

CLOSED,JURY

**U.S. District Court
Northern District of Texas (Dallas)
CIVIL DOCKET FOR CASE #: 3:06-cv-01779-O**

Equal Employment Opportunity Commission v. Beall Concrete
Enterprises Inc
Assigned to: Judge Reed C O'Connor
Cause: 28:451 Employment Discrimination

Date Filed: 09/28/2006
Date Terminated: 04/22/2008
Jury Demand: Plaintiff
Nature of Suit: 442 Civil Rights:
Employment
Jurisdiction: U.S. Government Plaintiff

Plaintiff

**Equal Employment Opportunity
Commission**

represented by **Robert A Canino , Jr**
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V.

Defendant

Beall Concrete Enterprises Inc
*a wholly owned susidiary of US Concrete
 Inc*

represented by **Mark J Levine**
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 Bellaire, TX 77401
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Date Filed	#	Docket Text
09/28/2006	<u>1</u>	COMPLAINT against Beall Concrete Enterprises Inc filed by Equal Employment Opportunity Commission. (axm,) (Entered: 09/28/2006)
09/28/2006		DEMAND for Trial by Jury by Equal Employment Opportunity Commission. (contained within complaint) (axm,) (Entered: 09/28/2006)
09/28/2006	<u>2</u>	Summons Issued as to Beall Concrete Enterprises Inc. (ISS-1) (axm,) (Entered: 09/28/2006)
09/28/2006	<u>3</u>	CERTIFICATE OF INTERESTED PERSONS/DISCLOSURE STATEMENT by Equal Employment Opportunity Commission. (axm,) (Entered: 09/28/2006)
09/28/2006		***Magistrate Judge Ramirez chosen by random selection to handle matters that may be referred in this case. (axm,) (Entered: 09/28/2006)
09/28/2006	<u>4</u>	Order Designating Case for ECF – see order for specifics. (Signed by Judge Barbara M. G. Lynn on 09/28/2006) (axm,) (Entered: 09/28/2006)
11/14/2006	<u>5</u>	NOTICE of Waiver of Service by Beall Concrete Enterprises Inc (jyg,) (Entered: 11/15/2006)
11/14/2006	<u>6</u>	WAIVER OF SERVICE Returned Executed as to Beall Concrete Enterprises Inc. Waiver sent on 10/13/2006, answer due 12/12/2006. (jyg,) (Entered: 11/15/2006)
01/04/2007	<u>7</u>	ANSWER to Complaint by Beall Concrete Enterprises Inc (Levine, Mark) (Entered: 01/04/2007)
01/16/2007	<u>8</u>	Order Requiring Scheduling Conference and Report for Content for Scheduling Order Proposal due by 2/28/2007. See order for details. (Signed by Judge Barbara M. G. Lynn on January 16, 2007) (Attachments: # <u>1</u> consent letter# <u>2</u> Consent Form) (jyg) (Entered: 01/16/2007)

02/23/2007	<u>9</u>	STATUS REPORT <i>JOINT</i> by Equal Employment Opportunity Commission. (Costas, Toby) (Entered: 02/23/2007)
04/16/2007	<u>10</u>	SCHEDULING ORDER: Amended Pleadings due by 5/16/2007. Discovery due by 10/15/2007. Pretrial Conference set for 4/4/2008 10:00 AM before Judge Barbara M. G. Lynn. Joinder of Parties due by 5/16/2007. This case is set for jury trial on this Court's three-week docket beginning 4/8/2008 at 09:00 AM before Judge Barbara M. G. Lynn. Motions due by 11/1/2007. Proposed Pretrial Order due by 3/17/2008. Pretrial Materials due by 3/17/2008. Settlement Report due by 10/31/2007. See order for other deadlines. (Signed by Judge Barbara M. G. Lynn on April 16, 2007) (jyg) Modified on 4/23/2007 (Gardner, Jo). (Entered: 04/16/2007)
04/17/2007	<u>11</u>	ORDER Confirming Trial Date: The Court's April 16, 2007 Scheduling Order is hereby AMENDED to reflect that this case is currently set for a jury trial on this Court's three-week docket call beginning April 7, 2008, at 9:00 a.m., not April 8, 2008. All other deadlines set out in the Court's Scheduling Order remain in effect. (Signed by Judge Barbara M. G. Lynn on April 17, 2007) (jyg) (Entered: 04/17/2007)
05/07/2007	<u>12</u>	AMENDED COMPLAINT against Beall Concrete Enterprises Inc filed by Equal Employment Opportunity Commission. (Attachments: # <u>1</u> Appendix Beal Second Amend Redlined) (Costas, Toby) (Entered: 05/07/2007)
05/31/2007	<u>13</u>	Designation of Experts by Equal Employment Opportunity Commission. (Costas, Toby) (Entered: 05/31/2007)
06/12/2007	<u>14</u>	NOTICE of Attorney Appearance by Devika Seth on behalf of Equal Employment Opportunity Commission (Seth, Devika) (Entered: 06/12/2007)
09/12/2007	<u>15</u>	Unopposed MOTION for Leave to File First Amended Answer by Beall Concrete Enterprises Inc (Attachments: # <u>1</u> Exhibit A) (Levine, Mark) Modified on 9/13/2007 (npk) (Entered: 09/12/2007)
09/14/2007	<u>16</u>	UNOPPOSED MOTION for Leave to File Amended Answer by Beall Concrete Enterprises Inc (Attachments: # <u>1</u> Exhibit A) (Levine, Mark) Modified on 9/14/2007 (npk) (Entered: 09/14/2007)
09/27/2007	<u>17</u>	ORDER granting <u>15</u> , <u>16</u> Unopposed Motions for Leave to File First Amended Answer to Complaint. Amended Answer due 10/1/07. (Signed by Judge Barbara M. G. Lynn on 9/27/07) (npk) (Entered: 09/28/2007)
10/01/2007	<u>18</u>	AMENDED ANSWER by Beall Concrete Enterprises Inc re <u>12</u> Amended Complaint (Levine, Mark) (Entered: 10/01/2007)
10/19/2007	<u>19</u>	Unopposed Motion to Extend Dispositive Motion Deadline by Beall Concrete Enterprises Inc. (Levine, Mark) Modified on 10/22/2007 (klm). (Entered: 10/19/2007)
10/23/2007	<u>20</u>	ORDER granting <u>19</u> Unopposed Motion for Extension of Time to File Dispositive Motion Deadline. Motion for Summary Judgment due by 11/15/2007. Responses due by 12/14/2007. (Signed by Judge Barbara M. G. Lynn on October 23, 2007) (jyg) (Entered: 10/23/2007)
10/31/2007	<u>21</u>	STATUS REPORT <i>JOINT SETTLEMENT STATUS REPORT</i> by Equal Employment Opportunity Commission, Beall Concrete Enterprises Inc. (Seth, Devika) (Entered: 10/31/2007)
11/14/2007	<u>22</u>	MOTION for Partial Summary Judgment on Plaintiff's Claims Under the Americans with Disabilities Act by Beall Concrete Enterprises Inc with Brief/Memorandum in Support. (Attachments: # <u>1</u> Supplement Brief in Support) (Levine, Mark) Modified on 11/14/2007 (lmp). (Entered: 11/14/2007)
12/06/2007	<u>23</u>	NOTICE of Change of Address by Mark J Levine, counsel for Beall Concrete Enterprises Inc. New address is: 4747 Bellaire, Suite 500, Bellaire, Texas 77401, Telephone: (713) 574-4550, Facsimile: (713) 660-8637 (Levine, Mark) (Entered: 12/06/2007)

12/14/2007	<u>24</u>	RESPONSE/Brief in Opposition filed by Equal Employment Opportunity Commission re <u>22</u> for Partial Summary Judgment. (Seth, Devika) Modified on 12/18/2007 (Imp). (Entered: 12/14/2007)
12/14/2007	<u>25</u>	Appendix in Support filed by Equal Employment Opportunity Commission 24 RESPONSE/Brief in Opposition filed by Equal Employment Opportunity Commission re <u>22</u> for Partial Summary Judgment.(Attachments: # <u>1</u> Appendix Declaration of Charles Gentry# <u>2</u> Appendix Affidavit of Charles Gentry# <u>3</u> Appendix TWC Report Charles Gentry# <u>4</u> Affidavit TWC Report Charles Gentry# <u>5</u> Appendix Defendat's Employee Handbook Hourly Employees# <u>6</u> Appendix Defendant's Employee Handbook Hourly Employees# <u>7</u> Appendix Defendant's Supplemental Statement Position &Employee Status Form# <u>8</u> Appendix Defendant's Objections and Answers to Plaintiff First Set Interrogatories# <u>9</u> Appendix Excerpts Depo Charles Gentry# <u>10</u> Appendix Excerpts Depo 102-116# <u>11</u> Appendix DepoExcerpts Patti Reardon 117-131# <u>12</u> Appendix Depo Excerpts Patti Reardon 132-145# <u>13</u> Appendix Excerpts Depo Patti Reardon 146-160 &Affidavit of Devika Seth) (Seth, Devika) Modified on 12/18/2007 (Imp). (Entered: 12/14/2007)
12/17/2007	<u>28</u>	SPECIAL ORDER NO. 3-270. Case reassigned to Judge Reed C O'Connor for all further proceedings. Judge Barbara M. G. Lynn no longer assigned to case. (see order for specifics) (Signed by Judge Sidney A Fitzwater on 12/17/07) (Imp) (Entered: 12/19/2007)
12/18/2007	<u>26</u>	Amended Brief/Memorandum in Support filed by Beall Concrete Enterprises Inc re <u>22</u> MOTION for Partial Summary Judgment on Plaintiff's Claims Under the Americans with Disabilities Act. (Levine, Mark) Modified on 12/20/2007 (Imp). (Entered: 12/18/2007)
12/18/2007	<u>27</u>	Appendix in Support filed by Beall Concrete Enterprises Inc re <u>26</u> Amended Brief/Memorandum in Support <u>22</u> MOTION for Partial Summary Judgment on Plaintiff's Claims Under the Americans with Disabilities Act. (Levine, Mark) Modified on 12/20/2007 (Imp). (Entered: 12/18/2007)
03/06/2008	<u>29</u>	TRIAL SCHEDULING ORDER: Pretrial Order due by 3/17/2008. Jury Trial set for 4/7/2008 09:30 AM before Judge Reed C O'Connor. See order for other specifics. (Signed by Judge Reed C O'Connor on 3/6/08) (jrb) (Entered: 03/07/2008)
03/15/2008	<u>30</u>	Memorandum Opinion and Order granting <u>22</u> Motion for Summary Judgment, filed by Beall Concrete Enterprises Inc. (See Order for specifics) (Signed by Judge Reed C O'Connor on 3/15/08) (skt) (Entered: 03/17/2008)
03/17/2008	<u>31</u>	Witness List by Equal Employment Opportunity Commission. (Seth, Devika) (Entered: 03/17/2008)
03/17/2008	<u>32</u>	Exhibit List by Equal Employment Opportunity Commission. (Seth, Devika) (Entered: 03/17/2008)
03/17/2008	<u>33</u>	Designation of Deposition by Equal Employment Opportunity Commission. (Seth, Devika) (Entered: 03/17/2008)
03/17/2008	<u>34</u>	ORDER SETTING PRETRIAL STATUS HEARING: Status Hearing set for 3/25/2008 10:30 AM before Judge Reed C O'Connor. (see order for specifics) (Signed by Judge Reed C O'Connor on 3/17/2008) (axm) (Entered: 03/17/2008)
03/17/2008	<u>35</u>	Exhibit List by Beall Concrete Enterprises Inc. (Levine, Mark) (Entered: 03/17/2008)
03/17/2008	<u>36</u>	Witness List by Beall Concrete Enterprises Inc. (Levine, Mark) (Entered: 03/17/2008)
03/18/2008	<u>37</u>	Exhibit List <i>Amended</i> by Equal Employment Opportunity Commission. (Seth, Devika) (Entered: 03/18/2008)
03/24/2008	<u>38</u>	Agreed Proposed Jury Instructions by Equal Employment Opportunity Commission, Beall Concrete Enterprises Inc. (Seth, Devika) Modified on 3/25/2008 (tln). (Entered: 03/24/2008)

03/24/2008	<u>39</u>	Proposed Voir Dire by Equal Employment Opportunity Commission. (Seth, Devika) (Entered: 03/24/2008)
03/24/2008	<u>40</u>	Proposed Voir Dire by Beall Concrete Enterprises Inc. (Levine, Mark) (Entered: 03/24/2008)
03/24/2008	<u>41</u>	Defendant's Rule 26(a)(3) Disclosure Objections by Beall Concrete Enterprises Inc. (Levine, Mark) Modified on 3/25/2008 (tln). (Entered: 03/24/2008)
03/24/2008	<u>42</u>	AMENDED DOCUMENT by Beall Concrete Enterprises Inc. Amendment to <u>41</u> Defendant's Rule 26(a)(3) Disclosure Objections. (Levine, Mark) Modified on 3/25/2008 (tln). (Entered: 03/24/2008)
03/25/2008	<u>43</u>	Minute Entry for proceedings held before Judge Reed C O'Connor: Pretrial Conference held on 3/25/2008. Attorney Appearances: Plaintiff – Devika Seth, Toby W. Costas; Defense – Mark J. Levine. (Court Reporter Debbie Saenz.) Time in Court: 65 mins. (skt) (Entered: 03/26/2008)
03/26/2008	<u>44</u>	ORDER: The Court determines that this case should be REFERRED to U.S. Magistrate Judge Irma Carrillo Ramirez for a court-ordered settlement conference to be conducted on April 3, 2008 at 9:00 a.m.. All counsel are directed to contact the chambers of Magistrate Judge Ramirez at 214-753-2393 no later than 5:00 p.m. March 28, 2008 to arrange all the details of the conference. The parties, as well as counsel, shall attend the settlement conference. (Signed by Judge Reed C O'Connor on 03/26/08) (Imp) (Entered: 03/27/2008)
03/27/2008	<u>45</u>	ORDER: Pursuant to the District Court's Order, filed March 26, 2008, this matter has been referred to the United States Magistrate Judge for a settlement conference. This Order will control all proceedings relating to the settlement conference in this case. Settlement Conference set for 4/3/2008 09:00 AM before Magistrate Judge Irma C Ramirez. (see order for specifics) (Signed by Magistrate Judge Irma C Ramirez on 03/27/08) (Imp) (Entered: 03/27/2008)
04/03/2008		Minute Entry for proceedings held before Magistrate Judge Irma C Ramirez: Settlement Conference held on 4/3/2008. Parties settled. Attorney Appearances: Plaintiff – Devika Seth, Toby Costas; Defense – Mark Levine, Curt Lindeman. (Not recorded) Time in Court: 3 hours. NO PDF ATTACHED – THIS IS A VIRTUAL MINUTE ENTRY. (lmm) (Entered: 04/03/2008)
04/03/2008	<u>46</u>	ORDER: The Court has been notified that this case has settled. The parties are therefore directed to file the necessary dismissal papers (a stipulation of dismissal under FED. R. CIV. P. 41(a)(1)(A)(ii)) with the Clerk's Office within 15 days from the date of this order. (see order for specifics) (Signed by Judge Reed C O'Connor on 4/3/08) (klm) (Entered: 04/04/2008)
04/22/2008	<u>47</u>	Consent Decree. (See Order for specifics) (Signed by Judge Reed C O'Connor on 4/22/08) (skt) (Entered: 04/23/2008)