

CLOSED, CONSOLIDATED

**U.S. District Court [LIVE]  
Western District of Texas (Austin)  
CIVIL DOCKET FOR CASE #: 1:03-cv-00596-SS**

Ugarte v. Double Tree Hotel Co, et al  
Assigned to: Honorable Sam Sparks  
Demand: \$0  
Case in other court: member case, 1:03-cv-00689  
201st, Travis County, GN303055  
Cause: 28:1441 Petition for Removal - 42:1983 Civil Rights

Date Filed: 08/26/2003  
Date Terminated: 05/04/2004  
Jury Demand: Plaintiff  
Nature of Suit: 440 Civil Rights: Other  
Jurisdiction: Federal Question

**Plaintiff**

**Petra Ugarte**

represented by **Dale Ossip Johnson**  
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**Consol Plaintiff**

**Equal Employment Opportunity  
Commission**

represented by **Edward Juarez**  
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V.

**Defendant**

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**Defendant**

**Doubletree Hotel Systems, Inc.**

represented by **Celeste Yeager Winford**  
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*LEAD ATTORNEY*  
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**Ronald M. Gaswirth**  
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**Defendant**

**X**  
*doing business as*  
Doubletree Hotel

represented by **Celeste Yeager Winford**  
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**Ronald M. Gaswirth**  
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**Defendant**

**Andrew Saldana**

represented by **Brett J. Strand**  
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**Defendant**

**Hilton Hotels Corp.**

represented by **Celeste Yeager Winford**  
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*ATTORNEY TO BE NOTICED*

**Ronald M. Gaswirth**  
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*LEAD ATTORNEY*  
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**Defendant****DT Management, Inc.**

represented by **Celeste Yeager Winford**  
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**Ronald M. Gaswirth**  
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**Defendant****Doubletree Management Company**

represented by **Celeste Yeager Winford**  
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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Ronald M. Gaswirth**  
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*ATTORNEY TO BE NOTICED*

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
08/26/2003		Case assigned to Honorable Sam Sparks (fe) (Entered: 08/27/2003)
08/26/2003	<a href="#"><u>1</u></a>	Notice for Removal Filing Fee: \$ 150.00 Receipt # 344168 (Pages: 19 + 11) (fe) Modified on 08/27/2003 (Entered: 08/27/2003)
08/26/2003	<a href="#"><u>2</u></a>	Notice of filing corporate disclosure statement by Double Tree Hotel Co, Doubletree Hotel Sys, X (mc2) (Entered: 08/29/2003)
08/29/2003	<a href="#"><u>3</u></a>	Order that defendants supplement the record from state court within 10 days of this Order, signed by Honorable Sam Sparks (mc2) (Entered: 08/29/2003)
09/04/2003	<a href="#"><u>4</u></a>	Order setting scheduling recommendations due from the parties for 10/24/03 signed by Honorable Sam Sparks (tdk) (Entered: 09/08/2003)
09/04/2003	<a href="#"><u>5</u></a>	Demand for jury trial by Petra Ugarte (tdk) (Entered: 09/08/2003)
09/11/2003	<a href="#"><u>6</u></a>	Appendix to Dfts' removal petition [1-1] by Double Tree Hotel Co, Doubletree Hotel Sys, Andrew Saldana (tdk) (Entered: 09/11/2003)
09/17/2003	<a href="#"><u>8</u></a>	Answer by Andrew Saldana (tdk) (Entered: 09/18/2003)
09/17/2003	<a href="#"><u>9</u></a>	Motion by Andrew Saldana to dismiss (tdk) (Entered: 09/18/2003)
09/18/2003	<a href="#"><u>7</u></a>	Second Supplemental Appendix for removal petition [1-1] by Double Tree Hotel Co, Doubletree Hotel Sys, X (tdk) (Entered: 09/18/2003)

10/14/2003	<a href="#">10</a>	Notice of filing Report Regarding Rule 26(f) Conference by Petra Ugarte, Double Tree Hotel Co, Doubletree Hotel Sys, X, Andrew Saldana (td) (Entered: 10/15/2003)
10/14/2003	<a href="#">11</a>	Notice of attorney appearance for Petra Ugarte by Dale Ossip Johnson (td) (Entered: 10/15/2003)
10/14/2003		Recommendations for scheduling order by Petra Ugarte, Double Tree Hotel Co, Doubletree Hotel Sys, X, Andrew Saldana (td) (Entered: 10/15/2003)
10/16/2003	<a href="#">12</a>	Order granting Dft Saldana's motion to dismiss particular claims [9-1] signed by Honorable Sam Sparks; further Ordered that Pltf's file within ten (10) days an amended pleading specifically setting out each cause of action against each Dft herein. (tdk) Modified on 11/05/2003 (Entered: 10/17/2003)
10/16/2003	<a href="#">13</a>	Notice of filing by Double Tree Hotel Co, Doubletree Hotel Sys, X of initial disclosures (tdk) (Entered: 10/17/2003)
10/23/2003	<a href="#">14</a>	Scheduling order setting Joining of parties, amending of pleadings on 12/30/03; Deadline for filing of all motions 4/28/04; Discovery cutoff 4/21/04; Docket Call set for 11:00 5/28/04; Alternate Dispute Resolution Report due by 11/28/03; trial to be held in June 2004; signed by Honorable Sam Sparks (tdk) (Entered: 10/24/2003)
10/28/2003	<a href="#">15</a>	Notice of attorney appearance for Petra Ugarte by R. Patrick Fagerberg (tdk) (Entered: 10/30/2003)
10/29/2003	<a href="#">16</a>	Notice of attorney appearance for Petra Ugarte by Dale Ossip Johnson (tdk) (Entered: 10/30/2003)
11/12/2003	<a href="#">17</a>	Amended complaint by Petra Ugarte (Pages: 31) (tdk) (Entered: 11/14/2003)
11/21/2003		Proposed order extending Dft's answer deadline submitted for the the Court's approval and signature. (tdk) Modified on 11/24/2003 (Entered: 11/24/2003)
12/02/2003	<a href="#">18</a>	Agreed Order setting answer due to Pltf's second amended complaint for 12/11/03 by Dfts Hilton Hotels Corp., Andrew Saldana, X, Doubletree Hotel Sys, Double Tree Hotel Co signed by Honorable Sam Sparks (tdk) (Entered: 12/02/2003)
12/11/2003		Agreed Order Extending Answer Deadline rec'd and forwarded to Judge for signature; motion to extend deadline not submitted. (tdk) (Entered: 12/12/2003)
12/11/2003	<a href="#">19</a>	Third Amended complaint by Petra Ugarte against DT Management, Inc., Doubletree Management Company, (Pages: 32) (tdk) (Entered: 12/18/2003)
12/17/2003	<a href="#">20</a>	Agreed Order extending answer deadline; signed by Honorable Sam Sparks; further Ordered that this will be the last extension of time; answer deadline to Pltf's third amended complaint is 12/23/03. (tdk) (Entered: 12/18/2003)
12/23/2003	<a href="#">21</a>	Amended answer by Andrew Saldana : answer [8-1] (td) (Entered: 12/29/2003)
12/23/2003	<a href="#">22</a>	Motion by Double Tree Hotel Co, Doubletree Hotel Sys, Hilton Hotels Corp., DT Management, Inc., Doubletree Managemen for leave to exceed page limit re: motion for partial dismissal (td) (Entered: 12/29/2003)

12/23/2003	<a href="#">23</a>	Motion by Andrew Saldana for partial dismissal under Fed. R. Civ. P. 12(b)(6) (td) (Entered: 12/29/2003)
12/23/2003	<a href="#">24</a>	Amended answer to third amd cmp by Double Tree Hotel Co, Doubletree Hotel Sys, Hilton Hotels Corp., DT Management, Inc., Doubletree Managemen : answer [8-1] (td) (Entered: 12/29/2003)
12/23/2003	<a href="#">25</a>	Motion by Double Tree Hotel Co, Doubletree Hotel Sys, Hilton Hotels Corp., DT Management, Inc., Doubletree Managemen for partial dismissal of pltf's third amended complaint pursuant to Fed. R. Civ. P. 12(b)(6) (td) (Entered: 12/29/2003)
12/30/2003	<a href="#">26</a>	Order granting motion for leave to exceed page limit re: motion for partial dismissal [22-1] signed by Honorable Sam Sparks (mc2) (Entered: 12/30/2003)
12/31/2003	<a href="#">27</a>	Fourth Amended complaint by Petra Ugarte (Pages: 37) (tdk) (Entered: 01/05/2004)
01/06/2004	<a href="#">28</a>	Motion by Pltf Petra Ugarte to extend time to respond to Dft's motion for partial dismissal of Pltf's third amended complaint and Dft Saldana's motion for partial dismissal. (tdk) (Entered: 01/07/2004)
01/15/2004	<a href="#">29</a>	Response by Pltf Petra Ugarte to Dfts' motion for partial dismissal of Pltf's third amended complaint pursuant to Fed. R. Civ. P. 12(b)(6) [25-1] (tdk) (Entered: 01/16/2004)
01/15/2004	<a href="#">30</a>	Memorandum by Pltf Petra Ugarte in support of Pltf's response [29-1] to Dfts' motion for partial dismissal of Pltf's third amended complaint. (tdk) (Entered: 01/16/2004)
01/15/2004	<a href="#">31</a>	Response by Pltf Petra Ugarte to Dft Saldana's motion for partial dismissal under Fed. R. Civ. P. 12(b)(6) [23-1] (tdk) (Entered: 01/16/2004)
01/15/2004	<a href="#">32</a>	Memorandum by Pltf Petra Ugarte in support of Pltf's response [31-1] to Dft Saldana's motion for partial dismissal. (tdk) (Entered: 01/16/2004)
01/15/2004	<a href="#">33</a>	Motion by Pltf Petra Ugarte to dismiss Dfts' motion for partial dismissal of Pltf's third amended complaint for mootness (tdk) (Entered: 01/16/2004)
01/15/2004	<a href="#">34</a>	Motion by Pltf Petra Ugarte to dismiss Dft Saldana's motion for partial dismissal for mootness. (tdk) (Entered: 01/16/2004)
01/16/2004	<a href="#">35</a>	Second Amended answer by Andrew Saldana : answer [8-1] (tdk) (Entered: 01/20/2004)
01/16/2004	<a href="#">36</a>	Motion by Andrew Saldana for partial dismissal (tdk) (Entered: 01/20/2004)
01/16/2004	<a href="#">37</a>	Motion by Double Tree Hotel Co, Doubletree Hotel Sys, Hilton Hotels Corp., DT Management, Inc., Doubletree Managemen for leave to exceed page limit for Dfts' motion to dismiss. (tdk) (Entered: 01/20/2004)
01/16/2004	<a href="#">38</a>	Motion by Dfts Double Tree Hotel Co, Doubletree Hotel Sys, Hilton Hotels Corp., DT Management, Inc., Doubletree Managemen to dismiss Pltf's RICO and 42 U.S.C.1985(3) claims (tdk) (Entered: 01/20/2004)

01/16/2004	<a href="#">39</a>	Second Amended answer by Dfts Double Tree Hotel Co, Doubletree Hotel Sys, Hilton Hotels Corp., DT Management, Inc., Doubletree Management to Pltf's fourth amended complaint : answer [8-1] (tdk) (Entered: 01/20/2004)
01/20/2004	<a href="#">40</a>	Order granting motion for leave to exceed page limit for Dfts' motion to dismiss. [37-1] signed by Honorable Sam Sparks (tdk) (Entered: 01/20/2004)
01/22/2004	<a href="#">41</a>	Motion by Pltf Petra Ugarte to extend time to designate expert witnesses (tdk) Modified on 01/28/2004 (Entered: 01/23/2004)
01/22/2004	<a href="#">42</a>	Motion by Pltf Petra Ugarte to amend Scheduling order [14-1] (tdk) (Entered: 01/23/2004)
01/26/2004	<a href="#">43</a>	Alternate Dispute Resolution Report filed by Petra Ugarte, Double Tree Hotel Co, Doubletree Hotel Sys, X, Andrew Saldana, Hilton Hotels Corp., DT Management, Inc., Doubletree Managemen, Parties agree to Alternate Dispute Resolution (tdk) (Entered: 01/26/2004)
01/28/2004	<a href="#">44</a>	Motion by Dfts Double Tree Hotel Co, Doubletree Hotel Sys, Hilton Hotels Corp., DT Management, Inc., Doubletree Managemen to compel discovery (tdk) (Entered: 01/28/2004)
01/29/2004	<a href="#">45</a>	Motion by Dfts Double Tree Hotel Co, Doubletree Hotel Sys, Hilton Hotels Corp., DT Management, Inc., Doubletree Managemen to expedite ruling on Dfts' motion to compel discovery (tdk) (Entered: 01/29/2004)
01/29/2004	<a href="#">46</a>	Response by Pltf Petra Ugarte to Dfts' motion to dismiss Pltf's RICO and 42 U.S.C.1985(3) claims [38-1] (tdk) (Entered: 01/30/2004)
01/29/2004	<a href="#">47</a>	Response by Petra Ugarte to Dft Saldana's second motion for partial dismissal [36-1] (tdk) (Entered: 01/30/2004)
01/29/2004	<a href="#">48</a>	Memorandum by Petra Ugarte in support of Pltf's response to Dft Saldana's second motion for partial dismissal [36-1] (tdk) (Entered: 01/30/2004)
02/02/2004	<a href="#">49</a>	Order setting miscellaneous hearing on all pending matters for 2:00 2/6/04 signed by Honorable Sam Sparks (tdk) (Entered: 02/02/2004)
02/04/2004	<a href="#">50</a>	Order set status conference for 2:00 2/6/04 in Courtroom 2, 1st floor signed by Honorable Sam Sparks (fe) (Entered: 02/04/2004)
02/05/2004	<a href="#">51</a>	Reply by Andrew Saldana to Pltf's response to Dft Saldana's motion for partial dismissal [36-1] (tdk) (Entered: 02/05/2004)
02/06/2004	<a href="#">52</a>	Reply by Dfts Double Tree Hotel Co, Doubletree Hotel Sys, Hilton Hotels Corp., DT Management, Inc. to Pltf's response to motion dismiss Pltf's RICO and 42 U.S.C.1985(3) claims [38-1] (tdk) (Entered: 02/06/2004)
02/06/2004		Status conference held; parties announced ready; statements and arguements of counsel heard; motions regarding RICO claims are taken under advisement; written order forthcoming. (tdk) (Entered: 02/09/2004)
02/06/2004	<a href="#">53</a>	Order signed by Honorable Sam Sparks that Pltf shall file within fifteen (15) days of this Order a RICO case statement. (tdk) (Entered: 02/09/2004)

02/06/2004		Oral order made during status conference by Honorable Sam Sparks: granting motion to expedite ruling on Dfts' motion to compel discovery [45-1]; granting motion to compel discovery [44-1], all interrogatories and requests to produce due by 5:00 2/13/04; granting motion for partial dismissal [36-1]; granting motion to dismiss Saldana's motion for partial dismissal for mootness; granting motion to dismiss Dfts' motion for partial dismissal of Pltf's third amended complaint for mootness [33-1]; dismissing motion to extend time to respond to Dft's motion for partial dismissal of Pltf's third amended complaint and Dft Saldana's motion for partial dismissal [28-1]; dismissing motion for partial dismissal under Fed. R. Civ. P. 12(b)(6) [23-1]; dismissing motion to extend to designate expert witnesses [41-1]; dismissing motion for partial dismissal of pltf's third amended complaint to Fed. R. Civ. P. 12(b)(6) [25-1] (tdk) (Entered: 02/09/2004)
02/06/2004	<a href="#">55</a>	Combined Witness, Exhibit and Expert List by Dfts Double Tree Hotel Co, Doubletree Hotel Sys, Hilton Hotels Corp., DT Management, Inc., Doubletree Managemen (tdk) (Entered: 02/09/2004)
02/06/2004	<a href="#">56</a>	Combined Witness, Exhibit and Expert List by Andrew Saldana (tdk) (Entered: 02/09/2004)
02/09/2004	<a href="#">54</a>	Minutes of proceedings for status conference conducted on 2/6/04 by Judge Sparks. Court Reporter: Lily Reznik (tdk) (Entered: 02/09/2004)
02/10/2004	<a href="#">57</a>	Order granting motion to expedite ruling on Dfts' motion to compel discovery [45-1], granting motion to compel discovery [44-1], Pltf is Ordered to fully respond to Dfts' discovery on or before 2/13/04 and pay \$500 in atty fees to Dfts; denying motion to amend Scheduling order [42-1]; denying motion to extend time to designate expert witnesses [41-1]; granting in part Dfts' motion to dismiss Pltf's RICO and 42 U.S.C.1985(3) claims and the Court carries the portion of the motion related to Pltf's RICO claims after the Court receives Pltf's response to Court's order [38-1]; granting Dft Saldana's motion for partial dismissal [36-1] for failure to state a claim; granting motion to dismiss Dft Saldana's motion for partial dismissal for mootness [34-1]; granting Pltf's motion to dismiss Dfts' motion for partial dismissal of Pltf's third amended complaint for mootness [33-1]; dismissing as moot Pltf's motion to extend time to respond to Dft's motion for partial dismissal of Pltf's third amended complaint and Dft Saldana's motion for partial dismissal [28-1]; dismissing as moot Dfts' motion for partial dismissal of pltf's third amended complaint [25-1], dismissing as moot Dft Saldana's motion for partial dismissal [23-1]; setting status conference for 2:00 2/27/04 signed by Honorable Sparks (tdk) (Entered: 02/11/2004)
02/19/2004	<a href="#">58</a>	Motion by Dfts Double Tree Hotel Co, Doubletree Hotel Sys, Hilton Hotels Corp., DT Management, Inc., Doubletree Management for sanctions , and for expedited hearing , and for briefing schedule (tdk) (Entered: 02/20/2004)
02/20/2004	<a href="#">59</a>	Motion by Dfts Double Tree Hotel Co, Doubletree Hotel Sys, Hilton Hotels Corp., DT Management, Inc., Doubletree Management for sanctions , and for expedited hearing and , briefing shedule (same motion as doc. <a href="#">58</a> except with exhibits (tdk) (Entered: 02/20/2004)
02/20/2004	<a href="#">60</a>	Motion by Andrew Saldana for sanctions , and for expedited hearing and briefing schedule (td) (Entered: 02/23/2004)



02/23/2004	<a href="#">61</a>	Order granting Dfts' motion for expedited hearing and briefing schedule [59-2]; Court will hear argument on Dfts' motion for sanctions at the status conference set for 2/27/04 at 2:00; dismissing Dfts's motions [58-1] as moot in light of the identical motion filed on 2/20/04 without exhibits; Motion hearing motion for sanctions [59-1] for 2:00 2/27/04 signed by Honorable Sam Sparks (tdk) (Entered: 02/24/2004)
02/23/2004	<a href="#">62</a>	RICO case statement by Pltf Petra Ugarte (tdk) (Entered: 02/24/2004)
02/27/2004	<a href="#">63</a>	Motion by Pltf Petra Ugarte to dismiss federal causes of action , or, alternatively, for leave to amend complaint (fourth amended complaint [27-1]) , motion to decline supplemental jurisdiction and remand state claims and memorandum of law (tdk) (Entered: 03/01/2004)
02/27/2004	<a href="#">64</a>	Response by Pltf Petra Ugarte to Dft Salana's motion for sanctions [60-1], motion for expedited hearing and briefing schedule [60-2] (tdk) (Entered: 03/01/2004)
02/27/2004	<a href="#">65</a>	Response by Pltf Petra Ugarte to Dft Doubletree's motion for sanctions [59-1] and request for expedited hearing [59-2] and briefing schedule [59-3] (tdk) (Entered: 03/01/2004)
02/27/2004	<a href="#">66</a>	Minutes of proceedings for status conference/motions hearing NOT conducted; scheduled for hearing on 2/27/04 by Judge Sparks. Court Reporter: Lily Reznik; Court will reset at a later date. (tdk) (Entered: 03/01/2004)
03/01/2004	<a href="#">67</a>	Order setting status conference for 2:00 3/9/04 signed by Honorable Sam Sparks (tdk) (Entered: 03/02/2004)
03/04/2004	<a href="#">68</a>	Reply by Andrew Saldana to response to motion for sanctions [60-1] (td) (Entered: 03/04/2004)
03/05/2004	<a href="#">69</a>	Reply brief by Dfts Double Tree Hotel Co, Doubletree Hotel Sys, Hilton Hotels Corp., DT Management, Inc., Doubletree Management in support of their motion for sanctions [59-1] (tdk) (Entered: 03/08/2004)
03/05/2004	<a href="#">70</a>	Response by Dfts Double Tree Hotel Co, Doubletree Hotel Sys, Andrew Saldana, Hilton Hotels Corp., DT Management, Inc., Doubletree Management to Pltf's motion to decline supplemental jurisdiction and remand state claims [63-3] (tdk) (Entered: 03/08/2004)
03/09/2004		Status conference held; parties announced ready; statements and arguments of counsel heard; written order forthcoming. (tdk) (Entered: 03/11/2004)
03/09/2004	<a href="#">71</a>	Minutes of proceedings for status conference conducted on 3/9/04 by Judge Sparks. Court Reporter: Lily Reznik (tdk) (Entered: 03/11/2004)
03/10/2004	<a href="#">72</a>	Order granting in part, denying in part motion for sanctions [59-1]; granting in part, denying in part motion for sanctions [60-1]; dismissing as moot motion for expedited hearing and schedule [60-2]; granting motion to dismiss Pltf's RICO and 42 U.S.C.1985(3) claims [38-1]; denying motion to dismiss federal causes of action [63-1]; denying motion for leave to amend complaint (fourth amended complaint [27-1]); denying motion to decline supplemental jurisdiction and remand state claims and memorandum of law [63-3] by Honorable Sam Sparks (tdk) (Entered: 03/11/2004)

03/11/2004	<a href="#">73</a>	Order signed by Honorable Sam Sparks consolidating this case with A:03-CA-689 for all purposes; all docketing is to be done in this case. (tdk) (Entered: 03/12/2004)
03/15/2004	<a href="#">74</a>	Notice of attorney appearance for Equal Employment Opp by Jennifer Randall (tdk) (Entered: 03/17/2004)
03/17/2004	<a href="#">75</a>	Motion by Pltf Equal Employment Opp to amend caption (tdk) (Entered: 03/17/2004)
03/17/2004	<a href="#">76</a>	Motion by Pltf Equal Employment Opp to amend Scheduling order [14-1] (tdk) (Entered: 03/17/2004)
03/24/2004	<a href="#">77</a>	Order denying motion to amend Scheduling order [14-1] [76-1], granting in part, denying in part motion to amend caption [75-1] signed by Honorable Sam Sparks (tdk) (Entered: 03/26/2004)
03/31/2004	<a href="#">78</a>	Advisory to the court filed by Equal Employment Opportunity Comm.; pursuant to mediation, parties have settled. (tdk) (Entered: 04/01/2004)
04/21/2004	<a href="#">79</a>	Joint motion by Petra Ugarte, Double Tree Hotel Co, Doubletree Hotel Sys, X, Andrew Saldana, Hilton Hotels Corp., DT Management, Inc., Doubletree Managemen, Equal Employment Opp to dismiss (tdk) (Entered: 04/22/2004)
04/21/2004	<a href="#">80</a>	Joint motion by DT Management, Inc., Equal Employment Opp to enter settlement agreement (agrmt rec'd) (tdk) Modified on 04/22/2004 (Entered: 04/22/2004)
05/04/2004	<a href="#">81</a>	Order granting joint motion to enter settlement agreement [80-1] signed by Honorable Sam Sparks (tdk) (Entered: 05/04/2004)
05/04/2004	<a href="#">82</a>	Notice of filing by Dft DT Management, Inc., and Pltf Equal Employment Opportunity Commission of settlement agreement resolving claims between these two parties. (tdk) (Entered: 05/04/2004)
05/04/2004	<a href="#">83</a>	Order granting joint motion to dismiss [79-1] with prejudice; signed by Honorable Sam Sparks (tdk) (Entered: 05/04/2004)
05/04/2004		Case closed (tdk) (Entered: 05/04/2004)

## PACER Service Center

### Transaction Receipt

06/04/2007 14:10:53

<b>PACER Login:</b>	hs0328	<b>Client Code:</b>	eeoc
<b>Description:</b>	Docket Report	<b>Search Criteria:</b>	1:03-cv-00596-SS
<b>Billable Pages:</b>	6	<b>Cost:</b>	0.48