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U.S. District Court
Western District of Oklahoma[LIVE] (Oklahoma City)
CIVIL DOCKET FOR CASE #: 5:02-cv-00911-T

EEOC v. American Sup Feeds
Assigned to: Honorable Ralph G. Thompson
Demand: \$100,000
Cause: 29:206 Collect Unpaid Wages

Date Filed: 06/28/2002
Date Terminated: 09/12/2003
Jury Demand: Plaintiff
Nature of Suit: 710 Labor: Fair Standards
Jurisdiction: U.S. Government Plaintiff

Plaintiff

**Equal Employment Opportunity
Commission**

represented by **Michelle M Robertson**
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Equal Employment Opportunity
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V.

Defendant

American Superior Feeds Inc

doing business as
Bluebonnet Feeds

represented by **Burke Mordy**

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Date Filed	#	Docket Text
06/28/2002	1	COMPLAINT (nm) (Entered: 07/01/2002)
06/28/2002	2	ATTORNEY APPEARANCE for plaintiff EEOC by Michelle M Robertson (nm) (Entered: 07/01/2002)
07/05/2002	3	ATTORNEY APPEARANCE for plaintiff EEOC by Toby W Costas (cjs) (Entered: 07/05/2002)
07/05/2002	4	ATTORNEY APPEARANCE for plaintiff EEOC by Suzanne M Anderson (cjs) (Entered: 07/05/2002)
07/05/2002	5	CERTIFICATE re Rule 11 signed by plaintiff EEOC (cjs) (Entered: 07/05/2002)
07/08/2002	6	PRAECIPE for and issued 1 summons by plaintiff EEOC (cjs) (Entered: 07/09/2002)
07/09/2002	7	CERTIFICATE re Rule 11 signed by cnsl for plaintiff EEOC (cjs) (Entered: 07/09/2002)
07/12/2002	8	RETURN OF SERVICE executed upon defendant American Sup Feeds on 7/10/02 by certified mail (nm) (Entered: 07/15/2002)
07/29/2002	9	ATTORNEY APPEARANCE for defendant American Sup Feeds by Mike Mordy, Burke Mordy (cjs) (Entered: 07/29/2002)
07/29/2002	10	CERTIFICATE re Rule 11 signed by cnsl for defendant American Sup Feeds (cjs) (Entered: 07/29/2002)
07/29/2002	11	ANSWER by defendant American Sup Feeds (cjs) (Entered: 07/29/2002)
07/29/2002	12	DISCLOSURE Statement filed by defendant American Sup Feeds adding no pty as its parent corporation (cjs) (Entered: 07/29/2002)

07/31/2002		DOCKET status/scheduling ; status scheduling conf set for 10:40 9/6/02 (cjs) (Entered: 07/31/2002)
08/29/2002	13	STATUS REPORT by plaintiff EEOC, defendant Amer Superior Feeds; jury trial demanded; est trial time 2 days liab and 1 day damages; bif req - no; possibility of settlement - fair; med req; ptys consent to trial by magistrate judge - no (cjs) (Entered: 08/29/2002)
08/29/2002	14	JOINT DISCOVERY PLAN by plaintiff EEOC, defendant Amer Superior Feeds (cjs) (Entered: 08/29/2002)
09/06/2002	15	SCHEDULING ORDER Honorable Ralph G. Thompson ; jury trial set for 5/12/03 ; Discovery set for 4/7/03 ; mtn filing ddl set for 3/7/03 ; pretrial report due 4/7/03 ; status scheduling conference held on 10:40 9/6/02 mtns to join due: w/in 15 days of this order mtns to amend due: w/in 15 days of this order pla's wit lst due: 2/7/03 pla's exh lst due: 2/7/03 dft's wit lst due: 10 days thereafter dft's exh lst due: 10 days thereafter mtns in limine due: 4/7/03 jury instr due: 4/7/03 voir dire requests due: 4/7/03 trial briefs due : 4/7/03 PFofFact & Concl due: 4/7/03 ADR Session Held by Date: 12/31/02 (cc: all counsel), referral to ADR referring matter to Mediator Selection Order Due 11/1/02 (cjs) (Entered: 09/06/2002)
11/01/2002	16	ORDER, selection order Selection Order satisfied ADR Session to be held on 12/10/02 at 10:0 added Leslie L Conner Jr as Mediator (cc: all counsel) [EOD Date 11/4/02] (cjs) (Entered: 11/04/2002)
11/21/2002	17	MOTION with brief in support by plaintiff EEOC to quash subpoena , and for protective order (cjs) (Entered: 11/21/2002)
11/21/2002	18	ENTER ORDER by Honorable Ralph G. Thompson re [17-1], re [17-2] dft is directed to file a response to the mtn to quash subpoena filed by pla. Dft response shall be filed no later than the close of business on Friday, 11/22/02 (cc: all counsel) [EOD Date 11/22/02] (cjs) (Entered: 11/22/2002)
11/22/2002	19	OBJECTIONS by defendant Amer Superior Feeds to motion to quash subpoena [17-1], motion for protective order [17-2] (cjs) (Entered: 11/25/2002)
11/25/2002	20	ORDER by Honorable Ralph G. Thompson denying pla's motion to quash subpoena [17-1], denying motion for protective order [17-2] Accordingly, for the foregoing reasons, the Court finds pla's mtn to quash the depo subpoena issued to Mr Hill should be denied. However the depo date (November 26, 2002) is stricken and the ptys shall reset the depo at a mutually convenient date and time (cc: all counsel) [EOD Date 11/26/02] (cjs) (Entered: 11/26/2002)
12/16/2002	21	ADR REPORT by Mediator terminating party Mediator ADR Session session held. Case did not settle (cjs) (Entered: 12/16/2002)
12/16/2002	22	JOINT REPORT TO THE COURT ON MEDIATION/NOTICE by plaintiff EEOC, defendant Amer Superior Feeds (cjs) (Entered: 12/17/2002)
02/07/2003	23	WITNESS list submitted by plaintiff EEOC (cjs) (Entered: 02/07/2003)
02/07/2003	23	EXHIBIT list by plaintiff EEOC (cjs) (Entered: 02/07/2003)

02/18/2003	24	WITNESS list submitted by defendant Amer Superior Feeds (cjs) (Entered: 02/18/2003)
02/18/2003	24	EXHIBIT list by defendant Amer Superior Feeds (cjs) (Entered: 02/18/2003)
02/27/2003	25	MOTION by plaintiff EEOC to extend scheduling order deadlines (cjs) (Entered: 02/28/2003)
03/03/2003	26	ENTER ORDER by Honorable Ralph G. Thompson re pla's mtn for ext of deadlines [25-1] Dft is directed to file any obj w/in 6 days (cc: all counsel) [EOD Date 3/3/03] (cjs) (Entered: 03/03/2003)
03/05/2003	27	MOTION and Brief in support by defendant Amer Superior Feeds for summary judgment in their favor (cjs) (Entered: 03/05/2003)
03/06/2003	29	OBJECTIONS by defendant Amer Superior Feeds to pla's motion to extend scheduling order deadlines [25-1] (cjs) (Entered: 03/07/2003)
03/07/2003	28	ORDER by Honorable Ralph G. Thompson granting pla's motion to extend scheduling order deadlines [25-1], ; Discovery set for 5/22/03 ; Motion Filing ddl 4/21/03 ; Jury trial 6/23/03 (cc: all counsel) [EOD Date 3/7/03] (cjs) (Entered: 03/07/2003)
03/11/2003	30	ADDITIONAL WITNESS list submitted by defendant Amer Superior Feeds (cjs) (Entered: 03/11/2003)
03/18/2003	31	UNOPPOSED MOTION and brief in support by plaintiff EEOC to extend deadline for responding to dft's mtn for sumjgm (cjs) (Entered: 03/19/2003)
03/19/2003	32	ORDER by Honorable Ralph G. Thompson granting pla's motion to extend deadline for responding to dft's mtn for sumjgm [31-1] time to respond to dft's mtn is enlarged to 4/11/03 (cc: all counsel) [EOD Date 3/19/03] (cjs) (Entered: 03/19/2003)
04/11/2003	33	RESPONSE and Objection by plaintiff EEOC to dft's motion for summary judgment in their favor [27-1] (cjs) (Entered: 04/14/2003)
04/29/2003	34	REPLY by defendant Amer Superior Feeds to pla's obj/ response to dft's motion for summary judgment in their favor [27-1] (cjs) (Entered: 04/30/2003)
05/01/2003	35	APPLICATION/MOTION by defendant Amer Superior Feeds for leave to file already filed reply brief (cjs) (Entered: 05/02/2003)
05/02/2003	36	ORDER by Honorable Ralph G. Thompson granting motion for dft's leave to file already filed reply brief [35-1] (cc: all counsel) [EOD Date 5/2/03] (cjs) (Entered: 05/02/2003)
05/14/2003	37	ORDER by Honorable Ralph G. Thompson denying dft's motion for summary judgment in their favor [27-1] Accordingly, based upon the record and construing the facts in the light most favorable to the non-moving pty, the Court finds dft has not demonstrated that it is entitled to sumjgm on the issue of whether its alleged violation of the EPA was willful (cc: all counsel) [EOD Date 5/14/03] (cjs) (Entered: 05/14/2003)
05/14/2003	38	MOTION by defendant Amer Superior Feeds in limine re certain testimony and exh (cjs) (Entered: 05/15/2003)

05/14/2003	39	MOTION by defendant Amer Superior Feeds to extend time to submit pretrial order (cjs) (Entered: 05/15/2003)
05/15/2003	40	ORDER by Honorable Ralph G. Thompson granting dft's motion to extend time to submit pretrial order [39-1], ; Pretrial report ddl 5/29/03 It is therefore ordered, adjudged and decreed by the Court that the deadline for submitting the final pretrial Order, proposed voir dire and jyinstr is ext until on or before 5/29/03 (cc: all counsel) [EOD Date 5/15/03] (cjs) (Entered: 05/15/2003)
05/22/2003	41	FIRST MOTION and Brief in support by plaintiff EEOC in limine to exclude testimony of EEOC Fed Investigator Robert Hill (cjs) (Entered: 05/23/2003)
05/22/2003	42	SECOND MOTION and brief in support by plaintiff EEOC in limine re any and all ref to the fact that Mrs Denison and her husband filed bankruptcy, re Mrs Denison may have been pla in a personal inj accident in 1972, re termination of Mrs Denison emp w/dft (cjs) (Entered: 05/23/2003)
05/23/2003	43	DEPOSITION DESIGNATIONS/WITNESS list submitted by plaintiff EEOC (cjs) (Entered: 05/27/2003)
05/27/2003	44	OBJECTIONS by plaintiff EEOC to dft's motion in limine re certain testimony and exh [38-1] (cjs) (Entered: 05/28/2003)
05/29/2003	45	JURY INSTRUCTIONS submitted by defendant Amer Superior Feeds (cjs) (Entered: 05/29/2003)
05/29/2003	46	Proposed VOIR DIRE submitted by defendant Amer Superior Feeds (cjs) (Entered: 05/29/2003)
05/29/2003	47	JURY INSTRUCTIONS submitted by plaintiff EEOC (cjs) (Entered: 05/30/2003)
05/29/2003	48	Proposed VOIR DIRE submitted by plaintiff EEOC (cjs) (Entered: 05/30/2003)
05/29/2003	49	JOINT PRE-TRIAL REPORT (cjs) (Entered: 05/30/2003)
06/02/2003	50	ORDER by Honorable Ralph G. Thompson denying pre-trial order order [49-1] for failure to comply w/mandatory req of local court rules. A revised prop final pretrial order will be filed w/in 10 days of this order (cc: all counsel) [EOD Date 6/2/03] (cjs) (Entered: 06/02/2003)
06/03/2003	51	ORDER by Honorable Ralph G. Thompson granting pla's second motion in limine re any and all ref to the fact that Mrs Denison and her husband filed bankruptcy, re Mrs Denison may have been pla in a personal inj accident in 1972, re termination of Mrs Denison emp w/dft [42-1] (cc: all counsel) [EOD Date 6/3/03] (cjs) (Entered: 06/03/2003)
06/03/2003	52	ENTER ORDER by Honorable Ralph G. Thompson re dft's mtn in lim [38-1] Pla has responded to dft's mtn and is ordered to provide the Court with a copy of the documents ref in the exh by 1:00 p.m. on Wednesday, June 4, 2003 (cc: all counsel) [EOD Date 6/3/03] (cjs) (Entered: 06/03/2003)
06/03/2003	53	ENTER ORDER by Honorable Ralph G. Thompson re pla's first mtn in lim [41-1] dft shall on or before 6/9/03, file a response to pla's first mtn in lim (cc: all counsel) [EOD Date 6/3/03] (cjs) (Entered: 06/03/2003)

06/04/2003	54	TENDER OF DOCUMENTS/NOTICE by plaintiff EEOC (cjs) (Entered: 06/06/2003)
06/09/2003	55	OBJECTIONS by defendant Amer Superior Feeds to pla's first motion in limine to exclude testimony of EEOC Fed Investigator Robert Hill [41-1] (cjs) (Entered: 06/10/2003)
06/11/2003	56	ORDER by Honorable Ralph G. Thompson granting in part and denying in part dft's motion in limine re certain testimony and exh [38-1] FULLY SET OUT IN ORDER (cc: all counsel) [EOD Date 6/11/03] (cjs) (Entered: 06/11/2003)
06/11/2003	57	ORDER by Honorable Ralph G. Thompson granting pla's motion in limine to exclude testimony of EEOC Fed Investigator Robert Hill [41-1] (cc: all counsel) [EOD Date 6/11/03] (cjs) (Entered: 06/11/2003)
06/12/2003	58	AMENDED JOINT PRE-TRIAL REPORT (cjs) (Entered: 06/12/2003)
06/16/2003	59	ORDER by Honorable Ralph G. Thompson granting pre-trial order order [58-1] (cc: all counsel) [EOD Date 6/16/03] (cjs) (Entered: 06/16/2003)
07/01/2003	60	ORDER by Honorable Ralph G. Thompson, ; Settlement conf set for 7/16/03 at 9:30 a.m. one copy of each party's settlement conf stmt must be submitted no later than noon on 7/11/03 to Magistrate Judge Robert Bacharach (cc: all counsel) [EOD Date 7/1/03] (cjs) (Entered: 07/01/2003)
07/02/2003	61	ORDER the Settlement Conference scheduled for 07/16/03 at 9:30 a.m. is stricken and the case is re-set for 07/21/03 at 9:30 a.m., by Magistrate Judge Bob Bacharach, ; (cc: all counsel) [EOD Date 7/2/03] (bf) (Entered: 07/02/2003)
07/07/2003	62	ORDER by Magistrate Judge Bob Bacharach, ; Settlement conf scheduled for 07/21/03 at 9:30 a.m. is stricken and is re-set for a Settlement Conference 07/23/03 at 9:30 a.m.; The settlement conference statements are due by noon 07/18/03 (cc: all counsel) [EOD Date 7/8/03] (bf) (Entered: 07/08/2003)
07/23/2003	63	ORDER by Magistrate Judge Bob Bacharach, the Settlement conf was held on July 23, 2003 before Judge Bacharach; the case did not settle; Michelle Robertson & Suzanne Anderson appeared as counsel for Plf & Mike Mordy appeared as counsel for Dft (cc: all counsel) [EOD Date 7/23/03] (kab) (Entered: 07/23/2003)
07/25/2003	64	ORDER by Honorable Ralph G. Thompson re ptys amd pretrial rpt [58-1] Parties shall immediately review the Brief Statement of the Case set out in this order and notify the court of any obj thereto. (cc: all counsel) [EOD Date 7/25/03] (cjs) (Entered: 07/25/2003)
07/25/2003	65	RESPONSE to Court Order of 7/25/03 by plaintiff EEOC (cjs) (Entered: 07/28/2003)
08/04/2003	66	DESIGNATION OF IMPEACHMENT TESTIMONY/NOTICE by defendant Amer Superior Feeds (cjs) (Entered: 08/04/2003)
08/04/2003	67	OBJECTIONS by defendant Amer Superior Feeds to deposition testimony (cjs) (Entered: 08/04/2003)
09/08/2003	68	COURTROOM MINUTES: jury trial begin ptys announce ready; jury duly empaneled and admonished; Rule invoked on mtn of pla; pla and dft make

		opening stmts; pla presents case in chief w/testimony of wit; (cjs) (Entered: 09/11/2003)
09/09/2003	69	COURTROOM MINUTES: re further jury trial [68-1]; pla continues case in chief; pla rests; dfts mtn for sumjgm - denied; dft presents case in chief w/testimony of wit; (cjs) (Entered: 09/11/2003)
09/10/2003	70	COURTROOM MINUTES: re further jury trial [68-1]; dft continues case in chief w/testimony of wit; ptys rest; dft renews mtn for sumjgm and is denied; closing arguments; court instructs the jury; bailiff sworn; jury is polled; jury is discharged (cjs) (Entered: 09/11/2003)
09/10/2003	71	COURT'S EXHIBITS (cjs) (Entered: 09/11/2003)
09/10/2003	72	INSTRUCTIONS TO THE JURY submitted (cjs) (Entered: 09/11/2003)
09/10/2003	73	VERDICT for defendant Amer Superior Feeds against plaintiff EEOC (cjs) (Entered: 09/11/2003)
09/12/2003	74	JUDGMENT: by Honorable Ralph G. Thompson, jury trial end , dismissing case Issues have been tried and on 9/10/03, the jury rendered its verdict in favor of dft on the pla's Equal Pay Act clam (cc: all counsel) (cjs) (Entered: 09/12/2003)
09/22/2003		BILL OF COSTS submitted by defendant Amer Superior Feeds re findings of fact judgment jury trial end [74-1] (cjs) (Entered: 09/22/2003)
09/22/2003	75	MOTION and brief in support by defendant Amer Superior Feeds for order for recovery of legal fees (cjs) (Entered: 09/22/2003)
09/22/2003	76	MOTION and brief in support by defendant Amer Superior Feeds for order for costs (cjs) (Entered: 09/22/2003)
10/06/2003	77	RESPONSE and OBJECTION by plaintiff EEOC to dft's motion for order for costs [76-1] (cjs) (Entered: 10/07/2003)
10/06/2003	78	RESPONSE AND OBJECTION by plaintiff EEOC to dft's motion for order for recovery of legal fees [75-1] (cjs) (Entered: 10/07/2003)
10/21/2003	79	ORDER denying [75] dft's Motion for Order for Recovery of Legal Fees. Signed by Judge Ralph G. Thompson on 10/21/03. (cjs,) (Entered: 10/21/2003)
10/28/2003	80	Minute Entry Costs Taxed in amount of \$ 607.75 against Equal Employment Opportunity Comm. (cjs,) (Entered: 10/28/2003)
11/03/2003	81	MOTION for Order to Review Actions of the Court Clerk on Dft's Bill of Costs by American Superior Feeds Inc. (Attachments: # 1 Exhibit Verification# 2 Appendix Brief in support# 3 Exhibit Verification# 4 Exhibit Bill of Costs)(cjs,) (Entered: 11/03/2003)
11/17/2003	82	RESPONSE in Opposition re 81 dft's MOTION for Order to review court clerk's assessment of costs filed by Equal Employment Opportunity Commission. (cjs,) (Entered: 11/17/2003)
12/11/2003	83	ORDER granting in part and denying in part 81 dft's Obj/ Motion for Order. Dft's obj to the Court Clerk's taxation of costs is sustained in part and denied in part. The Court finds that in addition to the \$607.75 taxed by the Court Clerk, an additional \$2,390.00 should be taxed against pla.. Signed by Judge Ralph G.

Thompson on 12/11/03. (cjs,) (Entered: 12/11/2003)

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