

CLOSED

U.S. District Court
Western District of Tennessee (Memphis)
CIVIL DOCKET FOR CASE #: 2:04-cv-02730-SHM-tmp

Equal Employment Opportunity Commission v. Cleveland
Construction, Inc.

Assigned to: Judge Samuel H. Mays, Jr

Referred to: Magistrate Judge Tu M. Pham

Cause: 42:2000e Job Discrimination (Employment)

Date Filed: 09/15/2004

Jury Demand: Plaintiff

Nature of Suit: 442 Civil Rights: Jobs

Jurisdiction: Federal Question

Plaintiff

**Equal Employment Opportunity
Commission**

represented by **Adele Rapport**

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V.

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Date Filed	#	Docket Text
09/15/2004	1	COMPLAINT of Civil Rights Act of 1964 and Titl 1 of the Civil Rights Act of 1991 against Cleveland Construction, Inc. , filed by Equal Employment Opportunity Commission. (Jury Demand)(jae,) (Entered: 09/20/2004)
10/14/2004	2	ANSWER to Complaint by Cleveland Construction, Inc..(jae,) (Entered: 10/15/2004)
11/15/2004	3	NOTICE OF SETTING: Scheduling Conference set for 12/16/2004 10:15 AM in Courtroom 6 - Memphis before Tu M. Pham. (tpe,) (Entered: 11/16/2004)
11/24/2004	4	MOTION for Limited Admission of Timothy Downing and Bari Goggins to Appear as Counsel for Cleveland Construction, by Cleveland Construction, Inc. (tpe,) (Entered: 11/26/2004)
11/24/2004		Filing fee: \$ 200.00, receipt number M91801 (tpe,) (Entered: 11/26/2004)
11/24/2004	5	MOTION for Limited Admission of Patricia Seifert to Appear as Counsel for Cleveland Construction, by Cleveland Construction, Inc. (tpe,) (Entered: 11/26/2004)

		11/26/2004)
11/24/2004		Filing fee: \$ 100.00, receipt number M91800 (tpe,) (Entered: 11/26/2004)
11/24/2004	6	Certificate of Consultation by Cleveland Construction, Inc. (tpe,) (Entered: 11/26/2004)
12/06/2004	7	ORDER granting [4] Motion to Appear Pro Hac Vice of Patricia L. Seifert, granting [5] Motion to Appear Pro Hac Vice of Timothy J. Downing and Bari E. Goggins. Signed by Judge Samuel H. Mays Jr. (tpe,) (Entered: 12/06/2004)
12/09/2004	8	NOTICE: REPORT OF PARTIES' PLANNING MEETING by Equal Employment Opportunity Commission, Cleveland Construction, Inc. (tpe,) (Entered: 12/10/2004)
12/16/2004	9	SCHEDULING ORDER:Initial Disclosures by 12/30/04. Amended Pleadings due by 2/16/2005. All Discovery due by 9/16/2005. Joinder of Parties due by 2/16/2005. Initial Motions to Dismiss due by 3/16/2005. Filing Dispositive Motions by 10/17/05. Signed by Judge Tu M. Pham. (tpe,) (Entered: 12/17/2004)
12/16/2004	10	Minute Entry for proceedings held before Judge Tu M. Pham : Scheduling Conference held on 12/16/2004. Amended Pleadings due by 2/16/2005. Discovery due by 9/16/2005. Joinder of Parties due by 2/16/2005. Initial Motions to Dismiss due by 3/16/2005. Rule 26 Disclosures due by 12/30/2004. Filing of Dispositive Motions by 10/17/05.Pltf Atty F. Williams, Dfns Attys T. Downing (by telephone) and L. Ovenall (Court Reporter FTR.) (tpe,) (Entered: 12/17/2004)
12/22/2004	11	NOTICE OF SETTING: Jury Trial set for 1/23/2006 09:30 AM in Courtroom 2 - Memphis before Samuel H. Mays Jr. Pretrial Conference set for 1/13/2006 10:45 AM in Courtroom 2 - Memphis before Samuel H. Mays Jr. proposed Joint Pretrial Order due in Chambers by 1/6/06. (tpe,) (Entered: 12/22/2004)
01/27/2005	12	MOTION to Compel Rule 26(a)(1)(A) Disclosures and In the Alternative, MOTION to Order Defendant to Amend it's Rule 26(a)(1)(A) Disclosures, by Equal Employment Opportunity Commission. (tpe,) (Entered: 01/28/2005)
01/27/2005	14	Certificate of Consultation by Equal Employment Opportunity Commission. (tpe,) (Entered: 01/28/2005)
01/28/2005	13	MEMORANDUM in Support re [12] MOTION to Compel Rule 26(a)(1)(A) Initial Disclosures and in the /alternative MOTION to Amend Its Dsclosures filed by Equal Employment Opportunity Commission. (tpe,) (Entered: 01/28/2005)
02/15/2005	15	Defendant's OPPOSITION to Plaintiff's Motion re [12] MOTION to Compel Disclosures and in the alternative, MOTION Directing Defendant To Amend Its Disclosures filed by Cleveland Construction, Inc.. (jae,) (Entered: 02/16/2005)
02/23/2005	16	ORDER denying [12] Plaintiff's Motion to Compel . Signed by Judge Tu M. Pham. (jae,) (Entered: 02/23/2005)
05/17/2005	17	MOTION for Leave to Appear Pro Hac Vice (James D. Ludwig) by Cleveland Construction, Inc.. (jae,) (Entered: 05/18/2005)

05/17/2005	18	CERTIFICATE of Counsel re [17] MOTION for Leave to Appear Pro Hac Vice by Henry T.V. Miller, Lisa Ann Overall on behalf of Cleveland Construction, Inc. (jae,) (Entered: 05/18/2005)
05/17/2005		Filing fee: \$ 100.00, receipt number M95046 (James D. Ludwig) (jae,) (Entered: 05/18/2005)
05/19/2005	19	ORDER granting [17] Motion for Leave to Appear Pro Hac Vice (James D. Ludwig for defendant Cleveland Construction, Inc.). Signed by Judge Samuel H. Mays Jr.. (jae,) (Entered: 05/19/2005)
06/03/2005	20	NOTICE to Take Deposition With Documents of Oliver Johnson on 6/29/05 at 9:00 a.m. by Cleveland Construction, Inc..(jae,) (Entered: 06/06/2005)
06/03/2005	21	NOTICE to Take Deposition With Documents of Robert Evans on 6/29/05 at 1:30 pm by Cleveland Construction, Inc..(jae,) (Entered: 06/06/2005)
06/03/2005	22	NOTICE to Take Deposition With Documents of Eric Calhoun on 6/30/05 at 9:00 a.m. by Cleveland Construction, Inc..(jae,) (Entered: 06/06/2005)
06/15/2005	23	AMENDED NOTICE to Take Deposition With Documents of Oliver Johnson on 6/29/05 at 9:00 a.m. by Cleveland Construction, Inc..(jae,) (Entered: 06/16/2005)
06/15/2005	24	NOTICE to Take Deposition With Documents of Robert Evans on 6/29/05 at 1:30 p.m. by Cleveland Construction, Inc..(jae,) (Entered: 06/16/2005)
06/15/2005	25	NOTICE to Take Deposition With Documents of Eric Calhoun on 6/30/05 at 9:00 a.m. by Cleveland Construction, Inc..(jae,) (Entered: 06/16/2005)
07/12/2005	26	MOTION to Amend Scheduling Order to Extend Discovery Deadlines by Cleveland Construction, Inc.. (ldc,) (Entered: 07/13/2005)
07/12/2005	27	MEMORANDUM in Support of MOTION to Amend Scheduling Order to Extend Discovey Deadlines filed by Cleveland Construction, Inc.. (ldc,) (Entered: 07/13/2005)
07/12/2005	28	CERTIFICATE of Counsel re [26] MOTION to Amend Scheduling Order by Lisa Ann Overall on behalf of Cleveland Construction, Inc. (ldc,) (Entered: 07/13/2005)
07/18/2005	29	RESPONSE to def't's Motion to Amend Scheduling Order to Extend Discovery Deadlines filed by Equal Employment Opportunity Commission. (ldc,) (Entered: 07/19/2005)
07/28/2005	30	SETTING LETTER: Scheduling Conference set for 8/5/2005 02:00 PM in Courtroom 2 - Memphis before Samuel H. Mays Jr.. (ldc,) (Entered: 08/01/2005)
08/05/2005	31	Minute Entry for proceedings held before Judge Samuel H. Mays Jr.: Status Conference held on 8/5/2005. Jury trial currently set 1/23/2006 with pretrial conference on 1/13/2006. Defense requests 60 day extension for expert disclosure, fact discovery and motion deadlines. Motion to amend scheduling order (#26) granted. Jury trial remains as previously set. Dft may move to withdraw its motion to compel. (Court Reporter Sharlyn Phillips.) (ldc,) (Entered: 08/16/2005)

08/16/2005	32	AMENDED NOTICE OF 30(b)(6) DEPOSITION by Cleveland Construction, Inc..(ldc,) (Entered: 08/23/2005)
08/19/2005	33	SCHEDULING ORDER:, Motions terminated: [26] MOTION to Amend 9 Scheduling Order, filed by Cleveland Construction, Inc., Discovery due by 10/17/2005. Motions due by 11/16/2005. Jury trial remains set on 1/23/2006.. Signed by Judge Samuel H. Mays Jr.. (ehg,) (Entered: 08/24/2005)
08/25/2005	34	MOTION for Protective Order by Equal Employment Opportunity Commission. (ldc,) (Entered: 08/29/2005)
08/25/2005	35	MEMORANDUM in Support re [34] MOTION for Protective Order filed by Equal Employment Opportunity Commission. (ldc,) (Entered: 08/29/2005)
08/25/2005	36	CERTIFICATE of Counsel re [34] MOTION for Protective Order by William A. Cash, Jr on behalf of Equal Employment Opportunity Commission (ldc,) (Entered: 08/31/2005)
08/31/2005	37	Cleveland Construction, Inc.'s Memorandum in Opposition to Pltf's Motion for Protective Order and Request for Expedited Hearing (ldc,) (Entered: 09/07/2005)
09/01/2005	38	Minute Entry for proceedings held before Judge Tu M. Pham : Telephone Conference held on 9/1/2005. Pltf's Motion for Protective Order Hrg set for 9/6/2005 at 2:00 PM. (Court Reporter FTR.) (ldc,) (Entered: 09/08/2005)
09/01/2005	39	SETTING LETTER: Motion Hearing set for 9/6/2005 02:00 PM in Courtroom 6 - Memphis before Tu M. Pham. (ldc,) (Entered: 09/08/2005)
09/06/2005	41	Minute Entry for proceedings held before Judge Tu M. Pham : Motion Hearing held on 9/6/2005 re [34] MOTION for Protective Order filed by Equal Employment Opportunity Commission,. Parties are to comply w/ruling as stated in open Court. (Court Reporter FTR.) (ldc,) (Entered: 09/12/2005)
09/09/2005	42	ORDER granting in part and denying in part [34] Motion for Protective Order . Signed by Judge Tu M. Pham. (ldc,) (Entered: 09/13/2005)
09/12/2005	40	NOTICE of Appearance by Darin B. Tuggle on behalf of Equal Employment Opportunity Commission (ldc,) (Entered: 09/12/2005)
09/15/2005	43	MOTION for Leave to File First Amended Complaint by Equal Employment Opportunity Commission. (ldc,) (Entered: 09/16/2005)
09/15/2005	44	MEMORANDUM in Support re [43] MOTION for Leave to File First Amended Complaint filed by Equal Employment Opportunity Commission. (ldc,) (Entered: 09/16/2005)
09/15/2005	45	CERTIFICATE of Counsel re [43] MOTION for Leave to File First Amended Complaint by William A. Cash, Jr on behalf of Equal Employment Opportunity Commission (ldc,) (Entered: 09/16/2005)
09/20/2005	46	NOTICE to Take Deposition of Custodian of Employment Records, Integrity Drywall on 9/26/2005 at 4:00 PM. by Cleveland Construction, Inc..(ldc,) (Entered: 09/22/2005)
09/28/2005	47	NOTICE of Substitution by Jeff Weintraub on behalf of Cleveland Construction, Inc. (ldc,) (Entered: 09/28/2005)

09/29/2005	48	Dft's Designation of Expert by Cleveland Construction, Inc. (ldc,) (Entered: 09/30/2005)
09/29/2005	49	RESPONSE in Opposition re [43] MOTION for Leave to File First Amended Complaint filed by Cleveland Construction, Inc.. (ldc,) (Entered: 09/30/2005)
10/06/2005	50	Dft Unopposed MOTION to Amend Scheduling Order and to Continue the Trial by Cleveland Construction, Inc.. (ldc,) (Entered: 10/11/2005)
10/06/2005	51	MEMORANDUM in Support re [50] Dft Unopposed MOTION to Amend Scheduling Order and to Continue the Trial filed by Cleveland Construction, Inc.. (ldc,) (Entered: 10/11/2005)
10/17/2005	52	SETTING LETTER:Status/ Scheduling Conference set for 10/24/2005 11:00 AM in Courtroom 2 - Memphis before Samuel H. Mays Jr.. (jae,) (Entered: 10/20/2005)
10/21/2005	53	ORDER granting Pltf's [43] MOTION for Leave to File First Amended Complaint . Signed by Judge Tu M. Pham. (ldc,) (Entered: 10/24/2005)
10/21/2005	54	FIRST AMENDED COMPLAINT(Nature of the Action) against Cleveland Construction, Inc. , filed by Equal Employment Opportunity Commission.(ldc,) (Entered: 10/26/2005)
10/24/2005	56	Minute Entry for proceedings held before Judge Samuel H. Mays Jr.: Status/Scheduling Conference held on 10/24/2005. Unopposed motion to continue/amend (#50) granted. Discovery deadline 1/31/2006. Dispositive motions due 3/3/2006. Pretrial conference set 7/7/2006 @ 10:00 PM. Mediation deadline 2/14/2006 (Court Reporter Sharlyn Phillips.) (ldc,) (Entered: 10/31/2005)
10/26/2005	55	SETTING LETTER: Jury Trial set for 7/17/2006 09:30 AM in Courtroom 2 - Memphis before Samuel H. Mays Jr.. Pretrial Conference set for 7/7/2006 10:00 AM in Courtroom 2 - Memphis before Samuel H. Mays Jr.. Proposed Joint Pretrial Order due 6/30/2006(ldc,) (Entered: 10/27/2005)
11/07/2005	57	ORDER AMENDING SCHEDULE. Court granted [50] MOTION to schedule and continue trial.. Discovery due by 1/31/2006. Dispositive Motions due by 3/3/2006. Proposed Pretrial Order due by 6/30/2006. Jury Trial set for 7/17/2006 09:30 AM in Courtroom 2 - Memphis before Samuel H. Mays Jr.. Pretrial Conference set for 7/7/2006 10:00 AM in Courtroom 2 - Memphis before Samuel H. Mays Jr.. Signed by Judge Samuel H. Mays Jr.. (jae,) (Entered: 11/09/2005)
11/23/2005	58	ANSWER to Amended Complaint by Cleveland Construction, Inc..(ldc,) (Entered: 11/29/2005)
01/10/2006	59	NOTICE by Cleveland Construction, Inc. of <i>Deposition of Calvin Wright</i> (Hutton, Robbin) (Entered: 01/10/2006)
01/10/2006	60	NOTICE by Cleveland Construction, Inc. of <i>Deposition of Eric Jackson</i> (Hutton, Robbin) (Entered: 01/10/2006)
01/10/2006	61	NOTICE by Cleveland Construction, Inc. of <i>Deposition of James Groves</i> (Hutton, Robbin) (Entered: 01/10/2006)

01/10/2006	62	NOTICE by Cleveland Construction, Inc. of <i>Deposition of Kenneth Miller</i> (Hutton, Robbin) (Entered: 01/10/2006)
01/10/2006	63	NOTICE by Cleveland Construction, Inc. of <i>Deposition of Terry Radcliff</i> (Hutton, Robbin) (Entered: 01/10/2006)
01/18/2006	64	NOTICE to Take Deposition of Custodian of Employment Records, S. Webster Haining, Co. by Cleveland Construction, Inc..(Overall, Lisa) (Entered: 01/18/2006)
01/31/2006	65	Joint MOTION for Extension of Time to Complete Discovery <i>and to File Dispositive Motions</i> by Cleveland Construction, Inc.. (Attachments: # 1 Memorandum In Support of Joint Motion)(Hutton, Robbin) (Entered: 01/31/2006)
02/02/2006	66	ORDER granting 65 Motion for Extension of Time to Complete Discovery . Signed by Judge Tu M. Pham on 2/1/06. (Pham, Tu) (Entered: 02/02/2006)
02/22/2006	67	ORDER Amending Scheduling Order - Discovery ddl - 3/3/06. No other dates will be affected by the extension. Signed by Judge Tu M. Pham on 2/22/06. (Pham, Tu) (Entered: 02/22/2006)
03/20/2006	68	NOTICE of Appearance by Robbin W. Hutton on behalf of Cleveland Construction, Inc. (Hutton, Robbin) (Entered: 03/20/2006)
03/20/2006	69	MOTION for Leave to File Excess Pages <i>in Supporting Memorandum for Summary Judgment</i> by Cleveland Construction, Inc.. (Attachments: # 1 Memorandum # 2 Exhibit Decision Cited in Memorandum)(Hutton, Robbin) (Entered: 03/20/2006)
03/22/2006	70	ORDER GRANTING 69 Motion for Leave to File Excess Pages. Defendant may exceed the page limitation in its supporting memorandum for summary judgment. Signed by Judge Samuel H. Mays Jr. on 3/22/06. (Mays, Samuel) (Entered: 03/22/2006)
03/24/2006	71	MOTION for Summary Judgment by Cleveland Construction, Inc.. (Attachments: # 1 Memorandum # 2 Exhibit to Memorandum in Support of Defendant's Motion for Summary Judgment# 3 Exhibit Continuation of Exhibit to Memorandum in Support of Defendant's Motion for Summary Judgment# 4 Exhibit Conclusion Redacted)(Weintraub, Jeff) Modified on 4/4/2006 per entry of order on 4/4/06 (fsh). (Entered: 03/24/2006)
03/27/2006	72	MOTION for Leave to File <i>and Substitute Attachment to Summary Judgment, Identified as Exhibit Conclusion with Exhibit Conclusion Redacted</i> by Cleveland Construction, Inc.. (Attachments: # 1 Memorandum In Support of Motion to Substitute Attachment to Summary Judgment# 2 Exhibit Conclusion Redacted)(Hutton, Robbin) (Entered: 03/27/2006)
03/28/2006	73	MOTION to Substitute Attorney (<i>Proposed Order submitted</i>) by Equal Employment Opportunity Commission. (Rapport, Adele) (Entered: 03/28/2006)
04/04/2006	74	ORDER granting 72 Motion for Leave to Substitute Attachment. Defendant may substitute attachment four, "Exhibit Conclusion," with "Exhibit Conclusion Redacted." The clerk of court is directed to attach the substituted document to the defendant's motion for summary judgment which was filed on 3/24/06. Signed by

		Judge Samuel H. Mays Jr. on 4/3/06. (Mays, Samuel) (Entered: 04/04/2006)
04/06/2006	75	ORDER granting 73 Motion to Substitute Attorney. Added attorney Adele Rapport for Equal Employment Opportunity Commission. Attorney Katharine W. Kores terminated. Signed by Judge Samuel H. Mays Jr. on 4/5/06. (Mays, Samuel) (Entered: 04/06/2006)
04/20/2006	76	MOTION for Extension of Time to File Response/Reply <i>proposed Order submitted</i> by Equal Employment Opportunity Commission. (Attachments: # 1 Memorandum in Support of Enlargement of Time to Respond to Defendant's Motion for Summary Judgment# 2 Affidavit of Darin B. Tuggle)(Tuggle, Darin) Modified on 4/21/2006 to edit text (fsh). (Entered: 04/20/2006)
04/28/2006	77	ORDER Granting 76 Motion for Extension of Time to File Response re 71 MOTION for Summary Judgment. Response due by 5/2/2006. Signed by Judge Samuel H. Mays Jr. on 4/27/06. (Mays, Samuel) (Entered: 04/28/2006)
05/02/2006	78	RESPONSE to Motion re 71 MOTION for Summary Judgment filed by Equal Employment Opportunity Commission. (Attachments: # 1 Memorandum # 2 Appendix of Exhibits in Support of Memorandum# 3 Exhibit Excerpts of Keith Montgomery, Exhibit !# 4 Exhibit Lynn Littlejohn deposition excerpts, Exhibit 2# 5 Exhibit Calvin Wright deposition excerpts from Vol I [CORRECTED AT ENTRY 79] Exhibit 3# 6 Exhibit Calvin Wright deposition excerpts from Vol II,[CORRECTED AT ENTRY 79] Exhibit 3# 7 Exhibit Oliver Johnson deposition excerpts [CORRECTED AT ENTRY 79], Exhibit 4# 8 Exhibit Cleveland Construction Daily Timesheets, Exhibit 5# (9) Exhibit Lopez documents, Exhibit 6# (10) Exhibit Montes documents, Exhibit 7# (11) Exhibit Matras documents, Exhibit 8# (12) Exhibit J. Tamay documents, Exhibit 9# (13) Exhibit Luis Cela-Tamay documents, Exhibit 10# (14) Exhibit J Quillay document, Exhibit 11# (15) Exhibit Oliver Johnson Charge of Discrimination, Exhibit 12# 16 Exhibit Robert Evans deposition excerpts [CORRECTED AT ENTRY 79], Exhibit 13# (17) Exhibit Robert Evans Employee Status form, Exhibit 14# 18 Exhibit Sal Palm affidavit re Robert Evans, Exhibit 15# (19) Exhibit Certified Payroll Report, Exhibit 16# (20) Exhibit Robert Evans Charge of Discrimination, Exhibit 17# 21 Exhibit Eric Calhoun deposition excerpts,[CORRECTED AT ENTRY 79] Exhibit 18# (22) Exhibit Eric Calhoun Charge of Discrimination, Exhibit 19# (23) Exhibit Eric Jackson Employee Status form, Exhibit 20# 24 Exhibit Eric Jackson deposition excerpts, Exhibit 21# 25 Exhibit Terry Radcliff deposition excerpts of Vol I,[CORRECTED AT ENTRY 79] Exhibit 22# 26 Exhibit Terry Radcliff deposition excerpts of Vol II,[CORRECTED AT ENTRY 79 Exhibit 22# 27 Exhibit Roy Madison deposition excerpts,[CORRECTED AT ENTRY 79} Exhibit 23# ,(28) Exhibit Sal Palma deposition excerpts,[CORRECTED AT ENTRY 79 Exhibit 24# 29 Exhibit Mortensen Safety & Health Plan, Exhibit 25# (30) Exhibit Russell Bennett Employee status form, Exhibit 27# (31) Exhibit Russell Bennett Questionnaire, Exhibit 28# 32 Exhibit CCI Employee Safety handbook, Exhibit 29# 33 Exhibit Roy Madison disciplinary notice, Exhibit 30# 34 Exhibit Defendant's Response to Plaintiff's First Interrogatories, Exhibit 31# 35 Exhibit Defendant's Response to Plaintiff's Second Request for Admissions, Exhibit 32# 36 Exhibit Oliver Johnson Notice of Charge, Exhibit 33# 37 Exhibit Robert Evans Notice of Charge, Exhibit 33# 38 Exhibit Eric Calhoun Notice of Charge, Exhibit 33# 39 Plaintiff's Response to Defendant's Statement of Undisputed

		Facts)(Cash, William)[Additional attachment added at entry 79] Modified on 5/3/2006 to edit text (fsh). Modified on 5/4/2006 to seal exhibits (fsh). (Entered: 05/02/2006)
05/03/2006	79	Notice of Correction to 78 Response to Motion,,,,,, and to submit an inadvertently omitted Exhibit. (Attachments: # 1 Exhibit Excerpts of Lynn Littlejohn deposition# 2 Exhibit Excerpts of Calvin Wright, Vol. I# 3 Exhibit Excerpts of Calvin Wright deposition, Vol II# 4 Exhibit Excerpts of Oliver Johnson deposition# 5 Exhibit Excerpts of Robert Evans deposition# 6 Exhibit Excerpts of Eric Calhoun deposition# 7 Exhibit Excerpts of Terry Radcliff, Vol. I# 8 Exhibit Excerpts of Terry Radcliff deposition, Vol II# 9 Exhibit Excerpts of Roy Madison deposition# 10 Exhibit Excerpts of Sal Palma deposition# 11 Exhibit Declaration of Jerome Williams)(Cash, William) (Entered: 05/03/2006)
05/04/2006	80	Notice of Correction to 78 Response to Motion,,,,,, To Redact Sensitive Information. (Attachments: # 1 Exhibit (#9) Lopez Personnel docs.# 2 Exhibit (#10) Montes documents# 3 Exhibit (#11) Matras documents# 4 Errata (#12) J. Tamay documents# 5 Exhibit (#13) Luis Cela-Tamay documents# 6 Exhibit (#14) J. Quillay documents# 7 Exhibit (#15) Oliver Johnson Charge of Disc.# 8 Exhibit (#17) Robert Evans Emp. Status form# 9 Exhibit (#19) Certified Payroll Report# 10 Exhibit (#20) Robert Evans Charge of Disc.# 11 Exhibit (#22) Eric Calhoun Charge of Disc.# 12 Exhibit (#23) Eric Jackson Emp. Status form# 13 Exhibit (#30) Russell Bennett Emp. Status form# 14 Exhibit (#31) Russell Bennett Questionnaire)(Cash, William) (Entered: 05/04/2006)
05/11/2006	81	MOTION in Limine to Exclude Testimony from Defendant's Designation Expert Witness by Equal Employment Opportunity Commission. (Attachments: # 1 Memorandum in Support of Motion in Limine# 2 Exhibit No. 1 - Defendant's Designation of Expert Report# 3 Exhibit No. 2 - The Changing Composition of the Labor Market, 2000-2004# 4 Exhibit No. 3 - Supplemental Report to the Changing Composition of the Labor Market, 2000-2004# 5 Exhibit No. 4 - Dr. Gnuschke Deposition Excerpts)(Williams, Faye) (Entered: 05/11/2006)
05/12/2006	82	MOTION for Leave to File a Reply Brief to Plaintiff's Response to Defendant's Motion for Summary Judgment by Cleveland Construction, Inc.. (Attachments: # 1 Memorandum in Support of Motion Seeking Permission for Defendant to File a Reply Brief to Plaintiff's Response to Summary Judgment)(Weintraub, Jeff) (Entered: 05/12/2006)
05/22/2006	83	ORDER Granting 82 Motion for Leave to File Reply. Defendant may file a reply in further support of its motion for summary judgment. Signed by Judge Samuel H. Mays Jr. on 5/19/06. (Mays, Samuel) (Entered: 05/22/2006)
05/26/2006	84	RESPONSE in Opposition re 81 MOTION in Limine to Exclude Testimony from Defendant's Designation Expert Witness filed by Cleveland Construction, Inc.. (Attachments: # 1 Deposition transcript of John Gnuschke, Ph.D)(Weintraub, Jeff) Modified on 5/31/2006 to add description of attachment (jae,). (Entered: 05/26/2006)
05/31/2006	85	COURTESY NOTICE: Pursuant to Rule 5 of the Federal Rules of Civil Procedure, document 84 Response in Opposition to Motion, filed by Cleveland Construction, Inc., has been filed. For future reference, please note: When including attachments, please provide a description of the document. Clerk has

		edited text to include description of attachment. Filer is not required to resubmit document. (jae,) (Entered: 05/31/2006)
06/01/2006	86	MOTION to Quash <i>Proposed Order Submitted</i> by Equal Employment Opportunity Commission. (Attachments: # 1 Memorandum in Support of Motion to Quash or For A Protective Order# 2 Exhibit No. 1 - Subpoenas for Employment Records# 3 Exhibit No. 2 - Plaintiff's Response to Defendants 4th Set of Interrogatories# 4 Exhibit No. 3 - Letter to Weintraub dated May 5, 2006# 5 Exhibit No. 4 - Unreported Case - Quillan v. Easton Sports# 6 Certificate of Consultation)(Tuggle, Darin) (Entered: 06/01/2006)
06/01/2006	87	REPLY to Response to Motion re 78 Response to Motion,,,,,,,,,,,,, <i>for Summary Judgment by Defendant</i> filed by Cleveland Construction, Inc.. (Attachments: # 1 Exhibit 1 Madison Depo., Exhibit 2 Wright Depo., Exhibit 3 Montgomery Depo.)(Weintraub, Jeff) (Entered: 06/01/2006)
06/01/2006	88	REQUEST by Cleveland Construction, Inc. For Oral Argument re 81 MOTION in Limine <i>to Exclude Testimony from Defendant's Designation Expert Witness</i> (Weintraub, Jeff) Modified on 6/2/2006 to edit text (jae,). (Entered: 06/01/2006)
06/02/2006	89	RESPONSE by Equal Employment Opportunity Commission re 88 Notice (Other) <i>Response to Defendant's Request for Oral Argument</i> (Williams, Faye) Modified on 6/5/2006 to edit text (fsh). (Entered: 06/02/2006)
06/05/2006	90	MOTION Issue Third Party Subpoena and Response in Opposition to EEOC Motion to Quash re 86 MOTION to Quash <i>Proposed Order Submitted</i> by Cleveland Construction, Inc.. (Attachments: # 1 Certificate of Consultation # 2 Memorandum in Support of Motion for Third Party Subpoena and Response in Opposition to EEOC Motion to Quash# 3 Exhibit 1-3 to Memorandum in Support# 4 Exhibit 4 and copy of case)(Weintraub, Jeff) (Entered: 06/05/2006)
06/06/2006	91	COURTESY NOTICE: Pursuant to Rule 5 of the Federal Rules of Civil Procedure, document 90 MOTION Issue Third Party Subpoena and Response in Opposition to EEOC Motion to Quash re 86 MOTION to Quash <i>Proposed Order Submitted</i> filed by Cleveland Construction, Inc., has been filed. For future reference, please note Exhibits should be attached individually, not together as in Exhibit 1-3. If you have any questions please contact the help desk. Filer is not required to resubmit document. (fsh) (Entered: 06/06/2006)
06/07/2006	92	ORDER REFERRING MOTION: 86 MOTION to Quash or for Protective Order, filed by Equal Employment Opportunity Commission is referred to Magistrate Judge Tu Pham for determination. Signed by Judge Samuel H. Mays Jr. on 6/6/06. (Mays, Samuel) (Entered: 06/07/2006)
06/09/2006	93	First MOTION in Limine <i>to Prohibit EEOC, Should the Testimony of Defendant's Expert by Excluded from Identifying by Name or Ethnicity those Employees Hired by Defendant, Other than Charging Parties and Class Members</i> by Cleveland Construction, Inc.. (Attachments: # 1)(Weintraub, Jeff) (Entered: 06/09/2006)
06/09/2006	94	ORDER granting 86 Plaintiff's Motion to Quash or for a Protective Order, and denying 90 Defendant's Motion Seeking Permission to Subpoena Documents from Third Parties. Signed by Judge Tu M. Pham on 6/8/06. (Pham, Tu) (Entered: 06/09/2006)

06/13/2006	95	ORDER Denying Motion for Oral Argument 88 . Defendant's request for oral argument on plaintiff's motion in limine is DENIED. Signed by Judge Samuel H. Mays Jr. on 6/12/06. (Mays, Samuel) (Entered: 06/13/2006)
06/15/2006	96	MOTION For Leave of Court to Take the Deposition of Jerome Williams by Cleveland Construction, Inc.. (Attachments: # 1 Certificate of Consultation # 2 Memorandum In Support of Motion for Leave of Court to Take the Deposition of Jerome Williams)(Weintraub, Jeff) (Entered: 06/15/2006)
06/16/2006	97	[CORRECTED FILING AT ENTRY #99]Witness List by Cleveland Construction, Inc.. (Weintraub, Jeff) Modified on 6/20/2006 (fsh). (Entered: 06/16/2006)
06/19/2006	98	COURTESY NOTICE: Pursuant to Rule 5 of the Federal Rules of Civil Procedure, document [97] Witness List filed by Cleveland Construction, Inc., has been filed. For future reference, please note that document should be filed as a "Notice." Per phone conversation filer is resubmitting document using correct event. (fsh) (Entered: 06/19/2006)
06/19/2006	99	NOTICE by Cleveland Construction, Inc. <i>filing Rule 26(a)(3) Disclosures</i> (Weintraub, Jeff) (Entered: 06/19/2006)
06/21/2006	100	ORDER REFERRING MOTION: 96 MOTION For Leave of Court to Take the Deposition of Jerome Williams filed by Cleveland Construction, Inc. This motion is referred to Magistrate Judge Pham for determination. Signed by Judge Samuel H. Mays Jr. on 6/20/06. (Mays, Samuel) (Entered: 06/21/2006)
06/21/2006	101	RESPONSE in Opposition to Motion re 93 First MOTION in Limine <i>to Prohibit EEOC, Should the Testimony of Defendant's Expert be Excluded from Identifying by Name or Ethnicity those Employees Hired by Defendant, Other than Charging Parties and Class Members (Proposed Order Submitted)</i> filed by Equal Employment Opportunity Commission. (Attachments: # 1 Exhibit No. 1 - Sal Palma Deposition Excerpts)(Tuggle, Darin) Modified on 6/22/2006 to edit text (fsh). (Entered: 06/21/2006)
06/22/2006	102	MOTION in Limine <i>to Exclude Evidence of Plaintiff's Determination Letter of Each Charging Party</i> by Cleveland Construction, Inc.. (Attachments: # 1 Memorandum in Support of Motion# 2 Exhibit 1 Collective of Determination Letter)(Weintraub, Jeff) (Entered: 06/22/2006)
06/22/2006	103	RESPONSE in Opposition re 96 MOTION For Leave of Court to Take the Deposition of Jerome Williams (<i>Proposed Order Submitted</i>) filed by Equal Employment Opportunity Commission. (Attachments: # 1 Exhibit List# 2 Exhibit No. 1 Declaration of Faye A. Williams# 3 Exhibit No. 2 Plaintiff EEOC's Rule 26(a)(1) Initial Disclosures# 4 Exhibit No. 3 Jerome Williams Statements (Collective Exhibit)# 5 Exhibit No. 4a Eric Calhoun Deposition Excerpts# 6 Exhibit No. 4b Robert Evans Deposition Excerpts# 7 Exhibit No. 4c Oliver Johnson Deposition Excerpts# 8 Exhibit No. 5 Sal Palma Deposition Excerpts# 9 Exhibit No. 6 Roy Madison Deposition Excerpts# 10 Exhibit No. 7 Declaration of Jerome Williams# 11 Exhibit No. 8 Contact Documents of Jerome Williams (Collective Exhibit))(Tuggle, Darin) (Entered: 06/22/2006)
06/23/2006	104	Notice of Correction to 103 Response in Opposition to Motion,, (<i>To correct a page omission from Collective Exhibit No. 3 - Jerome Williams Statements</i>

		[should include 4 pages)]. (Tuggle, Darin) (Entered: 06/23/2006)
06/23/2006	105	NOTICE by Equal Employment Opportunity Commission of <i>Filing Plaintiff's Rule 26(a)(3) Disclosures</i> (Tuggle, Darin) (Entered: 06/23/2006)
06/23/2006	106	MOTION to Strike and Motion in Limine to Exclude all Plaintiff's Evidence and Witnesses Not Timely Disclosed Pursuant to Rule 26 (a)(3) by Cleveland Construction, Inc.. (Attachments: # 1 Memorandum in Support of Motion to Strike and Motion in Limine)(Weintraub, Jeff) (Entered: 06/23/2006)
06/26/2006	107	RESPONSE in Opposition re 106 MOTION to Strike and Motion in Limine to Exclude all Plaintiff's Evidence and Witnesses Not Timely Disclosed Pursuant to Rule 26 (a)(3) and Memorandum in Support of filed by Equal Employment Opportunity Commission. (Attachments: # 1 Memorandum in Support of Its Response in Opposition to Defendant's Motion to Strike and Motion in Limine to Exclude All Plaintiffs Evidence and Witnesses Not Timely Disclosed Pursuant to Federal Rules of Civil Procedure 26(a)(3))(Tuggle, Darin) (Entered: 06/26/2006)
06/28/2006	108	ORDER DENYING DEFENDANT'S MOTION FOR LEAVE OF COURT TO TAKE DEPOSITION OF JEROME WILLIAMS RE: 96 . Signed by Judge Tu M. Pham on 6/28/06. (wmw,) Modified on 6/28/2006 (wmw,). (Entered: 06/28/2006)
06/29/2006	109	ORDER denying 71 Defendant's Motion for Summary Judgment . Signed by Judge Samuel H. Mays Jr. on 6/29/06. (Mays, Samuel) (Entered: 06/29/2006)
06/30/2006	124	MINUTES: TELEPHONE CONFERENCE held on 6/30/2006 before Judge Samuel H. Mays Jr. Attys Darin Tuggle, Faye Williams & William Cash appeared for pltf; Attys James Ludwig, Jeff Weintraub & Robbin Hutton appeared for deft. Jury trial currently set 7/17/06 w/ pretrial conference on 7/7/06. Trial estimated to take 8 days. Mediation was previously conducted on 3/23/06 with Frank Cantrell; not successful. Deft feels further mediation would not be successful. Parties ordered to mediate again prior to trial. Parties want to try again with Mr. Cantrell. Deadline is 7/14/06. (Court Reporter Sharlyn Phillips) (jl) (Entered: 07/03/2006)
07/03/2006	110	MOTION in Limine (<i>Proposed Order Submitted</i>) by Equal Employment Opportunity Commission. (Attachments: # 1 Memorandum in Support of Motion in Limine)(Cash, William) (Entered: 07/03/2006)
07/03/2006	111	MOTION in Limine (<i>Proposed Order Submitted</i>) by Equal Employment Opportunity Commission. (Attachments: # 1 Memorandum in Support of Motion in Limine)(Cash, William) (Entered: 07/03/2006)
07/03/2006	112	MOTION in Limine (<i>Proposed Order Submitted</i>) by Equal Employment Opportunity Commission. (Attachments: # 1 Memorandum in Support of Motion in Limine)(Cash, William) (Entered: 07/03/2006)
07/03/2006	113	MOTION to Strike Tom Gulley as a witness(<i>Proposed Order Submitted</i>) by Equal Employment Opportunity Commission. (Attachments: # 1 Memorandum in Support of Motion to Strike)(Tuggle, Darin) Modified on 7/3/2006 to edit to text (fsh). (Entered: 07/03/2006)

07/03/2006	114	MOTION to Strike Omar Hernandez as a witness (<i>Proposed Order Submitted</i>) by Equal Employment Opportunity Commission. (Attachments: # 1 Memorandum in Support of Motion to Strike)(Tuggle, Darin) Modified on 7/3/2006 to edit text (fsh). (Entered: 07/03/2006)
07/03/2006	115	ATTACHMENT <i>Exhibit No. 1</i> to 114 MOTION in Limine (<i>Proposed Order Submitted</i>) by Equal Employment Opportunity Commission. (Tuggle, Darin) (Entered: 07/03/2006)
07/03/2006	116	ATTACHMENT <i>Exhibit No. 2</i> to 114 MOTION in Limine (<i>Proposed Order Submitted</i>) by Equal Employment Opportunity Commission. (Tuggle, Darin) (Entered: 07/03/2006)
07/03/2006	117	RESPONSE in Opposition re 102 MOTION in Limine <i>to Exclude Evidence of Plaintiff's Determination Letter of Each Charging Party (Proposed Order Sumitted)</i> filed by Equal Employment Opportunity Commission. (Attachments: # 1 Memorandum in Support to Response in Oppositin to Motion in Limine)(Cash, William) (Entered: 07/03/2006)
07/03/2006	118	MOTION in Limine (<i>Proposed Order Submitted</i>) by Equal Employment Opportunity Commission. (Attachments: # 1 Memorandum in Support of Motion in Limine)(Tuggle, Darin) (Entered: 07/03/2006)
07/03/2006	119	MOTION in Limine (<i>Proposed Order Submitted</i>) by Equal Employment Opportunity Commission. (Attachments: # 1 Memorandum in Support of Motion in Limine)(Tuggle, Darin) (Entered: 07/03/2006)
07/03/2006	120	MOTION in Limine <i>to Exclude Testimony of Criminal Offenses and/or Convictions of Salvatore Palma, Keith Montgomery, and George Anderson</i> by Cleveland Construction, Inc.. (Attachments: # 1 Memorandum in Support of Motion in Limine# 2 Exhibit 1 Sal Palma Dep. pages# 3 Exhibit 2 Anderson Dep page# 4 Exhibit 3 Montgomery Dep pages)(Weintraub, Jeff) (Entered: 07/03/2006)
07/03/2006	121	MOTION in Limine <i>to Exclude the Deposition Testimony of Keith Montgomery Except for Impeachment Purposes</i> by Cleveland Construction, Inc.. (Attachments: # 1 Memorandum in Support of Motion in Limine# 2 Exhibit Montgomery Dep pages)(Weintraub, Jeff) (Entered: 07/03/2006)
07/03/2006	122	MOTION in Limine <i>to Exclude the Testimony of Stray Remarks by Unidentified Male</i> by Cleveland Construction, Inc.. (Attachments: # 1 Memorandum in Support of Motion in Limine# 2 Exhibit Wright Depo pages)(Weintraub, Jeff) (Entered: 07/03/2006)
07/03/2006	123	MOTION in Limine <i>to Exclude the Testimony of Stray Remark by Salvatore Palma</i> by Cleveland Construction, Inc.. (Attachments: # 1 Memorandum in Support of Motion in Limine# 2 Exhibit 1 Dep pages)(Weintraub, Jeff) (Entered: 07/03/2006)
07/03/2006	125	MOTION in Limine <i>to Exclude the Testimony of Stray Remark by Keith Montgomery</i> by Cleveland Construction, Inc.. (Attachments: # 1 Memorandum in Support of Motion in Limine# 2 Exhibit 1 Montgomery Dep pages# 3 Exhibit 2 Jackson Dep pages)(Weintraub, Jeff) (Entered: 07/03/2006)

07/03/2006	126	MOTION in Limine to Exclude Testimony of Racial Remarks by Keith Montgomery at Home by Cleveland Construction, Inc.. (Attachments: # 1 Memorandum in Support of Motion in Limine)(Weintraub, Jeff) (Entered: 07/03/2006)
07/03/2006	127	MOTION in Limine to Exclude Evidence of Employment Applications by Cleveland Construction, Inc.. (Attachments: # 1 Memorandum in Support of Motion in Limine# 2 Exhibit 1 Montgomery Dep pages# 3 Exhibit 2 Palma Dep pages)(Weintraub, Jeff) (Entered: 07/03/2006)
07/03/2006	128	MOTION in Limine to Exclude any Evidence of Discrimination Regarding Employees other than Charging Parties and Class Members by Cleveland Construction, Inc.. (Attachments: # 1 Memorandum in Support of Motion in Limine)(Weintraub, Jeff) (Entered: 07/03/2006)
07/03/2006	129	PRETRIAL MEMORANDUM by Cleveland Construction, Inc.. (Attachments: # 1 Exhibit Cases Referenced in Memorandum)(Weintraub, Jeff) Modified on 7/6/2006 to edit text (fsh). (Entered: 07/03/2006)
07/06/2006	130	PRETRIAL MEMORANDUM by Equal Employment Opportunity Commission. (Tuggle, Darin) (Entered: 07/06/2006)
07/06/2006	131	DEFICIENCY NOTICE: Pursuant to Rule 5 of the Federal Rules of Civil Procedure, document 129 Trial Brief filed by Cleveland Construction, Inc., has been filed. However, the following deficiency has been found: filer used the incorrect event when filing the Pretrial Memorandum. The correct event should have been "Pretrial Memorandum" not "Trial Brief." The text has been edited to reflect the correct title of document. In future filings if you have any questions please contact help desk at 901-495-1505. **NO CORRECTIVE ACTION NECESSARY** (fsh,) (Entered: 07/06/2006)
07/07/2006	132	MINUTES: Final Pretrial Conference held on 7/7/2006 before Judge Samuel H. Mays Jr. Attys Darin Tuggle, Faye Williams & William Cash appeared for pltf; Attys James Ludwig, Jeff Weintraub & Robbin Hutton appeared for deft. Jury trial set to begin 7/17/06 at 9:30 a.m. Estimate 8-12 days to try. Separate pretrial orders submitted; counsel to submit Joint Pretrial Order by 7/10/06. Pending motions in limine to be addressed morning of trial. Proposed voir dire questions & jury instructions discussed. Procedures during jury selection & trial addressed. Parties have another mediation scheduled for this evening with Frank Cantrell. (jl) (Entered: 07/12/2006)
10/03/2006	133	CONSENT DECREE. This agreement is entered into by the parties for the purpose of settlement and compromise. This Agreement shall remain in effect for one year, at which time the court will dismiss this case with prejudice. Each party shall bear that party's own costs, attorneys' fees, and expenses . Signed by Judge Samuel H. Mays Jr. on 10/2/06. (Mays, Samuel) (Entered: 10/03/2006)
01/31/2007	134	ORDER CLOSING CASE ADMINISTRATIVELY, signed by Judge Samuel H. Mays Jr. on 01/31/2007. Case administratively closed until 10/02/2007, or until such time as counsel advise the court that settlement has been concluded and an order of dismissal should be entered. (Mays, Samuel) (Entered: 01/31/2007)

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