

CLOSED

**U.S. District Court [LIVE]
Western District of Texas (Austin)
CIVIL DOCKET FOR CASE #: 1:97-cv-00766-ADA**

EEOC v. Ampco System Parking, et al
Assigned to: Honorable Alan D Albright
Demand: \$0
Case in other court: 99-50451

5th Cir., :99- -50451

Cause: 42:12117 Employment Discrimination on Basis of
Disability

Date Filed: 10/20/1997
Date Terminated: 03/02/1999
Jury Demand: Plaintiff
Nature of Suit: 442 Civil Rights: Jobs
Jurisdiction: U.S. Government Plaintiff

Plaintiff

**Equal Employment Opportunity
Commission**

represented by **Robert B. Harwin**
Equal Employment Opportunity
Commission
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LEAD ATTORNEY
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V.

Defendant

Ampco System Parking, Inc.
*A Subsidiary of American Building
Maintenance Industries, Inc.*
TERMINATED: 01/04/1999

represented by **Kevin Thomas O'Hanlon**
O'Hanlon & Associates
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TERMINATED: 01/04/1999

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TERMINATED: 01/04/1999

LEAD ATTORNEY

Defendant

Ampco Austin Parking, J.V.

represented by **Kevin Thomas O'Hanlon**

(See above for address)

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ATTORNEY TO BE NOTICED

Intervenor Defendant

Ampco System Parking, Inc.

TERMINATED: 11/04/1998

represented by **Kevin Thomas O'Hanlon**

(See above for address)

TERMINATED: 11/04/1998

LEAD ATTORNEY

Intervenor Defendant

AMPCO Austin Parking, J.V.

TERMINATED: 11/04/1998

Intervenor

Trustee Marsha G. Kocurek

TERMINATED: 11/04/1998

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TERMINATED: 11/04/1998

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TERMINATED: 11/04/1998

LEAD ATTORNEY

| Date Filed | # | Docket Text |
|-------------------|----------|--|
| 10/20/1997 | | Case assigned to Honorable Sam Sparks. (fe) (Entered: 10/21/1997) |
| 10/20/1997 | 1 | Complaint filed. (Pages: 6) (fe) (Entered: 10/21/1997) |
| 10/20/1997 | | Court file prepared and sent to Judge Sparks. (fe) (Entered: 10/21/1997) |
| 12/30/1997 | 2 | Waiver of Service by Ampco System Parking; Notice and Request Mailed on 10/22/97; Answer due on 12/22/97 for Ampco System Parking. (fe) (Entered: 12/30/1997) |
| 01/29/1998 | 3 | Original Answer by defendant Ampco System Parking. (fe) (Entered: 01/29/1998) |
| 02/25/1998 | 4 | Notice of filing Joint Proposed Scheduling Order by EEOC, and Ampco System Parking. (fe) (Entered: 02/25/1998) |
| 02/25/1998 | | RECEIVED -- Joint Proposed Scheduling Order. (fe) (Entered: 02/25/1998) |
| 02/27/1998 | 5 | Scheduling order setting Joining of parties, amending of pleadings on 4/10/98; Deadline for filing of all motions 6/12/98; Discovery cutoff 5/29/98; Pretrial order to be submitted on or before 8/21/98; Docket Call set for 11:00 on 8/28/98; Alternate Dispute Resolution Report due by 4/3/98. -- (MAILED on 2/27/98) (fe) (Entered: 02/27/1998) |
| 03/06/1998 | 6 | Witness List by plaintiff EEOC. (fe) (Entered: 03/06/1998) |
| 03/06/1998 | 6 | Exhibit List by plaintiff EEOC. (fe) (Entered: 03/06/1998) |
| 03/09/1998 | 7 | Witness List by defendant Ampco System Parking. (fe) (Entered: 03/10/1998) |
| 03/09/1998 | 7 | Designation of Expert Witness by defendant Ampco System Parking. (fe) (Entered: 03/10/1998) |
| 03/09/1998 | 7 | Exhibit List by defendant Ampco System Parking. (fe) (Entered: 03/10/1998) |
| 03/19/1998 | 8 | Motion by EEOC to strike expert witness (td) (Entered: 03/19/1998) |
| 03/24/1998 | 9 | Response by defendant Ampco System Parking to Plaintiff's Motion to Strike Expert Witness [8-1]. (fe) (Entered: 03/24/1998) |
| 03/30/1998 | 10 | Designation of Rebuttal Expert witnesses by plaintiff EEOC. (fe) (Entered: 03/30/1998) |
| 04/03/1998 | 11 | Alternate Dispute Resolution Report filed by EEOC; Parties do not agree to Alternate Dispute Resolution . (fe) (Entered: 04/03/1998) |
| 04/03/1998 | 12 | Consent to trial by Magistrate by plaintiff EEOC, and defendant Ampco System Parking. (fe) (Entered: 04/03/1998) |
| 04/06/1998 | 13 | Order denying plaintiff's Motion to strike expert witness [8-1]. The defendant shall within 5 days of the date of this order make such disclosure, including a complete summary of the purported expert's proposed testimony, and thereafter, the EEOC shall have 30 days to designate its expert witness in rebuttal to any disclosure by the defendant. -- (MAILED on 4/6/98) (fe) (Entered: 04/06/1998) |

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| 04/10/1998 | 14 | Motion by plaintiff EEOC for Leave to File Amended Complaint and Joinder . (fe) (Entered: 04/10/1998) |
| 04/10/1998 | | RECEIVED -- First Amended Complaint. (fe) (Entered: 04/10/1998) |
| 04/14/1998 | 15 | Order - that this cause is REASSIGNED to the docket of the U.S. Magistrate Judge for all purposes. -- (MAILED on 4/14/98) (fe) (Entered: 04/14/1998) |
| 04/14/1998 | | Case reassigned from Honorable Sam Sparks to Honorable Alan D Albright. (fe) (Entered: 04/14/1998) |
| 04/14/1998 | | Court file received from Judge Sparks and forwarded to Judge Albright. (fe) (Entered: 04/14/1998) |
| 04/15/1998 | 16 | Order - that the parties confer with each other and inform the Court, no later than 4/30/98, whether they are satisfied with the current scheduling order. If the parties wish to enter a new scheduling order, they must do so on or before 4/30/98. -- (MAILED on 4/15/98) (fe) (Entered: 04/15/1998) |
| 04/15/1998 | 17 | Order granting plaintiff's Motion for Leave to File Amended Complaint and Joinder [14-1]. -- (MAILED on 4/15/98) (fe) (Entered: 04/15/1998) |
| 04/15/1998 | 18 | First Amended Complaint by EEOC, amending complaint [1-1]. (Pages: 12) (fe) (Entered: 04/15/1998) |
| 04/22/1998 | 19 | Order setting status conference for 1:30 on 5/19/98 . -- (MAILED on 4/22/98) (fe) (Entered: 04/22/1998) |
| 04/23/1998 | 20 | Order cancelling deadline - It is hereby ORDERED that this Court's order of April 22, 1998, setting this case for status conference is hereby WITHDRAWN and HELD FOR NAUGHT. -- (MAILED on 4/24/98) (fe) (Entered: 04/24/1998) |
| 05/05/1998 | 21 | Order setting status conference for 9:30 on 9/18/98 ; setting Jury selection and trial for 9:00 on 9/21/98 . -- (MAILED on 5/5/98) (fe) (Entered: 05/05/1998) |
| 05/05/1998 | | Jury selection set at 9:00 on 9/21/98. (fe) (Entered: 05/05/1998) |
| 05/05/1998 | 22 | Order cancelling deadline - The Magistrate Court hereby ORDERS the docket call set for 8/28/98 CANCELED. -- (MAILED on 5/5/98) (fe) (Entered: 05/05/1998) |
| 05/08/1998 | 23 | Order on Courtroom Decorum and Trial Procedures. (Mailed 5/8/98.) (mc2) (Entered: 05/08/1998) |
| 05/13/1998 | 24 | Supplemental Designation of Rebuttal Expert Witness filed by plaintiff EEOC. (fe) (Entered: 05/13/1998) |
| 06/15/1998 | 25 | Motion by defendant Ampco System Parking for Partial Summary Judgment . (fe) (Entered: 06/15/1998) |
| 06/26/1998 | 26 | Response by plaintiff EEOC to defendant's Motion for Partial Summary Judgment [25-1] (fe) (Entered: 06/26/1998) |
| 07/20/1998 | 27 | Reply by Defendant Ampco System Parking to response to motion for Partial Summary Judgment [25-1] and Alternative Motion to Dismiss Damage Claims for Lack of Subject Matter Jurisdiction. (fe) (Entered: 07/20/1998) |

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| 07/20/1998 | 28 | Order granting in part, denying in part defendant's Motion for Partial Summary Judgment on Damages [25-1]. -- (MAILED on 7/20/98) (fe) (Entered: 07/20/1998) |
| 07/30/1998 | 29 | Motion by plaintiff EEOC for Clarification and Reconsideration of Court's July 20, 1998 Order . (fe) (Entered: 07/30/1998) |
| 08/06/1998 | 30 | Order denying plaintiff's Motion for Clarification and Reconsideration of Court's July 20, 1998 Order [29-1]. -- (MAILED on 8/7/98) (fe) (Entered: 08/07/1998) |
| 08/12/1998 | 31 | Intervenor's complaint by Marsha G. Kocurek against Ampco System Parking and AMPCO Austin Parking J.V. (Pages: 6) (fe) (Entered: 08/13/1998) |
| 08/12/1998 | 32 | Motion by Marsha G. Kocurek to reinstate claims for monetary relief, including compensatory damages (fe) (Entered: 08/13/1998) |
| 08/14/1998 | 33 | Order granting motion to reinstate claims for monetary relief, including compensatory damages [32-1]. (Mailed 8/14/98.) (mc2) (Entered: 08/14/1998) |
| 08/21/1998 | 34 | Waiver of Service by Ampco System Parking ; Notice and Request Mailed on 8/13/98; Answer due on 10/13/98 for Ampco System Parking. (fe) (Entered: 08/21/1998) |
| 08/24/1998 | 35 | Motion by plaintiff EEOC for Pre-Trial Conference , and for Order Directing Parties to Participate in Non-Binding Alternative Dispute Resolution Proceeding . (fe) (Entered: 08/24/1998) |
| 08/25/1998 | 36 | Motion by plaintiff EEOC for Expedited Hearing on its Motion for Pre-Trial Conference. . . (fe) (Entered: 08/25/1998) |
| 08/25/1998 | 37 | Order denying plaintiff's Motion for Expedited Hearing on its Motion for Pre-Trial Conference. . . [36-1], denying plaintiff's Motion for Pre-Trial Conference [35-1], and denying plaintiff's Motion for Order Directing Parties to Participate in Non-Binding Alternative Dispute Resolution Proceeding [35-2]. -- (MAILED on 8/25/98) (fe) (Entered: 08/25/1998) |
| 08/26/1998 | 38 | Response by defendant Ampco System Parking in opposition to plaintiff's Motion for Pre-Trial Conference [35-1], motion for Order Directing Parties to Participate in Non-Binding Alternative Dispute Resolution Proceeding [35-2]. (fe) (Entered: 08/26/1998) |
| 09/02/1998 | 39 | Answer by defendant Ampco System Parking to Complaint in Intervention. (fe) (Entered: 09/02/1998) |
| 09/14/1998 | 40 | Motion by trustee Marsha G. Kocurek for Continuance of the trial date . (fe) (Entered: 09/15/1998) |
| 09/14/1998 | 41 | Order granting motion for Continuance of the trial date [40-1]. (Mailed 9/16/98.) (mc2) (Entered: 09/16/1998) |
| 09/14/1998 | 42 | Order abating all deadlines until further notice. (Mailed 9/16/98.) (mc2) (Entered: 09/16/1998) |
| 09/23/1998 | 43 | Motion by defendant Ampco System Parking to Strike EEOC's Jury Demand . (fe) (Entered: 09/23/1998) |

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| 10/01/1998 | 44 | Notice of Approval of Settlement by defendant Ampco System Parking. (fe) (Entered: 10/01/1998) |
| 10/01/1998 | 44 | Request by defendant Ampco System Parking for Pre-Trial Conference and Trial Setting on Non-Jury Docket . (fe) (Entered: 10/01/1998) |
| 10/02/1998 | 45 | Response by plaintiff EEOC to defendant's Motion to Strike EEOC's Jury Demand [43-1] (fe) (Entered: 10/02/1998) |
| 10/06/1998 | 46 | Order denying defendant's motion to Strike EEOC's Jury Demand [43-1] (mailed 10/6/98) (fe) (Entered: 10/06/1998) |
| 10/07/1998 | 47 | Order denying as moot defendants' Notice of Approval of Settlement and Request for Pre-Trial Conference and Trial Setting on Non-Jury Docket [44-1]. -- (MAILED on 10/7/98) (fe) (Entered: 10/07/1998) |
| 10/07/1998 | 48 | Reply by Ampco System Parking to EEOC's Opposition to Motion to Strike EEOC's Jury Demand [43-1] (fe) (Entered: 10/07/1998) |
| 10/30/1998 | 49 | Motion by defendant Ampco System Parking, and trustee Marsha G. Kocurek to Dismiss Claims of Plaintiff-Intervenor . (fe) (Entered: 10/30/1998) |
| 11/04/1998 | 50 | Order granting the Motion to Dismiss Claims of Plaintiff-Intervenor [49-1]. All claims asserted by the plaintiff-intervenor against defendant are hereby dismissed with prejudice. This order does not affect any claims for injunctive or declaratory relief asserted by the plaintiff EEOC against defendant. (fe) (Entered: 11/05/1998) |
| 11/05/1998 | 51 | Motion by defendant Ampco System Parking for Summary Judgment, Rule 56 EEOC's Claims for Declaratory and/or Injunctive Relief . (fe) (Entered: 11/05/1998) |
| 11/16/1998 | 52 | Motion by plaintiff EEOC to Strike Defendant's Motion for Summary Judgment . (fe) (Entered: 11/16/1998) |
| 11/16/1998 | 52 | Response by plaintiff EEOC to defendant's Motion for Summary Judgment, Rule 56 EEOC's Claims for Declaratory and/or Injunctive Relief [51-1] (fe) (Entered: 11/16/1998) |
| 11/23/1998 | 53 | Response by defendant Ampco System Parking to plaintiff's Motion to Strike Defendant's Motion for Summary Judgment [52-1] (fe) (Entered: 11/23/1998) |
| 11/23/1998 | 53 | Reply by Ampco System Parking to response to motion for Summary Judgment, Rule 56 EEOC's Claims for Declaratory and/or Injunctive Relief [51-1] (fe) Modified on 04/30/1999 (Entered: 11/23/1998) |
| 11/30/1998 | 54 | Supplemental Response by plaintiff EEOC to defendant's Motion for Summary Judgment, Rule 56 EEOC's Claims for Declaratory and/or Injunctive Relief [51-1] (fe) Modified on 04/30/1999 (Entered: 11/30/1998) |
| 11/30/1998 | 55 | Reply by plaintiff EEOC to defendant's Response to motion to Strike Defendant's Motion for Summary Judgment [52-1] (fe) Modified on 04/30/1999 (Entered: 11/30/1998) |
| 11/30/1998 | 56 | Order - Hearing on all pending matters: Motion for Summary Judgment, Rule 56 EEOC's Claims for Declaratory and/or Injunctive Relief [51-1]; and Motion to |

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| | | Strike Defendant's Motion for Summary Judgment [52-1], set for 9:30 on 12/15/98 . (fe) Modified on 04/30/1999 (Entered: 12/01/1998) |
| 12/03/1998 | 57 | Request by plaintiff EEOC for Trial Setting . (fe) Modified on 04/30/1999 (Entered: 12/03/1998) |
| 12/15/1998 | | Motion hearing held for the following motions: Defendant's Motion for Summary Judgment... [51-1], Plaintiff's Motion to Strike... [52-1], and Plaintiff's Request for Trial Setting [57-1]. Parties announced ready. Statements and arguments of counsel heard. Written order forthcoming. (fe) Modified on 04/30/1999 (Entered: 12/15/1998) |
| 12/15/1998 | | Oral order denying plaintiff's Motion to Strike Defendant's Motion for Summary Judgment [52-1] . (fe) Modified on 04/30/1999 (Entered: 12/15/1998) |
| 12/16/1998 | 58 | Order setting status conference for 9:30 on 1/22/99 ; setting Jury selection and trial for 9:00 on 1/25/99 . (fe) Modified on 04/30/1999 (Entered: 12/16/1998) |
| 12/16/1998 | | Jury selection set at 9:00 on 1/25/99. (fe) (Entered: 12/16/1998) |
| 12/16/1998 | | Mooted: Motion for Trial Setting [57-1] (fe) Modified on 04/30/1999 (Entered: 12/17/1998) |
| 01/04/1999 | 59 | Order granting motion for Summary Judgment, Rule 56 EEOC's Claims for Declaratory and/or Injunctive Relief [51-1] (fe) Modified on 04/30/1999 (Entered: 01/04/1999) |
| 01/11/1999 | 60 | Order - the parties are ORDERED to file briefs within 30 days of this order clarifying the existence or participation of AMPCO Austin Parking J.V. in this case. (fe) Modified on 04/30/1999 (Entered: 01/12/1999) |
| 01/14/1999 | 61 | Order - the deadlines set for the status conference, jury selection and jury trial set in this case are hereby CANCELLED. (fe) Modified on 04/30/1999 (Entered: 01/14/1999) |
| 01/27/1999 | 62 | Defendant Ampco Austin Parking J.V.'s Motion Adopting Ampco System Parking, Inc.'s Motion for Summary Judgment, Rule 56 as to the EEOC's Claims for Declaratory and/or Injunctive Relief and All Responses, Replies, Authorities, Evidence, or Other Materials Filed by Ampco System Parking, Inc. for Purposes of Summary Judgment. (fe) Modified on 04/30/1999 (Entered: 01/27/1999) |
| 02/03/1999 | 63 | Response by plaintiff EEOC to defendant Ampco Austin Parking J.V.'s Motion for Summary Judgment [51-1]. (fe) Modified on 04/30/1999 (Entered: 02/03/1999) |
| 02/10/1999 | 64 | Plaintiff's Brief by EEOC Regarding Existence of Ampco Austin Parking J.V., in response to the order of 1/11/99 [60-1]. (fe) Modified on 04/30/1999 (Entered: 02/10/1999) |
| 03/02/1999 | 65 | Order - that defendant Austin Parking J.V.'s Motion for Summary Judgment is GRANTED for the reasons stated in this Court's January 4th Order granting summary judgment for Defendant AMPCO System Parking, Inc. All pending motions are DENIED. (fe) Modified on 04/30/1999 (Entered: 03/03/1999) |
| 03/02/1999 | | Case closed. (fe) (Entered: 03/03/1999) |

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| 04/28/1999 | 66 | Notice of appeal by EEOC (fe) Modified on 04/30/1999 (Entered: 04/29/1999) |
| 04/30/1999 | | Notice of appeal and certified copy of docket to USCA: appeal [66-1] (fe) Modified on 04/30/1999 (Entered: 04/30/1999) |
| 04/30/1999 | | Served copy of notice of appeal on Susan Biggs, Robert Harwin, Kevin O'Hanlon, and court. (fe) Modified on 04/30/1999 (Entered: 04/30/1999) |
| 05/06/1999 | 67 | Appeal Transcript requested by EEOC appeal [66-1] of motions hearing held 12/5/98 (fe) Modified on 05/17/1999 (Entered: 05/07/1999) |
| 05/10/1999 | | Return of appeal information sheet received. appeal [66-1] USCA NUMBER: 99-50451 (fe) (Entered: 05/10/1999) |
| 05/14/1999 | 68 | Transcript filed appeal [66-1] for dates of 12/5/98 Appeal record due on 6/1/99 (fe) (Entered: 05/17/1999) |
| 05/17/1999 | | Certified and transmitted record on appeal to U.S. Court of Appeals: appeal [66-1] #99-50451 (fe) (Entered: 05/17/1999) |
| 05/26/1999 | | Letter of transmittal from USCA: appeal [66-1] #99-50451 acknowledging receipt of the record on 5/19/99. (fe) (Entered: 05/26/1999) |
| 06/01/1999 | 69 | Corrected pages of transcript filed appeal [66-1] for dates of 12/5/99 (fe) (Entered: 06/02/1999) |
| 06/10/1999 | | Transmitted supplemental record on appeal: appeal [66-1] #99-50451 (transcript of corrected pages to motions hearing held 12/5/99) (fe) (Entered: 06/10/1999) |
| 10/12/1999 | 70 | Certified copy of judgment (order) of USCA dismissing appeal [66-1] #99-50451 without prejudice (upon appellant's motion) to the right of either party to reinstate the appeal . . . Filed in NOLA 10/6/99, Filed in USDC, dkt'd & noticed 10/12/99. (fe) (Entered: 10/12/1999) |
| 10/12/1999 | | The record on appeal #99-50451 was not returned upon receipt of the dismissal on 10/12/99. (fe) (Entered: 10/12/1999) |
| 11/30/1999 | | Record on appeal returned from U.S. Court of Appeal : #99-50451 (fe) (Entered: 11/30/1999) |
| 04/07/2000 | | Fifth Circuit Clerk's memorandum to all counsel stating that appellant's motion for an extension until 4/24/00 within which to reinstate the appeal is granted. (fe) (Entered: 04/07/2000) |

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