

CLOSED, FRC, JURY

**U.S. District Court [LIVE]
Eastern District of TEXAS LIVE (Beaumont)
CIVIL DOCKET FOR CASE #: 1:00-cv-00598-TH**

EEOC v. Trinity Ind Inc
Assigned to: Judge Thad Heartfield
Demand: \$0
Cause: 42:2000 Job Discrimination (Race)

Date Filed: 08/31/2000
Jury Demand: Plaintiff
Nature of Suit: 442 Civil Rights: Jobs
Jurisdiction: U.S. Government Plaintiff

Plaintiff**Equal Employment Opportunity
Commission**

represented by **Timothy M Bowne**
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V.

Intervenor Plaintiff**Percy Simmons, Jr.**

represented by **John Gerard Werner**
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Intervenor Plaintiff**Melba Thomas**

represented by **John Gerard Werner**
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V.

Defendant**Trinity Industries Inc**

represented by **David M Curtis**
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V.

Intervenor Defendant**Trinity Industries Inc**

represented by **David M Curtis**
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Lori M Carr

(See above for address)

*LEAD ATTORNEY***Movant****Melba Thomas***TERMINATED: 10/31/2000*represented by **John Gerard Werner**

(See above for address)

*TERMINATED: 10/31/2000**LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Movant****Percy Simmons, Jr***TERMINATED: 10/31/2000*represented by **John Gerard Werner**

(See above for address)

*TERMINATED: 10/31/2000**LEAD ATTORNEY**ATTORNEY TO BE NOTICED*

Date Filed	#	Docket Text
08/31/2000	1	Original Complaint filed. Cause: 42:2000 Job Discrimination (Race) (bst) (Entered: 08/31/2000)
08/31/2000		Summons(es) issued for Trinity Ind Inc & handed to pla's atty for service (bst) (Entered: 08/31/2000)
08/31/2000	1	Demand for jury trial by EEOC (bst) (Entered: 08/31/2000)
08/31/2000		Magistrate consent forms mailed to pla's atty Timothy Bowne (bst) (Entered: 08/31/2000)
08/31/2000	2	In compliance with section b of Local Rule CV-26 and after a review of the pleadings, this action has been assigned to track 3 for case management purposes. (bst) (Entered: 08/31/2000)
10/04/2000	3	WAIVER OF SERVICE Returned Executed as to Trinity Ind Inc 9/29/00 on summons. Answer due on 11/28/00 for Trinity Ind Inc (bjc) (Entered: 10/05/2000)
10/12/2000	4	MOTION for leave to intervene by Melba Thomas, Percy Simmons Jr (bjc) (Entered: 10/13/2000)
10/23/2000	5	Answer to pla's complaint by Trinity Ind Inc (Mailed track assignment and consent form to atty David Curtis) (bjc) (Entered: 10/23/2000)
10/31/2000	6	ORDER granting [4-1] motion for leave to intervene by Melba Thomas, Percy Simmons Jr (signed by Judge Thad Heartfield) cc: attys (rll) (Entered: 11/01/2000)
10/31/2000	7	Intervenor's complaint by Percy Simmons Jr., Melba Thomas against Trinity Ind Inc (rll) (Entered: 11/01/2000)

11/09/2000	8	Answer to complaint in intervention by Trinity Ind Inc (fbc) (Entered: 11/09/2000)
11/21/2000	9	Notice of disclosure by EEOC (bjc) (Entered: 11/22/2000)
11/28/2000		MANAGEMENT CONFERENCE set at 9:00 12/14/00 before Judge Thad Heartfield. cc: TH, attys (jmv) (Entered: 11/28/2000)
11/28/2000	10	Notice of initial disclosure by Trinity Ind Inc (bjc) (Entered: 11/28/2000)
12/04/2000	11	Amended intervening complaint by Percy Simmons Jr, Melba Thomas, amending [7-1] intervenor complaint (bjc) (Entered: 12/06/2000)
12/04/2000		ORDER regarding amendments to the federal rules of civil procedure (signed by Judge Thad Heartfield) cc: attys 12/6/00 *** ORIGINAL ORDER EOD IN 1:95cv564 *** (bjc) (Entered: 12/06/2000)
12/08/2000	12	Notice of disclosure by Percy Simmons Jr, Melba Thomas (bjc) (Entered: 12/08/2000)
12/11/2000	13	Notice of serving initial disclosure by Trinity Ind Inc (bjc) (Entered: 12/11/2000)
12/14/2000	14	Notice of attorney appearance for Trinity Ind Inc by Hubert Oxford III (bjc) (Entered: 12/14/2000)
12/19/2000		ORDER setting management conference for 9:00 1/16/01 before Judge Thad Heartfield (signed by Judge Thad Heartfield) cc: attys 12/20/00 (bjc) (Entered: 12/20/2000)
01/11/2001	15	Notice of disclosure by Trinity Ind Inc (fbc) (Entered: 01/11/2001)
01/11/2001	16	Objection by Trinity Ind Inc to [4-1] motion for leave to intervene by Melba Thomas, Percy Simmons Jr (fbc) (Entered: 01/11/2001)
01/11/2001	16	Answer to complaint in intervention by Trinity Ind Inc (fbc) (Entered: 01/11/2001)
01/16/2001	17	Stipulation and PROTECTIVE ORDER (signed by Judge Thad Heartfield) cc: attys 1/17/01 (bjc) (Entered: 01/17/2001)
01/16/2001		MANAGEMENT CONFERENCE held before Judge Thad Heartfield. New track assignment. Case set for trial 10/15/01. A docket control order will be entered (former empl) (Entered: 01/17/2001)
01/16/2001		Oral order to reassign this action to track 4 for case management purposes, from the bench signed by Judge Thad Heartfield (former empl) (Entered: 01/17/2001)
01/16/2001	18	Minutes Re: [0-0] Management conference by Judge Thad Heartfield held on 1/16/01 (No Ct rep) (former empl) (Entered: 01/17/2001)
01/19/2001	19	Docket Control Order: setting final pretrial conference and jury trial scheduling at 9:00 on 10/15/01 (signed by Judge Thad Heartfield) cc: attys 1/22/01 bse) (Entered: 01/22/2001)
01/26/2001	20	Unopposed MOTION by Percy Simmons Jr, Melba Thomas for leave to file amended complaint in intervention (bjc) (Entered: 01/29/2001)

02/01/2001	21	MOTION by Trinity Ind Inc for protective order and brief (bjc) (Entered: 02/02/2001)
02/05/2001	22	Opposition by EEOC to dft's [21-1] mo for protective order (bjc) (Entered: 02/06/2001)
02/07/2001	23	Notice of w/drawal of [21-1] motion for protective ord by Trinity Ind Inc (bjc) (Entered: 02/07/2001)
02/07/2001		Terminated document [21-1] mo for protective ord (dft's filed a notice of withdrawal of motion for protective ord) (bjc) (Entered: 02/07/2001)
04/05/2001	24	MOTION by Percy Simmons Jr, Melba Thomas for leave to file 2nd amended complaint in intervention (bjc) (Entered: 04/09/2001)
04/11/2001		HOTLINE CONFERENCE: before Magistrate Judge Judith K. Guthrie. Resolved by parties; no ruling by Court. (tln) (Entered: 04/11/2001)
04/11/2001	25	MOTION by Melba Thomas, Percy Simmons Jr to compel site inspection (bjc) (Entered: 04/12/2001)
04/13/2001	26	Agreed MOTION by EEOC, Trinity Ind Inc, Percy Simmons Jr., Melba Thomas to modify [19-1] docket control order (bjc) (Entered: 04/13/2001)
04/18/2001	27	MOTION by Percy Simmons Jr, Melba Thomas for leave to conduct additional depositions or, in the alternative to alter track assignment (bjc) (Entered: 04/19/2001)
04/18/2001	28	ORDER granting [20-1] motion for leave to file amended complaint in intervention (signed by Judge Thad Heartfield) cc: attys 4/20/01 (bjc) (Entered: 04/20/2001)
04/18/2001	29	Amended complaint in intervention by Percy Simmons Jr, Melba Thomas , amending [7-1] intervenor complaint (bjc) (Entered: 04/20/2001)
04/23/2001	30	Response by Trinity Ind Inc to plas' [24-1] motion for leave to file 2nd amended complaint in intervention (bjc) (Entered: 04/23/2001)
04/23/2001	31	Response by Trinity Ind Inc to plas' [25-1] motion to compel site inspection (bjc) (Entered: 04/23/2001)
04/25/2001	32	Brief in support by EEOC to intervening plas' [25-1] motion to compel site inspection (bjc) (Entered: 04/25/2001)
04/25/2001	33	ORDER denying [24-1] motion for leave to file 2nd amended complaint in intervention (signed by Judge Thad Heartfield) cc: attys 4/25/01 (bjc) (Entered: 04/25/2001)
04/27/2001	34	ORDER granting [25-1] motion to compel site inspection (signed by Judge Thad Heartfield) cc: TH and attys (rll) (Entered: 05/01/2001)
04/27/2001	35	ORDER granting [26-1] motion to modify [19-1] docket control order, reset discovery due for 5/29/01 , and reset motion filing deadline for 5/29/01 (signed by Judge Thad Heartfield) cc: TH and attys (rll) (Entered: 05/01/2001)
05/03/2001	36	Response by Trinity Ind Inc to plas' [27-1] mo for leave to conduct additional depositions, and [27-2] mo to alter track assignment (bjc) (Entered: 05/03/2001)

05/08/2001	37	MOTION by Melba Thomas seeking clarification from the Ct that it has not made any ruling or otherwise impaired pla's claim for bodily injury damages (bjc) (Entered: 05/08/2001)
05/08/2001	38	MOTION by Percy Simmons Jr, Melba Thomas to reconsider and/or clarify portion of limited [34-1] order granting plas' mo to compel site inspection (bjc) (Entered: 05/08/2001)
05/08/2001	39	Reply by Percy Simmons Jr, Melba Thomas to dft's response to pla's [27-1] mo for leave to conduct additional depositions, or, in the alternative, [27-2] mo to alter track assignment (bjc) (Entered: 05/08/2001)
05/09/2001	40	Agreed MOTION by EEOC, Trinity Ind Inc to enter consent decree (bjc) (Entered: 05/09/2001)
05/17/2001	41	Response by Trinity Ind Inc to plas' [38-1] motion to reconsider and/or clarify portion of limited [34-1] order granting plas' mo to compel site inspection (bjc) (Entered: 05/18/2001)
05/17/2001	42	Response by Trinity Ind Inc to plas' [37-1] motion seeking clarification from the Ct that it has not made any ruling or otherwise impaired pla's claim for bodily injury damages (bjc) (Entered: 05/18/2001)
05/30/2001	43	MOTION by Trinity Ind Inc for summary judgment (bjc) (Entered: 05/31/2001)
05/30/2001	44	Brief by Trinity Ind Inc in support of [43-1] motion for summary judgment (bjc) (Entered: 05/31/2001)
06/06/2001	45	MOTION by Percy Simmons Jr, Melba Thomas to continue dft's mo for summary judgment (bjc) (Entered: 06/07/2001)
06/07/2001	46	2nd MOTION by Percy Simmons Jr, Melba Thomas to compel site inspection and for sanctions (bjc) (Entered: 06/11/2001)
06/07/2001	47	Reply by Percy Simmons Jr, Melba Thomas to dft's response to [37-1] mo seeking clarification from the Ct that it has not made any ruling or otherwise impaired pla's claim for bodily injury damages (bjc) (Entered: 06/11/2001)
06/13/2001	48	Advisory to the ct regarding consent decree by EEOC (bjc) (Entered: 06/14/2001)
06/18/2001	49	Response by Trinity Ind Inc to plas' [45-1] motion to continue dft's mo for summary judgment (bjc) (Entered: 06/18/2001)
06/18/2001	50	Response by Trinity Ind Inc to plas' [46-1] motion to compel site inspection and [46-2] motion for sanctions (bjc) (Entered: 06/18/2001)
06/18/2001	51	ORDER granting [45-1] mo to cont dft's mo for summary judgment. Ordered that the discovery period is extended to 7/15/01. Ordered that the Docket Control Ord is modified for the limited purpose of extending the discovery period. Plas shall file their response to dft's mo for summary judgment by 7/20/01 (signed by Judge Thad Heartfield 6/15/01) cc: attys 6/19/01 (bjc) (Entered: 06/19/2001)
06/18/2001	52	ORDER granting [46-1] motion to compel site inspection and denying [46-2] motion for sanctions (signed by Judge Thad Heartfield 6/15/01) cc: attys 6/19/01 (bjc) (Entered: 06/19/2001)

06/18/2001	53	ORDER denying in part [38-1] mo to reconsider and/or clarify portion of limited [34-1] ord granting plas' mo to compel site inspection w/ respect to waiver of liability against dft Trinity and granted in part w/ respect to the number of attys allowed at the site inspection (signed by Judge Thad Heartfield 6/15/01) cc: attys 6/19/01 (bjc) (Entered: 06/19/2001)
06/18/2001	54	ORDER granting [27-1] motion for leave to conduct additional depositions. Ordered that plas may take a total of 5 additional depositions to last 6 hrs each. Ordered that the additional depositions are limited to questions concerning plas' discrimination claims (signed by Judge Thad Heartfield 6/15/01) cc: attys 6/19/01 (bjc) (Entered: 06/19/2001)
06/18/2001	55	ORDER denying [37-1] motion seeking clarification from the Ct that it has not made any ruling or otherwise impaired pla's claim for bodily injury damages (signed by Judge Thad Heartfield 6/15/01) cc: attys 6/19/01 (bjc) (Entered: 06/19/2001)
06/18/2001	56	Consent Decree. This Consent Decree is entered in full and complete settlement of the EEOC's claims in this lawsuit, and in EEOC charge nos. 330-99-2780, 330-99-2781, and 330-A1-0194. Trinity agrees to pay Tommy L Breed \$28,000.00, less deductions and w/holdings required by law. Trinity agrees to pay Kenneth Bettis \$32,000.00, less deductions and w/holdings required by law. Parties shall bear their own costs and attys' fees (signed by Judge Thad Heartfield 6/15/01) cc: attys 6/19/01 (bjc) (Entered: 06/19/2001)
07/20/2001	57	Response by Percy Simmons Jr, Melba Thomas to dft's [43-1] motion for summary judgment (bjc) (Entered: 07/23/2001)
07/23/2001	58	MOTION by Percy Simmons Jr, Melba Thomas for leave to file response to dft's mo for summary judgment in excess of page limit (bjc) (Entered: 07/24/2001)
07/26/2001	59	ORDER granting [58-1] motion for leave to file response to dft's mo for summary judgment in excess of page limit (signed by Judge Thad Heartfield) cc: attys 7/27/01 (bjc) (Entered: 07/27/2001)
07/27/2001	60	Unopposed MOTION by Trinity Ind Inc to extend period for filing reply brief to plas' resp to dft's mo for summary judgment (bjc) (Entered: 07/27/2001)
07/31/2001	61	ORDER granting [60-1] motion to extend period for filing reply brief to plas' resp to dft's mo for summary judgment until 8/6/01 (signed by Judge Thad Heartfield) cc: attys 8/1/01 (bjc) (Entered: 08/01/2001)
08/06/2001	62	Reply by Trinity Ind Inc to plas' response to dft's [43-1] mo for summary judgment (bjc) (Entered: 08/07/2001)
08/07/2001	63	Objection by Trinity Ind Inc to pla's response to Trinity's [43-1] motion for summary judgment (bjc) (Entered: 08/07/2001)
09/07/2001	64	Agreed MOTION by Trinity Ind Inc, Percy Simmons Jr., Melba Thomas to continue trial (bjc) (Entered: 09/10/2001)
09/19/2001	65	ORDER granting [64-1] motion to continue trial; reset final pretrial conference for 11/19/01 before Judge Thad Heartfield . Ordered that the Docket Control Order [19-1] be amended to reflect the new trial date and pretrial deadlines (signed by Judge Thad Heartfield 9/18/01) cc: attys 9/20/01 (bjc) (Entered: 09/19/2001)

		09/20/2001)
09/20/2001		Final Pre-trial conference set at 9:00 10/15/01 before Judge Thad Heartfield. cc: TH, attys (jmv) (Entered: 09/20/2001)
09/20/2001		Jury selection set at 9:00 10/16/01 before Judge Thad Heartfield (jmv) (Entered: 09/20/2001)
10/02/2001	66	Notice of supplemental disclosure by Percy Simmons Jr, Percy Simmons Jr. (rll) (Entered: 10/03/2001)
10/19/2001		Final Pre-trial conference set at 9:00 11/19/01 before Judge Thad Heartfield. cc: TH, attys (jmv) (Entered: 10/19/2001)
10/19/2001		Jury selection set at 9:00 11/20/01 before Judge Thad Heartfield (jmv) (Entered: 10/19/2001)
10/31/2001	67	ORDER, setting settlement/closing papers due on 12/4/01 (signed by Judge Thad Heartfield) cc: attys 10/31/01 (fbc) (Entered: 10/31/2001)
11/05/2001	68	MOTION by Trinity Ind Inc to enforce settlement and Brief (exhibits a,b,c,d & e attachments to motion filed under seal) (fbc) (Entered: 11/05/2001)
11/06/2001	69	Response by Percy Simmons Jr., Melba Thomas to [68-1] motion to enforce settlement (fbc) (Entered: 11/07/2001)
11/06/2001	69	MOTION by Percy Simmons Jr., Melba Thomas for release of settlement funds , and for expedited hearing (fbc) (Entered: 11/07/2001)
11/09/2001	70	AGREED ORDER (1) denying [68-1] motion to enforce settlement; denying [69-1] motion for release of settlement funds and denying [69-2] motion expedited hearing. (2) Court orders that parties shall sign the proposed General Releases and Covenants Not to Sue as drafted except that the releases shall be revised in accordance with this order (3) In substitution of chekcs nos 958550 and 958849 dft shall re-issue two checks payable to plas and their cnsl, for the agreed lump sum settlement proceeds. (4) In substitution for check no 958851, dft shall re-issue the agreed payroll check and make payable to Percy Simmons. Check shall be received by pla's cnsl. (5) Upon receipt of settlement funds pla shall file w/court a dismissal w/prejudice all claims (6) Checks nos 958850, 958849, 958851 are null and void and are to be released. (7) The parties are each responsible for their own costs and attorneys fees. (signed by Judge Thad Heartfield 11/9/01) cc: attys 11/15/01 (fbc) (Entered: 11/15/2001)
11/14/2001	71	ORDER that the clerk immediately return to the defendants at defendant's cost, the checks enclosed in the envelopes attached as Exhibit "E" to dft's motion to enforce settlement and brief in support [doc no 68].(signed by Judge Thad Heartfield) cc: attys 11/15/01 (fbc) (Entered: 11/15/2001)
11/29/2001	72	Stipulation of dismissal w/prejudice, all claims against dft in this action, w/ costs taxed against each party incurring same by plas Melba Thomas and Percy Simmons (bjc) (Entered: 11/30/2001)
11/29/2001		Case closed (bjc) (Entered: 01/17/2002)
11/20/2002		Shipped to FRC on 10/28/02 Accession number: 021-03-0019, Location K3309734 Box 51 of 61 (bca) (Entered: 11/20/2002)

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