

CASE-CLOSED

**U.S. District Court
Middle District of Tennessee (Columbia)
CIVIL DOCKET FOR CASE #: 1:95-cv-00144**

USA v. Sheriff, Maury Co, et al
Assigned to: Senior Judge Thomas A. Higgins
Demand: \$0
Cause: 42:2000e Job Discrimination (Employment)

Date Filed: 09/29/1995
Date Terminated: 11/04/1996
Jury Demand: Plaintiff
Nature of Suit: 442 Civil Rights:
Jobs
Jurisdiction: U.S. Government
Plaintiff

Plaintiff

USA

represented by **Leslie T. Annexstein**
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V.

Defendant

**Commissioners, Maury County
Board of**

represented by **Thomas Wesley Hardin**
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Defendant

Sheriff, Maury Co
in his official capacity

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Movant

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Intervenor Plaintiff

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Intervenor Plaintiff

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Anne C. Martin
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Date Filed	#	Docket Text
09/29/1995	1	COMPLAINT (Summons(es) issued) (af) (Entered: 10/02/1995)
09/29/1995	2	NOTICE of Initial Case Management Conference ; Case Management Conference set for 3:00 11/16/95 before Judge Higgins (af) (Entered: 10/02/1995)
10/12/1995	3	NOTICE from Courtroom Deputy resetting Case Mgt. Conference to 11/27/95 at 1:30 pm (mk) (Entered: 10/12/1995)
10/25/1995	4	MOTION to intervene by Penny Lummis and Tracy Roberts. (mk) (Entered: 10/25/1995)
10/25/1995	5	MEMORANDUM by intevenor pltf Penny Lummis, intevenor pltf Tracy Roberts in support of mtn to intervene [4-1]. (mk) (Entered: 10/25/1995)
11/03/1995	6	RESPONSE by pltf USA to mtn to intervene by Penny Lummis and Tracy Roberts. [4-1] (mk) (Entered: 11/06/1995)
11/08/1995	7	ORDER by Judge Thomas A. Higgins granting mtn to intervene by Penny Lummis and Tracy Roberts. [4-1] (cc: all counsel) EOD 11/8/95 (mk) (Entered: 11/08/1995)
11/16/1995	8	ANSWER by defts Maury Co. Board of Commissioners and Maury County Sheriff to [1-1]. (mk) (Entered: 11/17/1995)
11/17/1995	9	MOTION by pltf USA to continue case management conference currently set for 11/27/95 at 1:30 (pl) (Entered: 11/17/1995)
11/20/1995	10	ORDER by Judge Thomas A. Higgins finding the motion to continue case management conference currently set for 11/27/95 at 1:30 [9-1] moot. (cc: all counsel) EOD 11/20/95 (pl) (Entered: 11/20/1995)
11/20/1995		PROPOSED Case Management Order (mk) (Entered: 11/21/1995)

11/27/1995	11	CLERK'S RESUME of Case Management Conference held 11/27/95 Scheduling order to enter. C/R: Jim Spence (mk) (Entered: 11/28/1995)
11/29/1995	12	SCHEDULING ORDER by Judge Thomas A. Higgins: Jury trial set for 10:00 10/21/96 in Columbia, TN. Final pretrial conference set for 1:30 9/16/96 in Nashville with proposed pre-trial order due at that time. Discovery deadline set for 5/24/96 and dispositive mtn filing ddl set for 6/7/96. (cc: all counsel) EOD 11/29/95 (mk) (Entered: 11/29/1995)
01/30/1996	13	ATTORNEY APPEARANCE for pltf USA by Barbara J. Meacham. (mk) (Entered: 01/31/1996)
01/30/1996	14	MOTION by pltf USA to extend time to identify expert witnesses and provide expert report. (mk) Modified on 09/17/1996 (Entered: 01/31/1996)
01/30/1996	15	MEMORANDUM by pltf USA in support of mtn to extend time to identify expert witnesses and provide expert report. [14-1] (mk) (Entered: 01/31/1996)
01/30/1996		PROPOSED Order re mtn to extend time. (mk) (Entered: 01/31/1996)
02/05/1996	16	ORDER by Judge Thomas A. Higgins granting pltf's mtn to extend time to identify expert witnesses and provide expert report [14-1]. Pltf USA and intervenor pltf's shall declare to defts the identify of expert witnesses by close of business 3/4/96. Defts shall declare identity of expert witnesses by close of business 4/8/96. EOD 2/5/96 [14-1] (cc: all counsel) (mk) Modified on 09/17/1996 (Entered: 02/05/1996)
02/22/1996	17	ATTORNEY APPEARANCE for defts Maury Co. Board of Commissioners and Sheriff of Maury Co. by Thomas Wesley Hardin. (mk) (Entered: 02/23/1996)
05/30/1996	18	SECOND UNOPPOSED MOTION by pltf USA to extend time to identify expert witnesses and provide expert reports , and to modify case management order . (mk) (Entered: 05/30/1996)
05/30/1996		PROPOSED Order re: mtn #18 (mk) (Entered: 05/30/1996)
05/30/1996	19	MEMORANDUM by pltf USA in support of mtn to extend time to identify expert witnesses and provide expert reports [18-1] and to modify case management order [18-2] (mk) (Entered: 05/31/1996)
06/04/1996	20	ORDER by Judge Thomas A. Higgins granting pltf's second mtn to extend time to identify expert witnesses and provide

		expert reports [18-1] and to modify case management order [18-2]. EOD 6/4/96 (cc: all counsel) (mk) (Entered: 06/04/1996)
06/27/1996	21	CLERK'S RESUME of telephone conference re: deposition of witness, Ms. Cook. (mk) (Entered: 06/28/1996)
06/28/1996	22	MOTION by intevenor pltfs Penny Lummis and Tracy Roberts to compel Kristen Cook to appear for a deposition , and to pay sanctions for expenses incurred in 2 prior attempts to depose her (with attachments) (mk) (Entered: 07/01/1996)
06/28/1996	23	AFFIDAVIT of Anne C. Martin re [22-1] and [22-2]. (mk) (Entered: 07/01/1996)
06/28/1996		PROPOSED Order re: mtn for order to compel and sanctions. (mk) (Entered: 07/01/1996)
07/16/1996	24	ATTORNEY APPEARANCE for defts Sheriff, Maury Co. and Maury Co. Board of Commissioners by Kim B. Kettering. (mk) (Entered: 07/17/1996)
07/26/1996	25	ORDER TO SHOW CAUSE by Judge Thomas A. Higgins: Hearing to show cause set for 2:30 8/6/96 as to why she should not be punished for contempt in refusing to testify and sanctions imposed. USM is directed to serve Ms. Cook personally with a copy of this order and make due return that the same has been served as directed. EOD 7/26/96 (cc: all counsel) (mk) (Entered: 07/26/1996)
07/29/1996	26	RESPONSE by movant Kristen Cook to mtn compelling her to appear for depo and to pay sanctions. (mk) (Entered: 07/29/1996)
08/02/1996	27	NOTICE by intevenor pltfs Penny Lummis and Tracy Roberts of filing copy of second depo of Kristen Cook in support of their mtn for sanctions with attached copy of depo. (mk) (Entered: 08/02/1996)
08/02/1996		RETURN OF SERVICE executed upon Kristen Cook on 8/2/96 for show cause hearing on 8/6/96 as ordered by Judge Higgins [25-1]. (mk) (Entered: 08/05/1996)
08/05/1996	28	NOTICE by intevenor pltfs Penny Lummis and Tracy Roberts of filing copy of 3rd deposition of Kristen Cook taken 7/31/96 in support of mtn for sanctions. (with copy attached) (mk) (Entered: 08/05/1996)
08/06/1996	29	CLERK'S RESUME: Motion for sanctions hearing held in Columbia. Defendants to submit papers re payment of witness fees. C/R: Jim Spence (pl) (Entered: 08/07/1996)

08/15/1996	30	WITNESS/EXHIBIT list by intevenor pltf Penny Lummis, and Tracy Roberts with attachments. (mk) (Entered: 08/15/1996)
08/15/1996	31	WITNESS/EXHIBIT list by deft Maury Co Sheriff and Maury County Commissioners. (mk) (Entered: 08/15/1996)
08/26/1996	32	WITNESS/EXHIBIT list by pltf USA. (mk) (Entered: 08/26/1996)
08/30/1996	33	OBJECTIONS by deft Sheriff Maury County to pltf's exhibits and witness list. [32-1] (mk) (Entered: 08/30/1996)
08/30/1996	34	OBJECTIONS by deft Sheriff Maury County to intervenors exhibits and witness list. [30-1] (mk) (Entered: 08/30/1996)
09/03/1996	35	MOTION by pltf USA to strike defts' untimely identified witnesses and objections to defts' trial exhibits. (mk) (Entered: 09/04/1996)
09/03/1996	36	MEMORANDUM by pltf USA in support of mtn to strike defts' untimely identified witnesses and objections to defts' trial exhibits. [35-1] (mk) (Entered: 09/04/1996)
09/03/1996		PROPOSED Order re: mtn to strike defts' untimely identified witnesses. (mk) (Entered: 09/04/1996)
09/03/1996		PROPOSED Order re: mtn to strike witnesses (mk) (Entered: 09/04/1996)
09/12/1996	37	RESPONSE by defts to mtn to strike untimely identified witnesses and objections to defts' trial exhibits [35-1] w/attached exhibit A (ts) (Entered: 09/13/1996)
09/16/1996	38	CLERK'S RESUME of pretrial conference held 9/16/96. PTO submitted. Mtn for sanctions to be denied. Compensatory damages issue to be briefed by 10/3/96. C/R : Jim Spence (mk) (Entered: 09/17/1996)
09/17/1996	39	PRE-TRIAL ORDER approved by Judge Thomas A. Higgins: EOD 9/17/96 (cc: all counsel) (mk) (Entered: 09/17/1996)
09/18/1996	40	ORDER by Judge Thomas A. Higgins denying mtn of intervenor pltf's to compel Kristen Cook to appear for a deposition [22-1], and to pay sanctions for expenses incurred in 2 prior attempts to depose her [22-2]. EOD 9/18/96 (cc: all counsel) (mk) (Entered: 09/18/1996)
10/03/1996	41	BRIEF FILED by intevenor pltf's Penny Lummis and Tracy Roberts regarding application of the compensatory damages caps set for in 42 USC Sec. 1981a [38-2] with attachments.

		(mk) (Entered: 10/04/1996)
10/04/1996	42	PROPOSED JURY INSTRUCTIONS submitted by defts Maury Co. Commissioners and Sheriff, Maury Co. (mk) Modified on 10/07/1996 (Entered: 10/07/1996)
10/07/1996	43	PROPOSED JURY INSTRUCTIONS submitted by pltfs USA, and intevenor pltfs Penny Lummis and Tracy Roberts. (mk) (Entered: 10/07/1996)
10/15/1996	44	MOTION and incorporated memorandum by defts to exclude the admission of the deposition of J. Wade Matheny as substantive evidence. (mk) (Entered: 10/16/1996)
10/16/1996	45	AMENDMENTS by pltf USA and intevenor Lummis and Roberts to proposed jury instructions [43-1]. (mk) (Entered: 10/17/1996)
10/17/1996	46	MEMORANDUM BRIEF by defts in response to intervenor pltf's brief regarding application of the compensatory damages caps set forth in 42 USC 1981. [41-1] (mk) (Entered: 10/18/1996)
10/17/1996	48	MEMORANDUM by defts in support of motion in limine to strike intervening plaintiffs' errata sheets [47-1] with attachments (pl) (Entered: 10/21/1996)
10/21/1996	47	MOTION by deft in limine to strike intervening plaintiffs' errata sheets (pl) (Entered: 10/21/1996)
10/21/1996	49	WITNESS list submitted by defts (pl) (Entered: 10/21/1996)
10/21/1996	50	EXHIBIT list by defts (pl) (Entered: 10/21/1996)
10/21/1996	51	AMENDED PROPOSED JURY INSTRUCTIONS submitted by defts (pl) (Entered: 10/21/1996)
10/23/1996	52	MOTION by pltf USA to deny defts' untimely filed mtn to exclude the deposition of J. Wade Matheny as substantive evidence. (mk) (Entered: 10/23/1996)
10/28/1996	53	EXHIBIT list by pltf USA. (mk) (Entered: 10/28/1996)
10/28/1996	54	WITNESS list submitted by pltf USA. (mk) (Entered: 10/28/1996)
10/29/1996	55	EXHIBIT list by intevenor pltfs (pl) (Entered: 10/29/1996)
10/29/1996		PROPOSED Order re: mtn to exclude excerpts from depo of J. Wade Matheny. (mk) (Entered: 10/30/1996)

10/29/1996	56	AMENDMENT by pltf USA to exhibit list. [55-1] (mk) (Entered: 10/30/1996)
10/29/1996	57	AMENDMENT by pltf USA to witness list [54-1]. (mk) (Entered: 10/30/1996)
10/31/1996	58	JURY INSTRUCTIONS 1 - 5 submitted by defts (pl) (Entered: 10/31/1996)
11/01/1996	59	CLERK'S RESUME Jury trial ended 11/1/96. Jury found for defendants. Clerk directed to enter judgment dismissing case with prejudice. C/R: Jim Spence (pl) Modified on 11/04/1996 (Entered: 11/04/1996)
11/01/1996	60	JURY CHARGE filed (pl) Modified on 11/04/1996 (Entered: 11/04/1996)
11/01/1996	61	VERDICT for deft Sheriff of Maury Co. and Commissioners of Maury against pltf USA and intevenor pltf Penny Lummis and Tracy Roberts (pl) (Entered: 11/04/1996)
11/04/1996	62	JUDGMENT in a Civil Case: This action came before Court for trial by jury. As reflected in verdict form [61-1], issues have been tried and jury has rendered verdict for defts and against pltf USA and intervening pltf Penny Lummis and Tracy Roberts. Ordered and adjudged pltf's case is dismissed with prejudice. Case terminated. EOD 11/4/96 (cc: all counsel) (mk) (Entered: 11/04/1996)
11/27/1996	63	BILL OF COSTS submitted by defts [62-2] to be presented to Clerk on 12/6/96 at 1:00. (mk) (Entered: 12/02/1996)
11/27/1996	64	AFFIDAVIT of Thomas W. Hardin re [63-1] with attached Exhs A and B. (mk) (Entered: 12/02/1996)
12/02/1996	65	OBJECTIONS by intevenor pltf to assignment of defts' costs to them [63-1] (mk) (Entered: 12/03/1996)
12/09/1996	66	NOTICE of Taxation of Costs by Clerk in the amount of \$5,206.25 against pltf USA and intv pltf jointly and severally. (mk) (Entered: 12/09/1996)
01/09/1997	67	COSTS taxed for defts in the amount of \$5,206.25 against pltf USA & intevenor pltf Penny Lummis & Tracy Roberts (EOD 1/9/97) (cc: all counsel) (ts) (Entered: 01/09/1997)
03/19/1997		RETURN OF EXHIBITS to counsel (mailed to Robert Watson for pltf and William Dale, Jr. for deft.) (mk) (Entered: 03/19/1997)