

CASE-CLOSED, CASE-MANAGER-GRIFFIN

U.S. District Court
Middle District of Tennessee (Nashville)
CIVIL DOCKET FOR CASE #: 3:03-cv-00905

EEOC v. Indiana Insurance Co, et al
Assigned to: District Judge Robert Echols
Demand: \$0
Cause: 42:2000e Job Discrimination (Employment)

Date Filed: 09/30/2003
Jury Demand: Plaintiff
Nature of Suit: 442 Civil Rights: Jobs
Jurisdiction: U.S. Government Plaintiff

Plaintiff**Equal Employment Opportunity
Commission**

represented by **Deidre Smith**
Equal Employment Opportunity
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TERMINATED: 12/01/2004
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V.

Defendant**Indiana Insurance Company**

represented by **Dianna Baker Shew**
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Defendant**Netherlands Insurance Company**

*Divisions of Liberty Mutual Insurance
 Company*

represented by **Dianna Baker Shew**

(See above for address)
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Kurt N. Peterson

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Date Filed	#	Docket Text
09/30/2003	1	COMPLAINT (NO Summons issued-Waiver forms to be executed) (af) (Entered: 10/01/2003)
09/30/2003	2	NOTICE of Initial Case Management Conference: ICMC set for 11:00 a.m. on 11/24/03 , Case referred to Magistrate Judge Juliet E. Griffin (af) (Entered: 10/01/2003)
10/15/2003	3	RETURN OF SERVICE executed upon deft Indiana Insurance Co on 10/13/03. (dlt) (Entered: 10/16/2003)
11/24/2003	4	NOTICE by deft Netherlands Ins Co of filing waiver of service of summons. (w/ att'd copy of waiver of service of summons) (dlt) (Entered: 11/25/2003)
11/26/2003		PROPOSED Initial Case Management Order (dlt) (Entered: 12/01/2003)

11/26/2003	5	MOTION by defts Indiana Insurance Co & Netherlands Ins Co for attorney Kurt Neal Peterson & Owen Tai Hill to appear pro hac vice . (w/ att'd certificates of good standing) (fee paid 12/10/03) (dlt) Modified on 12/11/2003 (Entered: 12/01/2003)
11/26/2003	6	CERTIFICATE of Good Standing filed by defts Indiana Insurance Co & Netherlands Ins Co for Kurt Neal Peterson from the USDC ND/GA. (dlt) (Entered: 12/01/2003)
11/26/2003	7	CERTIFICATE of Good Standing filed by defts for Owen Tai Hill from the USDC ND/GA. (dlt) (Entered: 12/01/2003)
11/26/2003	8	MOTION by pltf & defts to reschedule ICMC . (w/ att'd proposed order) (dlt) (Entered: 12/01/2003)
12/01/2003	9	LETTER from Clerk to Kurt N. Peterson re: \$75.00 fee for pro hac vice mtn. (fee paid 12/10/03) (dlt) Modified on 12/11/2003 (Entered: 12/01/2003)
12/01/2003	10	LETTER from Clerk to Own Tai Hill re: \$75.00 fee for pro hac vice mtn. (fee paid 12/10/03) (dlt) Modified on 12/11/2003 (Entered: 12/01/2003)
12/01/2003	11	ORDER by Magistrate Judge Juliet E. Griffin: Case Management Conference reset for 1:00 p.m. on 12/1/03 . EOD 12/2/03 (cc: all counsel) (dlt) (Entered: 12/02/2003)
12/02/2003	12	CASE MANAGEMENT ORDER by Magistrate Judge Juliet E. Griffin: Case Management Conference held on 12/1/03 . Discovery ddl set for 7/1/04; dispositive mtn filing ddl set for 8/2/04 ; mtns to amend set for 3/15/04. EOD 12/3/03 (cc: all counsel) (dlt) (Entered: 12/03/2003)
12/02/2003	13	ORDER by Magistrate Judge Juliet E. Griffin: By contemporaneously entered order, the Court has approved and entered the ICM Order submitted by the parties prior to the ICMC held on 12/1/03. In consultation w/ the office of Chief Judge Echols, a jury trial set for 12/7/04. Pretrial conference set 1:00 p.m. on 11/15/04 before Judge Echols . Parties' pretrial obligations will be set forth by separate order. EOD 12/3/03 (cc: all counsel) (dlt) (Entered: 12/03/2003)
12/04/2003	14	ORDER by Magistrate Judge Juliet E. Griffin granting motion to reschedule ICMC [8-1]. This mtn was granted by order [11-1] entered 12/2/03. EOD 12/5/03 (cc: all counsel) (gi) (Entered: 12/05/2003)
12/05/2003	15	ANSWER by defts to pltf's complaint [1-1] (jb) (Entered: 12/08/2003)
12/29/2003	16	ORDER by Magistrate Judge Juliet E. Griffin granting motion for attorney Kurt Neal Peterson & Owen Tai Hill to appear pro hac vice [5-1] by defts Indiana Insurance Co and Netherlands Ins Co. (EOD 12/29/03) (cc: all counsel) (km) (Entered: 12/29/2003)
06/24/2004	17	JOINT MOTION for extension of time for discovery . (dlt) (Entered: 06/24/2004)
06/24/2004	18	MEMORANDUM in support of joint motion for extension of time for discovery [17-1]. (dlt) (Entered: 06/24/2004)
06/28/2004	19	ORDER by Magistrate Judge Juliet E. Griffin: Parties' joint motion for extension of time for discovery [17-1] is granted. Discovery ddl reset for 7/20/04 .

		Discovery mtns is reset 7/26/04. All other ddls provided int he orders entered 12/3/03 remain in full force & effect. EOD 6/28/04 (cc: all counsel) (dlt) (Entered: 06/28/2004)
06/28/2004	20	MOTION by pltf for mediation (gi) (Entered: 06/29/2004)
07/14/2004	21	ORDER by Magistrate Judge Juliet E. Griffin: Pltf's motion for mediation [20-1] GRANTED. By 4 p.m. on 7/20/04, the parties shall deliver, under seal, ex parte settlement conference statements. A settlement conference is set for 10:00 a.m. on 7/23/04. Pltf's counsel shall initiate a conference call with the Court and other counsel at 9:00 a.m. on 7/21/04 . (EOD 7/14/04) (cc: all counsel) (pl) (Entered: 07/14/2004)
07/26/2004	22	ORDER by Magistrate Judge Juliet E. Griffin: Settlement conference held 7/23/04; parties were not able to reach a settlement. EOD 7/26/04 (cc: all counsel) (gi) (Entered: 07/26/2004)
08/02/2004	23	ORDER by Magistrate Judge Juliet E. Griffin: Discovery deadline extended to 8/6/04. Dispositive mtn filing deadline extended to 8/16/04 . Responses due by 8/30/04 and reply due by 9/7/04. EOD 8/3/04 (cc: all counsel) (mk) (Entered: 08/03/2004)
08/06/2004	24	MOTION by pltf for leave to modify Rule 16 (b) scheduling order (w/attached certificate of consultation & proposed order) (jb) (Entered: 08/09/2004)
08/06/2004	25	CERTIFICATE by pltf of consultation (jb) (Entered: 08/09/2004)
08/10/2004	26	ORDER by Magistrate Judge Juliet E. Griffin: Second Settlement conference was held 8/4/04, at the conclusion of which the parties were again unable to reach a settlement. The undersigned is unable to extend the scheduling deadlines as proposed as long as the trial date remains 12/7/04. Clerk is directed to forward the file to Judge Echols, for his consideration of the pltf's motion to continue trial; terminating case referral to Magistrate Judge Juliet E. Griffin. (EOD 8/10/04) (cc: all counsel) (km) (Entered: 08/10/2004)
08/11/2004	27	RESPONSE by defts to motion for leave to modify Rule 16 (b) scheduling order [24-1] (gi) (Entered: 08/12/2004)
08/12/2004	28	ORDER by Judge Robert L. Echols: Pltf's mtn for leave to modify scheduling order [24-1] is denied insofar as it seeks a continuance of the trial set for 12/7/04. Insofar as the mtn seeks extension of ddls [24-1], the matter is referred to Magistrate Judge Juliet E. Griffin. EOD 8/12/04 (cc: all counsel) (gi) (Entered: 08/12/2004)
08/13/2004	29	ORDER by Judge Robert L. Echols: Jury trial set for 9:00 on 12/7/04; final pretrial conference set for 1:00 on 11/15/04; joint proposed pretrial order ddl 11/10/04; joint proposed jury instructions and verdict forms, witness/exhibit lists and stipulations to be submitted by 11/10/04. (EOD 8/13/04) (cc: all counsel) (km) Modified on 08/13/2004 (Entered: 08/13/2004)
08/13/2004	30	MOTION & Memorandum by pltf to compel , or to reconsider partial denial of oral mtn to compel (w/attached exhibits A-D) (gi) (Entered: 08/16/2004)
08/13/2004	31	STATEMENT of matters by pltf re [30-1] [30-2] (gi) (Entered: 08/16/2004)

08/13/2004	32	CERTIFICATE OF CONSULTATION by pltf (gi) (Entered: 08/16/2004)
08/17/2004	33	ORDER by Magistrate Judge Juliet E. Griffin: On 8/11/04, counsel for the parties convened a telephone conference call with the Court to address issues; Motion filing deadline is extended from 8/16/04 to 8/18/04; All other ddls provided in the order entered 8/3/04 (DE No. 23) remain in full force and effect. (cc: all counsel) (EOD 8/17/04) (af) (Entered: 08/17/2004)
08/17/2004	34	ORDER by Magistrate Judge Juliet E. Griffin: The Court has extended the 8/16/04 ddl for filing dispositive motions to 8/18/04, with the remaining ddls for briefing being unchanged; To that extend, the motion for leave to modify Rule 16 (b) scheduling order [24-1] is granted, but, in all other respects, the motion is denied (cc: all counsel) (EOD 8/17/04) (af) (Entered: 08/17/2004)
08/23/2004	35	ORDER by Magistrate Judge Juliet E. Griffin granting deft's oral request (made by telephone on 8/20/04) to further extend time to file a motion for summary judgment ; Motion filing deadline 8/24/04 ; pltf's response to motion is extended to 9/13/04; the defts are not entitled to a reply. (cc: all counsel) EOD 8/24/04 (hv) (Entered: 08/24/2004)
08/27/2004	36	MOTION by defts to extend time to respond to pltf's motion to compel or to reconsider partial denial fo oral motion to compel . (hv) (Entered: 08/30/2004)
08/30/2004	37	ORDER by Magistrate Judge Juliet E. Griffin GRANTING motion to extend time to respond to pltf's motion to compel or to reconsider partial denial fo oral motion to compel [36-1]; deft's response due 9/8/04. (cc: all counsel) EOD 8/31/04 (hv) (Entered: 08/31/2004)
09/08/2004	38	RESPONSE by deft to motion to compel [30-1] and motion to reconsider partial denial of oral motion to compel [30-2] (with exhibits A-C). (hv) (Entered: 09/09/2004)
09/08/2004	39	NOTICE OF FILING by defts of Deposition Transcripts: Original deposition of Richard Hunter and copy of deposition of Brian Anders. (hv) (Entered: 09/09/2004)
09/08/2004	40	DEPOSITION of Richard L. Hunter Sr. taken on the following date: 6/3/04. (hv) (Entered: 09/09/2004)
10/28/2004	41	MOTION by pltf EEOC for leave to modify scheduling order for purposes of continuing jury trial & final pretrial conference . (w/ att'd exhibit 1) (dlt) (Entered: 10/28/2004)
10/28/2004	42	MEMORANDUM by pltf EEOC in support of motion for leave to modify scheduling order for purposes of continuing jury trial & final pretrial conference [41-1]. (dlt) (Entered: 10/28/2004)
11/16/2004	43	ORDER by Judge Robert L. Echols: Motion for leave to modify scheduling order for purposes of continuing jury trial & final pretrial conference [41-1] is granted. Jury trial reset for 9:00 a.m. on 1/11/05; pretrial conference reset for 2:30 p.m. on 12/20/04; pretrial order ddl reset for 12/15/04 . Parties shall also submit to the Court by 12/15/04, the following: joint proposed jury instructions & verdict forms; witness lists; exhibit lists; & stipulations. By 12/6/04, the parties shall file any mtns in limine & any mtns objecting to expert testimony. By 12/15/04, the parties shall file briefs on the types of damages recoverable &, for each, whether

		the amount is determined by the Court or the jury. EOD 11/17/04 (cc: all counsel) (dlt) (Entered: 11/17/2004)
11/17/2004	44	ORDER by Magistrate Judge Juliet E. Griffin: Settlement conference set for 10:00 a.m. on 12/1/04 before Judge Brown. Counsel for the parties, a representative of the deft w/ full settlement authority, & Richard Hunter shall attend the settlement conference. Judge Brown will issue a further order setting forth the parties' obligations prior to the 12/1/04, settlement conference. Clerk is directed to forward the file in this case to Judge Brown prefatory to the 12/1/04, settlement conference. EOD 11/19/04 (cc: all counsel) (dlt) (Entered: 11/19/2004)
11/19/2004	45	ORDER by Magistrate Judge Joe B. Brown: Settlement conference set for 10:00 on 12/1/04. By noon on 11/29/04, pltf and deft shall deliver under seal, exparte, separate settlement conference stmts. (EOD 11/19/04) (cc: all counsel) (km) (Entered: 11/19/2004)
11/22/2004	46	MOTION by defts to excuse counsel from pretrial conference (dlt) (Entered: 11/22/2004)
12/01/2004	47	ATTORNEY APPEARANCE for pltf by Deidre Smith; Thomas Borek has been removed from counsel for pltf in this action (gi) (Entered: 12/01/2004)
12/02/2004	48	ORDER by Magistrate Judge Joe B. Brown: Settlement conference held on 12/1/04 , at which time a settlement was reached. An appropriate order of termination will be filed by the parties no later than 12/14/04. EOD 12/2/04 (cc: all counsel) (dlt) (Entered: 12/02/2004)
12/02/2004	49	ORDER by Magistrate Judge Juliet E. Griffin: Settlement conference held on 12/1/04 before Magistrate Judge Brown, at the conclusion of which the parties reached a resolution of this case. As a result of the settlement, the pltf's mtn to compel [30-1] or to reconsider partial denial of oral mtn to compel [30-2], and defts' motion to excuse counsel from pretrial conference [46-1] are rendered moot., & the Clerk is directed to terminate those mtns as pending. Clerk is directed to forward the file in this case to Judge Echols for his consideration of the parties dismissal/settlement submission to be made by 12/14/04. Unless otherwise directed by the Court or upon mtn of the parties, there will be no further proceedings before the Magistrate Judge in this case; terminating case referral to Magistrate Judge Juliet E. Griffin . EOD 12/3/04 (cc: all counsel) (dlt) (Entered: 12/03/2004)
12/14/2004		PROPOSED Consent Decree (dlt) (Entered: 12/14/2004)
12/30/2004	50	CONSENT DECREE by Judge Robert L. Echols: It is the finding of this Court that the requirements of Title VII will be carried out by the implementation of this Decree, this Decree resolves all matters in controversy, and the terms of this Decree constitute a fair and equitable settlement; Defts shall deliver to pltf a backpay check of \$17,498.93, a check for \$507.41 in interest on the backpay, a check for \$156,993.66 in damages, a statement itemizing the deductions from the back pay check, and all owed vacation pay accrued per Company policy; Terminating case (cc: all counsel) (EOD 12/30/04) (af) (Entered: 12/30/2004)

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