

APPEAL, CLOSED, MOTREF

U.S. District Court
District of South Dakota (Southern Division)
CIVIL DOCKET FOR CASE #: 4:04-cv-04215-LLP

Equal Employment Opportunity Commission v. Siouxland Oral
Maxillofacial Surgery Associates, L.L.P.
Assigned to: U. S. District Judge Lawrence L. Piersol
Case in other court: 07-02419/07-02420
Cause: 42:2000e Job Discrimination (Employment)

Date Filed: 12/28/2004
Date Terminated: 04/11/2007
Jury Demand: Both
Nature of Suit: 442 Civil Rights: Jobs
Jurisdiction: U.S. Government Plaintiff

Plaintiff

**Equal Employment Opportunity
Commission**

represented by **Anjuli Kelotra**
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Intervenor Plaintiff

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ATTORNEY TO BE NOTICED

Intervenor Plaintiff

Angie Gacke

represented by **John Ryan Pekas**
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V.

Defendant

**Siouxland Oral Maxillofacial Surgery
Associates, L.L.P.**

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Date Filed	#	Docket Text
12/28/2004	1	COMPLAINT with Jury Demand. 2 Summons(es) issued - mailed, filed by Equal Employment Opportunity Commission.(SKM) (Entered: 12/28/2004)
12/28/2004	2	CIVIL COVER SHEET (SKM) (Entered: 12/28/2004)
12/28/2004	3	Summons Issued as to Siouxland Oral Maxillofacial Surgery Associates, L.L.P. (SKM) (Entered: 12/28/2004)
01/13/2005	4	MOTION to Intervene by Rachele Dooley and Angie Gacke and upon intervention wish to dismiss their separate claim under CIV04-4516. (LMZ) (Entered: 01/20/2005)
01/13/2005	5	MEMORANDUM in Support of 4 MOTION to Intervene . (LMZ) (Entered: 01/20/2005)
02/14/2005	6	WAIVER OF SERVICE of Summons Returned Executed by Equal Employment Opportunity Commission. Siouxland Oral Maxillofacial Surgery Associates, L.L.P. (JMM,) (Entered: 02/14/2005)
02/28/2005	7	ANSWER to Complaint by Siouxland Oral Maxillofacial Surgery Associates, L.L.P.(Simons, Susan) (Entered: 02/28/2005)
02/28/2005	8	DEMAND for Trial by Jury by Siouxland Oral Maxillofacial Surgery Associates, L.L.P.. (Simons, Susan) (Entered: 02/28/2005)
02/28/2005	9	RESPONSE to Motion re 4 MOTION to Intervene filed by Siouxland Oral Maxillofacial Surgery Associates, L.L.P.. (Simons, Susan) (Entered: 02/28/2005)
02/28/2005	10	MOTION to Sever by Siouxland Oral Maxillofacial Surgery Associates, L.L.P.. (Simons, Susan) (Entered: 02/28/2005)
02/28/2005	11	MEMORANDUM in Support re 10 MOTION to Sever filed by Siouxland Oral Maxillofacial Surgery Associates, L.L.P.. (Attachments: # 1)(Simons, Susan) (Entered: 02/28/2005)
03/17/2005	12	RESPONSE to Motion re 10 MOTION to Sever filed by Equal Employment Opportunity Commission. (Weeks, Nancy) (Entered: 03/17/2005)
03/21/2005	13	RESPONSE to 10 Motion to Sever by Intervener plaintiffs Rachele Dooley and

		Angie Gackie. (SKM) (Entered: 03/21/2005)
03/23/2005	14	CORPORATE Disclosure Statement by Defendant Siouxland Oral Maxillofacial Surgery Associates, L.L.P.. (Simons, Susan) (Entered: 03/23/2005)
03/24/2005	15	REPLY to Motion Reponse re 10 MOTION to Sever filed by Siouxland Oral Maxillofacial Surgery Associates, L.L.P.. (Simons, Susan) (Entered: 03/24/2005)
03/31/2005	16	ORDER granting 4 Motion to Intervene. Signed by Judge Lawrence L. Piersol on 3/31/05. (DJP) (Entered: 04/01/2005)
05/27/2005	18	MEMORANDUM OPINION AND ORDER denying 10 Motion to Sever . Signed by Judge Lawrence L. Piersol on 5/27/05. (SLL,) (Entered: 05/27/2005)
09/01/2005	20	NOTICE of Appearance by Kim R. Rogers on behalf of Equal Employment Opportunity Commission (Rogers, Kim) (Entered: 09/01/2005)
09/02/2005	21	ORDER For Form 35 Report and Scheduling Information. Signed by Judge Lawrence L. Piersol on 9/2/05. (LMZ) (Entered: 09/02/2005)
09/12/2005	23	REPORT of Rule 26(f) Planning Meeting. (Rogers, Kim) (Entered: 09/12/2005)
09/23/2005	24	SCHEDULING ORDER: Discovery due by 5/1/2006; Motions due by 6/2/2006; Motion Hearing set for 9/18/2006 01:30 PM before Chief Judge Lawrence L. Piersol; Pretrial Conference set for 9/18/2006 01:30 PM before Chief Judge Lawrence L. Piersol; Jury Trial set for 10/17/2006 09:30 AM before Chief Judge Lawrence L. Piersol. Signed by Judge Lawrence L. Piersol on 9/23/05. (SKM) (Entered: 09/23/2005)
10/03/2005	26	RULE 26 Disclosures by Richelle Dooley, Angie Gacke. (SKM) (Entered: 10/04/2005)
01/17/2006	27	RULE 26 Expert Preliminary Disclosure by Richelle Dooley, Angie Gacke. (Attachments: # 1 Richard C. Flugge Resume)(DJP) (Entered: 01/17/2006)
02/23/2006		Settlement Conference held on 2/23/2006 before Judge John E. Simko(CG) (Entered: 03/07/2006)
03/31/2006	28	Joint MOTION to Extend Deadlines <i>Extension of Scheduling Order</i> by Siouxland Oral Maxillofacial Surgery Associates, L.L.P.. (Simons, Susan) (Entered: 03/31/2006)
04/10/2006	29	NOTICE to Take Deposition of Richelle Dooley (Simons, Susan) (Entered: 04/10/2006)
04/10/2006	30	NOTICE to Take Deposition of Angie Gacke (Simons, Susan) (Entered: 04/10/2006)
04/10/2006	31	AMENDED RULE 16 SCHEDULING ORDER: Discovery due by 7/24/2006; Motions due by 8/25/2006; Motion Hearing set for 10/30/2006 09:00 AM before U. S. District Judge Lawrence L. Piersol; Pretrial Conference set for 10/30/2006

		09:00 AM before U. S. District Judge Lawrence L. Piersol; Jury Trial set for 12/5/2006 09:30 AM before U. S. District Judge Lawrence L. Piersol. Signed by Judge Lawrence L. Piersol on 4/10/06. (SKM) (Entered: 04/11/2006)
04/12/2006	33	First MOTION to Compel <i>Discovery</i> by Equal Employment Opportunity Commission. (Attachments: # 1 Exhibit: Charge of Discrimination; # 2 Exhibit: Letter from Carol Garry to Kathleen Fjellestad dated 10/30/02; # 3 Exhibit: Angie Gacke Statement of July 1, 2002; # 4 Exhibit: Charge of Discrimination; # 5 Exhibit: Sherena Kost Letter to Human Relations dated 5/8/02; # 6 Exhibit: Cardenas vs. Prudential, US District Court, District of Minnesota)(Rogers, Kim) (Entered: 04/12/2006)
04/12/2006	34	MOTION to Seal Document Exhibit F by Equal Employment Opportunity Commission. (Rogers, Kim) (Entered: 04/12/2006)
04/12/2006	35	Exhibit F to doc 33. (Rogers, Kim) Modified on 4/13/2006-unsealed document pursuant to order 36 (SKM). (Entered: 04/12/2006)
04/12/2006	36	ORDER denying 34 Motion to Seal Document. Signed by Judge John E. Simko on 4/12/06. (SKM) (Entered: 04/13/2006)
04/18/2006	38	ORDER REFERRING MOTION: 33 First MOTION to Compel <i>Discovery</i> filed by Equal Employment Opportunity Commission, Signed by Judge Lawrence L. Piersol on 4/18/06. (SLL,) (Entered: 04/19/2006)
04/19/2006	40	MEMORANDUM in Opposition re 33 First MOTION to Compel <i>Discovery</i> filed by Siouxland Oral Maxillofacial Surgery Associates, L.L.P.. (Attachments: # 1 Exhibit A: Response of Dooley to Sioux Falls Human Relations Commission# 2 Exhibit B: Siouxland Oral notes# 3 Exhibit C: Siouxland Oral Policy Manual# 4 Exhibit D: Siouxland Oral employee leave records# 5 Exhibit E: SiouxlandOral - EEO Training)(Simons, Susan) (Entered: 04/19/2006)
05/03/2006	41	REPLY to 40 Memorandum in Opposition to Motion,, 33 Motion to Compel, filed by Equal Employment Opportunity Commission. (Attachments: # 1 Exhibit A: Excerpt from Leave Policy)(Rogers, Kim) (Entered: 05/03/2006)
05/09/2006	42	ORDER granting 33 Motion to Compel production of requested documents in requests for Production 7 and 8; deferring request for production of documents showing defendant's net worth. Signed by Judge John E. Simko on 5/9/06. (SLL,) (Entered: 05/09/2006)
05/31/2006	44	<i>Amended</i> NOTICE to Take Deposition of Richelle Dooley (Simons, Susan) (Entered: 05/31/2006)
05/31/2006	45	<i>Amended</i> NOTICE to Take Deposition of Angie Gacke (Simons, Susan) (Entered: 05/31/2006)
05/31/2006	46	NOTICE to Take Deposition of Kathleen Fjellstad (Rogers, Kim) (Entered: 05/31/2006)
05/31/2006	47	NOTICE to Take Deposition of Jenny DeVries (Rogers, Kim) (Entered: 05/31/2006)

		05/31/2006)
05/31/2006	48	NOTICE to Take Deposition of Rebecca Akerson (Rogers, Kim) (Entered: 05/31/2006)
05/31/2006	49	NOTICE to Take Deposition of Shelly Hofer (Rogers, Kim) (Entered: 05/31/2006)
07/05/2006	50	NOTICE to Take Deposition of Sherena Kost (Rogers, Kim) (Entered: 07/05/2006)
07/05/2006	51	NOTICE to Take Deposition of Dr. H.A. Akerson (Rogers, Kim) (Entered: 07/05/2006)
07/05/2006	52	NOTICE to Take Deposition of Dr. Bernard Balaban (Rogers, Kim) (Entered: 07/05/2006)
07/06/2006	53	NOTICE to Take Deposition of Corporation Pursuant to Fed. R. Civ. P. 30(b)(6) (Rogers, Kim) (Entered: 07/06/2006)
08/24/2006	54	MOTION for Summary Judgment by Siouxland Oral Maxillofacial Surgery Associates, L.L.P.. (Simons, Susan) (Entered: 08/24/2006)
08/24/2006	55	MEMORANDUM in Support re 54 MOTION for Summary Judgment filed by Siouxland Oral Maxillofacial Surgery Associates, L.L.P.. (Simons, Susan) (Entered: 08/24/2006)
08/24/2006	56	STATEMENT OF <i>Undisputed</i> MATERIAL FACTS re 54 Motion for Summary Judgment, 55 Memorandum in Support of Motion by Defendant Siouxland Oral Maxillofacial Surgery Associates, L.L.P.. (Simons, Susan) (Entered: 08/24/2006)
08/24/2006	57	APPENDIX by Defendant Siouxland Oral Maxillofacial Surgery Associates, L.L.P. re 56 Statement of Material Facts. (Attachments: # 1 H.A. Akerson Deposition# 2 Rebecca Akerson Deposition# 3 B. Balaban Deposition# 4 Richelle Dooley Deposition# 5 Kathleen Fjellestad Deposition# 6 Angie Gacke Deposition# (7) Jennifer Hanson# (8) Shelley Hofer Deposition# 9 Sherena Kost# (10) Exhibits from Depositions# (11) EEOC Responses to Defendant's Request for Production# 12 Exhibit from Defendant's Supp Answers to EEOC's Discovery)(Simons, Susan) (Entered: 08/24/2006)
08/24/2006	58	CERTIFICATE of Service by Siouxland Oral Maxillofacial Surgery Associates, L.L.P.. (Simons, Susan) (Entered: 08/24/2006)
08/24/2006	59	MOTION for Separate Trials by Siouxland Oral Maxillofacial Surgery Associates, L.L.P.. (Simons, Susan) (Entered: 08/24/2006)
08/24/2006	60	MEMORANDUM in Support re 59 MOTION for Separate Trials filed by Siouxland Oral Maxillofacial Surgery Associates, L.L.P.. (Simons, Susan) (Entered: 08/24/2006)
08/24/2006	61	DESIGNATION of Expert Witness(es) by Siouxland Oral Maxillofacial Surgery

		Associates, L.L.P.. (Attachments: # 1 Jim Carroll's Report# 2 Curriculum Vitae of Jim Carroll# 3 List of Cases)(Simons, Susan) (Entered: 08/24/2006)
08/25/2006	62	MOTION to Seal Document 57 Appendix,, <i>Tabs 7, 8, 10 and 11</i> by Siouxland Oral Maxillofacial Surgery Associates, L.L.P.. (Simons, Susan) (Entered: 08/25/2006)
08/25/2006	63	APPENDIX by Defendant Siouxland Oral Maxillofacial Surgery Associates, L.L.P. re 57 Appendix,, <i>Redacted, Tabs 7, 8, 10 and 11</i> . (Attachments: # 1 Jennifer Hanson# 2 Shelley Hofer# 3 Exhibits from Depositions# 4 Plaintiff EEOC's Responses to Defendant's Request for Production)(Simons, Susan) (Entered: 08/25/2006)
08/30/2006	64	Amended MOTION to Seal Document 63 Appendix,, 62 MOTION to Seal Document 57 Appendix,, <i>Tabs 7, 8, 10 and 11</i> by Siouxland Oral Maxillofacial Surgery Associates, L.L.P.. (Simons, Susan) (Entered: 08/30/2006)
09/07/2006	65	Joint MOTION to Strike 61 Designation of Expert Witness <i>James Carroll</i> by Equal Employment Opportunity Commission. (Rogers, Kim) (Entered: 09/07/2006)
09/08/2006	66	ORDER granting 64 Motion to Seal Document 57 Appendix, <i>Tabs 7, 8, 10 and 11</i> ,. Signed by Judge Lawrence L. Piersol on 9/8/06. (SLL,) (Entered: 09/08/2006)
09/08/2006		SEALING <i>Tabs 7, 8, 10, and 11</i> of Doc. 57, pursuant to Order of Court dated 9/8/06 (SLL,) (Entered: 09/08/2006)
09/12/2006		NOTICE of Filing Error: Motion to Strike 65 filed by Equal Employment Opportunity Commission, FILED IN ERROR (Rogers, Kim) (Entered: 09/12/2006)
09/12/2006	68	Joint MOTION to Strike 61 Designation of Expert Witness <i>James Carroll</i> by Equal Employment Opportunity Commission. (Rogers, Kim) (Entered: 09/12/2006)
09/13/2006	69	MEMORANDUM in Opposition re 68 Joint MOTION to Strike 61 Designation of Expert Witness <i>James Carroll</i> filed by Siouxland Oral Maxillofacial Surgery Associates, L.L.P.. (Simons, Susan) (Entered: 09/13/2006)
09/13/2006	70	AFFIDAVIT of Susan Brunick Simons re 69 Memorandum in Opposition to Motion <i>Objection and Joint Motion to Strike Defendant's Expert James Carroll</i> . (Attachments: # 1 September 6, 2005, correspondence# 2 September 12, 2005, e-mail# 3 January 17, 2006 correspondence# 4 January 23, 2006 correspondence# 5 March 15, 2006 correspondence# 6 April 11, 2006 correspondence# 7 June 19, 2006 correspondence# 8 June 23, 2006 correspondence# 9 Defendant's Expert Disclosure# 10 September 6, 2006 correspondence# 11 Itemization of fees)(Simons, Susan) (Entered: 09/13/2006)
09/13/2006	71	MOTION for Sanctions by Siouxland Oral Maxillofacial Surgery Associates, L.L.P.. (Simons, Susan) (Entered: 09/13/2006)

09/13/2006	72	MEMORANDUM in Support re 71 MOTION for Sanctions filed by Siouxland Oral Maxillofacial Surgery Associates, L.L.P.. (Simons, Susan) (Entered: 09/13/2006)
09/13/2006	73	CERTIFICATE of Service by Siouxland Oral Maxillofacial Surgery Associates, L.L.P.. (Simons, Susan) (Entered: 09/13/2006)
09/13/2006	74	Joint MOTION to Extend Deadlines <i>for Briefing Schedule</i> by Equal Employment Opportunity Commission. (Rogers, Kim) (Entered: 09/13/2006)
09/15/2006	75	SECOND AMENDED RULE 16 SCHEDULING ORDER: Motion Hearing set for 10/30/2006 09:00 AM before U. S. District Judge Lawrence L. Piersol; Pretrial Conference set for 10/30/2006 09:00 AM before U. S. District Judge Lawrence L. Piersol; Jury Trial set for 12/5/2006 09:30 AM before U. S. District Judge Lawrence L. Piersol. Signed by Judge Lawrence L. Piersol on 9/15/06. (SKM) (Entered: 09/15/2006)
09/15/2006	77	ORDER REFERRING MOTION: 71 MOTION for Sanctions filed by Siouxland Oral Maxillofacial Surgery Associates, L.L.P. referred to Mag. John Simko for a report and recommendation. Signed by Judge Lawrence L. Piersol on 9/15/06. (SKM) (Entered: 09/18/2006)
09/20/2006	79	MEMORANDUM in Opposition re 54 MOTION for Summary Judgment filed by Equal Employment Opportunity Commission. (Weeks, Nancy) (Entered: 09/20/2006)
09/20/2006	80	AFFIDAVIT in Opposition re 54 MOTION for Summary Judgment filed by Equal Employment Opportunity Commission. (Attachments: # 1 Ackerson depo# 2 Balaban depo# 3 Dooley depo# 4 Fjellestad depo# 5 Gacke depo# 6 Hanson depo# 7 Hofer depo# 8 Kost depo# 9 Exhibit 1# 10 Exhibit 2# 11 Exhibit 3# 12 Exhibit 6# 13 Exhibit 7# 14 Exhibit 8# 15 Exhibit 9# 16 Exhibit 11# 17 Exhibit 13# 18 Exhibit 14# 19 Exhibit 16# 20 Exhibit 19# 21 Exhibit 21# 22 Exhibit 23# 23 Exhibit 27# 24 Exhibit 28# 25 Exhibit 29# 26 Exhibit 30# 27 Exhibit 35# 28 Exhibit 40)(Weeks, Nancy) (Entered: 09/20/2006)
09/20/2006	81	RESPONSE to Motion re 54 MOTION for Summary Judgment <i>Plaintiffs' Disputed Facts</i> filed by Equal Employment Opportunity Commission. (Weeks, Nancy) (Entered: 09/20/2006)
09/20/2006	82	MEMORANDUM in Opposition re 59 MOTION for Separate Trials filed by Equal Employment Opportunity Commission. (Attachments: # 1 King v. West)(Weeks, Nancy) (Entered: 09/20/2006)
10/02/2006	83	RESPONSE to Motion re 71 MOTION for Sanctions filed by Richelle Dooley, Angie Gacke. (SKM) (Entered: 10/02/2006)
10/02/2006	84	AFFIDAVIT of Richard C. Flugge re 83 Response to Motion. (SKM) (Entered: 10/02/2006)
10/02/2006	85	CERTIFICATE OF SERVICE by Richelle Dooley, Angie Gacke (SKM)

		(Entered: 10/02/2006)
10/04/2006	86	REPLY to 54 Motion for Summary Judgment <i>Brief in Support of</i> filed by Siouxland Oral Maxillofacial Surgery Associates, L.L.P.. (Simons, Susan) (Entered: 10/04/2006)
10/04/2006	87	RESPONSE to 81 Response to Motion <i>EEOC/Intervenors' Disputed Facts</i> filed by Siouxland Oral Maxillofacial Surgery Associates, L.L.P.. (Simons, Susan) (Entered: 10/04/2006)
10/04/2006	88	AFFIDAVIT of Sherena Kost re 87 Response <i>Defendant's Response to EEOC/Intervenors' Disputed Facts.</i> (Simons, Susan) (Entered: 10/04/2006)
10/04/2006	89	REPLY to 59 Motion for Miscellaneous Relief <i>in Support of Defendant's Motion for Separate Trials</i> filed by Siouxland Oral Maxillofacial Surgery Associates, L.L.P.. (Simons, Susan) (Entered: 10/04/2006)
10/04/2006	90	REPLY to 71 Motion for Sanctions <i>in Support of Defendant's Motion for Sanctions</i> filed by Siouxland Oral Maxillofacial Surgery Associates, L.L.P.. (Simons, Susan) (Entered: 10/04/2006)
10/04/2006	91	CERTIFICATE of Service by Siouxland Oral Maxillofacial Surgery Associates, L.L.P.. (Simons, Susan) (Entered: 10/04/2006)
10/09/2006	92	AFFIDAVIT of Susan Brunick Simons re 71 MOTION for Sanctions <i>Supplemental.</i> (Attachments: # 1 Statement of Costs to prepare Reply re Motion for Sanctions)(Simons, Susan) (Entered: 10/09/2006)
10/09/2006	93	CERTIFICATE of Service by Siouxland Oral Maxillofacial Surgery Associates, L.L.P.. (Simons, Susan) (Entered: 10/09/2006)
10/30/2006	94	MINUTES - Motion Hearing held on 10/30/2006 re 68 Joint MOTION to Strike 61 Designation of Expert Witness <i>James Carroll</i> filed by Equal Employment Opportunity Commission,, 59 MOTION for Separate Trials filed by Siouxland Oral Maxillofacial Surgery Associates, L.L.P., 54 MOTION for Summary Judgment filed by Siouxland Oral Maxillofacial Surgery Associates, L.L.P., 71 MOTION for Sanctions filed by Siouxland Oral Maxillofacial Surgery Associates, L.L.P., Final Pretrial Conference held on 10/30/2006 before Judge Lawrence L. Piersol (Court Reporter Jerry May/FTR) (JMM,) Modified on 11/22/2006 (JMM,). (hearing was held on 10/30/06, minutes mistakenly state 10/29/06) (Entered: 10/30/2006)
11/22/2006	95	THIRD AMENDED RULE 16 SCHEDULING ORDER: Jury Trial set for 3/27/2007 09:30 AM before U. S. District Judge Lawrence L. Piersol. Signed by Judge Lawrence L. Piersol on 11/22/06. (SKM) (Entered: 11/24/2006)
12/15/2006	97	RULE 26 Disclosures by Equal Employment Opportunity Commission. (Attachments: # 1 Exhibit Rebuttal Expert Report)(Rogers, Kim) (Entered: 12/15/2006)
01/22/2007	98	NOTICE of Appearance by Loretta F. Medina on behalf of Equal Employment

		Opportunity Commission (LMZ) (Entered: 01/22/2007)
02/02/2007	99	NOTICE to Take Deposition of James Carroll by Richelle Dooley, Angie Gacke.(SKM) (Entered: 02/02/2007)
02/12/2007	100	STATUS REPORT <i>Notice of Compliance with Court Order</i> by Equal Employment Opportunity Commission. (Attachments: # 1 Letter dated 2/2/07 Attachment # 2 Letter dated 2/7/07 Attachment #(3) Regional Attorneys' Manual Part 3 "Conducting Litigation")(Rogers, Kim) Descriptive text added on 2/13/2007 (Lovro, Sharon). (Entered: 02/12/2007)
02/13/2007	101	REPLY to 100 Status Report, to Plaintiff EEOC's Notice of Compliance with Court Order and Defendant's Notice of Compliance with Court Order filed by Siouxland Oral Maxillofacial Surgery Associates, L.L.P.. (Attachments: # 1 January 11, 2007, Telephone Message# 2 January 19, 2007, letter from Attorney Pekas# 3 January 25, 2007, telephone message)(Simons, Susan) (Entered: 02/13/2007)
03/09/2007	102	MEMORANDUM OPINION ORDER RE: SUMMARY JUDGMENT AND OTHER MOTIONS granting 54 motion for summary judgment with regard to Plaintiffs' pattern and practice discrimination claims and denying 54 Motion for Summary Judgment with regard to disparate treatment claims of the EEOC, Dooley, and Gacke; denying 59 Motion for separate trials; denying 68 Motion to Strike Designation of Expert Witness James Carroll; denying 71 Motion for Sanctions. Signed by Judge Lawrence L. Piersol on 3/9/07. (SLL) (Entered: 03/12/2007)
03/19/2007	104	ORDER FOR TRIAL: Jury Trial set for 4/3/2007 09:30 AM before U. S. District Judge Lawrence L. Piersol Signed by Judge Lawrence L. Piersol on 3/19/07. (SLL) (Entered: 03/20/2007)
03/20/2007	106	Witness List by Equal Employment Opportunity Commission.(Rogers, Kim) (Entered: 03/20/2007)
03/20/2007	107	Exhibit List by Equal Employment Opportunity Commission.. (Attachments: # 1 Exhibit List)(Rogers, Kim) (Entered: 03/20/2007)
03/20/2007	108	MOTION Release of Juror Questionnaires by Siouxland Oral Maxillofacial Surgery Associates, L.L.P.. (Simons, Susan) (Entered: 03/20/2007)
03/20/2007	109	Witness List by Siouxland Oral Maxillofacial Surgery Associates, L.L.P..(Simons, Susan) (Entered: 03/20/2007)
03/20/2007	110	Exhibit List by Siouxland Oral Maxillofacial Surgery Associates, L.L.P...(Simons, Susan) (Entered: 03/20/2007)
03/20/2007	111	MOTION Limit Examination Under Rule 611 by Siouxland Oral Maxillofacial Surgery Associates, L.L.P.. (Simons, Susan) (Entered: 03/20/2007)
03/20/2007	112	MEMORANDUM in Support re 111 MOTION Limit Examination Under Rule 611 filed by Siouxland Oral Maxillofacial Surgery Associates, L.L.P.. (Simons,

		Susan) (Entered: 03/20/2007)
03/20/2007	113	Proposed Jury Instructions by Siouxland Oral Maxillofacial Surgery Associates, L.L.P..(Simons, Susan) (Entered: 03/20/2007)
03/20/2007	114	MOTION IN LIMINE: Part 1: to exclude evidence relating to settlement discussions; Part 2: to exclude expert opinions that have not been previously disclosed; Part 3: to prohibit Plaintiffs' counsel from making a golden rule argument; Part 4: to exclude evidence regarding front pay; Part 5: to exclude the Administrative Agency findings; Part 6: to exclude evidence of policies adopted and personnel decisions after 2002; Part 7: to exclude evidence of Kost's performance appraisal; Part 8: to exclude evidence or argument that Siouxland engaged in a pattern and practice of discrimination Part 9: to exclude evidence that Siouxland did not rehire Dooley Part 10: to exclude evidence of and references to ADA and FMLA by Siouxland Oral Maxillofacial Surgery Associates, L.L.P.. (Simons, Susan) (Entered: 03/20/2007)
03/20/2007	115	MEMORANDUM in Support re 114 MOTION IN LIMINE: Part 1: to exclude evidence relating to settlement discussions; Part 2: to exclude expert opinions that have not been previously disclosed; Part 3: to prohibit Plaintiffs' counsel from making a golden rule argument; Part 4: to e filed by Siouxland Oral Maxillofacial Surgery Associates, L.L.P.. (Attachments: # 1 New Hire Document - H. Kietzmann# 2 New Hire Document - D. Fogelson)(Simons, Susan) (Entered: 03/20/2007)
03/20/2007	116	Proposed Jury Instructions by Equal Employment Opportunity Commission. (Attachments: # 1 Proposed Jury Instructions)(Rogers, Kim) (Entered: 03/20/2007)
03/22/2007	117	ORDER granting 108 Motion for release of juror questionnaires. Signed by Judge Lawrence L. Piersol on 3/22/07. (JMM) (Entered: 03/23/2007)
03/26/2007	118	Amended Witness List by Equal Employment Opportunity Commission.(Rogers, Kim) Modified on 3/30/2007 (Meisenheimer, Jackie). (Entered: 03/26/2007)
03/27/2007	119	OBJECTIONS by Plaintiff Equal Employment Opportunity Commission re 113 Proposed Jury Instructions. (Rogers, Kim) (Entered: 03/27/2007)
03/27/2007	120	RESPONSE to Motion re 111 MOTION Limit Examination Under Rule 611 filed by Equal Employment Opportunity Commission. (Rogers, Kim) (Entered: 03/27/2007)
03/27/2007	121	OBJECTIONS by Defendant Siouxland Oral Maxillofacial Surgery Associates, L.L.P. re 116 Proposed Jury Instructions. (Attachments: # 1 Defendant's Undisputed Material Facts Not Disputed by EEOC and Intervenors# 2 South Dakota Pattern Jury Instruction 2-12)(Simons, Susan) (Entered: 03/27/2007)
03/27/2007	122	OBJECTIONS by Defendant Siouxland Oral Maxillofacial Surgery Associates, L.L.P. re 107 Exhibit List. (Simons, Susan) (Entered: 03/27/2007)
03/27/2007	123	RESPONSE to Motion re 114 MOTION IN LIMINE: Part 1: to exclude

		evidence relating to settlement discussions; Part 2: to exclude expert opinions that have not been previously disclosed; Part 3: to prohibit Plaintiffs' counsel from making a golden rule argument; Part 4: to e filed by Equal Employment Opportunity Commission. (Rogers, Kim) (Entered: 03/27/2007)
04/02/2007	125	MEMORANDUM OPINION AND ORDER denying 111 Motion to Limit Examination under Fed.R.Evid.611(a). Signed by Judge Lawrence L. Piersol on 4/2/2007. (LMZ) (Entered: 04/02/2007)
04/03/2007		Voir Dire held on 4/3/2007 before Judge Lawrence L. Piersol (Court Reporter Jerry May/FTR) (JMM) (Entered: 04/06/2007)
04/03/2007		Jury Trial began on 4/3/2007 before Judge Lawrence L. Piersol (Court Reporter Jerry May/FTR #1) (JMM) (Entered: 04/06/2007)
04/03/2007	128	Jury List.(JMM) (Entered: 04/06/2007)
04/04/2007		Jury Trial continued on 4/4/2007 before Judge Lawrence L. Piersol (Court Reporter Jerry May/FTR#1) (JMM) (Entered: 04/09/2007)
04/05/2007		Jury Trial continued on 4/5/2007 before Judge Lawrence L. Piersol (Court Reporter Jerry May/FTR) (JMM) (Entered: 04/09/2007)
04/06/2007	127	Proposed Jury Instructions by Siouxland Oral Maxillofacial Surgery Associates, L.L.P..(Simons, Susan) (Entered: 04/06/2007)
04/06/2007	129	Defendant's Additional Proposed Jury Instruction(JMM) (Entered: 04/09/2007)
04/06/2007	130	MINUTES - Jury Trial completed on 4/6/2007 before Judge Lawrence L. Piersol (Court Reporter Jerry May/FTR) (JMM) (Entered: 04/09/2007)
04/06/2007	131	VERDICT in favor of plaintiff Angie Gacke and against Siouxland Oral Maxillofacial Surgery in the amount of \$5,757.00.(JMM) (Entered: 04/09/2007)
04/06/2007	132	VERDICT in favor of plaintiff Richelle Dooley and against Siouxland Oral Maillofacial Surgery in the amount of \$15,341.00.(JMM) (Entered: 04/09/2007)
04/06/2007	133	Preliminary Jury Instructions.(JMM) (Entered: 04/09/2007)
04/06/2007	134	Jury Instructions read to the jury by the Court(JMM) (Entered: 04/09/2007)
04/06/2007	135	Jury Instructions with cites(JMM) (Entered: 04/09/2007)
04/06/2007	148	Exhibit List by Equal Employment Opportunity Commission, Richelle Dooley, Angie Gacke.(JMM) (Entered: 05/10/2007)
04/06/2007	149	Exhibit List by Siouxland Oral Maxillofacial Surgery Associates, L.L.P...(JMM) (Entered: 05/10/2007)
04/10/2007	136	JUDGMENT in favor of Equal Employment Opportunity Commission, Richelle Dooley against Siouxland Oral Maxillofacial Surgery Associates, L.L.P. in the amount of \$15,341.00. Signed by Judge Lawrence L. Piersol on 4/10/07. (JMM) (Entered: 04/11/2007)

04/11/2007	137	JUDGMENT in favor of Equal Employment Opportunity Commission, Angie Gacke against Siouxland Oral Maxillofacial Surgery Associates, L.L.P. in the amount of \$5,757.00. Signed by Judge Lawrence L. Piersol on 4/10/07. (JMM) (Entered: 04/11/2007)
04/13/2007		MAILING both final Judgments to John Pekas (JMM) (Entered: 04/13/2007)
05/09/2007	138	MOTION for Attorney Fees and Costs by Angie Gacke. (SKM) (Entered: 05/09/2007)
05/09/2007	139	MEMORANDUM in Support re 138 MOTION for Attorney Fees and Costs filed by Angie Gacke. (SKM) (Entered: 05/09/2007)
05/09/2007	140	AFFIDAVIT of John R. Pekas re 138 MOTION for Attorney Fees and Costs. (Attachments: # 1 Itemized Billing Statement)(SKM) (Entered: 05/09/2007)
05/09/2007	141	CERTIFICATE OF SERVICE by Angie Gacke re 140 Affidavit, 138 MOTION for Attorney Fees, 139 Memorandum in Support of Motion (SKM) (Entered: 05/09/2007)
05/09/2007	142	MOTION for Attorney Fees and Costs by Richelle Dooley. (SKM) (Entered: 05/09/2007)
05/09/2007	143	MEMORANDUM in Support re 142 MOTION for Attorney Fees and Costs filed by Richelle Dooley. (SKM) (Entered: 05/09/2007)
05/09/2007	144	AFFIDAVIT of John R. Pekas re 142 MOTION for Attorney Fees and Costs. (Attachments: # 1 Itemized Billing Statement)(SKM) (Entered: 05/09/2007)
05/09/2007	145	CERTIFICATE OF SERVICE by Richelle Dooley re 144 Affidavit, 142 MOTION for Attorney Fees, 143 Memorandum in Support of Motion (SKM) (Entered: 05/09/2007)
05/09/2007	146	BILL OF COSTS by Richelle Dooley, Angie Gacke. (SKM) (Entered: 05/09/2007)
05/09/2007	147	AFFIDAVIT of John R. Pekas in support of 146 Bill of Costs. (SKM) (Entered: 05/09/2007)
05/10/2007	150	BILL OF COSTS by Equal Employment Opportunity Commission. (Rogers, Kim) (Entered: 05/10/2007)
05/10/2007	151	MOTION Equitable Relief re 137 Judgment, 136 Judgment by Equal Employment Opportunity Commission. (Attachments: # 1 Text of Proposed Order # 2 Exhibit # 3 Exhibit # 4 Exhibit # 5 Exhibit # 6 Exhibit)(Rogers, Kim) (Entered: 05/10/2007)
05/23/2007	152	OBJECTIONS by Defendant Siouxland Oral Maxillofacial Surgery Associates, L.L.P. re 150 Bill of Costs, 146 Bill of Costs. (Simons, Susan) (Entered: 05/23/2007)
05/23/2007	153	AFFIDAVIT of Sharon McConnell re 152 Objections to EEOC's and

		<i>Intervenors' Bill of Costs.</i> (Attachments: # 1 Subpoena to Sharon McConnell)(Simons, Susan) (Entered: 05/23/2007)
05/23/2007	154	AFFIDAVIT of Susan Brunick Simons re 152 <i>Objections to EEOC's and Intervenors' Bill of Costs.</i> (Attachments: # 1 Taxation of Costs June 1996# 2 Admission of Service# 3 March 26, 2007 Letter from John Pekas# 4 Subpoenas to Gacke, Dooley and R. Akerson# 5 Relevant portions of Defendant's Answers to EEOC's Discovery)(Simons, Susan) (Entered: 05/23/2007)
05/23/2007	155	CERTIFICATE of Service by Siouxland Oral Maxillofacial Surgery Associates, L.L.P.. (Simons, Susan) (Entered: 05/23/2007)
05/29/2007	156	OBJECTIONS by Defendant Siouxland Oral Maxillofacial Surgery Associates, L.L.P. re 142 MOTION for Attorney Fees, 138 MOTION for Attorney Fees of <i>Dooley and Gacke.</i> (Attachments: # 1 Time Comparison Chart# 2 Relevant e-mails# 3 Deposition cover pages# 4 Contact with EEOC/Plaintiff Chart# 5 Contact with Clients Chart)(Simons, Susan) (Entered: 05/29/2007)
05/29/2007	157	AFFIDAVIT of Jill Connelly re 156 <i>Objections, to Attorney Fees.</i> (Simons, Susan) (Entered: 05/29/2007)
05/29/2007	158	AFFIDAVIT of Michael L. Luce re 156 <i>Objections, to Attorney Fees.</i> (Attachments: # 1 Relevant time records)(Simons, Susan) (Entered: 05/29/2007)
05/29/2007	159	AFFIDAVIT of Susan Brunick Simons re 156 <i>Objections, to Attorney Fees.</i> (Attachments: # 1 Relevant time records# 2 Discovery document# 3 Relevant e-mails# 4 Notices of Depositions# 5 Relevant documents from Sioux Falls Human Relations Commission)(Simons, Susan) (Entered: 05/29/2007)
05/29/2007	160	CERTIFICATE of Service by Siouxland Oral Maxillofacial Surgery Associates, L.L.P.. (Simons, Susan) (Entered: 05/29/2007)
05/30/2007	161	MEMORANDUM in Opposition re 151 MOTION Equitable Relief re 137 Judgment, 136 Judgment filed by Siouxland Oral Maxillofacial Surgery Associates, L.L.P.. (Simons, Susan) (Entered: 05/30/2007)
06/07/2007	162	NOTICE by Equal Employment Opportunity Commission of <i>Appeal</i> re 136 137 (Attachments: # 1 Form A)(Weeks, Nancy) Modified on 6/12/2007 (Lovro, Sharon). (Entered: 06/07/2007)
06/08/2007	163	NOTICE to Counsel re. notice of appeal (SLL) (Entered: 06/08/2007)
06/08/2007		***Appeal Receipt of Notice of Appeal and supporting documents received by USCA on: Fri Jun 8 10:32:56 CDT 2007 (Lovro, Sharon) (Entered: 06/08/2007)
06/08/2007		COURT REPORTER Information: Jerry May,, 400 S. Phillips Ave., Sioux Falls SD 57104 - 605-330-6630 (SLL) (Entered: 06/12/2007)
06/11/2007	165	REPLY BRIEF to Motion Reponse re 142 MOTION for Attorney Fees, 138 MOTION for Attorney Fees filed by Richelle Dooley, Angie Gacke. (JMM) (Entered: 06/12/2007)

06/12/2007	166	MOTION to Strike 165 Reply to Motion Response <i>Intervenors' Joint Reply Brief in Support of Motions for Attorney Fees and Costs</i> by Siouxland Oral Maxillofacial Surgery Associates, L.L.P.. (Simons, Susan) (Entered: 06/12/2007)
06/12/2007	167	MEMORANDUM in Support re 166 MOTION to Strike 165 Reply to Motion Response <i>Intervenors' Joint Reply Brief in Support of Motions for Attorney Fees and Costs</i> filed by Siouxland Oral Maxillofacial Surgery Associates, L.L.P.. (Simons, Susan) (Entered: 06/12/2007)
06/15/2007	168	REPLY to 151 Motion for Miscellaneous Relief <i>for Equitable Relief</i> filed by Equal Employment Opportunity Commission. (Weeks, Nancy) (Entered: 06/15/2007)
06/18/2007	169	NOTICE OF CONDITIONAL CROSS APPEAL as to 137 Judgment, 136 Judgment by Siouxland Oral Maxillofacial Surgery Associates, L.L.P.. (SLL) . (Entered: 06/19/2007)
06/18/2007	170	CERTIFICATE OF SERVICE by Siouxland Oral Maxillofacial Surgery Associates, L.L.P. (SLL) (Entered: 06/19/2007)
06/18/2007	171	Filing fee: \$ 455.00, receipt number 400007274 (SLL) (Entered: 06/19/2007)
06/18/2007	172	Appellant's Form A (SLL) (Entered: 06/19/2007)
06/19/2007	173	NOTICE TO COUNSEL re Notice of Conditional Cross Appeal (SLL) (Entered: 06/19/2007)
06/19/2007		***Appeal Receipt of Notice of Appeal and supporting documents received by USCA on: Tue Jun 19 11:49:56 CDT 2007 (Lovro, Sharon) (Entered: 06/19/2007)
06/21/2007	175	USCA Case Numbers 07-2419 and 07-2420 for 162 Notice of Appeal filed by EEOC, and 169 Notice of Cross Appeal filed by Siouxland Oral Maxillofacial Surgery Associates, L.L.P. (SKM) (Entered: 06/21/2007)
06/21/2007	176	BRIEFING SCHEDULE ORDER of USCA as to 162 Notice of Appeal filed by EEOC and 169 Notice of Cross Appeal filed by Siouxland Oral Maxillofacial Surgery Associates, L.L.P. (SKM) (Entered: 06/21/2007)
08/10/2007	177	MEMORANDUM OPINION AND ORDER re Posttrial Motions; EEOC's 151 MOTION Equitable Relief shall be construed as a motion for relief from judgment under Rule 60; if the matter is remanded to the Court from the 8th Circuit, Siouxland shall have the opportunity to submit its proposed calculation of prejudgment interest, and the Court will then award prejudgment interest on the jury verdicts in this case; EEOC's requests that the Court modify the awards for back wages, and order injunctive relief and other affirmative relief are denied; denying 166 MOTION to Strike, but Siouxland will be allowed to submit a response to the joint reply brief and supplementary exhibits within 10 days of the date of this Order and no further materials shall be submitted thereafter by any party without further order of this Court. Signed by Judge

		Lawrence L. Piersol on 8/10/07. (SKM) (Entered: 08/10/2007)
08/14/2007	179	RESPONSE to 165 Reply to Motion Response to <i>Intervenor Dooley's and Intervenor Gacke's Joint Reply Brief in Support of Motions for Attorney Fees</i> filed by Siouxland Oral Maxillofacial Surgery Associates, L.L.P.. (Simons, Susan) (Entered: 08/14/2007)
08/16/2007	180	TRANSCRIPT of Jury Trial Proceedings (Vol I) held beginning April 3, 2007 (Attachments: # (1) Vol I of Jury Trial Transcript, continued; # (2) Vol. I of Jury Trial Transcript continued; # (3) Vol. I of Jury Trial Transcript continued; # (4) Vol I of Jury Trial Transcript, continued) (DJP) (Entered: 08/16/2007)
08/16/2007	181	TRANSCRIPT of Jury Trial Proceedings (Vol II) held beginning April 3, 2007 (Attachments: # (1) Vol II of Jury Trial Transcript, continued; # (2) Vol. II of Jury Trial Transcript, continued; # (3) Vol II of Jury Trial Transcript, continued; # (4) Vol II of Jury Trial Transcript, continued; # (5) Vol II of Jury Trial Transcript, continued) (DJP) (Entered: 08/16/2007)
08/16/2007	182	TRANSCRIPT of Jury Trial Proceedings (Vol III) beginning April 3, 2007 (Attachments: # (1) Vol III of Jury Trial Transcript, continued; # (2) Vol. III of Jury Trial Transcript, continued; # (3) Vol. III of Jury Trial Transcript, continued; # (4) Vol III of Jury Trial Transcript, continued) (DJP) (Entered: 08/16/2007)

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