

**U.S. District Court
SOUTHERN DISTRICT OF TEXAS (Houston)
CIVIL DOCKET FOR CASE #: 4:06-cv-03062**

Equal Employment Opportunity Commission v. Mike Albert
Leasing Inc
Assigned to: Judge David Hittner
Cause: 29:626 Job Discrimination (Age)

Date Filed: 09/29/2006
Date Terminated: 12/06/2007
Jury Demand: Plaintiff
Nature of Suit: 442 Civil Rights: Jobs
Jurisdiction: U.S. Government Plaintiff

Plaintiff

**Equal Employment Opportunity
Commission**

represented by **Aimee Lynn McFerren**
EEOC
1919 Smith
7th Floor
Houston, TX 77002
713-209-3390
Fax: 713-209-3402
Email: aimee.mcferren@eeoc.gov
TERMINATED: 07/11/2007
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Connie Wilhite Gatlin
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1919 Smith St.
6th Floor
Houston, TX 77002
713-651-4976
Fax: 713-651-7995
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

Mike Albert Leasing Inc

represented by **Mark J Stepaniak**
Taft, Stettinius & Hollister LLP
425 Walnut Street
Suite 1800
Cincinnati, OH 45202-3857
513-381-2838
Fax: 513-381-0205
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

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713-626-1555
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Rachel S Zahniser
TERMINATED: 08/08/2007

Intervenor Plaintiff**Michael C. Beller**

represented by **Andrew P McCormick**
 McCormick, Lanza & McNeel, LLP
 4950 Bissonnet Street
 Bellaire, TX 77401
 713-523-0400
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ATTORNEY TO BE NOTICED

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 The Woodlands, TX 77380
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ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
09/29/2006	<u>1</u>	COMPLAINT against Mike Albert Leasing Inc (Filing fee \$ 350) filed by Equal Employment Opportunity Commission.(bdaniel,) Additional attachment(s) added on 10/2/2006 (hler,). (Entered: 09/29/2006)
09/29/2006		Summons Issued as to Mike Albert Leasing Inc , filed.(bdaniel,) (Entered: 09/29/2006)
09/29/2006	<u>2</u>	ORDER for Initial Pretrial and Scheduling Conference and Order to Disclose Interested Persons. Initial Conference set for 12/13/2006 at 10:00 AM in Courtroom 702 before Magistrate Judge Stephen Smith. (Signed by Judge David Hittner) Parties notified. (bdaniel,) (Entered: 09/29/2006)
10/03/2006		Fee waived re: <u>1</u> Complaint , filed. (agould,) (Entered: 10/03/2006)
10/06/2006	<u>3</u>	CERTIFICATE OF INTERESTED PARTIES by Equal Employment Opportunity Commission, filed.(McFerren, Aimee) (Entered: 10/06/2006)
10/31/2006	<u>4</u>	MOTION for Mark J Stepaniak to Appear Pro Hac Vice by Mike Albert Leasing Inc, filed. Motion Docket Date 11/20/2006. (sbyrum,) (Entered: 11/02/2006)
10/31/2006	<u>5</u>	MOTION for Rachel Zahniser to Appear Pro Hac Vice by Mike Albert Leasing Inc, filed. Motion Docket Date 11/20/2006. (sbyrum,) (Entered: 11/02/2006)
11/02/2006	<u>6</u>	PROPOSED ORDER on Motion to Transfer Venue (Motion not on file at this time) , filed.(chorace,) (Entered: 11/03/2006)
11/02/2006	<u>7</u>	ANSWER to Complaint by Mike Albert Leasing Inc, filed.(ypippin,) (Entered: 11/06/2006)
11/02/2006	<u>8</u>	CERTIFICATE OF INTERESTED PARTIES by Mike Albert Leasing Inc, filed.(ypippin,) (Entered: 11/06/2006)
11/02/2006	<u>9</u>	MOTION to Transfer Venue to Southern District Of Ohio by Mike Albert Leasing Inc, filed. Motion Docket Date 11/22/2006. (ypippin,) (Entered: 11/06/2006)
11/07/2006	<u>10</u>	ORDER granting <u>4</u> Motion to Appear Pro Hac Vice on behalf of Mark J. Stepaniak .(Signed by Judge David Hittner) Parties notified.(ealexander,) (Entered: 11/08/2006)
11/07/2006	<u>11</u>	ORDER granting <u>5</u> Motion to Appear Pro Hac Vice on behalf of Rachel S. Zahniser.(Signed by Judge David Hittner) Parties notified.(ealexander,) (Entered: 11/08/2006)
11/21/2006	<u>12</u>	RESPONSE to <u>9</u> MOTION to Transfer Case to Southern District Of Ohio, filed by Equal Employment Opportunity Commission. (Attachments: # <u>1</u> Affidavit # <u>2</u> Proposed Order # <u>3</u>)(McFerren, Aimee) (Entered: 11/21/2006)

12/01/2006	<u>13</u>	JOINT DISCOVERY/CASE MANAGEMENT PLAN by Equal Employment Opportunity Commission, filed.(McFerren, Aimee) (Entered: 12/01/2006)
12/05/2006	<u>14</u>	MOTION for Leave to File Memorandum in Support of Motion to Transfer Venue by Mike Albert Leasing Inc, filed. Motion Docket Date 12/26/2006. (Attachments: # <u>1</u> Proposed Order)(sbyrum,) (Entered: 12/06/2006)
12/05/2006	<u>15</u>	REPLY Memorandum in Support of <u>9</u> MOTION to Transfer Case to Southern District Of Ohio, filed by Mike Albert Leasing Inc. (sbyrum,) (Entered: 12/06/2006)
12/05/2006	<u>16</u>	SUPPLEMENTAL Declaration of Michael T Hardesty by Mike Albert Leasing Inc, filed.(sbyrum,) (Entered: 12/06/2006)
12/06/2006	<u>17</u>	ORDER granting <u>14</u> Motion for Leave to File Reply Memorandum.(Signed by Judge David Hittner) Parties notified.(ealexander,) (Entered: 12/07/2006)
12/11/2006	<u>18</u>	SURREPLY to <u>9</u> MOTION to Transfer Case to Southern District Of Ohio, filed by Equal Employment Opportunity Commission. (Attachments: # <u>1</u> Proposed Order)(McFerren, Aimee) (Entered: 12/11/2006)
12/13/2006	<u>19</u>	Minute Entry for proceedings held before Judge Stephen Wm Smith. SCHEDULING CONFERENCE held on 12/13/2006. Scheduling order issued. Appearances: Aimee Lynn McFerren, Patrick Nichols Smith, Rachel S Zahniser.(ERO:C. Peebles), filed.(jmarchand) (Entered: 12/13/2006)
12/13/2006	<u>20</u>	SCHEDULING ORDER: Trial Term: January/February 2008. ETT: 4 days. Jury trial. Amended Pleadings due by 4/2/2007. Joinder of Parties due by 2/1/2007. Pltf Expert Witness List due by 3/1/2007. Deft Expert Witness List due by 4/2/2007. Discovery due by 9/28/2007. Dispositive Motion Filing due by 10/19/2007. Non-Dispositive Motion Filing due by 10/19/2007. Joint Pretrial Order due by 12/28/2007.(Signed by Judge Stephen Wm Smith) Parties notified.(jmarchand) (Entered: 12/13/2006)
01/22/2007	<u>21</u>	INTERVENOR COMPLAINT against Mike Albert Leasing Inc filed by Michael C. Beller.(pawilliams,) (Entered: 01/23/2007)
01/29/2007	<u>22</u>	MOTION to Strike <i>Plea in Intervention</i> by all defendants, filed. Motion Docket Date 2/20/2007. (Smith, Patrick) (Entered: 01/29/2007)
02/06/2007	<u>23</u>	MOTION for Protective Order by all defendants, filed. Motion Docket Date 2/26/2007. (Smith, Patrick) (Entered: 02/06/2007)
02/06/2007	<u>24</u>	Proposed Agreed Protective Order by all defendants, filed. (Smith, Patrick) Modified on 2/16/2007 (Itien,). (Entered: 02/06/2007)
02/07/2007	<u>25</u>	AGREED PROTECTIVE ORDER.(Signed by Judge David Hittner) Parties notified.(ealexander,) (Entered: 02/08/2007)
02/21/2007	<u>26</u>	ORDER denying <u>9</u> Motion to Transfer Case ; denying <u>22</u> Motion to Strike Plea in Intervention.(Signed by Judge David Hittner) Parties notified.(ealexander,) (Entered: 02/23/2007)
07/11/2007	<u>27</u>	NOTICE of attorney substitution by Equal Employment Opportunity Commission. Attorney Connie K. Wilhite added. Attorney Aimee Lynn McFerren terminated, filed. (kosborne,) (Entered: 07/12/2007)
07/17/2007	<u>28</u>	Plaintiff's Objection to and Motion for Protection from Defendant's Cross-Notice of Defendant's Party Witness Mike Hardesty by Equal Employment Opportunity Commission, filed. Motion Docket Date 8/6/2007. (Attachments: # <u>1</u> Exhibit A-N# <u>2</u> Proposed Order)(rvazquez,) (Entered: 07/17/2007)
07/18/2007	<u>29</u>	ORDER Striking Document re: <u>28</u> MOTION for Protective Order. Document not in 14 point font.(Signed by Judge David Hittner) Parties notified.(ealexander,) (Entered: 07/19/2007)
07/19/2007	<u>30</u>	PLAINTIFF'S Objection to and Motion for Protection from Defendant's Cross-Notice of Defendant's Party Witness Mike Hardesty by Equal Employment Opportunity Commission, filed. Motion Docket Date 8/8/2007. (Attachments: # <u>1</u> Proposed Order)(pcrawford,) (Entered: 07/20/2007)

07/23/2007	<u>31</u>	ORDER <u>30</u> MOTION PLAINTIFF'S Objection to and Motion for Protection from Defendant's Cross-Notice of Defendant's Party Witness Mike Hardesty, MOTIONS REFERRED to Magistrate Judge Stephen Wm Smith: <u>30</u> MOTION PLAINTIFF'S Objection to and Motion for Protection from Defendant's Cross-Notice of Defendant's Party Witness Mike Hardesty.(Signed by Judge David Hittner) Parties notified.(ealexander,) (Entered: 07/24/2007)
08/06/2007	<u>32</u>	MOTION for Protective Order and RESPONSE to Plaintiff's <u>30</u> MOTION for Protection by Mike Albert Leasing Inc, filed. Motion Docket Date 8/27/2007. (Attachments: # <u>1</u> Exhibit Exhibit List# <u>2</u> Exhibit Exhibits 1-10A# <u>3</u> Exhibit Exhibits 11-20# <u>4</u> Exhibit Exhibits 21-25)(Smith, Patrick) Linked to #30 on 8/15/2007 (Itien,). (Entered: 08/06/2007)
08/06/2007	<u>33</u>	PROPOSED ORDER re: <u>32</u> MOTION for Protective Order, filed.(Smith, Patrick) (Entered: 08/06/2007)
08/06/2007	<u>34</u>	PROPOSED ORDER re: <u>30</u> MOTION PLAINTIFF'S Objection to and Motion for Protection from Defendant's Cross-Notice of Defendant's Party Witness Mike Hardesty, filed.(Smith, Patrick) (Entered: 08/06/2007)
08/06/2007	<u>35</u>	MOTION to Compel Depositions, MOTION to Expedite Hearing on Motions by Equal Employment Opportunity Commission, filed. Motion Docket Date 8/27/2007. (Attachments: # <u>1</u> Exhibit Exhibit A# <u>2</u> Exhibit Exhibit B# <u>3</u> Exhibit Exhibit C# <u>4</u> Exhibit Exhibit D# <u>5</u> Exhibit Exhibit E# <u>6</u> Exhibit Exhibit F# <u>7</u> Exhibit Exhibit G# <u>8</u> Exhibit Exhibit H# <u>9</u> Exhibit Exhibit I# <u>10</u> Exhibit Exhibit J# <u>11</u> Exhibit Exhibit K# <u>12</u> Exhibit Exhibit L# <u>13</u> Exhibit Exhibit M# <u>14</u> Exhibit Exhibit N# <u>15</u> Exhibit Exhibit O# <u>16</u> Exhibit Exhibit P# <u>17</u> Proposed Order Proposed Order --- Mtn to Expedite# <u>18</u> Proposed Order Proposed Order --- Mtns Compel/Protection)(Wilhite, Connie) (Entered: 08/06/2007)
08/06/2007	<u>36</u>	RESPONSE to <u>35</u> MOTION to Compel Depositions MOTION to Expedite Hearing on Motions, filed by Mike Albert Leasing Inc. (Smith, Patrick) (Entered: 08/06/2007)
08/06/2007	<u>37</u>	PROPOSED ORDER re: <u>36</u> Response to Motion, filed.(Smith, Patrick) (Entered: 08/06/2007)
08/06/2007	<u>38</u>	Corrected PROPOSED ORDER re: <u>36</u> Response to Motion, filed.(Smith, Patrick) (Entered: 08/06/2007)
08/06/2007	<u>39</u>	ORDER <u>32</u> MOTION for Protective Order, MOTIONS REFERRED to Magistrate Judge Stephen Wm Smith: <u>32</u> MOTION for Protective Order.(Signed by Judge David Hittner) Parties notified.(ealexander,) (Entered: 08/07/2007)
08/07/2007	<u>40</u>	ORDER <u>35</u> MOTION to Compel Depositions MOTION to Expedite Hearing on Motions, MOTIONS REFERRED to Magistrate Judge Stephen Wm Smith: <u>35</u> MOTION to Compel Depositions MOTION to Expedite Hearing on Motions.(Signed by Judge David Hittner) Parties notified.(ealexander,) (Entered: 08/08/2007)
08/08/2007	<u>41</u>	NOTICE OF WITHDRAWAL OF COUNSEL by Mike Albert Leasing Inc, filed. (Smith, Patrick) (Entered: 08/08/2007)
08/08/2007	<u>42</u>	ORDER granting <u>35</u> Motion to Compel; granting <u>35</u> Motion to Expedite; granting in part and denying in part <u>30</u> Motion for Protection; denying <u>32</u> Motion for Protective Order. (Signed by Judge Stephen Wm Smith) Parties notified. (jmarchand) (Entered: 08/08/2007)
08/23/2007	<u>43</u>	MOTION to Enforce Court's Order of August 8, 2007 by Mike Albert Leasing Inc, filed. Motion Docket Date 9/12/2007. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> Proposed Order)(Smith, Patrick) (Entered: 08/23/2007)
08/29/2007	<u>44</u>	MOTION to Withdraw <u>43</u> MOTION to Enforce Court's Order of August 8, 2007 by Mike Albert Leasing Inc, filed. Motion Docket Date 9/18/2007. (Smith, Patrick) (Entered: 08/29/2007)
08/29/2007	<u>45</u>	PROPOSED ORDER re: <u>44</u> MOTION to Withdraw <u>43</u> MOTION to Enforce Court's Order of August 8, 2007, filed.(Smith, Patrick) (Entered: 08/29/2007)
08/30/2007	<u>46</u>	ORDER granting <u>44</u> Motion to Withdraw Defendant's Motion to Enforce the Court's August 8, 2007 Order.(Signed by Judge David Hittner) Parties notified.(ealexander,)

		(Entered: 08/31/2007)
10/19/2007	<u>47</u>	MOTION for Complete Summary Judgment by Mike Albert Leasing Inc, filed. Motion Docket Date 11/8/2007. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B-1# <u>3</u> Exhibit B-2 (pgs 10-23)# <u>4</u> Exhibit C# <u>5</u> Proposed Order)(Smith, Patrick) Modified on 10/25/2007 (Itien,). (Entered: 10/19/2007)
10/19/2007	<u>48</u>	Concise Summary in Support of <u>47</u> MOTION for Complete Summary Judgment by Mike Albert Leasing Inc, filed. (Smith, Patrick) Modified on 10/25/2007 (Itien,). (Entered: 10/19/2007)
11/08/2007	<u>49</u>	RESPONSE in Opposition to <u>47</u> MOTION for Complete Summary Judgment, filed by Equal Employment Opportunity Commission. (Wilhite, Connie) Modified on 11/9/2007 (sbyrum,). (Entered: 11/08/2007)
11/09/2007	<u>50</u>	Exhibits to RESPONSE in Opposition to <u>47</u> MOTION for Complete Summary Judgment, filed by Equal Employment Opportunity Commission. (Attachments: # <u>1</u> Exhibit B: Reynders Deposition# <u>2</u> Exhibit D: Fitzgerald Deposition# <u>3</u> Exhibit E: Betagole Deposition# <u>4</u> Exhibit F: Johnson Deposition# <u>5</u> Exhibit G: Pohl Deposition# <u>6</u> Exhibit H: Kassner Affidavit)(Wilhite, Connie) Modified on 11/9/2007 (sbyrum,). (Entered: 11/09/2007)
11/09/2007	<u>51</u>	Concise Summary of Plaintiff's <u>49</u> RESPONSE to <u>47</u> MOTION for Summary Judgment, filed by Equal Employment Opportunity Commission. (Attachments: # <u>1</u> Proposed Order Denying Defendant's MSJ)(Wilhite, Connie) Linked to #47 on 11/13/2007 (Itien,). (Entered: 11/09/2007)
11/09/2007	<u>52</u>	EXHIBITS re: <u>49</u> Response in Opposition to Motion by Equal Employment Opportunity Commission, filed. (Attachments: # <u>1</u> Exhibit A, Part 2# <u>2</u> Exhibit A, Part 3# <u>3</u> Exhibit C, Part 1# <u>4</u> Exhibit C, Part 2)(Wilhite, Connie) (Entered: 11/09/2007)
11/14/2007	<u>53</u>	Supplemental RESPONSE to <u>47</u> MOTION for Summary Judgment by Equal Employment Opportunity Commission, filed. (Attachments: # <u>1</u> Proposed Order Granting Leave, If Necessary)(Wilhite, Connie) Linked to #47 on 11/16/2007 (Itien,). (Entered: 11/14/2007)
11/30/2007	<u>54</u>	REPLY to Response to <u>47</u> MOTION for Complete Summary Judgment, filed by Mike Albert Leasing Inc. (Attachments: # <u>1</u> Exhibit A)(Smith, Patrick) (Entered: 11/30/2007)
12/03/2007	<u>55</u>	ORDER denying <u>47</u> Motion for Summary Judgment.(Signed by Judge David Hittner) Parties notified.(ealexander,) (Entered: 12/03/2007)
12/04/2007	<u>56</u>	ORDER that the parties are to exchange all trial exhibits on or before December 28, 2007.(Signed by Judge David Hittner) Parties notified.(ealexander,) (Entered: 12/05/2007)
12/05/2007	<u>57</u>	ORDER, ETT: 4 day trial. jury trialPretrial Conference set for 12/12/2007 at 09:45 AM in Courtroom 8A before Judge David Hittner.(Signed by Judge David Hittner) Parties notified.(ealexander,) (Entered: 12/05/2007)
12/06/2007	<u>58</u>	ORDER OF DISMISSAL. Case terminated on December 6, 2007.(Signed by Judge David Hittner) Parties notified.(ealexander,) (Entered: 12/06/2007)
02/20/2008	<u>59</u>	Agreed MOTION for Entry of Order re: AGREED CONSENT DECREE by Equal Employment Opportunity Commission, filed. Motion Docket Date 3/11/2008. (Attachments: # <u>1</u> Proposed Order Agreed Consent Decree# <u>2</u> Appendix Attachment A to Agreed Consent Decree)(Wilhite, Connie) (Entered: 02/20/2008)
02/21/2008	<u>60</u>	Consent Decree.(Signed by Judge David Hittner) Parties notified.(ealexander,) (Entered: 02/22/2008)
02/25/2008		\$33,333.33 was deposited into the Court registry. Receipt number 589409 re: <u>60</u> Order, filed. (knguyen,) (Entered: 02/25/2008)
02/27/2008	<u>61</u>	MOTION to Reinstate Plea in Intervention by Michael C. Beller, filed. Motion Docket Date 3/18/2008. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Proposed Order Order)(McCormick, Andrew) (Entered: 02/27/2008)

02/27/2008	<u>62</u>	MOTION to Reinstate Plea in Intervention by Michael C. Beller, filed. Motion Docket Date 3/18/2008. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Proposed Order)(McCormick, Andrew) (Entered: 02/27/2008)
03/14/2008	<u>63</u>	RESPONSE in Opposition to <u>62</u> MOTION to Reinstate Plea in Intervention, <u>61</u> MOTION to Reinstate Plea in Intervention, filed by Equal Employment Opportunity Commission. (Attachments: # <u>1</u> Proposed Order Denying Motion to Reinstate Plea in Intervention)(Wilhite, Connie) (Entered: 03/14/2008)
03/17/2008	<u>64</u>	ORDER denying <u>61</u> Motion to Reinstate; denying <u>62</u> Motion to Reinstate.(Signed by Judge David Hittner) Parties notified.(ealexander,) (Entered: 03/18/2008)
04/20/2009	<u>65</u>	Unopposed MOTION for Withdrawal of Funds by Michael C. Beller, filed. Motion Docket Date 5/11/2009. (Attachments: # <u>1</u> Release, # <u>2</u> Assignment of Interest)(McCormick, Andrew) (Entered: 04/20/2009)
04/22/2009	<u>66</u>	ORDER granting <u>65</u> Motion for Withdrawal of Funds.(Signed by Judge David Hittner) Parties notified.(ealexander,) (Entered: 04/23/2009)
04/29/2009	<u>67</u>	Mail Returned Undeliverable as to attorney Michael Carl Beller re: <u>66</u> Order on Motion for Withdrawal of Funds, filed. (unable to frwd) (hler,) (Entered: 04/29/2009)
04/30/2009		Disbursement of Registry Funds to Michael C Beller in the amount of \$33,653.58 on 4/30/2009 re: <u>66</u> Order on Motion for Withdrawal of Funds, filed. (knguyen,) (Entered: 05/05/2009)
11/09/2009	<u>68</u>	DOCKETED IN WRONG CASE. MOTION for Edward R Young to Appear Pro Hac Vice by Guardsmark, LLC, filed. Motion Docket Date 11/30/2009. (jewilliams,) Modified on 11/13/2009 (jewilliams,). (Entered: 11/11/2009)
11/12/2009	<u>69</u>	ORDER granting <u>68</u> Motion to Appear Pro Hac Vice on behalf of Edward R. Young.(Signed by Judge David Hittner) Parties notified.(ealexander,) (Entered: 11/13/2009)
11/20/2009	<u>70</u>	Mail Returned Undeliverable as to attorney Michael Carl Beller re: <u>69</u> Order on Motion to Appear Pro Hac Vice, filed. (sjones,) (Entered: 11/20/2009)