

CLOSED, JURY, TDIS

**U.S. District Court
Northern District of Texas (San Angelo)
CIVIL DOCKET FOR CASE #: 6:01-cv-00109**

EEOC v. United Parcel Servic
Assigned to: Judge Sam R Cummings
Demand: \$0
Cause: 42:2000 Job Discrimination (Race)

Date Filed: 11/20/2001
Date Terminated: 05/08/2003
Jury Demand: Plaintiff
Nature of Suit: 442 Civil Rights: Jobs
Jurisdiction: U.S. Government Plaintiff

Plaintiff**Equal Employment Opportunity
Commission**

represented by **Linda Gutierrez**
Equal Employment Opportunity
Commission
San Antonio District Office
5410 Fredricksburg Rd
Suite 200
San Antonio, TX 78240
210/281-7629
TERMINATED: 02/20/2003
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Ronetta J Francis
Equal Employment Opportunity
Commission
Dallas District Office
207 S Houston
3rd Floor
Dallas, TX 75202
214/253-2746
Fax: 214/253-2749 FAX
Email: Ronetta.Francis@eeoc.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Cynthia Martha Cano
Law Office of Jeffrey A Goldberg
9901 IH-10 W
Suite 690
San Antonio, TX 78230
210/690-2200
Email: cmc_goldberglaw@sbcglobal.net
TERMINATED: 02/20/2003

Eduardo Juarez
Equal Employment Opportunity

Commission
San Antonio District Office
5410 Fredricksburg Rd
Suite 200
San Antonio, TX 78229
210/281-7613
Email: eduardo.juarez@eeoc.gov

Keri L Mallon
Equal Employment Opportunity
Commission
Dallas District Office
207 S Houston
3rd Floor
Dallas, TX 75202
214/253-2743
Fax: 214/253-2749 FAX
Email: Keri.Mallon@eeoc.gov

Suzanne M Anderson
Equal Employment Opportunity
Commission
Dallas District Office
207 S Houston
3rd Floor
Dallas, TX 75202
214/253-2740
Fax: 214/253-2749 FAX
Email: suzanne.anderson@eeoc.gov

William C Backhaus
Equal Employment Opportunity
Commission
Dallas District Office
207 S Houston
3rd Floor
Dallas, TX 75202
214/253-2742
Fax: 214/253-2749 FAX
Email: william.backhaus@eeoc.gov

Intervenor Plaintiff

Ernest Garcia

represented by **Thad Harkins**
Harkins Latimer & Dahl
Travis Bldg
405 N St Mary's St
Suite 242
San Antonio, TX 78205-1722
210/527-0900
Fax: 210/527-0901 FAX

LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Michael R Latimer
Harkins Latimer & Dahl
Travis Bldg
405 N St Mary's St
Suite 242
San Antonio, TX 78205-1722
210/527-0900

V.

Defendant

United Parcel Service, Inc

represented by **Shelton Edward Padgett**
Akin Gump Strauss Hauer & Feld
Nations Bank Plaza
300 Convent St
Suite 1500
San Antonio, TX 78205
210/281-7000
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Christine E Reinhard
Akin Gump Strauss Hauer & Feld
Nations Bank Plaza
300 Convent St
Suite 1500
San Antonio, TX 78205
210/281-7000
Fax: 210/224-2035 FAX
Email: creinhard@akingump.com

Donald W Griffis
Jackson Walker
301 W Beauregard Ave
Suite 200
San Angelo, TX 76903
325/481-2566
Fax: 325/481-2552 FAX
Email: dgriffis@jw.com
ATTORNEY TO BE NOTICED

Glenn D Shook
Akin Gump Strauss Hauer & Feld LLP
300 Convent
Suite 1500
San Antonio, TX 78205
210/281-7021

Fax: 210/224-2035
Email: gshook@akingump.com

Kris J Bird

Ray Valdez McChristian & Jeans - San
Antonio
Nowlin Bldg
9311 San Pedro
Suite 700
San Antonio, TX 78216
210/341-3554
Fax: 210/341-3557 FAX
Email: kbird@rvmjfirm.com

Robert A Junell

Jackson Walker
301 W Beauregard Ave
Suite 200
San Angelo, TX 76903
325/481-2550
Fax: 325/481-2552 FAX
TERMINATED: 02/25/2003
ATTORNEY TO BE NOTICED

ThirdParty Defendant

International Brotherhood of Teamsters

ThirdParty Defendant

**Local 657 of the International
Brotherhood of Teamsters**

represented by **James L Hicks, Jr**
Hicks & Associates
2777 N Stemmons Fwy
Suite 1100
Dallas, TX 75207
214/630-8621
Fax: 214/630-9286 FAX
Email: hicks1989@aol.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Intervenor Defendant

United Parcel Service, Inc

represented by **Shelton Edward Padgett**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Christine E Reinhard

(See above for address)

Glenn D Shook

(See above for address)

Kris J Bird

(See above for address)

Intervenor Plaintiff**Cherri Romo***TERMINATED: 01/02/2003*represented by **Jeffrey A Goldberg**Law Office of Jeffrey A Goldberg
Colonnade I Nations Bank Building
9901 IH-10 W
Suite 690

San Antonio, TX 78230

210/690-2200

Fax: 210/690-0438 FAX

Email: txlaborlaw@sbcglobal.net

*TERMINATED: 01/02/2003**LEAD ATTORNEY**ATTORNEY TO BE NOTICED*

V.

Intervenor Defendant**United Parcel Service, Inc**represented by **Shelton Edward Padgett**

(See above for address)

*LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Christine E Reinhard**

(See above for address)

Glenn D Shook

(See above for address)

Kris J Bird

(See above for address)

Robert A Junell

(See above for address)

*TERMINATED: 02/25/2003**ATTORNEY TO BE NOTICED*

Date Filed	#	Docket Text
07/06/2001	1	COMPLAINT filed; (7) (mrr) (Entered: 11/21/2001)
07/06/2001	1	DEMAND for jury trial by plaintiff EEOC (mrr) (Entered: 11/21/2001)
08/27/2001	5	Intervenor's COMPLAINT by against defendant United Parcel Servic (5) (mrr) (Entered: 11/21/2001)

08/27/2001	5	DEMAND for jury trial by intervenor-plaintiff Ernest Garcia (mrr) Modified on 11/21/2001 (Entered: 11/21/2001)
08/31/2001	6	ANSWER to Complaint by defendant United Parcel Servic (mrr) (Entered: 11/21/2001)
08/31/2001	8	MOTION by defendant United Parcel Servic to dismiss or in the alternative for more definite statement (mrr) (Entered: 11/21/2001)
08/31/2001	9	MOTION by defendant United Parcel Servic to dismiss Garcia's Complaint in Intervention or, in the alternative for more definite statement (mrr) (Entered: 11/21/2001)
08/31/2001	7	ANSWER by defendant United Parcel Servic to [5-1] intervenor complaint (mrr) (Entered: 11/21/2001)
09/24/2001	20	RESPONSE by intervenor-plaintiff Ernest Garcia to [8-1] motion to dismiss or in the alternative for more definite statement (mrr) (Entered: 11/21/2001)
09/28/2001	22	REPLY by defendant United Parcel Servic to response to [8-1] motion to dismiss or in the alternative for more definite statement (mrr) (Entered: 11/21/2001)
09/28/2001	23	RESPONSE by plaintiff EEOC to [8-1] motion to dismiss or in the alternative for more definite statement (mrr) (Entered: 11/21/2001)
10/05/2001	27	REPLY by defendant United Parcel Servic to response to [8-1] motion to dismiss or in the alternative for more definite statement (mrr) (Entered: 11/21/2001)
10/05/2001	28	REPLY by defendant United Parcel Servic to response to defendant's motion to transfer venue [10-1] (mrr) (Entered: 11/21/2001)
10/29/2001	35	SUR-REPLY by plaintiff EEOC to reply to response to [9-1] motion to dismiss Garcia's Complaint in Intervention or, in the alternative for more definite statement (mrr) (Entered: 11/21/2001)
10/29/2001	36	ORDER granting defendant's motion to transfer venue [10-1]. this cause is TRANSFERRED to the Northern District of Texas San Angelo Division (mrr) (Entered: 11/21/2001)
11/20/2001	37	Original file, certified copy of transfer order and docket sheet received from District of WD/TX San Antonio Division (mrr) (Entered: 11/21/2001)
11/20/2001	38	UNFILED PER ORDER OF 11/27/01 ERNEST GARCIA'S FIRST AMENDED intervenor's COMPLAINT & JURY DEMAND by intervenor-plaintiff Ernest Garcia amending [5-1] intervenor complaint (5) (mrr) Modified on 11/27/2001 (Entered: 11/21/2001)
11/20/2001	38	UNFILED PER ORDER OF 11/27/01 DEMAND for jury trial by intervenor-plaintiff Ernest Garcia (mrr) Modified on 11/27/2001 (Entered: 11/21/2001)
11/21/2001	39	SCHEDULING ORDER setting Joining of Parties on 3:00 2/15/02 ; Amending of Pleadings on 3:00 2/15/02 ; Experts disclosed by 3:00 5/15/02; Deadline for filing of dispositive motions (including motions for summary judgment) 3:00 7/15/02 ; Discovery cutoff 3:00 9/16/02 ; Deadlines will not be extended except upon good cause & by order of Court; Unless further ordered by Court parties are

		not required to make initial disclosures under Rule 26(a)(1) Fed R Civ P; Counsel must comply with mandates set forth in Dondi; Counsel referred to Local Rules ND/TX, Civil Justice Cost & Delay Reduction Plan ND/TX & Local Rules of this Court; (Signed by Judge Sam R. Cummings) Copies to counsel: 11/21/01 Page(s): 2 (mrr) (Entered: 11/21/2001)
11/27/2001	40	ADVISORY TO THE COURT REGARDING PENDING MOTIONS by defendant United Parcel Servic (3) (mrr) (Entered: 11/27/2001)
11/27/2001	41	ORDER unfiled [38-1] intervenor complaint, unfiled [38-1] demand jury by intervenor-plaintiff Ernest Garcia due to the following deficiency: Leave of Court required Copies to counsel: 11/27/01 (signed by Judge Sam R Cummings) Page(s) 2 (blr) (Entered: 11/27/2001)
11/30/2001	42	ORDER denying [8-1] motion to dismiss or in the alternative for more definite statement, denying [9-1] motion to dismiss Garcia's Complaint in Intervention or, in the alternative for more definite statement; Deft's Motions to Dismiss are DENIED; Court does not find that either Pltf's Complaint or Intervenor's Complaint is "so vague & ambiguous" that Deft cannot frame responsive pleading; Deft's Alternative Motions for More Definite Statement are DENIED; **See order for specifics** (Signed by Judge Sam R. Cummings) Copies to counsel: 11/30/01 Page(s) 5 (mrr) (Entered: 11/30/2001)
12/28/2001	43	CERTIFICATE OF INTERESTED PERSONS by plaintiff EEOC (4) (blr) (Entered: 12/28/2001)
01/08/2002	44	(Disclosure of Interested Parties) CERTIFICATE OF INTERESTED PERSONS by defendant United Parcel Servic (3) (mrr) (Entered: 01/08/2002)
01/08/2002	45	UNOPPOSED MOTION by plaintiff EEOC (for leave to file 1st amended complaint) to amend [1-1] complaint (4+) (mrr) (Entered: 01/08/2002)
01/09/2002	46	ORDER granting [45-1] motion (for leave to file 1st amended complaint) to amend [1-1] complaint (Signed by Judge Sam R. Cummings) Copies to counsel: 1/9/02 Page(s) 1 (mrr) (Entered: 01/09/2002)
01/09/2002	47	PLTF'S FIRST AMENDED COMPLAINT by plaintiff EEOC , amending [1-1] complaint (8) (mrr) (Entered: 01/09/2002)
01/09/2002	47	DEMAND for jury trial by plaintiff EEOC **contained in 1st Amended Complaint** (mrr) (Entered: 01/09/2002)
01/18/2002	48	(Disclosure of Interested Parties) CERTIFICATE OF INTERESTED PERSONS by intervenor-plaintiff Ernest Garcia (2) (mrr) (Entered: 01/18/2002)
02/15/2002	49	MOTION by intervenor-plaintiff Ernest Garcia to amend [5-1] intervenor complaint, [5-1] demand jury , to add 3rd party defts (blr) (Entered: 02/15/2002)
02/15/2002	50	MOTION by plaintiff EEOC to amend [47-1] amended complaint (for leave to file second amended complaint) (blr) (Entered: 02/15/2002)
02/19/2002	51	ORDER granting [50-1] motion to amend [47-1] amended complaint (Signed by Judge Sam R. Cummings) Copies to counsel: 2/19/02 Page(s) 1 (blr) (Entered: 02/19/2002)

02/19/2002	52	ORDER granting [49-1] motion to amend [5-1] intervenor complaint, [5-1] demand jury, granting [49-2] motion to add 3rd party defts (Signed by Judge Sam R. Cummings) Copies to counsel: 2/19/02 Page(s) 3 (blr) (Entered: 02/19/2002)
02/19/2002	53	AMENDED intervenor's COMPLAINT by intervenor-plaintiff Ernest Garcia amending [5-1] intervenor complaint (6) (blr) (Entered: 02/19/2002)
02/19/2002	54	Second AMENDED COMPLAINT by plaintiff EEOC , amending [47-1] amended complaint (blr) (Entered: 02/19/2002)
04/02/2002	55	ANSWER by third-party defendant Local 657 (Attorney James Lowery Hicks Jr) to amended third-party complaint: [53-1] intervenor complaint (2) (blr) (Entered: 04/02/2002)
04/05/2002	56	JOINT MOTION to Extend Discovery & Summary Judgment Deadlines by plaintiff EEOC, intervenor-plaintiff Ernest Garcia, defendant United Parcel Servic, third-party defendant Intl Brotherhood, third-party defendant Local 657 (7) (mrr) (Entered: 04/05/2002)
04/09/2002	57	ORDER granting [56-1] joint motion to Extend Discovery & Summary Judgment Deadlines Reset scheduling order deadlines: Discovery deadline by 12/20/02 Deadline for filing of dispositive motions (summary judgment motions) by 1/22/03 (Signed by Judge Sam R. Cummings) Copies to counsel: 4/9/02 Page(s) 4 (mrr) (Entered: 04/09/2002)
04/18/2002	58	NOTICE of attorney appearance as co-counsel for defendant United Parcel Servic by Robert A Junell (blr) (Entered: 04/19/2002)
04/22/2002	59	STIPULATION of dismissal of All claims Against Deft International Brotherhood of Teamsters; Hereby stipulated by Equal Employment Opportunity Commissions, Pltf, Ernest Garcia,Intervenor, United Parcel Service, Deft & Teamsters Local 657, Deftt that action action of Ernest Garcia, Intervenor against Deft International Brotherhood of Teamsters be dismissed; (4) (mrr) (Entered: 04/22/2002)
05/10/2002	60	ANSWER by defendant United Parcel Servic (Attorney) to second amended complaint (14) (blr) (Entered: 05/10/2002)
05/10/2002	61	ANSWER by defendant United Parcel Servic to [53-1] amended intervenor complaint (11) (blr) (Entered: 05/10/2002)
05/15/2002	62	JOINT MOTION to extend deadline for disclosure of expert witnesses by plaintiff EEOC, intervenor-plaintiff Ernest Garcia, defendant United Parcel Servic, third-party defendant Intl Brotherhood, third-party defendant Local 657 (4) (mrr) (Entered: 05/15/2002)
05/20/2002	63	ORDER granting [62-1] joint motion to extend deadline for disclosure of expert witnesses; expert witness disclosure due 9/16/02; (Signed by Judge Sam R. Cummings) Copies to counsel: 5/20/02 Page(s) 3 (blr) (Entered: 05/20/2002)
09/09/2002	64	JOINT MOTION to extend time by plaintiff EEOC, intervenor-plaintiff Ernest Garcia, defendant United Parcel Servic, intervenor-defendant United Parcel Servic, third-party defendant Intl Brotherhood, third-party defendant Local 657 (blr) (Entered: 09/09/2002)

09/10/2002	65	ORDER denying [64-1] joint motion to extend time; Further parties state that "this case is a multi-party class action"; This case has not been certified as class action & parties are warned that sanctions will be imposed if further misrepresentations are made to Court; (Signed by Judge Sam R. Cummings) Copies to counsel: 9/10/02 Page(s) 1 (mrr) (Entered: 09/10/2002)
09/16/2002	66	NOTICE of Advisory to the Court by plaintiff EEOC regarding its failure to move for class certification; Pltf does not allege facts addressed to usual class representation requirements of FedRCivP 23 nor does it move for certification of classes of individuals upon whose claims the EEOC's complaints are based (3) (mrr) (Entered: 09/16/2002)
09/30/2002	67	UNOPPOSED MOTION FOR LEAVE TO FILE 3D AMENDED COMPLAINT by plaintiff EEOC to amend [54-1] amended complaint, [47-1] amended complaint, [1-1] complaint (15) (mrr) Modified on 10/01/2002 (Entered: 10/01/2002)
10/03/2002	68	ORDER granting [67-1] motion to amend [54-1] amended complaint, [47-1] amended complaint, [1-1] complaint Parties are advised that no further extension of pretrial deadlines will be granted & case will be set for trial on Court's 4/21/03 trial docket ; (Signed by Judge Sam R. Cummings) Copies to counsel: 10/3/02 Page(s) 1 (mrr) (Entered: 10/03/2002)
10/03/2002	69	THIRD AMENDED COMPLAINT by plaintiff EEOC , amending [1-1] complaint, [47-1] amended complaint, [54-1] amended complaint (9) (mrr) (Entered: 10/03/2002)
10/04/2002	70	SCHEDULING ORDER setting Jury trial set for 9:00 4/21/03 ; Pretrial materials due at least 30 days before trial date; Proposed pretrial order due at least 30 days before trial date ; (Signed by Judge Sam R. Cummings) Copies to counsel: 10/4/02 Page(s): 3 (blr) (Entered: 10/04/2002)
11/04/2002	71	(Unopposed) MOTION to intervene by movant Cherri Romo (blr) (Entered: 11/04/2002)
11/05/2002	72	ORDER granting [71-1] motion to intervene by intervenor plaintiff Cherri Romo; Parties are advised that no further extensions of pretrial deadlines will be granted & this case remains set for trial on the Court's 4/21/03 trial docket; (Signed by Judge Sam R. Cummings) Copies to counsel: 11/5/02 Page(s) 1 (mrr) (Entered: 11/05/2002)
11/05/2002	73	(Cherri Romo's Complaint in Intervention) Intervenor's COMPLAINT by against defendant United Parcel Service (7) (mrr) (Entered: 11/05/2002)
11/05/2002	73	DEMAND for jury trial by intervenor-plaintiff Cherri Romo (mrr) (Entered: 11/05/2002)
11/08/2002	74	UNFILED per Order of 11/12/02: Signature pages for unopposed Motion by intervenor-plaintiff Cherri Romo (blr) Modified on 11/12/2002 (Entered: 11/08/2002)
11/12/2002	75	ORDER unfileing [74-1] remark by intervenor-plaintiff Cherri Romo due to the following deficiency: Document must be in proper form; See LR 10.1; Copies to counsel: 11/12/02 (signed by Judge Sam R Cummings) Page(s) 1 (mrr) (Entered: 11/12/2002)

11/25/2002	76	UNFILED PER ORDER OF 11/26/02 - MOTION by third-party defendant Local 657 of Rule 19 Deft Temasters Local 657 to be Relieved from Further Pretrial & Trial Participation (4)(mrr) Modified on 11/26/2002 (Entered: 11/25/2002)
11/26/2002	77	ORDER unfiled [76-1] motion of Rule 19 Deft Temasters Local 657 to be Relieved from Further Pretrial & Trial Participation by third-party defendant Local 657 due to the following deficiency: Brief in Support required per LR 7.1(d) Copies to counsel: 11/26/02 (signed by Judge Sam R Cummings) Page(s) 1 (blr) (Entered: 11/26/2002)
12/02/2002	78	MEMORANDUM by third-party defendant Local 657 in support of (Unfiled Motion to be Relieved from further Pretrial & Trial Participation) (blr) (Entered: 12/03/2002)
12/04/2002	79	ORDER unfiled [78-1] support memorandum by third-party defendant Local 657 due to the following deficiency: Motion unfiled 11/26/02 not resubmitted with Brief therefore Memorandum in Support does not have document to support; Copies to counsel: 12/4/02 (signed by Judge Sam R Cummings) Page(s) 1 (mrr) (Entered: 12/04/2002)
12/05/2002	80	NOTICE of Joint Advisory to Court Regarding Deft Local 657's Motion to be Relieved from Further Pretrial & Trial Participation by plaintiff EEOC, intervenor-plaintiff Ernest Garcia (5) (mrr) (Entered: 12/06/2002)
12/06/2002	81	Unopposed MOTION of Rule 19 Deft by third-party defendant Local 657 to be Relieved from Further Pretrial & Trial Participation (3) (mrr) (Entered: 12/06/2002)
12/06/2002	82	MEMORANDUM by third-party defendant Local 657 in support of [81-1] motion to be Relieved from Further Pretrial & Trial Participation (3) (mrr) (Entered: 12/06/2002)
12/09/2002	83	ORDER granting [81-1] motion to be Relieved from Further Pretrial & Trial Participation; ORDERED that Rule 19 Deft Teamsters Local 657 is Relieved from further participation in this litigation; (Signed by Judge Sam R. Cummings) Copies to counsel: 12/9/02 Page(s) 1 (mrr) (Entered: 12/09/2002)
12/12/2002	84	MOTION with memorandum in support by defendant United Parcel Servic for leave to file Separate Motions for Summary Judgment for each of 3 named Pltfs (blr) (Entered: 12/12/2002)
12/13/2002	85	Amended MOTION for leave to file Separate Motions for Summary Judgment for each of 3 named Pltfs by defendant United Parcel Servic referring to [84-1] motion for leave to file Separate Motions for Summary Judgment for each of 3 named Pltfs (blr) (Entered: 12/13/2002)
12/17/2002	86	Second Amended MOTION for leave to file Separate Motions for Summary Judgment for each of 3 named Pltfs by defendant United Parcel Servic referring to [84-1] motion for leave to file Separate Motions for Summary Judgment for each of 3 named Pltfs, [85-1] amended motion for leave to file Separate Motions for Summary Judgment for each of 3 named Pltfs (blr) (Entered: 12/17/2002)
12/17/2002	87	MEMORANDUM by defendant United Parcel Servic in support of [86-1] amended motion for leave to file Separate Motions for Summary Judgment for each of 3 named Pltfs (blr) (Entered: 12/17/2002)

12/17/2002	88	APPENDIX by defendant United Parcel Servic in support of [87-1] support memorandum (blr) (Entered: 12/17/2002)
12/26/2002	89	MOTION by intervenor-plaintiff Cherri Romo (for) Stipulation of Dismissal of Intervention (6) (mrr) (Entered: 12/26/2002)
01/02/2003	90	ORDER granting [89-1] motion (for) Stipulation of Dismissal of Intervention ; Intervention is dismissed w/out prejudice & Romo shall remain as a class member (Signed by Judge Sam R. Cummings) Copies to counsel: 1/2/03 Page(s) 2 (blr) (Entered: 01/02/2003)
01/03/2003	91	CROSS MOTION for extension of page length of Summary Judgment Motions by plaintiff EEOC (blr) (Entered: 01/03/2003)
01/03/2003	91	RESPONSE by plaintiff EEOC to [84-1] motion for leave to file Separate Motions for Summary Judgment for each of 3 named Pltfs, [85-1] amended motion for leave to file Separate Motions for Summary Judgment for each of 3 named Pltfs, [86-1] second amended motion for leave to file Separate Motions for Summary Judgment for each of 3 named Pltfs (blr) (Entered: 01/03/2003)
01/03/2003	92	MEMORANDUM by plaintiff EEOC in support of [91-1] cross motion for extension of page length of Summary Judgment Motions, [91-1] motion response (blr) (Entered: 01/03/2003)
01/03/2003	93	APPENDIX by plaintiff EEOC in support of [92-1] support memorandum (blr) (Entered: 01/03/2003)
01/10/2003	94	ORDER denying [84-1] motion for leave to file Separate Motions for Summary Judgment for each of 3 named Pltfs, denying [85-1] amended motion for leave to file Separate Motions for Summary Judgment for each of 3 named Pltfs, denying [86-1] amended motion for leave to file Separate Motions for Summary Judgment for each of 3 named Pltfs, denying [91-1] cross motion for extension of page length of Summary Judgment Motions (Signed by Judge Sam R. Cummings) Copies to counsel: 1/10/03 Page(s) 2 (mrr) (Entered: 01/10/2003)
01/13/2003	95	RESPONSE by intervenor-plaintiff Ernest Garcia in opposition to [84-1] motion for leave to file Separate Motions for Summary Judgment for each of 3 named Pltfs, [85-1] amended motion for leave to file Separate Motions for Summary Judgment for each of 3 named Pltfs, [86-1] amended motion for leave to file Separate Motions for Summary Judgment for each of 3 named Pltfs (blr) (Entered: 01/13/2003)
01/13/2003	96	MEMORANDUM by intervenor-plaintiff Ernest Garcia in support of [95-1] motion response (blr) (Entered: 01/13/2003)
01/14/2003	97	Unopposed Expedited MOTION by plaintiff EEOC to extend Scheduling Order & Pretrial Order Deadlines (5) (mrr) (Entered: 01/14/2003)
01/14/2003	98	ORDER denying [97-1] motion to extend Scheduling Order & Pretrial Order Deadlines (Signed by Judge Sam R. Cummings) Copies to counsel: 1/14/03 Page(s) 1 (mrr) (Entered: 01/14/2003)
01/22/2003	99	MOTION by plaintiff EEOC to strike Al Yonovitz's Testimony or in alternative motion to exclude purported expert witness testimony of Al Yonovitz (blr) (Entered: 01/22/2003)

01/22/2003	100	MEMORANDUM by plaintiff EEOC in support of [99-1] motion to strike Al Yonovitz's Testimony or in alternative motion to exclude purported expert witness testimony of Al Yonovitz (blr) (Entered: 01/22/2003)
01/22/2003	101	APPENDIX by plaintiff EEOC in support of [100-1] support memorandum (blr) (Entered: 01/22/2003)
01/22/2003	102	MOTION by plaintiff EEOC in limine (blr) (Entered: 01/22/2003)
01/22/2003	103	MEMORANDUM by plaintiff EEOC in support of [102-1] motion in limine (blr) (Entered: 01/22/2003)
01/22/2003	104	APPENDIX by plaintiff EEOC in support of [103-1] support memorandum (blr) (Entered: 01/22/2003)
01/22/2003	105	MOTION by plaintiff EEOC, intervenor-plaintiff Ernest Garcia for partial summary judgment (blr) (Entered: 01/22/2003)
01/22/2003	106	MEMORANDUM by plaintiff EEOC, intervenor-plaintiff Ernest Garcia in support of [105-1] motion for partial summary judgment (blr) (Entered: 01/22/2003)
01/22/2003	107	APPENDIX by plaintiff EEOC, intervenor-plaintiff Ernest Garcia in support of [106-1] support memorandum (blr) (Entered: 01/22/2003)
01/22/2003	108	MOTION by intervenor-plaintiff Ernest Garcia in limine (blr) (Entered: 01/22/2003)
01/22/2003	109	MEMORANDUM by intervenor-plaintiff Ernest Garcia in support of [108-1] motion in limine (blr) (Entered: 01/22/2003)
01/22/2003	110	MOTION by intervenor-plaintiff Ernest Garcia to strike Al Yanovitz's Testimony or in alternative to exclude purported expert testimony of Al Yanovitz (blr) (Entered: 01/22/2003)
01/22/2003	111	MEMORANDUM by intervenor-plaintiff Ernest Garcia in support of [110-1] motion to strike Al Yanovitz's Testimony or in alternative to exclude purported expert testimony of Al Yanovitz (blr) (Entered: 01/22/2003)
01/22/2003	112	MOTION by defendant United Parcel Servic for summary judgment (blr) (Entered: 01/22/2003)
01/22/2003	113	MEMORANDUM by defendant United Parcel Servic in support of [112-1] motion for summary judgment (blr) (Entered: 01/22/2003)
01/22/2003	114	APPENDIX - Volume 1 of 3 by defendant United Parcel Servic in support of [113-1] support memorandum (blr) (Entered: 01/22/2003)
01/22/2003	115	APPENDIX - Volume 2 of 3 by defendant United Parcel Servic in support of [113-1] support memorandum (blr) (Entered: 01/22/2003)
01/22/2003	116	APPENDIX - Volue 3 of 3 by defendant United Parcel Servic in support of [113-1] support memorandum (blr) (Entered: 01/22/2003)
01/22/2003	117	MOTION by defendant United Parcel Servic in limine (blr) (Entered: 01/22/2003)

01/22/2003	118	MEMORANDUM by defendant United Parcel Servic in support of [117-1] motion in limine (blr) (Entered: 01/22/2003)
01/27/2003	119	ORDER denying [102-1] motion in limine as untimely, denying [108-1] motion in limine as untimely, denying [117-1] motion in limine as untimely ; Response to motion reset to 2/5/03 for [99-1] motion to strike Al Yonovitz's Testimony or in alternative motion to exclude purported expert witness testimony of Al Yonovitz, reset to 2/5/03 for [110-1] motion to strike Al Yanovitz's Testimony or in alternative to exclude purported expert testimony of Al Yanovitz, reset to 2/11/03 for [105-1] motion for partial summary judgment, reset to 2/11/03 for [112-1] motion for summary judgment ; any reply to a response must be filed w/in 15 days from date the response is filed; no extensions will be granted ; (Signed by Judge Sam R. Cummings) Copies to counsel: 1/28/03 Page(s) 2 (blr) (Entered: 01/28/2003)
02/05/2003	120	RESPONSE by defendant United Parcel Servic to [99-1] motion to strike Al Yonovitz's Testimony or in alternative motion to exclude purported expert witness testimony of Al Yonovitz, [110-1] motion to strike Al Yanovitz's Testimony or in alternative to exclude purported expert testimony of Al Yanovitz (3) (mrr) (Entered: 02/05/2003)
02/05/2003	120	(Alternative) MOTION by defendant United Parcel Servic for attorney's fees & costs (3) (mrr) (Entered: 02/05/2003)
02/05/2003	121	MEMORANDUM by defendant United Parcel Servic in support of [120-1] motion response, [120-1] motion for attorney's fees & costs (18) (mrr) (Entered: 02/05/2003)
02/05/2003	122	APPENDIX by defendant United Parcel Servic in support of [120-1] motion response, [120-1] motion for attorney's fees & costs (3+) (mrr) (Entered: 02/05/2003)
02/07/2003	123	ORDER denying [110-1] motion to strike Al Yanovitz's Testimony or in alternative to exclude purported expert testimony of Al Yanovitz, denying [99-1] motion to strike Al Yonovitz's Testimony or in alternative motion to exclude purported expert witness testimony of Al Yonovitz ; Dr Yonovitz may testify as an expert witness on behalf of Deft (Signed by Judge Sam R. Cummings) Copies to counsel: 2/7/03 Page(s) 2 (blr) (Entered: 02/07/2003)
02/11/2003	124	RESPONSE by plaintiff EEOC, intervenor-plaintiff Ernest Garcia in opposition to [112-1] motion for summary judgment (3) (mrr) (Entered: 02/11/2003)
02/11/2003	125	MEMORANDUM by plaintiff EEOC, intervenor-plaintiff Ernest Garcia in support of [124-1] opposition response (59) (mrr) (Entered: 02/11/2003)
02/11/2003	126	APPENDIX by plaintiff EEOC, intervenor-plaintiff Ernest Garcia in support of [124-1] opposition response (4+) (mrr) (Entered: 02/11/2003)
02/11/2003	127	RESPONSE by defendant United Parcel Servic to [105-1] motion for partial summary judgment (3) (mrr) (Entered: 02/11/2003)
02/11/2003	128	MEMORANDUM by defendant United Parcel Servic in support of [127-1] motion response (16) (mrr) (Entered: 02/11/2003)

02/18/2003	129	MOTION to Substitute Attorney. Added attorney Ronetta J Francis for Equal Employment Opportunity Commission, William C Backhaus for Equal Employment Opportunity Commission, Keri L Mallon for Equal Employment Opportunity Commission, Suzanne M Anderson for Equal Employment Opportunity Commission. Motion Filed by Equal Employment Opportunity Commission (blr,) (Entered: 02/19/2003)
02/20/2003	130	ORDER granting 129 Motion to Substitute Attorney. (Signed by Judge Sam R Cummings on 2/20/03) (blr,) (Entered: 02/21/2003)
02/21/2003	131	Unoppose MOTION to Substitute Attorney (Co-Counsel) Added attorney Donald W Griffis for United Parcel Service, Inc. Motion Filed by United Parcel Service, Inc (blr,) (Entered: 02/24/2003)
02/25/2003	132	ORDER granting 131 Motion to Substitute Attorney. ORDERED that Don Griffis be substituted for Rob Junell. (Signed by Judge Sam R Cummings on February 25, 2003) (mrr,) (Entered: 02/26/2003)
02/26/2003	133	(Def't's Reply in Support of Motion for Summary Judgment) REPLY to Response to Motion re [112] Motion for Summary Judgment filed by United Parcel Service, Inc. (mrr,) (Entered: 02/26/2003)
02/26/2003	134	Brief in Support re 133 Reply to Response to Motion filed by United Parcel Service, Inc. (mrr,) (Entered: 02/27/2003)
02/26/2003	135	Appendix in Support re 133 Reply Brief to Response to Motion for Summary Judgment filed by United Parcel Service, Inc. (mrr,) (Entered: 02/27/2003)
03/04/2003	136	ORDER denying [105] Motion for Partial Summary Judgment, granting in part and denying in part [112] Motion for Summary Judgment - Court GRANTS Def't's Motion for Summary Judgment with respect to Pltf's & Intervenor's record retention violation claim & DENIES Def't's Motion for Summary Judgment with respect to (1) Title VII national origin discrimination/harassment/hostile work environment claims; (2) Title VII retaliation claims; & (3) Title VII disparate treatment claim. Court also DENIES Pltf & Intervenor's Motion for Partial Summary Judgment. **See Order for specifics.** (Signed by Judge Sam R Cummings on March 3, 2003) (mrr,) (Entered: 03/04/2003)
03/21/2003	137	Deposition Summary of Daniel Minesinger filed by Equal Employment Opportunity Commission (mrr,) (Entered: 03/21/2003)
03/21/2003	138	Deposition Summary of Samantha Van Pelt filed by Equal Employment Opportunity Commission (mrr,) (Entered: 03/21/2003)
03/21/2003	139	Deposition Summary of Donna Gallicchio filed by Equal Employment Opportunity Commission (mrr,) (Entered: 03/21/2003)
03/21/2003	140	Deposition Summary of Rick Glasebrook filed by Equal Employment Opportunity Commission (mrr,) (Entered: 03/21/2003)
03/21/2003	141	Deposition Summary of Gary Naylor filed by Equal Employment Opportunity Commission (mrr,) (Entered: 03/21/2003)
03/21/2003	142	Deposition Summary Nick M. Dattomo filed by Equal Employment Opportunity Commission (mrr,) (Entered: 03/21/2003)

03/21/2003	143	Deposition Summary of Nancy Crittenden filed by Equal Employment Opportunity Commission (mrr,) (Entered: 03/21/2003)
03/21/2003	144	Deposition Summary of Phil Collins filed by Equal Employment Opportunity Commission (mrr,) (Entered: 03/21/2003)
03/21/2003	145	Deposition Summary of Mike Bryan filed by Equal Employment Opportunity Commission (mrr,) (Entered: 03/21/2003)
03/21/2003	146	Deposition Summary of Jose Alvarado filed by Equal Employment Opportunity Commission (mrr,) (Entered: 03/21/2003)
03/21/2003	147	Deposition Summary of Cipriano Salinaz filed by Equal Employment Opportunity Commission (mrr,) Modified on 4/7/2003 (mrr,). (Entered: 03/21/2003)
03/21/2003	148	Deposition Summary of Terry Kiner filed by Equal Employment Opportunity Commission (mrr,) (Entered: 03/21/2003)
03/21/2003	149	Proposed Jury Instructions by Equal Employment Opportunity Commission, Ernest Garcia. (mrr,) (Entered: 03/21/2003)
03/21/2003	150	Proposed Jury Instructions by United Parcel Service, Inc. (mrr,) (Entered: 03/21/2003)
03/21/2003	151	Proposed Jury Questions by United Parcel Service, Inc. (mrr,) (Entered: 03/21/2003)
03/21/2003	152	Deposition Summary of Daniel Minesinger filed by United Parcel Service, Inc (mrr,) (Entered: 03/21/2003)
03/21/2003	153	TRIAL BRIEF SUPPORTING ITS POSITION THAT A "CONSTRUCTIVE DISCHARGE IS NOT A "TANGIBLE EMPLOYMENT ACTION" FOR PURPOSES OF THE FARAGHER/ELLERTH AFFIRMATIVE DEFENSE by United Parcel Service, Inc. (mrr,) (Entered: 03/24/2003)
03/21/2003	154	TRIAL BRIEF REGARDING THE ADMISSIBILITY OF COMPARATIVE EVIDENCE by United Parcel Service, Inc. (mrr,) (Entered: 03/24/2003)
03/21/2003	155	TRIAL BRIEF IN SUPPORT OF THE ADMISSIBILITY OF EVIDENCE THAT CERTAIN "AGGRIEVED PARTIES" WERE INVOLUNTARILY DISCHARGED FROM PREVIOUS & SUBSEQUENT JOBS by United Parcel Service, Inc. (mrr,) (Entered: 03/24/2003)
03/21/2003	156	DEPOSITION SUMMARY OF RICK GLASEBROOK filed by United Parcel Service, Inc (mrr,) (Entered: 03/24/2003)
03/21/2003	157	DEPOSITION SUMMARY OF TERRY KINER filed by United Parcel Service, Inc (mrr,) (Entered: 03/24/2003)
03/24/2003	158	DEPOSITION SUMMARY OF MICHAEL A. SANCHEZ filed by Equal Employment Opportunity Commission (mrr,) Modified on 3/24/2003 (mrr,). (Entered: 03/24/2003)
03/24/2003	159	DEPOSITION SUMMARY OF MICHAEL ROJAS filed by Equal Employment Opportunity Commission (mrr,) (Entered: 03/24/2003)

03/24/2003	160	AMENDED DOCUMENT by United Parcel Service, Inc. Amendment to 151 Proposed Jury Questions. (mrr,) (Entered: 03/25/2003)
03/24/2003	161	AMENDED DOCUMENT by United Parcel Service, Inc. Amendment to 150 Proposed Jury Instructions.. (mrr,) (Entered: 03/25/2003)
03/31/2003	162	JOINT PRETRIAL ORDER filed by Pltf EEOC, Intervenor-Pltf Ernest Garcia & Deft UPS (Signed by Judge Sam R Cummings on March 31, 2003) (mrr,) (Entered: 03/31/2003)
04/04/2003	163	(RESPONSE in Opposition) OBJECTION TO DEFT'S WITNESSES AS IDENTIFIED IN DEFT'S PRE-TRIAL DISCLOSURES filed by Equal Employment Opportunity Commission, Ernest Garcia. (mrr,) (Entered: 04/07/2003)
04/04/2003	164	(RESPONSE in Opposition re 156157 152) OBJECTIONS TO DEFT'S DEPOSITION SUMMARIES - Pltfs object to all Deposition Summaries in that they contain no designations as required per Court's Order issued 10/3/02. Pltfs object to Mr. Glasebrook's entire deposition summary. Pltfs object to Mr. Minesinger's entire deposition summary. Plts object to Mr. Kier's entire deposition summary. filed by Equal Employment Opportunity Commission, Ernest Garcia. (mrr,) (Entered: 04/07/2003)
04/04/2003	165	(RESPONSE in Opposition re 154 Trial Brief) RESPONSE TO DEFT'S TRIAL BRIEF REGARDING ADMISSIBILITY OF COMPARATIVE EVIDENCE filed by Equal Employment Opportunity Commission, Ernest Garcia. (mrr,) (Entered: 04/07/2003)
04/04/2003	166	RESPONSE in Opposition to Deft's Trial Brief on Faragher/Ellerth Affirmative Defense re 153 Trial Brief filed by Equal Employment Opportunity Commission, Ernest Garcia. (mrr,) (Entered: 04/07/2003)
04/04/2003	167	RESPONSE in Opposition to Deft's Trial Brief on Admissibility of Evidence Releating to Prevous & Subsequent Jobs re 155 Trial Brief filed by Equal Employment Opportunity Commission, Ernest Garcia. (mrr,) (Entered: 04/07/2003)
04/04/2003	168	Objections to Deft's 1st Amended Proposed Jury Instructions & Jury Questions (re Documents 160 & 161) filed by Equal Employment Opportunity Commission, Ernest Garcia. (mrr,) (Entered: 04/07/2003)
04/04/2003	169	Objections to Deft's Exhibits & Brief in Support Thereof filed by Equal Employment Opportunity Commission, Ernest Garcia. (mrr,) Modified on 4/7/2003 (mrr,). (Entered: 04/07/2003)
04/04/2003	170	Objections to Pltf's & Intervenor's Proposed Exhibits filed by United Parcel Service, Inc. (mrr,) (Entered: 04/07/2003)
04/04/2003	171	Objections to Deposition Summary of Samantha Van Pelt re 138 filed by United Parcel Service, Inc. (mrr,) (Entered: 04/07/2003)
04/04/2003	172	Objections to Deposition Summary of Jose Alvarado re 146 filed by United Parcel Service, Inc. (mrr,) (Entered: 04/07/2003)

04/04/2003	173	Objections to Deposition Summary of Michael Rojas re 159 filed by United Parcel Service, Inc. (mrr,) (Entered: 04/07/2003)
04/04/2003	174	Ojbections to Deposition Summary of Michael Sanchez re 158 filed by United Parcel Service, Inc. (mrr,) (Entered: 04/07/2003)
04/04/2003	175	Objections to Deposition Summary of Phil Collins re 144 filed by United Parcel Service, Inc. (mrr,) (Entered: 04/07/2003)
04/04/2003	176	Objections to Witnesses Identified in Pltf's & Intervenor's Pretrial Disclosures & Witness List filed by United Parcel Service, Inc. (mrr,) (Entered: 04/07/2003)
04/04/2003	177	Objections to Deposition Summary of Cipriano Salinaz re 147 filed by United Parcel Service, Inc. (mrr,) (Entered: 04/07/2003)
04/04/2003	178	Objections to Deposition Summary of Gary Naylor re 141 filed by United Parcel Service, Inc. (mrr,) (Entered: 04/07/2003)
04/04/2003	179	Objections to Deposition Summary of Donna Gallicchio re 139 filed by United Parcel Service, Inc. (mrr,) (Entered: 04/07/2003)
04/04/2003	180	Objections to Deposition Summary of Nancy Crittenden re 143 filed by United Parcel Service, Inc. (mrr,) (Entered: 04/07/2003)
04/04/2003	181	Objections to Deposition Summary of Mike Bryan re 145 filed by United Parcel Service, Inc. (mrr,) (Entered: 04/07/2003)
04/04/2003	182	Objections to Deposition Summary of Rick Glasebrook re 140 filed by United Parcel Service, Inc. (mrr,) (Entered: 04/07/2003)
04/04/2003	183	Objections to Deposition Summary of Terry Kiner re 148 filed by United Parcel Service, Inc. (mrr,) (Entered: 04/07/2003)
04/04/2003	184	Objections to Deposition Summary of Nick Dattomo re 142 filed by United Parcel Service, Inc. (mrr,) (Entered: 04/07/2003)
04/04/2003	185	Objections to Deposition Summary of Daniel Minesinger re 137 filed by United Parcel Service, Inc. (mrr,) (Entered: 04/07/2003)
04/04/2003	186	AMENDED Objections by United Parcel Service, Inc. Amendment to 175 Objections to Deposition Summary of Phil Collins. (mrr,) (Entered: 04/07/2003)
04/04/2003	187	AMENDED Objections by United Parcel Service, Inc. Amendment to 171 Objections to Deposition Summary of Samantha Van Pelt. (mrr,) (Entered: 04/07/2003)
04/04/2003	188	AMENDED Objections by United Parcel Service, Inc. Amendment to 178 Objections to Deposition Summary of Gary Naylor. (mrr,) (Entered: 04/07/2003)
04/09/2003	189	ORDER: Parties advised that Objections filed pursuant to Rule 26, FRCP, will be determined by Court at time of trial. (Signed by Judge Sam R Cummings on April 9, 2003) (mrr,) Modified on 4/16/2003 (mrr,). (Entered: 04/10/2003)
04/28/2003	190	Jury Roll. (w/strike lists attached)(blr,) (Entered: 04/29/2003)
04/28/2003	191	Minute Entry for proceedings held before Judge Sam R Cummings : Jury Trial begun on 4/28/2003; Jury pool qualified; Voir Dire; Jury selected & sworn;

		Opening statements; Testimony heard & exhibits admitted (Court Reporter Mechelle Daniel.) (blr,) (Entered: 04/29/2003)
05/01/2003	192	Minute Entry for proceedings held before Judge Sam R Cummings : 2nd Day - Jury Trial held on 4/29/2003. (Court Reporter Mechelle Daniel.) (blr,) (Entered: 05/01/2003)
05/01/2003	193	Minute Entry for proceedings held before Judge Sam R Cummings : 3rd Day - Jury Trial held on 4/30/2003. (Court Reporter Mechelle Daniel.) (blr,) (Entered: 05/01/2003)
05/01/2003	194	MOTION to Recall Nancy Crittenden or in the Alternative to Use Her Deposition Testimony by Equal Employment Opportunity Commission, Ernest Garcia (blr,) (Entered: 05/01/2003)
05/01/2003	195	ORDER granting 194 Motion To Recall Nancy Crittenden (Signed by Judge Sam R Cummings on 5/1/2003) (blr,) (Entered: 05/02/2003)
05/01/2003	196	ORDER: the Order granting EEOC & Intervenor's Motion to Recall Nancy Crittenden signed 5/1/2003 is VACATED (Signed by Judge Sam R Cummings on 5/1/2003) (blr,) (Entered: 05/02/2003)
05/01/2003	197	RESPONSE in Opposition to Deft's Motion for Judgment as a Matter of Law (Oral Motion) filed by Equal Employment Opportunity Commission, Ernest Garcia. (blr,) (Entered: 05/02/2003)
05/01/2003	198	Minute Entry for proceedings held before Judge Sam R Cummings : 4th Day - Jury Trial held on 5/1/2003 ; Court adjourned until Monday, May 5, 2003, at 8:30 am (Court Reporter Mechelle Daniel.) (blr,) (Entered: 05/02/2003)
05/05/2003	199	AMENDED RESPONSE by Equal Employment Opportunity Commission, Ernest Garcia. Amendment to 197 Response in Opposition to Deft's (oral) Motion for Judgement as Matter of Law & Brief in Support Thereof. (mrr,) (Entered: 05/06/2003)
05/05/2003	200	Minute Entry for proceedings held before Judge Sam R Cummings : Day 5 of Jury Trial held on May 5, 2003. Pltf's witnesses called & sworn. Testimony continued. Pltf rested. Oral Rule 50 motion presented. Motion denied. Deft's evidence began. Trial adjourned until 8:30 am 5/6/2003. (Court Reporter Mechelle Daniel.) (mrr,) (Entered: 05/06/2003)
05/06/2003	201	Minute Entry for proceedings held before Judge Sam R Cummings : Day 6 of Jury Trial held on May 6, 2003. Deft's witnesses called & sworn. Testimony given. Testimony continued. Defense rested. Charge conference. Trial adjourned until 8:30 am 5/7/2003. (Court Reporter Mechelle Daniel.) (mrr,) (Entered: 05/07/2003)
05/07/2003	202	Receipt for Exhibits signed by United Parcel Service, Inc (mrr,) (Entered: 05/08/2003)
05/07/2003	203	Receipt for Exhibits received by Ernest Garcia (mrr,) (Entered: 05/08/2003)
05/07/2003	204	Receipt for Exhibits received by Equal Employment Opportunity Commission (mrr,) (Entered: 05/08/2003)

05/07/2003	205	Certification of Trial Exhibits for Jury Deliberations filed by Equal Employment Opportunity Commission, Ernest Garcia, United Parcel Service, Inc (mrr,) (Entered: 05/08/2003)
05/07/2003		Court's Charge to the Jury. (mrr,) (Entered: 05/08/2003)
05/07/2003	206	JURY VERDICT. Verdict for Defendant against Plaintiff, Intervenor Plaintiff.(mrr,) (Entered: 05/08/2003)
05/07/2003	207	Minute Entry for proceedings held before Judge Sam R Cummings : Jury Trial completed on May 7, 2003, Day 7 of Jury Trial held on May 7, 2003. Charge conference continued. Rule 50 motion reurged. Denied. Closing arguments. Jury in deliberation. Jury verdict. Pltf take nothing. (Court Reporter Mechelle Daniel.) (mrr,) (Entered: 05/08/2003)
05/08/2003	208	JUDGMENT in favor of Defendant against Plaintiff and Intervenor. Plaintiff and Intervenor take nothing as against the Defendant; all costs of court are taxed against Plaintiff and Intervenor (Signed by Judge Sam R Cummings on 5/8/2003) (blr,) (Entered: 05/09/2003)
05/22/2003	209	BILL OF COSTS by United Parcel Service, Inc. (mrr,) (Entered: 05/23/2003)
05/22/2003	210	MOTION for Partial Award of Attorney's Fees by United Parcel Service, Inc (mrr,) (Entered: 05/23/2003)
05/22/2003	211	Brief in Support re 210 MOTION for Partial Award of Attorney's Fees filed by United Parcel Service, Inc. (mrr,) (Entered: 05/23/2003)
05/23/2003		Costs Taxed in amount of \$ 33,304.74 against Plaintiff EEOC & Intervenor Plaintiff Ernest Garcia (mrr,) (Entered: 05/23/2003)
05/23/2003	212	Appendix to Brief in Support of 210 MOTION for Partial Award of Attorney's Fees filed by United Parcel Service, Inc. (mrr,) (Entered: 05/23/2003)
05/30/2003	213	(PLTF'S OBJECTIONS TO) RESPONSE in Opposition re 209 Bill of Costs filed by Equal Employment Opportunity Commission. (blr,) (Entered: 06/02/2003)
06/10/2003	214	RESPONSE in Opposition re 210 MOTION for Attorney Fees filed by Equal Employment Opportunity Commission. (blr,) (Entered: 06/11/2003)
06/12/2003	215	RESPONSE in Opposition re 213 Response in Opposition to Deft's Bill of Costs filed by United Parcel Service, Inc. (blr,) (Entered: 06/13/2003)
06/24/2003	216	REPLY BRIEF to Response to Motion re 210 MOTION for Partial Award of Attorney's Fees filed by United Parcel Service, Inc. (mrr,) (Entered: 06/25/2003)
07/02/2003	217	UNFILED PER ORDER OF 7/7/03: **Sur-reply** Supplemental Response to 210 MOTION for Attorney Fees Following Reverse & Remand of Reeves Case filed by Equal Employment Opportunity Commission. (mrr,) Modified on 7/8/2003 (mrr,). (Entered: 07/03/2003)
07/07/2003	218	Order Unfiling 217 (Supplemental Response to Deft's Motion for Attorney's Fees) Sur-reply to Response filed by Equal Employment Opportunity Commission due to the following deficiency: Leave of court required. (Signed by Judge Sam R Cummings on July 7, 2003) (mrr,) (Entered: 07/08/2003)

07/16/2003	219	ORDER: Court GRANTS in part and DENIES in part Pltf's Objections to Deft's Bill of Costs as follows: fees for witness taxed against Pltf in amount of \$4,556.94; fees for certified copies taxed against Pltf in amount of \$407.32; fees for transcription of audiotapes taxed against Pltf in amount of \$3,688.00; fees for copies of other pleadings & other papers in amount of \$6,759.20 shall be disallowed. Fees of court reporter for transcript obtained for use in case taxed against Pltf in amount of \$17,391.64. (Signed by Judge Sam R Cummings on July 16, 2003) (mrr,) (Entered: 07/17/2003)
07/17/2003	220	ORDER denying 210 Motion for Attorney Fees - Deft failed to satisfy its burden to show Pltf's claims were unreasonable, w/out some basis, frivolous, vexatious or made in bad faith (See Order for specifics) (Signed by Judge Sam R Cummings on 7/17/2003) (blr,) (Entered: 07/18/2003)
07/18/2003	221	MOTION for Leave to File Surreply to Deft's Motion for Attorney's Fees by Equal Employment Opportunity Commission with Brief in Support. (blr,) (Entered: 07/18/2003)
07/21/2003	222	ORDER denying as moot 221 Motion for Leave to File. (Signed by Judge Sam R Cummings on 7/21/2003) (blr,) (Entered: 07/21/2003)

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