

CLOSED

**U.S. District Court
Western District of Tennessee (Memphis)
CIVIL DOCKET FOR CASE #: 2:06-cv-02478-JPM-tmp**

Equal Employment Opportunity Commission v. Stein World,
LLC

Assigned to: Judge Jon Phipps McCalla

Referred to: Magistrate Judge Tu M. Pham

Cause: 42:2000e Job Discrimination (Employment)

Date Filed: 07/25/2006

Date Terminated: 05/27/2008

Jury Demand: Both

Nature of Suit: 442 Civil Rights: Jobs

Jurisdiction: U.S. Government Plaintiff

Plaintiff

**Equal Employment Opportunity
Commission**

represented by **Darin B. Tuggle**
EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION-
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Memphis, TN 38104
901-544-0137
Fax: 901-544-0111
Email: darin.tuggle@eeoc.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

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William A. Cash, Jr.
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OPPORTUNITY COMMISSION
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Fax: 501-324-5991
Email: William.Cash@eeoc.gov
ATTORNEY TO BE NOTICED

V.

Movant

United Healthcare Insurance Company
TERMINATED: 06/26/2007

represented by **Fred C. Statum , III**
MANIER & HEROD
150 4th Avenue North
Ste. 2200
Nashville, TN 37219-2494
615-244-0030
Email: fstatum@manierherod.com
TERMINATED: 06/26/2007
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

Stein World, LLC

represented by **Jeff Weintraub**
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Memphis, TN 38120
901-526-0431
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Email: jweintraub@laborlawyers.com
ATTORNEY TO BE NOTICED

Robbin W. Hutton
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ATTORNEY TO BE NOTICED

Stephen H. Biller
THE BILLER LAW FIRM
6000 Poplar Ave., Ste. 250
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901-763-1800
Fax: 901-259-5380
Email: sbiller@thebillerfirm.com
TERMINATED: 03/26/2008
ATTORNEY TO BE NOTICED

ThirdParty Plaintiff

Stein World, LLC

represented by **Jeff Weintraub**
(See above for address)
ATTORNEY TO BE NOTICED

Robbin W. Hutton
(See above for address)
ATTORNEY TO BE NOTICED

V.

ThirdParty Defendant

Ricky Bee

represented by **Webb A. Brewer**
BREWER & BARLOW PLC
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Memphis, TN 38120
901-866-1653

Fax: 901-866-1630
 Email: webb@brewerbarlow.com
 ATTORNEY TO BE NOTICED

Counter Claimant

Stein World, LLC

represented by **Stephen H. Biller**
 (See above for address)
 TERMINATED: 03/26/2008
 LEAD ATTORNEY
 ATTORNEY TO BE NOTICED

Robbin W. Hutton
 (See above for address)
 ATTORNEY TO BE NOTICED

V.

Counter DefendantEqual Employment Opportunity
Commission

represented by **Deidre Smith**
 (See above for address)
 ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
07/25/2006	<u>1</u>	COMPLAINT against Stein World, LLC (Filing fee \$350.00) , filed by Equal Employment Opportunity Commission. (Attachments: # <u>1</u> Civil Cover Sheet)(cas) (Entered: 07/26/2006)
08/16/2006	<u>2</u>	ANSWER to Complaint, THIRD PARTY COMPLAINT against Ricky Bee, COUNTERCLAIM against Equal Employment Opportunity Commission by Stein World, LLC.(Biller, Stephen) (Entered: 08/16/2006)
08/16/2006	<u>3</u>	MOTION to Deposit Funds <i>Proposed Order Submitted</i> by Stein World, LLC. (Biller, Stephen) (Entered: 08/16/2006)
08/18/2006		Summons Issued as to Ricky Bee. (cas) (Entered: 08/18/2006)
08/18/2006	<u>4</u>	NOTICE by Equal Employment Opportunity Commission <i>Notice of Filing</i> (Attachments: # <u>1</u> Exhibit Attachment A – Mediation Settlement Agreement)(Tuggle, Darin) (Entered: 08/18/2006)
08/21/2006	<u>5</u>	TEXT-ONLY ORDER – ORDER granting <u>3</u> Motion to Deposit Funds with Clerk of the Court. Defendant is ordered to deposit \$5000 with the clerk of the court.Signed by Judge Jon Phipps McCalla on 08/21/06. (McCalla, Jon) (Entered: 08/21/2006)
09/18/2006	<u>6</u>	SETTING LETTER: Scheduling Conference set for 10/26/2006 at 10:00 AM in Courtroom 6 – Memphis before Tu M. Pham. (bdg.) (Entered: 09/18/2006)
09/25/2006	<u>7</u>	NOTICE by Stein World, LLC re <u>5</u> Order on Motion to Deposit Funds <i>Notice of Tender of Funds</i> (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B)(Biller, Stephen) (Entered: 09/25/2006)
09/27/2006	<u>8</u>	SETTING LETTER: Scheduling Conference reset for Thurs., 11/16/2006 09:45 AM (CST) in Courtroom 6 – Memphis before Tu M. Pham. (wmw,) (Entered: 09/27/2006)
10/04/2006	<u>9</u>	NOTICE of Appearance by Deidre Smith on behalf of Equal Employment Opportunity Commission (Smith, Deidre) (Entered: 10/04/2006)
10/10/2006	<u>10</u>	NOTICE by Stein World, LLC <i>of Filing of Executed Subpoena Issued to Ricky Bee</i> (Attachments: # <u>1</u> Executed Summons Issued to Ricky Bee)(Biller, Stephen) (Entered: 10/10/2006)

10/10/2006	<u>11</u>	Third Party MOTION for Default Judgment as to <i>Third-Party Defendant, Ricky Bee (Proposed Order submitted)</i> by Stein World, LLC. (Biller, Stephen) (Entered: 10/10/2006)
10/10/2006	<u>12</u>	NOTICE by Stein World, LLC re <u>11</u> Third Party MOTION for Default Judgment as to <i>Third-Party Defendant, Ricky Bee (Proposed Order submitted)</i> of <i>Application for Entry of Default with Supporting Affidavit</i> (Attachments: # <u>1</u> Exhibit A)(Biller, Stephen) (Entered: 10/10/2006)
10/10/2006	<u>13</u>	MOTION to Dismiss <i>DEFENDANT'S COUNTER CLAIM</i> by Equal Employment Opportunity Commission. (Attachments: # <u>1</u> Memorandum in Support of Motion to Dismiss# <u>2</u> Exhibit List to Motion to Dismiss# <u>3</u> Exhibit A – Mediation Settlement Agreement# <u>4</u> Exhibit Collective Exhibit B# <u>5</u> Exhibit Collective Exhibit B# <u>6</u> Exhibit Collective Exhibit B# <u>7</u> Exhibit Collective Exhibit B# <u>8</u> Exhibit C – Declaration of Dr. Darryl Weiman# <u>9</u> Exhibit D – Declaration of Ricky Bee# <u>10</u> Exhibit E – Affidavit and Certification of Mike Phillips# <u>11</u> Exhibit F – Letter from Stein World, LLC dated 9-27-05)(Tuggle, Darin) (Entered: 10/10/2006)
10/10/2006	<u>19</u>	MOTION to Dismiss Third Party Complaint by Ricky Bee. (agj,) (Entered: 10/11/2006)
10/11/2006	14	DEFICIENCY NOTICE: Pursuant to Rule 5 of the Federal Rules of Civil Procedure, document <u>11</u> Third Party MOTION for Default Judgment as to <i>Third-Party Defendant, Ricky Bee (Proposed Order submitted)</i> filed by Stein World, LLC, has been filed. However, the following deficiency has been found: : "Entry of Default" must be requested and granted before "Default Judgment" is to be considered. Motion for default judgment has been termed, as no request for entry of default has been submitted. The filer has one business day to correct the deficiency. (jae,) (Entered: 10/11/2006)
10/11/2006	<u>15</u>	Third Party MOTION for Default Judgment as to <i>Entry of Default with Supporting Affidavit as to Third-Party Defendant, Ricky Bee</i> by Stein World, LLC. (Attachments: # <u>1</u> Exhibit A)(Biller, Stephen) (Entered: 10/11/2006)
10/11/2006	<u>16</u>	Third Party MOTION for Default Judgment as to <i>Third-Party Defendant, Ricky Bee (proposed Order submitted)</i> by Stein World, LLC. (Biller, Stephen) (Entered: 10/11/2006)
10/11/2006	<u>17</u>	ORDER granting <u>15</u> Motion for Entry of Default. Default is granted as to Third Party Defendant Ricky Bee. Signed by Clerk of Court on 10/11/06. (jae,) (Entered: 10/11/2006)
10/11/2006	<u>18</u>	MOTION to Amend/Correct <u>1</u> Complaint <i>Proposed Order and Amended Complaint submitted</i> by Equal Employment Opportunity Commission. (Attachments: # <u>1</u> Memorandum in Support of Motion to Amend Complaint# <u>2</u> Exhibit List to Memo in Support# <u>3</u> Exhibit A – Charge of Discrimination of Ricky Bee# <u>4</u> Exhibit B – Mediation Settlement Agreement# <u>5</u> Exhibit (Collective) – C – Unreported Cases# <u>6</u> Exhibit (Collective) – C – Unreported Cases# <u>7</u> Exhibit (Collective) – C – Unreported Cases# <u>8</u> Exhibit (Collective) – C – Unreported Cases# <u>9</u> Exhibit (Collective) – C – Unreported Cases# <u>10</u> Exhibit D – Declaration of Darryl S. Weiman, MD# <u>11</u> Exhibit E – Affidavit and Certification of Mike Phillips# <u>12</u> Certificate of Consultation)(Smith, Deidre) (Entered: 10/11/2006)
10/18/2006	<u>20</u>	RESPONSE to Motion re <u>18</u> MOTION to Amend/Correct <u>1</u> Complaint <i>Proposed Order and Amended Complaint submitted</i> filed by Stein World, LLC. (Biller, Stephen) (Entered: 10/18/2006)
10/20/2006	<u>21</u>	RESPONSE to Motion re <u>13</u> MOTION to Dismiss <i>DEFENDANT'S COUNTER CLAIM</i> filed by Stein World, LLC. (Attachments: # <u>1</u> Affidavit Affidavit of Correy Gex# <u>2</u> Affidavit Affidavit of Wes Ward)(Biller, Stephen) (Entered: 10/20/2006)
10/27/2006	<u>22</u>	MOTION for Leave to File (<i>Proposed Order Submitted</i>) by Equal Employment Opportunity Commission. (Attachments: # <u>1</u> Memorandum in Support of Motion for Leave to File a Reply# <u>2</u> Certificate of Consultation in Support of Motion for Leave to File a Reply)(Smith, Deidre) (Entered: 10/27/2006)

11/09/2006	<u>23</u>	ORDER granting <u>22</u> Motion for Leave to File. Signed by Judge Jon Phipps McCalla on 11/9/06. (McCalla, Jon) (Entered: 11/09/2006)
11/14/2006	<u>24</u>	SCHEDULING ORDER: Amended Pleadings due by 1/8/2007. Discovery due by 8/27/2007. Joinder of Parties due by 1/8/2007. Dispositive motions due by 11/5/2007. Jury trial to last two (2) days. The Scheduling Conference set for 11/16/06 is canceled. Signed by Judge Tu M. Pham on 11/14/06. (Pham, Tu) (Entered: 11/14/2006)
11/14/2006	<u>25</u>	REPLY to Response to Motion re <u>13</u> MOTION to Dismiss <i>DEFENDANT'S COUNTER CLAIM</i> filed by Equal Employment Opportunity Commission. (Attachments: # <u>1</u> Exhibit Medical Records of Ricky Bee)(Tuggle, Darin) (Entered: 11/14/2006)
11/15/2006	<u>26</u>	NOTICE of filing exhibit by Equal Employment Opportunity Commission re <u>25</u> Reply to Response to Motion (Attachments: # <u>1</u> Affidavit of Custodian of Medical Records Susan Wahpepah)(Tuggle, Darin) Modified on 11/16/2006 (jae,). (Entered: 11/15/2006)
11/21/2006	<u>27</u>	ORDER SETTING TRIAL AND PRETRIAL DATES. Signed by Judge Jon Phipps McCalla on 11/20/06. (McCalla, Jon) (Entered: 11/21/2006)
11/21/2006		Set Deadlines/Hearings: Pretrial Order due by 1/8/2008. Jury Trial set for 1/22/2008 09:30 AM before Jon Phipps McCalla. Pretrial Conference set for 1/15/2008 09:00 AM before Jon Phipps McCalla. (jae,) (Entered: 11/21/2006)
11/27/2006	<u>28</u>	SETTING LETTER: Jury Trial set for 1/22/2008 09:30 AM in Courtroom 4 – Memphis before Jon Phipps McCalla. Pretrial Conference set for 1/15/2008 09:00 AM in Courtroom 4 – Memphis before Jon Phipps McCalla. Pretrial Order due by 4:30 PM on 1/8/2008.(jpw) (Entered: 11/27/2006)
11/30/2006	<u>29</u>	NOTICE by Stein World, LLC <i>Defendant, Stein World, LLC's Rule 26(A) Disclosure</i> (Biller, Stephen) (Entered: 11/30/2006)
12/08/2006	<u>30</u>	NOTICE of Appearance by Webb A. Brewer on behalf of Ricky Bee (Brewer, Webb) (Entered: 12/08/2006)
12/13/2006	<u>31</u>	REQUEST for Production of Documents by Stein World, LLC.(Biller, Stephen) (Entered: 12/13/2006)
12/13/2006	<u>32</u>	RESPONSE in Opposition re <u>13</u> MOTION to Dismiss <i>DEFENDANT'S COUNTER CLAIM (Amended)</i> filed by Stein World, LLC. (Biller, Stephen) (Entered: 12/13/2006)
02/09/2007	<u>33</u>	RESPONSE to Discovery Request from Equal Employment Opportunity Commission by Stein World, LLC.(Biller, Stephen) (Entered: 02/09/2007)
02/09/2007	<u>34</u>	RESPONSE to Discovery Request from Equal Employment Opportunity Commission by Stein World, LLC.(Biller, Stephen) (Entered: 02/09/2007)
02/12/2007	<u>35</u>	RESPONSE to Discovery Request from Equal Employment Opportunity Commission by Stein World, LLC.(Biller, Stephen) (Entered: 02/12/2007)
02/12/2007	<u>36</u>	REQUEST for Production of Documents by Stein World, LLC.(Biller, Stephen) (Entered: 02/12/2007)
02/23/2007		Motions No Longer Referred: <u>16</u> Third Party MOTION for Default Judgment as to Third-Party Defendant, Ricky Bee (proposed Order submitted)per Magistrate Judge Chambers motion removed from Magistrate Judge Report (vlg) (Entered: 02/23/2007)
02/27/2007	<u>37</u>	Third Party MOTION to Set Aside Default by Ricky Bee. (Attachments: # <u>1</u> Memorandum # <u>2</u> Affidavit # <u>3</u> Supplement)(Brewer, Webb) (Entered: 02/27/2007)
03/07/2007	<u>38</u>	RESPONSE to Motion re <u>37</u> Third Party MOTION to Set Aside Default filed by Stein World, LLC. (Biller, Stephen) (Entered: 03/07/2007)
03/07/2007	<u>39</u>	ORDER granting <u>37</u> Motion to Set Aside Default. Signed by Judge Jon Phipps McCalla on 3/7/07. (McCalla, Jon) (Entered: 03/07/2007)

03/13/2007	<u>40</u>	REPORT AND RECOMMENDATIONS. <u>18</u> Recommends that EEOC's Motion to Amend Complaint be Granted. Plaintiff shall file its amended complaint with the court within seven (7) days from the date of this Report & Recommendation. Objections to RR due by 3/23/2007. Signed by Magistrate Judge Tu M. Pham on 3/13/07. (Pham, Tu) (Entered: 03/13/2007)
03/15/2007	<u>41</u>	AMENDED COMPLAINT against Stein World, LLC, filed by Equal Employment Opportunity Commission. (Tuggle, Darin) (Entered: 03/15/2007)
03/16/2007	<u>42</u>	NOTICE by Stein World, LLC re <u>40</u> REPORT AND RECOMMENDATIONS re <u>18</u> MOTION to Amend/Correct <u>1</u> Complaint <i>Proposed Order and Amended Complaint submitted</i> filed by Equal Employment Opportunity Commission, of <i>Filing of Exceptions to Report and Recommendation</i> (Biller, Stephen) (Entered: 03/16/2007)
03/22/2007	<u>43</u>	ANSWER to Amended Complaint by Stein World, LLC.(Biller, Stephen) (Entered: 03/22/2007)
03/27/2007	<u>44</u>	ORDER DENYING PLAINTIFF EQUAL OPPORTUNITY COMMISSION'S MOTION TO DISMISS DEFENDANT'S COUNTER CLAIM AND ORDER DENYING MOTION TO DISMISS THIRD PARTY COMPLAINT. Signed by Judge Jon Phipps McCalla on 3/27/07. (McCalla, Jon) (Entered: 03/27/2007)
04/16/2007	<u>45</u>	MOTION to Compel <i>United Healthcare Insurance Company (proposed order submitted)</i> by Stein World, LLC. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> Exhibit C)(Biller, Stephen) (Entered: 04/16/2007)
04/18/2007	<u>46</u>	MOTION to Compel <i>Third-Party Defendant, Ricky Bee (proposed Order submitted)</i> by Stein World, LLC. (Attachments: # <u>1</u> Exhibit A)(Biller, Stephen) (Entered: 04/18/2007)
04/19/2007	<u>47</u>	NOTICE by Stein World, LLC re <u>46</u> MOTION to Compel <i>Third-Party Defendant, Ricky Bee (proposed Order submitted) of Withdrawal of Motion to Compel</i> (Biller, Stephen) (Entered: 04/19/2007)
04/19/2007	<u>48</u>	ORDER Denied as moot <u>46</u> Motion to Compel Third-Party Defendant, Ricky Bee. On April 19, 2007, defendant filed a notice with the court withdrawing its motion to compel (D.E. 46). Therefore, the motion to compel is denied as moot. Signed by Magistrate Judge Tu M. Pham on 4/19/07. (Pham, Tu) (Entered: 04/19/2007)
05/03/2007	<u>49</u>	<i>Plaintiff's</i> ANSWER to Counterclaim of <i>Defendant Stein World, LLC</i> by Equal Employment Opportunity Commission.(Smith, Deidre) (Entered: 05/03/2007)
05/03/2007	<u>50</u>	<i>Third Party Defendant's</i> ANSWER to Third Party Complaint by Ricky Bee.(Brewer, Webb) (Entered: 05/03/2007)
05/08/2007	<u>51</u>	MOTION for Issuance of Letters Rogatory <i>Pursuant to F.R.C.P. 28 (proposed order submitted)</i> by Stein World, LLC. (Biller, Stephen) (Entered: 05/08/2007)
05/16/2007	<u>52</u>	ORDER ADOPTING REPORT AND RECOMMENDATION. Signed by Judge Jon Phipps McCalla on 5/16/07. (McCalla, Jon) (Entered: 05/16/2007)
05/16/2007	<u>53</u>	ORDER Granting <u>45</u> Defendant's Motion to Compel. United Healthcare shall provide all documents responsive to Stein World's subpoena within twenty (20) days from the date of this order. The Clerk of Order shall deliver a copy of this order, via US mail to DeDe Bergman, United Healthcare Insurance Company, 871 Ridgeway Loop, Memphis, TN 38120 and Jessica Vardian, Special Services Administrator, Network Operations, 1003 Broad Street, Suite 300, Johnstown, PA 15906. Signed by Magistrate Judge Tu M. Pham on 5/16/07. (Pham, Tu) (Entered: 05/16/2007)
05/25/2007	<u>54</u>	RETURN RECEIPT of certified mail (#70040750000422421165) to Jessica Vardian (jae,) (Entered: 05/25/2007)
05/25/2007	<u>55</u>	RETURN RECEIPT of certified mail (#70040750000422421172) to De De Bergman. (jae,) (Entered: 05/25/2007)
06/04/2007	<u>56</u>	MOTION for Protective Order <i>Proposed Order Submitted</i> by United Healthcare Insurance Company. (Statum, Fred) (Entered: 06/04/2007)

06/05/2007	<u>57</u>	Joint MOTION for Extension of Time to Complete Discovery <i>Proposed Order Submitted</i> by United Healthcare Insurance Company. (Statum, Fred) (Entered: 06/05/2007)
06/06/2007	<u>58</u>	ORDER Granting <u>57</u> Motion for Extension of Time to Complete Discovery. UHIC shall have until 6/12/07 to comply with the court's 5/16/07 order granting Defendant's Motion to Compel. Signed by Magistrate Judge Tu M. Pham on 6/6/07. (Pham, Tu) (Entered: 06/06/2007)
06/08/2007	<u>59</u>	NOTICE of Appearance by William A. Cash, Jr on behalf of Equal Employment Opportunity Commission (Cash, William) (Entered: 06/08/2007)
06/12/2007	<u>60</u>	Second MOTION to Extend Deadline <i>Proposed Order Submitted</i> by United Healthcare Insurance Company. (Statum, Fred) (Entered: 06/12/2007)
06/14/2007	<u>61</u>	ORDER granting <u>51</u> Motion for Issuance of Letters Rogatory . Signed by Magistrate Judge Tu M. Pham on 06/14/2007. (wbe,) (Entered: 06/14/2007)
06/14/2007		Letters Rogatory Issued pursuant to <u>61</u> Order on Motion for Issuance of Letters Rogatory (wbe,) (Entered: 06/14/2007)
06/15/2007	<u>62</u>	ORDER Granting <u>60</u> Second Motion to Extend. UHIC shall have until 7/3/07 to comply with the Court's 5/16/07 order granting defendant's motion to compel. Signed by Magistrate Judge Tu M. Pham on 6/15/07. (Pham, Tu) (Entered: 06/15/2007)
06/18/2007	63	ORDER REFERRING MOTION TO MAGISTRATE JUDGE FOR DETERMINATION: <u>56</u> MOTION for Protective Order filed by United Healthcare Insurance Company [TEXT ORDER--NO IMAGE ASSOCIATED). Signed by Judge Jon Phipps McCalla on 6/18/07. (McCalla, Jon) (Entered: 06/18/2007)
06/26/2007	<u>64</u>	ORDER Granting <u>56</u> Motion for Protective Order. Signed by Magistrate Judge Tu M. Pham on 6/26/07. (Pham, Tu) (Entered: 06/26/2007)
07/02/2007	<u>65</u>	NOTICE by Stein World, LLC of <i>Deposition of Leon Benz</i> (Biller, Stephen) (Entered: 07/02/2007)
07/02/2007	66	COURTESY NOTICE: Pursuant to Rule 5 of the Federal Rules of Civil Procedure, document <u>65</u> Notice (Other) filed by Stein World, LLC, has been filed. For future reference, please note : More appropriate event is found under "Discovery Documents", "Notice to Take Deposition". Please review the attorney event list if unsure of event to select. Filer is not required to resubmit document. (jae,) (Entered: 07/02/2007)
07/09/2007	<u>67</u>	NOTICE to Take Deposition of Irma Boyce by Stein World, LLC.(Biller, Stephen) (Entered: 07/09/2007)
07/09/2007	<u>68</u>	NOTICE to Take Deposition of Ricky Bee by Stein World, LLC.(Biller, Stephen) (Entered: 07/09/2007)
07/19/2007	<u>69</u>	NOTICE to Take Deposition of Leon Benz (Re-Notice) by Stein World, LLC.(Biller, Stephen) (Entered: 07/19/2007)
07/23/2007	<u>70</u>	REQUEST for Production of Documents by Stein World, LLC.(Biller, Stephen) (Entered: 07/23/2007)
07/24/2007	<u>71</u>	REQUEST for Production of Documents by Stein World, LLC.(Biller, Stephen) (Entered: 07/24/2007)
07/27/2007	<u>72</u>	REQUEST for Production of Documents by Stein World, LLC.(Biller, Stephen) (Entered: 07/27/2007)
11/05/2007	<u>73</u>	MOTION for Summary Judgment by Equal Employment Opportunity Commission. (Attachments: # <u>1</u> Memorandum in Support of Motion for Summary Judgment# <u>2</u> Exhibit List for Motion for Summary Judgment# <u>3</u> Exhibit No. 1 Mediation Settlement Agreement# <u>4</u> Exhibit No. 2 – Letter to Stephen Biller dated 6–14–06# <u>5</u> Exhibit Collective Exhibit No. 3 – Unreported Case – Zion Hill# <u>6</u> Exhibit Collective Exhibit No. 3 – Unreported Case – Burliso v. USA# <u>7</u> Exhibit No. 4 – Declaration of Dr. Darryl Weiman# <u>8</u> Exhibit No. 5 – Declaration of Ricky Bee# <u>9</u> Affidavit and Certification of Mike Phillips# <u>10</u> Exhibit No. 7 – Letter

		from Leon Benz dated 9-27-05)(Tuggle, Darin) (Entered: 11/05/2007)
11/05/2007	<u>74</u>	NOTICE by Equal Employment Opportunity Commission re <u>73</u> MOTION for Summary Judgment of <i>Filing Plaintiff EEOC's and Third Party Defendant Ricky Bee's Statement of Undisputed Facts in Support of their Motion for Summary Judgment</i> (Attachments: # <u>1</u> Exhibit No. 5 to MSJ – Declaration of Ricky Bee# <u>2</u> Exhibit No. 8 – Charge of Discrimination# <u>3</u> Exhibit No. 1 to MSJ – Mediation Settlement Agreement# <u>4</u> Exhibit No. 9 – Depo excerpts of Correy Gex# <u>5</u> Exhibit No. 10 – Depo excerpts of Wes Ward# <u>6</u> Errata No. 12 – Depo excerpts of Ricky Bee# <u>7</u> Exhibit No. 6 – Affidavit and Certification of Mike Phillips# <u>8</u> Exhibit No. 7 to MSJ – Letter from Leon Benz dated 9-27-05# <u>9</u> Exhibit No. 11 – Depo excerpts of Irma Boyce)(Tuggle, Darin) (Entered: 11/05/2007)
11/19/2007	<u>75</u>	NOTICE by Stein World, LLC re <u>74</u> Notice (Other), Notice (Other), Notice (Other), Notice (Other) of <i>Filing of Response to Plaintiff's Statement of Undisputed Material Facts</i> (Biller, Stephen) (Entered: 11/19/2007)
11/19/2007	<u>76</u>	RESPONSE to Motion re <u>73</u> MOTION for Summary Judgment filed by Stein World, LLC. (Attachments: # <u>1</u> Exhibit A)(Biller, Stephen) (Entered: 11/19/2007)
11/19/2007	<u>77</u>	NOTICE by Stein World, LLC re <u>76</u> Response to Motion of <i>Filing of Defendant/Counter-Plaintiff's Statement of Undisputed Material Facts</i> (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> Exhibit C# <u>4</u> Exhibit Deposition Excerpts)(Biller, Stephen) (Entered: 11/19/2007)
12/07/2007	<u>78</u>	SETTING LETTER: Telephonic Hearing re: <u>73</u> Motion for Summary Judgment by EEOC set for 12/18/2007 10:00 AM before Judge Jon Phipps McCalla. (jpw) (Entered: 12/07/2007)
12/07/2007	<u>79</u>	CORRECTED SETTING LETTER: Telephonic Hearing re: <u>73</u> Motion for Summary Judgment by EEOC set for 12/18/*2007 10:00 AM before Judge Jon Phipps McCalla. (*Corrected date on image attached). (jpw) (Entered: 12/07/2007)
12/14/2007	<u>80</u>	MOTION for Leave to File (<i>Reply Brief and Proposed Order Submitted</i>) by Equal Employment Opportunity Commission. (Attachments: # <u>1</u> Memorandum in Support of Motion for leave to Reply# <u>2</u> Certificate of Consultation for Motion for Leave to Reply)(Tuggle, Darin) (Entered: 12/14/2007)
12/14/2007	<u>81</u>	RESPONSE to Motion re <u>80</u> MOTION for Leave to File (<i>Reply Brief and Proposed Order Submitted</i>) MOTION for Leave to File (<i>Reply Brief and Proposed Order Submitted</i>) filed by Stein World, LLC. (Biller, Stephen) (Entered: 12/14/2007)
12/17/2007	82	TEXT-ONLY ORDER GRANTING <u>80</u> Motion for Leave to File Reply. *No image associated with this Order.*Signed by Judge Jon Phipps McCalla on 12/17/07. (McCalla, Jon) (Entered: 12/17/2007)
12/17/2007	<u>83</u>	REPLY to Response to Motion re <u>73</u> MOTION for Summary Judgment filed by Ricky Bee, Equal Employment Opportunity Commission. (Attachments: # <u>1</u> # <u>2</u>)(Tuggle, Darin) (Entered: 12/17/2007)
12/18/2007	84	Minute Entry for proceedings held before Judge Jon Phipps McCalla: Telephonic Hearing re: <u>73</u> held on 12/18/2007. Motion heard and taken under advisement. Plaintiff to file final submittal by 12/21/2007. Defendant to file response by 12/28/2007. (EEOC: Darin Tuggle, Deidre Smith, William Cash) (Stein World: Stephen Biller) (Ricky Bee: Webb Brewer) (Court Reporter: Brenda Parker) (jpw) (Entered: 12/18/2007)
12/18/2007	<u>85</u>	ORDER FOLLOWING TELEPHONIC HEARING; ORDER ON SUPPLEMENTAL BRIEFING. Signed by Judge Jon Phipps McCalla on 12/18/07. (McCalla, Jon) (Entered: 12/18/2007)
12/21/2007	<u>86</u>	NOTICE by Stein World, LLC of <i>Filing of Affidavit</i> (Attachments: # <u>1</u> Affidavit of Leon Benz)(Biller, Stephen) (Entered: 12/21/2007)
12/21/2007	<u>87</u>	NOTICE by Equal Employment Opportunity Commission <i>Rule 26(a)(3) Disclosures</i> (Tuggle, Darin) (Entered: 12/21/2007)

12/21/2007	<u>88</u>	REPLY to Response to Motion re <u>73</u> MOTION for Summary Judgment <i>Supplement to Reply</i> filed by Ricky Bee, Equal Employment Opportunity Commission. (Attachments: # <u>1</u> Exhibit Unreported case# <u>2</u> Exhibit Unreported case# <u>3</u> Exhibit Unreported case 3)(Tuggle, Darin) (Entered: 12/21/2007)
12/27/2007	<u>89</u>	NOTICE by Stein World, LLC re <u>88</u> Reply to Response to Motion, <i>of Filing of Response to Plaintiff's and Third-Party Defendant's Joint Supplemental Reply to Defendant's Response to Plaintiff's Motion for Summary Judgment</i> (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Biller, Stephen) (Entered: 12/27/2007)
12/27/2007	<u>90</u>	NOTICE by Stein World, LLC re <u>87</u> Notice (Other) <i>of Filing of Objections to Plaintiff/Counter-Defendant's Pretrial Disclosures of Exhibits and Witnesses</i> (Attachments: # <u>1</u> Exhibit A)(Biller, Stephen) (Entered: 12/27/2007)
01/04/2008	<u>91</u>	NOTICE by Stein World, LLC <i>of Filing of 26(a)(3) PreTrial Disclosures of Exhibits and Witnesses</i> (Biller, Stephen) (Entered: 01/04/2008)
01/07/2008	<u>92</u>	MOTION in Limine (<i>Proposed Order Submitted</i>) by Equal Employment Opportunity Commission. (Attachments: # <u>1</u> Memorandum in Support of Motion in Limine)(Tuggle, Darin) (Entered: 01/07/2008)
01/07/2008	<u>93</u>	MOTION to Strike (<i>Proposed Order Submitted</i>) by Equal Employment Opportunity Commission. (Attachments: # <u>1</u> Memorandum in Support of Motion to Strike Untimely Filed PreTrial Disclosures)(Tuggle, Darin) (Entered: 01/07/2008)
01/07/2008	<u>94</u>	RESPONSE to Motion re <u>93</u> MOTION to Strike (<i>Proposed Order Submitted</i>) filed by Stein World, LLC. (Biller, Stephen) (Entered: 01/07/2008)
01/07/2008	<u>95</u>	RESPONSE to Motion re <u>92</u> MOTION in Limine (<i>Proposed Order Submitted</i>) filed by Stein World, LLC. (Biller, Stephen) (Entered: 01/07/2008)
01/08/2008	<u>96</u>	Proposed Pretrial Order (<i>Joint</i>) by Equal Employment Opportunity Commission. (Tuggle, Darin) (Entered: 01/08/2008)
01/08/2008	<u>97</u>	Proposed Jury Instructions by Stein World, LLC. (Attachments: # <u>1</u> Verdict Form A, # <u>2</u> Verdict Form B, # <u>3</u> Verdict Form C)(Biller, Stephen) (Entered: 01/08/2008)
01/08/2008	<u>98</u>	Proposed Voir Dire by Stein World, LLC. (Biller, Stephen) (Entered: 01/08/2008)
01/08/2008	<u>99</u>	MOTION in Limine (<i>Proposed Order Submitted</i>) by Equal Employment Opportunity Commission. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Exhibit A – Charge of Discrimination, # <u>3</u> Exhibit B – Mediation Settlement Agreement, # <u>4</u> Exhibit C – Unreported Case)(Tuggle, Darin) (Entered: 01/08/2008)
01/08/2008	<u>100</u>	MOTION in Limine (<i>Proposed Order Submitted</i>) by Equal Employment Opportunity Commission. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Exhibit A – Charge of Discrimination, # <u>3</u> Exhibit B – Mediation Settlement Agreement)(Tuggle, Darin) (Entered: 01/08/2008)
01/08/2008	<u>101</u>	MOTION in Limine (<i>Proposed Order Submitted</i>) by Equal Employment Opportunity Commission. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Exhibit – Unreported Case)(Tuggle, Darin) (Entered: 01/08/2008)
01/08/2008	<u>102</u>	MOTION in Limine (<i>Proposed Order Submitted</i>) by Equal Employment Opportunity Commission. (Attachments: # <u>1</u> Memorandum in Support)(Tuggle, Darin) (Entered: 01/08/2008)
01/08/2008	<u>103</u>	MOTION in Limine (<i>Proposed Order Submitted</i>) by Equal Employment Opportunity Commission. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Exhibit A – Collective Exhibit Document 1, # <u>3</u> Exhibit A – Collective Exhibit Document 2, # <u>4</u> Exhibit A – Collective Exhibit Document 3)(Tuggle, Darin) (Entered: 01/08/2008)
01/09/2008	<u>104</u>	MOTION to Continue (<i>proposed order submitted</i>) by Stein World, LLC. (Attachments: # <u>1</u> Attachment A, # <u>2</u> Attachment B, # <u>3</u> Attachment C)(Biller, Stephen) (Entered: 01/09/2008)

01/10/2008	<u>105</u>	DEFICIENCY NOTICE: Pursuant to Rule 5 of the Federal Rules of Civil Procedure, document <u>104</u> MOTION to Continue (<i>proposed order submitted</i>) filed by Stein World, LLC has been filed. However, the following deficiency has been found: Document does not contain a certificate of service. Counsel may submit the certificate of service as an "attachment" (found under Other Documents). The filer has one business day to correct the deficiency. (jae,) (Entered: 01/10/2008)
01/10/2008	<u>106</u>	ORDER Setting Telephonic Hearing on <u>104</u> Motion to Continue: Telephonic Hearing set for Friday, 01/11/2008 at 09:30 AM before Chief Judge Jon Phipps McCalla. Counsel for Stein World shall initiate the conference call prior to dialing Judge McCalla's chambers. Signed by Chief Judge Jon Phipps McCalla on 01/10/08. (McCalla, Jon) (Entered: 01/10/2008)
01/10/2008	<u>107</u>	RESPONSE in Opposition re <u>104</u> MOTION to Continue (<i>proposed order submitted</i>) (<i>Proposed Order Submitted</i>) filed by Equal Employment Opportunity Commission. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Exhibit – Unreported Case – Lewis v. McDonald's Corporation)(Tuggle, Darin) (Entered: 01/10/2008)
01/10/2008		Set/Reset Hearings: Telephone Conference set for 1/11/2008 09:30 AM before Chief Judge Jon Phipps McCalla. (jae,) (Entered: 01/10/2008)
01/11/2008	<u>108</u>	Minute Entry for proceedings held before Chief Judge Jon Phipps McCalla: Telephonic Hearing re: <u>104</u> held on 1/11/2008. Motion heard and granted. Proposed Pretrial Order due 4:30 PM by 5/20/2008. Pretrial Conference reset for 5/27/2008 09:00 AM in Courtroom 4 – Memphis before Chief Judge Jon Phipps McCalla. Jury Trial reset for 6/2/2008 09:30 AM in Courtroom 4 – Memphis before Chief Judge Jon Phipps McCalla.(Plaintiff: Deidre Smith, Darin Tuggle) (Defense: Stephen Biler, Webb Brewer)(Court Reporter: Brenda Parker) (jpw,) (Entered: 01/11/2008)
01/11/2008	<u>109</u>	SETTING LETTER: Pretrial Conference reset for 5/27/2008 09:00 AM in Courtroom 4 – Memphis before Chief Judge Jon Phipps McCalla. Jury Trial reset for 6/2/2008 09:30 AM in Courtroom 4 – Memphis before Chief Judge Jon Phipps McCalla. Pretrial Order due by 4:30 PM on 5/20/2008.(jpw) (Entered: 01/11/2008)
01/11/2008	<u>110</u>	ORDER FOLLOWING TELEPHONIC HEARING; ORDER CONTINUING AND RESETTING TRIAL AND PRETRIAL DATES; ORDER on <u>104</u> Motion to Continue. Signed by Chief Judge Jon Phipps McCalla on 01/11/08. (McCalla, Jon) (Entered: 01/11/2008)
02/19/2008	<u>111</u>	SETTING LETTER: Pretrial Conference reset for 5/29/2008 at 8:45 AM in Courtroom 4 – Memphis before Chief Judge Jon Phipps McCalla. (jpw) (Entered: 02/19/2008)
03/05/2008	<u>112</u>	NOTICE by Stein World, LLC of <i>Filing of Second Re–Notice of Deposition of Leon Benz</i> (Biller, Stephen) (Entered: 03/05/2008)
03/18/2008	<u>113</u>	NOTICE of Appearance by Jeff Weintraub on behalf of Stein World, LLC (Weintraub, Jeff) (Entered: 03/18/2008)
03/18/2008	<u>114</u>	STIPULATION <i>To Deposition by Remote Electronic Means</i> by Stein World, LLC. (Weintraub, Jeff) (Entered: 03/18/2008)
03/18/2008	<u>115</u>	NOTICE of Appearance by Robbin W. Hutton on behalf of Stein World, LLC (Hutton, Robbin) (Entered: 03/18/2008)
03/26/2008	<u>116</u>	MOTION to Withdraw as Attorney (<i>proposed Order submitted</i>) by Stephen Biller. (Biller, Stephen) (Entered: 03/26/2008)
03/26/2008	<u>117</u>	ORDER GRANTING <u>116</u> Motion to Withdraw as Attorney. Attorney Stephen H. Biller terminated. Signed by Chief Judge Jon Phipps McCalla on 03/26/08. (McCalla, Jon) (Entered: 03/26/2008)
04/04/2008	<u>118</u>	MOTION to Take Deposition from Andy Stein <i>Out of Time (Proposed Order submitted)</i> by Equal Employment Opportunity Commission. (Attachments: # <u>1</u> Memorandum in Support of Motion for Leave to Take Deposition, # <u>2</u> Certificate of Consultation)(Tuggle, Darin) (Entered: 04/04/2008)

04/07/2008	<u>119</u>	ORDER OF REFERENCE FOR DETERMINATION: <u>118</u> MOTION to Take Deposition from Andy Stein Out of Time filed by Equal Employment Opportunity Commission. Signed by Chief Judge Jon Phipps McCalla on 04/07/08. (McCalla, Jon) (Entered: 04/07/2008)
04/10/2008	<u>120</u>	NOTICE of Telephonic Hearing on Motion <u>118</u> : Telephonic Hearing set for 4/21/2008 09:30 AM (cst) before Magistrate Judge Tu M. Pham. (wmw,) (Entered: 04/10/2008)
04/18/2008	<u>121</u>	RESPONSE in Opposition re <u>118</u> MOTION to Take Deposition from Andy Stein <i>Out of Time (Proposed Order submitted)</i> MOTION to Take Deposition from Andy Stein <i>Out of Time (Proposed Order submitted)</i> filed by Stein World, LLC. (Attachments: # <u>1</u> Exhibit)(Weintraub, Jeff) (Entered: 04/18/2008)
04/21/2008	122	Minute Entry for proceedings held before Magistrate Judge Tu M. Pham: Telephonic Motion Hearing held on 4/21/2008 re <u>118</u> . All parties present and heard. Motion <i>Granted</i> . Order to be entered. (Court Reporter FTR.) (wmw,) (Entered: 04/21/2008)
04/21/2008	<u>123</u>	ORDER Granting <u>118</u> Plaintiff's Motion for Leave to Depose Andy Stein Out of Time. Signed by Magistrate Judge Tu M. Pham on 4/21/08. (Pham, Tu) (Entered: 04/21/2008)
05/21/2008	124	NOTICE OF CANCELLATION. The Pretrial Conference set on 5/29/2008 at 8:45 AM has been cancelled. (Joseph Warren, Case Manager) (jpw) (Entered: 05/21/2008)
05/27/2008	<u>125</u>	CONSENT DECREE. Signed by Chief Judge Jon Phipps McCalla on 05/27/08. (McCalla, Jon) (Entered: 05/27/2008)
05/27/2008	<u>126</u>	JUDGMENT. Signed by Chief Judge Jon Phipps McCalla on 05/27/08. (McCalla, Jon) (Entered: 05/27/2008)
11/25/2013	<u>127</u>	ORDER directing Clerk of the Court to disburse funds. Signed by Judge Jon Phipps McCalla on 11/25/2013. (McCalla, Jon) (Entered: 11/25/2013)