

CLOSED

**U.S. District Court  
SOUTHERN DISTRICT OF TEXAS (Houston)  
CIVIL DOCKET FOR CASE #: 4:97-cv-01013**

EEOC v. Matthews Daycare  
Assigned to: Judge Ewing Werlein, Jr  
Demand: \$0  
Cause: 42:2000 Job Discrimination (Sex)

Date Filed: 03/28/1997  
Date Terminated: 07/24/1998  
Jury Demand: Plaintiff  
Nature of Suit: 442 Civil Rights: Jobs  
Jurisdiction: U.S. Government Plaintiff

**Plaintiff**

**Equal Employment Opportunity  
Commission**

represented by **Guy D Kidd**  
US EEOC  
1919 Smith  
7th Fl  
Houston, TX 77002  
713-209-3405  
Fax: 713-209-3402 fax  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**Matthews Daycare & Training  
Center Inc**  
*also known as*  
Matthews Daycare Academy Inc

represented by **David T Lopez**  
David T. Lopez & Associates  
3900 Montrose Blvd  
Houston, TX 77006-4959  
713-523-3900  
Fax: 713-523-3908 fax  
Email: dtlopez@lopezlawfirm.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
03/28/1997	1	COMPLAINT filed; (bchurchill) (Entered: 03/31/1997)
03/28/1997	2	ORDER for Conf set initial pretrial and scheduling conference for 3:45 7/25/97 before Judge Ewing Werlein Jr , entered; Parties notified. (bchurchill) (Entered: 03/31/1997)
03/28/1997	3	ORDER to Disclose Interested Persons , filed. ( by Judge Ewing Werlein Jr ) Party filing case notified. (bchurchill) (Entered: 03/31/1997)
03/28/1997		1 SUMMONS issued for Matthews Daycare & (bchurchill) (Entered: 03/31/1997)

		03/31/1997)
04/11/1997	4	ANSWER to Complaint by Matthews Daycare (Added attorney David T Lopez), filed. (psmith) (Entered: 04/14/1997)
04/11/1997	5	DISCLOSURE of Interested Persons, by Matthews Daycare, filed (psmith) (Entered: 04/14/1997)
05/01/1997	6	INITIAL DISCLOSURE pursuant to Order for Accelerated Discovery by Matthews Daycare , filed. (fmremp) (Entered: 05/02/1997)
06/03/1997	7	Report of Meeting and Joint Discovery/Case Management Plan by EEOC, Matthews Daycare, filed. (Itien) (Entered: 06/03/1997)
06/19/1997	8	NOTICE of Hearing: reset scheduling conference for 3:45 8/8/97 before Judge Ewing Werlein Jr , filed. (bwhite) (Entered: 06/19/1997)
08/08/1997	<a href="#">9</a>	ORDER/DOCKET ENTRY/Minutes of Rule 16 Scheduling Conference held 8/8/97 before Judge Werlein: Appearances: Attorney David Lopez f/Defendant, Attorneys Guy Kidd and Rose Mendez f/EEOC, The Parties shall file a joint report ninety days from today advising the Court whether the parties think it would be helpful to have a mediator and if so, provide the name of a mediator upon whom the parties jointly agree, entered Parties ntf. ( Signed by Judge Ewing Werlein Jr ) (fmremp) (Entered: 08/11/1997)
08/08/1997	<a href="#">10</a>	DOCKET CONTROL ORDER: New Parties by 8/29/97 ; Expert Witnesses by Pltf 9/26/97 and by Deft 10/31/97 ; Discovery by 1/30/98 ; Dispositive Motions 3/2/98 and All Motions 3/16/98 ; Joint Pretrial Order by 7/2/98 ; Docket Call set 7/2/98 at 4:00, entered, Parties notified. ; ( Signed by Judge Ewing Werlein Jr ) (fmremp) (Entered: 08/11/1997)
11/06/1997	11	JOINT REPORT Of The Parties On Status Of Settlement Negotiations and Advisability of Mediation, by EEOC, Matthews Daycare , filed. (psmith) (Entered: 11/06/1997)
11/28/1997	12	MOTION to compel production of documents , by EEOC, Motion Docket Date 12/18/97 [12-1] motion , filed. (psmith) (Entered: 12/01/1997)
12/09/1997		Motion(s) referred: [12-1] motion to compel production of documents referred to Magistrate Judge Frances H. Stacy (psmith) (Entered: 12/10/1997)
12/10/1997	13	RESPONSE by Matthews Daycare n opposition to Pltfs [12-1] motion to compel production of documents , filed (psmith) (Entered: 12/10/1997)
12/23/1997	14	REPLY by EEOC to response to [12-1] motion to compel production of documents , filed (hlerma) (Entered: 12/24/1997)
01/07/1998	15	RESPONSE by Matthews Daycare to Pltfs Reply to Defts Response In Opposition to [12-1] motion to compel production of documents , filed (psmith) (Entered: 01/07/1998)
02/13/1998	16	MOTION to extend discovery , to compel deft to answer interrogatory

		and produce documents , by EEOC, Motion Docket Date 3/5/98 [16-1] motion, 3/5/98 [16-2] motion , filed. (psmith) (Entered: 02/13/1998)
02/23/1998	17	RESPONSE by Matthews Daycare in opposition to Pltfs [16-1] motion to extend discovery, [16-2] motion to compel deft to answer interrogatory and produce documents , filed (psmith) (Entered: 02/23/1998)
02/23/1998	17	REQUEST For Award of Fees, by Matthews Daycare, filed. (psmith) (Entered: 02/23/1998)
02/27/1998		Motion(s) referred: pltf's [16-1] motion to extend discovery and [16-2] motion to compel deft to answer interrogatory and produce documents referred to Magistrate Judge Frances H. Stacy (Itien) (Entered: 02/27/1998)
03/02/1998	18	NOTICE of Hearing: reset docket call for 4:00 7/9/98 before Judge Ewing Werlein Jr , filed. (bwhite) (Entered: 03/02/1998)
03/02/1998	19	SUPPLEMENT to the [17-1] Response in Opposition to [16-1] motion to extend discovery, [16-2] motion to compel deft to answer interrogatory and produce documents, by Matthews Daycare , filed. (psmith) (Entered: 03/03/1998)
03/02/1998	20	NOTICE of Filing Corrected Signature Page on Motion to Extend Discovery and To Compel Answers, by EEOC , filed (psmith) (Entered: 03/04/1998)
03/03/1998	<a href="#">21</a>	ORDER granting Pltfs [12-1] motion to compel production of documents; granting Pltfs [16-1] motion to extend discovery and denying [16-2] motion to compel deft to answer interrogatory and produce documents. All further relief sought in motions, not specifically granted is DENIED. The discovery deadline is extended to 4/17/98 , entered; Parties notified. ( signed by Magistrate Judge Frances H. Stacy ) (psmith) Modified on 03/04/1998 (Entered: 03/04/1998)
03/03/1998		Motion(s) no longer referred: [16-1] motion to extend discovery, [16-2] motion to compel deft to answer interrogatory and produce documents, [12-1] motion to compel production of documents (fmremp) (Entered: 03/04/1998)
03/05/1998	22	REPLY by EEOC to Defts response in opposition to [16-1] motion to extend discovery, [16-2] motion to compel deft to answer interrogatory and produce documents , filed (psmith) (Entered: 03/05/1998)
03/05/1998	22	RESPONSE by EEOC to Defts [17-1] Request for Award of Fees, filed. (psmith) (Entered: 03/05/1998)
03/06/1998	23	UNOPPOSED MOTION to extend deadline for dispositive motions , by Matthews Daycare, Motion Docket Date 3/26/98 [23-1] motion , filed. (psmith) (Entered: 03/09/1998)
03/11/1998	<a href="#">24</a>	ORDER granting Deft's [23-1] motion to extend deadline for dispositive motions. Set dispositive motion filing for 3/30/98 , entered; Parties notified. ( signed by Judge Ewing Werlein Jr ) (hlerma) (Entered: 03/11/1998)

		03/12/1998)
03/30/1998	25	MOTION for summary judgment , by Matthews Daycare, Motion Docket Date 4/19/98 [25-1] motion , filed. (psmith) (Entered: 03/31/1998)
03/30/1998	26	MEMORANDUM Of Authorities by Matthews Daycare in support of [25-1] motion for summary judgment , filed (psmith) (Entered: 03/31/1998)
04/20/1998	27	MEMORANDUM by EEOC in opposition to [25-1] motion for summary judgment , filed in expandable file. (fmremp) (Entered: 04/20/1998)
04/20/1998	28	MOTION to exceed page limitation for memorandum in opposition to dft's motion for summary judgment by EEOC, Motion Docket Date 5/10/98 [28-1] motion , filed. (fmremp) (Entered: 04/20/1998)
04/24/1998	<a href="#">29</a>	ORDER granting Pltfs [28-1] motion to exceed page limitation for memorandum in opposition to dft's motion for summary judgment, not to exceed 30 pages, entered; Parties notified. ( signed by Judge Ewing Werlein Jr ) (psmith) (Entered: 04/27/1998)
05/15/1998	30	REPLY and Supplemental Memorandum in support of [25-1] motion for summary judgment, by Matthews Daycare, filed. (psmith) (Entered: 05/15/1998)
05/21/1998	31	MEMORANDUM by Matthews Daycare of supplementary authority in support of [25-1] motion for summary judgment , filed (fmremp) (Entered: 05/21/1998)
06/09/1998	<a href="#">32</a>	MEMORANDUM AND ORDER: Defts [25-1] motion for summary judgment is GRANTED as to Pltfs claims for damages filed on behalf of Latrice Smith and Brigetti Graves. Defts motion for summary judgment is otherwise DENIED, entered. Parties notified. ( signed by Judge Ewing Werlein Jr ) (psmith) (Entered: 06/10/1998)
06/12/1998	33	MOTION for reconsideration of [32-1] order re: deft's motion for summary judgment by Matthews Daycare & Training Center, Motion Docket Date 7/2/98 [33-1] motion , filed. (Itien) (Entered: 06/12/1998)
06/15/1998	34	MOTION to strike class claims , by Matthews Daycare, Motion Docket Date 7/5/98 [34-1] motion , filed. (psmith) (Entered: 06/15/1998)
06/15/1998	35	JOINT PRETRIAL ORDER of EEOC, filed. (psmith) (Entered: 06/16/1998)
06/15/1998	36	Unsworn DECLARATION Of Guy Kidd In Support of Unilateral [35-1] pretrial order , filed (psmith) (Entered: 06/16/1998)
06/15/1998	37	MOTION in limine , and to strike Olga Casteneda from defts witness list , by EEOC, Motion Docket Date 7/5/98 [37-1] motion, 7/5/98 [37-2] motion , filed. (psmith) (Entered: 06/16/1998)
06/15/1998	38	PROPOSED PRETRIAL ORDER of Matthews Daycare, filed. (psmith) (Entered: 06/16/1998)

06/15/1998	39	MOTION in limine , by Matthews Daycare, Motion Docket Date 7/5/98 [39-1] motion , filed. (psmith) (Entered: 06/16/1998)
06/19/1998	40	RESPONSE by EEOC to Defts [34-1] motion to strike class claims , filed. (psmith) (Entered: 06/19/1998)
06/30/1998	41	MEMORANDUM by EEOC in opposition to Defts [39-1] motion in limine , filed (psmith) (Entered: 06/30/1998)
06/30/1998	42	JOINT PRETRIAL ORDER, filed. (psmith) (Entered: 06/30/1998)
07/02/1998	43	MEMORANDUM by EEOC in opposition to Defts [33-1] motion for reconsideration of [32-1] order re: deft's motion for summary judgment , filed (psmith) (Entered: 07/02/1998)
07/06/1998	44	REPLY by Matthews Daycare to Pltfs Opposition to Defts [39-1] motion in limine , filed (psmith) (Entered: 07/06/1998)
07/07/1998	45	REPLY Memorandum to pltf's objection to Exhibits 7 and 8, by Matthews Daycare , filed. (Itien) (Entered: 07/07/1998)
07/08/1998	46	REPLY to Defts Response to Pltfs Objection To Defts Exhibits Seven and Eight, by EEOC , filed. (psmith) (Entered: 07/08/1998)
07/08/1998	47	SUPPLEMENTAL MEMORANDUM Responding to Pltfs Objections To Exhibits 7 and 8, by Matthews Daycare , filed. (psmith) (Entered: 07/08/1998)
07/09/1998	48	Minute entry: DOCKET CALL held on 7/9/98. Apps: Kidd; Mendez; Yokus. Parties announce ready for trial. ETT: 2 days. Case set as #3 case on trailing docket for 7/21/98. The [33-1] motion for reconsideration of [32-1] order re: deft's motion for summary judgment is DENIED; the [34-1] motion to strike class claims is GRANTED. terminated deadlines Ct Reporter: K Metzger (psmith) (Entered: 07/10/1998)
07/16/1998	49	MOTION to strike Rev Joseph Baker from defts witness list , and to prohibit testimony and argument evidencing the summary judgment order by EEOC, Motion Docket Date 8/5/98 [49-1] motion, 8/5/98 [49-2] motion , filed. (psmith) (Entered: 07/16/1998)
07/17/1998	50	OBJECTION to Pltfs' Proposed Exhibits by Matthews Daycare , filed. (fmremp) (Entered: 07/17/1998)
07/17/1998	51	PLTF'S OBJECTIONS to deft's exhibits by EEOC, filed. (ddarneille) (Entered: 07/17/1998)
07/20/1998	52	Minute entry: JURY TRIAL held on 7/20/98. Apps: Kidd; Lopez; Yokus. Trial begins. The [39-1] motion in limine and [37-1] motion in limine is GRANTED in part and DENIED in part. terminated deadlines Ct Reporter: W Faris (psmith) (Entered: 07/21/1998)
07/20/1998	53	Voir dire questions by EEOC, Matthews Daycare , filed (psmith) (Entered: 07/21/1998)
07/21/1998	54	2nd Day of Jury trial held before Judge Ewing Werlein Jr on 7/21/98.

		Evidence presented; evidence concluded. Ct Reporter: W Faris (psmith) (Entered: 07/23/1998)
07/22/1998	55	3rd Day of Jury trial held before Judge Ewing Werlein Jr on 7/22/98. Jury finds for Pltf. Request for Injunctive Relief is Denied. Objections to Court's jury charge is Denied. Hearing held on Injunctive Relief. Ct Reporter: W Faris (psmith) (Entered: 07/23/1998)
07/22/1998	56	Exhibit list by Matthews Daycare, filed (psmith) (Entered: 07/23/1998)
07/22/1998	57	Exhibit list by EEOC, filed (psmith) (Entered: 07/23/1998)
07/22/1998	58	Court Instructions To The Jury, filed (psmith) (Entered: 07/23/1998)
07/22/1998	59	JURY VERDICT, filed (psmith) (Entered: 07/23/1998)
07/23/1998		Rec'd and fwd to CRD: proposed final judgment (Itien) (Entered: 07/23/1998)
07/24/1998	<a href="#">60</a>	FINAL JUDGMENT, entered. Parties ntfed. Pltf shall recover from Deft back pay plus interest and compensatory damages. ( signed by Judge Ewing Werlein Jr ) (psmith) (Entered: 07/27/1998)
07/24/1998		Case closed (psmith) (Entered: 07/27/1998)
07/30/1998	61	BILL OF COSTS, in the amount of \$2633.24, for EEOC, filed (psmith) (Entered: 07/31/1998)
08/03/1998	62	RESPONSE by Matthews Daycare in opposition to [61-1] bill of costs , filed (psmith) (Entered: 08/04/1998)
08/10/1998	63	MOTION for award of attorney fees , by Matthews Daycare, Motion Docket Date 8/30/98 [63-1] motion , filed. (psmith) (Entered: 08/10/1998)
08/18/1998	64	REPLY to Defts [62-1] Opposition to Pltfs [61-1] bill of costs, by EEOC , filed. (psmith) (Entered: 08/18/1998)
08/20/1998	65	DEFT'S SUPPLEMENTARY MEMORANDUM in opposition to [61-1] bill of costs by Matthews Daycare, filed. (ddarneille) (Entered: 08/20/1998)
08/20/1998	<a href="#">66</a>	ORDER denying Matthews Daycare's [62-1] opposition to bill of costs, entered; pltf shall recover from deft its costs, the same reflecting a reduction conceded by pltf in Footnot No 1 to its reply; pltf shall also recover post judgment interest. Parties notified. ( signed by Judge Ewing Werlein Jr ) (Itien) (Entered: 08/21/1998)
09/01/1998	67	MEMORANDUM by EEOC in opposition to Defts [63-1] motion for award of attorney fees , filed (psmith) (Entered: 09/01/1998)
09/14/1998	68	REPLY by Matthews Daycare to Pltfs response to [63-1] motion for award of attorney fees , filed (psmith) (Entered: 09/14/1998)
10/07/1998	<a href="#">69</a>	MEMORANDUM AND ORDER denying Defts [63-1] motion for award of attorney fees , entered. Parties notified. ( signed by Judge Ewing

Werlein Jr ) (psmith) (Entered: 10/08/1998)
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