

ADR, CLOSED, JURY, STICKNEY

**U.S. District Court
Northern District of Texas (Dallas)
CIVIL DOCKET FOR CASE #: 3:01-cv-01838**

Equal Employment Opp v. Kasper Wire Works
Assigned to: Judge Ed Kinkeade
Demand: \$0
Cause: 42:2000 Job Discrimination (Race)

Date Filed: 09/17/2001
Date Terminated: 03/05/2003
Jury Demand: Plaintiff
Nature of Suit: 442 Civil Rights: Jobs
Jurisdiction: U.S. Government Plaintiff

Plaintiff

**Equal Employment Opportunity
Commission**

represented by **Toby W Costas**
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V.

Defendant**Kaspar Wire Works Inc***also known as***Kaspar Ranch Hand Inc**represented by **Mario A Barrera**

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PRO SE

Date Filed	#	Docket Text
09/17/2001	<u>1</u>	COMPLAINT filed by EEOC (5) (cxj) (Entered: 09/18/2001)
09/17/2001	1	DEMAND for jury trial by plaintiff Equal Employment Opp (cxj) (Entered: 09/18/2001)

09/17/2001	2	CERTIFICATE OF INTERESTED PERSONS by plaintiff Equal Employment Opp (cxj) (Entered: 09/18/2001)
09/17/2001		PRELIMINARY ASSIGNMENT TO Magistrate Judge Paul Stickney (cxj) (Entered: 09/18/2001)
09/18/2001	3	SUMMONS(ES) issued for defendant Kasper Wire Works (Issued-1) (cxj) (Entered: 09/18/2001)
10/02/2001	4	WAIVER OF SERVICE Returned Executed as to Kasper Wire Works 9/19/01 Answer due on 11/19/01 for Kasper Wire Works (1) (cxj) (Entered: 10/03/2001)
11/16/2001	5	ANSWER to Complaint by defendant Kasper Wire Works (Attorney Mario A Barrera), (5) (cxj) (Entered: 11/19/2001)
11/16/2001	6	CERTIFICATE OF INTERESTED PERSONS by defendant Kasper Wire Works (2) (cxj) (Entered: 11/19/2001)
11/19/2001	7	APPLICATION AND ORDER for Raquel G Perez to appear pro hac vice (Signed by Judge A J. Fish) Copies to counsel: 11/20/01 Page(s) 4 (cxj) (Entered: 11/20/2001)
11/19/2001	8	STATUS REPORT ORDER. Joint Status report due on 12/10/01 (Signed by Judge A J. Fish) Copies to counsel: 11/20/01 Page(s): 3 (cxj) (Entered: 11/20/2001)
12/10/2001	9	JOINT STATUS REPORT by plaintiff Equal Employment Opp, defendant Kasper Wire Works (3) (cxj) (Entered: 12/11/2001)
12/12/2001	10	SCHEDULING ORDER setting Docket call set for 2/3/03 ; Joining of Parties on 3/11/02 ; Amending of Pleadings on 3/11/02 ; Deadline for filing of dispositive motions 7/26/02 ; Discovery cutoff 9/30/02 ; Pretrial materials due on 1/24/03 Proposed pretrial order due 1/24/03 ; Pretrial conference for 9:00 1/31/03 ; (Signed by Judge A J. Fish) Copies to counsel: 12/13/01 Page(s): 11 (cxj) (Entered: 12/13/2001)
03/11/2002	11	UNOPPOSED MOTION by defendant Kasper Wire Works for leave to amend [5-1] answer (9) (cxj) (Entered: 03/12/2002)
03/12/2002	12	ORDER granting [11-1] motion for leave to amend [5-1] answer (Signed by Chief Judge A J. Fish) Copies to counsel: 03/13/02 Page(s) 1 (cxj) (Entered: 03/13/2002)
03/12/2002	13	FIRST AMENDED ANSWER to Complaint by defendant Kasper Wire Works amends [5-1] answer (6) (cxj) (Entered: 03/13/2002)
04/03/2002	14	MOTION with memorandum in support by plaintiff Equal Employment Opp to quash and request for expedited review (8) (cxj) (Entered: 04/04/2002)
04/03/2002	15	RETURN OF SERVICE executed 3/25/02 by personal service as to Rush Sales Co attn Debbie Paden for subpoena (3) (cxj) (Entered: 04/04/2002)
04/03/2002	16	RETURN OF SERVICE executed 3/26/02 by personal service as to Watco Truck Rigging attn David Watkin for subpoena (3) (cxj) (Entered: 04/04/2002)

04/03/2002	17	RETURN OF SERVICE executed 3/26/02 by personal service as to Standard Structures Inc attn: Cathy Muncrief for subpoena (3) (cxj) (Entered: 04/04/2002)
04/05/2002	18	AMENDED MOTION with incorporated brief to quash and review for expedited review by plaintiff Equal Employment Opp referring to [14-1] motion to quash and request for expedited review (14) (cxj) (Entered: 04/08/2002)
04/05/2002	19	RESPONSE by defendant Kasper Wire Works to [14-1] motion to quash and request for expedited review (8) (cxj) (Entered: 04/08/2002)
04/05/2002	21	ORDER Motion hearing set for 9:00 4/8/02 for [18-1] amended motion to quash and review for expedited review (Signed by Magistrate Judge Paul D. Stickney) Copies to counsel: 04/08/02 Page(s) 1 (cxj) (Entered: 04/08/2002)
04/08/2002	20	ORDER OF REFERENCE: [18-1] amended motion to quash and review for expedited review referred to Magistrate Judge Paul D. Stickney for a hearing if necessary and for determination (Signed by Chief Judge A J. Fish) Copies to counsel: 04/08/02 Page(s): 1 (cxj) (Entered: 04/08/2002)
04/09/2002		Motion hearing re: [18-1] amended motion to quash and review for expedited review Motion hearing held, [14-1] motion to quash and request for expedited review at (cxj) (Entered: 04/10/2002)
04/09/2002	22	Minute order: Motion hearing Held before Magistrate Judge Paul D. Stickney Court Reporter: Electronic (1) (cxj) (Entered: 04/10/2002)
04/18/2002	23	RETURN OF SERVICE executed 4/15/02 as to Maverick Truck Accessories for subpoena (2) (cxj) (Entered: 04/19/2002)
04/18/2002	24	NOTICE of subpoenas duces tecum by defendant Kasper Wire Works (10) (cxj) (Entered: 04/22/2002)
04/26/2002	25	MOTION with memorandum in support by plaintiff Equal Employment Opp to quash and request for expedited review (11)(exhibits not imaged) (jrb) (Entered: 04/29/2002)
04/29/2002	26	ORDER OF REFERENCE: [25-1] motion to quash and request for expedited review referred to Magistrate Judge Paul D. Stickney (Signed by Chief Judge A J. Fish) Copies to counsel: 4/29/02 Page(s): 1 (jyg) (Entered: 04/29/2002)
05/06/2002	27	ORDER Motion hearing set for 10:00 5/14/02 for [25-1] motion to quash and request for expedited review (Signed by Magistrate Judge Paul D. Stickney) Copies to counsel: 05/07/02 Page(s) 1 (cxj) (Entered: 05/07/2002)
05/09/2002	28	RESPONSE by defendant Kasper Wire Works to [25-1] motion to quash and request for expedited review (6) (cxj) (Entered: 05/10/2002)
05/20/2002	29	NOTICE of Corrected subpoenas duces tecum by defendant Kasper Wire Works (10) (cxj) (Entered: 05/21/2002)
05/20/2002	30	RETURN OF SERVICE executed 5/20/02 as to Axact Technologies Inc for subpoena (3) (cxj) (Entered: 05/21/2002)
05/20/2002	31	RETURN OF SERVICE executed 5/20/02 as to Axact Technologies for employee records as to Tommy B Patino for subpoena (3) (cxj) (Entered: 05/21/2002)

06/14/2002	32	ORDER granting [25-1] motion to quash and request for expedited review. (Signed by Chief Judge A J. Fish) Copies to counsel: 6/17/02 Page(s) 1 (cxb) (Entered: 06/17/2002)
06/24/2002	33	ORDER denying [18-1] amended motion to quash and review for expedited review (Signed by Magistrate Judge Paul D. Stickney) Copies to counsel: 06/24/02 Page(s) 2 (cxj) (Entered: 06/24/2002)
07/03/2002	34	JOINT MOTION to extend time for certain pretrial deadlines and request for expedited ruling by plaintiff Equal Employment Opp, defendant Kasper Wire Works (6) (aat) (Entered: 07/05/2002)
07/03/2002	35	APPENDIX by plaintiff Equal Employment Opp, defendant Kasper Wire Works in support of [34-1] joint motion to extend time for certain pretrial deadlines and request for expedited ruling (15+) (Not imaged) (aat) (Entered: 07/05/2002)
07/05/2002	36	AGREED ORDER granting [34-1] joint motion to extend time for certain pretrial deadlines and request for expedited ruling Reset scheduling order deadlines: Deadline for filing of dispositive motions by 10/9/02 (Signed by Chief Judge A J. Fish) Copies to counsel: 07/08/02 Page(s) 3 (cxj) (Entered: 07/08/2002)
07/10/2002	37	RETURN OF SERVICE executed 7/3/02 as to Rush Sales Company for subpoena (3) (cxj) (Entered: 07/11/2002)
07/10/2002	38	RETURN OF SERVICE executed 7/3/02 as to Watco Truck Rigging for subpoena (3) (cxj) (Entered: 07/11/2002)
07/10/2002	39	RETURN OF SERVICE executed 7/3/02 as to Standard Structures Inc for subpoena (3) (cxj) (Entered: 07/11/2002)
07/11/2002	40	NOTICE of subpoenas duces tecum by defendant Kasper Wire Works (14) (cxj) (Entered: 07/12/2002)
07/16/2002	41	ORDER referring case to ADR; Jerome S Levy ADR provider; Type of ADR: Mediation Requested by: Court (Signed by Chief Judge A J. Fish) Copies to counsel: 07/16/02 Page(s): 3 (cxj) (Entered: 07/16/2002)
08/12/2002	42	ORDER REASSIGNING CASE/SPECIAL ORDER NO. 3-207 Effective 8/12/02, the cases listed on Exhibit A attached to this Order are transferred from the docket of Honorable A. Joe Fish to the docket of Honorable David C. Godbey and shall henceforth carry the suffix letter "N". The clerk of court will notify counsel by providing to each counsel a copy of this Order with attached exhibit. (Pages 2) (Signed by Chief Judge A. Joe Fish) Copies to counsel: 8/14/02 Page(s) 3 (cxb) (Entered: 08/14/2002)
09/06/2002	43	ALTERNATIVE DISPUTE RESOLUTION SUMMARY filed by ADR Provider Jerome S Levy. Attorneys in attendance: Suzanne Anderson, Keri Mallon and Ann Smith. Prv Fee: \$ 1,400. Disposition: DNS. (1) (aat) (Entered: 09/09/2002)
09/19/2002	44	JOINT MOTION to extend the discovery deadline and the dispositive motions deadline by plaintiff Equal Employment Opp, defendant Kasper Wire Works (3) (aat) (Entered: 09/20/2002)
09/25/2002	45	ORDER granting [44-1] joint motion to extend the discovery deadline and the dispositive motions deadline. Reset discovery due for 10/8/02. Reset dispositive

		motion filing deadline for 10/21/02. (Signed by Judge David C. Godbey) Copies to counsel: 9/25/02 Page(s) 2 (aat) (Entered: 09/25/2002)
10/21/2002	46	MOTION by defendant Kasper Wire Works for summary judgment (15) (aat) (Entered: 10/22/2002)
10/21/2002	47	MEMORANDUM by defendant Kasper Wire Works in support of [46-1] motion for summary judgment (15+) (aat) (Entered: 10/22/2002)
10/21/2002	48	APPENDIX by defendant Kasper Wire Works in support of [47-1] brief in support of defendant's motion for summary judgment (15+) (Not imaged) (USC) (aat) (Entered: 10/22/2002)
10/21/2002	49	MOTION by plaintiff Equal Employment Opp for partial summary judgment (3) (aat) (Entered: 10/22/2002)
10/21/2002	50	APPENDIX by plaintiff Equal Employment Opp in support of [49-1] motion for partial summary judgment (15+) (Not imaged) (aat) (Entered: 10/22/2002)
10/21/2002	51	UNOPPOSED MOTION by plaintiff Equal Employment Opp to amend [1-1] complaint to add defendants (15+) (Attachments not imaged) (aat) (Entered: 10/22/2002)
10/21/2002	52	MEMORANDUM by plaintiff Equal Employment Opp in support of [49-1] motion for partial summary judgment (12) (aat) (Entered: 10/23/2002)
11/08/2002	53	RESPONSE by defendant Kasper Wire Works to [51-1] motion to amend [1-1] complaint to add defendants (6) (aat) (Entered: 11/12/2002)
11/08/2002	54	APPENDIX by defendant Kasper Wire Works in support of [53-1] response to motion to amend complaint to add defendants (15+) (Not imaged) (aat) (Entered: 11/12/2002)
11/12/2002	55	RESPONSE and brief by plaintiff Equal Employment Opp to [46-1] motion for summary judgment (15+) (aat) (Entered: 11/13/2002)
11/12/2002	56	APPENDIX by plaintiff Equal Employment Opp in support of [55-1] response to motion for summary judgment (15+) (Not imaged) (aat) (Entered: 11/13/2002)
11/18/2002	57	UNOPPOSED MOTION by defendant Kasper Wire Works to extend time for response to the motion for partial summary judgment (3) (aat) (Entered: 11/19/2002)
11/19/2002	58	ORDER granting [57-1] motion to extend time for response to the motion for partial summary judgment. Defendants' response to motion reset to 12/5/02 for [49-1] motion for partial summary judgment. (Signed by Judge David C. Godbey) Copies to counsel: 11/20/02 Page(s) 2 (aat) (Entered: 11/20/2002)
11/25/2002	59	SPECIAL ORDER NO. 3-224. Effective 11/25/02, the cases listed on Exhibit A attached to this order are transferred from the docket of Honorable David C. Godbey to the docket of Honorable Ed Kinkeade and shall henceforth carry the suffix letter "K". (Signed by Chief Judge A. J. Fish) Copies to counsel: 11/25/02 Page(s): 3 (aat) (Entered: 11/25/2002)
11/27/2002	60	REPLY Brief by defendants Kasper Wire Works and Kaspar Ranch Hand Inc to response to [46-1] motion for summary judgment (15+) (jyg) (Entered: 11/27/2002)

		12/02/2002)
12/05/2002	61	RESPONSE by defendant Kasper Wire Works in opposition to [49-1] motion for partial summary judgment (15+) (aat) (Entered: 12/06/2002)
12/05/2002	62	APPENDIX by defendant Kasper Wire Works in support of [61-1] response in opposition to the EEOC's motion for partial summary judgment and supporting brief (15+) (Not imaged) (aat) (Entered: 12/06/2002)
12/06/2002	63	Minute order: Oral argument on bankruptcy appeal held before Judge Ed Kinkeade. Court Reporter: Shawn McRoberts. (aat) (Entered: 12/09/2002)
12/16/2002	64	REPLY by plaintiff Equal Employment Opp to response to [49-1] motion for partial summary judgment (12) (aat) (Entered: 12/17/2002)
01/22/2003	65	ORDER Reset scheduling order deadlines: Jury trial docket call reset for 3/10/03; Pretrial materials due 2/24/03. The pretrial conference scheduled for 1/31/03 is cancelled. (Signed by Judge Ed Kinkeade) Copies to counsel: 1.23.02 Page(s) 1 (mlh) (Entered: 01/23/2003)
01/27/2003	66	ORDER REGARDING TRANSITION. All existing scheduling orders, trial settings and referrals to magistrate judges are adopted and remain in full force and effect. Counsel are directed to confer and file a joint status report with the Court no later than 14 days after the date of this order. See order for specifics. (Signed by Judge Ed Kinkeade) Copies to counsel: 1/28/03 Page(s): 3 (aat) (Entered: 01/28/2003)
02/06/2003	67	JOINT REPORT ON SETTLEMENT CONFERENCE by plaintiff Equal Employment Opp, defendant Kasper Wire Works (3) (aat) (Entered: 02/07/2003)
02/07/2003	68	JOINT MOTION to continue by plaintiff Equal Employment Opp, defendant Kasper Wire Works (4) (aat) (Entered: 02/10/2003)
02/24/2003	69	MOTION in Limine by Kaspar Wire Works Inc (aat,) (Entered: 02/27/2003)
02/24/2003	70	Proposed Voir Dire Examination of the Jury Panel by Kaspar Wire Works Inc. (aat,) (Entered: 02/27/2003)
02/24/2003	71	Exhibit List by Kaspar Wire Works Inc. (aat,) (Entered: 02/27/2003)
02/24/2003	72	Witness List by Kaspar Wire Works Inc. (aat,) (Entered: 02/27/2003)
02/24/2003	73	Proposed Jury Instructions by Kaspar Wire Works Inc. (aat,) (Entered: 02/27/2003)
02/24/2003	74	MOTION in Limine by Equal Employment Opportunity Commission with brief in support. (aat,) (Entered: 02/27/2003)
02/24/2003	75	Proposed Jury Instructions and Interrogatories by Equal Employment Opportunity Commission. (aat,) (Entered: 02/27/2003)
02/24/2003	76	Proposed Jury Voir Dire by Equal Employment Opportunity Commission. (aat,) (Entered: 02/27/2003)
02/24/2003	77	Exhibit List by Equal Employment Opportunity Commission. (aat,) (Entered: 02/27/2003)

02/24/2003	78	Witness List by Equal Employment Opportunity Commission. (aat,) (Entered: 02/27/2003)
02/24/2003	79	Designation of Deposition by Equal Employment Opportunity Commission. (aat,) (Entered: 02/27/2003)
02/28/2003	80	JOINT MOTION to Expedite review of joint motion for continuance by Equal Employment Opportunity Commission, Kaspar Wire Works Inc (aat,) (Entered: 03/03/2003)
02/28/2003	81	First Amended Proposed Jury Instructions, Definitions and Interrogatories by Kaspar Wire Works Inc. (aat,) (Entered: 03/03/2003)
02/28/2003	82	First Amended Exhibit List by Kaspar Wire Works Inc. (aat,) (Entered: 03/03/2003)
02/28/2003	83	MOTION in Limine by Kaspar Wire Works Inc (aat,) (Entered: 03/03/2003)
03/03/2003	84	Memorandum Opinion and Order granting 46 Motion for Summary Judgment filed by Kaspar Wire Works Inc, denying as moot 51 Motion to Amend/Correct filed by Equal Employment Opportunity Commission and denying as moot 49 Motion for Summary Judgment filed by Equal Employment Opportunity Commission. Judgment will be entered that the EEOC and Patino take nothing. (Signed by Judge Ed Kinkeade on 3/3/03) (aat,) (Entered: 03/04/2003)
03/03/2003	85	FIRST AMENDED MOTION in Limine by Kaspar Wire Works Inc (aat,) (Entered: 03/04/2003)
03/05/2003	86	JUDGMENT EEOC and Tommy Patino take nothing in this suit against defendants and all claims are dismissed with prejudice, with all costs taxed against the EEOC. (Signed by Judge Ed Kinkeade on 3/5/03) (aat,) (Entered: 03/06/2003)
03/19/2003	87	MOTION to recover attorneys' fees by Kaspar Wire Works Inc (aat,) (Entered: 03/20/2003)
03/19/2003	88	Memorandum in support re 87 motion to recover attorneys' fees filed by Kaspar Wire Works Inc. (Exhibits not imaged) (USC) (aat,) (Entered: 03/20/2003)
03/19/2003	89	BILL OF COSTS by Kaspar Wire Works Inc. (Exhibits not imaged) (aat,) (Entered: 03/20/2003)
03/20/2003		Costs Taxed in amount of \$9,828.78 against EEOC. (aat,) (Entered: 03/20/2003)
03/24/2003	90	OBJECTIONS re 89 Bill of Costs, filed by Equal Employment Opportunity Commission. (aat,) (Entered: 03/25/2003)
03/27/2003	91	ADVISORY TO THE COURT by Kaspar Wire Works Inc (aat,) (Entered: 03/28/2003)
03/28/2003	92	RESPONSE in Opposition re 90 objections to bill of costs, filed by Kaspar Wire Works Inc. (aat,) (Entered: 03/31/2003)
04/08/2003	93	OBJECTION to 87 Defendant's MOTION to Recover Attorney Fees filed by Equal Employment Opportunity Commission. (lmr,) (Entered: 04/10/2003)

04/23/2003	94	REPLY to response to motion re 87 MOTION for recovery of attorneys fees filed by Kaspar Wire Works Inc. (aat,) (Entered: 04/24/2003)
06/25/2003	95	Supplement by Equal Employment Opportunity Commission as to 93 objection to motion to recover attorneys' fees. (aat,) (Entered: 06/26/2003)
11/10/2003	96	ORDER granting in part and denying in part 87 motion to recover attorneys' fees. Defendant is entitled to recover the costs included in its "Bill of Costs" in the amount of \$8,995.38. However, defendant is not entitled to recover its attorneys' fees, as plaintiff's complaint was not frivolous. (Signed by Judge Ed Kinkeade on 11/10/03) (aat,) (Entered: 11/12/2003)

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