

87BD, CLOSED, DISC, MTNDDL, _CS

U.S. District Court
Western District of Oklahoma[LIVE] (Oklahoma City)
CIVIL DOCKET FOR CASE #: 5:97-cv-01998-L

EEOC v. P&P Marketing OKC, et al
Assigned to: Honorable Tim Leonard
Demand: \$0
Cause: 42:2000e Job Discrimination (Employment)

Date Filed: 12/17/1997
Date Terminated: 10/20/1998
Jury Demand: Plaintiff
Nature of Suit: 442 Civil Rights: Jobs
Jurisdiction: U.S. Government Plaintiff

Plaintiff

**Equal Employment Opportunity
Commission**

represented by **Jeffrey C Bannon**
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ATTORNEY TO BE NOTICED

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V.

Defendant

P&P Marketing of Oklahoma City Inc

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Defendant

Louis Plumbtree

represented by **Kieran D Maye, Jr**
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ATTORNEY TO BE NOTICED

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Intervenor Plaintiff

Brandi Johnson

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*ATTORNEY TO BE NOTICED***Intervenor Plaintiff****Nikki Ochs**represented by **F Andrew Fugitt**

(See above for address)

*ATTORNEY TO BE NOTICED***Michael C Turpen**

(See above for address)

ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
12/17/1997	1	COMPLAINT (ap) (Entered: 12/17/1997)
12/17/1997	2	PRAECIPE for and issued 1 summons by plaintiff EEOC (FE) (Entered: 12/18/1997)
01/09/1998	3	ORDER by Honorable Robin J. Cauthron Case reassigned to Honorable Tim Leonard (cc: all counsel) (FE) (Entered: 01/12/1998)
02/03/1998	4	ANSWER by defendant P&P Marketing OKC (FE) (Entered: 02/04/1998)
02/03/1998	5	ATTORNEY APPEARANCE for defendant P&P Marketing OKC by Victor G Hill Jr (FE) (Entered: 02/04/1998)
02/05/1998		DOCKET STATUS CONFERENCE ; status scheduling conf set for 9:45 a.m. on 3/5/98 (brs) (Entered: 02/05/1998)
02/19/1998	6	MOTION by Brandi Johnson, Nikki Ochs to intervene as add'l plfs in this action & br in supp (FE) (Entered: 02/20/1998)
02/24/1998	7	ORDER by Honorable Tim Leonard that the Dft shall respond to th Motion to Intervene no later than 3/3/98. Cnsl for all parties, including proposed intervenors, shall appear at the status conf on 3/5/98 re [6-1] (cc: all counsel) (brs) (Entered: 02/24/1998)
02/27/1998	8	JOINT STATUS REPORT by plaintiff EEOC, defendant P&P Marketing OKC (brs) (Entered: 03/03/1998)
03/03/1998	9	OBJECTION/RESPONSE by defendant P&P Marketing OKC to pla's motion to intervene as add'l plfs in this action & br in supp [6-1] (cjs) (Entered: 03/04/1998)
03/03/1998	10	AMENDED OBJECTIONS by defendant P&P Marketing OKC to 3rd party Intervenor's motion to intervene as add'l plfs in this action & br in supp [6-1] (brs) (Entered: 03/04/1998)
03/05/1998	11	ATTORNEY APPEARANCE for defendant P&P Marketing OKC by Carolyn Gregg Hill (brs) (Entered: 03/06/1998)
03/05/1998	12	SCHEDULING ORDER Honorable Tim Leonard ; jury trial set for 10/12/98 ; Discovery set for 7/1/98 ;mtn filing ddl set for 7/15/98 ; pretrial order due

		9/15/98 ; status scheduling conference held on 9:45 3/5/98 mtns to join due: 6/1/98 mtns to amend due: 6/1/98 pla's wit lst due: 6/1/98 pla's exh lst due: 6/1/98 dft's wit lst due: 6/1/98 dft's exh lst due: 6/1/98 mtns in limine due: 9/15/98 jury instr due: 10/1/98 voir dire requests due: 10/1/98 trial briefs due : 10/1/98 (cc: all counsel) (brs) (Entered: 03/06/1998)
03/06/1998	13	ATTORNEY APPEARANCE for defendant P&P Marketing OKC by Kieran D Maye Jr (cjs) (Entered: 03/09/1998)
03/09/1998	14	ATTORNEY APPEARANCE for intervenor-plaintiff Brandi Johnson, intervenor-plaintiff Nikki Ochs by F Andrew Fugitt (FE) (Entered: 03/10/1998)
04/03/1998	15	ORDER by Honorable Tim Leonard granting motion to intervene as add'l plfs in this action & br in supp [6-1] (cc: all counsel) (brs) (Entered: 04/03/1998)
05/06/1998	19	INTERVENOR'S COMPLAINT by intervenor-plaintiff Brandi Johnson, intervenor-plaintiff Nikki Ochs (brs) (Entered: 06/03/1998)
05/06/1998	20	PRAECIPE for and issued 2 summons by intervenor-plaintiff Brandi Johnson, intervenor-plaintiff Nikki Ochs (brs) (Entered: 06/03/1998)
05/13/1998	16	RETURN OF SERVICE executed upon defendant P&P Marketing OKC on 5/10/98 by PPS (20 days) (brs) (Entered: 05/15/1998)
05/13/1998	17	RETURN OF SERVICE executed upon Louis Plumbtree on 5/10/98 (brs) (Entered: 05/15/1998)
05/18/1998	18	EXPERT WITNESS list submitted by intervenor-plaintiff Brandi Johnson, intervenor-plaintiff Nikki Ochs (cjs) (Entered: 05/18/1998)
06/01/1998	21	ANSWER by defendant P&P Marketing OKC (brs) (Entered: 06/03/1998)
06/01/1998	22	MOTION by defendant Louis Plumbtree to dismiss case and memorandum in support (brs) (Entered: 07/16/1998)
06/02/1998	23	EXHIBIT list by intervenor-plaintiff Brandi Johnson, intervenor-plaintiff Nikki Ochs (brs) (Entered: 06/03/1998)
06/02/1998	24	WITNESS list submitted by intervenor-plaintiff Brandi Johnson, intervenor-plaintiff Nikki Ochs (brs) (Entered: 06/03/1998)
06/02/1998	25	WITNESS list submitted by plaintiff EEOC (brs) (Entered: 06/03/1998)
06/02/1998	26	EXHIBIT list by plaintiff EEOC (brs) (Entered: 06/03/1998)
06/02/1998	27	SECOND AMENDED NOTICE by defendant of taking deposition of Nikki Ochs (brs) (Entered: 06/05/1998)
06/16/1998	28	RESPONSE by intervenor-plaintiff Brandi Johnson, intervenor-plaintiff Nikki Ochs to Dft Louis Plumbtree's Motion to Dismiss (brs) (Entered: 06/19/1998)
06/29/1998	29	APPLICATION by defendant Louis Plumbtree for leave to file reply to Intervenor's opposition to Dft's Mtn to Dism (brs) (Entered: 06/30/1998)
07/01/1998	30	ORDER by Honorable Tim Leonard granting motion for leave to file reply to Intervenor's opposition to Dft's Mtn to Dism [29-1] (cc: all counsel) (brs) (Entered: 07/02/1998)

07/01/1998	31	EXHIBIT list by defendant P&P Marketing OKC, defendant Louis Plumbtree (brs) (Entered: 07/02/1998)
07/01/1998	32	WITNESS list submitted by defendant P&P Marketing OKC, defendant Louis Plumbtree (brs) (Entered: 07/02/1998)
07/01/1998	33	MOTION and Brief in support by defendant P&P Marketing OKC, defendant Louis Plumbtree to compel production of documents (cjs) (Entered: 07/06/1998)
07/15/1998	34	MOTION by defendant P&P Marketing OKC, defendant Louis Plumbtree for summary judgment against EEOC and memorandum in support (brs) (Entered: 07/16/1998)
07/15/1998	35	MOTION by defendant P&P Marketing OKC, defendant Louis Plumbtree for summary judgment against Intervenors and memorandum in support (brs) (Entered: 07/16/1998)
07/15/1998	36	EXHIBITS by defendant P&P Marketing OKC, defendant Louis Plumbtree to Dft's Mtn for SJ against EEOC (brs) (Entered: 07/16/1998)
07/15/1998	37	EXHIBITS by defendant P&P Marketing OKC, defendant Louis Plumbtree to Dfts' motion for SJ against Intervenors (brs) (Entered: 07/16/1998)
07/15/1998	38	REPLY by defendant Louis Plumbtree to response to motion to dismiss case [22-1] (brs) (Entered: 07/16/1998)
07/24/1998	39	JOINT APPLICATION by plaintiff EEOC, intervenor-plaintiff Brandi Johnson, intervenor-plaintiff Nikki Ochs for an extension of time to respond to Dfts' combined motions for summary judgment (brs) (Entered: 07/27/1998)
07/28/1998	40	ORDER by Honorable Tim Leonard granting plf EEOC & Intervenors Nikki Ochs & Brandi Jonson's motion for an extension of time to respond to Dfts' combined motions for summary judgment [39-1] Time is hereby ext 15 days or until 8/14/98 (cc: all counsel) (FE) (Entered: 07/29/1998)
07/29/1998	41	ORDER by Honorable Tim Leonard granting motion to compel production of documents [33-1] (cc: all counsel) (brs) (Entered: 07/30/1998)
08/10/1998	42	RESPONSE by plaintiff EEOC to dft's motion for summary judgment against Intervenors [35-1], dft's motion for summary judgment against EEOC [34-1] (cjs) (Entered: 08/11/1998)
08/14/1998	43	RESPONSE and Brf in Resp, by intervenor-plaintiff Brandi Johnson, intervenor-plaintiff Nikki Ochs to motion for summary judgment against Intervenors [35-1] (BOUND) (bg) (Entered: 08/19/1998)
08/20/1998	44	APPLICATION by defendant P&P Marketing OKC, defendant Louis Plumbtree for leave to file reply brief in support of motion for summary judgment (brs) (Entered: 08/21/1998)
08/25/1998	45	ORDER by Honorable Tim Leonard granting motion for leave to file reply brief in support of motion for summary judgment w/in 10 days of the date of this order [44-1], re [35-1], re [34-1] (cc: all counsel) (brs) (Entered: 08/25/1998)
08/28/1998	46	REPLY by defendant P&P Marketing OKC to Plf's response to motion for summary judgment against EEOC [34-1] (bg) (Entered: 08/31/1998)

08/28/1998	47	REPLY by intervenor-plaintiff Brandi Johnson, intervenor-plaintiff Nikki Ochs to response to motion for summary judgment against Intervenors [35-1] (bg) (Entered: 08/31/1998)
09/02/1998		DOCKET JURY TRIAL ; jury trial set for 9:00 10/13/98 (brs) (Entered: 09/02/1998)
09/02/1998	49	ORDER by Honorable Tim Leonard ; Settlement conf set for 10:30 a.m. on 10/6/98 (cc: all counsel) (brs) (Entered: 09/03/1998)
09/03/1998	48	ORDER by Honorable Tim Leonard denying motion to dismiss case [22-1] (cc: all counsel) (brs) (Entered: 09/03/1998)
09/08/1998	50	APPLICATION by defendant P&P Marketing OKC, defendant Louis Plumbtree for continuance of deadlines for filing pretrial submissions and rescheduling settlement conference (brs) (Entered: 09/09/1998)
09/09/1998	51	ORDER by Honorable Tim Leonard denying Dft's motion for summary judgment against Intervenors [35-1], denying Dft's motion for summary judgment against EEOC [34-1] (cc: all counsel) (brs) (Entered: 09/09/1998)
09/09/1998	52	ORDER by Honorable Tim Leonard denying motion for continuance of deadlines for filing pretrial submissions [50-1] ; Settlement conf reset for 3:00 p.m. on 9/23/98 (cc: all counsel) (brs) (Entered: 09/09/1998)
09/15/1998	53	COMBINED MOTIONS by defendant P&P Marketing OKC, defendant Louis Plumbtree in limine to exclude reference of the determinations of the EEOC & notices of failure of conciliation; an 8/8/97 letter fm dfts' cnsl to EEOC; EEOC charge no. 311921029; the secretly-made tape recording & transcript of that tape recording; Mark Plumbtree's depo taken 4/12/96 and any reports or testimony from intervenors' experts. (brs) (Entered: 09/16/1998)
09/15/1998	54	APPLICATION by plaintiff EEOC for additional time to file final pretrial order (brs) (Entered: 09/16/1998)
09/18/1998	55	ATTORNEY APPEARANCE for intervenor-plaintiff Brandi Johnson, intervenor-plaintiff Nikki Ochs by Michael C Turpen (brs) (Entered: 09/21/1998)
09/21/1998	56	ORDER by Honorable Tim Leonard granting motion for additional time to file final pretrial order to be submitted by 9/25/98 [54-1] (cc: all counsel) (brs) (Entered: 09/21/1998)
09/25/1998	57	APPLICATION by plaintiff EEOC, intervenor-plaintiff Brandi Johnson, intervenor-plaintiff Nikki Ochs to extend time for an additional 6 days to submit the proposed final pretrial order (brs) (Entered: 09/28/1998)
09/28/1998	58	ORDER by Honorable Tim Leonard granting motion to extend time for an additional 6 days to submit the proposed final pretrial order [57-1] ; Pretrial order ddl ext to 10/1/98 (cc: all counsel) (brs) (Entered: 09/28/1998)
09/29/1998	59	MOTION by defendant P&P Marketing OKC, defendant Louis Plumbtree to withdraw attorneys Victor Hill, Jr, Carolyn Hill & Kieran Maye Jr (FE) (Entered: 10/01/1998)
09/30/1998	60	MOTION by intervenor-plaintiff Brandi Johnson, intervenor-plaintiff Nikki Ochs to strike pretrial ddls or for an ext of time of ddls (FE) (Entered: 10/01/1998)

09/30/1998	64	NOTICE by plaintiff EEOC of Proposed Charge and Jury Interrogatories (fp) (Entered: 10/02/1998)
10/01/1998	61	ORDER by Honorable Tim Leonard denying motion to withdraw attorneys Victor Hill, Jr, Carolyn Hill & Kieran Maye Jr [59-1] as it comes on the eve of trial and, denying intervenor's motion to strike pretrial ddls or for an ext of time of ddls [60-1] (cc: all counsel) (FE) (Entered: 10/01/1998)
10/01/1998	62	MOTION by intervenor-plaintiff Nikki Ochs, intervenor-plaintiff Brandi Johnson for default judgment , and for order compelling dft Louis Plumbtree to Appr at dkt call and brief in support (fp) (Entered: 10/02/1998)
10/01/1998	63	ORDER by Honorable Tim Leonard ; Settlement conf was held as scheduled. (cc: all counsel) (fp) (Entered: 10/02/1998)
10/06/1998	65	ORDER by Honorable Tim Leonard denying motion for default judgment [62-1], denying motion for order compelling dft Louis Plumbtree to Appr at dkt call [62-2]. The ct will discuss the status of this case w/the parties & cnsl at docket call on 10/8/98 (cc: all counsel) (brs) (Entered: 10/06/1998)
10/16/1998	66	STIPULATION by plaintiff EEOC, defendant P&P Marketing OKC, intervenor-plaintiff Brandi Johnson, intervenor-plaintiff Nikki Ochs, defendant Louis Plumbtree for entry of default as to EEOC, Brandi Johnson, Nikki Ochs (brs) (Entered: 10/19/1998)
10/20/1998	67	ENTER ORDER by Honorable Tim Leonard that this matter is set for a hearing on damages on 10/29/98 at 1:30 p.m. in Ctrm 503. (cc: all counsel) (brs) (Entered: 10/20/1998)
10/20/1998	68	ORDER by Honorable Tim Leonard granting motion for entry of default [66-1] that default is entered against the Dfts, P & P Marketing of Oklahoma City, Inc., and Louis Plumbtree, upon the Plfs' and Intervenors' claims (cc: all counsel) (brs) (Entered: 10/20/1998)
10/28/1998	69	MEMORANDUM OF LAW FILED by defendant P&P Marketing OKC regarding damages (brs) (Entered: 10/29/1998)
10/29/1998	70	APPLICATION by intervenor-plaintiff Brandi Johnson, intervenor-plaintiff Nikki Ochs for leave to file brief on damages (brs) (Entered: 10/30/1998)
10/30/1998	71	COURTROOM MINUTES: Hrng on damages. Cause comes on for hrng as above stated. Patys appr as above stated w/dfts only appearing through their attys. Testimony of witnesses hrd w/Plfs exh 1-9 admitted. Ct takes matter under advisement. (brs) (Entered: 11/02/1998)
11/02/1998	72	ORDER by Honorable Tim Leonard granting Intervenors motion for leave to file brief on damages [70-1] (cc: all counsel) (brs) (Entered: 11/02/1998)
02/12/1999	73	MOTION by intervenor-plaintiff Brandi Johnson, intervenor-plaintiff Nikki Ochs for leave to file brief on damages (FE) (Entered: 02/16/1999)
02/16/1999	74	RESPONSE by defendant to intervenors' motion for leave to file brief on damages [73-1] (seal) (Entered: 02/16/1999)

02/18/1999	75	ORDER by Honorable Tim Leonard denying intervenors' motion for leave to file brief on damages, however intervenors are granted lv to file their original brief on damages out of time; to be filed by 2/23/99 [73-1] (cc: all counsel) (FE) (Entered: 02/18/1999)
02/19/1999	76	BRIEF FILED by intervenor-plaintiff Brandi Johnson, intervenor-plaintiff Nikki Ochs on damages (FE) (Entered: 02/19/1999)
06/09/1999	77	ORDER by Honorable Tim Leonard the ct finds that Nikki Ochs is entitled to back pay in the amt of \$1,578, \$10,000 in compensatory damages & \$10,000 in punitive damages; Brandi Johnson - \$4,526.25 back pay, \$10,000 compensatory damges & \$15,000 punitive damges (cc: all counsel) (FE) (Entered: 06/09/1999)
06/09/1999	78	JUDGMENT: by Honorable Tim Leonard in favor of Nikki Ochs in the amt of \$1,578 w/int; & in favor of Nikki Oachs and agnst dfts P&P, Louis Plumbtree in the amt of \$20,000 w/int; In addition jgm in favor of Brandi Johnson agnst P&P in the amt of \$4,526.25 w/int; & Jgm in favor of Brandi Johnson & agnst dft P&P & Louis PLubmtree in the amt of \$25,000 (cc: all counsel) (FE) (Entered: 06/09/1999)
06/21/1999	79	MOTION by intervenor-plaintiff Nikki Ochs, intervenor-plaintiff Brandi Johnson for order req jgm debtors to appr & ans concerning prop & assets & for injunctionforbidding transfer or other dispositon of prop (FE) (Entered: 06/22/1999)
06/22/1999	80	ORDER by Magistrate Judge Bana Roberts granting motion for order req jgm debtors to appr & ans concerning prop & assets & for injunctionforbidding transfer or other dispositon of prop [79-1] HOA hrg set for 8/3/99 at 1:30 p.m. (cc: all counsel) (FE) (Entered: 06/23/1999)
06/23/1999		BILL OF COSTS submitted by intervenor-plaintiff Nikki Ochs, intervenor-plaintiff Brandi Johnson re judgment [78-1] hrg set for 7/22/99 at 9:00 a.m. (FE) (Entered: 06/24/1999)
06/23/1999	81	MOTION by intervenor-plaintiff Nikki Ochs, intervenor-plaintiff Brandi Johnson for attorney fees , and for expenses (FE) Modified on 08/09/1999 (Entered: 06/24/1999)
06/23/1999	82	BRIEF IN SUPPORT FILED by intervenor-plaintiff Nikki Ochs, intervenor-plaintiff Brandi Johnson regarding motion for attorney fees [81-1], regarding motion for expenses [81-2] (FE) (Entered: 06/24/1999)
06/23/1999	83	AFFIDAVIT of F. Andrew Fugitt regarding bill of costs [0-0] (FE) (Entered: 06/24/1999)
07/09/1999	84	RESPONSE by defendant Louis Plumbtree to interveners' motion for attorney fees [81-1] (FE) (Entered: 07/12/1999)
07/22/1999	85	COSTS taxed for intervenor-plaintiff Nikki Ochs, intervenor-plaintiff Brandi Johnson in the amount of \$ 1,244.35 against defendant P&P Marketing OKC (cc: all counsel) (brs) (Entered: 07/26/1999)
08/03/1999	86	COURTROOM MINUTES: RE: HOA hrg; Brandi Johnson & Nikkie Ochs - intervenor plfs/jgm creditors & Louis Plumbtree; The intervenor plfs appr by cnsl Andrew Fugitt; dt/jgm debtor apprs by cnsl Kieran Maye, Jr; HOA cont to be

		reset if necessary per req of the ptys [EOD Date 8/4/99] (FE) (Entered: 08/04/1999)
10/22/1999	87	NOTICE by intervenor-plaintiff Nikki Ochs, intervenor-plaintiff Brandi Johnson of taking deposition of Louis Plumbtree on 10/29/99 (FE) (Entered: 10/22/1999)
03/23/2000	88	ORDER by Honorable Tim Leonard granting Intervenors' motion for attorney fees [81-1], granting Intervenors' motion for expenses [81-2] solely against dft P&P; judgment will issue accordingly (cc: all counsel) [EOD Date 3/23/00] (ap) (Entered: 03/23/2000)
03/23/2000	89	JUDGMENT: by Honorable Tim Leonard pursuant to Order iss this date, judgment is hereby entered in favor of Intervenors Nikki Ochs and Brandi Johnson and against P&P Marketing of OKC Inc in the amt of \$39,331.25 atty's fees and \$1,213.84 in expenses together w/interest thereon at rate allowed by law fm date until paid (cc: all counsel) [EOD Date 3/23/00] (ap) (Entered: 03/23/2000)

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