

CLOSED

**U.S. District Court
SOUTHERN DISTRICT OF TEXAS (Houston)
CIVIL DOCKET FOR CASE #: 4:02-cv-00555**

Equal Employment Opp v. Dunbar Diagnostic, et al
Assigned to: Judge Keith P Ellison
Demand: \$0
Case in other court: 03-20292
Cause: 42:2000 Job Discrimination (Sex)

Date Filed: 02/13/2002
Date Terminated: 08/08/2005
Jury Demand: Defendant
Nature of Suit: 442 Civil Rights: Jobs
Jurisdiction: U.S. Government Plaintiff

Plaintiff

**Equal Employment Opportunity
Commission**

represented by **Timothy M Bowne**
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7th Fl
Houston, TX 77002
713-209-3395
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

Dunbar Diagnostic Services Inc

represented by **Stewart Edmond Hoffer**
Schmidt & Hoffer LLP
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Houston, TX 77002
713-651-0773
Fax: 713-651-0776
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Village Ultrasound Clinic Inc
TERMINATED: 04/29/2002

represented by **Stewart Edmond Hoffer**
(See above for address)
TERMINATED: 04/29/2002
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Movant

Wigberto Sotorepresented by **Christopher Sharkey**

Attorney at Law

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*LEAD ATTORNEY**ATTORNEY TO BE NOTICED*

| Date Filed | # | Docket Text |
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| 02/13/2002 | 1 | COMPLAINT by Equal Employment Opp filed; (bchurchill) (Entered: 02/13/2002) |
| 02/13/2002 | 2 | ORDER for Conf set initial pretrial conference for 10:30 6/17/02 before Judge Lynn N. Hughes , entered; Parties notified. (bchurchill) (Entered: 02/13/2002) |
| 02/13/2002 | | 2 SUMMONS issued for Dunbar Diagnostic, Village Ultrasound (bchurchill) (Entered: 02/13/2002) |
| 02/22/2002 | 3 | CERTIFICATE OF INTERESTED PARTIES by Equal Employment Opp , filed. (kprice) (Entered: 02/22/2002) |
| 02/25/2002 | 4 | DISCLOSURE OF FINANCIALLY INTERESTED PARTIES by Dunbar Diagnostic, Village Ultrasound , filed. (kprice) (Entered: 02/25/2002) |
| 02/25/2002 | 5 | ORIGINAL ANSWER to Original Complaint by Dunbar Diagnostic, Village Ultrasound (Added attorney Stewart Edmond Hoffer), filed.; jury demand (kprice) (Entered: 02/25/2002) |
| 02/26/2002 | 6 | ORDER RESETTING CONFERENCE: The Pretrial Conference set 6/17/02 has been reset to 3/25/02 at 4:30 pm before Judge Hughes, entered; Parties notified. (signed by Judge Lynn N. Hughes) (fmrempp) (Entered: 02/27/2002) |
| 03/18/2002 | 7 | JOINT DISCOVERY/Case Management Plan by Equal Employment Opp, Dunbar Diagnostic, Village Ultrasound , filed. (psmith) (Entered: 03/18/2002) |
| 03/21/2002 | | Conference scheduled for 3/25/02 at 4:30 has been moved to 2:00 p.m. Parties notified by phone. (dkelly) (Entered: 03/21/2002) |
| 03/25/2002 | 8 | CONFERENCE MEMORANDUM: Pretrial Conference held in chambers. Apps: R Sustaita f/pltf, S Hoffer f/deft. Order to be entered terminated deadlines , entered. Parties ntfed. (signed by Judge Lynn N. Hughes) (amaly) (Entered: 03/26/2002) |
| 03/26/2002 | 9 | ORDER entered: Defts have until March 29, 2002 to give the government information re employees. The parties have until April 12, 2002 to depose Linda Dunbar. The parties have until April 19, 2002 to depose Leticia Munoz. The parties have until April 26, 2002 to depose the three employees. A pretrial conference is set for 3:30 4/29/02 , entered; Parties notified. (signed by Judge |

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| | | Lynn N. Hughes) (psmith) (Entered: 03/28/2002) |
| 04/12/2002 | 10 | FIRST AMENDED ANSWER to pltf's Original Complaint by Dunbar Diagnostic, Village Ultrasound : amends [5-1] answer , filed.; jury demand (kprice) (Entered: 04/14/2002) |
| 04/29/2002 | 11 | OPPOSED MOTION for leave of Court to exceed ten deposition limit in FRCP(a)(2)(A) by Dunbar Diagnostic, Village Ultrasound, Motion Docket Date 5/19/02 [11-1] motion , filed. (sguevara) (Entered: 04/30/2002) |
| 04/29/2002 | 12 | CONFERENCE MEMORANDUM following pretrial conference held in chambers. Apps: T Bowne f/pltf; S Hoffer f/defts. Order to be entered. Pretrial conference set for 4:00 7/1/02 , entered. Parties ntfd. (signed by Judge Lynn N. Hughes) (Itien) (Entered: 04/30/2002) |
| 04/29/2002 | 13 | ORDER , entered. The parties agree that Dunbar Diagnostic Services Inc is an employer and meets the statutory requirements. Dunbar has through 5/14/02 to tell the government when comparable co-workers received benefits. The government has through 5/14/02 to give Dunbar everything Leticia Munoz has about this case. The parties will file a copy of the organizational chart with the court. Parties will finish deposing Munoz and Linda Lee Dunbar. They will then have through 7/1/02 to depose Alica Jackson, Melissa Barrera, Michelle Barreto and Jennifer Sierra, Kim Wilson, and the doctor or someone from his office. The parties will talk to the principals about the importance of full disclosure and accuracy. Dunbar's requests for production are quashed. Parties notified. (signed by Judge Lynn N. Hughes) (Itien) (Entered: 04/30/2002) |
| 04/29/2002 | 14 | ORDER , entered; on the agreement of the parties, Village Ultrasound Clinic Inc is dismissed as a deft. Parties notified. (signed by Judge Lynn N. Hughes) (Itien) (Entered: 04/30/2002) |
| 05/01/2002 | 15 | NOTICE of Filing attached organizational charts by Equal Employment Opp , filed (sfedele) Modified on 05/03/2002 (Entered: 05/02/2002) |
| 05/02/2002 | 16 | NOTICE of filing of organizational charts by Dunbar Diagnostic , filed (sfedele) (Entered: 05/06/2002) |
| 05/29/2002 | 17 | JOINT MOTION for continuance of Pre-Trial Conference until early July or early August by Equal Employment Opp, Dunbar Diagnostic, Motion Docket Date 6/18/02 [17-1] motion , filed. (sfedele) (Entered: 05/31/2002) |
| 06/05/2002 | 18 | ORDER that the [17-1] joint motion for continuance of Pre-Trial Conference is DENIED; the parties will take the depositions or lose the opportunity, entered; Parties notified. (signed by Judge Lynn N. Hughes) (fmremp) (Entered: 06/06/2002) |
| 06/26/2002 | 19 | OPPOSED MOTION for leave to file Second Amended Answer by Dunbar Diagnostic, Motion Docket Date 7/16/02 [19-1] motion , filed. (sfedele) (Entered: 06/27/2002) |
| 06/26/2002 | 20 | SECOND AMENDED ANSWER to Complaint by Dunbar Diagnostic : amends Def't's original [5-1] answer , filed.; jury demand (sfedele) (Entered: 06/27/2002) |
| 07/01/2002 | 21 | CONFERENCE MEMORANDUM following pretrial conference held in chambers; terminated deadlines . Apps: T Bowne, C Martinez f/pltf; S Hoffer |

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| | | f/deft. EEOC to make another settlement offer. Dunbar to depose Munoz's treating physician by 7/15/02, including interviewing the medical technician or doctor about policies and practices for recording medical procedures in hospital record. Dunbar to move for summary judgment by 8/23/02 . EEOC to respond and make a cross motion for summary judgment by 9/6/02 . Dunbar to respond by 9/20/02 . Hearing set for 10:00 9/27/02 , entered. Parties ntfd. (signed by Judge Lynn N. Hughes) (Itien) (Entered: 07/02/2002) |
| 07/15/2002 | 22 | RESPONSE by Equal Employment Opp to Deft's [19-1] opposed motion for leave to file Second Amended Answer , filed. (sfedele) (Entered: 07/15/2002) |
| 08/23/2002 | 24 | MOTION with Memorandum Of Authorities in support for summary judgment , by Dunbar Diagnostic, Motion Docket Date 9/12/02 [24-1] motion , filed (psmith) (Entered: 08/27/2002) |
| 08/23/2002 | 25 | APPENDIX Of Evidence by Dunbar Diagnostic In Support Of The [24-1] motion for summary judgment , filed. (in brown expandex folder) (psmith) (Entered: 08/27/2002) |
| 08/26/2002 | 23 | ORDER RESETTING HEARING: The hearing previously set for 9/27/02 is reset for 10:00 10/4/02 , entered; Parties notified. (signed by Judge Lynn N. Hughes) (psmith) (Entered: 08/26/2002) |
| 08/29/2002 | 26 | UNOPPOSED MOTION to continue of hearing of October 4, 2002 by Dunbar Diagnostic, Motion Docket Date 9/18/02 [26-1] motion , filed. (sfedele) (Entered: 08/29/2002) |
| 09/06/2002 | 27 | MOTION for partial summary judgment by Equal Employment Opp, Motion Docket Date 9/26/02 [27-1] motion , filed. (hlerma) (Entered: 09/06/2002) |
| 09/06/2002 | 28 | SUMMARY JUDGMENT MATERIALS IN SUPPORT OF [27-1] motion for partial summary judgment by Equal Employment Opp , filed. (This document is in brown expandable folder.) (hlerma) (Entered: 09/06/2002) |
| 09/06/2002 | 29 | RESPONSE by Equal Employment Opp to [24-1] motion for summary judgment , filed. (hlerma) (Entered: 09/06/2002) |
| 09/20/2002 | 30 | OBJECTION to EEOC's [27-1] motion for partial summary judgment by Dunbar Diagnostic , filed. (Part 1 of 2) (sfedele) (Entered: 09/23/2002) |
| 09/20/2002 | 30 | MOTION to strike portions of EEOC's [27-1] motion for partial summary judgment by Dunbar Diagnostic, Motion Docket Date [30-1] motion , filed.(part 2 of 2) (sfedele) (Entered: 09/23/2002) |
| 09/20/2002 | 31 | DEFT'S RESPONSE by Dunbar Diagnostic to the EEOC's [27-1] motion for partial summary judgment and memorandum of authorities in support, filed. (ddarneille) (Entered: 09/23/2002) |
| 10/02/2002 | 32 | ORDER resetting hearing granting Deft Dunbar's[26-1] motion to continue of hearing of October 4, 2002 miscellaneous hearing 3:00 10/15/02 before Judge Lynn N. Hughes , entered; Parties notified. (signed by Judge Lynn N. Hughes) (sfedele) (Entered: 10/02/2002) |
| 10/03/2002 | 33 | RESPONSE by Equal Employment Opp to Deft's [30-1] motion to strike portions of EEOC's [27-1] motion for partial summary judgment , filed. (sfedele) (Entered: 10/03/2002) |

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| 10/10/2002 | 34 | Objections to and MOTION to strike portions of Linda Dunbar's affidavit by Equal Employment Opportunity Commission, Motion Docket Date 10/30/02 [34-1] motion , filed. (ltien) (Entered: 10/10/2002) |
| 10/15/2002 | 36 | Minute entry: Hearing held. Apps: T Bowne for pltf ; S Hoffer, J Meloy for defts. Argument heard on these topics: Dunbar's summary judgment motion. EEOC's partial summary judgment motion ; terminated deadlines ; Ct Reporter: G Dye. Order to be enetered. (kprice) (Entered: 10/18/2002) |
| 10/16/2002 | 35 | ORDER granting in part, denying in part Dunbar's [24-1] motion for summary judgment granting in part, denying in part Commission's [27-1] motion for partial summary judgment notice of compliance due for 10/18/02 , entered; There is genuine issue of material fact whether Dunbar discriminated against Leticia Gonzalez because she was pregnant. Evidence whether Linda Dunbar was harsh or advised against pregnancy are inadmissible as irrelevant. Evidence about passing a test during the first 90 days of employment to receive benefits is inadmissible as irrelevant. By October 18, 2002, EEOC will make a specific demand on Dunbar and include a reasoning for the amount sought. Parties notified. (signed by Judge Lynn N. Hughes) (sfedele) (Entered: 10/17/2002) |
| 10/24/2002 | 37 | ORDER reset pretrial conference for 4:30 11/5/02 before Judge Lynn N. Hughes , entered; Parties notified. (signed by Judge Lynn N. Hughes) (hlerma) (Entered: 10/28/2002) |
| 11/05/2002 | 38 | CONFERENCE MEMORANDUM held in chambers; J Browne f/pltf; R Sustaita f/pltf; S Hoffer f/deft; order to be entered trial deadline 9:00 12/3/02 before Judge Lynn N. Hughes , pretrial order due for 11/26/02 entered. Parties ntfed. (signed by Judge Lynn N. Hughes) (sfedele) (Entered: 11/06/2002) |
| 11/05/2002 | 39 | ORDER parties to choose whether to have a jury by 11/15/02 , entered; DUNbar may take the four depositions requested. By 11/13/02 there must be done: Dunbar will give EEOC a counter-offer; DUNbar's bank will produce all checks Dunbar, or a related entity wrote to insurance companies for insurance premiums; Dunbar's bank will produce Dunbar's financial statements from 1999 through 2002; Dunbar's insurance companies will produce all information relating to Dunbar's benefit programs. Parties notified. (signed by Judge Lynn N. Hughes) (sfedele) (Entered: 11/06/2002) |
| 11/15/2002 | 40 | MOTION to strike late-designated witnesses by Equal Employment Opp, Motion Docket Date 12/5/02 [40-1] motion , filed (part 1 of 2). (kprice) (Entered: 11/17/2002) |
| 11/15/2002 | 41 | ADVISORY to the Court, by Equal Employment Opp , filed (kprice) (Entered: 11/17/2002) |
| 11/15/2002 | 40 | REQUEST by Equal Employment Opp for expedited hearing of motion , filed (part 2 of 2). (kprice) (Entered: 11/17/2002) |
| 11/15/2002 | 42 | NOTICE of Preference of Trial, by Dunbar Diagnostic , filed (psmith) (Entered: 11/18/2002) |
| 11/25/2002 | 43 | OPPOSED MOTION for trial continuance until after 1/1/03 by Dunbar Diagnostic, Motion Docket Date 12/15/02 [43-1] motion , filed (part 1 of 2). (kprice) (Entered: 11/26/2002) |

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| 11/25/2002 | 43 | REQUEST by Dunbar Diagnostic for expedited consideration , filed (part 2 of 2). (kprice) (Entered: 11/26/2002) |
| 11/26/2002 | 44 | ORDER RESETTING TRIAL entered: On Deft opposed motion, trial is reset from 12/3/02 to 9:00 on 1/7/03 ; Parties notified. (signed by Judge Lynn N. Hughes) (psmith) (Entered: 11/26/2002) |
| 11/26/2002 | 45 | JOINT PRETRIAL ORDER, filed. (psmith) (Entered: 11/29/2002) |
| 11/26/2002 | 46 | MOTION in limine , by Dunbar Diagnostic, Motion Docket Date 12/16/02 [46-1] motion , filed. (psmith) (Entered: 11/29/2002) |
| 11/26/2002 | 47 | MOTION in limine by Equal Employment Opp, Motion Docket Date 12/16/02 [47-1] motion , filed. (psmith) (Entered: 11/29/2002) |
| 11/26/2002 | 48 | OPPOSED MOTION for trial continuance and Request For Expedited Consideration, by Dunbar Diagnostic, Motion Docket Date 12/16/02 [48-1] motion , filed. (psmith) (Entered: 11/29/2002) |
| 12/11/2002 | 49 | OPPOSED MOTION to quash December depositions by Equal Employment Opp, Motion Docket Date 12/31/02 [49-1] motion , filed. (sfedele) (Entered: 12/12/2002) |
| 12/16/2002 | 50 | RESPONSE by Equal Employment Opp to Defts [46-1] motion in limine , filed. (psmith) (Entered: 12/17/2002) |
| 12/16/2002 | 51 | OBJECTIONS to Pltfs Proposed Trial Exhibits, by Dunbar Diagnostic , filed. (psmith) (Entered: 12/17/2002) |
| 12/16/2002 | 52 | ORDER , entered; The depositions of Resendez and Real are quashed. Parties notified. (signed by Judge Lynn N. Hughes) (kprice) (Entered: 12/17/2002) |
| 12/17/2002 | 53 | REQUEST For Judicial Notice And Request To Instruct The Jury Accordingly, by Dunbar Diagnostic, filed. (psmith) (Entered: 12/18/2002) |
| 12/18/2002 | 54 | FIRST AMENDED [51-1] Objections to Pltfs Proposed Trial Exhibits, by Dunbar Diagnostic , filed. (psmith) (Entered: 12/18/2002) |
| 12/19/2002 | 55 | OPPOSED MOTION to bifurcate punitive damage phase of case , by Dunbar Diagnostic, Motion Docket Date 1/8/03 [55-1] motion , filed. (psmith) (Entered: 12/19/2002) |
| 12/19/2002 | 56 | SECOND AMENDED [51-1] Objections to Pltfs Proposed Trial Exhibits, by Dunbar Diagnostic , filed. (psmith) (Entered: 12/19/2002) |
| 12/19/2002 | 57 | ORDER denying [55-1] motion to bifurcate punitive damage phase of case , entered; Parties notified. (signed by Judge Lynn N. Hughes) (mjmarroquin) (Entered: 12/20/2002) |
| 12/19/2002 | 58 | ORDER denying [11-1] motion for leave of Court to exceed ten deposition limit in FRCP(a)(2)(A) , entered; Parties notified. (signed by Judge Lynn N. Hughes) (hlerma) (Entered: 12/20/2002) |
| 12/19/2002 | 59 | ORDER granting [19-1] motion for leave to file Second Amended Answer , entered; Parties notified. (signed by Judge Lynn N. Hughes) (hlerma) (Entered: 12/20/2002) |

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| 12/19/2002 | 60 | ORDER denying [30-1] motion to strike portions of EEOC's [27-1] motion for partial summary judgment , entered; Parties notified. (signed by Judge Lynn N. Hughes) (hlerma) (Entered: 12/20/2002) |
| 12/19/2002 | 61 | ORDER denying [34-1] motion to strike portions of Linda Dunbar's affidavit , entered; Parties notified. (signed by Judge Lynn N. Hughes) (hlerma) (Entered: 12/20/2002) |
| 12/23/2002 | 62 | OPPOSED MOTION to exclude Robert Real as trial witness , and to exclude certain exhibits by Dunbar Diagnostic, Motion Docket Date 1/12/03 [62-1] motion, 1/12/03 [62-2] motion , filed. (kprice) (Entered: 12/26/2002) |
| 12/24/2002 | 63 | RESPONSE by Equal Employment Opp to Deft's [62-1] motion to exclude Robert Real as trial witness, Deft's [62-2] motion to exclude certain exhibits , filed. (sjones) (Entered: 12/26/2002) |
| 12/24/2002 | | Received and forwarded to CRD: proposed pltf's first amended exhibit list and pltf's first amended witness list (kprice) (Entered: 12/27/2002) |
| 12/31/2002 | 64 | OBJECTIONS to Deft's Trial Exhibits by Equal Employment Opp , filed. (sfedele) (Entered: 01/02/2003) |
| 01/06/2003 | 65 | OBJECTION to Defts Supplemental Trial Exhibits, by Equal Employment Opp , filed. (psmith) (Entered: 01/07/2003) |
| 01/07/2003 | 66 | OBJECTIONS to deft's exhibit 87 by Equal Employment Opp , filed. (sguevara) (Entered: 01/08/2003) |
| 01/07/2003 | 67 | Minute entry: first day of jury trial held. Apps: T. Bowne, R. Sustaita f/pltf; S. Hoffer f/deft. Evidence taken. EEOC's exhibits admitted: 4-6, 13-20, 22-29, 31-62, 66-68, 71-73, 76, 78, 79, 85-96. Dunbar's exhibits admitted: 1-9, 11-27, 29-34, 36-47, 52-66, 67-72, 74-83, 87. terminated deadlines Ct Reporter: A. Manley . (sguevara) (Entered: 01/08/2003) |
| 01/07/2003 | 68 | Jury list, filed (sguevara) (Entered: 01/08/2003) |
| 01/08/2003 | 69 | Minute entry: 2nd Day Jury Trial held. Apps: T Bowne f/pltf #1, R Sustaita f/pltf #1, S Hoffer f/Deft #1. Ct Reporter: A Manley Tape Number: none .Evidence taken. (sfedele) (Entered: 01/09/2003) |
| 01/08/2003 | 70 | TRIAL BRIEF Regarding Recovery of Value of Lost Insurance Benefits, by Dunbar Diagnostic , filed (psmith) (Entered: 01/09/2003) |
| 01/09/2003 | 71 | MOTION to quash subpoena by Wigberto Soto, Motion Docket Date 1/29/03 [71-1] motion , filed. (sguevara) (Entered: 01/10/2003) |
| 01/09/2003 | 72 | Supplemental Request for Proposed Jury instructions by Dunbar Diagnostic , filed (sguevara) (Entered: 01/13/2003) |
| 01/09/2003 | 73 | Minute entry: JURY TRIAL held. Apps: T Bowne; R Sustaita; S Hoffer. Evidence taken. terminated deadlines Ct Reporter: A Manley . (psmith) (Entered: 01/13/2003) |
| 01/10/2003 | 74 | Minute entry: 4th Day of JURY TRIAL held. Apps: T Bowne; R Sustaita; S Hoffer. Evidence taken. Order to be entered. Judgment as a matter of law granted for Dunbar. EEOC and Gonzales take nothing from Dunbar. Dunbar's exhibit |

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| | | number 88 admitted. Ct Reporter: A Manley . (psmith) (Entered: 01/13/2003) |
| 01/10/2003 | 75 | Receipt for Withdrawal of Exhibits by attorney for Dunbar Diagnostic , filed. (psmith) (Entered: 01/13/2003) |
| 01/10/2003 | 76 | Receipt for Withdrawal of Exhibits by attorney for Equal Employment Opp , filed. (psmith) (Entered: 01/13/2003) |
| 01/10/2003 | 77 | FINAL JUDGMENT, entered: The EEOC takes nothing from Dunbar Diagnostic oon Leticia Gonzalez's claims. Parties ntfd. (signed by Judge Lynn N. Hughes) (psmith) (Entered: 01/13/2003) |
| 01/10/2003 | | Case closed (psmith) (Entered: 01/13/2003) |
| 01/22/2003 | 78 | TRANSCRIPT OF PROCEEDINGS of Excerpt of Trial for dates of 1/10/03 before Judge Lynn N Hughes , filed. (Court Rptr: Anita G Manley)(loose in file) (sfedele) (Entered: 01/22/2003) |
| 01/27/2003 | 79 | DEFT'S OPPOSED MOTION for award of attorney's fees and for costs under 42 USC 2000e-5(k) and FRCP 54(d)(1-2), bill of costs and, if necessary, for leave to file (this) motion by Dunbar Diagnostic, Motion Docket Date 2/16/03 [79-1] motion, 2/16/03 [79-2] motion, 2/16/03 [79-3] motion , filed. (in EXPANDEX FOLDER) (ddarneille) (Entered: 01/28/2003) |
| 01/28/2003 | | Deadline updated; set review deadline for 2/18/03 before Judge Lynn N. Hughes (dkelly) (Entered: 01/28/2003) |
| 02/03/2003 | 80 | RESPONSE by Equal Employment Opp to [79-1] motion for award of attorney's fees, and [79-2] motion for costs , filed. Part 1 of 2 (hlerma) (Entered: 02/05/2003) |
| 02/03/2003 | 80 | OBJECTION to Deft's Bill of Costs by Equal Employment Opp , filed. Part 1 of 2 (hlerma) Modified on 02/05/2003 (Entered: 02/05/2003) |
| 02/27/2003 | 81 | TRANSCRIPT OF PROCEEDINGS of Trial for dates of 1/7/03 before Judge Lynn Hughes , filed. (Court Rptr: A G Manley) (kprice) (Entered: 02/28/2003) |
| 03/04/2003 | 82 | TRANSCRIPT OF PROCEEDINGS of Hearing for dates of 10/15/02 before Judge Lynn N Hughes , filed. (Court Rptr: G Dye)(loose in file) (sfedele) (Entered: 03/04/2003) |
| 03/10/2003 | 83 | NOTICE OF APPEAL of [77-1] order by Equal Employment Opp , filed. (jdavenport) (Entered: 03/12/2003) |
| 03/10/2003 | 84 | TRANSCRIPT Re: [83-1] appeal Transcript of Trial Hearing for dates of 1/8/03 before Judge Lynn Hughes, filed. Ct Reporter: Anita Manley (Vol 2 of 4) (loose in file) (bchurchill) (Entered: 03/17/2003) |
| 03/12/2003 | | Notice of appeal and Copy of docket transmitted to USCA: [83-1] appeal (jdavenport) (Entered: 03/12/2003) |
| 03/19/2003 | 85 | Transcript request for notice of [83-1] appeal re: on 3/10/03 by Ct Reporter: G Dye, filed. Transcript is already on file in Clerk's office; Hearing date 10/15/02 Summary Judgment Hearing, before Judge Hugehs (sfedele) (Entered: 03/20/2003) |

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| 03/19/2003 | 86 | Transcript request for notice of [83-1] appeal re: on 3/10/03 by Ct Reporter: A Manley, filed. This is to order a transcript of the following proceedings; voir dire, opening statement, deft opinion of court hearing date 1/7/03 - 1/10/03 Trial before Judge Hughes (sfedele) (Entered: 03/20/2003) |
| 03/20/2003 | 87 | TRANSCRIPT OF PROCEEDINGS of Trial for dates of 1/9/03 before Judge Lynn Hughes , filed. (Court Rptr: A Manley)(loose in file)(Vol 3 of 4) (sfedele) (Entered: 03/20/2003) |
| 03/25/2003 | | NOTICE of Docketing NOA from USCA Re: [83-1] appeal USCA NUMBER: 03-20292 (fmrempp) (Entered: 04/04/2003) |
| 04/02/2003 | 88 | TRANSCRIPT OF PROCEEDINGS of Transcript of Trial for dates of 1/10/03 before Judge Lynn Hughes , filed. (Court Rptr: A G Manley) (kprice) (Entered: 04/02/2003) |
| 04/03/2003 | 89 | ORDER setting hearing Motion hearing before Judge Lynn N. Hughes set for 10:00 5/7/03 for [79-1] motion for award of attorney's set for 10:00 5/7/03 for [79-2] motion for costs, set for 10:00 5/7/03 for [79-3] motion for leave to file (this) motion , entered; Parties notified. (signed by Judge Lynn N. Hughes) (sfedele) (Entered: 04/03/2003) |
| 04/21/2003 | | Certified and transmitted record on appeal consisting of 10 volumes of pleadings and 6 volumes of transcript to U.S. Court of Appeals: [83-1] appeal . Parties ntfld. (jdavenport) (Entered: 04/21/2003) |
| 05/07/2003 | 90 | Minute entry: HEARING held. Apps: T Bowne; R Sustaita. Argument heard on Defts motion for attorneys fees. Dunbar Diagnostic will take from the EEOC \$114,572.50 for attorneys fees. terminated deadlines Ct Reporter: none . (psmith) (Entered: 05/08/2003) |
| 05/07/2003 | 91 | ORDER granting Defts [79-1] motion for award of attorney's fees: Dunbar Diagnostic recovers attorneys fees of \$114,572.50 from the EEOC. Parties notified. (signed by Judge Lynn N. Hughes) (psmith) (Entered: 05/08/2003) |
| 05/09/2003 | 92 | NOTICE OF APPEAL of [91-1] order by Equal Employment Opp , filed. (jdavenport) (Entered: 05/11/2003) |
| 05/11/2003 | | Notice of appeal and Copy of docket transmitted to USCA: [92-1] appeal (jdavenport) (Entered: 05/11/2003) |
| 05/15/2003 | 93 | Transcript request for the notice of [92-1] appeal re: filed on 5/9/03 by Ct Reporter: ERO, filed. The hearing date 5/7/03 re Attorney's Fees/costs before Judge Hughes (sfedele) Modified on 05/16/2003 (Entered: 05/15/2003) |
| 05/23/2003 | | NOTICE of Docketing NOA from USCA Re: [92-1] appeal USCA NUMBER: 03-20500 (bdaniel) (Entered: 05/27/2003) |
| 06/05/2003 | 94 | TRANSCRIPT OF PROCEEDINGS of Motion Hearing for dates of May 7, 2003 before Judge Lynn N Hughes , filed. (Court Rptr: ERO (loose in file) (sfedele) Modified on 06/09/2003 (Entered: 06/06/2003) |
| 06/10/2003 | 95 | LETTER from attorney for Equal Employment Opp to the Judicial Transcribers of Texas regarding corrections to accurately reflect the motion hearing held on May 7, 2003, filed (psmith) (Entered: 06/13/2003) |

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| 06/23/2003 | | Certified and transmitted supplemental record on appeal consisting of 1 volume of pleadings and 1 volume of transcript to U.S. Court of Appeals: [92-1] . Circuit No. 03-20500 Parties ntf. (jdavenport) (Entered: 06/23/2003) |
| 09/30/2003 | 96 | USCA LETTER advising the court has granted the joint and agreed motion of parties to supplement the record with all trial exhibits contained in the appellant's and appellees' record excerpts in this case and the court has granted the unopposed motion to appellees for leave to file Record Excerpts in excess of 40 pages, but this decision is subject to reconsideration by the merits panel. The joint and agreed motion to parties to supplement the record with all exhibits admitted at trial is moot. Re: 03-20292 , filed. (jdavenport) (Entered: 09/30/2003) |
| 04/13/2004 | 97 | USCA LETTER Re: 03-20292 , filed. advising the court has granted the appellant's motion to file the bill of costs out of time in this case. (jdavenport) (Entered: 04/14/2004) |
| 04/15/2004 | 98 | JUDGMENT OF USCA (certified copy) February 19, 2004 issued as mandate on April 13, 2004 Re: [92-1] appeal, [83-1] appeal , filed. CCA No. 03-20292 The judgment of the District Court is affirmed in part and reversed in part,, and the cause is remanded to the District Court for further proceedings. Defendant-appellees pay to the plaintiff-appellant the costs on appeal to be taxed by the Clerk of this Court. (jdavenport) (Entered: 04/20/2004) |
| 04/15/2004 | 99 | Certified copy of PER CURIAM by USCA, filed. CCA No. 03-20292 & 03-20500 (jdavenport) (Entered: 04/20/2004) |
| 04/15/2004 | | Record on appeal returned from U.S. Court of Appeals: [92-1] appeal, [83-1] appeal . CCA No. 03-20292/03-20500. consisting of 10 volumes of record, 6 volumes of transcript. 1 Supplemental record consisting of 1 volume of record and 1 volume of transcript, and 1 supplemental record by attorney, reassembled, last volume forwarded to the case manager for Judge Lynn N. Hughes, remainder forwarded to the file room. (jdavenport) (Entered: 04/20/2004) |
| 04/20/2004 | | Case reopened (jdavenport) (Entered: 04/20/2004) |
| 04/20/2004 | 100 | ORDER setting conference set pretrial conference for 10:00 5/12/04 before Judge Lynn N. Hughes , entered; Parties notified. (signed by Judge Lynn N. Hughes) (sfedele) (Entered: 04/21/2004) |
| 05/12/2004 | 101 | AMENDED Proposed Jury instructions by Equal Employment Opp , filed (khightower) (Entered: 05/13/2004) |
| 05/13/2004 | 102 | ORDER RESETTING CONFERENCE entered: The pretrial conference set for 5/12/04 is reset for 3:00 5/18/04 , Parties notified. (signed by Judge Lynn N. Hughes) (psmith) (Entered: 05/14/2004) |
| 05/18/2004 | 104 | CONFERENCE MEMORANDUM held in chambers; APPS: T Bowne f/pltf; S Hoffer f/deft set review deadline for 7/6/04 before Judge Lynn N. Hughes , entered. order to be entered; Parties ntf. (signed by Judge Lynn N. Hughes) (sfedele) (Entered: 05/19/2004) |
| 05/18/2004 | 105 | ORDER status report due 7/1/04 , entered; the parties will depose representative as set forth and exchange and give information as set forth and Dunbar will update its net worth figures; Parties notified. (signed by Judge Lynn N. Hughes) (sfedele) (Entered: 05/19/2004) |

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| 05/18/2004 | 106 | ORDER to comply with subpoena set miscellaneous hearing 10:00 5/25/04 before Judge Lynn N. Hughes , entered; Parties notified. (signed by Judge Lynn N. Hughes) (sfedele) (Entered: 05/19/2004) |
| 05/19/2004 | 103 | Fax transmittal confirmation report: Order for PreCheck, Inc. to comply with subpoena faxed to atty Michael J. Lindsay at (409) 838-2017 successfully at 10:27 a.m. on 5/19/04. (dkelly) (Entered: 05/19/2004) |
| 05/25/2004 | 107 | Minute entry: Hearing held. Apps: T Bowne, A Hutchison; M Lindsay; B Smith f/Precheck Inc. Argument heard on Order to Show Cause. Precheck Inc complied with the subpoena. terminated deadlines Ct Reporter: Carlisle. (amaly) Modified on 05/26/2004 (Entered: 05/26/2004) |
| 05/27/2004 | 108 | Copy of Bill of Costs by USCA in the amount of \$ 472.95 against Dunbar Diagnostic, Village Ultrasound , filed. CCA No. 03-20292 & 03-20500 (jdavenport) (Entered: 05/28/2004) |
| 06/30/2004 | 109 | STATUS REPORT by Equal Employment Opp, Dunbar Diagnostic , filed. (sfedele) (Entered: 07/01/2004) |
| 07/01/2004 | 110 | ORDER joint status report due 7/23/04 , entered; Parties notified. (signed by Judge Lynn N. Hughes) (sfedele) (Entered: 07/02/2004) |
| 07/23/2004 | 111 | Joint STATUS REPORT by Equal Employment Opp, Dunbar Diagnostic , filed. (sfedele) (Entered: 07/23/2004) |
| 07/30/2004 | 112 | ORDER setting conference set status conference for 4:00 8/11/04 before Judge Lynn N. Hughes , entered; Parties notified. (signed by Judge Lynn N. Hughes) (sfedele) (Entered: 08/03/2004) |
| 08/06/2004 | 113 | Second MOTION for partial summary judgment by Equal Employment Opp, Motion Docket Date 8/26/04 [113-1] motion , filed. (sfedele) (Entered: 08/10/2004) |
| 08/11/2004 | 114 | CONFERENCE MEMORANDUM held in chambers; APPS: S Hoffer f/deft; R Sustaita / K Hatziaveamidis f/pltf set status conference for 4:30 9/16/04 before Judge Lynn N. Hughes , entered. the parties will talk; Parties ntfd. (signed by Judge Lynn N. Hughes) (sfedele) (Entered: 08/13/2004) |
| 08/25/2004 | 115 | Letter to Joyce Hancock from Marc M Tittlebaum re extension agreed upon regarding responset to Pltf's motion for summary judgment (sfedele) (Entered: 08/31/2004) |
| 08/30/2004 | 116 | ORDER extending deadlines Response to motion reset to 9/2/04 for [113-1] motion for partial summary judgment , Motion Docket Date 9/2/04 [113-1] motion for partial summary judgment , entered; Parties notified. (signed by Judge Lynn N. Hughes) (sfedele) (Entered: 08/31/2004) |
| 08/31/2004 | 117 | OBJECTION to EEOC's [113-1] motion for partial summary judgment by Dunbar Diagnostic , filed. (part 1 of 2) (sfedele) (Entered: 08/31/2004) |
| 08/31/2004 | 117 | MOTION to strike portions of pltf's [113-1] motion for partial summary judgment by Dunbar Diagnostic, Motion Docket Date 9/20/04 [117-1] motion , filed. (part 2 of 2) (sfedele) (Entered: 08/31/2004) |

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| 08/31/2004 | 118 | RESPONSE by Dunbar Diagnostic to EEOC's Second [113-1] motion for partial summary judgment , filed. (sfedele) Modified on 08/31/2004 (Entered: 08/31/2004) |
| 08/31/2004 | 119 | MOTION with memorandum in support for partial summary judgment by Dunbar Diagnostic, Motion Docket Date 9/20/04 [119-1] motion , filed (sfedele) (Entered: 09/01/2004) |
| 09/08/2004 | 120 | MOTION to Supplement record by Equal Employment Opportunity Commission, filed. Motion Docket Date 9/28/2004. (Attachments: # 1 Text of Proposed Order)(sfedele,) (Entered: 09/10/2004) |
| 09/10/2004 | 121 | RESPONSE to Motion re [117] Motion to Strike, Motion Docket Date filed by Equal Employment Opportunity Commission. (Attachments: # 1 Text of Proposed Order)(sfedele,) (Entered: 09/14/2004) |
| 09/10/2004 | 122 | Reply to Response to [113] Motion for Partial Summary Judgment, Motion Docket Date filed by Equal Employment Opportunity Commission. (sfedele,) (Entered: 09/14/2004) |
| 09/16/2004 | 123 | RESPONSE to Motion re [119] Motion for Partial Summary Judgment, Motion Docket Date filed by Equal Employment Opportunity Commission. (Attachments: # 1 Proposed Order)(sfedele,) (Entered: 09/17/2004) |
| 09/16/2004 | 124 | CONFERENCE MEMORANDUM: Appearances: Mark Tettebaum, Timothy M Bowne. Both announce ready for trial. Review deadline set 11/01/04.(Signed by Judge Lynn N. Hughes) Parties notified.(jhancock) (Entered: 09/17/2004) |
| 09/16/2004 | | ***Set/Reset Deadlines: Review deadline set 11/1/2004. (jhancock) (Entered: 09/17/2004) |
| 11/18/2004 | 125 | ORDER Setting Trial, Joint Pretrial Order due by 1/10/2005 Jury Trial set for 1/19/2005 at 09:00 AM in Courtroom 11C before Judge Lynn N. Hughes.(Signed by Judge Lynn N. Hughes) Parties notified.(fwilliams). (Entered: 11/19/2004) |
| 01/06/2005 | 126 | UNOPPOSED MOTION to Continue trial deadline and REQUEST for Expedited Consideration by Equal Employment Opportunity Commission, filed. Motion Docket Date 1/26/2005. (Attachments: # 1 Proposed Order)(leddins,) (Entered: 01/06/2005) |
| 01/10/2005 | 127 | PROPOSED JOINT PRETRIAL ORDER, filed.(kmurphy,) (Attachments being filed electronically by the parties) Modified on 1/10/2005 (kmurphy,). (Entered: 01/10/2005) |
| 01/10/2005 | 128 | Exhibit List by Equal Employment Opportunity Commission, filed.(Bowne, Timothy) (Entered: 01/10/2005) |
| 01/10/2005 | 129 | Witness List by Equal Employment Opportunity Commission, filed.(Bowne, Timothy) (Entered: 01/10/2005) |
| 01/10/2005 | 130 | Voir Dire Questions, filed.(Bowne, Timothy) (Entered: 01/10/2005) |
| 01/10/2005 | 131 | Proposed Jury Instructions by Equal Employment Opportunity Commission, filed.(Bowne, Timothy) (Entered: 01/10/2005) |

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| 01/10/2005 | 132 | MOTION in Limine by Equal Employment Opportunity Commission, filed. Motion Docket Date 1/31/2005. (Bowne, Timothy) (Entered: 01/10/2005) |
| 01/10/2005 | 133 | Exhibit List by Dunbar Diagnostic Services Inc, filed.(Hoffer, Stewart) (Entered: 01/10/2005) |
| 01/10/2005 | 134 | Proposed Jury Instructions by Dunbar Diagnostic Services Inc, filed.(Hoffer, Stewart) (Entered: 01/10/2005) |
| 01/10/2005 | 135 | Voir Dire Questions, filed.(Hoffer, Stewart) (Entered: 01/10/2005) |
| 01/10/2005 | 136 | Witness List by Dunbar Diagnostic Services Inc, filed.(Hoffer, Stewart) (Entered: 01/10/2005) |
| 01/10/2005 | 137 | Amended MOTION in Limine by Dunbar Diagnostic Services Inc, filed. Motion Docket Date 1/31/2005. (Attachments: # 1 Proposed Order)(Hoffer, Stewart) (Entered: 01/10/2005) |
| 01/12/2005 | 138 | Exhibit List by Dunbar Diagnostic Services Inc, filed.(Hoffer, Stewart) (Entered: 01/12/2005) |
| 01/12/2005 | 139 | ORDER granting 126 Motion to Continue . The trial has been reset to March 29, 2005, at 9:00 a.m. (Signed by Judge Lynn N. Hughes) Parties notified.(jhancock) (Entered: 01/12/2005) |
| 01/14/2005 | 140 | NOTICE of Reassignment. Pursuant to Special Order No. H-2005-1, this case is reassigned to Judge Keith P Ellison. Deadlines in scheduling orders remain in effect. All court settings are vacated , filed. (mewilliams,) (Entered: 01/14/2005) |
| 01/27/2005 | 141 | Opposed MOTION for Discovery by Dunbar Diagnostic Services Inc, filed. Motion Docket Date 2/16/2005. (Attachments: # 1 Proposed Order)(Hoffer, Stewart) (Entered: 01/27/2005) |
| 01/27/2005 | 142 | REQUEST for Status Report, filed. (jholland,) (Entered: 01/27/2005) |
| 02/03/2005 | 143 | STATUS REPORT by all parties, filed.(Hoffer, Stewart) (Entered: 02/03/2005) |
| 02/08/2005 | 144 | ORDER Non-Evidentary Hearing and Status Conference set for 2/16/2005 at 11:30 AM, in chambers, Room 8631 on the 8th floor. Parties may participate by telephone by calling the court at (713) 250-5040.(Signed by Judge Keith P Ellison) Parties notified.(pmartinez,) (Entered: 02/09/2005) |
| 02/14/2005 | 145 | RESPONSE to 141 Defendant's Opposed MOTION for Discovery filed by Equal Employment Opportunity Commission. (Attachments: # 1 Proposed Order)(dkelly,) (Entered: 02/14/2005) |
| 02/15/2005 | 146 | ORDER Status Conference set for 2/16/2005 at 10:30 AM before Judge Keith P Ellison.(Signed by Judge Keith P Ellison) Parties notified.(pmartinez,) (Entered: 02/15/2005) |
| 02/16/2005 | 147 | Minute Entry, Telephonic Status Conference Hearing in Chambers on 2/16/05 before Judge Keith P Ellison. Order to be entered. Appearances: Timothy M Bowne f/pltf; Stewart Edmond Hoffer f/deft., filed.(sjones,) (Entered: 02/17/2005) |
| 02/17/2005 | 149 | ORDER re additional depositions .(Signed by Judge Keith P Ellison) Parties notified.(rkonieczny,) (Entered: 02/18/2005) |

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| 02/18/2005 | 148 | NOTICE <i>Of Position on Plaintiff's Motion in Limine</i> by Dunbar Diagnostic Services Inc, filed. (Hoffer, Stewart) Modified on 2/22/2005 (Itien,). (Entered: 02/18/2005) |
| 02/28/2005 | 150 | ORDER: Trial is set for May 31,2005 at 08:30 AM.(Signed by Judge Keith P Ellison) Parties notified.(psmith,) (Entered: 03/01/2005) |
| 02/28/2005 | 151 | ORDER granting 132 Motion in Limine as set forth;(Signed by Judge Keith P Ellison) Parties notified.(sfedele,) (Entered: 03/03/2005) |
| 02/28/2005 | 152 | ORDER granting in part, denying in part Defts 137 Motion in Limine.(Signed by Judge Keith P Ellison) Parties notified.(psmith,) Additional attachment(s) added on 3/4/2005 (Itien,). Modified on 3/4/2005 (Itien,). (Entered: 03/03/2005) |
| 02/28/2005 | 153 | Memorandum and ORDER denying [113] Motion for Partial Summary Judgment, denying as moot [117] Motion to Strike, granting in part and denying in part [119] Motion for Partial Summary Judgment, granting 120 Motion to Supplement .(Signed by Judge Keith P Ellison) Parties notified.(sfedele,) (Entered: 03/03/2005) |
| 03/09/2005 | 154 | Agreed MOTION to Continue Trial by Dunbar Diagnostic Services Inc, filed. Motion Docket Date 3/29/2005. (Attachments: # 1 Proposed Order)(Hoffer, Stewart) (Entered: 03/09/2005) |
| 03/10/2005 | 155 | ORDER granting 154 Defendant's Opposed Motion for Trial Continuance and Resetting Trial. The court resets the trial in this case to begin on June 16, 2005 at 8:30 a.m. (Signed by Judge Keith P Ellison) Parties notified.(pmartinez,) (Entered: 03/10/2005) |
| 03/10/2005 | | Reset Hearings: Jury Trial set for 6/16/2005 at 08:30 AM in Courtroom 8C before Judge Keith P Ellison (pmartinez,) (Entered: 03/10/2005) |
| 03/12/2005 | 156 | Agreed MOTION to Continue Trial Set for June 16, 2005 by Dunbar Diagnostic Services Inc, filed. Motion Docket Date 4/1/2005. (Attachments: # 1 Proposed Order)(Hoffer, Stewart) (Entered: 03/12/2005) |
| 03/12/2005 | 157 | SUPPLEMENT to 156 Agreed MOTION to Continue Trial Set for June 16, 2005 by Dunbar Diagnostic Services Inc, filed.(Hoffer, Stewart) (Entered: 03/12/2005) |
| 03/28/2005 | 158 | ORDER granting 156 Agreed MOTION to Continue Trial, Jury Trial set for 7/5/2005 at 08:30 AM in Courtroom 8C before Judge Keith P Ellison.(Signed by Judge Keith P Ellison) Parties notified.(dhansen,) (Entered: 03/28/2005) |
| 06/03/2005 | 159 | Exhibit List by Equal Employment Opportunity Commission, filed.(Bowne, Timothy) (Entered: 06/03/2005) |
| 06/13/2005 | 160 | ORDER; Status Conference is set for 6/14/2005 at 03:30 PM before Judge Keith P Ellison.(Signed by Judge Keith P Ellison) Parties notified.(sguevara,) (Entered: 06/13/2005) |
| 06/14/2005 | 161 | Minute Entry for proceedings held before Judge Keith P Ellison. Proceedings held on 6/14/2005. Hearing set for June 21, 2005 at 10:30 a.m. to go over exhibits. Appearances:Jason Mayo, Ameer McFerron.Timothy M Bowne, Stewart Edmond Hoffer.(Court Reporter: Kathy Metzger) (Law Clerk: Paty Young) (Judicial Asst: Lynda Lerma), filed. (llerma,) (Entered: 06/15/2005) |

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| 06/16/2005 | | Hearing set for 6/21/2005 at 10:30 PM before Judge Keith P Ellison.(Signed by Judge Keith P Ellison) Parties notified.(kmurphy,) (Entered: 06/16/2005) |
| 06/16/2005 | 162 | ORDER setting hearing for 6/21/05 at 10:30 a.m. in Chambers.(Signed by Judge Keith P Ellison) Parties notified.(kmurphy,) (Entered: 06/16/2005) |
| 06/21/2005 | 163 | OBJECTIONS to Deft's Trial Exhibits filed by Equal Employment Opportunity Commission. (Attachments: # 1 Continuation # 2 Continuation # 3 Continuation # 4 Continuation # 5 Proposed Order)(kmurphy,) (Entered: 06/21/2005) |
| 06/23/2005 | 164 | Minute Entryfor proceedings held before Judge Keith P Ellison. HEARING on Exhibits held on 6/23/2005. Appearances:Rudy Sustaita, Kenneth Tribuch. Timothy M Bowne, Stewart Edmond Hoffer.(Court Reporter: Kathy Metzger) (Law Clerk: Paty Young) (Judicial Asst: Lynda Lerma), filed. (llerma) (Entered: 06/23/2005) |
| 06/27/2005 | 165 | Supplemental MOTION in Limine by Equal Employment Opportunity Commission, filed. Motion Docket Date 7/18/2005. (Attachments: # 1 Proposed Order)(Bowne, Timothy) (Entered: 06/27/2005) |
| 06/29/2005 | 166 | ORDER: The trial date must be reset. Jury selection will occur on July 5, 2005 at 8:30 am. The actual trial will not commence until July 18, 2005 at 8:30 am. The Court apologizes for any inconvenience this may cause to the parties.(Signed by Judge Keith P Ellison) Parties notified.(psmith,) (Entered: 06/29/2005) |
| 07/01/2005 | 167 | Opposed MOTION to Continue Trial Set for July 18, 2005 by Dunbar Diagnostic Services Inc, filed. Motion Docket Date 7/21/2005. (Attachments: # 1 Proposed Order)(Hoffer, Stewart) (Entered: 07/01/2005) |
| 07/05/2005 | 168 | ORDER denying 167 Motion to Continue to Trial. The trial will commence on July 18, 2005, at 8:30 a.m.(Signed by Judge Keith P Ellison) Parties notified.(pfoster,) (Entered: 07/05/2005) |
| 07/05/2005 | 169 | PROOF OF SERVICE by Equal Employment Opportunity Commission, filed.(mewilliams,) (Entered: 07/06/2005) |
| 07/05/2005 | 170 | PROOF OF SERVICE by Equal Employment Opportunity Commission, filed.(mewilliams,) (Entered: 07/06/2005) |
| 07/10/2005 | 171 | TRIAL BRIEF by Dunbar Diagnostic Services Inc, filed.(Hoffer, Stewart) (Entered: 07/10/2005) |
| 07/11/2005 | 172 | Opposed MOTION to Bifurcate Punitive Damage Phase of Trial by Dunbar Diagnostic Services Inc, filed. Motion Docket Date 8/1/2005. (Attachments: # 1 Proposed Order)(Hoffer, Stewart) (Entered: 07/11/2005) |
| 07/11/2005 | 173 | <i>Objections to Plaintiff's Proposed Trial Exhibits</i> by Dunbar Diagnostic Services Inc, filed. (Attachments: # 1 Proposed Order)(Hoffer, Stewart) (Entered: 07/11/2005) |
| 07/12/2005 | 174 | MOTION to Show Cause Why the Subpoena Served on John Glowacz Should Not be Enforced by Equal Employment Opportunity Commission, filed. Motion Docket Date 8/1/2005. (Attachments: # 1 Proposed Order)(rroberts,) (Entered: 07/12/2005) |

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| 07/12/2005 | 175 | RESPONSE in Opposition to 172 Opposed MOTION to Bifurcate Punitive Damage Phase of Trial, filed by Equal Employment Opportunity Commission. (Attachments: # 1 Proposed Order)(Bowne, Timothy) (Entered: 07/12/2005) |
| 07/15/2005 | 176 | Exhibit List by Equal Employment Opportunity Commission, filed.(Bowne, Timothy) (Entered: 07/15/2005) |
| 07/15/2005 | 177 | RESPONSE to Defts Objections to EEOC's Proposed Trial Exhibits for Retrial, filed by Equal Employment Opportunity Commission. (Attachments: # 1 Continuation # 2 Continuation # 3 Continuation # 4 Continuation)(psmith,) (Entered: 07/15/2005) |
| 07/15/2005 | 181 | RETURN of Service Executed as to Wigberto Soto on June 27, 2005 re: Summons, filed.(sguevara,) (Entered: 07/18/2005) |
| 07/17/2005 | 178 | <i>Request to Take Judicial Notice and Instruct Jury Accordingly</i> by Dunbar Diagnostic Services Inc, filed. (Attachments: # 1 Proposed Order)(Hoffer, Stewart) (Entered: 07/17/2005) |
| 07/17/2005 | 179 | APPENDIX re: 178 Document by Dunbar Diagnostic Services Inc, filed.(Hoffer, Stewart) (Entered: 07/17/2005) |
| 07/17/2005 | 180 | <i>Response to Defendant's 178 Judicial Notice Request</i> by Equal Employment Opportunity Commission, filed. (Attachments: # 1)(Bowne, Timothy) Modified on 7/18/2005 - linked to #178 (Itien,). (Entered: 07/17/2005) |
| 07/18/2005 | 182 | Minute Entry for proceedings held before Judge Keith P Ellison. FIRST day of JURY TRIAL held on 7/18/2005. Appearances:Rudy Sustaita, Timothy M Bowne, Stewart Edmond Hoffer, Christopher Sharkey.(Court Reporter: Cher Barron) (Law Clerk: Paty Young) (Judicial Assistant: Lynda Lerma), filed. (lerma) (Entered: 07/19/2005) |
| 07/19/2005 | 184 | Minute Entry for proceedings held before Judge Keith P Ellison. SECOND day of JURY TRIAL held on 7/19/2005. Appearances:Timothy M Bowne, Stewart Edmond Hoffer.(Court Reporter: Cher Barron) (Law Clerk: Jennie Kneeder) (Judicial Asst: Lynda Lerma), filed. (lerma) (Entered: 07/22/2005) |
| 07/20/2005 | 185 | Minute Entry for proceedings held before Judge Keith P Ellison. THIRD day of JURY TRIAL held on 7/20/2005. Appearances: Timothy M Bowne, Stewart Edmond Hoffer.(Court Reporter: Cher Barron) (Law Clerk: Paty Young) (Judicial Asst: Lynda Lerma), filed. llerma) (Entered: 07/22/2005) |
| 07/21/2005 | 183 | ORDER: The U S Marshal to provide the jury, consisting of 9 members, with their meals on the 21st day of July, 2005. A copy of this order directed to the Clerk of the Financial Section.(Signed by Judge Keith P Ellison) Parties notified.(psmith,) (Entered: 07/21/2005) |
| 07/21/2005 | 186 | Minute Entry for proceedings held before Judge Keith P Ellison. FOURTH day of JURY TRIAL held on 7/21/2005. Appearances: Timothy M Bowne, Stewart Edmond Hoffer.(Court Reporter: Cher Barron) (Law Clerk: Paty Young) (Judicial Asst: Lynda Lerma), filed. (lerma) (Entered: 07/22/2005) |
| 07/21/2005 | 189 | Jury Note 1 and Court's Response to Jury Note No. 1, filed.(dhansen) (Entered: 07/22/2005) |

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| 07/21/2005 | 190 | MOTION for Judgment as a Matter of Law on Deft's Affirmative Defense of Failure to Mitigate Damages by Equal Employment Opportunity Commission, filed. Motion Docket Date 8/10/2005. (sguevara,) (Entered: 07/22/2005) |
| 07/21/2005 | 191 | COURT'S INSTRUCTIONS To The Jury, filed. (signed by Judge Keith Ellison)(psmith,) (Entered: 07/25/2005) |
| 07/22/2005 | 187 | ORDER In Limine - Granting in part/Denying in part.(Signed by Judge Keith P Ellison) Parties notified.(dhansen) (Entered: 07/22/2005) |
| 07/22/2005 | 188 | ORDER denying 172 Motion to Bifurcate, denying as moot 174 Motion for and Order to Show Cause Why the Subpoena Served on John Glowacz Should Not Be Enforced.(Signed by Judge Keith P Ellison) Parties notified.(dhansen) (Entered: 07/22/2005) |
| 07/25/2005 | 192 | Jury Note No. 2, filed.(psmith,) (Entered: 07/25/2005) |
| 07/25/2005 | 193 | Jury Note No. 1, filed.(psmith,) (Entered: 07/25/2005) |
| 07/25/2005 | 194 | ORDER denying as moot 190 Motion for Judgment as a Matter of Law on Defendant's Affirmative Defense of Failure to Mitigate Damages.(Signed by Judge Keith P Ellison) Parties notified.(pfoster,) (Entered: 07/26/2005) |
| 07/29/2005 | 195 | COURT'S Exhibit List: Exhibit A Employee Evaluation dated Jan 13, 2000, filed. (signed by Judge Ellison)(psmith,) (Entered: 07/29/2005) |
| 07/29/2005 | 196 | Receipt for Withdrawal of Exhibits by attorney for Equal Employment Opportunity Commission, filed.(psmith,) (Entered: 08/03/2005) |
| 08/05/2005 | 197 | MOTION for Judgment (Final Judgment) by Dunbar Diagnostic Services Inc, filed. Motion Docket Date 8/25/2005. (Attachments: # 1 Proposed Order Final Judgment)(Hoffer, Stewart) (Entered: 08/05/2005) |
| 08/05/2005 | 198 | RESPONSE to Defts 197 MOTION for Entry of Final Judgment, filed by Equal Employment Opportunity Commission. (psmith,) (Entered: 08/08/2005) |
| 08/05/2005 | 199 | RECEIPT FOR WITHDRAWAL of Exhibits by Dunbar Diagnostic Services Inc, filed.(mewilliams,) (Entered: 08/08/2005) |
| 08/08/2005 | 200 | FINAL JUDGMENT in favor of Deft.(Signed by Judge Keith P Ellison) Parties notified.(djustice,) (Entered: 08/08/2005) |
| 08/15/2005 | 201 | ORDER: The U.S. Marshal is hereby ORDERED to provide the jury, consisting of 9 members with their meal on the 22nd day of July, 2005.(Signed by Judge Keith P Ellison) Parties notified.(pfoster,) (Entered: 08/15/2005) |
| 08/18/2005 | 202 | MOTION for New Trial by Equal Employment Opportunity Commission, filed. Motion Docket Date 9/7/2005. (Attachments: # 1 Proposed Order)(sguevara,) (Entered: 08/18/2005) |
| 08/22/2005 | 203 | Opposed MOTION for Attorney Fees, Opposed MOTION for Bill of Costs, Opposed MOTION for Costs by Dunbar Diagnostic Services Inc, filed. Motion Docket Date 9/12/2005. (Attachments: # 1 Appendix Summary of Exhibits# 2 Proposed Order)(Hoffer, Stewart) (Entered: 08/22/2005) |

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| 08/29/2005 | 204 | RESPONSE to 203 Opposed MOTION for Attorney Fees Opposed MOTION for Costs Opposed MOTION for Costs, filed by Equal Employment Opportunity Commission. (Attachments: # 1 Proposed Order)(ncavazos,) (Entered: 08/30/2005) |
| 08/30/2005 | 205 | RESPONSE in Opposition to 202 MOTION for New Trial, filed by Dunbar Diagnostic Services Inc. (Attachments: # 1 Exhibit Exhibits 1 & 2# 2 Proposed Order)(Hoffer, Stewart) (Entered: 08/30/2005) |
| 09/02/2005 | 206 | TRANSCRIPT of hearing held on 6/21/05 before Judge Keith Ellison. Court Reporter: Kathy Metzger , filed. (cpeebles) (Entered: 09/02/2005) |
| 09/06/2005 | 207 | TRANSCRIPT of excerpt of jury trial - day 1 of 5 - defendant's opening statement and testimony of Linda Dunbar as adverse witness for the plaintiff held on 7/18/05 before Judge Keith Ellison. Court Reporter: Cheryll Barron , filed. (cpeebles) (Entered: 09/06/2005) |
| 09/06/2005 | 208 | TRANSCRIPT of excerpt of jury trial - day 3 of 5 - testimony of Linda Dunbar, continued, as adverse witness for the plaintiff held on 7/20/05 before Judge Keith Ellison. Court Reporter: Cheryll Barron , filed. (cpeebles) (Entered: 09/06/2005) |
| 09/06/2005 | 209 | TRANSCRIPT of excerpt of jury trial - day 3 of 5 - testimony of Linda Dunbar as witness for the defense held on 7/20/05 before Judge Keith Ellison. Court Reporter: Cheryll Barron , filed. (cpeebles) (Entered: 09/06/2005) |
| 09/06/2005 | 210 | TRANSCRIPT of excerpt of jury trial - day 4 of 5 - testimony of Linda Dunbar as witness for the defense held on 7/21/05 before Judge Keith Ellison. Court Reporter: Cheryll Barron , filed. (cpeebles) (Entered: 09/06/2005) |
| 09/06/2005 | 211 | TRANSCRIPT of excerpt of jury trial - day 5 of 5 - defendant's closing argument held on 7/21/05 before Judge Keith Ellison. Court Reporter: Cheryll Barron , filed. (cpeebles) (Entered: 09/06/2005) |
| 09/27/2005 | 212 | ORDER SETTING HEARING: The parties are notified that a non-evidentiary hearing is scheduled for Oct 4, 2005 at 02:30 PM. Parties may participate by telephone and should be prepared to discuss Pltfs Motion for a New Trial and Defts Motion for Attorneys Fees and Bill of Costs.(Signed by Judge Keith P Ellison) Parties notified.(psmith,) (Entered: 09/27/2005) |
| 10/04/2005 | 215 | Minute Entry for proceedings held before Judge Keith P Ellison. NON-EVIDENTIARY HEARING held on 10/4/2005. Plt's Motion for New Trial 202 is DENIED. Deft's Motion for Award of Attorney's Fees 203 is DENIED. Deft's Motion for Award of Costs 203 is GRANTED. Deft is awarded costs in the amount of \$13,013.17. Appearances:Ken Tribuch, Timothy M Bowne, Stewart Edmond Hoffer.(Court Reporter: J. Simon), filed.(dhansen) (Entered: 10/06/2005) |
| 10/05/2005 | 213 | ORDER: DENYING 203 Opposed MOTION for Attorney Fees; GRANTING Opposed MOTION for Costs, DENYING 202 MOTION for New Trial.(Signed by Judge Keith P Ellison) Parties notified.(pfoster,) (Entered: 10/05/2005) |
| 10/05/2005 | 214 | AMENDED FINAL JUDGMENT.(Signed by Judge Keith P Ellison) Parties notified.(pfoster,) (Entered: 10/05/2005) |

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