

CLOSED, JURY

**U.S. District Court [LIVE]
Eastern District of TEXAS (Texarkana)
CIVIL DOCKET FOR CASE #: 5:05-cv-00180-DF**

Equal Employment Opportunity Commission v. Valor
Communications Group
Assigned to: Judge David Folsom
Case in other court: 5th Circuit, 07-40015
Cause: 42:1981 Job Discrimination (Race)

Date Filed: 09/23/2005
Date Terminated: 12/04/2006
Jury Demand: Plaintiff
Nature of Suit: 442 Civil Rights: Jobs
Jurisdiction: U.S. Government Plaintiff

Mediator**Allen Butler**

represented by **Allen Butler**
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TERMINATED: 11/07/2005
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Intervenor Plaintiff

Brinder Bursey

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V.

Defendant

Valor Communications Group
doing business as
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TERMINATED: 11/15/2005

Date Filed	#	Docket Text
09/23/2005	<u>1</u>	COMPLAINT with JURY DEMAND against Valor Communications Group , filed by Equal Employment Opportunity Commission. (Attachments: # <u>1</u> Civil Cover Sheet)(sm,) (Entered: 09/23/2005)
09/23/2005		Summons Issued as to Valor Communications Group and mailed back to pla atty for service. (sm,) (Entered: 09/23/2005)

10/04/2005	2	NOTICE of Attorney Appearance by Devika Seth Dubey on behalf of Equal Employment Opportunity Commission (Dubey, Devika) (Entered: 10/04/2005)
10/21/2005	3	<i>Defendant's Original</i> ANSWER to Complaint by Valor Communications Group.(Ramon, Jaime) (Entered: 10/21/2005)
10/21/2005	4	CORPORATE DISCLOSURE STATEMENT filed by Valor Communications Group (Ramon, Jaime) (Entered: 10/21/2005)
11/03/2005	5	ORDER TO CONDUCT RULE 26 (f) CONFERENCE Rule 26 Meeting Report due by 12/29/2005.. Signed by Judge David Folsom on 11/3/05. (mrm,) (Entered: 11/03/2005)
11/04/2005	6	MOTION to Withdraw as Attorney by Equal Employment Opportunity Commission. (Attachments: # 1 Text of Proposed Order Order Motion Withdraw Attorney)(Anderson, Suzanne) (Entered: 11/04/2005)
11/04/2005	7	NOTICE of Attorney Appearance by Toby W Costas on behalf of Equal Employment Opportunity Commission (Costas, Toby) (Entered: 11/04/2005)
11/07/2005	8	ORDER granting 6 Motion to Withdraw as Attorney. Attorney Suzanne Elizabeth Anderson terminated . Signed by Judge David Folsom on November 7, 2005. (rml,) (Entered: 11/07/2005)
11/10/2005	9	MOTION to Substitute Attorney <i>Unopposed</i> , MOTION to Withdraw as Attorney <i>Unopposed</i> by Equal Employment Opportunity Commission, Valor Communications Group. (Attachments: # 1 Text of Proposed Order)(Crain, Gayla) (Entered: 11/10/2005)
11/15/2005	10	ORDER PERMITTING WITHDRAWAL AND SUBSTITUTION OF COUNSEL OF RECORD; granting 9 Motion to Substitute Attorney. Added attorney Gayla Campbell Crain for. Attorney Von E Hays and Jaime Ramon terminated, granting 9 Motion to Withdraw as Attorney. Added attorney Gayla Campbell Crain for. Attorney Von E Hays and Jaime Ramon terminated . Signed by Judge David Folsom on 11/15/05. (mrm,) (Entered: 11/15/2005)
12/12/2005	11	NOTICE of Disclosure by Valor Communications Group <i>Initial</i> (Crain, Gayla) (Entered: 12/12/2005)
12/15/2005	12	MOTION to Amend/Correct 1 Complaint <i>Filed</i> by Equal Employment Opportunity Commission. (Attachments: # 1 Exhibit Amended Complaint# 2 Text of Proposed Order Proposed Order EEOC's Unopposed Motion to Amend Complaint)(Dubey, Devika) (Entered: 12/15/2005)
12/16/2005	13	ORDER granting 12 Motion to Amend/Correct Complaint. Signed by Judge David Folsom on 12/16/2005. (sm,) (Entered: 12/16/2005)
12/16/2005	14	AMENDED COMPLAINT against Valor Communications Group, filed by Equal Employment Opportunity Commission.(Dubey, Devika) (Entered: 12/16/2005)
12/20/2005	15	STATUS REPORT <i>Joint Report regarding Rule 26(f) Conference</i> by Equal Employment Opportunity Commission, Valor Communications Group. (Attachments: # 1 Text of Proposed Order Scheduling Order)(Crain, Gayla) (Entered: 12/20/2005)

12/22/2005	16	SCHEDULING ORDER: Final Pretrial Conference set for 8/7/2006 10:00 AM in Ctrm 319 (Texarkana) before Judge David Folsom. Amended Pleadings due by 4/7/2006. Discovery due by 5/9/2006. Joinder of Parties due by 4/7/2006. Jury instructions due by 7/3/2006 Mediation Completion due by 5/17/2006. Motions due by 6/15/2006. Proposed Pretrial Order due by 7/28/2006.. Signed by Judge David Folsom on 12/22/05. (mpv,) (Entered: 12/22/2005)
01/03/2006	17	<i>Original ANSWER to Amended Complaint and Affirmative Defenses</i> by Valor Communications Group.(Crain, Gayla) (Entered: 01/03/2006)
02/22/2006	18	APPLICATION to Appear Pro Hac Vice by Attorney Frank K Wheaton for Equal Employment Opportunity Commission (Brinder Bursey). (rml,) (Entered: 02/22/2006)
02/22/2006		Pro Hac Vice Filing fee paid by Frank Wheaton; Fee: \$25, receipt number: 5-1-462 (rml,) (Entered: 02/22/2006)
03/06/2006	19	APPLICATION to Appear Pro Hac Vice by Attorney Edward Juarez for Equal Employment Opportunity Commission. (rml,) (Entered: 03/06/2006)
03/13/2006	20	APPLICATION to Appear Pro Hac Vice by Attorney Judith G Taylor for Equal Employment Opportunity Commission (fee waived due to government atty). (sm,) (Entered: 03/13/2006)
03/17/2006	21	DEFICIENT DOCUMENT - PLEASE IGNORE - MOTION for Extension of Time to Complete Discovery <i>JOINT MOTION FOR ENLARGEMENT OF DEADLINES AND BRIEF IN SUPPORT</i> by Equal Employment Opportunity Commission. (Juarez, Edward) Modified on 3/20/2006 (sm,). (Entered: 03/17/2006)
03/20/2006		NOTICE OF DEFICIENCY regarding the #21 Joint Motion to Extend submitted by Equal Employment Opportunity Commission, Valor Communications Group. Atty did not sign pleading so document must be refiled with correction. Correction should be made by 3/21/2006 (sm,) (Entered: 03/20/2006)
03/20/2006	22	MOTION for Extension of Time to Complete Discovery <i>Joint Motion For Extension of Time</i> by Equal Employment Opportunity Commission. (Juarez, Edward) (Entered: 03/20/2006)
03/21/2006	23	ORDER, granting 22 MOTION for Extension of Time to Complete Discovery <i>Joint Motion For Extension of Time</i> filed by Equal Employment Opportunity Commission,. Final Pretrial Conference set for 9/7/2006 10:00 AM in Ctrm 319 (Texarkana) before Judge David Folsom. Discovery due by 6/9/2006. Motions in Limine due by 8/28/2006. Proposed Pretrial Order due by 8/28/2006.. Signed by Judge David Folsom on 3/21/06. (mrm,) (Entered: 03/21/2006)
03/29/2006	24	Second MOTION for Extension of Time to File <i>Dispositive Motions Deadline and Information Sharing Deadlines Associated With Joint Final Pretrial Order</i> by Equal Employment Opportunity Commission. (Attachments: # 1 Text of Proposed Order)(Juarez, Edward) (Entered: 03/29/2006)
03/30/2006	25	ORDER granting 24 Motion for Extension of Time of deadlines regarding dispositive motions and joint pretrial order. Signed by Judge David Folsom on 3/30/2006. (sm,) (Entered: 03/30/2006)

03/30/2006		Set/Reset Scheduling Order Deadlines: Dispositive Motions due by 8/15/2006. Proposed Pretrial Order due by 8/28/2006. (sm,) (Entered: 03/30/2006)
04/06/2006	26	NOTICE of Disclosure by Valor Communications Group <i>Filing Initial</i> (Crain, Gayla) (Entered: 04/06/2006)
04/10/2006	27	Joint MOTION for Protective Order by Equal Employment Opportunity Commission. (Attachments: # 1)(Juarez, Edward) (Entered: 04/10/2006)
04/10/2006	28	NOTICE of Disclosure by Equal Employment Opportunity Commission (Juarez, Edward) (Entered: 04/10/2006)
04/11/2006	29	NOTICE by Equal Employment Opportunity Commission <i>Joint Mediation Notice</i> (Juarez, Edward) (Entered: 04/11/2006)
04/11/2006	30	AGREED PROTECTIVE ORDER. Signed by Judge David Folsom on 4/11/2006. (sm,) (Entered: 04/11/2006)
05/09/2006	31	NOTICE by Valor Communications Group <i>Designation of Expert Witnesses</i> (Crain, Gayla) (Entered: 05/09/2006)
07/27/2006	32	***FILED IN ERROR, IS NOT A MOTION, ATTY WILL REFILE CORRECTLY.*** MOTION for Disclosure <i>Rule 26(a)(3) Pretrial Disclosures</i> by Equal Employment Opportunity Commission. (Juarez, Edward) Modified on 7/31/2006 (sm,). (Entered: 07/27/2006)
07/31/2006		***FILED IN ERROR, IS NOT A MOTION, MUST BE REFILED AS A NOTICE OF PRETRIAL DISCLOSURE. Document # 32, Motion for disclosure. PLEASE IGNORE.*** (sm,) (Entered: 07/31/2006)
07/31/2006	33	NOTICE by Equal Employment Opportunity Commission <i>of Rule 26(a)(3) Pretrial Disclosures</i> (Juarez, Edward) (Entered: 07/31/2006)
08/03/2006	34	MOTION to Continue <i>Final Pretrial Conference</i> by Equal Employment Opportunity Commission. (Attachments: # 1 Exhibit # 2 Text of Proposed Order)(Juarez, Edward) (Entered: 08/03/2006)
08/07/2006	35	NOTICE by Valor Communications Group <i>Pretrial Disclosures</i> (Downey, Mark) (Entered: 08/07/2006)
08/08/2006	36	Third Party MOTION to Intervene by Movant Brinder Bursey (Wheaton, Frank) Additional attachment(s) added on 8/9/2006 (sm,). Modified on 8/14/2006 (sm,). (Entered: 08/08/2006)
08/15/2006	37	MOTION to Withdraw 34 MOTION to Continue <i>Final Pretrial Conference</i> by Equal Employment Opportunity Commission. (Attachments: # 1 Text of Proposed Order)(Juarez, Edward) (Entered: 08/15/2006)
08/16/2006	38	ORDER; granting 37 Motion to Withdraw, withdrawing 34 Motion to Continue . Signed by Judge David Folsom on 8/16/06. (mrm,) (Entered: 08/16/2006)

08/17/2006	39	NOTICE by Equal Employment Opportunity Commission re 33 Notice (Other) of Correction to Rule 26(a)(3) Disclosures (Juarez, Edward) (Entered: 08/17/2006)
08/17/2006	40	NOTICE by Equal Employment Opportunity Commission re 35 Notice (Other) Objections to Defendant's 26(a)(3) Disclosures (Juarez, Edward) (Entered: 08/17/2006)
08/21/2006	41	NOTICE by Equal Employment Opportunity Commission re 40 Notice (Other) Additional Objections to Defendant's 26(a)(3) Disclosures (Juarez, Edward) (Entered: 08/21/2006)
08/21/2006	42	NOTICE by Valor Communications Group re 33 Notice (Other) Objections to Plaintiff's Pretrial Disclosures (Downey, Mark) (Entered: 08/21/2006)
08/25/2006	43	ORDER granting 36 Motion to Intervene on behalf of Brinder Bursey (intv pla). Signed by Judge David Folsom on 8/25/2006. (sm,) (Entered: 08/25/2006)
08/28/2006	44	Proposed Pretrial Order by Equal Employment Opportunity Commission. (Attachments: # 1 # 2)(Juarez, Edward) (Entered: 08/28/2006)
08/28/2006	45	Proposed Jury Instructions by Equal Employment Opportunity Commission. (Juarez, Edward) (Entered: 08/28/2006)
08/28/2006	46	MOTION in Limine by Valor Communications Group. (Crain, Gayla) Additional attachment(s) added on 8/29/2006 (sm,). (Entered: 08/28/2006)
08/28/2006	47	MOTION in Limine by Equal Employment Opportunity Commission. (Attachments: # 1 Text of Proposed Order)(Juarez, Edward) (Entered: 08/28/2006)
08/28/2006	48	NOTICE by Equal Employment Opportunity Commission re 45 Proposed Jury Instructions EEOC's Objections to Defendant's Jury Instructions (Juarez, Edward) (Entered: 08/28/2006)
08/29/2006	49	NOTICE of Hearing: Final Pretrial Conference reset for 9/5/2006 10:45 AM in Ctrm 319 (Texarkana) before Judge David Folsom. (mrm,) (Entered: 08/29/2006)
08/30/2006	50	NOTICE by Valor Communications Group Objections to Plaintiff's Proposed Jury Instructions and Questions (Crain, Gayla) (Entered: 08/30/2006)
08/31/2006	51	JOINT FINAL PRETRIAL ORDER. Signed by Judge David Folsom on 8/31/06. (Attachments: # 1 Exhibit A# 2 Exhibit B)(mpv,) (Entered: 08/31/2006)
08/31/2006	52	MOTION re 44 Proposed Pretrial Order To Amend Plaintiff's Exhibit List by Equal Employment Opportunity Commission. (Attachments: # 1 Text of Proposed Order # 2 Exhibit)(Juarez, Edward) (Entered: 08/31/2006)
08/31/2006	53	Proposed MOTION to Continue by Brinder Bursey. (Attachments: # 1 Text of Proposed Order Motion For Continuance)(Wheaton, Frank) (Entered: 08/31/2006)
08/31/2006	54	RESPONSE in Opposition re 53 Proposed MOTION to Continue filed by Valor Communications Group. (Attachments: # 1 Text of Proposed Order Order Denying Intervener's Motion for Continuance)(Crain, Gayla) (Entered: 08/31/2006)

09/01/2006	55	ORDER granting 52 Motion for leave to amend pla exhibit list . Signed by Judge David Folsom on 9/1/2006. (sm,) (Entered: 09/01/2006)
09/01/2006	56	RESPONSE to Motion re 47 MOTION in Limine filed by Valor Communications Group. (Attachments: # 1 Exhibit 1# 2 Exhibit 2# 3 Exhibit 3)(Crain, Gayla) (Entered: 09/01/2006)
09/05/2006	57	Minute Entry for proceedings held before Judge David Folsom : Final Pretrial Conference held on 9/5/2006. (Court Reporter Libby Crawford.) (mrm,) (Entered: 09/05/2006)
09/20/2006	58	MOTION re 51 Pretrial Order <i>for Leave to Supplement</i> by Equal Employment Opportunity Commission. (Attachments: # 1 Text of Proposed Order)(Juarez, Edward) (Entered: 09/20/2006)
09/21/2006	59	ORDER granting 58 Motion TO SUPPLEMENT THE JOINT PRETRIAL ORDER . Signed by Judge David Folsom on 9/21/06. (mrm,) (Entered: 09/21/2006)
10/04/2006	60	MOTION for Leave to File <i>Response To Defendant's Motion In Limine</i> by Equal Employment Opportunity Commission. (Attachments: # 1 Text of Proposed Order)(Juarez, Edward) (Entered: 10/04/2006)
10/04/2006	61	RESPONSE to Motion re 46 MOTION in Limine filed by Equal Employment Opportunity Commission. (Attachments: # 1 Exhibit 1 Deposition of Lee Place# 2 Exhibit 1A Lee Place Affidavit# 3 Exhibit 2 Buster Brady Deposition# 4 Exhibit 3 Brinder Bursey Deposition# 5 Exhibit 4 Greg Marchesani Deposition# 6 Exhibit 5 Job Description With Comments# 7 Exhibit 6 Online Training# 8 Text of Proposed Order)(Juarez, Edward) (Entered: 10/04/2006)
10/19/2006	62	RESPONSE in Opposition re 60 MOTION for Leave to File <i>Response To Defendant's Motion In Limine</i> filed by Valor Communications Group. (Crain, Gayla) (Entered: 10/19/2006)
10/25/2006	63	VACATED as per order # 68 ORDER ; ORDERED that the final ddl for filing all motions in this case is 11/3/06. Nothing in this order shall change any prior ddls already set in this case . Signed by Judge David Folsom on 10/25/06. (mrm,) Modified on 11/21/2006 (mrm,). (Entered: 10/25/2006)
11/01/2006		NOTICE *DOCKET REMINDER* Final Pretrial Conference set for 11/6/2006 02:00 PM in Ctrm 319 (Texarkana) before Judge David Folsom. (mrm,) (Entered: 11/01/2006)
11/02/2006	64	ORDER granting 60 Motion for Leave to File Response to dfts motion in limine. . Signed by Judge David Folsom on 11/2/2006. (sm,) (Entered: 11/02/2006)
11/06/2006	65	Minute Entry for proceedings held before Judge David Folsom : Final Pretrial Conference held on 11/6/2006. (Court Reporter Libby Crawford.) (mrm,) (Entered: 11/06/2006)
11/07/2006	66	ORDER granting 46 Motion in Limine, granting in part and denying in part 47 Motion in Limine, denied with respect to the issues of Mr. Brady's statements regarding race and gender related statements as well as the defendant's job posting for an Area Manager position in its New Mexico Division. Signed by Judge David

		Folsom on 11/7/06. (mpv,) (Entered: 11/07/2006)
11/07/2006	67	Minute Entry for proceedings held before Judge David Folsom : Jury Selection held on 11/7/2006. (Court Reporter Libby Crawford.) (mrm,) (Entered: 11/08/2006)
11/21/2006	68	ORDER; vacating 63 Order. Signed by Judge David Folsom on 11/21/06. (mrm,) (Entered: 11/21/2006)
11/22/2006	69	NOTICE of Attorney Appearance by Mark David Downey on behalf of Valor Communications Group (Downey, Mark) (Entered: 11/22/2006)
11/30/2006	70	Minute Entry for proceedings held before Judge David Folsom : Jury Trial began 11/27/06 and completed on 11/30/2006. (Court Reporter Libby Crawford.) (mrm,) (Entered: 12/04/2006)
11/30/2006	71	Jury Trial Exhibit List; (Attachments: # 1 Defendant's Exhibit List)(mrm,) (Entered: 12/04/2006)
11/30/2006	72	Jury Trial Witness List. (mrm,) (Entered: 12/04/2006)
11/30/2006	73	Jury Instructions. (mrm,) (Entered: 12/04/2006)
11/30/2006	74	Sealed Verdict Form (mrm,) (Entered: 12/04/2006)
11/30/2006	75	JURY VERDICT. (mrm,) (Entered: 12/04/2006)
12/04/2006	76	FINAL JUDGMENT . Signed by Judge David Folsom on 11/30/2006. (mrm,) (Entered: 12/04/2006)
12/12/2006	77	PROPOSED BILL OF COSTS filed by Valor Communications Group. (Crain, Gayla) Additional attachment(s) added on 12/13/2006 (sm,). (Entered: 12/12/2006)
12/13/2006	78	RESPONSE to 77 Proposed Bill of Costs <i>PLAINTIFF'S OBJECTIONS TO DEFENDANT'S BILL OF COSTS</i> by Equal Employment Opportunity Commission. (Taylor, Judith) (Entered: 12/13/2006)
12/18/2006	79	RESPONSE to 78 Response to Non-Motion <i>Reply to Plaintiff's Objections to Defendant's Bill of Costs and Brief in Support</i> by Valor Communications Group. (Crain, Gayla) (Entered: 12/18/2006)
01/03/2007	80	NOTICE OF APPEAL as to 76 Judgment by Brinder Bursey. Filing fee \$ 455, receipt number 981227. (Wheaton, Frank) (Entered: 01/03/2007)
01/04/2007		Transmission of Notice of Appeal and Docket Sheet to US Court of Appeals re 80 Notice of Appeal (sm,) (Entered: 01/04/2007)
01/23/2007		USCA Case Number 07-40015 for 80 Notice of Appeal filed by Brinder Bursey,. (sm,) (Entered: 01/24/2007)
02/01/2007		Appeal Remark re 80 Notice of Appeal: Transcript order forms mld to Atty Frank Wheaton, 1 set to home address and 1 set to office per atty. (mpv,) (Entered: 02/01/2007)
04/17/2007		TRANSCRIPT of Proceedings. Pretrial Hearing held 9-5-06 before Judge David Folsom. Court Reporter: Libby Crawford (aec,) (Entered: 04/17/2007)

04/17/2007		TRANSCRIPT of Proceedings. Pretrial Hearing held 11-6-06 before Judge David Folsom. Court Reporter: Libby Crawford (aec,) (Entered: 04/17/2007)
04/17/2007		TRANSCRIPT of Proceedings. Jury Voir Dire held 11-7-06 before Judge David Folsom. Court Reporter: Libby Crawford (aec,) (Entered: 04/17/2007)
04/17/2007		TRANSCRIPT of Proceedings. Trial held 11-27-06 before Judge David Folsom. Court Reporter: Libby Crawford (aec,) Modified on 4/17/2007 (mrm,). (Entered: 04/17/2007)
04/17/2007		TRANSCRIPT of Proceedings. Trial held 11-28-06 before Judge David Folsom. Court Reporter: Libby Crawford (aec,) (Entered: 04/17/2007)
04/17/2007		TRANSCRIPT of Proceedings. Trial held 11-29-06 before Judge David Folsom. Court Reporter: Libby Crawford (aec,) (Entered: 04/17/2007)
04/17/2007		TRANSCRIPT of Proceedings. Trial held 11-30-06 before Judge David Folsom. Court Reporter: Libby Crawford (aec,) (Entered: 04/17/2007)
05/03/2007		Certified appeal record per 5th Circuit request due to filing of transcripts. (sm,) (Entered: 06/04/2007)
08/27/2007	88	USCA JUDGMENT as to 80 Notice of Appeal filed by Brinder Bursley, DISMISSING appeal for want of prosecution. Appellant failed to timely brief and record excerpts. (sm,) (Entered: 08/28/2007)

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