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**U.S. District Court**  
**Western District of Tennessee (Memphis)**  
**CIVIL DOCKET FOR CASE #: 2:02-cv-02730-BBD-dkv**

EEOC v. The Pointe at Kirby, et al  
Assigned to: Judge Bernice B. Donald  
Referred to: Magistrate Judge Diane K. Vescovo  
Demand: \$0  
Cause: 42:2000 Job Discrimination (Race)

Date Filed: 09/19/2002  
Jury Demand: Both  
Nature of Suit: 442 Civil Rights: Jobs  
Jurisdiction: U.S. Government Plaintiff

**Plaintiff**

**Equal Employment Opportunity  
Commission**

represented by **Deidre Smith**  
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V.

**Defendant**

**The Point at Kirby Gate, LLC**  
*TERMINATED: 02/03/2003*

represented by **Alison S. Fowler**  
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**Defendant**

**Service Master Company**  
*TERMINATED: 02/03/2003*

represented by **Frederick J. Lewis**  
(See above for address)  
*TERMINATED: 02/03/2003*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

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**William N. Ozier**  
(See above for address)  
*TERMINATED: 02/03/2003*  
*LEAD ATTORNEY*

*ATTORNEY TO BE NOTICED***Defendant****The Pointe At Kirby Gate, L.L.C.**represented by **Frederick J. Lewis**

(See above for address)

*LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Whitney Fogerty**

(See above for address)

*LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Defendant****Servicemaster Company**

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
09/19/2002	1	COMPLAINT (Summonses NOT issued) ; Filing fee \$ waived (AGJ) (Entered: 09/20/2002)
10/29/2002	<a href="#">2</a>	ORDER OF TRANSFER by Judge Samuel H. Mays Jr. Case transferred to Judge Bernice B. Donald in exchange for Case No. 2:02cv2711-D (cc: all counsel) (YDS) (Entered: 10/30/2002)
11/06/2002	<a href="#">3</a>	SETTING LETTER : scheduling conference set for 9:30 12/3/02, Courtroom 3 (YDS) (Entered: 11/06/2002)
11/08/2002	4	ENTRY OF ATTORNEY APPEARANCE for defendant The Point at Kirby by Alison S. Fowler (YDS) (Entered: 11/08/2002)
11/12/2002	5	NOTICE OF ATTORNEY APPEARANCE for defendants The Point at Kirby, Service Master Co. by William N. Ozier (YDS) (Entered: 11/13/2002)
11/12/2002	6	MOTION by defendants The Point at Kirby, Service Master Co. for leave to participate in scheduling conference by telephone (YDS) (Entered: 11/13/2002)
11/18/2002	<a href="#">7</a>	ORDER GRANTING MOTION TO APPEAR TELEPHONICALLY FOR SCHEDULING CONFERENCE by Judge Bernice B. Donald granting motion for leave to participate in scheduling conference by telephone [6-1] scheduled for 12/3/02 @ 9:30am. (cc: all counsel) (YDS) (Entered: 11/18/2002)
11/19/2002	8	ANSWER by defendants The Point at Kirby, Service Master Co. to Complaint [1-1] (YDS) (Entered: 11/19/2002)
11/25/2002	9	RULE 26 Report of the Parties Planning Meeting by EEOC, The Point at Kirby, Service Master Co. (YDS) (Entered: 11/26/2002)
12/03/2002	<a href="#">10</a>	SCHEDULING ORDER 16(b) Judge Bernice B. Donald ; pretrial motion

		filing deadline set for 9/5/03 (including motions for summary judgment) initial motions to dismiss ddl 1/30/03 ; Rule 26(a)(1) disclosure ddl 12/3/02 ; document production ddl 8/1/03 ; depositions, interrogatories and requests for admissions ddl 8/1/03 ; discovery deadline set for 8/1/03 ; joint pretrial order to be entered on 1/5/04 ; pretrial conference set for 1/20/04 at 8:45 ; jury trial for 1/26/04 at 9:00, est 4 days ; deadline for joining parties set for 1/30/03 ; deadline for amending pleadings set for 1/30/03 ; the parties will be referred to the Mag Judge for a settlement conference after reasonable discovery. (cc: all counsel) (YDS) (Entered: 12/05/2002)
12/03/2002	<a href="#">11</a>	ORDER OF REFERENCE by Judge Bernice B. Donald : This matter is hereby referred to the US Mag Judge for a settlement conference after reasonable discovery. (cc: all counsel) (YDS) (Entered: 12/05/2002)
12/03/2002	12	MINUTES: Scheduling Conference held on 12/3/02; discovery ddl set 8/1/03; Rule 26(a)(1) disclosure ddl 12/3/02; initial motions to dismiss ddl 1/30/03; dispositive/summary jgm motion filing ddl set 9/5/03; proposed joint pretrial order ddl 5:00 1/5/04; pretrial conference set 8:45 1/20/04; jury trial set 9:00 1/26/04, est 4 days; pla(s) experts ddl 5/1/03; dft(s) experts ddl 6/2/03; joining parties ddl 1/30/03; amending pleadings ddl set 1/30/03 Keri Harper, Law Clerk PLA Atty: D. Smith DFT Atty: W. Ozler by phone, A. Fowler, (YDS) Modified on 12/06/2002 (Entered: 12/06/2002)
12/18/2002	<a href="#">13</a>	SETTING LETTER : settlement conference set for 9:30 8/11/03 before Mag Judge Vescovo, Rm 341 (YDS) (Entered: 12/18/2002)
01/07/2003	14	NOTICE of change of address of Firm: Lewis Fisher Henderson Claxton & Mulroy, LLP, 6410 Poplar Ave, Ste. 300, Memphis, TN, 38119, 901-767-6160(phone), 901-767-7411(fax) [CH-Atty Maintenance] (YDS) (Entered: 01/08/2003)
01/08/2003	15	NOTICE OF ATTORNEY APPEARANCE for The Point at Kirby, Service Master Co. by Whitney Fogerty (YDS) (Entered: 01/08/2003)
01/30/2003	16	MOTION by plaintiff EEOC for leave to file amended complaint (YDS) (Entered: 01/31/2003)
01/30/2003	17	MEMORANDUM by plaintiff EEOC in support of motion for leave to file amended complaint [16-1] (YDS) (Entered: 01/31/2003)
01/30/2003	18	CERTIFICATE of Consultation by plaintiff EEOC re motion for leave to amend [16-1] (YDS) (Entered: 01/31/2003)
02/03/2003	<a href="#">19</a>	ORDER by Judge Bernice B. Donald granting motion for leave to file amended complaint [16-1] (cc: all counsel) (YDS) (Entered: 02/03/2003)
02/03/2003	20	AMENDED COMPLAINT [1-1] by plaintiff EEOC terminating defendant Service Master Co., defendant The Point at Kirby; adding The Pointe At Kirby, Servicemaster Co.; jury demand (YDS) (Entered: 02/03/2003)
02/10/2003	21	ANSWER by defendant The Pointe At Kirby to Amended Complaint

		[20-1] (YDS) (Entered: 02/11/2003)
02/11/2003	22	MOTION by plaintiff EEOC for protective order (YDS) (Entered: 02/12/2003)
02/11/2003	23	MEMORANDUM by plaintiff EEOC in support of motion for protective order [22-1] w/exhibits attached (YDS) (Entered: 02/12/2003)
02/11/2003	24	CERTIFICATE of Consultation by plaintiff EEOC re motion for protective order [22-1] (YDS) (Entered: 02/12/2003)
02/12/2003	<a href="#">25</a>	ORDER OF REFERENCE by Judge Bernice B. Donald referring to Mag Judge Diane K. Vescovo the motion for protective order [22-1]; this matter is hereby referred to the US Mag Judge for a Determination. Any exceptions to the Mag Judge's order shall be made by motion w/i 10 days of the order. (cc: all counsel) (YDS) (Entered: 02/13/2003)
02/28/2003	26	RESPONSE by defendants The Point at Kirby, and Service Master Co. pltf's to motion for protective order [22-1] (SSH) (Entered: 03/04/2003)
03/19/2003	<a href="#">27</a>	ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFF'S MOTION FOR PROTECTIVE ORDER by Mag Judge Diane K. Vescovo: granting in part and denying in part the EEOC's motion for protective order [22-1]. The dfts may not depose the EEOC's counsel Deidre Smith under Rule 30(b)(6). They may, however, depose one or more of the alternative Rule 30(b)(6) representatives identified in their memorandum as designated by the EEOC. At the deposition, the dfts may seek additional explanation of underlying non-privileged facts, but are instructed not to inquire into the EEOC's reasons for a particular construction of facts, nor into the EEOC's ordering of facts. (cc: all counsel) (SSH) (Entered: 03/21/2003)
07/08/2003	<a href="#">28</a>	AGREED JOINT PROTECTIVE ORDER by Judge Bernice B. Donald: Pursuant to FRCP 26(c), parties submit to the Court their agreement that all otherwise discoverable proprietary and/ or non-public financial information, personnel records and patient records designated as confidential shall be under protective order and shall be kept strictly confidential by the parties; Documents for which confidential status is claimed by dfts shall be stamped or designated "Confidential" and maintained in confidential status...; Before any confidential material is disclosed to any person retained by counsel to furnish expert services or give expert testimony, such person will have read this Order and agree to be bound by its terms; (cc: all counsel) (BAG) (Entered: 07/08/2003)
07/15/2003	<a href="#">29</a>	SETTING LETTER settlement conference reset for 9:30 8/6/03 (from 8/11/03) before Mag Judge Vescovo; (BAG) (Entered: 07/15/2003)
07/16/2003	30	JOINT MOTION by plaintiff, defendants to extend discovery and dispositive motion deadlines (BAG) (Entered: 07/17/2003)
07/16/2003	31	MEMORANDUM by plaintiff, defendants in support of joint motion to extend discovery and dispositive motion deadlines [30-1] (BAG) (Entered: 07/17/2003)

07/18/2003	<a href="#">32</a>	ORDER Granting Joint Motion To Extend Discovery And Dispositive Motion Deadlines by Judge Bernice B. Donald granting joint motion to extend discovery and dispositive motion deadlines [30-1]; It is ordered... discovery ddl extended to and including 10/6/03 and dispositive motion filing ddl extended to and including 11/6/03 (cc: all counsel) (BAG) (Entered: 07/18/2003)
08/06/2003	<a href="#">33</a>	SETTING LETTER settlement conference RESET for 9:30 8/27/03 before Mag Judge Vescovo; (BAG) (Entered: 08/07/2003)
09/30/2003	<a href="#">34</a>	ORDER/SETTLEMENT AGREEMENT by Judge Bernice B. Donald ..Each of the parties shall bear its own costs, including attys' fees. terminating case (cc: all counsel) (EHG) (Entered: 10/01/2003)
09/30/2003	<a href="#">35</a>	ORDER Administratively Closing Case by Judge Bernice B. Donald re [34-2]; In the event a party in interest files a motion at a later time seeking to reopen this administratively closed case, no reopening filing fee shall be required; (cc: all counsel) (BAG) (Entered: 10/01/2003)

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