

FRC, TERMINATED

**U.S. District Court
District of Oregon (Portland)
CIVIL DOCKET FOR CASE #: 3:97-cv-00965-MA**

EEOC v. Swift Transportation
Assigned to: Judge Malcolm F. Marsh
Demand: \$0
Cause: 42:2000 Job Discrimination (Sex)

Date Filed: 06/24/1997
Date Terminated: 10/28/1999
Jury Demand: Plaintiff
Nature of Suit: 442 Civil Rights: Jobs
Jurisdiction: U.S. Government Plaintiff

Plaintiff

**Equal Employment Opportunity
Commission**

represented by **Kathryn Blaire Olson**
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Commission (EEOC)
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V.

Defendant

Swift Transportation Company Inc

represented by **Edward S. McGlone, III**
 Clackamas County Counsel
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Date Filed	#	Docket Text
06/24/1997	1	COMPLAINT and JURY TRIAL DEMAND (Cause Code: 42:2000sx) (fee waived) (peg) (Entered: 06/24/1997)
06/24/1997	2	ORDER Discovery Schedule discovery ddl set for 10/22/97 pretrial order deadline set for 11/21/97 (peg) (Entered: 06/24/1997)
06/24/1997	3	SUMMONS ISSUED as to Defendant Swift Transportation c/o Doug O'Bray, registered agent (peg) (Entered: 06/24/1997)
06/24/1997	4	RETURN OF SERVICE EXECUTED upon Defendant Swift Transportation Co., Inc. on 6/24/97, c/o Doug O'Bray, registered agent (peg) (Entered: 06/25/1997)
07/03/1997	5	DECLARATION OF SERVICE by Mail of Scheduling Order [2-1] by Plaintiff EEOC (peg) (Entered: 07/08/1997)
07/16/1997	6	ANSWER by Defendant Swift Transportation to Complaint [1-1]. CERTIFICATE OF SERVICE. (gm) (Entered: 07/17/1997)
10/01/1997	7	JOINT MOTION REQUESTING ENTRY OF ORDER EXTENDING DISCOVERY, PRETRIAL ORDER, & JOINT STATUS REPORT FILING DEADLINES (Kirk) (Entered: 10/03/1997)
10/02/1997	8	RECORD OF ORDER by Honorable Malcolm F. Marsh GRANTING the joint MOTION REQUESTING ENTRY OF ORDER EXTENDING DISCOVERY, PRETRIAL ORDER, & JOINT STATUS REPORT FILING DEADLINES [7-1]; Discovery ddl reset to 3/2/98; Pretrial Order lodging ddl reset to 4/1/98 (counsel notified) (peg) (Entered: 10/06/1997)
01/20/1998	9	JOINT MOTION REQUESTING ENTRY OF AN ORDER BIFURCATING LIABILITY and DAMAGE ISSUES FOR PURPOSES OF DISCOVERY AND TRIAL and TO EXTEND FILING DEADLINES (peg) (Entered: 01/21/1998)
01/28/1998	10	RECORD OF ORDER by Honorable Malcolm F. Marsh DENYING paraties joint MOTION REQUESTING ENTRY OF AN ORDER BIFURCATING LIABILITY and DAMAGE ISSUES FOR PURPOSES OF DISCOVERY AND TRIAL [9-1] (counsel notified) Court Rptr none (former employee) (Entered: 01/29/1998)
02/11/1998	11	RECORD OF ORDER by Honorable Malcolm F. Marsh Status conference set for 9:30 2/13/98 (counsel notified) (peg) (Entered: 02/12/1998)

02/13/1998	12	RECORD OF PROCEEDINGS before Honorable Malcolm F. Marsh GRANTING MOTION TO EXTEND FILING DEADLINES and TO BIFURCATE [9-2]; Discovery ddl reset to 5/15/98; Pretrial order ddl filing ddl set for 9/30/98 ; dispositive motions due 7/15/98; Responses due 7/28/98; Replies due 8/11/98; NOA Motion Calendar set for 8/11/98; Pretrial conference set for 1:30 PM on 11/6/98; 3-Day Jury Trial set to commence on 11/10/98 (counsel notified) (peg) (Entered: 02/17/1998)
02/24/1998	13	JURY TRIAL MANAGEMENT ORDER by Honorable Malcolm F. Marsh: Pretrial documents due 10/6/98; Pretrial conference set for 1:30 11/6/98; 3-Day Jury Trial set for 9:00 11/10/98 in Portland Signed 2/23/98 (counsel notified) (peg) (Entered: 02/25/1998)
03/06/1998	14	RECORD OF ORDER by Honorable Malcolm F. Marsh 3-Day Jury Trial date reset from 11/10/98 to a commencement date of 11/9/98 at 9:00 AM (counsel notified) (peg) (Entered: 03/09/1998)
06/29/1998	15	RECORD OF ORDER by Honorable Malcolm F. Marsh: Parties 6/29/98 letter requesting to extend time to file pretrial motions GRANTED dispositive motions due 8/21/98 Response to dispositive motions due 9/3/98 Reply to response due 9/18/98 No change to PTO, trial submissions or trial dates with this extention (counsel notified) (former employee) (Entered: 06/29/1998)
08/05/1998	16	RECORD OF ORDER by Honorable Malcolm F. Marsh Telephone Status Conference set for 8:30am 8/10/98 Counsel for Defendant will initiate call (counsel notified) (former employee) (Entered: 08/06/1998)
08/07/1998	17	RECORD OF ORDER by Honorable Malcolm F. Marsh Telephone Status Conference Re-set from 8/10/98 to 8:30am 8/11/98 (counsel notified) (Counsel for Defendant will initiate call) (former employee) (Entered: 08/11/1998)
08/11/1998	18	RECORD OF PROCEEDINGS (TELEPHONE STATUS CONFERENCE) before Honorable Malcolm F. Marsh Striking 8/21/98 S/J filing deadline. By 8/25/98 parties shall notify court of status of settlement of liability issue and whether 11/10/98 trial date should be stricken; Further in person status hearing set for 9:00am 10/2/98 Suite 1507) to discuss scheduling for damage issue (counsel notified) Court Rptr NONE (former employee) (Entered: 08/12/1998)
10/02/1998	19	RECORD OF PROCEEDINGS Status Conference before Honorable Malcolm F. Marsh Parties reported resolution of the liability phase of trial & thus the Court STRUCK the 11/9/98 trial date. ORDER setting the following schedule which applies to the remaining damage issues: further status hearing set for 8:30am on 1/5/99 , discovery deadline for 2/12/99; pretrial order set for 4/1/99; dispositive motions due 3/12/99; pretrial conference set for 1:30pm on 5/6/99 & 4 day jury trial set for 9:00am on 5/18/99 in Portland (counsel notified) Court Rptr none (former employee) (Entered: 10/05/1998)
10/29/1998		Text not available. (Entered: 10/30/1998)
10/29/1998	20	PARTIAL SETTLEMENT AND CONSENT JUDGMENT (see file for full 21 page order) Signed 10/27/98 microfilmed 10/30/98 Honorable Malcolm F. Marsh (cc: Counsel notified) (former employee) (Entered: 10/30/1998)

10/29/1998	21	ORDER by Honorable Malcolm F. Marsh: Court hereby adopts partial settlement and consent decree judgment [20-1] submitted by parties as an order of the court. Consent Decree will remain in effect for three years from the date of this order and court shall retain jurisdiction over this matter for duration of consent decree Signed 10/29/98 (counsel notified) (former employee) (Entered: 10/30/1998)
01/05/1999	22	RECORD OF PROCEEDINGS before Honorable Malcolm F. Marsh status hearing held on 1/5/98 Defendant shall consider Plaintiffs proposal to employ Resolution Economics of LA, CA for statistical analysis of relevant personnel records in this action and notify Plaintiff and court whether he agrees or disagrees; Plaintiffs motion for class certification shall be filed by 1/15/99, Defendants response due 1/29/99 and Plaintiffs reply by 2/5/99 discovery deadline RE-set for 3/31/99; dispositive motions due 1/29/99; Response to dispositive motions due 2/12/99; Reply to response due 2/19/99; Motion Hearing set for 1:30pm 3/9/99 Pretrial Conference and trial dates are unchanged (see file for full order) (counsel notified) Court Rptr Robert Stimler (former employee) Modified on 01/14/1999 (Entered: 01/06/1999)
01/15/1999	23	MOTION by Plaintiff EEOC FOR ORDER TO DEFINE CLASS ON BEHALF OF WHOM IT BRINGS SUIT (former employee) (Entered: 01/15/1999)
01/15/1999	24	MEMORANDUM IN SUPPORT by Plaintiff EEOC of MOTION FOR ORDER TO DEFINE CLASS ON BEHALF OF WHOM IT BRINGS SUIT [23-1] (former employee) (Entered: 01/15/1999)
01/15/1999	25	DECLARATION by Plaintiff of Kathryn Olson re MOTION FOR ORDER TO DEFINE CLASS ON BEHALF OF WHOM IT BRINGS SUIT [23-1] (former employee) (Entered: 01/15/1999)
01/29/1999	26	MEMORANDUM by Defendant Swift Transportation IN OPPOSITION MOTION FOR ORDER TO DEFINE CLASS [23-1]; Reply due 2/12/99 (ecp) (Entered: 02/01/1999)
01/29/1999	27	MOTION by Defendant Swift Transportation FOR SUMMARY JUDGMENT (ecp) (Entered: 02/01/1999)
01/29/1999	28	MEMORANDUM IN SUPPORT by Defendant Swift Transportation of MOTION FOR SUMMARY JUDGMENT [27-1] (ecp) (Entered: 02/01/1999)
01/29/1999	29	CONCISE STATEMENT OF MATERIAL FACTS by Defendant Swift Transportation in support of MOTION FOR SUMMARY JUDGMENT [27-1] (ecp) (Entered: 02/01/1999)
01/29/1999	30	DECLARATION of Edward S McGlone III re MOTION FOR SUMMARY JUDGMENT [27-1] (ecp) (Entered: 02/01/1999)
02/01/1999	31	RECORD OF ORDER by Honorable Malcolm F. Marsh GRANTING Plaintiffs letter request for a status conference. ORDER setting Telephone Status Conference for 11:00am on 2/5/99 (counsel notified) Court Rptr none (former employee) (Entered: 02/01/1999)
02/02/1999	32	RECORD OF ORDER by Honorable Malcolm F. Marsh: Granting Plaintiffs oral request for extension of dates to reply to class certification until 2/12/99; Plaintiffs Response to Defendants motion for S/J due 2/19/99; Defendants Reply to response due 3/2/99 BOTH MOTION FOR SUMMARY JUDGMENT [27-1]

		AND MOTION FOR CLASS CERTIFICATION [23-1] are set for oral argument calendar of 1:30pm 3/9/99 (counsel notified) (former employee) (Entered: 02/03/1999)
02/05/1999	33	RECORD OF PROCEEDINGS (TELEPHONE) before Honorable Malcolm F. Marsh re Discovery (counsel notified) Court Rptr Jerry Harris (former employee) (Entered: 02/10/1999)
02/12/1999	34	REPLY TO Defendants RESPONSE by Plaintiff EEOC re MOTION FOR ORDER TO DEFINE CLASS ON BEHALF OF WHOM IT BRINGS SUIT [23-1] (former employee) (Entered: 02/16/1999)
02/12/1999	35	SUPPLEMENTAL DECLARATION by Plaintiff EEOC of Kathryn Olson re MOTION FOR ORDER TO DEFINE CLASS ON BEHALF OF WHOM IT BRINGS SUIT [23-1] & in opposition to Defendant's MOTION FOR SUMMARY JUDGMENT [27-1] (former employee) (Entered: 02/16/1999)
02/19/1999	36	MEMORANDUM by Plaintiff EEOC IN OPPOSITION to Defendant's MOTION FOR SUMMARY JUDGMENT [27-1] Reply due 3/5/99 (former employee) (Entered: 02/22/1999)
02/23/1999	37	CONCISE STATEMENT OF MATERIAL FACTS by Plaintiff EEOC in opposition to Defendants MOTION FOR SUMMARY JUDGMENT [27-1] (former employee) (Entered: 02/24/1999)
02/24/1999	38	RECORD OF ORDER by Honorable Malcolm F. Marsh RE-SETTING Defendants MOTION FOR SUMMARY JUDGMENT [27-1] and Plaintiffs MOTION FOR ORDER TO DEFINE CLASS [23-1] on oral argument calendar from 3/9/99 to 1:30pm 3/16/99 (counsel notified) (former employee) (Entered: 02/25/1999)
03/02/1999	39	MOTION by Defendant Swift Transportation TO STRIKE PORTIONS OF OLSON DECLARATION Oral Argument Requested (former employee) (Entered: 03/03/1999)
03/02/1999	40	REPLY TO RESPONSE by Defendant Swift Transportation re Plaintiffs MOTION FOR SUMMARY JUDGMENT [27-1] (former employee) (Entered: 03/03/1999)
03/02/1999	41	REPLY by Defendant Swift Transportation re Plaintiffs statement of facts [37-1] (former employee) (Entered: 03/03/1999)
03/15/1999	42	MOTION by Plaintiff EEOC FOR ORDER TO QUALIFY Barbara A Gutek, PhD AS EXPERT WITNESS (former employee) (Entered: 03/16/1999)
03/15/1999	43	MEMORANDUM by Plaintiff EEOC IN OPPOSITION TO Defendants MOTION TO STRIKE PORTIONS OF OLSON DECLARATION [39-1]; Reply due 3/29/99 (former employee) (Entered: 03/16/1999)
03/15/1999	44	DECLARATION by Plaintiff of Barbara A Gutek in support of MOTION FOR ORDER TO DEFINE CLASS ON BEHALF OF WHOM IT BRINGS SUIT [23-1] AND IN OPPOSITION TO MOTION FOR SUMMARY JUDGMENT [27-1] (former employee) (Entered: 03/16/1999)

03/15/1999	45	CERTIFICATE OF SERVICE of declaration [44-1], memorandum [43-1], MOTION FOR ORDER TO QUALIFY Barbara A Gutek, PhD AS EXPERT WITNESS [42-1] by Plaintiff EEOC (former employee) (Entered: 03/16/1999)
03/16/1999	46	MOTION by Plaintiff EEOC FOR ORDER TO SUBSTITUTE ORIGINAL SIGNATURE PAGE IN DECLARATION OF Barbara A Gutek (former employee) (Entered: 03/17/1999)
03/16/1999	47	RECORD OF PROCEEDINGS before Honorable Malcolm F. Marsh DENYING Defendants MOTION FOR SUMMARY JUDGMENT [27-1] in all respects except the issue of sufficiency of evidence for punitive damages; GRANTING Plaintiffs MOTION FOR ORDER TO DEFINE CLASS [23-1] and class shall be framed by Plaintiffs motion; DENYING Defendants MOTION TO STRIKE [39-1]; GRANTING Plaintiffs MOTION FOR ORDER TO SUBSTITUTE ORIGINAL SIGNATURE PAGE [46-1]; Plaintiffs MOTION FOR ORDER TO QUALIFY Barbara A Gutek, PhD AS EXPERT WITNESS [42-1] (Defendants Response due 3/15/99)(Plaintiffs Reply due 4/7/99) taken under advisement as of 4/7/99 ORDER: all current case deadlines and trial dates are STRICKEN; Status/Scheduling conference set for 2:00pm 4/19/99; No discovery to be undertaken on punitive damages until court issues its opinion on the reserved issue under Defendants S/J motion (counsel notified) Court Rptr Bob Stimler (former employee) (Entered: 03/18/1999)
03/26/1999	48	RESPONSE by Defendant Swift Transportation to Plaintiffs MOTION FOR ORDER TO QUALIFY Barbara A Gutek, PhD AS EXPERT WITNESS [42-1]; Reply due 4/9/99 (former employee) (Entered: 03/29/1999)
04/07/1999	49	REPLY TO RESPONSE by Plaintiff EEOC re MOTION FOR ORDER TO QUALIFY Barbara A Gutek, PhD AS EXPERT WITNESS [42-1] (former employee) (Entered: 04/08/1999)
04/14/1999	50	OPINION AND ORDER GRANTING Defendants MOTION FOR SUMMARY JUDGMENT [27-1] as against Plaintiffs claim for punitive damages; Dr Gutek's report considered in ruling on S/J since Plaintiff proffered it for purpose of establishing basis for punitive damages, Plaintiffs MOTION FOR ORDER TO QUALIFY Barbara A Gutek, PhD AS EXPERT WITNESS [42-1] for purposes of trial DENIED AS MOOT Signed 4/14/99 by Honorable Malcolm F. Marsh (see file for full 15 page opinion and order) microfilmed 4/15/99 (counsel notified) (former employee) (Entered: 04/15/1999)
04/21/1999	51	RECORD OF PROCEEDINGS before Honorable Malcolm F. Marsh parties shall make arrangements with chambers staff to conduct depositions of defense witnesses at courthouse re discovery of computerized data promptly - court prefers they be accomplished by first week of June 1999; pretrial conference set for 1:30pm 10/18/99; two week (8 day) jury trial set for 10/26/99 in Portland; status conf held on 4/21/99 (Please see revised jury trial management order) (counsel notified) Court Rptr Bob Stimler (former employee) (Entered: 04/21/1999)
04/21/1999	52	AMENDED JURY TRIAL MANAGEMENT ORDER by Honorable Malcolm F. Marsh Pretrial conference set for 10/18/99 at 1:30pm & 9 day jury trial set for 10/26/99 at 9am [51-2] Signed 4/21/99 (counsel notified) (former employee) (Entered: 04/22/1999)

06/15/1999	53	RECORD OF ORDER by Honorable Malcolm F. Marsh conference set for 10:00am 6/22/99 (counsel notified) (former employee) (Entered: 06/16/1999)
06/17/1999	54	RECORD OF ORDER by Honorable Malcolm F. Marsh: RESETTING Status conference set from 6/22/99 to 9:30am 6/24/99 (counsel notified) (former employee) (Entered: 06/18/1999)
06/24/1999	55	RECORD OF PROCEEDINGS (DISCOVERY CONFERENCE) before Honorable Malcolm F. Marsh conf held on 6/24/99. Defendant procure member addresses from master file immediately. Plaintiff produce list of class member by 8/20/99; Plaintiff supply Defendant with expert narratives by 8/20/99; Defendant supply Plaintiff with expert narratives by 9/17/99; Plaintiff submit any motions for reconsideration by 7/14/99. Defendant respond by 8/2/99. Motion taken under advisement 8/3/99 (see file for full order) (counsel notified) Court Rptr Dennis Grube (former employee) (Entered: 06/24/1999)
07/06/1999	56	RECORD OF ORDER by Honorable Malcolm F. Marsh: Plaintiffs letter request to reset deadlines is granted in part & denied in part; Motions to be reconsidered under Kolstad are due 8/16/99; Responses due 8/26/99 & Reply to response due 9/3/99; Motion will be taken Under Advisement on 9/3/99 ; Plaintiff to file expert narratives by 9/8/99; Defendant to file expert narratives by 9/29/99; (counsel notified) (Kirk) (Entered: 07/08/1999)
07/28/1999	57	RECORD OF ORDER by Honorable Malcolm F. Marsh: based on defense counsel's 7/27/99 letter all current motion and trial dates are STRICKEN final paper call ddl set for Wednesday 10:00am 9/29/99 (counsel notified) (former employee) (Entered: 07/29/1999)
09/20/1999	58	RECORD OF ORDER by Honorable Malcolm F. Marsh: Final Paper Call RESET from 9/29/99 to 11/1/99 at 1:30 PM . (counsel notified) (peg) (Entered: 09/21/1999)
10/28/1999	59	RECORD OF ORDER by Honorable Malcolm F. Marsh: Based on the settlement of this action, the Final Paper Call set for 11/1/99 is STRICKEN . (counsel notified) (peg) (Entered: 10/29/1999)
10/28/1999	60	SUPPLEMENTAL CONSENT DECREE , submitted by the parties. (peg) (Entered: 10/29/1999)
10/28/1999	61	ORDER by Honorable Malcolm F. Marsh ADOPTING CONSENT DECREE [60-1]; The Supplemental Consent Decree filed herewith is hereby APPROVED. IT IS SO ORDERED. Signed 10/28/99 (counsel notified) (peg) (Entered: 10/29/1999)
10/28/1999	62	JUDGMENT: Based on the record and the Order and Supplemental Consent Decree filed herewith, IT IS ORDEREED that this action is dismissed . Microfilmed 10/28/99; Signed 10/28/99 Honorable Malcolm F. Marsh (cnsl ntfd) (peg) (Entered: 10/29/1999)
06/06/2001		CASE FILE SENT TO THE FRC Accession number 21-01-0083 Location number 3009587-3009953 Box 84 of 184 (former employee) (Entered: 06/06/2001)

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