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U.S. District Court (Live Database)
U.S. District Court - Eastern District of Tennessee (Knoxville)
CIVIL DOCKET FOR CASE #: 3:04-cv-00133

EEOC v. Lowe's Companies Inc
Assigned to: Honorable Thomas W Phillips
Referred to: Magistrate C Clifford Shirley
Demand: \$0
Cause: 28:1331 Fed. Question: Employment Discrimination

Date Filed: 03/22/2004
Date Terminated: 01/24/2006
Jury Demand: Plaintiff
Nature of Suit: 442 Civil Rights: Jobs
Jurisdiction: U.S. Government Plaintiff

Plaintiff

**Equal Employment Opportunity
Commission**

represented by **Deidre Smith**

United States of America
Equal Employment Opportunity
Commission
1407 Union Avenue
Suite 621
Memphis, TN 38104
901-544-0140
Fax: 901-544-0111
Email: deidre.smith@eoc.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Faye A Williams

United States of America-EEOC-Memphis
Equal Employment Opportunity
Commission
1407 Union Avenue
Suite 621
Memphis, TN 38104
901-544-0088
Fax: 901-544-0111
Email: faye.williams@eoc.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Katharine W Kores

United States of America
Equal Employment Opportunity
Commission
1407 Union Avenue
Suite 621
Memphis, TN 38104
901-544-0140
Fax: 901-544-0111
Email: katharine.kores@eoc.gov

LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Sally Ramsey
United States of America
Equal Employment Opportunity
Commission
50 Vantage Way
Suite 202
Nashville, TN 37228
615-736-5824
Email: sally.ramsey@eeoc.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

Lowe's Companies Inc
TERMINATED: 11/02/2005
doing business as
Lowe's Home Centers, Incorporated
TERMINATED: 11/02/2005

represented by **Michael S Moschel**
Bass, Berry & Sims
315 Deaderick Street
Suite 2700
Nashville, TN 37238-0002
615-742-6200
Email: mmoschel@bassberry.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Tim K Garrett
Bass, Berry & Sims
315 Deaderick Street
Suite 2700
Nashville, TN 37238-0002
615-742-6200
Fax: 615-742-6293
Email: tgarrett@bassberry.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Lowe's Home Centers, Inc.
doing business as
Vonore Reload Distribution Center #970

represented by **Michael S Moschel**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Tim K Garrett
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
03/22/2004	1	COMPLAINT (attempting waiver of service); jury demand, Magistrate Judge Shirley designated (ANB) (Entered: 03/22/2004)
04/28/2004	2	WAIVER OF SERVICE mailed 4/16/04 to defendant Lowe's Companies Inc accepted by Harley H Jones (DJE) (Entered: 04/28/2004)
05/13/2004	3	ANSWER to Complaint with JURY DEMAND by Lowe's Companies Inc.(DHJ) (Entered: 05/14/2004)
05/14/2004		NOTICE of consent forms mailed to counsel: case AT ISSUE (DHJ) (Entered: 05/14/2004)
05/27/2004	4	NOTICE of Appearance by Sally Ramsey on behalf of Equal Employment Opportunity Commission (DCC) (Entered: 06/01/2004)
06/15/2004	5	ORDER OF RECUSAL. Judge Thomas A Varlan recused; the Clerk is directed to reassign this case to the next judge in rotation in the Knoxville docket. Signed by Judge Thomas A Varlan. (DHJ) (Entered: 06/15/2004)
06/22/2004	6	ORDER REASSIGNING CASE. Case reassigned to Judge Thomas W Phillips for all further proceedings. (DHJ) (Entered: 06/22/2004)
06/28/2004		NOTICE of Hearing: Scheduling Conference set for 7/21/2004 at 10:30 AM in Courtroom 3C before Honorable Thomas W Phillips. For questions/conflicts with this scheduling, please contact Janet M. Jackson at 865/545-4234 ext 236.(JMJ, Courtroom Deputy) (Entered: 06/28/2004)
07/22/2004	7	MINUTE ENTRY -- Scheduling Conference before Judge Thomas W Phillips held on 7/22/2004. Parties present Rule 26 Report for filing. Final Pretrial Conference set for 8/22/2005 at 10:30 AM in Courtroom 3C before Honorable Thomas W Phillips. Jury Trial set for 8/29/2005 at 09:00 AM in Courtroom 3C before Honorable Thomas W Phillips. (JMJ, Courtroom Deputy) (Entered: 07/22/2004)
07/22/2004	8	REPORT of Rule 26(f) Parties' Planning Meeting. This case should be ready for trial by August 30, 2005 and at this time is expected to take approx. 6 days. (BT) (Entered: 07/22/2004)
07/23/2004	9	SCHEDULING ORDER: Jury Trial set for 8/29/2005 at 9:00 AM in Courtroom 3C and Final Pretrial Conference set for 8/22/2005 at 10:30 AM in Courtroom 3C before Honorable Thomas W Phillips.Signed by Judge Thomas W Phillips on July 23, 2004. (BT) (Entered: 07/23/2004)
01/26/2005	10	SUBPOENA Returned Executed as to Dora Thompson on 1/20/05 at 12:44 pm. (BT) (Entered: 01/26/2005)
01/26/2005	11	SUBPOENA Returned Executed as to Irene McCowan on 1/20/05 at 11:00 am. (BT) (Entered: 01/26/2005)
02/11/2005	12	Agreed Proposed Order of Protection by Lowe's Companies Inc. (Moschel, Michael) (Entered: 02/11/2005)

02/16/2005	13	AGREED ORDER PROTECTING THE CONFIDENTIALITY OF CERTAIN DOCUMENTS.Signed by Judge Thomas W Phillips on 2/15/05. (BT) (Entered: 02/16/2005)
03/11/2005		Judge C Clifford Shirley added. (intern) (Entered: 03/11/2005)
04/07/2005	14	Joint MOTION for Discovery <i>Requesting Leave to Modify The Fed.R. Civ.P.16(b) Scheduling Order</i> by Equal Employment Opportunity Commission. (Smith, Deidre) (Entered: 04/07/2005)
04/07/2005	15	MEMORANDUM in Support of Motion re 14 Joint MOTION for Discovery <i>Requesting Leave to Modify The Fed.R. Civ.P.16(b) Scheduling Order</i> filed by Equal Employment Opportunity Commission. (Smith, Deidre) (Entered: 04/07/2005)
04/12/2005	16	First MOTION to Amend/Correct <i>Answer</i> by Lowe's Companies Inc. (Attachments: # 1 Exhibit Amended Answer)(Moschel, Michael) (Entered: 04/12/2005)
04/12/2005	17	MEMORANDUM in Support of Motion re 16 First MOTION to Amend/Correct <i>Answer</i> filed by Lowe's Companies Inc. (Moschel, Michael) (Entered: 04/12/2005)
04/13/2005	18	ORDER modifying the Court's 9 Scheduling Order. The August 29, 2005 trial date is hereby vacated and this trial is to be rescheduled for sometime after September 30, 2005, excluding the three week period between October 17 and November 4, 2005. The dispositive motion deadline will be 120 days from the new trial date. The parties will receive a Notice of Setting. Signed by Judge Thomas W Phillips on April 11, 2005. (BT) (Entered: 04/13/2005)
04/25/2005	19	ORDER GRANTING defts 16 Motion to Amend answer. Deft shall file with the Court its amended answer to the complaint. Signed by Judge Thomas W Phillips on April 25, 2005. (BT) (Entered: 04/25/2005)
04/25/2005	20	AMENDED ANSWER to <i>Complaint</i> by Lowe's Companies Inc. (Moschel, Michael) (Entered: 04/25/2005)
05/02/2005		NOTICE of HEARING: Pursuant to Order entered 4/13/2005 [Doc 18], the FPTC and Jury Trial are hereby reset. Final Pretrial Conference set for 11/8/2005 at 10:00 AM in Courtroom 3C before Honorable Thomas W Phillips. Jury Trial set for 11/14/2005 09:00 AM in Courtroom 3C before Honorable Thomas W Phillips. (For questions of conflicts, please contact Janet M. Jackson at 865-545-4234 ext 236.)(JMJ) (Entered: 05/02/2005)
07/05/2005	21	Joint MOTION to Continue <i>Dispositive Motion Deadline</i> by Lowe's Companies Inc. (Moschel, Michael) (Entered: 07/05/2005)
07/06/2005	22	SUBPOENA Returned Executed as to Irene McCowan on 07/05/05 (Kelley, Michael) (Entered: 07/06/2005)
07/07/2005	23	Agreed Proposed Order to <i>Extend Dispositive Motion Deadline</i> by Lowe's Companies Inc. (Garrett, Tim) (Entered: 07/07/2005)
07/12/2005	24	AGREED ORDER GRANTING the 21 Joint Motion to Continue the Dispositive Motions Deadline. Deft's shall have until July 22, 2005 to file a dispositive

		motion. Signed by Judge Thomas W Phillips on July 12, 2005. (BT) (Entered: 07/12/2005)
07/18/2005	25	RESPONSE to Discovery Request from Lowe's Companies Inc. by Equal Employment Opportunity Commission. (Attachments: # 1 Exhibit Collective Exhibit A# 2 Exhibit Collective Exhibit B# 3 Exhibit Collective Exhibit C)(Smith, Deidre) (Entered: 07/18/2005)
07/18/2005	26	DISCLOSURES by Equal Employment Opportunity Commission. (Attachments: # 1 Exhibit A)(Smith, Deidre) (Entered: 07/18/2005)
07/18/2005	27	RESPONSE to Discovery Request from Lowes Companies Inc. by Equal Employment Opportunity Commission. (Attachments: # 1 Collective Exhibit A# 2 Collective Exhibit B# 3 Collective Exhibit C)(Smith, Deidre) (Entered: 07/18/2005)
07/20/2005	28	MOTION for Leave to File Excess Pages by Lowe's Companies Inc. (Moschel, Michael) (Entered: 07/20/2005)
07/22/2005	29	MOTION for Summary Judgment by Lowe's Companies Inc. (Garrett, Tim) (Entered: 07/22/2005)
07/22/2005	30	MEMORANDUM in Support of 29 MOTION for Summary Judgment filed by Lowe's Companies Inc. (Garrett, Tim) Modified text on 7/25/2005 (ADA). (Entered: 07/22/2005)
07/22/2005	31	NOTICE by Lowe's Companies Inc re 29 MOTION for Summary Judgment, 30 Memorandum in Support of Motion (Attachments: # 1 Appendix # 2 Exhibit # 3 Exhibit # 4 Exhibit # (5) Exhibit # 6 Exhibit # (7) Exhibit # (8) # (9) Exhibit # (10) Exhibit # (11) Exhibit # 12 Exhibit # (13) Exhibit # (14) Exhibit # (15) Exhibit # (16) Exhibit # (17) Exhibit # 18 Exhibit # 19 Exhibit # (20) Exhibit # 21 Exhibit # 22 Exhibit # 23 Exhibit # 24 Exhibit)(Garrett, Tim) Modified on 7/26/2005 to remove exhibits containing personal identifiers; redacted and resubmitted with 33 (ADA). (Entered: 07/22/2005)
07/22/2005	32	AFFIDAVIT in Support of 29 MOTION for Summary Judgment <i>MEMORANDUM</i> filed by Lowe's Companies Inc. (Attachments: # (1) Exhibit A thru I# (2) Exhibit J thru P)(Garrett, Tim) Modified text on 7/25/2005 (ADA). (attachments removed to redact personal identifiers. resubmitted in doc 35) Modified on 7/27/2005 (ADA). (Entered: 07/22/2005)
07/25/2005	33	NOTICE of <i>Filing Redacted Exhibits to Appendix</i> submitted as 31 Notice by Lowe's Companies Inc (Attachments: # 1 Exhibit # 2 Exhibit # 3 Exhibit # 4 Exhibit # 5 Exhibit # 6 Exhibit # 7 Exhibit # 8 Exhibit # 9 Exhibit # 10 Exhibit # 11 Exhibit # 12 Exhibit)(Garrett, Tim) Modified text on 7/26/2005 (ADA). (Entered: 07/25/2005)
07/25/2005		doc #34 filed without all attachments; removed and resubmitted as 35 . Modified on 7/27/2005 (ADA). (Entered: 07/25/2005)
07/26/2005	35	NOTICE by Lowe's Companies Inc re 32 Affidavit in Support of Motion of <i>Filing Redacted Exhibits to Affidavit of Paul Walker</i> (Attachments: # 1 Exhibit A - I# 2 Exhibit J - P)(Garrett, Tim) (Entered: 07/26/2005)

07/27/2005	36	ORDER granting defendant's 28 Motion for Leave to File brief in support of motion for summary judgment in Excess of 25 Pages Signed by Judge Thomas W Phillips. (brief submitted as 30) (ADA) (Entered: 07/27/2005)
07/28/2005	37	MOTION and Memorandum for Extension of Time for Summary Judgment Response as to 29 MOTION for Summary Judgment filed by Equal Employment Opportunity Commission. (Attachments: # 1 Proposed Order)(Ramsey, Sally) Modified text on 7/28/2005 (ADA). (Entered: 07/28/2005)
08/03/2005	38	ORDER granting plaintiff's 37 Motion for Extension of Time to File Response to motion for summary judgment.Signed by Judge Thomas W Phillips. (ADA) (Entered: 08/03/2005)
08/23/2005		doc #39 filed under incorrect event category w/o attachments, corrected and resubmitted as doc 40 . Modified on 8/23/2005 (ADA). (Entered: 08/23/2005)
08/23/2005	40	RESPONSE in Opposition re 29 MOTION for Summary Judgment filed by Equal Employment Opportunity Commission. (Attachments: # 1 Appendix to EEOC's Response in Opposition to Defendant's Summary Judgment# 2 Exhibit Curtis Carter's 6-26 application# 3 Exhibit Tiffany Carter's 6-26 application# 4 Exhibit Tiffany Carter's deposition excerpts# 5 Exhibit Dora Thompson deposition excerpts# 6 Exhibit Tiffany Carter Note# 7 Exhibit Irene McCowan Notes# 8 Exhibit Curtis Carters 8-27 application# 9 Exhibit Tiffany Carters 8-27 application# 10 Exhibit Mark Cordell deposition excerpts# 11 Exhibit Tommy Black application# 12 Exhibit Paul Walker deposition excerpts# 13 Exhibit Tommy Black deposition excerpts# 14 Exhibit Lee Elam deposition excerpts# 15 Exhibit Tiffany Carter Forklift License# 16 Exhibit Hiring List# 17 Exhibit Employment Applications, Vol 1# 18 Exhibit Employment Applications, Vol 2# 19 Exhibit Employment Applications, Vol 3# 20 Exhibit Curtis Carter deposition excerpts# 21 Exhibit George Self deposition excerpts# 22 Exhibit Lee Elam affidavit# 23 Exhibit Irene McCowan deposition excerpts# 24 Exhibit Curtis Carter Charge of Discrimination# 25 Exhibit Tiffany Carter Charge of Discrimination# 26 Exhibit George Self Offer Letter# 27 Exhibit Tiffany Carter Questionnaire# 28 Exhibit Jason Huggins Conviction Documents# 29 Exhibit Richard Aguirre Personnel Documents# 30 Exhibit Patrick Bethel Personnel Documents# 31 Errata Kevin Bivens Personnel Documents# 32 Exhibit Mark Calhoun Personnel Documents# 33 Exhibit William Churchill Personnel Documents# 34 Exhibit Donnie Everhart Personnel Documents# 35 Exhibit Jason Huggins Personnel Documents# 36 Exhibit Darlene Rice Personnel Documents)(Smith, Deidre) (Entered: 08/23/2005)
08/30/2005	41	REPLY to Response to Motion re 29 MOTION for Summary Judgment filed by Lowe's Companies Inc. (Attachments: # 1)(Garrett, Tim) (Entered: 08/30/2005)
09/30/2005	42	WITNESS LIST by Lowe's Companies Inc. (Garrett, Tim) (Entered: 09/30/2005)
09/30/2005	43	WITNESS LIST by Equal Employment Opportunity Commission. (Smith, Deidre) (Entered: 09/30/2005)
10/14/2005	44	PROPOSED PRETRIAL ORDER <i>Agreed Pretrial Order</i> by Equal Employment Opportunity Commission. (Smith, Deidre) (Entered: 10/14/2005)
10/14/2005	45	<i>Plaintiff's Exhibit List Pursuant to Rule 26(a)(3)</i> by Equal Employment Opportunity Commission. (Smith, Deidre) Modified text on 10/17/2005 (ADA).

		(Entered: 10/14/2005)
10/24/2005		NOTICE of SETTLEMENT by counsel for Equal Employment Opportunity Commission. The FPTC date of 11/8/05 and 11/14/05 will be removed from the Court's calendar. Order of dismissal forthcoming from the parties. (JMJ) (Entered: 10/24/2005)
10/31/2005	46	Joint MOTION for Leave to File <i>Amended Complaint</i> by Equal Employment Opportunity Commission. (Attachments: # 1 Agreed Order)(Smith, Deidre) (Entered: 10/31/2005)
10/31/2005	47	MEMORANDUM in Support of 46 Joint MOTION for Leave to File <i>Amended Complaint</i> filed by Equal Employment Opportunity Commission. (Smith, Deidre) Modified text on 11/1/2005 (ADA). (Entered: 10/31/2005)
10/31/2005		doc, AMENDED COMPLAINT <i>against Lowes Home Centers, Inc. ilo</i> against Lowe's Companies Inc, filed by Equal Employment Opportunity Commission.(Smith, Deidre), removed from the record pending ruling on 46 . Modified on 11/1/2005 (ADA). (Entered: 10/31/2005)
11/01/2005		doc, AMENDED COMPLAINT against Lowe's Companies Inc, filed by Equal Employment Opportunity Commission.(Smith, Deidre), removed from the record pending ruling on 46 . (ADA) (Entered: 11/01/2005)
11/02/2005	48	AGREED ORDER granting 46 Joint MOTION for Leave to File Amended Complaint.Signed by Judge Thomas W Phillips. (ADA) (Entered: 11/02/2005)
11/02/2005	49	AMENDED COMPLAINT (<i>to substitute Lowe's Home Centers, Inc. as the proper party</i>) <i>ilo</i> against Lowe's Companies Inc, filed by Equal Employment Opportunity Commission.(Smith, Deidre) (Entered: 11/02/2005)
11/29/2005	50	SETTLEMENT AGREEMENT by Equal Employment Opportunity Commission submitted for approval of Judge Phillips. (Attachments: # 1 Exhibit A - Diversity Policy)(Smith, Deidre) Modified text on 11/30/2005 (ADA). (Entered: 11/29/2005)
12/01/2005	51	ORDER approving Settlement Agreement, signed by Judge Thomas W Phillips.(ADA) (Entered: 12/01/2005)
12/01/2005		Set/Reset Deadlines: Status Report for final order, review 12/19/2005; reset for 1/19/06. (ADA) Modified ddl on 12/27/2005 (ADA). (Entered: 12/01/2005)
12/27/2005		Set/Reset Deadlines: review for final order 1/19/2006. (ADA) (Entered: 12/27/2005)
01/24/2006	52	STIPULATION OF DISMISSAL in accordance with the Settlement Agreement.Signed by Judge Thomas W Phillips. (ADA) (Entered: 01/24/2006)

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