

CLOSED, JURY, SANDERSON

**U.S. District Court
Northern District of Texas (Dallas)
CIVIL DOCKET FOR CASE #: 3:98-cv-00242**

EEOC v. Kroger Company, et al
Assigned to: Judge Sam A Lindsay
Demand: \$0
Cause: 42:2000 Job Discrimination (Age)

Date Filed: 02/02/1998
Jury Demand: Plaintiff
Nature of Suit: 442 Civil Rights: Jobs
Jurisdiction: U.S. Government Plaintiff

Plaintiff**Equal Employment Opportunity
Commission**

represented by **Evelyn R Maiben**
Equal Employment Opportunity
Commission
Dallas District Office
207 S Houston
3rd Floor
Dallas, TX 75202
214/655-3300
Fax: 214/655-3331 FAX
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jeffrey Charles Bannon
Equal Employment Opportunity
Commission
Dallas District Office
207 S Houston
3rd Floor
Dallas, TX 75202
214/655-3300
Fax: 214/655-3331 FAX
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Robert A Canino, Jr
Equal Employment Opportunity
Commission
Dallas District Office
207 S Houston 3rd Floor
Dallas, TX 75202
214/253-2750
Email: robert.canino@eeoc.gov
ATTORNEY TO BE NOTICED

Sidney B Chesnin
Carse Law Firm
6210 Campbell Rd

Suite 220
Dallas, TX 75248
972/503-6338
Email: sidney@carselaw.com

V.

Intervenor Plaintiff

Doug Johnson

TERMINATED: 06/15/1999

represented by **Franklin L Broyles**
Goins Underkofler Crawford &
Langdon - Dallas
1201 Elm St
Suite 4800
Dallas, TX 75270
214/969-5454
Fax: 214/969-5902 FAX
Email: frankb@gucl.com
TERMINATED: 06/15/1999
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

David L Paschall

Goins Underkofler Crawford &
Langdon
Renaissance Tower
1201 Elm St
Suite 4800
Dallas, TX 75270
214/969-5454
Fax: 214/969-5902 FAX
Email: davidp@gucl.com
TERMINATED: 06/15/1999
ATTORNEY TO BE NOTICED

V.

Defendant

Kroger Company

represented by **Steven R McCown**
Littler Mendelson - Dallas
2001 Ross Ave
Suite 2600 LB 116
Dallas, TX 75201-2931
214/880-8100
Fax: 214/880-0181 FAX
Email: smccown@littler.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Daniel D Zegura

Rogers & Hardin
229 Peachtree NE
Suite 2700
Atlanta, GA 30303
404/522-4700
Fax: 404/525-2224 FAX
ATTORNEY TO BE NOTICED

Hunter R Hughes
Rogers & Hardin
229 Peachtree NE
Suite 2700
Atlanta, GA 30303
404/522-4700
ATTORNEY TO BE NOTICED

Robert B Remar
Rogers & Hardin
229 Peachtree NE
Suite 2700
Atlanta, GA 30303
404/522-4700
Fax: 404/525-2224 FAX
ATTORNEY TO BE NOTICED

Defendant

**International Brotherhood of
Teamsters, Local 745**

represented by **Bruce A Fickman**
Law Office of Bruce A Fickman
3303 Main
Suite 300
Houston, TX 77002
713/223-4444
Fax: 713/529-0588 FAX
Email: bfickman@swbell.net
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

James L Hicks, Jr
Hicks & Associates
2777 N Stemmons Fwy
Suite 1100
Dallas, TX 75207
214/630-8621
Fax: 214/630-9286 FAX
Email: hicks1989@aol.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

George N Davies
Nakamura & Quinn

Landmark Center
 2100 First Avenue N
 Suite 300
 Birmingham, AL 35203
 205/323-8504
 Fax: 205/323-1102 FAX
TERMINATED: 04/10/1998

V.

Movant

Advanced Ergonomics Inc

represented by **Robert E Luxen**
 Hallett & Perrin
 2001 Bryan St
 Suite 3900
 Dallas, TX 75201
 214/922-4138
 Fax: 214/922-4143 FAX
 Email: rluxen@hallettperrin.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Intervenor Defendant

Kroger Company

represented by **Steven R McCown**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
02/02/1998	1	COMPLAINT filed; (9) (krs) (Entered: 02/03/1998)
02/02/1998		PRELIMINARY ASSIGNMENT TO Magistrate Judge Wm F Sanderson Jr (krs) (Entered: 02/03/1998)
02/02/1998	2	SUMMONS(ES) issued for defendant Kroger Company, defendant Intl Brotherhood Tea (issued 2) (2) (krs) (Entered: 02/03/1998)
02/10/1998	3	RETURN OF SERVICE executed as to defendant Intl Brotherhood Tea 2/9/98, served to Sam Carter, Trustee. Answer due on 3/2/98 for Intl Brotherhood Tea (1) (krs) (Entered: 02/11/1998)
02/12/1998	4	RETURN OF SERVICE executed as to defendant Kroger Company 2/6/98, served on CT Corp System, registerd agent, Nicola Harker. Answer due on 2/26/98 for Kroger Company (1) (krs) (Entered: 02/13/1998)
02/26/1998	5	ANSWER to Complaint by defendant Kroger Company (Attorney Steven Randolph McCown), (10) (krs) (Entered: 02/27/1998)
03/16/1998	6	MOTION by movant Doug Johnson for leave to file intervening pltf

		Doug Johnson's original complaint in intervention and jury demand (13) (krs) (Entered: 03/17/1998)
03/18/1998	7	MEMORANDUM by movant Doug Johnson in support of [6-1] motion for leave to file intervening pltf Doug Johnson's original complaint in intervention and jury demand (6) (krs) (Entered: 03/18/1998)
03/19/1998	8	ANSWER to Complaint by defendant Intl Brotherhood Tea Local 745 (Attorney Bruce Alan Fickman, George N Davies), (4) (dst) (Entered: 03/19/1998)
03/19/1998	9	NOTICE of attorney appearance for plaintiff EEOC by Sidney Chesnin (3) (alh) (Entered: 03/20/1998)
03/19/1998	10	DEMAND for jury trial by plaintiff EEOC (3) (alh) (Entered: 03/20/1998)
03/19/1998	11	ORDER granting [6-1] motion for leave to file intervening pltf Doug Johnson's original complaint in intervention and jury demand (signed by AJF) Copies to counsel: 03.20.98 Page(s) 1 (alh) (Entered: 03/20/1998)
03/19/1998	12	Intervenor's COMPLAINT against defendant Kroger Company (7) (alh) (Entered: 03/20/1998)
03/19/1998	12	DEMAND for jury trial by intervenor-plaintiff Doug Johnson (7) (alh) (Entered: 03/20/1998)
03/24/1998	13	STATUS REPORT ORDER. Joint Status report due on 4/14/98 (signed by AJF) Copies to counsel: 3/25/98 Page(s): 3 (krs) (Entered: 03/25/1998)
04/09/1998	14	MOTION by defendant Intl Brotherhood Tea to substitute James Lowery Hicks Jr for George N. Davies. (3) (krs) (Entered: 04/10/1998)
04/10/1998	15	ANSWER by defendant Kroger Company to [12-1] intervenor complaint (13) (krs) (Entered: 04/10/1998)
04/10/1998	16	ORDER granting [14-1] motion to substitute James Lowery Hicks Jr for George N. Davies. (signed by AJF) Copies to counsel: 4/10/98 Page(s) 1 (krs) (Entered: 04/10/1998)
04/10/1998	17	**** UNFILED PER ORDER - 4/13/98 ***** MOTION by defendant Kroger Company for partial judgment on intervenor pltf Doug Johnson's pleadings (3) (krs) Modified on 04/13/1998 (Entered: 04/10/1998)
04/10/1998	18	***** UNFILED PER ORDER - 4/13/98 ***** MEMORANDUM by defendant Kroger Company in support of [17-1] motion for partial judgment on intervenor pltf Doug Johnson's pleadings (8) (krs) Modified on 04/13/1998 (Entered: 04/10/1998)
04/13/1998	19	ORDER unfiled [17-1] motion for partial judgment on intervenor pltf Doug Johnson's pleadings, unfiled [18-1] support memorandum by defendant Kroger Company due to the following deficiency: mtn must comply w/ LR 7.1 Copies to counsel: 4/13/98 (signed by Judge A Joe Fish) Page(s) 3 (krs) (Entered: 04/13/1998)

04/14/1998	20	MOTION by defendant Kroger Company for partial judgment on the intervenor pltf Doug Johnson's pleadings (4) (krs) (Entered: 04/15/1998)
04/14/1998	21	MEMORANDUM by defendant Kroger Company in support of [20-1] motion for partial judgment on the intervenor pltf Doug Johnson's pleadings (8) (krs) (Entered: 04/15/1998)
04/14/1998	22	Joint STATUS REPORT by plaintiff EEOC, defendant Kroger Company, defendant Intl Brotherhood Tea, intervenor-plaintiff Doug Johnson (11) (krs) (Entered: 04/15/1998)
04/14/1998	23	**** UNFILED PER ORDER - 4/14/98 **** MOTION by defendant Kroger Company to dismiss ADEA disparate impact claim (3) (krs) Modified on 04/15/1998 (Entered: 04/15/1998)
04/14/1998	24	***** UNFILED PER ORDER - 4/14/98 ***** MEMORANDUM by defendant Kroger Company in support of [23-1] motion to dismiss ADEA disparate impact claim (15+) (krs) Modified on 04/15/1998 (Entered: 04/15/1998)
04/14/1998	25	ORDER unfiled [23-1] motion to dismiss ADEA disparate impact claim, unfiled [24-1] support memorandum by defendant Kroger Company due to the following deficiency: no completed certificate of service. Copies to counsel: 4/15/98 (signed by Judge A Joe Fish) Page(s) 3 (krs) (Entered: 04/15/1998)
04/15/1998	26	MOTION by defendant Kroger Company to dismiss ADEA disparate impact claim (3) (krs) (Entered: 04/16/1998)
04/15/1998	27	MEMORANDUM by defendant Kroger Company in support of [26-1] motion to dismiss ADEA disparate impact claim (15+) (krs) (Entered: 04/16/1998)
04/15/1998	28	SCHEDULING ORDER setting Docket call set for 9/7/99 ; Joining of Parties on 7/15/98 ; Amending of Pleadings on 7/15/98 ; Deadline for filing of dispositive motions 2/26/99 ; Discovery cutoff 4/30/99 ; Pretrial materials due on 8/27/99 Proposed pretrial order due 8/27/99 ; Pretrial conference for 9:00 9/3/99 ; (signed by AJF) Copies to counsel: 4/16/98 Page(s): 9 (krs) (Entered: 04/16/1998)
04/16/1998	29	NOTICE of attorney appearance for intervenor-plaintiff Doug Johnson by David Lamar Paschall (3) (krs) (Entered: 04/17/1998)
04/29/1998	30	RESPONSE by intervenor-plaintiff Doug Johnson to [20-1] motion for partial judgment on the intervenor pltf Doug Johnson's pleadings (8) (krs) (Entered: 04/30/1998)
05/05/1998	31	RESPONSE by plaintiff EEOC in opposition to [26-1] motion to dismiss ADEA disparate impact claim (15+) (krs) (Entered: 05/06/1998)
05/13/1998	32	REPLY by defendant Kroger Company to response to [20-1] motion for partial judgment on the intervenor pltf Doug Johnson's pleadings (9) (krs) (Entered: 05/14/1998)

05/20/1998	33	REPLY by defendant Kroger Company to response to [20-1] motion for partial judgment on the intervenor pltf Doug Johnson's pleadings (10) (krs) (Entered: 05/21/1998)
06/16/1998	34	NOTICE of change of address & telephone number of atty for defendant Kroger Company (2) (krs) (Entered: 06/16/1998)
06/24/1998	35	Unopposed MOTION by defendant Kroger Company for leave to allow counsel Daniel D Zegura, Hunter R Hughes, Robert B Remar to appear pro hac vice (12) (krs) (Entered: 06/25/1998)
06/25/1998	36	ORDER granting [35-1] motion for leave to allow counsel Daniel D Zegura, Hunter R Hughes, Robert B Remar to appear pro hac vice (signed by AJF) Copies to counsel: 6/25/98 Page(s) 2 (krs) (Entered: 06/25/1998)
07/02/1998	37	Unopposed MOTION by plaintiff EEOC for leave to amend [1-1] complaint (15) (krs) (Entered: 07/02/1998)
07/06/1998	38	ORDER granting [37-1] motion for leave to amend [1-1] complaint (signed by AJF) Copies to counsel: 7/7/98 Page(s) 1 (krs) (Entered: 07/07/1998)
07/06/1998	39	First AMENDED COMPLAINT by plaintiff EEOC , (Answer due 7/16/98 for Intl Brotherhood Tea, for Kroger Company) amending [1-1] complaint (11) (krs) (Entered: 07/07/1998)
07/06/1998	39	DEMAND for jury trial by plaintiff EEOC (11) (krs) (Entered: 07/07/1998)
07/16/1998	40	ANSWER by defendant Kroger Company to amended complaint (11) (krs) (Entered: 07/16/1998)
08/25/1998	41	ORDER REASSIGNING CASE to Judge Sam A. Lindsay.... all future pleadings shall be filed under 3:98-CV-242-L (signed by JBuchmeyer) Copies to counsel: 8/26/98 Page(s): 3 (krs) (Entered: 08/26/1998)
11/04/1998	42	MOTION with memorandum in support by defendant Intl Brotherhood Tea for leave to amend [8-1] answer (10) (jrb) (Entered: 11/05/1998)
11/09/1998	43	Amended CERTIFICATE OF CONFERENCE by defendant Intl Brotherhood Tea Re: [42-1] motion for leave to amend [8-1] answer (3) (jrb) (Entered: 11/10/1998)
12/31/1998	44	Agreed ORDER for protective order ...see order for specifics. (signed by SAL) Copies to counsel: 12/31/98 Page(s) 10 (jrb) (Entered: 12/31/1998)
12/31/1998	45	ORDER granting [42-1] motion for leave to amend [8-1] answer...original answer attached to mtn is not signed... (signed by SAL) Copies to counsel: 12/31/98 Page(s) 2 (jrb) Modified on 01/04/1999 (Entered: 12/31/1998)
01/08/1999	46	AMENDED ANSWER to Complaint by defendant Intl Brotherhood Tea : amends [8-1] answer (5) (jrb) (Entered: 01/11/1999)

01/15/1999	47	JOINT MOTION to extend time by plaintiff EEOC, defendant Kroger Company, defendant Intl Brotherhood Tea, intervenor-plaintiff Doug Johnson (5) (jrb) (Entered: 01/19/1999)
01/26/1999	48	RESPONSE by movant Advanced Ergonomics in opposition to subpoena issued by the EEOC. (13) (jrb) (Entered: 01/27/1999)
04/29/1999	49	NOTICE of attorney appearance for plaintiff EEOC by Evelyn R Maiben (4) (jrb) (Entered: 04/30/1999)
04/30/1999	50	Unopposed MOTION by plaintiff EEOC to extend time/to extend scheduling deadlines (5) (jrb) (Entered: 05/03/1999)
05/06/1999	51	ORDER granting [50-1] motion to extend time/to extend scheduling deadlines...seeorder for specifics...designation deadlines. (signed by SAL) Copies to counsel: 5/7/99 Page(s) 1 (jrb) (Entered: 05/07/1999)
06/01/1999	52	JOINT MOTION to continue/to request new trial setting by plaintiff EEOC, defendant Kroger Company, defendant Intl Brotherhood Tea, intervenor-plaintiff Doug Johnson (8) (jrb) (Entered: 06/02/1999)
06/10/1999	53	Notice/MOTION by defendant Kroger Company to withdraw [20-1] motion for partial judgment on the intervenor pltf Doug Johnson's pleadings (3) (jrb) (Entered: 06/11/1999)
06/15/1999	54	ORDER Revising Scheduling Order/(Motion termed: [52-1] joint motion to continue/to request new trial setting), granting [47-1] joint motion to extend time reset scheduling order deadlines: Jury trial reset for 12/6/99 ; Pretrial conference by 10:00 12/3/99 Discovery deadline on 7/16/99 Deadline for filing of dispositive motions by 8/16/99 Pretrial materials due 11/15/99 ...see order for other specifics. (signed by SAL) Copies to counsel: 6/15/99 Page(s) 2 (jrb) (Entered: 06/15/1999)
06/15/1999	55	STIPULATION of dismissal regarding intervening by intervenor-plaintiff Doug Johnson (2) (jrb) (Entered: 06/15/1999)
06/15/1999	55	ORDER of Dismissal regarding intervening plaintiff Doug Johnson...is to bear his own costs, but no costs of The Kroger Co are to be taxed against him. That Johnson's claims being asserted by the EEOC, and any other claims being asserted by the EEOC are not affected by this dismissal. (signed by SAL) Copies to counsel: 6/15/99 Page(s) 2 (jrb) (Entered: 06/15/1999)
06/17/1999	56	ORDER denying [52-1] joint motion to continue/to request new trial setting...further ordered that Advanced Ergonomics Inc's objections to subpoena are overruled as moot. (signed by SAL) Copies to counsel: 6/18/99 Page(s) 1 (jrb) (Entered: 06/18/1999)
06/29/1999	58	ORDER Revising Scheduling Order reset pretrial conference for 2:00 12/2/99 (signed by SAL) Copies to counsel: 6/30/99 Page(s) 1 (jrb) (Entered: 06/30/1999)
06/30/1999	57	ORDER...the Court has been informed that this case has settled. The parties are directed to file the necessary dismissal papers by 7/29/99.

		(signed by SAL) Copies to counsel: 6/30/99 Page(s) 1 (jrb) (Entered: 06/30/1999)
07/30/1999	59	ORDER DIRECTING ADMINISTRATIVE CLOSURE (signed by Lindsay) Copies to counsel: 8/3/99 Page(s): 1 (tsp) (Entered: 08/03/1999)
08/09/1999	60	Agreed Protective ORDER and Stipulation...see order for specifics. (signed by SAL) Copies to counsel: 8/10/99 Page(s) 5 (jrb) (Entered: 08/10/1999)
08/09/1999	61	Consent Decree/ORDER...see order for specifics. (signed by SAL) Copies to counsel: 8/10/99 Page(s) 7 (jrb) (Entered: 08/10/1999)

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