

ADR, BOYLE, CLOSED, JURY

**U.S. District Court
Northern District of Texas (Dallas)
CIVIL DOCKET FOR CASE #: 3:97-cv-01690**

EEOC v. Cooper Aerobics Cntr, et al
Assigned to: Jane J Boyle
Demand: \$0
Case in other court: 99-10016
Cause: 42:2000 Job Discrimination (Sex)

Date Filed: 07/15/1997
Date Terminated: 10/30/1998
Jury Demand: Both
Nature of Suit: 442 Civil Rights: Jobs
Jurisdiction: U.S. Government Plaintiff

Plaintiff**Equal Employment Opportunity
Commission**

represented by **Chrys Meador**
JC Penney Co Inc
Legal Department
6501 Legacy Drive
MS 1122
Plano, TX 75024
972/431-1000
Fax: 972/431-1133 FAX
TERMINATED: 12/08/1997
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V.

Defendant

The Cooper Aerobics Center

represented by **Robert E Luxen**
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Defendant**The Cooper Institute For Aerobics
Research**

represented by **Robert E Luxen**
(See above for address)
LEAD ATTORNEY
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Brett Lee Myers
(See above for address)
ATTORNEY TO BE NOTICED

Defendant**Cooper Aerobic Enterprises**

represented by **Robert E Luxen**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Brett Lee Myers
(See above for address)
ATTORNEY TO BE NOTICED

Provider**Hesha Abrams**

represented by **Hesha Abrams**
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PRO SE

Movant**Karen C Austen**

represented by **Andrew M Trusevich**
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Date Filed	#	Docket Text
07/15/1997	1	COMPLAINT filed; no fee, US Gov't (5) (jas) (Entered: 07/15/1997)
07/15/1997	1	DEMAND for jury trial by plaintiff EEOC (jas) (Entered: 07/15/1997)
07/15/1997		PRELIMINARY ASSIGNMENT TO Magistrate Judge Jane J Boyle (jas) (Entered: 07/15/1997)
07/15/1997	2	SUMMONS(ES) issued for defendant Cooper Aerobics Cntr, defendant Cooper Institute For, defendant Cooper Aerobic Entr (issued-3) (jas) (Entered: 07/15/1997)
07/24/1997	3	RETURN OF SERVICE executed by delivering to Robert E Luxen, esq. as to defendant Cooper Aerobics Cntr 7/18/97 Answer due on 8/7/97 for Cooper Aerobics Cntr (2) (jas) (Entered: 07/24/1997)

07/24/1997	4	RETURN OF SERVICE executed by delivering to Robert E Luxen, esq. as to defendant Cooper Institute For 7/18/97 Answer due on 8/7/97 for Cooper Institute For (2) (jas) (Entered: 07/24/1997)
07/24/1997	5	RETURN OF SERVICE executed by delivering to Robert E Luxen, esq. as to defendant Cooper Aerobic Entr 7/18/97 Answer due on 8/7/97 for Cooper Aerobic Entr (2) (jas) (Entered: 07/24/1997)
08/07/1997	6	ANSWER to Complaint by defendant Cooper Aerobics Cntr, defendant Cooper Institute For, defendant Cooper Aerobic Entr (Attorney Robert E Luxen, Brett Lee Myers),; jury demand (4) (jas) (Entered: 08/08/1997)
08/08/1997	7	STATUS REPORT ORDER. The joint status report shall be filed within 21 days of the date of this Order (signed by Judge Sanders) Copies to counsel: 8/8/97 Page(s): 2 (jas) (Entered: 08/08/1997)
08/29/1997	8	Joint STATUS REPORT by plaintiff EEOC, defendant Cooper Aerobics Cntr, defendant Cooper Institute For, defendant Cooper Aerobic Entr (7) (jas) (Entered: 08/29/1997)
08/29/1997		CASE NO LONGER REFERRED TO Magistrate Judge Jane J. Boyle (jas) (Entered: 09/11/1997)
08/29/1997		PRELIMINARY ASSIGNMENT TO Magistrate Judge Jane J Boyle (jas) (Entered: 09/11/1997)
08/29/1997	9	ORDER REASSIGNING CASE to Magistrate Judge Jane J. Boyle (signed by Judge Sanders) Copies to counsel: 9/2/97 Page(s): 1 (jas) (Entered: 09/11/1997)
09/23/1997	10	SCHEDULING ORDER setting Jury trial set for 5/18/98 ; Joining of Parties on 12/15/97 ; Amending of Pleadings on 12/15/97 ; Deadline for filing of dispositive motions 2/15/98 ; Discovery cutoff 2/15/98 ; Proposed joint pretrial order due 4/20/98 ; Pretrial conference for 10:00 5/15/98 ; (signed by Magistrate Boyle) Copies to counsel: 9/24/97 Page (s): 5 (jas) (Entered: 09/24/1997)
09/23/1997	10	ORDER referring case to ADR; Type of ADR: mediation Requested by: court, by no later than 3/31/98 (Signed by Magistrate Boyle) Copies to counsel: 9/24/97 Page(s): 5 (jas) (Entered: 09/24/1997)
12/02/1997	11	MOTION with memorandum in support by plaintiff EEOC to quash dft's notice of depositions (3) (jas) (Entered: 12/03/1997)
12/08/1997	12	NOTICE of Withdrawal and substitution of counsel, Chrys Meador by plaintiff EEOC (2) (jas) (Entered: 12/09/1997)
01/15/1998	13	Memorandum received from the Office of Magistrate Boyle: The parties have reached an agreement on pla's Motion to Quash filed 12/2/97. Please terminate the motion (1) (jas) (Entered: 01/16/1998)
01/15/1998		Motion(s) no longer referred: [11-1] motion to quash dft's notice of depositions (jas) (Entered: 01/16/1998)
01/22/1998	14	MOTION to intervene by movant Karen C Austen and attached orignal

		complaint (9) (jas) (Entered: 01/23/1998)
01/23/1998	15	Certificate of Written deposition by Custodian of Records for Dr. Mary Ellen Bluntzer (1) (jas) (Entered: 01/23/1998)
01/27/1998	16	ORDER all responses to Karen C. Austen's Motion to Intervene and Attached Original Complaint must be filed no later than 20 days from the date the motion was filed. (signed by Magistrate Boyle) Copies to counsel: 1/27/98 Page(s) 1 (jas) (Entered: 01/27/1998)
02/02/1998	17	Received certificate of depo by written questions for Custodian of records for Dallas County Community College (1) (jas) (Entered: 02/03/1998)
02/09/1998	18	RESPONSE by defendant Cooper Aerobics Cntr, defendant Cooper Institute For, defendant Cooper Aerobic Entr in opposition to [14-1] motion to intervene by movant Karen C Austen (15+) (jas) (Entered: 02/10/1998)
02/13/1998	19	MOTION by defendant Cooper Aerobics Cntr, defendant Cooper Institute For, defendant Cooper Aerobic Entr for summary judgment (15+) (USC) (jas) (Entered: 02/17/1998)
02/13/1998	20	MEMORANDUM by defendant Cooper Aerobics Cntr, defendant Cooper Institute For, defendant Cooper Aerobic Entr in support of [19-1] motion for summary judgment (15+) (jas) (Entered: 02/18/1998)
02/27/1998	21	Certificate of deposition by written questions of Howard R Fallon, Custodian of Records for Dr. Milo Benningfield (1) (jas) (Entered: 02/27/1998)
03/09/1998	22	RESPONSE by plaintiff EEOC to [19-1] motion for summary judgment (15+) (jas) Modified on 03/11/1998 (Entered: 03/10/1998)
03/16/1998	23	Supplemental RESPONSE by plaintiff EEOC to [19-1] motion for summary judgment (8) (jas) (Entered: 03/16/1998)
03/18/1998	24	ORDER granting [14-1] motion to intervene by movant Karen C Austen (signed by Magistrate Boyle) Copies to counsel: 3/18/98 Page(s) 2 (jas) (Entered: 03/18/1998)
03/25/1998	25	Unopposed MOTION by defendant Cooper Aerobics Cntr, defendant Cooper Institute For, defendant Cooper Aerobic Entr to extend time to file sum jgm reply brief (4) (jas) (Entered: 03/25/1998)
03/25/1998	26	MOTION by defendant Cooper Aerobics Cntr, defendant Cooper Institute For, defendant Cooper Aerobic Entr for reconsideration of [24-1] order granting leave to intervene (3) (jas) (Entered: 03/26/1998)
03/27/1998	27	ORDER granting [25-1] motion to extend time to file sum jgm reply brief Reply to Response to Motion reset to 3/30/98 for [19-1] motion for summary judgment (signed by Magistrate Boyle) Copies to counsel: 3/27/98 Page(s) 1 (jas) (Entered: 03/27/1998)
03/30/1998	28	REPLY by defendant Cooper Aerobics Cntr, defendant Cooper Institute

		For, defendant Cooper Aerobic Entr to response to [19-1] motion for summary judgment (13) (jas) (Entered: 03/31/1998)
04/02/1998	29	ORDER Response to [26-1] motion for reconsideration of [24-1] order granting leave to intervene due within 10 days from the date of this Order for intervenor Karen C Austen (signed by Magistrate Boyle) Copies to counsel: 4/3/98 Page(s) 2 (jas) (Entered: 04/03/1998)
04/09/1998	30	RESPONSE by movant Karen C Austen to [26-1] motion for reconsideration of [24-1] order granting leave to intervene (9) (alh) (Entered: 04/10/1998)
04/15/1998	31	MEMORANDUM OPINION AND ORDER granting in part, denying in part [19-1] motion for summary judgment...see order for specifics. (signed by JJB) Copies to counsel: 4/16/98 Page(s): 17 (jrb) (Entered: 04/16/1998)
04/16/1998	32	REPLY by defendant Cooper Aerobics Cntr, defendant Cooper Institute For, defendant Cooper Aerobic Entr to response to [26-1] motion for reconsideration of [24-1] order granting leave to intervene (10) (jas) (Entered: 04/17/1998)
04/17/1998	33	ORDER denying [26-1] motion for reconsideration of [24-1] order granting leave to intervene (signed by Magistrate Boyle) Copies to counsel: 4/17/98 Page(s) 5 (jas) (Entered: 04/17/1998)
04/20/1998	34	Proposed issues and jury instructions by plaintiff EEOC (12) (jas) (Entered: 04/21/1998)
04/20/1998	35	Proposed voir dire questions by plaintiff EEOC (3) (jas) (Entered: 04/21/1998)
04/20/1998	36	Witness list by plaintiff EEOC (3) (jas) (Entered: 04/21/1998)
04/20/1998	37	Exhibit list by plaintiff EEOC (3) (jas) (Entered: 04/21/1998)
04/20/1998	38	Witness list/Exhibit List by movant Karen C Austen (5) (jas) (Entered: 04/21/1998)
04/20/1998	38	Exhibit list/witness list by movant Karen C Austen (5) (jas) (Entered: 04/21/1998)
04/20/1998	39	Proposed voir dire questions by defendant Cooper Aerobics Cntr, defendant Cooper Institute For, defendant Cooper Aerobic Entr (3) (jas) (Entered: 04/21/1998)
04/20/1998	40	Witness list by defendant Cooper Aerobics Cntr, defendant Cooper Institute For, defendant Cooper Aerobic Entr, movant Karen C Austen (8) (jas) (Entered: 04/21/1998)
04/20/1998	41	Exhibit list by defendant Cooper Aerobics Cntr, defendant Cooper Institute For, defendant Cooper Aerobic Entr (4) (jas) (Entered: 04/21/1998)
04/20/1998	42	Proposed issues and jury instructions by defendant Cooper Aerobics

		Cntr, defendant Cooper Institute For, defendant Cooper Aerobic Entr (15+) (jas) (Entered: 04/21/1998)
05/01/1998	43	ORDER reset pretrial conference for 2:00 5/15/98 (signed by Magistrate Boyle) Copies to counsel: 5/4/98 Page(s) 1 (jas) (Entered: 05/04/1998)
05/04/1998	44	RESPONSE by defendant Cooper Institute For in opposition to [38-1] witness list, [36-1] witness list (5) (jas) (Entered: 05/05/1998)
05/04/1998	45	Objections/RESPONSE by defendant Cooper Institute For in opposition to selected exhibits offered in [38-1] exhibits list, [37-1] exhibits list (4) (jas) (Entered: 05/05/1998)
05/05/1998	46	Amended Witness list by plaintiff EEOC (4) (jas) (Entered: 05/06/1998)
05/07/1998	47	MOTION by plaintiff EEOC in limine (3) (jas) (Entered: 05/07/1998)
05/11/1998	48	MOTION with memorandum in support by defendant Cooper Institute For in limine (13) (jas) (Entered: 05/12/1998)
05/12/1998	49	Supplemental MOTION -supplemental-in limine by defendant Cooper Institute For referring to [48-1] motion in limine (3) (jas) (Entered: 05/13/1998)
05/14/1998	50	RESPONSE by defendant Cooper Institute For to [47-1] motion in limine (3) (jas) (Entered: 05/15/1998)
05/15/1998		Pre-trial conference held before Magistrate Boyle. (jas) (Entered: 05/18/1998)
05/15/1998	52	Minute order:Pretrial conference Held before Magistrate Judge Jane J. Boyle Court Reporter: electronic (1) (jas) (Entered: 05/18/1998)
05/18/1998	51	Preadmitted Exhibit list by defendant Cooper Aerobics Cntr, defendant Cooper Institute For, defendant Cooper Aerobic Entr (5) (jas) (Entered: 05/18/1998)
05/18/1998	53	ORDER granting in part, denying in part [47-1] motion in limine, see Order for specifics. (signed by Magistrate Boyle) Copies to counsel: 5/18/98 Page(s) 2 (jas) (Entered: 05/18/1998)
05/18/1998	54	ORDER granting [49-1] supplemental motion -supplemental-in limine, granting [48-1] motion in limine (signed by Magistrate Boyle) Copies to counsel: 5/18/98 Page(s) 3 (jas) (Entered: 05/18/1998)
05/18/1998	55	Jury roll (7) (jas) (Entered: 05/19/1998)
05/18/1998	56	Joint PRETRIAL ORDER filed Copies to counsel: 5/18/98 Page(s): 21 (jas) (Entered: 05/19/1998)
05/18/1998		First day of Jury trial held before Magistrate Boyle. (jas) (Entered: 05/19/1998)
05/18/1998	57	Minute order: First day of jury trial Held before Magistrate Judge Jane J. Boyle Court Reporter: electronic; continued to 5/19/98 at 8:30 (1) (jas) (Entered: 05/19/1998)

05/19/1998		Second day of Jury trial held before Magistrate Boyle. (jas) (Entered: 05/20/1998)
05/19/1998	58	Minute order: Second day of jury trial Held before Magistrate Judge Jane J. Boyle Court Reporter: electronic; will continue 5/20/98 at 8:30 (1) (jas) Modified on 05/21/1998 (Entered: 05/20/1998)
05/20/1998		Third day of Jury trial held before Magistrate Boyle (jas) (Entered: 05/21/1998)
05/20/1998	59	Minute order: Third day of jury trial Held before Magistrate Judge Jane J. Boyle Court Reporter: electronic; continued to 5/21/98 at 8:30 (1) (jas) (Entered: 05/21/1998)
05/21/1998	60	First Supplemental Requested/Proposed issues and jury instructions by defendant Cooper Institute For (3) (jas) (Entered: 05/22/1998)
05/21/1998	61	Second Supplemental Requested/Proposed issues and jury instructions by defendant Cooper Institute For (3) (jas) (Entered: 05/22/1998)
05/21/1998		Fourth Day of Jury trial held before Magistrate Boyle. (jas) (Entered: 05/22/1998)
05/21/1998	62	Minute order: Fourth day of jury trial Held before Magistrate Judge Jane J. Boyle Court Reporter: electronic; continued to 5/22/98 at 8:30 (1) (jas) (Entered: 05/22/1998)
05/22/1998		Fifth day of Jury trial held before Magistrate Boyle. (jas) (Entered: 05/26/1998)
05/22/1998	63	Minute order: Fifth day of jury trial Held before Magistrate Judge Jane J. Boyle Court Reporter: electronic; jury returns with verdict for pla (1) (jas) (Entered: 05/26/1998)
05/22/1998	64	Court's charge to jury (18) (jas) (Entered: 05/26/1998)
05/22/1998	64	JURY VERDICT for plaintiff EEOC (18) (jas) (Entered: 05/26/1998)
07/20/1998	65	MOTION by movant Karen C Austen for attorney fees (15+) (jas) (Entered: 07/21/1998)
07/20/1998	66	STATUS REPORT by plaintiff EEOC, movant Karen C Austen (3) (jas) (Entered: 07/21/1998)
07/20/1998	67	JOINT MOTION to enter final jgm by plaintiff EEOC, movant Karen C Austen (3) (jas) (Entered: 07/21/1998)
07/28/1998	68	ORDER Response to motion reset to 8/10/98 for [65-1] motion for attorney fees The parties will file a proposed jgm by 8/31/98 and objections to the proposed jgm no later than 9/21/98. (signed by Magistrate Boyle) Copies to counsel: 7/28/98 Page(s) 2 (jas) (Entered: 07/28/1998)
08/10/1998	69	RESPONSE by defendant Cooper Institute For to [65-1] motion for attorney fees (15+) (cxj) (Entered: 08/11/1998)

08/18/1998	70	REPLY by movant Karen C Austen to response to [65-1] motion for attorney fees (7) (jas) (Entered: 08/18/1998)
08/31/1998	71	Response/REPLY by movant Karen C Austen to response to [65-1] motion for attorney fees (10) (jas) (Entered: 09/01/1998)
08/31/1998	72	AFFIDAVIT of Robert Evertte Wolin by movant Karen C Austen Re: [65-1] motion for attorney fees (14) (jas) (Entered: 09/01/1998)
08/31/1998	73	AFFIDAVIT of Chrys Meador by movant Karen C Austen Re: [65-1] motion for attorney fees (2) (jas) (Entered: 09/01/1998)
08/31/1998	74	Supplemental AFFIDAVIT of Alice Kupler Barnett by movant Karen C Austen Re: [65-1] motion for attorney fees (4) (jas) (Entered: 09/01/1998)
08/31/1998	75	Proposed Jgm and Objections/RESPONSE by defendant Cooper Institute in opposition to pla's and intervenor's proposed final jgm (15+) (jas) (Entered: 09/01/1998)
09/08/1998	76	Reply/ RESPONSE by plaintiff EEOC in opposition to [75-1] dft's proposed jgm and objections to pla's and intervenors' proposed final jgm (9) (jas) (Entered: 09/09/1998)
09/16/1998	77	ORDER referring case to ADR; Heshia Abrams ADR provider; Type of ADR: Mediation Requested by: Court (Signed by Magistrate Boyle) Copies to counsel: 9/17/98 Page(s): 2 (jas) (Entered: 09/17/1998)
10/23/1998	78	Submission of evidence re: damages by defendant Cooper Aerobics Cntr (15+) (jas) (Entered: 10/26/1998)
10/27/1998	79	Minute order: Motion hearing Held before Magistrate Judge Jane J. Boyle re: pla's mtn for atty's fees filed 7/20/98 Court Reporter: electronic; pla to prepare order (1) (jas) (Entered: 10/28/1998)
10/30/1998	80	Final JUDGMENT for plaintiff EEOC, movant Karen C Austen against defendant Cooper Institute For; Austen to receive \$15,098.15 for back pay; \$21,350.00 for compensatory damages; \$78,650.00 for punitive damages; reasonable attorneys' fees and pre-jgm interest at 6.0% and post jgm interest at 10% and all costs of court; see jgm for specifics. (signed by Magistrte Boyle) Copies to counsel: 10/30/98 Page(s): 4 (jas) (Entered: 10/30/1998)
10/30/1998		Case closed (jas) (Entered: 10/30/1998)
11/16/1998	81	MOTION by defendant Cooper Institute For for new trial (10) (jas) (Entered: 11/17/1998)
11/16/1998	82	Renewed MOTION by defendant Cooper Institute For for Judgment as a Matter of Law (15) (jas) (Entered: 11/17/1998)
12/04/1998	83	ORDER denying [82-1] motion for Judgment as a Matter of Law, denying [81-1] motion for new trial (signed by Magistrate Boyle) Copies to counsel: 12/4/98 Page(s) 2 (jas) (Entered: 12/04/1998)

12/07/1998	84	RESPONSE by plaintiff EEOC to [82-1] motion for Judgment as a Matter of Law, [81-1] motion for new trial (8) (jas) (Entered: 12/07/1998)
01/04/1999	85	NOTICE OF APPEAL by defendant Cooper Institute For from the judgment entered in this action 12/4/98. No fee paid; TOOC cc: Judge (2) (jas) (Entered: 01/05/1999)
01/04/1999		Notice of appeal and certified copy of docket to USCA: [85-1] appeal (jas) (Entered: 01/05/1999)
01/06/1999		USCA appeal fees received receipt # 300 108245 \$ 105.00 [85-1] appeal (1) (akk) (Entered: 01/07/1999)
01/11/1999		USCA Case Number, 99-10016 Re: [85-1] appeal (1) (akk) (Entered: 01/11/1999)
01/20/1999	86	Alternative Dispute Resolution Summary. Filed by ADR Provider Hesha Abrams . Attorneys in attendance Hesha Abrams, Andrew Monroe Trusevich, Robert E Luxen, Steven B Thorpe . Prv Fee: \$ 2,500.00 Disposition: Settled (1) (jas) (Entered: 01/21/1999)
03/17/1999	87	ORDER OF USCA...appeal was dismissed 3.15.99 (certified copy) Re: [85-1] appeal Issued as a mandate 3.15.99 (3) cc:judge (akk) (Entered: 03/18/1999)

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PACER Login:	hs0328	Client Code:	eeoc
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