

CLOSED, FRC, JURY, STAGE2

**U.S. District Court [LIVE]  
Eastern District of TEXAS LIVE (Sherman)  
CIVIL DOCKET FOR CASE #: 4:02-cv-00105-RAS**

EEOC v. Farris Concrete Co  
Assigned to: Judge Richard A. Schell  
Demand: \$0  
Cause: 42:2000 Job Discrimination (Sex)

Date Filed: 04/08/2002  
Jury Demand: None  
Nature of Suit: 442 Civil Rights: Jobs  
Jurisdiction: U.S. Government Plaintiff

**Mediator****Robert W Faulkner**

represented by **Robert W Faulkner**  
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Suite 610  
Dallas, TX 75225  
214/744-5267  
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PRO SE

**Plaintiff****Equal Employment Opportunity  
Commission**

represented by **David C Rivela**  
Equal Employment Opportunity  
Commission - (San Antonio)  
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210-281-7619  
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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Keri Lyn Mallon**  
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207 South Houston Street  
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*LEAD ATTORNEY*  
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V.

**Defendant**

**Farris Concrete Company**represented by **William Maston Boyd**

Boyd & Veigel  
 PO Box 1179  
 218 E Louisiana  
 McKinney, TX 75070  
 972-562-9700  
 Fax: 19725629600  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

| <b>Date Filed</b> | <b>#</b>          | <b>Docket Text</b>   |
|-------------------|-------------------|--|
| 04/08/2002        | <a href="#">1</a> | Original Complaint filed. Cause: 42:2000 Job Discrimination (Sex) (ttm) (Entered: 04/08/2002)  |
| 04/08/2002        |                   | Magistrate consent forms mailed to EEOC . (ttm) (Entered: 04/08/2002)  |
| 04/08/2002        |                   | Summons(es) issued for Farris Concrete Co; returned to atty for service (ttm) (Entered: 04/08/2002)  |
| 04/08/2002        | <a href="#">2</a> | ORDER referring case to Magistrate Judge Robert W. Faulkner to handle pretrial proceedings (copy file sent) ( signed by Judge Paul Brown ) cc:atty on 4-8-02 (ttm) (Entered: 04/08/2002)   |
| 06/06/2002        | 3                 | WAIVER OF SERVICE Returned Executed as to Farris Concrete Co 4/17/02 Answer due on 6/17/02 for Farris Concrete Co (ttm) (Entered: 06/06/2002)  |
| 06/17/2002        | <a href="#">4</a> | Answer to original complaint by Farris Concrete Co (ttm) (Entered: 06/17/2002)   |
| 06/17/2002        |                   | Magistrate consent forms mailed to Farris Concrete Co . (ttm) (Entered: 06/17/2002)  |
| 06/21/2002        | <a href="#">5</a> | ORDER for mgt cnf, set management conference for 9:30 8/13/02 before Magistrate Judge Robert W. Faulkner ( signed by Magistrate Judge Robert W. Faulkner 6-21-02) cc:attys on 6-21-02 (ttm) (Entered: 06/21/2002)                              |
| 07/23/2002        | 6                 | Notice of Hearing: reset management conference for 11:30 8/27/02 before Magistrate Judge Robert W. Faulkner cc: attys of record 7/23/02 (former empl) (Entered: 07/23/2002)  |
| 07/25/2002        | 7                 | Notice of attorney appearance for EEOC by Keri L Mallon (ttm) (Entered: 07/25/2002)  |
| 08/20/2002        | 8                 | Notice of initial disclosure by Farris Concrete Co (ttm) (Entered: 08/20/2002)   |
| 08/22/2002        |                   | Duplicate copy file to staff atty (ttm) (Entered: 08/22/2002)  |
| 08/27/2002        |                   | MANAGEMENT CONFERENCE held before Magistrate Judge Robert W. Faulkner (lab) (Entered: 08/28/2002)  |
| 08/29/2002        | 9                 | Docket Control Order setting all motions to amend pleadings by 10/4/02 for Farris Concrete Co, for EEOC ; It is not necessary to file a motion for leave to amend before the deadline to amend pleadings. It is necessary to file a motion for |

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|            |                    | leave to amend after the deadline date. Obtain court approval of Expert witnesses by filing written request with the Clerk on or before 11/22/02 for Farris Concrete Co, 11/8/02 for EEOC ; Expert reports shall be furnished 12/9/02 and any objections to the opinions contained in any report should be filed with the Court 12/23/02; Discovery Completion Deadline 2/14/03; Deadline for filing of all dispositive motions 2/28/03 for Farris Concrete Co, for EEOC with all other motions, including motions in limine, to be filed by 4/14/03; Responses to dispositive motions to be filed by 3/14/03; Joint Pretrial order and any trial briefs to be submitted on or before 4/14/03 for Farris Concrete Co, for EEOC ; Jury selection begins on 7/7/03; Jury instructions due by 4/14/03 for Farris Concrete Co, for EEOC ; Jury trial on 7/7/03 (case to be tried when reached); Final pretrial conference at 9:00 a.m. on 6/20/03 for Farris Concrete Co, for EEOC. Total Trial Time 3 days (Pla 1.5 days and Dft 1.5 days) ( signed by Magistrate Judge Robert W. Faulkner on 8/28/02) cc: attys 8/29/02 (raf) (Entered: 08/29/2002) |
| 08/29/2002 | <a href="#">9</a>  | ORDER, set discovery due for 2/14/03 ( signed by Magistrate Judge Robert W. Faulkner on 8/28/02) cc: attys 8/29/02 (raf) (Entered: 08/29/2002)  |
| 11/08/2002 | <a href="#">10</a> | Request for court approval of expert witness by EEOC (ttm) (Entered: 11/08/2002)  |
| 11/22/2002 | <a href="#">11</a> | Request for approval of expert witnesses by Farris Concrete Co (ttm) (Entered: 11/25/2002)  |
| 12/18/2002 | <a href="#">12</a> | ORDER granting [11-1] requested approval of expert Susan Hance Sorrells ( signed by Magistrate Judge Robert W. Faulkner 12-17-02) cc:attys on 12-20-02 (ttm) (Entered: 12/20/2002)  |
| 12/18/2002 | <a href="#">13</a> | ORDER granting [10-1] requested approval of Dr John Connolly ( signed by Magistrate Judge Robert W. Faulkner 12-17-02 ) cc:attys on 12-20-02 (ttm) (Entered: 12/20/2002)  |
| 12/30/2002 | <a href="#">14</a> | ORDER, transferring case to Judge Richard Schell ( signed by Judge Paul Brown 12-30-02) cc:attys and Judge Schell on 12-31-02 (ttm) (Entered: 12/30/2002)   |
| 12/30/2002 |                    | Case reassigned to Judge Richard A. Schell (ttm) (Entered: 12/30/2002)  |
| 01/06/2003 |                    | Copy file to Judge Schell, copy of order transferring to Judge Faulkner (ttm) (Entered: 01/06/2003)   |
| 01/16/2003 | <a href="#">15</a> | ORDER rescheduling final pretrial conferenece dates, reset pretrial conference for 7/7/03 before Judge Richard A. Schell All other deadlines and requirements in existing docket control order shall remain in effect ( signed by Judge Richard A. Schell 1-14-03 ) cc:attys on 1-16-03 (ttm) (Entered: 01/16/2003)   |
| 01/17/2003 | <a href="#">16</a> | Fax noticing receipt of Order #15 to attorney William Maston Boyd for defendant Farris Concrete Co, Ken Lyn Mallon for plaintiff EEOC 1-17-03 8:26 am. (ttm) (Entered: 01/17/2003)  |
| 02/07/2003 | <a href="#">17</a> | AGREED MOTION by EEOC, Farris Concrete Co to extend time on deadlines (ttm) (Entered: 02/07/2003)   |
| 02/24/2003 | <a href="#">19</a> | General ORDER 03-4, referring case to Magistrate Judge Don D. Bush ( signed by Judge John Hannah Jr. 2-24-03 ) cc:attys on 3-6-03 (ttm) (Entered: 03/06/2003)   |

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| 03/05/2003 | <a href="#">18</a> | AMENDED Scheduling order setting following deadlines: Jury selection date will be determined at final pretrial conf ; Final Pretrial conference on 9/8/03 ; Final Pretrial order due on or before 8/1/03 for Farris Concrete Co, for EEOC ; Jury instructions due by 8/1/03 for Farris Concrete Co, for EEOC ; Deadline for Motions in Limine 7/25/03 for Farris Concrete Co, for EEOC ; Deadline for filing of all motions to transfer, remand, dismiss, sumjgm or other dispositive motions by 6/30/03; Pretrial disclosure shall be made by pltf by 6-30-03 and dft by 7-7-03; Discovery cutoff 5/31/03 ; Amend, join, implead parties by 10/4/02 ; Mediation to be Completed by 8/1/03 ; Join parties by 10/4/02 ; ( signed by Judge Richard A. Schell 3-4-03 ) cc:attys on 3-5-03 (ttm) (Entered: 03/05/2003) |
| 04/22/2003 | <a href="#">20</a> | Agreed MOTION by Farris Concrete Co to continue final pretrial conf (ttm) (Entered: 04/22/2003)  |
| 05/01/2003 | <a href="#">21</a> | ORDER granting [20-1] motion to continue final pretrial conf, reset pretrial conference for 10:30 10/6/03 before Judge Richard A. Schell All other deadlines shall remain the same ( signed by Judge Richard A. Schell 4-30-03) cc:attys on 5-1-03 (ttm) (Entered: 05/01/2003)   |
| 06/02/2003 |                    | Mail returned: [21-1] order reset pretrial conference for 10:30 10/6/03 before Judge Richard A. Schell, [21-2] relief addressed to EEOC atty David Rivela stamped "not at this address" (ttm) (Entered: 06/02/2003)  |
| 06/20/2003 | <a href="#">22</a> | Notice by Farris Concrete Co of withdrawal of expert witness designation (ttm) (Entered: 06/20/2003)   |
| 07/01/2003 | <a href="#">23</a> | Pretrial disclosures pursuant to FRCP 26(a)(3) (ttm) (Entered: 07/01/2003)   |
| 07/07/2003 | <a href="#">24</a> | Dfts pretrial disclosures (ttm) (Entered: 07/08/2003)  |
| 07/14/2003 | <a href="#">25</a> | Response by Farris Concrete Co to [23-1] pretrial disclosures (ttm) (Entered: 07/14/2003)  |
| 07/18/2003 | <a href="#">26</a> | Order referring case to Robert W Faulkner as mediator Mediation conference to be held on or before 8/1/03 for Farris Concrete Co, for EEOC ( signed by Judge Richard A. Schell 7-17-03 ) cc:attys on 7-21-03 and docket sheet to Robert Faulkner (ttm) (Entered: 07/18/2003)   |
| 07/22/2003 | <a href="#">27</a> | Response (objections) by EEOC to [24-1] dft pretrial disclosures (ttm) (Entered: 07/23/2003)   |
| 07/23/2003 |                    | Terminated document #17-1; moot per Order (de#18) per law clerk (lab) (Entered: 07/23/2003)  |
| 07/25/2003 | <a href="#">28</a> | Motion by EEOC with memorandum in support in limine (ttm) (Entered: 07/25/2003)  |
| 08/13/2003 | <a href="#">29</a> | Response by Farris Concrete Co to [28-1] motion in limine (ttm) (Entered: 08/14/2003)  |
| 08/20/2003 | <a href="#">30</a> | ORDER, to withdraw [26-1] referral/referred order to Magistrate Judge Don Bush ( signed by Judge Richard A. Schell 8-15-03 ) cc:attys on 8-20-03 (ttm) Modified on 08/20/2003 (Entered: 08/20/2003)  |
| 08/20/2003 |                    | CASE NO LONGER REFERRED TO Magistrate Judge Don D. Bush (ttm) (Entered: 08/20/2003)  |

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| 09/09/2003 | <a href="#">31</a> | Proposed pre-trial order received from EEOC, Farris Concrete Co (ttm) (Entered: 09/09/2003)  |
| 09/09/2003 | <a href="#">32</a> | Proposed Jury instructions by EEOC, Farris Concrete Co (ttm) (Entered: 09/09/2003)   |
| 09/18/2003 | 33                 | Pretrial hearing & Trial scheduling set at 11:00 10/6/03 before Judge Richard A. Schell (pad) (Entered: 09/19/2003)  |
| 09/23/2003 | <a href="#">34</a> | Mediation Report filed by Wayne E. Lee. Mediation result: impasse (sjs) (Entered: 09/23/2003)  |
| 10/06/2003 |                    | Final Pre-trial conference held before Judge Richard A. Schell (pad) (Entered: 10/07/2003)   |
| 10/06/2003 | <a href="#">35</a> | Minutes Re: pre-trial conference & trial scheduling by Judge Richard A. Schell on 10/6/03. Pla's motion in liminf is granted in part and denied in part. An order will be entered. (Ct rep/ECRO: Jerry Kelley) (pad) (Entered: 10/07/2003) |
| 10/07/2003 | <a href="#">36</a> | Notice of Hearing: set jury selection for 9:00 1/12/04 before Judge Richard A. Schell , and set Jury trial for 9:00 1/12/04 before Judge Richard A. Schell (pad) (Entered: 10/08/2003)   |
| 10/08/2003 | <a href="#">37</a> | ORDER granting in part, denying in part [28-1] motion in limine ( signed by Judge Richard A. Schell ) cc:attys on 10/8/03 (pad) (Entered: 10/08/2003)  |
| 10/15/2003 | <a href="#">38</a> | Joint MOTION by EEOC, Farris Concrete Co to extend time of deadline for pretrial evidentiary briefs (ttm) (Entered: 10/16/2003)  |
| 11/07/2003 | <a href="#">39</a> | Brief in support of admissibility of dfts trial exhibits and other evidence filed by Farris Concrete Co (ttm) (Entered: 11/07/2003)  |
| 11/13/2003 | <a href="#">40</a> | Trial Brief objecting to the admissibility of TWC documents and statemtn by Richard Henry, deceased filed by EEOC (ttm) (Entered: 11/14/2003)  |
| 11/18/2003 | <a href="#">41</a> | Notice of Hearing: reset jury selection for 9:00 1/20/04 before Judge Richard A. Schell , and reset Jury trial for 9:00 1/20/04 before Judge Richard A. Schell (pad) (Entered: 11/18/2003)   |
| 12/03/2003 | <a href="#">42</a> | MOTION by Farris Concrete Co to modify [18-1] Scheduling order (ttm) (Entered: 12/03/2003)   |
| 12/03/2003 | <a href="#">43</a> | MOTION by Farris Concrete Co to shorten pltfs response time to Mot #42 (ttm) (Entered: 12/03/2003)   |
| 12/08/2003 | <a href="#">45</a> | ORDER granting [43-1] motion to shorten pltfs response time to Mot #42 until 12-12-03 ( signed by Judge Richard A. Schell 12-6-03) cc:attys on 12-11-03 (ttm) (Entered: 12/11/2003)  |
| 12/09/2003 | <a href="#">44</a> | ORDER granting [38-1] motion to extend time of deadline for pretrial evidentiary briefs and accepts each parties briefs as filed timely ( signed by Judge Richard A. Schell 12-6-03) cc:attys on 12-11-03 (ttm) (Entered: 12/11/2003)      |
| 12/12/2003 | <a href="#">46</a> | MOTION by EEOC to exceed page limitation resp (obj) to mot to modify amended scheduling order (ttm) (Entered: 12/12/2003)  |

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| 12/22/2003 | <a href="#">47</a> | ORDER denying [42-1] motion to modify [18-1] Scheduling order ( signed by Judge Richard A. Schell ) cc:attys on 12/23/03 (sjs) (Entered: 12/23/2003)  |
| 12/22/2003 | <a href="#">48</a> | ORDER granting [46-1] motion to exceed page limitation resp (objs) to mot to modify amended scheduling order ( signed by Judge Richard A. Schell ) cc:attys on 12/23/03 (sjs) (Entered: 12/23/2003)   |
| 12/22/2003 | <a href="#">49</a> | Response by EEOC to [42-1] motion to modify [18-1] Scheduling order (sjs) (Entered: 12/23/2003)   |
| 01/05/2004 | <a href="#">50</a> | Consent judgment: Dft to pay Cheshier \$15,000.00, parties to bear their own costs and attys fees, term of this consent decree shall be 2 years . ( signed by Judge Richard A. Schell 1-2-04 ) cc:attys on 1-7-04 (ttm) (Entered: 01/07/2004) |
| 01/05/2004 |                    | Case closed (ttm) (Entered: 01/07/2004)   |
| 06/14/2005 |                    | Shipped to FRC, Accession Number 021-05--0101, Location F1002951, Box 26 of 73. [For internal information only - case is either pending and imaged or closed.] (ttm, ) (Entered: 06/14/2005)  |

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