not attend. (S, A L) Additional attachment(s) added on 3/17/2003 (S, A L). (Entered: 03/17/2003) |
| 03/18/2003 | 10 | Attorney Appearance by Goldstein & O'Connor filed by on behalf of IBEW Local No. 998. (Goldstein, Joyce) Modified on 3/18/2003 (R, Ci). (Entered: 03/18/2003) |
| 03/24/2003 | 11 | Motion to intervene as a party filed by Gorette Newman. (Attachments: # 1 Exhibit A)(Ashar, Linda) (Entered: 03/24/2003) |
| 03/26/2003 | 12 | Joint Report of Parties' Planning Meeting filed by all parties. (Williams-Alexander, Donna) (Entered: 03/26/2003) |
| 04/07/2003 | 13 | Case Management Conference Order signed by Judge Carr. Conference held 3/31/03. Track: expedited. Ordered that discovery due by 8/30/03, summary judgment motion due by 9/15/03; opposition due 10/6/03; reply due 10/15/03. Jury Trial set for 1/20/04 at 1:30 p.m. Parties consent to voir dire by US Magistrate Judge on 1/20/04 at 9:00 a.m. An initial settlement conference is scheduled for 6/16/03 at 3:30 p.m. A final settlement conference to be held on 12/15/03 at 3:00 p.m. All further pleadings to be filed electronically. (S, A L) (Entered: 04/07/2003) |
| 05/14/2003 | 14 | Order signed by Judge Carr granting Gorette Newman's motion to intervene as a party. Schedule previously set in case management order of 4/7/03 (doc. #13) is confirmed. (Related Doc # 11) (S, A L) (Entered: 05/14/2003) |
| 05/14/2003 | 15 | Intervenor's complaint with jury demand. Filed by Gorette Newman. (S, A L) Modified on 5/16/2003 (R, Ci). (Entered: 05/14/2003) |
| 06/02/2003 | 16 | Answer to Intervenor's Complaint (Related Doc # 15) filed by IBEW Local No. 998. (Whitaker, Andrea) (Entered: 06/02/2003) |
| 06/19/2003 | 17 | Order signed by Judge Carr. Conference held 6/16/03. Ordered that the prior schedule is confirmed. (S, A L) (Entered: 06/19/2003) |
| 07/16/2003 | 18 | Proposed Stipulation to respond to IBEW's first set of interrogatories and first request for production of documents until 7/21/03 filed by IBEW Local No. 998 and Gorette Newman. (N, D)System down 7/14/03-7/18/03 (Entered: 07/23/2003) |

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| 07/23/2003 | 19 | Notice/Proof of Service that defendant IBEW 998's First Set of Interrogatories for plaintiff-intervenor and defendant IBEW 998's First Request for Production of Documents for plaintiff-intervenor was served upon counsel on 7/21/03. filed by Linda C. Ashar on behalf of Goretti Newman. (B, T) (Entered: 07/24/2003) |
| 07/29/2003 | 20 | Stipulation & Order: Ordered that Newman's motion to extend time to respond to IBEW's first set of interrogatories and first request for production of documents until 7/21/03 is granted. Signed by Judge James G. Carr on 7/29/2003. (S, A L) (Entered: 07/29/2003) |
| 08/06/2003 | 21 | Joint Motion to extend all scheduled dates 60 days filed by all parties. (Related document(s) 13) (Whitaker, Andrea) Modified on 8/7/2003 (R, Ci). (Entered: 08/06/2003) |
| 08/11/2003 | 22 | Notice of Hearing: A pretrial conference is scheduled for August 25, 2003 at 4:30 p.m. (S, A L) (Entered: 08/11/2003) |
| 09/02/2003 | 23 | Order: Conference held 8/25/03. (Related Doc # 21) Discovery due by 10/15/2003, Summary Judgment Motion due by 11/14/2003; opposition/cross motion due 12/15/03; reply/opposition due 1/15/04; reply due 1/26/04. Jury Trial set for 4/6/2004 at 9:00 a.m. Parties consent to voir dire by US Magistrate Judge on 4/5/04 at 1:30 p.m. A settlement conference to be held on 3/22/2004 at 2:30 p.m. Signed by Judge James G. Carr on 9/2/2003.(S, A L) (Entered: 09/02/2003) |
| 09/05/2003 | 24 | Motion to withdraw as attorney (Goldstein & O'Connor) filed by IBEW Local No. 998. (Attachments: # 1 Affidavit of Pat Ancog)(Goldstein, Joyce) Modified on 9/11/2003 (G, D). (Entered: 09/05/2003) |
| 09/23/2003 | 25 | Order: Conference held 9/11/03. Ordered that motion for leave to allow Goldstein & O'Connor to withdraw as counsel for defendant is denied without prejudice. Further proceedings are stayed pending further court order. Status reports are due quarterly, commencing 12/30/03. Signed by Judge James G. Carr on 9/23/2003. (S, A L) (Entered: 09/23/2003) |
| 12/29/2003 | 26 | Status Report filed by IBEW Local No. 998. (Goldstein, Joyce) Modified on 12/31/2003 (N, D). (Entered: 12/29/2003) |
| 12/30/2003 | 27 | Status Report filed by Equal Employment Opportunity Commission. (Williams-Alexander, Donna) (Entered: 12/30/2003) |
| 12/30/2003 | 28 | Quarterly Status Report of <i>Intervenor-Plaintiff</i> filed by Goretti Newman. (Ashar, Linda) (Entered: 12/30/2003) |
| 01/13/2004 | 29 | Order: Conference held 1/9/04. Ordered that the law firm of Goldstein & O'Connor is granted leave to withdraw as counsel for defendant. Union to obtain new counsel by 3/15/04. Plaintiff to file status report by 4/1/04. Signed by Judge James G. Carr on 1/13/2004. (S, A L) (Entered: 01/13/2004) |
| 04/01/2004 | 30 | Status Report of <i>Intervenor-Plaintiff</i> filed by Goretti Newman. (Ashar, Linda) (Entered: 04/01/2004) |
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| 04/01/2004 | 31 | Status Report filed by Equal Employment Opportunity Commission. (Williams-Alexander, Donna) (Entered: 04/01/2004) |
| 04/14/2004 | 32 | Order: leave granted to plaintiffs to join additional parties by 6/30/04. Status report due 6/30/04. Signed by Judge James G. Carr on 4/14/2004. (S, A L) (Entered: 04/14/2004) |
| 06/30/2004 | 33 | First Amended complaint of <i>Intervenor/Plaintiff with jury demand against International Brotherhood of Electrical Workers, IBEW Local No. 998. Filed by Goretti Newman. (Ashar, Linda) Modified on 7/1/2004 (N, D). (Entered: 06/30/2004)</i> |
| 06/30/2004 | 34 | Status Report filed by Goretti Newman. (Ashar, Linda) Modified on 7/1/2004 (N, D). (Entered: 06/30/2004) |
| 07/08/2004 | 35 | Notice of Hearing: A telephone pretrial conference is set for 7/13/2004 at 10:30 AM, in Courtroom 209, before Judge James G. Carr (S, A L). Modified on 7/13/2004 to edit text (M, C). (Entered: 07/08/2004) |
| 07/09/2004 | 36 | Attorney Appearance by Joseph J. Allotta <i>and Marilyn L. Widman</i> filed by on behalf of International Brotherhood of Electrical Workers. (Allotta, Joseph) (Entered: 07/09/2004) |
| 07/12/2004 | 37 | Second Status Report filed by Equal Employment Opportunity Commission. (Williams-Alexander, Donna) (Entered: 07/12/2004) |
| 07/15/2004 | 38 | Motion for appearance pro hac vice of attorney Robert D. Kurnick for limited purpose of representing International Brotherhood of Electrical Workers, filed by Robert D. Kurnick. Modified on 7/16/2004 (PHV Fee Paid \$190.00, #318358) (B, T). Modified on 7/19/2004 (L, V). (Entered: 07/16/2004) |
| 07/15/2004 | 39 | Affidavit/Declaration of Robert D. Kurnick in support of motion pro hac vice filed by International Brotherhood of Electrical Workers. Related document(s) 38 . (B, T) (Entered: 07/16/2004) |
| 07/16/2004 | | Financial Transaction in the amount of \$190.00 received for motion to appear pro hac vice by attorney Robert D. Kurnick on behalf of International Brotherhood of Electrical Workers, Receipt # 318358 Related document(s) 38 . (M, L) (Entered: 07/21/2004) |
| 07/20/2004 | 40 | Order granting International Brotherhood of Electrical Worker's motion for appearance pro hac vice of Attorney Robert D. Kurnick (Related Doc # 38). Signed by Judge James G. Carr on 7/20/2004.(S, A L) Modified on 7/21/2004 to edit text (B, T). (Entered: 07/20/2004) |
| 07/21/2004 | 41 | Order: Rule 26 disclosures due 8/16/04. Leave is granted to International Brotherhood of Electrical Workers to answer or otherwise plead by 8/16/04. Discovery to be completed by 11/1/04. Dispositive motions (re. veil piercing) to be filed by 11/30/04; opposition due 12/30/04; reply due 1/14/05. Attorney Richard D. Kurnick's motion to appear pro hac vice for defendant International Brotherhood of Electrical Workers is granted. Further scheduling is held in abeyance pending ruling on summary judgment motions. Signed by Judge James G. Carr on 7/21/2004. (S, A |

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| | | L) (Entered: 07/21/2004) |
| 08/06/2004 | 42 | Motion to dismiss filed by International Brotherhood of Electrical Workers. (Attachments: # 1 Brief in Support of Motion to Dismiss) (Kurnick, Robert) (Entered: 08/06/2004) |
| 08/10/2004 | 43 | Answer to Amended Complaint of <i>Intervenor/Plaintiff</i> (Related Doc # 33) filed by International Brotherhood of Electrical Workers. (Kurnick, Robert) (Entered: 08/10/2004) |
| 08/16/2004 | 44 | Notice of Service of Initial Disclosures filed by Goretti Newman. (Ashar, Linda) Modified on 8/20/2004 (M, L). (Entered: 08/16/2004) |
| 08/23/2004 | 45 | Opposition to Motion to dismiss filed by Goretti Newman. Related document(s) 42 . (Attachments: # 1 Case Law)(Ashar, Linda) (Entered: 08/23/2004) |
| 08/27/2004 | 46 | Reply Memorandum in support of Motion to dismiss filed by International Brotherhood of Electrical Workers. Related document(s) 42 . (Kurnick, Robert) Modified on 8/31/2004 to edit text (B, T). (Entered: 08/27/2004) |
| 10/06/2004 | 47 | Status Report <i>Of Plaintiff Intervenor</i> filed by Goretti Newman. (Ashar, Linda) (Entered: 10/06/2004) |
| 10/07/2004 | 48 | Quarterly Status Report filed by Equal Employment Opportunity Commission. (Williams-Alexander, Donna) (Entered: 10/07/2004) |
| 10/07/2004 | 49 | Status Report filed by International Brotherhood of Electrical Workers. (Kurnick, Robert) (Entered: 10/07/2004) |
| 10/21/2004 | 50 | Notice of Hearing: A pretrial conference is scheduled for 10/26/04 at 2:30 p.m. (S, A L) (Entered: 10/21/2004) |
| 10/22/2004 | 51 | Notice of Service of responses to first set of interrogatories filed by Goretti Newman. (Ashar, Linda) Modified on 10/25/2004 (N, D). (Entered: 10/22/2004) |
| 10/29/2004 | 52 | Order: leave is granted to intervenor to conduct discovery re. recently produced documents . Signed by Judge James G. Carr on 10/29/2004. (S, A L) (Entered: 10/29/2004) |
| 11/02/2004 | 53 | Notice of Service of first set of interrogatories, requests for production of documents and request for admissions filed by Goretti Newman. (Ashar, Linda) Modified on 11/3/2004 (N, D). (Entered: 11/02/2004) |
| 11/04/2004 | 54 | Order granting in part and denying in part IBEW's Motion to dismiss. Ordered: 1) Defendant's motion to dismiss plaintiff/intervenors second cause of action hereby is, granted; 2) Defendant's motion to dismiss plaintiff/intervenors third cause of action hereby is, granted; 3) Defendant's motion to dismiss plaintiff/intervenors fourth cause of action hereby is, denied. (Related Doc # 42). Signed by Judge James G. Carr on 11/4/2004.(R, Ke) Modified on 11/5/2004 (N, D). (Entered: 11/04/2004) |
| 11/30/2004 | 55 | Motion for summary judgment filed by International Brotherhood of |

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| | | Electrical Workers. (Attachments: # 1 Brief in Support of Defendant International Brotherhood of Electrical Workers' Motion for Summary Judgment# 2 Manual Filing Notice)(Kurnick, Robert) (Entered: 11/30/2004) |
| 12/01/2004 | 56 | Appendix to Motion for Summary Judgment filed by International Brotherhood of Electrical Workers. (Complete 183 page document on file in clerk's office) Related document(s) 55 . (R, Ci) (Entered: 12/02/2004) |
| 12/21/2004 | 57 | Motion to Compel and Order for Sanctions filed by Goretti Newman. (Attachments: # 1 Exhibit A# 2 Exhibit B# 3 Exhibit C# 4 Exhibit D# 5 Exhibit E)(Ashar, Linda) Modified on 12/22/2004 (N, D). (Entered: 12/21/2004) |
| 12/22/2004 | 58 | Response to Plaintiff/Intervenor's Motion to Compel filed by International Brotherhood of Electrical Workers. Related document(s) 57 . (Kurnick, Robert) Modified on 12/27/2004 (N, D). (Entered: 12/22/2004) |
| 12/22/2004 | 59 | Reply to defendant's response to Motion to compel discovery and Order for Sanctions filed by Goretti Newman. Related document(s) 57 . (Ashar, Linda) Modified on 12/27/2004 (N, D). (Entered: 12/22/2004) |
| 12/30/2004 | 60 | Status Report filed by Goretti Newman. (Ashar, Linda) (Entered: 12/30/2004) |
| 01/19/2005 | 61 | Order. 1/18/05 pretrial vacated. Response to motion for summary judgment due 2/1/05; reply 2/11/05. Signed by Judge James G. Carr on 1/19/05. (A, P) (Entered: 01/19/2005) |
| 02/01/2005 | 62 | Opposition to IBEW's Motion for summary judgment filed by Goretti Newman. Related document(s) 55 . (Attachments: # 1 Attestation of Document Exhibits# 2 Exhibit A# 3 Exhibit B# 4 Exhibit C# 5 Exhibit D# 6 Exhibit E# 7 Exhibit F# 8 Exhibit G# 9 Exhibit H# 10 Exhibit I# 11 Exhibit J# 12 Exhibit K)(Ashar, Linda) Modified on 2/2/2005 (N, D). (Entered: 02/01/2005) |
| 02/10/2005 | 63 | Address Change Notice by Robert D. Kurnick filed by on behalf of International Brotherhood of Electrical Workers. (Kurnick, Robert) (Entered: 02/10/2005) |
| 02/11/2005 | 64 | Reply in support of Motion for summary judgment filed by International Brotherhood of Electrical Workers. Related document(s) 55 . (Attachments: # 1 Exhibit Bylaws of IBEW Local Union 998)(Kurnick, Robert) Modified on 2/14/2005 (N, D). (Entered: 02/11/2005) |
| 02/18/2005 | 65 | Order granting defendant's motion for summary judgment (Related Doc # 55). Signed by Judge James G. Carr on 2/18/2005.(S, A L) (Entered: 02/18/2005) |
| 03/30/2005 | 66 | Status Report filed by Goretti Newman. (Ashar, Linda) (Entered: 03/30/2005) |
| 04/07/2005 | 67 | Notice of Hearing: A Pretrial Conference is scheduled for 4/28/2005 at 12:00 PM. (S, A L) (Entered: 04/07/2005) |

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| 04/28/2005 | 68 | Order: Stay of discovery vacated. Status reports to be filed on or before July 1, 2005. Signed by Judge James G. Carr on 4/28/2005. (S, A L) (Entered: 04/28/2005) |
| 07/01/2005 | 69 | Status Report filed by Gorette Newman. (Ashar, Linda) Modified on 7/6/2005 (N, D). (Entered: 07/01/2005) |
| 07/05/2005 | 70 | Status Report filed by Equal Employment Opportunity Commission. (Williams-Alexander, Donna) (Entered: 07/05/2005) |
| 07/18/2005 | 71 | Order: a pretrial conference is scheduled for 7/28/05 at 9:30 a.m. . Signed by Judge James G. Carr on 7/18/2005. (S, A L) (Entered: 07/18/2005) |
| 07/29/2005 | 72 | Order: The parties shall submit further status reports by August 15, 2005. Leave granted plaintiffs to file motion for summary judgment or for other dispositive relief on or before August 31, 2005; defendant Local 998 to file opposition through counsel within ten days of filing of said motion or default will be entered. Clerk to serve copy of this order by fax on Pat Ancog, Business Manager of Local 998, by fax at his place of employment, Lithonia Lighting, in Vermillion, Ohio. signed by Judge James G. Carr (S, A L) (Entered: 07/29/2005) |
| 08/15/2005 | 73 | Status Report filed by Gorette Newman. (Ashar, Linda) (Entered: 08/15/2005) |
| 09/30/2005 | 74 | Status Report filed by Gorette Newman. (Ashar, Linda) Modified text 10/3/2005 (C, K A). (Entered: 09/30/2005) |
| 10/05/2005 | 75 | Marginal Entry Order. Parties having indicated settlement, dismissal entry shall be filed 11/1/05 74 Signed by Judge James G. Carr on 10/5/05. (A, P) (Entered: 10/05/2005) |
| 01/06/2006 | 76 | Joint Motion to <i>Enter and Approve Consent Decree</i> filed by Equal Employment Opportunity Commission. (Williams-Alexander, Donna) Modified on 1/13/2006 (G, D). (Entered: 01/06/2006) |
| 01/06/2006 | 77 | Proposed Order <i>for Entry of Consent Decree</i> filed by Equal Employment Opportunity Commission. Related document(s) 76 . (Williams-Alexander, Donna) (Entered: 01/06/2006) |
| 01/11/2006 | 78 | Consent Decree (see order for full details) . Signed by Judge James G. Carr on 1/9/2006. (S, A L) (Entered: 01/11/2006) |

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