

CLOSED, MOTREF

**U.S. District Court
SOUTHERN DISTRICT OF TEXAS (Houston)
CIVIL DOCKET FOR CASE #: 4:04-cv-03788**

Equal Employment Opportunity Commission v. U-Haul Co of Texas et al
Assigned to: Judge David Hittner
Cause: 42:2000e Job Discrimination (Employment)

Date Filed: 09/29/2004
Date Terminated: 11/28/2005
Jury Demand: Both
Nature of Suit: 442 Civil Rights: Jobs
Jurisdiction: U.S. Government Plaintiff

Plaintiff**Equal Employment Opportunity
Commission**

represented by **Timothy M Bowne**
EEOC
1919 Smith
7th Fl
Houston, TX 77002
713-209-3395
Fax: 713-209-3402 fax
Email: timothy.bowne@eeoc.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant**U-Haul Co of Texas**
d/b/a U-Haul Co of North Houston

represented by **Michael Patrick Cash**
Winstead Sechrest & Minick PC
919 Milam
Ste 2400
Houston, TX 77002
713-650-8400
Fax: 713-650-2400
Email: mcash@winstead.com
ATTORNEY TO BE NOTICED

Defendant**U-Haul International Inc**

represented by **Michael Patrick Cash**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant**Dedric Johnson****Counter Claimant****U-Haul International Inc**

V.

Counter Defendant**Equal Employment Opportunity
Commission**represented by **Timothy M Bowne**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
09/29/2004	1	COMPLAINT against U-Haul Co of Texas, U-Haul International Inc filed by Equal Employment Opportunity Commission.(vhulsey,) (Entered: 10/01/2004)
09/29/2004	2	ORDER for Initial Pretrial and Scheduling Conference and Order to Disclose Interested Persons Initial Conference set for 11/18/2004 02:00 PM in Courtroom 702 before Magistrate Judge Stephen Smith. Parties notified.(vhulsey,) (Entered: 10/01/2004)
09/29/2004		Summons Issued as to U-Haul Co of Texas, U-Haul International Inc , filed.(vhulsey,) (Entered: 10/01/2004)
10/08/2004	3	CERTIFICATE OF INTERESTED PARTIES by Equal Employment Opportunity Commission, filed.(Bowne, Timothy) (Entered: 10/08/2004)
10/15/2004	4	Summons Issued as to U-Haul International Inc , filed.(psmith,) (Entered: 10/19/2004)
10/25/2004	5	RETURN of Service Executed as to U-Haul Co of Texas on 10/18/04 , filed.(psmith,) (Entered: 10/28/2004)
11/04/2004	6	RETURN of Service Executed as to U-Haul International Inc on 10/26/04 , filed.(psmith,) (Entered: 11/05/2004)
11/10/2004	7	MOTION for More Definite Statement, by U-Haul International Inc, filed. Motion Docket Date 11/30/2004. (Attachments: # 1)(psmith,) (Entered: 11/16/2004)
11/10/2004	8	ANSWER to Complaint, by U-Haul Co of Texas, filed.(psmith,) (Entered: 11/16/2004)
11/17/2004	9	REPORT of Rule 26(f) Planning Meeting by Equal Employment Opportunity Commission, filed.(Bowne, Timothy) (Entered: 11/17/2004)
11/17/2004	10	ORDER, MOTIONS REFERRED to Magistrate Judge Stephen Wm Smith: 7 MOTION for More Definite Statement.(Signed by Judge David Hittner) Parties notified.(ealexander,) (Entered: 11/18/2004)
11/17/2004	13	CERTIFICATE OF INTERESTED PARTIES by U-Haul Co of Texas, U-Haul International Inc, filed.(psmith,) (Entered: 11/22/2004)
11/17/2004	14	RETURN of Service Executed as to U-Haul International Inc on

		10/27/04 , filed.(psmith,) (Entered: 11/22/2004)
11/18/2004	11	Minute Entry for proceedings held before Judge Stephen Wm Smith. SCHEDULING CONFERENCE held on 11/18/2004. Scheduling Order to follow. Appearances: Timothy M Bowne f/Plf, Michael P Cash f/Def. (ERO:R.Konieczny), filed.(rkonieczny,) (Entered: 11/18/2004)
11/18/2004	12	SCHEDULING ORDER: Trial Term: November/December 2005. ETT: 5 days. Jury trial Amended Pleadings due by 4/1/2005 Joinder of Parties due by 1/3/2005 Pltf Expert Witness List due by 3/1/2005 Deft Expert Witness List due by 4/1/2005 Discovery due by 8/1/2005 Dispositive Motion Filing due by 9/1/2005 Non-Dispositive Motion Filing due by 9/1/2005 Joint Pretrial Order due by 10/28/2005.(Signed by Judge Stephen Wm Smith) Parties notified.(rkonieczny,) (Entered: 11/18/2004)
11/30/2004	15	RESPONSE to U-Haul Intl's Inc's 7 MOTION for More Definite Statement filed by Equal Employment Opportunity Commission. (Attachments: # 1 Proposed Order)(sguevara,) (Entered: 12/01/2004)
12/09/2004	16	MEMORANDUM and ORDER denying 7 Motion for More Definite Statement .(Signed by Judge Stephen Wm Smith) Parties notified. (rkonieczny,) (Entered: 12/10/2004)
12/20/2004	17	MOTION to Dismiss Pursuant to FRCP 12(b), by U-Haul International Inc, filed. Motion Docket Date 1/10/2005. (Part 1 of 2)(psmith,) (Entered: 12/21/2004)
12/20/2004		ANSWER to Complaint, Affirmative Defenses and COUNTERCLAIM against Equal Employment Opportunity Commission, by U-Haul International Inc, filed.(psmith,) (Entered: 12/21/2004)
12/20/2004	18	***DOCUMENT STRICKEN, AS PER ORDER #21*** MOTION for Leave to File Amended Pleading, by U-Haul Co of Texas, filed. Motion Docket Date 1/10/2005. (Attachments: # 1 Proposed Order)(psmith,) Modified on 12/23/2004 (jrichards,). (Entered: 12/21/2004)
12/20/2004	19	AMENDED ANSWER to Complaint, by U-Haul Co of Texas, filed. (psmith,) (Entered: 12/21/2004)
12/21/2004	20	SUPPLEMENT to its 17 MOTION to Dismiss, by U-Haul International Inc, filed.(psmith,) (Entered: 12/21/2004)
12/22/2004	21	ORDER striking 18 MOTION for Leave to File Amended Pleading. (Signed by Judge David Hittner) Parties notified.(jrichards,) (Entered: 12/23/2004)
12/27/2004	22	AMENDED ORIGINAL ANSWER to Complaint, by U-Haul Co of Texas, filed. (mbergara,) (Entered: 12/28/2004)
12/27/2004	23	Defendant U-Haul International, Inc.'s SUPPLEMENT to its 17 MOTION to Dismiss pursuant to Fed. R. Civ. P. 12(b), filed.(kwallace, 6) (Entered: 12/28/2004)

12/27/2004	24	Defendant U-Haul Co. of Texas d/b/a U-Haul Co. of North Houston's Unopposed MOTION to for Leave to File Amended Pleadings, filed. Motion Docket Date 1/18/2005. (Attachments: # 1 Proposed Order) (kwallace, 6) (Entered: 12/28/2004)
12/27/2004	25	MOTION to Dismiss Pursuant to FRCP 12(b)and subject thereto, original answer, affirmative defenses and counterclaim by U-Haul International Inc, filed. Motion Docket Date 1/18/2005. (sguevara) Modified on 12/28/2004 (sguevara). (Entered: 12/28/2004)
12/29/2004	26	ORDER granting 24 Motion for Leave to Amend Pleading.(Signed by Judge David Hittner) Parties notified.(ealexander,) (Entered: 12/30/2004)
12/30/2004	27	MOTION to Quash Notice of Intent to Take Oral Deposition of EEOC Investigator, by Equal Employment Opportunity Commission, filed. Motion Docket Date 1/19/2005. (Attachments: # 1 Proposed Order) (psmith,) (Entered: 01/04/2005)
01/05/2005	28	ORDER, MOTIONS REFERRED to Magistrate Judge 27 MOTION to Quash.(Signed by Judge David Hittner) Parties notified.(ealexander,) (Entered: 01/06/2005)
01/10/2005	29	RESPONSE to U-Haul International's 25 MOTION to Dismiss, filed by Equal Employment Opportunity Commission. (Attachments: # 1 Proposed Order)(psmith,) (Entered: 01/11/2005)
01/14/2005	30	RESPONSE to Pltfs 27 MOTION to Quash, filed by U-Haul Co of Texas. (Attachments: # 1 Proposed Order)(psmith,) (Entered: 01/14/2005)
01/20/2005	31	REPLY to Defts Response to 27 MOTION to Quash, filed by Equal Employment Opportunity Commission. (psmith,) (Entered: 01/21/2005)
02/03/2005	32	ANSWER to Counterclaim by Equal Employment Opportunity Commission, filed.(Bowne, Timothy) (Entered: 02/03/2005)
02/04/2005	33	MEMORANDUM AND ORDER Denying 27 MOTION to Quash. (Signed by Judge Stephen Wm Smith) Parties notified.(rkonieczny,) (Entered: 02/07/2005)
03/31/2005	34	DESIGNATION OF EXPERT WITNESSES by U-Haul Co of Texas, filed.(dkelly,) (Entered: 04/05/2005)
04/12/2005	35	ORDER denying 25 Motion to Dismiss .(Signed by Judge David Hittner) Parties notified.(ealexander,) (Entered: 04/14/2005)
05/03/2005	36	INITIAL DISCLOSURES by U-Haul International Inc, filed.(rroberts,) (Entered: 05/04/2005)
05/03/2005	37	INITIAL DISCLOSURES by U-Haul Co of Texas, filed.(rroberts,) (Entered: 05/04/2005)
05/16/2005	38	UNOPPOSED APPLICATION for an Order to Show Cause Why the Subpoena Served on Dedric Johnson Should Not Be Enforced by Equal

		Employment Opportunity Commission, filed. Motion Docket Date 6/6/2005. (Attachments: # 1 Proposed Order)(sguevara,) (Entered: 05/16/2005)
05/17/2005	39	ORDER 38 MOTION for Order to Show Cause as to Why the Subpoena Served on Dedric Johnson Should Not Be Enforced Show Cause Hearing set for 6/1/2005 at 09:45 AM in Courtroom 8A before Judge David Hittner.(Signed by Judge David Hittner) Parties notified.(ealexander,) (Entered: 05/18/2005)
06/01/2005	40	Minute Entry for proceedings held before Judge David Hittner. SHOW CAUSE HEARING held on 6/1/2005. Hearing reset to 6/15/05 at 9:45 a.m. Order to issue. Appearances:Rudy Sustaita, Tanya Dodd.(Court Reporter: Gayle Dye), filed.(ealexander,) (Entered: 06/01/2005)
06/01/2005		***Set/Reset Deadlines/Hearings: Show Cause Hearing set for 6/15/2005 at 09:45 AM in Courtroom 8A before Judge David Hittner (ealexander,) (Entered: 06/01/2005)
06/01/2005	41	ORDER Setting Hearing on Motion Motion Hearing on the show cause why Dedric Johnson should not be held in contempt of court set for 6/15/2005 at 09:45 AM in Courtroom 8A before Judge David Hittner. (Signed by Judge David Hittner) Parties notified.(ealexander,) (Entered: 06/02/2005)
06/09/2005	42	ORDER, Set Deadlines/Hearings for the Show Cause Hearing. Motion Hearing set for 7/21/2005 at 09:30 AM in Courtroom 8A before Judge David Hittner.(Signed by Judge David Hittner) Parties notified. (ealexander,) (Entered: 06/10/2005)
06/21/2005	43	NOTICE of Firm Change and Change of Address by Winstead Sechrest & Minick PC, counsel for U-Haul Co of Texas, filed. (mewilliams,) (Entered: 06/21/2005)
06/22/2005	44	Return of Service Unexecuted as to Dedric Johnson re: Order to appear, filed.(mewilliams,) (Entered: 06/22/2005)
06/23/2005	45	RETURN of Service Executed as to Dedric Johnson on 6/16/05 re: Amended Order to Show Cause, filed.(bgoolsby,) (Entered: 06/23/2005)
07/21/2005	46	Minute Entry for proceedings held before Judge David Hittner. Show Cause Hearing held on 7/21/2005. Bench Warrant to issue as to Dedric Johnson. Appearances:Kathy Boutchee.(Court Reporter: Gayle Dye), filed.(ealexander,) (Entered: 07/22/2005)
07/25/2005	47	ORDER (See order for details).(Signed by Judge David Hittner) Parties notified.(ealexander,) (Entered: 07/25/2005)
08/01/2005	48	MOTION to compel production of documents and answers to Plaintiff's discovery by Equal Employment Opportunity Commission, filed. Motion Docket Date 8/22/2005. (Attachments: # 1 Proposed Order)(cpeebles) (Entered: 08/02/2005)
08/02/2005	49	ORDER, MOTIONS REFERRED to Magistrate Judge Stephen Wm

		Smith: 48 MOTION to Compel production of documents and answerw to Plaintiff's discovery.(Signed by Judge David Hittner) Parties notified. (ealexander,) (Entered: 08/03/2005)
08/05/2005	50	SUPPLEMENT to 48 MOTION to Compel production of documents and answerw to Plaintiff's discovery by Equal Employment Opportunity Commission, filed.(Bowne, Timothy) (Entered: 08/05/2005)
08/05/2005	51	Defendant U-Haul International Inc.'s RESPONSE to the EEOC's 48 MOTION to Compel production of documents and answerw to Plaintiff's discovery, filed by U-Haul International Inc. (rroberts,) (Entered: 08/05/2005)
08/15/2005	52	Reply to Response to 48 MOTION to Compel production of documents and answerw to Plaintiff's discovery, filed by Equal Employment Opportunity Commission. (Bowne, Timothy) (Entered: 08/15/2005)
08/23/2005	53	Minute Entry for proceedings held before Judge David Hittner. HEARING on the issuance of bench warrant as to Dedric Johnson held on 8/23/2005. Appearances: Timothy M Bowne, Michael P Cash.(Court Reporter: Fred Warner), filed.(ealexander,) (Entered: 08/24/2005)
08/25/2005	54	SUPPLEMENT to 48 MOTION to Compel production of documents and answerw to Plaintiff's discovery by Equal Employment Opportunity Commission, filed.(Bowne, Timothy) (Entered: 08/25/2005)
08/26/2005	55	RETURN of Service Executed as to Dedric Johnson on 08/23/05 re: Warrant for Arrest - Civil. Subject taken to USMS Lockup at 515 Rusk, Houston.(kmurphy,) (Entered: 08/30/2005)
09/01/2005	56	Opposed MOTION to Exclude Expert Witness by Equal Employment Opportunity Commission, filed. Motion Docket Date 9/21/2005. (Attachments: # 1 Exhibit Declaration of Leticia Flores# 2 Proposed Order)(Bowne, Timothy) (Entered: 09/01/2005)
09/01/2005	57	MOTION for Summary Judgment by Equal Employment Opportunity Commission, filed. Motion Docket Date 9/21/2005. (Attachments: # 1 Continuation # 2 Proposed Order)(rroberts,) (Entered: 09/02/2005)
09/19/2005	58	RESPONSE to 56 Opposed MOTION to Exclude Expert Witness, filed by U-Haul International Inc. (mkadlubowski,) (Entered: 09/20/2005)
09/20/2005	59	MEMORANDUM and ORDER granting 48 Motion to Compel .(Signed by Judge Stephen Wm Smith) Parties notified.(rkonieczny,) (Entered: 09/21/2005)
09/28/2005	60	RESPONSE to the EEOC's 57 MOTION for Summary Judgment, filed by U-Haul Co of Texas, U-Haul International Inc. (Attachments: # 1 Continuation # 2 Continuation # 3 Continuation # 4 Continuation # 5 Continuation)(psmith,) (Entered: 09/30/2005)
10/04/2005	61	MOTION for Leave to File Supplemental Response by U-Haul Co of Texas, U-Haul International Inc, filed. Motion Docket Date 10/24/2005. (Attachments: # 1 Proposed Order)(espencer,) (Entered: 10/05/2005)

10/04/2005	62	SUPPLEMENTAL RESPONSE to 57 MOTION for Summary Judgment, filed by U-Haul Co of Texas, U-Haul International Inc. (Attachments: # 1 Exhibit # 2 Exhibit)(espencer,) (Entered: 10/05/2005)
10/06/2005	63	ORDER, Pretrial Conference set for 11/14/2005 at 09:45 AM in Courtroom 8A before Judge David Hittner.(Signed by Judge David Hittner) Parties notified.(ealexander,) (Entered: 10/07/2005)
10/07/2005	64	ORDER that the parties are to exchange all trial exhibits on 10/28/05. (Signed by Judge David Hittner) Parties notified.(ealexander,) (Entered: 10/11/2005)
10/14/2005	65	Reply to Response to 56 Opposed MOTION to Exclude Expert Witness, filed by Equal Employment Opportunity Commission. (Bowne, Timothy) (Entered: 10/14/2005)
10/24/2005	66	RESPONSE to 61 MOTION for Leave to File Supplemental Response, filed by Equal Employment Opportunity Commission. (Bowne, Timothy) (Entered: 10/24/2005)
10/24/2005	67	ORDER denying 57 Motion for Summary Judgment .(Signed by Judge David Hittner) Parties notified.(ealexander,) (Entered: 10/25/2005)
10/24/2005	68	Reply to Response to 57 MOTION for Summary Judgment, filed by Equal Employment Opportunity Commission. (Itien,) (Entered: 10/27/2005)
10/28/2005	69	Proposed Pretrial Order by Equal Employment Opportunity Commission, filed. (Attachments: # 1 Plaintiff's Witness List# 2 Defendants' Witness List# 3 Plaintiff's Exhibit List# 4 Defendants' Exhibit List)(Bowne, Timothy) (Entered: 10/28/2005)
10/28/2005	70	Proposed Jury Instructions by Equal Employment Opportunity Commission, filed.(Bowne, Timothy) (Entered: 10/28/2005)
10/28/2005	71	MOTION in Limine by Equal Employment Opportunity Commission, filed. Motion Docket Date 11/17/2005. (Bowne, Timothy) (Entered: 10/28/2005)
10/28/2005	72	PRETRIAL MEMORANDUM by Equal Employment Opportunity Commission, filed.(Bowne, Timothy) (Entered: 10/28/2005)
10/28/2005	73	Voir Dire Questions, filed.(Bowne, Timothy) (Entered: 10/28/2005)
10/28/2005	75	MOTION in Limine; by U-Haul Co of Texas, U-Haul International Inc, filed. Motion Docket Date 11/17/2005. (Attachments: # 1 Proposed Order)(mkadlubowski,) (Entered: 11/02/2005)
10/28/2005	76	Defendants'Proposed Voir Dire Questions, filed.(espencer,) (Entered: 11/02/2005)
11/01/2005	74	ORDER granting 56 Motion to Exclude Testimony of Defendant U-Haul Texas's Designated Expert Witness.(Signed by Judge David Hittner) Parties notified.(ealexander,) (Entered: 11/01/2005)

11/03/2005	77	PROPOSED ORDER: Granting Defendants' Motion for Leave to Amend, Motion to Enlarge Time and Motion for Continuance; , filed. (mkadlubowski,) (Entered: 11/09/2005)
11/03/2005	78	AFFIDAVIT of Tonja K. Doddy , filed.(Itien,) (Entered: 11/09/2005)
11/03/2005	81	MOTION to Continue, MOTION for Extension of Time, MOTION for Leave to Amend File by U-Haul Co of Texas, U-Haul International Inc, filed. Motion Docket Date 11/23/2005. (mharrison,) (Entered: 11/14/2005)
11/11/2005	79	RESPONSE to Defendants' 81 Motion for Leave to Amend, Enlarge Time and Continue, filed by Equal Employment Opportunity Commission. (Attachments: # 1 Proposed Order)(Bowne, Timothy) Modified on 11/18/2005 - linked to #81 (Itien,). (Entered: 11/11/2005)
11/13/2005	80	RESPONSE to 75 MOTION in Limine, filed by Equal Employment Opportunity Commission. (Attachments: # 1 Proposed Order)(Bowne, Timothy) (Entered: 11/13/2005)
11/14/2005	82	Minute Entry for proceedings held before Judge David Hittner. Final PRETRIAL CONFERENCE held on 11/14/2005 granting in part and denying in part as stated on the record 71 MOTION in Limine, granting in part and denying in part as stated on the record 75 MOTION in Limine, denying 81 MOTION to Continue MOTION for Extension of Time MOTION for Leave to File. Jury Seletion and Trial set for November 29, 2005 at 10:00 a.m. ETT: 4 days. Appearances: Timothy M Bowne, Michael Patrick Cash.(Court Reporter: Bruce Slavin), filed.(ealexander,) (Entered: 11/15/2005)
11/14/2005	83	OBJECTIONS to Defendants' Trial Exhibits, filed by Equal Employment Opportunity Commission. (Attachments: # 1 Proposed Order) (jmarshand,) (Entered: 11/15/2005)
11/16/2005	84	TRANSCRIPT of pretrial conference held on 11/14/05 before Judge David Hittner. Court Reporter: Bruce Slavin, filed. (cpeebles) Additional attachment(s) added on 6/12/2006 (tthompson,). (Entered: 11/17/2005)
11/23/2005	85	STIPULATION of Dismissal by Equal Employment Opportunity Commission, filed. (Attachments: # 1 Proposed Order)(Bowne, Timothy) (Entered: 11/23/2005)
11/23/2005	86	Agreed MOTION for Entry of Order Consent Decree by Equal Employment Opportunity Commission, filed. Motion Docket Date 12/13/2005. (Attachments: # 1 Proposed Consent Decree)(Bowne, Timothy) (Entered: 11/23/2005)
11/28/2005	87	ORDER that U-Haul International, Inc. is hereby dismissed as a party-defendant and as a counter-plaintiff, and EEOC is dismissed as a counter-defendant.(Signed by Judge David Hittner) Parties notified. (ealexander,) (Entered: 11/30/2005)
11/28/2005	88	CONSENT DECREE.(Signed by Judge David Hittner) Parties notified. (ealexander,) (Entered: 11/30/2005)

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