

**U.S. District Court**  
**Western District of Oklahoma[LIVE] (Oklahoma City)**  
**CIVIL DOCKET FOR CASE #: 5:04-cv-00660-T**

Equal Employment Opportunity Commission v. Burlington  
Northern Santa Fe Railway Company  
Assigned to: Honorable Ralph G. Thompson  
Demand: \$100,000,000  
Case in other court: 06-06074  
Cause: 42:1983 Civil Rights (Employment Discrimination)

Date Filed: 05/27/2004  
Date Terminated: 12/16/2005  
Jury Demand: Plaintiff  
Nature of Suit: 442 Civil Rights: Jobs  
Jurisdiction: U.S. Government Plaintiff

**Plaintiff**

**Equal Employment Opportunity  
Commission**

represented by **Holly Waldron Cole**  
EEOC-OKC  
Equal Employment Opportunity  
Commission  
215 Dean A McGee  
Suite 524  
Oklahoma City, OK 73102  
405-231-5853  
Fax: 405-231-4340  
Email: Holly.Cole@EEOC.gov  
*TERMINATED: 02/14/2005*

**Toby W Costas**  
EEOC-DALLAS  
207 S Houston Ave  
3rd Fl  
Dallas, TX 75202  
214-253-2760  
Fax: 214-253-2749  
Email: TOBY.COSTAS@eeoc.gov  
*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**Burlington Northern Santa Fe Railway  
Company**

represented by **Bryan P Neal**  
Thompson & Knight-DALLAS  
1700 Pacific Ave  
Suite 3300  
Dallas, TX 75201  
214-969-1762  
Fax: 214-969-1751  
Email: bryan.neal@tklaw.com  
*ATTORNEY TO BE NOTICED*

**Lawrence M Stroik**

817-352-2360

Fax: 817-352-2399

Email: Lawrence.Stroik@BNSF.com

*ATTORNEY TO BE NOTICED***Nancy M Gerrity**

Rainey Ross Rice &amp; Binns

120 N Robinson Ave

Suite 735 W

Oklahoma City, OK 73102

405-235-1356

Fax: 405-235-2340

Email: ngerrity@raineyfirm.com

*TERMINATED: 10/05/2004***Patricia L Franz**

Rainey Ross Rice &amp; Binns

120 N Robinson Ave

Suite 735 W

Oklahoma City, OK 73102

405-235-1356

Fax: 405-235-2340

Email: pfranz@raineyfirm.com

*ATTORNEY TO BE NOTICED***Roberta Fields**

Rainey Ross Rice &amp; Binns

120 N Robinson Ave

Suite 735 W

Oklahoma City, OK 73102

405-235-1356

Fax: 405-235-2340

Email: fieldsr-ne@oge.com

*ATTORNEY TO BE NOTICED***Stephen F Fink**

Thompson &amp; Knight-DALLAS

1700 Pacific Ave

Suite 3300

Dallas, TX 75201

214-969-1120

Fax: 214-969-1751

Email: stephen.fink@tklaw.com

*ATTORNEY TO BE NOTICED*

Date Filed	#	Docket Text
------------	---	-------------

04/15/2004	<a href="#">2</a>	GENERAL ORDER 04-02 (April 15, 2004) Mandatory Electronic Case Filing. Signed by Judge Ralph G. Thompson on 4/15/04. (cjs, ) (Entered: 05/27/2004)
05/27/2004	<a href="#">1</a>	COMPLAINT against Burlington Northern Santa Fe Railway Company , filed by Equal Employment Opportunity Commission. (Attachments: # <a href="#">1</a> Civil Cover Sheet)(cjs, ) Modified on 5/27/2004 (cjs, ). (Entered: 05/27/2004)
06/16/2004	<a href="#">3</a>	PRAECIPE for and issued 1 summons by Equal Employment Opportunity Commission. (cjs, ) (Entered: 06/16/2004)
07/07/2004	<a href="#">4</a>	ENTRY of Appearance by Roberta Fields on behalf of Burlington Northern Santa Fe Railway Company (Fields, Roberta) (Entered: 07/07/2004)
07/07/2004	<a href="#">5</a>	MOTION to Dismiss <i>and Brief in Support</i> by Burlington Northern Santa Fe Railway Company. (Attachments: # <a href="#">1</a> Exhibit 1 - EEOC charge# <a href="#">2</a> Exhibit 2 - EEOC Determination# <a href="#">3</a> Exhibit 3 - Proposed Conciliation Agreement# <a href="#">4</a> Exhibit 4 - BNSF Position Statement# <a href="#">5</a> Exhibit 5 - Response to Supplemental Inquiry)(Fields, Roberta) (Entered: 07/07/2004)
07/07/2004	<a href="#">6</a>	MOTION for Limited Admission <i>Pro Hac Vice</i> by Burlington Northern Santa Fe Railway Company. (Attachments: # <a href="#">1</a> Exhibit 1 - Pro Hac Vice - Fink# <a href="#">2</a> Exhibit 2 - Pro Hac Vice - Neal# <a href="#">3</a> Exhibit 3 - Pro Hac Vice - Stroik)(Fields, Roberta) (Entered: 07/07/2004)
07/07/2004	<a href="#">7</a>	DISCLOSURE STATEMENT by Burlington Northern Santa Fe Railway Company. (Fields, Roberta) (Entered: 07/07/2004)
07/13/2004	<a href="#">8</a>	Receipt for Money Received from Rainey Ross Rice & Binns in the amount of \$150.00 receipt number 105420 regarding <a href="#">6</a> MOTION for Limited Admission <i>Pro Hac Vice</i> (cjs, ) (Entered: 07/13/2004)
07/14/2004	<a href="#">9</a>	ORDER granting <a href="#">6</a> Stephen F Fink, Bryan P Neal and Lawrence M Stroik's Motion for Limited Admission provided cnsl file their respective entries of appearance, consistent with LcvR 83.4 and submit their ECF reg form as req by this Court.. Signed by Judge Ralph G. Thompson on 7/14/04. (cjs, ) (Entered: 07/14/2004)
07/14/2004	<a href="#">10</a>	MOTION for Extension of Time to File Response/Reply as to <a href="#">5</a> MOTION to Dismiss <i>and Brief in Support</i> by Equal Employment Opportunity Commission. (Cole, Holly) (Entered: 07/14/2004)
07/15/2004	<a href="#">11</a>	ORDER granting <a href="#">10</a> Pla's Motion for Extension of Time to File Response/Reply re <a href="#">10</a> MOTION for Extension of Time to File Response/Reply as to <a href="#">5</a> MOTION to Dismiss <i>and Brief in Support</i> Responses due by 7/30/2004. Signed by Judge Ralph G. Thompson on 7/15/04. (cjs, ) (Entered: 07/15/2004)
07/30/2004	<a href="#">12</a>	RESPONSE to Motion re <a href="#">5</a> MOTION to Dismiss <i>and Brief in Support</i> filed by Equal Employment Opportunity Commission. (Attachments: # <a href="#">1</a> Exhibit 1-Jarrad Letter# <a href="#">2</a> Exhibit 2-Courreges June 27# <a href="#">3</a> Exhibit 2-Courreges June 27, p.2# <a href="#">4</a> Exhibit 3-Sisolak Declaration# <a href="#">5</a> Exhibit 4-Courreges May 28)(Cole, Holly) (Entered: 07/30/2004)
08/02/2004	<a href="#">13</a>	ENTRY of Appearance by Stephen F Fink on behalf of Burlington Northern Santa Fe Railway Company (Fink, Stephen) (Entered: 08/02/2004)

08/02/2004	<a href="#">14</a>	ENTRY of Appearance by Bryan P Neal on behalf of Burlington Northern Santa Fe Railway Company (Neal, Bryan) (Entered: 08/02/2004)
08/03/2004	<a href="#">15</a>	ENTRY of Appearance by Lawrence M Stroik on behalf of Burlington Northern Santa Fe Railway Company (Stroik, Lawrence) (Entered: 08/03/2004)
08/09/2004	<a href="#">16</a>	UNOPPOSED MOTION for Leave to File Reply by Burlington Northern Santa Fe Railway Company. (Gerrity, Nancy) (Entered: 08/09/2004)
08/10/2004	<a href="#">17</a>	ORDER granting <a href="#">16</a> dft's Motion for Leave to File Reply. Dft is granted lv to file a reply brf in support of its mtn to dismiss not to exceed 10 pages w/in 5 days of the date of this order. . Signed by Judge Ralph G. Thompson on 8/10/04. (cjs, ) (Entered: 08/10/2004)
08/13/2004	<a href="#">18</a>	ENTRY of Appearance by Nancy M Gerrity on behalf of Burlington Northern Santa Fe Railway Company (Gerrity, Nancy) (Entered: 08/13/2004)
08/13/2004	<a href="#">19</a>	REPLY to Response to Motion re <a href="#">5</a> MOTION to Dismiss <i>and Brief in Support</i> filed by Burlington Northern Santa Fe Railway Company. (Gerrity, Nancy) (Entered: 08/13/2004)
09/28/2004	<a href="#">20</a>	ORDER denying <a href="#">5</a> Motion to Dismiss filed by dft. Signed by Judge Ralph G. Thompson on 9/28/04. (cjs, ) (Entered: 09/28/2004)
10/04/2004	<a href="#">21</a>	MOTION to Withdraw as Attorney by Burlington Northern Santa Fe Railway Company. (Gerrity, Nancy) (Entered: 10/04/2004)
10/05/2004	<a href="#">22</a>	ORDER granting <a href="#">21</a> Motion to Withdraw as Attorney. Attorney Nancy M Gerrity terminated . Signed by Judge Ralph G. Thompson on 10/5/04. (cjs, ) (Entered: 10/05/2004)
10/12/2004	<a href="#">23</a>	ANSWER to Complaint by Burlington Northern Santa Fe Railway Company.(Fields, Roberta) (Entered: 10/12/2004)
10/20/2004	<a href="#">24</a>	MOTION for Reconsideration <i>of Order Denying Motion to Dismiss</i> by Burlington Northern Santa Fe Railway Company. (Fields, Roberta) (Entered: 10/20/2004)
11/01/2004	<a href="#">25</a>	DOCKET: Scheduling Conference set for 12/2/2004 09:50 AM in Chambers before Honorable Ralph G. Thompson. Status Report due by 11/29/2004. (mb, ) (Entered: 11/01/2004)
11/05/2004	<a href="#">26</a>	RESPONSE in Opposition re <a href="#">24</a> MOTION for Reconsideration <i>of Order Denying Motion to Dismiss</i> filed by Equal Employment Opportunity Commission. (Cole, Holly) (Entered: 11/05/2004)
11/10/2004	<a href="#">27</a>	ORDER denying <a href="#">24</a> Dft's Motion for Reconsideration . Signed by Judge Ralph G. Thompson on 11/10/04. (cjs, ) (Entered: 11/10/2004)
11/22/2004	<a href="#">28</a>	JOINT DISCOVERY PLAN by Plaintiff Equal Employment Opportunity Commission. (Cole, Holly) (Entered: 11/22/2004)
11/22/2004	<a href="#">29</a>	JOINT STATUS REPORT <i>of the parties</i> by Plaintiff Equal Employment Opportunity Commission. (Cole, Holly) (Entered: 11/22/2004)

11/30/2004	<a href="#">30</a>	ENTRY of Appearance by Patricia L Franz on behalf of Burlington Northern Santa Fe Railway Company (Franz, Patricia) (Entered: 11/30/2004)
12/02/2004	<a href="#">31</a>	ENTRY of Appearance by Holly Waldron Cole on behalf of Equal Employment Opportunity Commission (Cole, Holly) (Entered: 12/02/2004)
12/02/2004	<a href="#">32</a>	MINUTE ORDER. Conference held. Parties are granted 120 days to conduct discovery on the question whether re someone as unable to perform train-service work is re the person as substantially limited in the major life activity of working. Dft to file motion for sumjgm. Pla to respond 30 days thereafter.. Signed by Judge Ralph G. Thompson on 12/2/04. (cjs, ) (Entered: 12/03/2004)
02/11/2005	<a href="#">33</a>	MOTION to Withdraw as Attorney by Equal Employment Opportunity Commission. (Cole, Holly) (Entered: 02/11/2005)
02/14/2005	<a href="#">34</a>	ENTRY of Appearance by Toby W Costas on behalf of Equal Employment Opportunity Commission (Costas, Toby) (Entered: 02/14/2005)
02/14/2005	<a href="#">35</a>	ORDER granting <a href="#">33</a> Motion to Withdraw as Attorney. Attorney Holly Waldron Cole terminated . Signed by Judge Ralph G. Thompson on 2/14/05. (cjs, ) (Entered: 02/14/2005)
05/02/2005	<a href="#">36</a>	MOTION for Summary Judgment by Burlington Northern Santa Fe Railway Company. (Attachments: # <a href="#">1</a> Affidavit 1-Morgan Affidavit/Declaration# <a href="#">2</a> Exhibit 2-Morgan Deposition# <a href="#">3</a> Exhibit 3-Morgan Dep.Ex.8C# <a href="#">4</a> Exhibit 4-Morgan Dep. Ex. 17)(Fields, Roberta) (Entered: 05/02/2005)
06/01/2005	<a href="#">37</a>	RESPONSE to Motion re <a href="#">36</a> MOTION for Summary Judgment filed by Equal Employment Opportunity Commission. (Attachments: # <a href="#">1</a> Attachment 1-EEORESPONSEMSJPART2# <a href="#">2</a> Attachment 2-EEOCRESPONSEMSJPART3# <a href="#">3</a> Exhibit 4-EXHIBITPART1DEPOTERRYMORTAN# <a href="#">4</a> Exhibit 5-EXHIBIT1PART2DEPOTERRYMORGAN# <a href="#">5</a> Exhibit 6-EXHIBIT1PART3DEPOTERRYMORGAN# <a href="#">6</a> Exhibit 7-EXHIBIT1PART4DEPOTERRYMORGAN# <a href="#">7</a> Exhibit 8-EXHIBIT1PART5DEPOTERRYMORGAN# <a href="#">8</a> Exhibit 9-EXHIBIT2EMPLOYMENTOPPORTUNITIESFORTRAINSERVICE# <a href="#">9</a> Exhibit 10-EXHIBIT3DECLARATIONOFMARIABUCKLES51505# <a href="#">10</a> Exhibit 11-EXHIBIT4JARRARDLTR# <a href="#">11</a> Exhibit 12-EXHIBIT5EXEMPLARFAX# <a href="#">12</a> Exhibit 13-EXHIBIT6DEFTSASWRINTERROG# <a href="#">13</a> Exhibit 14-EXHIBIT7DECLARTOMFREEMAN# <a href="#">14</a> Exhibit 15-EXHIBIT8BNSFLTR62703# <a href="#">15</a> Exhibit 16-EXHIBIT9MEDICALRELEASES# <a href="#">16</a> Exhibit 17-EXHIBIT10BUCKLESDECLARATION32505# <a href="#">17</a> Exhibit 18-EXHIBIT11DECLARATIONOFLONG# <a href="#">18</a> Exhibit 19-EXHIBIT14BNSFLTR52803# <a href="#">19</a> Exhibit 20-EXHIBIT15EMPOWERMENTPOLICY# <a href="#">20</a> Attachment 21-EEOCDECLARATIONPEGGYKIRKWOOD)(Costas, Toby) (Entered: 06/01/2005)
06/02/2005	<a href="#">38</a>	MOTION for Order <i>To File Exhibits #12 &amp; #13 to Response to Summary Judgment Out of Time</i> by Equal Employment Opportunity Commission. (Attachments: # <a href="#">1</a> Exhibit 3-EXHIBIT12PART2A2EXPERTREPORT# <a href="#">2</a> Exhibit

		4-EXHIBIT12PART2BEXPERTREPORT# <a href="#">3</a> Exhibit 1-EXHIBIT12PART1EXPERTREPORT# <a href="#">4</a> Exhibit 5-EXHIBIT12PART3EXPERTREPORT# <a href="#">5</a> Exhibit 6-EXHIBIT13PART1JOBROSTER# <a href="#">6</a> Exhibit 7-EXHIBIT13PART2JOBROSTER# <a href="#">7</a> Exhibit 8-EXHIBIT13PART3JOBROSTER# <a href="#">8</a> Exhibit 9-EXHIBIT13PART4JOBROSTER# <a href="#">9</a> Exhibit 10-EXHIBIT13PART4AJOBROSTER# <a href="#">10</a> Exhibit 11-EXHIBIT13PART5JOBROSTER# <a href="#">11</a> Exhibit 12-EXHIBIT13PART6JOBROSTER# <a href="#">12</a> Exhibit 2-EXHIBIT12PART2A1EXPERTREPORT)(Costas, Toby) (Entered: 06/02/2005)
06/06/2005	<a href="#">39</a>	ORDER granting <a href="#">38</a> Pla's Motion for Order to file Exh #12 and #13. Signed by Judge Ralph G. Thompson on 6/6/05. (cjs, ) (Entered: 06/06/2005)
06/15/2005	<a href="#">40</a>	MOTION for Leave to File Reply <i>Brief</i> by Burlington Northern Santa Fe Railway Company. (Fields, Roberta) (Entered: 06/15/2005)
06/16/2005	<a href="#">41</a>	RESPONSE to Motion re <a href="#">40</a> MOTION for Leave to File Reply <i>Brief</i> filed by Equal Employment Opportunity Commission. (Costas, Toby) (Entered: 06/16/2005)
06/17/2005	<a href="#">42</a>	ORDER granting <a href="#">40</a> Dft's Motion for Leave to File Reply. Dft's reply brief shall be filed no later than 10 days following the date of this order and shall consist of no more than 15 pages. . Signed by Judge Ralph G. Thompson on 6/17/05. (cjs, ) (Entered: 06/17/2005)
07/01/2005	<a href="#">43</a>	REPLY to Response to Motion re <a href="#">36</a> MOTION for Summary Judgment filed by Burlington Northern Santa Fe Railway Company. (Fields, Roberta) (Entered: 07/01/2005)
12/08/2005	<a href="#">44</a>	ORDER granting <a href="#">36</a> Dft Burlington's Motion for Summary Judgment. Because the mtn and preceding discovery are limited; the parties are directed to advise the court if there are any remaining issues for discovery and trial. The parties shal do so by written submission no later than 12/16/05 . Signed by Judge Ralph G. Thompson on 12/8/05. (cjs, ) (Entered: 12/08/2005)
12/16/2005	<a href="#">45</a>	JOINT STATUS REPORT <i>to Court</i> by Defendant Burlington Northern Santa Fe Railway Company. (Fields, Roberta) (Entered: 12/16/2005)
12/16/2005	<a href="#">46</a>	JUDGMENT in favor of dft Burlington Northern & Santa Fe Railway against plaEqual Employment Opportunity Comm. Signed by Judge Ralph G. Thompson on 12/16/05. (cjs, ) (Entered: 12/16/2005)
12/22/2005	<a href="#">47</a>	MOTION for Costs <i>and Brief in Support</i> by Burlington Northern Santa Fe Railway Company. (Fields, Roberta) (Entered: 12/22/2005)
12/22/2005	<a href="#">48</a>	BILL OF COSTS by Burlington Northern Santa Fe Railway Company. (Attachments: # <a href="#">1</a> Attachment Itemization - Form AO 133# <a href="#">2</a> Exhibit 1 - Invoice and Check Payable to LegaLink Los Angeles# <a href="#">3</a> Exhibit 2 - Cost Table Listing)(Fields, Roberta) (Entered: 12/22/2005)
12/22/2005	<a href="#">49</a>	NOTICE OF BILL OF COSTS HEARING, Bill of Costs Hearing set for 1/26/2006 11:00 AM in Court Clerk's Office (mb, ) (Entered: 12/22/2005)

01/26/2006	<a href="#">50</a>	Costs Taxed in amount of \$ 502.90 against Equal Employment Opportunity Comm (cjs, ) (Entered: 01/26/2006)
02/13/2006	<a href="#">51</a>	NOTICE by Equal Employment Opportunity Commission (Costas, Toby) (Entered: 02/13/2006)
02/13/2006	<a href="#">52</a>	NOTICE OF APPEAL as to <a href="#">46</a> Judgment by Equal Employment Opportunity Commission. (dl, ) (Entered: 02/14/2006)
02/14/2006	<a href="#">53</a>	Transmission of Notice of Appeal and Docket Sheet to US Court of Appeals re <a href="#">52</a> Notice of Appeal (dl, ) (Entered: 02/14/2006)
02/17/2006	<a href="#">54</a>	USCA Case Number 06-6074 for <a href="#">52</a> Notice of Appeal filed by Equal Employment Opportunity Commission,. (dl, ) (Entered: 02/17/2006)
02/24/2006	<a href="#">55</a>	TRANSCRIPT Order Form by Equal Employment Opportunity Commission that transcripts are not necessary. See order form for dates and proceedings. (Costas, Toby) (Entered: 02/24/2006)
02/24/2006	<a href="#">56</a>	DESIGNATION of Record on Appeal by Equal Employment Opportunity Commission re <a href="#">52</a> Notice of Appeal (Attachments: # <a href="#">1</a> Attachment DOCKET SHEET)(Costas, Toby) (Entered: 02/24/2006)
04/07/2006	<a href="#">57</a>	TRANSCRIPT LETTER advising that transcripts are not necessary re <a href="#">52</a> Notice of Appeal filed by Equal Employment Opportunity Commission,. The record is ready for appeal purposes. (dl, ) (Entered: 04/07/2006)
01/03/2007	<a href="#">58</a>	MANDATE From USCA - The judgment of the district court is AFFIRMED <a href="#">52</a> Notice of Appeal filed by Equal Employment Opportunity Commission (dl, ) (Entered: 01/03/2007)

## PACER Service Center

### Transaction Receipt

05/30/2007 10:29:12

<b>PACER Login:</b>	hs0328	<b>Client Code:</b>	eeoc
<b>Description:</b>	Docket Report	<b>Search Criteria:</b>	5:04-cv-00660-T Start date: 1/1/1970 End date: 5/30/2007
<b>Billable Pages:</b>	4	<b>Cost:</b>	0.32