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**U.S. District Court**  
**Western District of Tennessee (Memphis)**  
**CIVIL DOCKET FOR CASE #: 2:98-cv-03051-BBD**

EEOC v. USCO Logistics Svcs  
Assigned to: Judge Bernice B. Donald  
Demand: \$0  
Cause: 42:2000e Job Discrimination (Employment)

Date Filed: 12/02/1998  
Jury Demand: Plaintiff  
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**

**USCO Logistics Services, Inc.**

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| Date Filed | #                  | Docket Text   |
|------------|--------------------|---|
| 12/02/1998 | 1                  | COMPLAINT [Plaintiff alleges that defendant violated Title I of the ADA of 1990 and Title I of the civil rights act of 1991 by terminating the employment of John Doe because of his disability, AIDS] (EHG) (Entered: 12/04/1998)  |
| 12/15/1998 | 2                  | Mar. RETURN OF SERVICE executed upon defendant USCO Logistics Svcs on 12/9/98 (EHG) (Entered: 12/15/1998)   |
| 01/08/1999 | 3                  | ANSWER by defendant USCO Logistics Svcs to [1-1] (Former Emp) (Entered: 01/12/1999)   |
| 01/12/1999 | 4                  | SETTING LETTER ; scheduling conference set for 3:30 1/29/99 (EHG) (Entered: 01/13/1999)   |
| 01/29/1999 | 5                  | MINUTES: (filed 2/1/99) ; scheduling conference satisfied 3:30 1/29/99 ; pla joining parties 3/29/99; dft joining parties 4/29/99; initial motions to dismiss 3/29/99; amending pleadings 6/1/99; completing all discovery 8/2/99; pla expert 6/14/99; dft expert 7/30/99; dispositive motions 9/3/99; trial 11/8/99 @ 9:00, 3 days to try; PTC 10/26/99; PTO 10/19/99; settlement conf w/Mag Judge after some discovery has taken place. Presiding Judge: Donald PLA Atty: F. Williams DFT Atty: L. Krupicka (EHG) (Entered: 02/01/1999)   |
| 01/29/1999 | 6                  | Plaintiff's RULE 26(a)(1) Initial Disclosures by EEOC (EHG) (Entered: 02/01/1999)   |
| 01/29/1999 | 7                  | NOTICE OF FILING: REPORT OF PARTIES' PLANNING MEETING.. by plaintiff EEOC, defendant USCO Logistics Svcs (EHG) (Entered: 02/01/1999)  |
| 02/01/1999 | <a href="#">8</a>  | RULE 16(b) SCHEDULING ORDER Judge Bernice B. Donald joining parties: plaintiff -3/29/99; defendant -4/29/99 ; initial motions to dismiss filing deadline set for 3/29/99 ; amending pleadings 6/1/99; discovery deadline set for 8/2/99, document production 8/2/99, depositions interrogatories and requests for admissions 8/2/99, pla's rule 26 expert info 6/14/99, dft's rule 26 expert infor 7/30/99; filing pretrial motions (including motions for summary judgment) 9/3/99 ; The parties will be referred to the Magistrate Judge for a settlement conference after discovery. This is a PRIORITY case due to mortality issues.; proposed pretrial order to be entered on 10/19/99 pretrial conference set for 10/26/99 at 9:00 ; jury trial set for 11/8/99 at 9:00 ; (cc: all counsel) (EHG) (Entered: 02/01/1999) |
| 02/01/1999 | <a href="#">9</a>  | ORDER OF REFERENCE by Judge Bernice B. Donald This matter is hereby referred to the US Magistrate Judge for a settlement conference after discovery (cc: all counsel) (EHG) (Entered: 02/02/1999)   |
| 02/05/1999 | <a href="#">10</a> | SETTING LETTER settlement conference set for 9:30 8/17/99, before Judge Vescovo, room 921. (EHG) (Entered: 02/08/1999)  |
| 02/05/1999 | 11                 | INITIAL DISCLOSURES OF DEFENDANT, USCO LOGISTICIS SERVICES, INC. PURSUANT TO RULE 26 OF THE FEDERAL RULES OF CIVIL PROCEDURE.. by USCo Logistics Svcs (EHG) (Entered: 02/09/1999)   |

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| 05/05/1999 | <a href="#">12</a> | CONSENT PROTECTIVE ORDER by Judge Bernice B. Donald : ..it is hereby agreed by the parties that this Protective Order shall apply to information and documents produced by plaintiff or defendant.. (cc: all counsel) (EHG) (Entered: 05/05/1999)   |
| 07/12/1999 | 13                 | RETURN OF SERVICE (subpoena) executed upon Onndrake Saulsberry on 7/2/99 (BAG) (Entered: 07/13/1999)  |
| 07/27/1999 | 14                 | RETURN OF SERVICE executed upon Custodian of Records, Benefits Concepts, Inc., on 7/13/99 (BAG) (Entered: 07/28/1999)   |
| 08/24/1999 | 15                 | MINUTES: Follow-up conf, held 8/24/99; Ms. Krupicka requests a continuance of motion filing ddls and trial dates; Ms. Williams argued opposition to dft's request for continuance; Trial currently set for 11/8/99 at 9:00; Court extended expert ddls: dft's expert ddl: 9/27/99; motion filing ddl set 10/12/99; response due 10/21/99; motion t hearing set 4:00 10/27/99; Pretrial conf. set to follow motion hearing; pretrial order ddl 10/27/99; Dft's Ore Tenus motion to re-depose pla-granted- limited to 1 hour & only those issues that transpired since the 1st deposition in February 1999; Presiding Judge: Bernice B. Donald; PLA Atty: F. DFT Atty: L. Krupicka; C/R: Lynn Dudley; (BAG) (Entered: 08/26/1999) |
| 08/26/1999 | <a href="#">16</a> | AMENDED SCHEDULING ORDER And Order Granting Second Deposition Of Plaintiff by Judge Bernice B. Donald re [8-1]; Pla's final deposition: 8/31/99; Dft's expert report due: 9/27/99; Pretrial motions ddl: 10/12/99; Hearing on summary judgment: 10/27/99 at 4:00; Pretrial Order due: 10/27/99; Pretrial Conf.: 10/27/99 (immediately following hearing); Dft may depose John Doe for one hour with dft bearing all related expenses; (cc: all counsel) (BAG) (Entered: 08/26/1999)   |
| 09/17/1999 | 17                 | ATTORNEY APPEARANCE for plaintiff EEOC by Deidre Smith, co-counsel to Terry Beck and Faye Williams; (BAG) (Entered: 09/17/1999)   |
| 09/29/1999 | 18                 | NOTICE by defendant USCO Logistics Svcs of taking deposition of Records Custodian of Dr. Mack Land on 10/12/99 at 9:00am (BAG) (Entered: 09/30/1999)  |
| 09/29/1999 | 19                 | NOTICE by defendant USCO Logistics Svcs of taking deposition of Records Custodian of Dr. Martin Acree on 10/12/99 at 9:00am (BAG) (Entered: 09/30/1999)   |
| 10/06/1999 | 20                 | MINUTES: Telephone Conference Pltf's Motion to Quash (Oral) as to Dft's Subpoenas Duces Tecum for J. Does Medical Records - Court directs that Pltf file Motion to Quash by fax and original w/Clerk 10/7/99 in a.m. (copy dft) & Dft to file response by fax (original w/Clerk) by 5:00 p.m. on 10/7/99 - Order to enter on 10/8/99; Pltf's Oral Motion to Depose Expert Witnesses (Dft's) Granted; Presiding Judge: Bernice B. Donald PLA Atty: F. Williams DFT Atty: L. Krupicka C/R: Lynn Dudley (Former Emp) (Entered: 10/07/1999)   |
| 10/07/1999 | 21                 | MOTION by plaintiff EEOC to quash the 2 subpoena duces tecum issued by dft (YDS) (Entered: 10/07/1999)  |
| 10/07/1999 | 22                 | RESPONSE by defendant USCO Logistics Svcs to motion to quash the 2 subpoena duces tecum issued by dft [21-1] (w/Exhibits A-E Attached) (Former Emp) (Entered: 10/08/1999)   |

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| 10/08/1999 | <a href="#">23</a> | ORDER by Judge Bernice B. Donald granting motion to quash the 2 subpoena duces tecum issued by dft [21-1]...Upon review of the motion, the response, applicable case law and rules, and upon consideration of the record as a whole, the Court finds that the subpoenas are untimely. There has been no showing of compelling circumstances to permit this discovery beyond the deadline, as the issue of damages and the duty to mitigate have been readily apparent since the filing of the lawsuit. Pltf's motion is granted and the subpoenas are quashed... (cc: all counsel) (Former Emp) (Entered: 10/08/1999) |
| 10/12/1999 | 24                 | MOTION by defendant USCO Logistics Svcs for partial summary judgment (BAG) (Entered: 10/13/1999)  |
| 10/12/1999 | 25                 | MEMORANDUM by defendant USCO Logistics Svcs in support of motion for partial summary judgment [24-1]; w/exhibits; (BAG) (Entered: 10/13/1999)   |
| 10/12/1999 | 26                 | AFFIDAVIT of David H. Ciscel re [24-1]; w/exhibits (BAG) (Entered: 10/13/1999)  |
| 10/12/1999 | 27                 | ATTORNEY APPEARANCE for defendant USCO Logistics Svcs by Samuel L. Crain Jr., as co-counsel to Lisa A. Krupicka; (BAG) (Entered: 10/13/1999)  |
| 10/15/1999 | 28                 | NOTICE OF FILING OF Depositions by defendant USCO Logistics Svcs (depositions of John Doe, Cynthia Lawson, Walter Gales, Robert Gibson, Therion Barber and Onndrake Saulsberry) (BAG) (Entered: 10/15/1999)   |
| 10/15/1999 | 29                 | DEPOSITION of Cynthia Lawson taken on the following date(s): 7/15/99; C/R: H&N Court Reporting; (document placed in separate folder) (BAG) (Entered: 10/15/1999)  |
| 10/15/1999 | 30                 | DEPOSITION of Therion Barber taken on the following date(s): 7/7/99; C/R: H & N Court Reporting; (document placed in separate folder) (BAG) (Entered: 10/15/1999)   |
| 10/15/1999 | 31                 | DEPOSITION of Onndrake Saulsberry taken on the following date(s): 7/16/99; C/R: H & N Court Reporting; (document placed in separate folder) (BAG) (Entered: 10/15/1999)   |
| 10/15/1999 | 32                 | DEPOSITION of Walter Gales taken on the following date(s): 7/7/99; C/R: H & N Court Reporting; (document placed in separate folder) (BAG) (Entered: 10/15/1999)   |
| 10/15/1999 | 33                 | DEPOSITION of John Doe taken on the following date(s): 2/17/99; C/R: H & N Court Reporting; (document placed in separate folder) (BAG) (Entered: 10/15/1999)  |
| 10/15/1999 | 34                 | DEPOSITION of John Doe taken on the following date(s): 9/10/99; C/R: H & N Court Reporting; (document placed in separate folder) (BAG) (Entered: 10/15/1999)  |
| 10/15/1999 | 35                 | DEPOSITION of Robert Gibson; taken on the following date(s): 7/7/99; C/R: H & N Court Reporting; (document placed in separate folder) (BAG) (Entered: 10/15/1999)   |
| 10/19/1999 | 36                 | MOTION by defendant USCO Logistics Svcs in limine to exclude testimony concerning Maurice Jones (YDS) (Entered: 10/21/1999)   |

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| 10/19/1999 | 37 | MEMORANDUM by defendant USCO Logistics Svcs in support of motion in limine to exclude testimony concerning Maurice Jones [36-1] (YDS) (Entered: 10/21/1999)   |
| 10/19/1999 | 38 | MOTION by defendant USCO Logistics Svcs in limine to exclude medical testimony (YDS) (Entered: 10/21/1999)  |
| 10/19/1999 | 39 | MEMORANDUM by defendant USCO Logistics Svcs in support of motion in limine to exclude medical testimony [38-1] (YDS) (Entered: 10/21/1999)  |
| 10/19/1999 | 40 | MOTION by defendant USCO Logistics Svcs in limine to exclude testimony concering Keith Wilson (YDS) (Entered: 10/21/1999)   |
| 10/19/1999 | 41 | MEMORANDUM by defendant USCO Logistics Svcs in support of motion in limine to exclude testimony concering Keith [40-1] w/attachments (YDS) (Entered: 10/21/1999)  |
| 10/19/1999 | 42 | MOTION by defendant USCO Logistics Svcs in limine to exclude tesimony concerning Katie White (YDS) (Entered: 10/21/1999)  |
| 10/19/1999 | 43 | MEMORANDUM by defendant USCO Logistics Svcs in support of motion in limine to exclude tesimony concerning Katie White [42-1] w/attachments (YDS) (Entered: 10/21/1999)  |
| 10/21/1999 | 44 | MOTION by plaintiff EEOC in limine as to certain evidence, namely the testimony and report of Dr. David Ciscel (YDS) (Entered: 10/21/1999)  |
| 10/21/1999 | 45 | MEMORANDUM by plaintiff EEOC in support of motion in limine as to certain evidence, namely the testimony and report of Dr. David Ciscel [44-1] w/exhibits attached (YDS) (Entered: 10/21/1999)  |
| 10/21/1999 | 46 | Memorandum In Support of RESPONSE by plaintiff EEOC to motion for partial summary judgment [24-1]; w/exhibits; (BAG) (Entered: 10/22/1999)  |
| 10/25/1999 | 47 | REPLY Brief by defendant USCO Logistics Svcs re [46-1], in support of motion for partial summary judgment [24-1]; w/attachment (BAG) (Entered: 10/25/1999)  |
| 10/25/1999 | 48 | RESPONSE in Opposition by plaintiff EEOC to motion in limine to exclude medical testimony [38-1]; w/exhibits; (BAG) (Entered: 10/26/1999)   |
| 10/25/1999 | 49 | MOTION by plaintiff EEOC in limine to exclude testimony regarding John Doe's Discharges prior to his employment with defendant; (BAG) (Entered: 10/26/1999)   |
| 10/25/1999 | 50 | MEMORANDUM by plaintiff EEOC in support of motion in limine to exclude testimony regarding John Doe's Discharges prior to his employment with defendant; [49-1] (BAG) (Entered: 10/26/1999)   |
| 10/25/1999 | 51 | RESPONSE in Opposition to defendant's three motions in limine to exclude testimony concerning Keith Wilson, Maurice Jones and Katie White by plaintiff EEOC to motion in limine to exclude tesimony concerning Katie White [42-1], to motion in limine to exclude testimony concering Keith Wilson [40-1], to motion in limine to exclude testimony concerning Maurice Jones [36-1] (BAG) (Entered: 10/26/1999) |

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| 10/25/1999 | 52                 | MEMORANDUM by plaintiff EEOC in support of motion response [51-1]; w/exhibits (BAG) (Entered: 10/26/1999)  |
| 10/26/1999 | 53                 | MOTION by plaintiff EEOC to strike defendant's reply memorandum to plaintiff's response to defendant's motion for partial summary judgment; (BAG) (Entered: 10/27/1999)  |
| 10/26/1999 | 54                 | MEMORANDUM by plaintiff EEOC in support of motion to strike defendant's reply memorandum to plaintiff's response to defendant's motion for partial summary judgment [53-1]; w/attachment (BAG) (Entered: 10/27/1999)   |
| 10/27/1999 | 55                 | REPLY Brief by defendant USCO Logistics Svcs in support of motion in limine to exclude testimony of Maurice Jones re [51-1], re [36-1] (BAG) (Entered: 10/27/1999)   |
| 10/27/1999 | 56                 | REPLY Brief in support of motion in limine to exclude testimony of Katie White by defendant USCO Logistics Svcs re [51-1], re [42-1] (BAG) (Entered: 10/27/1999)   |
| 10/27/1999 | 57                 | REPLY Brief in support of motion in limine to exclude testimony of Keith Wilson by defendant USCO Logistics Svcs re [51-1], re [40-1] (BAG) (Entered: 10/27/1999)  |
| 10/27/1999 | 58                 | MOTION by defendant USCO Logistics Svcs in limine to exclude testimony concerning Lena Johnson; (BAG) (Entered: 10/27/1999)  |
| 10/27/1999 | 59                 | MEMORANDUM by defendant USCO Logistics Svcs in support of motion in limine to exclude testimony concerning Lena Johnson [58-1]; w/attachment (BAG) (Entered: 10/27/1999)   |
| 10/27/1999 | 60                 | PROPOSED Plaintiff's Proposed Jury Instructions submitted by plaintiff EEOC (BAG) (Entered: 10/28/1999)  |
| 10/27/1999 | 61                 | MINUTES: Motion hearing/Pretrial conference held 10/27/99; Motion for Summary Judgment- Court to submit written ruling re [24-1], denying motion in limine to exclude tesimony concerning Katie White [42-1], denying motion in limine to exclude testimony concerng Keith Wilson [40-1], denying motion in limine to exclude testimony concerning Maurice Jones [36-1], granting motion in limine to exclude testimony regarding John Doe's Discharges prior to his employment with defendant [49-1], denying motion in limine to exclude medical testimony [38-1], jury trial continued for 9:00 11/18/99 (3 days); Proposed Jury Instructions due by middle of next week; Presiding Judge: Bernice B. Donald; PLA F. Williams/S. Smith; DFT Atty: S. Crain/L. Krupicka; C/R: Lynn Dudley; (BAG) (Entered: 10/28/1999) |
| 10/28/1999 | <a href="#">62</a> | ORDER by Judge Bernice B. Donald granting motion to strike defendant's reply memorandum to plaintiff's response to defendant's motion for partial summary judgment [53-1]; Clerk ORDERED to strike from the record "Dft's Reply Brief in support of Motion for Partial Summary Judgment"; striking reply [47-1] (cc: all counsel) (BAG) (Entered: 10/28/1999)  |
| 10/28/1999 | <a href="#">63</a> | ORDER On Motions by Judge Bernice B. Donald; After review of the motions (in limine to exclude testimony of Katie White, Keith Wilson, Maurice Jones and Lena Johnson), the court heard argument and made oral findings on the record; For reasons stated orally on the record, motions are DENIED; (cc: all counsel)  |

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|            |                    | (BAG) (Entered: 10/28/1999)   |
| 10/28/1999 | <a href="#">64</a> | ORDER On Motion To Exclude Medical Testimony by Judge Bernice B. Donald; For reasons stated orally on the record, dft's motion (to exclude Mr. Doe's testimony concerning his medical condition after 6/30/99), is DENIED; Dft will be permitted to examine Mr. Doe's physician about his medical condition during course of treatment, including post 6/30/99; (cc: all counsel) (BAG) (Entered: 10/28/1999) |
| 10/28/1999 | 66                 | RETURN OF SERVICE (subpoena) executed upon Dr. Mack Land on 10/27/99; w/attachment; (BAG) (Entered: 11/01/1999)   |
| 10/29/1999 | <a href="#">65</a> | PRE-TRIAL ORDER approved by Judge Bernice B. Donald: Jury trial estimated to last 3-4 days; Parties attended unsuccessful settlement conf. on 8/17/99; Settlement appears unlikely; (cc: all counsel) (BAG) (Entered: 10/29/1999)   |
| 10/29/1999 | 67                 | MINUTES: Court directs jury trial be reset to 9:00 11/15/99 (3 day trial); Parties notified by telephone of re-setting; Presiding Judge: Bernice B. Donald; PLA Atty: F. Williams; DFT Atty: S. Crain/L. Krupicka; C/R: Out-of-Court; (BAG) (Entered: 11/01/1999)   |
| 11/01/1999 | 68                 | MOTION by defendant USCO Logistics Svcs for reconsideration of the Court's ruling granting EEOC's motion to strike USCO's Reply Brief; (BAG) (Entered: 11/01/1999)  |
| 11/01/1999 | 69                 | JOINT MOTION by plaintiff EEOC, defendant USCO Logistics Svcs for order directing subpoenaed witness to appear at continued trial; (BAG) (Entered: 11/01/1999)  |
| 11/01/1999 | 70                 | RESPONSE by defendant USCO Logistics Svcs to motion in limine as to certain evidence, namely the testimony and report of Dr. David Ciscel [44-1]; w/attachment (BAG) (Entered: 11/02/1999)  |
| 11/01/1999 | 71                 | AFFIDAVIT of Dr. David H. Ciscel re [70-1] (BAG) (Entered: 11/02/1999)  |
| 11/01/1999 | 72                 | RETURN OF SERVICE (subpoena) executed upon Jane Doe on 10/29/99 (BAG) (Entered: 11/02/1999)   |
| 11/01/1999 | 73                 | RETURN OF SERVICE (subpoena) executed upon Robert Gibson on 10/29/99 (BAG) (Entered: 11/02/1999)  |
| 11/01/1999 | 74                 | RETURN OF SERVICE (subpoena) executed upon Rodney Hill on 10/29/99 (BAG) (Entered: 11/02/1999)  |
| 11/01/1999 | 75                 | RETURN OF SERVICE (subpoena) executed upon Therion Barber on 10/29/99 (BAG) (Entered: 11/02/1999)   |
| 11/01/1999 | 76                 | RETURN OF SERVICE (subpoena) executed upon Walter Gales on 10/29/99 (BAG) (Entered: 11/02/1999)   |
| 11/02/1999 | 77                 | RETURN OF SERVICE unexecuted - attempted as to Vanessa Katie White; Subject no longer works at USCO Logistics Service; Telephone numbers no longer valid; (BAG) (Entered: 11/02/1999)   |
| 11/03/1999 | 78                 | RESPONSE by plaintiff EEOC to motion for reconsideration of the Court's ruling granting EEOC's motion to strike USCO's Reply Brief [68-1] (BAG)   |



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|            |                    | (Entered: 11/03/1999)   |
| 11/03/1999 | <a href="#">79</a> | ORDER by Judge Bernice B. Donald granting motion for order directing subpoenaed witness to appear at continued trial [69-1]; Because the jury trial was continued from 11/8/99 to 11/15/99, all subpoenas issued for both parties witnesses shall remain in effect and witnesses shall appear for trial on 11/15/99 at 9:00am; (cc: all counsel) (BAG) (Entered: 11/03/1999)  |
| 11/03/1999 | 80                 | RETURN OF SERVICE (subpoena) executed upon Haley Smith on 11/2/99 (BAG) (Entered: 11/03/1999)   |
| 11/03/1999 | 81                 | RETURN OF SERVICE (subpoena) executed upon John Hill on 11/2/99 (BAG) (Entered: 11/03/1999)   |
| 11/03/1999 | 82                 | PROPOSED Jury Instructions submitted by defendant USCO Logistics Svcs (BAG) (Entered: 11/04/1999)   |
| 11/04/1999 | <a href="#">83</a> | ORDER Denying Defendant's Motion For Summary Judgment by Judge Bernice B. Donald denying motion for partial summary judgment [24-1]; USCO's educational endeavors to minimize concern over the HIV are laudable, but not a substitute for training on provisions of ADA to prevent discrimination; Thus it would seem that EEOC's argument is well taken; It would appear that punitive damages may very well be appropriate in this matter; Taking the facts in a light most favorable to Doe, summary judgment for USCO is simply not appropriate; The court finds that there are genuine issues of material fact in the record which preclude summary judgment for USCO; USCO's motion for partial summary judgment is DENIED; (cc: all counsel) (BAG) (Entered: 11/04/1999) |
| 11/05/1999 | 84                 | RETURN OF SERVICE (subpoena) executed upon Dr. Tennyne Jackson on 11/4/99 (BAG) (Entered: 11/08/1999)   |
| 11/05/1999 | 85                 | RETURN OF SERVICE (subpoena) executed upon Maurice Jones on 11/5/99 (BAG) (Entered: 11/08/1999)   |
| 11/05/1999 | 86                 | RETURN OF SERVICE (subpeona) executed upon Onndrake Saulsberry on 11/5/99 (BAG) (Entered: 11/08/1999)   |
| 11/08/1999 | <a href="#">87</a> | ORDER On Motion To Reconsider by Judge Bernice B. Donald denying motion for reconsideration of the Court's ruling granting EEOC's to strike USCO's Reply Brief [68-1]; Having considered pla's motion and upon considering case authority cited in dft's reply brief, the court finds no cause for reconsidering its action; Assuming arguendo, the court were to reconsider its earlier ruling, such reconsideration would not alter the result set forth in the court's order on partial summary judgment; (cc: all counsel) (BAG) (Entered: 11/08/1999)  |
| 11/10/1999 | 88                 | RETURN OF SERVICE (subpoena) executed upon Juanita Davis on 11/9/99 (BAG) (Entered: 11/12/1999)   |
| 11/12/1999 | 89                 | MOTION by plaintiff EEOC to strike defendant's addendum to the expert report (BAG) (Entered: 11/12/1999)  |
| 11/12/1999 | 90                 | MEMORANDUM by plaintiff EEOC in support of motion to strike defendant's addendum to the expert report [89-1]; w/exhibits (BAG) (Entered: 11/12/1999)  |

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| 11/15/1999 | 91  | RESPONSE by defendant USCO Logistics Svcs to pla's motion to strike defendant's addendum to the expert report [89-1]; w/attachments (BAG) (Entered: 11/15/1999)  |
| 11/15/1999 | 92  | MINUTES: Jury trial began 11/15/99; (day 1); Preliminary matters/motions in limine addressed: Motion by pla to strike dft's addendum to expert report-pending, Court to Rule; Pla's motion in limine as to certain evidence, namely the testimony & report of Dr. David Ciscel, pending- Court to rule; Jurors adm. voir dire; Jurors selected/adm. impanelment oath; Court's preliminary jury instructions; Opening statements by pla, dft; Pla's proof/proffer contd: Rule for sequestration invoked; Sworn: John Doe; Court adjourned until 9:00am on 11/16/99; , Presiding Judge: Bernice B. Donald; PLA Atty: F. Williams/D. Smith; DFT Atty: L. Krupicka/S. Crain; C/R: Lynn Dudley; (BAG) (Entered: 11/17/1999)   |
| 11/16/1999 | 93  | MINUTES: Jury trial resumed on 11/16/99 (day 2); Pla's proof/proffer contd: Sworn: John Doe, Dr. John Hodges, Robert Gibson, Cynthia Lawson, Therion Barber, Rodney Hill, John Hill; Argument heard on pla's motion in limine as to certain evidence, namely the testimony and report of Dr. David Ciscel, Court to rule; Argument heard on pla's motion to strike dft's addendum to the expert report; Court to rule; Court adjourned until 11/17/99 at 9:00; Presiding Judge: Bernice B. Donald; PLA Atty: F. Williams/D. Smith; DFT Atty: S. Crain/L. Krupicka; C/R: Lynn Dudley; (BAG) (Entered: 11/17/1999)   |
| 11/16/1999 | 94  | DEPOSITION of Robert Gibson taken on the following date(s): 7/7/99; C/R: H & N Court Reporting; (document placed in separate folder) (BAG) (Entered: 11/17/1999)   |
| 11/16/1999 | 102 | Video DEPOSITION of John Doe filed in open court on 11/16/99; (document placed in separate folder) (BAG) (Entered: 11/22/1999)   |
| 11/17/1999 | 95  | MINUTES: Jury trial resumed 11/17/99 (day 3); Preliminary matters/motions in limine addressed; Pla's proof/proffer contd; Pla rests; motion for jgmt. as a matter of law; Dfts proof/proffer contd; Dft rests; Charge conf.; Motion in Limine as to certain evidence, namely the testimony and report of Dr. David Ciscel, [44-1] GRANTED; Pla's motion to strike defendant's addendum to the expert report [89-1] moot.; Sworn: Dr. Mac Land, Dr. Martin Acree, Dr. Tenny Jackson, Onndrake Saulsberry, Haley Smith, Jane Doe, Chris Cedor, Robert Gibson; Offer of proof as to testimony of Dr. David Ciscel to be made by dft; Certain admissions read by pla's counsel, F. Williams; Dft's objections to pla's reading of admissions overruled; Dft moves for judgment as a matter of law; Sworn: Chris Cedor; Recalled: Walter Gales, Cynthia Lawson; Interrogatory responses read by dft's counsel, L. Krupicka; Court adjourned until 9:30 on 11/18/99; Presiding Judge: Bernice B. Donald; PLA Atty: F. Williams/S. Smith; DFT Atty: S. Crain/L. Krupicka; C/R: Lynn Dudley; (BAG) (Entered: 11/18/1999) |
| 11/18/1999 | 96  | DEPOSITION of Therion Barber taken on the following date(s): 7/7/99; C/R: H & N Court Reporting; (document placed in separate folder) (BAG) (Entered: 11/18/1999)  |
| 11/18/1999 | 97  | DEPOSITION of Cynthia Lawson taken on the following date(s): 7/15/99; C/R: H & N Court Reporting; (document placed in separate folder) (BAG) (Entered: 11/18/1999)   |

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| 11/18/1999 | 98                  | DEPOSITION of Rodney Hill taken on the following date(s): 8/11/99; C/R: H & N Court Reporting; (document placed in separate folder) (BAG) (Entered: 11/18/1999)   |
| 11/18/1999 | <a href="#">99</a>  | ORDER by Judge Bernice B. Donald denying motion in limine as to certain evidence [44-1], denying motion to strike defendant's addendum to the expert report [89-1]; For reasons stated in open court on the record, these motions are DENIED; (cc: all counsel) (BAG) (Entered: 11/18/1999)   |
| 11/18/1999 | 100                 | MINUTES: Jury Trial continued on 11/18/99 (day 4); Preliminary matters/motions in limine addressed: Dft's motion for judgment as a matter of law, DENIED; Closing arguments; Charge conf.; Jury charge; Verdict as published/filed in open court; Jury polled; Court excused/ discharged jury on 11/18/99; Parties stipulate to amount of pla's interim earnings (\$2,111.34) and medical expenses (\$400.00); Parties stipulate to strike page 24 of jury instructions; Charge conf. contd (deadlocked); Argument on offer of proof as to Dr. David H. Ciscel heard; Sworn: David H. Ciscel, Ph.D; Jury question #1 published/Court lets stand prior ruling on issue; Instructed jurors orally to continue deliberations; Court adjourned; Presiding Judge: Bernice B. Donald; PLA Atty: F. Williams/D. Smith; DFT Atty: L. Krupicka/S. Crain; C/R: Lynn Dudley/B. Parker; (BAG) (Entered: 11/22/1999) |
| 11/18/1999 | 101                 | VERDICT for defendant USCO Logistics Svcs against plaintiff EEOC; Pla has not proven by a preponderance of the evidence that but for Mr. Does' disability, he would not have been terminated; (filed in open court) (BAG) (Entered: 11/22/1999)   |
| 11/19/1999 | 103                 | EXHIBIT AND WITNESS list submitted of hearing held 11/15/99; (3 pages); (BAG) (Entered: 11/22/1999)   |
| 11/22/1999 | <a href="#">104</a> | CORRECTED ORDER by Judge Bernice B. Donald granting motion to strike defendant's addendum to the expert report [89-1] granting motion in limine as to certain evidence, namely the testimony and report of Dr. David Ciscel [44-1] : ...For the reasons stated in open court on the record, these motions are GRANTED. (cc: all counsel) (YDS) (Entered: 11/22/1999)  |
| 11/22/1999 | <a href="#">105</a> | JUDGMENT IN A CIVIL CASE : by Judge Bernice B. Donald : ...in accordance w/the jury verdict rendered on 11/18/99, jgm is hereby entered for the dft, USCO Logistics Services, Inc. and against the pla, EEOC. dismissing case (cc: all counsel) (YDS) (Entered: 11/22/1999)   |
| 12/03/1999 | 106                 | MOTION by plaintiff EEOC for new trial (YDS) (Entered: 12/03/1999)  |
| 12/03/1999 | 107                 | MEMORANDUM by plaintiff EEOC in support of motion for new trial [106-1] (YDS) (Entered: 12/03/1999)   |
| 12/15/1999 | 108                 | TRANSCRIPT of proceedings for the following date(s): 11/17/99 as to plaintiff EEOC, defendant USCO Logistics Svcs of Testimony of Drake Saulsberry before Judge Donald Court Reporter: Lynn Dudley (DOCUMENT PLACED IN A SEPARATE FOLDER)(YDS) Modified on 12/15/1999 (Entered: 12/15/1999)   |
| 12/15/1999 | 109                 | TRANSCRIPT of proceedings for the following date(s): 11/16/99 as to plaintiff EEOC, defendant USCO Logistics Svcs of Testimony of Dr. John M. Hodges before Judge Donald Court Reporter: Lynn Dudley (DOCUMENT PLACED IN  |

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|            |                     | A SEPARATE FOLDER) (YDS) (Entered: 12/15/1999)   |
| 12/15/1999 | 110                 | TRANSCRIPT of proceedings for the following date(s): 11/16/99 as to plaintiff EEOC, defendant USCO Logistics Svcs of Testimony of Robert Gibson before Judge Donald Court Reporter: Lynn Dudley (DOCUMENT PLACED IN A SEPARATE FOLDER) (YDS) (Entered: 12/15/1999)   |
| 12/15/1999 | 111                 | TRANSCRIPT of proceedings for the following date(s): 11/17/99 as to plaintiff EEOC, defendant USCO Logistics Svcs of Testimony of Robert Gibson before Judge Donald Court Reporter: Lynn Dudley (DOCUMENT PLACED IN A SEPARATE FOLDER) (YDS) (Entered: 12/15/1999)   |
| 12/15/1999 | 112                 | RESPONSE by defendant USCO Logistics Svcs in opposition to motion for new trial [106-1] (YDS) (Entered: 12/16/1999)  |
| 12/15/1999 | 113                 | NOTICE OF FILING OF Trial Testimony by defendant USCO Logistics Svcs (Robert Gibons, 11/16-17/99; Onndrake Saulsberry, 11/17/99; and Dr. John M. Hodges, 11/16/99 being filed w/Court) (YDS) (Entered: 12/16/1999)   |
| 12/27/1999 | <a href="#">114</a> | ORDER GRANTING PLAINTIFF'S MOTION FOR NEW TRIAL by Judge Bernice B. Donald granting motion for new trial [106-1] : ...in order to prevent an injustice, and because the jury's verdict is not supported by the greater weight of the evidence, the Court hereby grants Pla's motion and order a new trial. pretrial conference set 4:30 1/20/00; jury trial set 9:00 1/31/00, no new dispositive motions will be considered, as the ddl for all such motions is past. Any objections to the trial date, as established by this order, must be filed and served on opposing counsel on or before 1/7/00 (cc: all counsel) (YDS) (Entered: 12/27/1999)   |
| 01/07/2000 | 115                 | OBJECTIONS by defendant USCO Logistics Svcs to trial date setting (YDS) (Entered: 01/10/2000)  |
| 01/12/2000 | 116                 | NOTICE by defendant USCO Logistics Svcs of withdrawal [115-1] (YDS) (Entered: 01/13/2000)  |
| 01/27/2000 | <a href="#">117</a> | CONSENT DECREE by Judge Bernice B. Donald : ...This Consent Decree resolves all issues and claims arising our of the Commissioner's Complaint in this cause...arising out of Charge No. 250-98-0990 filed by the Charging Party, John Doe w/the Commission...The provisions of this Consent Decree shall be effective for a period of one year from entry of the Decree and apply to dft's facility at 3300 Jet Cove, Memphis, TN, 38118, unless otherwise stated...The dft shall deliver to John Doe a check made payable to him which is reflected in dft's employment records in the amount of \$45,000, at the last address John Doe has on file w/dft w/i 10 days after entry of this Decree by the Court...Each party shall bear their own costs, including attorneys' fees. dismissing case (cc: all counsel) (YDS) (Entered: 01/27/2000) |

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