

CLOSED

**U.S. District Court  
SOUTHERN DISTRICT OF TEXAS (Houston)  
CIVIL DOCKET FOR CASE #: 4:06-cv-02106**

Equal Employment Opportunity Commission v. Shipley Donut  
Flour & Supply Co., Inc.  
Assigned to: Judge Keith P Ellison  
Cause: 42:2000e Job Discrimination (Employment)

Date Filed: 06/22/2006  
Date Terminated: 09/24/2007  
Jury Demand: Plaintiff  
Nature of Suit: 442 Civil Rights: Jobs  
Jurisdiction: U.S. Government Plaintiff

**Plaintiff**

**Equal Employment Opportunity  
Commission**

represented by **Rodolfo Lucio Sustaita**  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

V.

**Defendant**

**Shipley Donut Flour & Supply Co., Inc.**  
*doing business as*  
Shipley Do-Nuts

represented by **Jeffrey C Londa**  
Ogletree Deakins et al  
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**TERMINATED: 03/20/2007**  
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<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
06/22/2006	<a href="#"><u>1</u></a>	COMPLAINT against Shipley Donut Flour & Supply Co., Inc. (Filing fee \$ 350) filed by Equal Employment Opportunity Commission.(lusmith, ) Additional attachment(s) added on 6/23/2006 (lfilmore, ). Additional attachment(s) added on 6/23/2006 (lfilmore, ). (Entered: 06/22/2006)
06/22/2006		Summons Issued as to Shipley Donut Flour & Supply Co., Inc. , filed.(lusmith, ) (Entered: 06/22/2006)
06/22/2006	<a href="#"><u>2</u></a>	ORDER for Initial Pretrial and Scheduling Conference and Order to Disclose Interested Persons. Initial Conference set for 10/6/2006 at 10:45 AM in Room 8613 before Judge Keith P Ellison. ( Signed by Judge Keith P Ellison ) Parties notified. (lusmith, ) (Entered: 06/22/2006)
06/27/2006	<a href="#"><u>3</u></a>	CERTIFICATE OF INTERESTED PARTIES by Equal Employment Opportunity Commission, filed.(mmarch, ) (Entered: 06/28/2006)

07/31/2006	<a href="#">4</a>	ANSWER to Complaint by Shipley Donut Flour & Supply Co., Inc., filed.(Londa, Jeffrey) (Entered: 07/31/2006)
09/21/2006	<a href="#">5</a>	<i>Defendant's Disclosure of Interested Parties</i> by Shipley Donut Flour & Supply Co., Inc., filed.(Ivey, Robert) (Entered: 09/21/2006)
09/22/2006	<a href="#">6</a>	JOINT DISCOVERY/CASE MANAGEMENT PLAN by all defendants, filed.(Londa, Jeffrey) (Entered: 09/22/2006)
09/29/2006	<a href="#">7</a>	SUMMONS Returned Executed as to Shipley Do-Nuts c/o L W Shipley, III Registered Agent, filed.(sbyrum, ) (Entered: 10/02/2006)
10/02/2006	<a href="#">8</a>	SCHEDULING/DOCKET CONTROL ORDER: ETT: 4-5 Days. Jury. Joinder of Parties due by 10/13/2007; Pltf Expert Report due by 4/15/2007; Deft Expert Report due by 6/1/2007; Discovery due by 7/31/2007; Dispositive & Non-Dispositive Motion Filing due by 8/15/2007; Joint Pretrial Order & Motions In Limine due by 9/17/2007. Jury Selection & Trial set for 9/24/2007 at 08:30 AM in Courtroom 8C before Judge Keith P Ellison.( Signed by Judge Keith P Ellison ) Parties notified.(csonnier, ) (Entered: 10/02/2006)
10/03/2006	<a href="#">9</a>	ORDER CANCELLING INITIAL CONFERENCE. Initial Conference set for 10/6/2006 at 10:45 AM is now CANCELED.( Signed by Judge Keith P Ellison ) Parties notified.(csonnier, ) (Entered: 10/03/2006)
10/03/2006	<a href="#">10</a>	INITIAL DISCLOSURES by Equal Employment Opportunity Commission, filed.(sbyrum, ) (Entered: 10/04/2006)
03/19/2007	<a href="#">11</a>	Unopposed MOTION to Substitute Attorney Teresa S. Valderrama in place of Jeffrey C. Londa by all defendants, filed. Motion Docket Date 4/9/2007. (Attachments: # <a href="#">1</a> Proposed Order)(Valderrama, Teresa) (Entered: 03/19/2007)
03/20/2007	<a href="#">12</a>	Order GRANTING <a href="#">11</a> Unopposed Motion to Substitute Attorney Teresa S. Valderrama in place of Jeffrey C. Londa, Attorney Jeffrey C Londa terminated.( Signed by Judge Keith P Ellison ) Parties notified.(csonnier, ) (Entered: 03/20/2007)
06/01/2007	<a href="#">13</a>	DESIGNATION OF EXPERT WITNESS LIST by Shipley Donut Flour & Supply Co., Inc., filed.(Valderrama, Teresa) (Entered: 06/01/2007)
06/25/2007	<a href="#">14</a>	MEMORANDUM & ORDER. Dispositive Motion Filing due by 8/8/2007. Responses due by 8/30/2007. Replies due by 9/6/2007 ( Signed by Judge Keith P Ellison ) Parties notified.(csonnier, ) (Entered: 06/25/2007)
08/08/2007	<a href="#">15</a>	Opposed MOTION for Summary Judgment by Shipley Donut Flour & Supply Co., Inc., filed. Motion Docket Date 8/28/2007. (Valderrama, Teresa) (Entered: 08/08/2007)
08/08/2007	<a href="#">16</a>	APPENDIX re: <a href="#">15</a> Opposed MOTION for Summary Judgment by Shipley Donut Flour & Supply Co., Inc., filed. (Attachments: # <a href="#">1</a> Exhibit 1 & 2# <a href="#">2</a> Exhibit 3 & 4# <a href="#">3</a> Exhibit 5# <a href="#">4</a> Exhibit 6 & 7# <a href="#">5</a> Exhibit 8 - 11# <a href="#">6</a> Exhibit 12 - 16# <a href="#">7</a> Exhibit 17 - 20# <a href="#">8</a> Exhibit 21 - 23# <a href="#">9</a> Exhibit 24# <a href="#">10</a> Exhibit 25 & 26# <a href="#">11</a> Exhibit 27# <a href="#">12</a> Exhibit 28 - 31# <a href="#">13</a> Exhibit 32# <a href="#">14</a> Exhibit 33)(Valderrama, Teresa) (Entered: 08/08/2007)

08/30/2007	<a href="#">17</a>	RESPONSE in Opposition to <a href="#">15</a> Opposed MOTION for Summary Judgment, filed by Equal Employment Opportunity Commission. (Attachments: # <a href="#">1</a> Appendix Appendix# <a href="#">2</a> Proposed Order Order)(Sustaita, Rodolfo) (Entered: 08/30/2007)
08/30/2007	<a href="#">18</a>	EXHIBITS re: <a href="#">17</a> Response in Opposition to Motion by Equal Employment Opportunity Commission, filed.(Sustaita, Rodolfo) (Entered: 08/30/2007)
08/30/2007	<a href="#">19</a>	EXHIBITS re: <a href="#">17</a> Response in Opposition to Motion by Equal Employment Opportunity Commission, filed. (Attachments: # <a href="#">1</a> Exhibit Ex B)(Sustaita, Rodolfo) (Entered: 08/30/2007)
08/30/2007	<a href="#">20</a>	EXHIBITS re: <a href="#">17</a> Response in Opposition to Motion by Equal Employment Opportunity Commission, filed. (Attachments: # <a href="#">1</a> # <a href="#">2</a> # <a href="#">3</a> )(Sustaita, Rodolfo) (Entered: 08/30/2007)
08/30/2007	<a href="#">21</a>	EXHIBITS re: <a href="#">17</a> Response in Opposition to Motion by Equal Employment Opportunity Commission, filed. (Attachments: # <a href="#">1</a> # <a href="#">2</a> Affidavit)(Sustaita, Rodolfo) (Entered: 08/30/2007)
08/30/2007	<a href="#">22</a>	MOTION to Strike <a href="#">15</a> Opposed MOTION for Summary Judgment <i>Exhibits</i> by Equal Employment Opportunity Commission, filed. Motion Docket Date 9/19/2007. (Attachments: # <a href="#">1</a> Proposed Order)(Sustaita, Rodolfo) (Entered: 08/30/2007)
09/04/2007	<a href="#">23</a>	ORDER SETTING HEARING. Motion Hearing set for 9/11/2007 at 10:30 AM in Chambers, Room 3716 before Judge Keith P Ellison. Parties should be prepared to discuss the pending Motion for Summary Judgment.( Signed by Judge Keith P Ellison ) Parties notified.(csonnier, ) (Entered: 09/04/2007)
09/04/2007	<a href="#">24</a>	NOTICE of Resetting. Motion Hearing set for 9/11/2007 at 10:30 AM has been reset to 9/10/2007 at 02:30 PM in Chambers, Room 3716 before Judge Keith P Ellison, filed. Parties notified. (csonnier, ) (Entered: 09/04/2007)
09/06/2007	<a href="#">25</a>	RESPONSE in Opposition to <a href="#">22</a> MOTION to Strike <a href="#">15</a> Opposed MOTION for Summary Judgment <i>Exhibits</i> , filed by Shipley Donut Flour & Supply Co., Inc.. (Attachments: # <a href="#">1</a> Proposed Order)(Valderrama, Teresa) (Entered: 09/06/2007)
09/06/2007	<a href="#">26</a>	EXHIBITS re: <a href="#">25</a> Response in Opposition to Motion by Shipley Donut Flour & Supply Co., Inc., filed.(Valderrama, Teresa) (Entered: 09/06/2007)
09/06/2007	<a href="#">27</a>	MOTION to Strike <a href="#">17</a> Response in Opposition to Motion ( <i>Strike Portions of Affidavit Exhibits</i> ) by Shipley Donut Flour & Supply Co., Inc., filed. Motion Docket Date 9/26/2007. (Attachments: # <a href="#">1</a> Exhibit # <a href="#">2</a> Proposed Order)(Valderrama, Teresa) (Entered: 09/06/2007)
09/06/2007	<a href="#">28</a>	REPLY in Support of <a href="#">15</a> Opposed MOTION for Summary Judgment, filed by Shipley Donut Flour & Supply Co., Inc.. (Attachments: # <a href="#">1</a> Exhibit Index & Ex. 1-2# <a href="#">2</a> Exhibit 3-4# <a href="#">3</a> Exhibit 5-7# <a href="#">4</a> Exhibit 8-9# <a href="#">5</a> Exhibit 10-11# <a href="#">6</a> Exhibit 12-14# <a href="#">7</a> Exhibit 15-20# <a href="#">8</a> Exhibit 21-24# <a href="#">9</a> Exhibit 25-26# <a href="#">10</a> Exhibit 27-28)(Valderrama, Teresa) (Entered: 09/06/2007)
09/09/2007	<a href="#">29</a>	RESPONSE in Opposition to <a href="#">27</a> MOTION to Strike <a href="#">17</a> Response in Opposition to Motion ( <i>Strike Portions of Affidavit Exhibits</i> ) MOTION to Strike <a href="#">17</a> Response

		in Opposition to Motion ( <i>Strike Portions of Affidavit Exhibits</i> ), filed by Equal Employment Opportunity Commission. (Attachments: # <a href="#">1</a> Proposed Order order)(Sustaita, Rodolfo) (Entered: 09/09/2007)
09/10/2007	<a href="#">30</a>	SURREPLY to <a href="#">15</a> Opposed MOTION for Summary Judgment, filed by Equal Employment Opportunity Commission. (Sustaita, Rodolfo) (Entered: 09/10/2007)
09/10/2007		Minute Entry for proceedings held before Judge Keith P Ellison. MOTION HEARING held on 9/10/2007. Counsel state their position with respect to <a href="#">15</a> Defendant's Motion for Summary. The Court takes the matter under advisement. Appearances: Rodolfo Lucio Sustaita, Teresa S Valderrama, Brandi Sablatura.(Court Reporter: A. Manley), filed.(csonnier, ) (Entered: 09/10/2007)
09/17/2007	<a href="#">31</a>	MOTION in Limine by Shipley Donut Flour & Supply Co., Inc., filed. Motion Docket Date 10/9/2007. (Attachments: # <a href="#">1</a> Proposed Order Granting Motion in Limine# <a href="#">2</a> Exhibit A-Brief in Support Points 17 and 18# <a href="#">3</a> Exhibit B-Brief in Support of 29 and 30)(Gautreaux, Brandi) (Entered: 09/17/2007)
09/17/2007	<a href="#">32</a>	Joint Proposed Pretrial Order by Equal Employment Opportunity Commission, filed. (Attachments: # <a href="#">1</a> Exhibit Exhibit A# <a href="#">2</a> Exhibit Exhibit B# <a href="#">3</a> Exhibit Exhibit C# <a href="#">4</a> Exhibit Exhibit D# <a href="#">5</a> Exhibit Exhibit E# <a href="#">6</a> Exhibit Exhibit F# <a href="#">7</a> Exhibit Exhibit G Joint Statement# <a href="#">8</a> Exhibit Exhibit G Plt's Jury Charge# <a href="#">9</a> Exhibit Exhibit G Def Jury Charge# <a href="#">10</a> Exhibit Exhibit H# <a href="#">11</a> Exhibit Exhibit I)(Sustaita, Rodolfo) (Entered: 09/17/2007)
09/17/2007	<a href="#">33</a>	MOTION in Limine by Equal Employment Opportunity Commission, filed. Motion Docket Date 10/9/2007. (Sustaita, Rodolfo) (Entered: 09/17/2007)
09/19/2007	<a href="#">34</a>	Opposed MOTION to Compel Production of Documents for Trial or in the Alternative, MOTION to Dismiss by Shipley Donut Flour & Supply Co., Inc., filed. Motion Docket Date 10/9/2007. (Attachments: # <a href="#">1</a> Exhibit A# <a href="#">2</a> Exhibit B# <a href="#">3</a> Exhibit C# <a href="#">4</a> Exhibit D# <a href="#">5</a> Exhibit E# <a href="#">6</a> Exhibit F# <a href="#">7</a> Proposed Order)(Valderrama, Teresa) Motion to Dismiss added on 9/27/2007 (Itien, ). (Entered: 09/19/2007)
09/19/2007	<a href="#">35</a>	Opposed MOTION to Strike <a href="#">32</a> Proposed Pretrial Order, ( <i>Previously Undisclosed Witnesses on EEOC's Witness List</i> ) by Shipley Donut Flour & Supply Co., Inc., filed. Motion Docket Date 10/9/2007. (Attachments: # <a href="#">1</a> Exhibit A# <a href="#">2</a> Exhibit B# <a href="#">3</a> Exhibit C# <a href="#">4</a> Proposed Order)(Valderrama, Teresa) (Entered: 09/19/2007)
09/19/2007	<a href="#">36</a>	NOTICE of Objections to Plaintiff's Exhibits re: <a href="#">32</a> Proposed Pretrial Order, by Shipley Donut Flour & Supply Co., Inc., filed. (Attachments: # <a href="#">1</a> Proposed Order on Defendant's Objections to Plaintiff's Exhibits)(Valderrama, Teresa) (Entered: 09/19/2007)
09/19/2007	<a href="#">37</a>	ORDER denying <a href="#">15</a> Motion for Summary Judgment; denying as moot <a href="#">22</a> Motion to Strike; denying as moot <a href="#">27</a> Motion to Strike.( Signed by Judge Keith P Ellison ) Parties notified.(svaught) (Entered: 09/19/2007)
09/20/2007	<a href="#">38</a>	ORDER SETTING HEARING. Motion Hearing set for 9/20/2007 at 02:30 PM in Chambers, Room 3716 before Judge Keith P Ellison. Parties should be prepared to discuss the pending motions.( Signed by Judge Keith P Ellison ) Parties notified.(csonnier, ) (Entered: 09/20/2007)

09/20/2007	<a href="#">39</a>	MOTION to Strike <a href="#">32</a> Proposed Pretrial Order, <i>Def's Exhibits</i> by Equal Employment Opportunity Commission, filed. Motion Docket Date 10/10/2007. (Attachments: # <a href="#">1</a> Proposed Order Order)(Sustaita, Rodolfo) (Entered: 09/20/2007)
09/20/2007	<a href="#">40</a>	PRETRIAL MEMORANDUM by Equal Employment Opportunity Commission, filed.(Sustaita, Rodolfo) (Entered: 09/20/2007)
09/20/2007		Minute Entry for proceedings held before Judge Keith P Ellison. MOTION HEARING held on 9/20/2007 <a href="#">33</a> MOTION in Limine, <a href="#">31</a> MOTION in Limine, <a href="#">34</a> Opposed MOTION to Compel Production of Documents for Trial, <a href="#">39</a> MOTION to Strike <a href="#">32</a> Proposed Pretrial Order, <i>Def's Exhibits</i> , <a href="#">35</a> Opposed MOTION to Strike <a href="#">32</a> Proposed Pretrial Order, ( <i>Previously Undisclosed Witnesses on EEOC's Witness List</i> )Opposed MOTION to Strike <a href="#">32</a> Proposed Pretrial Order, ( <i>Previously Undisclosed Witnesses on EEOC's Witness List</i> ). Rulings on motions were made on the record in open Court. Any rulings not made in today's hearing will be made as they arise in the course of trial. Appearances:(Law Clerk: John Lavinsky) Timothy Bowne. Brandi Cherie Gautreaux, Rodolfo Lucio Sustaita, Teresa S Valderrama.(Court Reporter: Warner), filed.(svaught) (Entered: 09/20/2007)
09/21/2007	<a href="#">41</a>	MOTION for Reconsideration of <a href="#">31</a> MOTION in Limine by Shipley Donut Flour & Supply Co., Inc., filed. Motion Docket Date 10/11/2007. (Swindell, Virginia) (Entered: 09/21/2007)
09/21/2007	<a href="#">42</a>	PROPOSED ORDER re: <a href="#">41</a> MOTION for Reconsideration of <a href="#">31</a> MOTION in Limine, filed.(Swindell, Virginia) (Entered: 09/21/2007)
09/21/2007	<a href="#">43</a>	SUPPLEMENTAL MOTION in Limine by Shipley Donut Flour & Supply Co., Inc., filed. (Attachments: # <a href="#">1</a> Proposed Order)(Swindell, Virginia) Modified on 9/27/2007 (Itien, ). (Entered: 09/21/2007)
09/21/2007	<a href="#">44</a>	Joint MOTION for Settlement by Equal Employment Opportunity Commission, filed. Motion Docket Date 10/11/2007. (Attachments: # <a href="#">1</a> Proposed Order Consent Decree)(Sustaita, Rodolfo) (Entered: 09/21/2007)
09/24/2007	<a href="#">45</a>	CONSENT DECREE.( Signed by Judge Keith P Ellison ) Parties notified.(svaught) (Entered: 09/24/2007)

## PACER Service Center

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