

**U.S. District Court [LIVE]  
Western District of Texas (El Paso)  
CIVIL DOCKET FOR CASE #: 3:00-cv-00297-DB**

EEOC v. Westlodge Hosp., et al  
Assigned to: Judge David Briones  
Demand: \$0

Case in other court: 01-51291

USCA, :01- -51291

Cause: 42:12101 Americans with Disabilities Act of 1990

Date Filed: 09/28/2000

Date Terminated: 10/19/2001

Jury Demand: Plaintiff

Nature of Suit: 442 Civil Rights: Jobs

Jurisdiction: U.S. Government Plaintiff

**Plaintiff**

**Equal Employment Opportunity  
Commission**

represented by **Leticia Dominguez**  
Equal Employment Opportunity  
Commission  
300 E. Main  
Suite 500  
El Paso, TX 79901  
(915) 534-6676  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

V.

**Defendant**

**Westlodge Hospitality, Inc.**  
*doing business as*  
El Paso Travelodge-City Center

represented by **Matthew L. Hoeg**  
Andrews Kurth LLP  
600 Travis, Suite 4200  
Houston, TX 77002-2778  
(713) 220-4012  
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Email: matthewhoeg@andrewskurth.com  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant**

**WW Lodging Limited, L.L.C.**  
*doing business as*  
El Paso Travelodge-City Center

represented by **Matthew L. Hoeg**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text

09/28/2000		Case assigned to Judge David Briones (rc) (Entered: 09/29/2000)
09/28/2000	1	Complaint filed. (rc) (Entered: 09/29/2000)
11/20/2000	2	Waiver of Service by Westlodge Hosp., WW Lodging Limited ; Notice and Request Mailed on 11/13/00 ; Answer due on 1/12/01 for Westlodge Hosp., for WW Lodging Limited (fe) (Entered: 11/20/2000)
11/29/2000	3	Answer by Westlodge Hosp., WW Lodging Limited (fe) (Entered: 12/04/2000)
12/20/2000	<a href="#">4</a>	Standing Order Regarding Amendments to Federal Rules of Civil Procedure and Local Court Rules (fe) (Entered: 12/20/2000)
01/16/2001	5	Notice of filing joint report of meeting & Joint discovery/case management by EEOC, Westlodge Hosp., WW Lodging Limited (fe) (Entered: 01/16/2001)
01/25/2001	6	Notice of filing by disclosure of interested parties EEOC (fe) (Entered: 01/25/2001)
02/09/2001	7	Notice of filing initial disclosures by WW Lodging Limited (fe) (Entered: 02/09/2001)
02/13/2001	8	Order striking initial disclosures as premature (fe) Modified on 02/13/2001 (Entered: 02/13/2001)
02/23/2001	10	Alternate Dispute Resolution Report filed by EEOC, Westlodge Hosp., WW Lodging Limited, Party(s) do not agree to Alternate Dispute Resolution (fe) (Entered: 02/23/2001)
03/02/2001	11	Proposed / Witness / exhibit List by EEOC (fe) (Entered: 03/02/2001)
04/06/2001	<a href="#">12</a>	Scheduling order setting Joining of parties, amending of pleadings on 2/23/01 Deadline for filing of all motions 8/8/01 Discovery cutoff 7/8/01 Status conference by 9:00 10/9/01 ; Alternate Dispute Resolution Report due by 2/23/01 ; Jury Selection set for 9:30 10/9/01 ; Jury trial set for 9:30 10/9/01 (fe) (Entered: 04/06/2001)
04/09/2001	<a href="#">13</a>	Order set status conference for 9:00 10/9/01 (fe) (Entered: 04/09/2001)
04/09/2001	<a href="#">14</a>	Order set Jury trial for 9:30 10/9/01 , and set Jury selection for 9:30 10/9/01 (fe) (Entered: 04/09/2001)
05/21/2001	15	Motion by EEOC for leave to file motion to compel in excess of 10 pages (fe) (Entered: 05/21/2001)
05/21/2001	16	Combined Witness, Exhibit and Expert List by Westlodge Hosp., WW Lodging Limited (fe) (Entered: 05/21/2001)
05/22/2001	<a href="#">17</a>	Order granting motion for leave to file motion to compel in excess of 10 pages [15-1] (fe) (Entered: 05/22/2001)
05/22/2001	18	Motion by EEOC to compel (fe) (Entered: 05/22/2001)
05/23/2001	<a href="#">19</a>	Motion by EEOC to strike (fe) (Entered: 05/23/2001)
06/07/2001	20	Response by Westlodge Hosp., WW Lodging Limited motion to strike [19-1] (fe) (Entered: 06/07/2001)

06/07/2001	21	Motion by Westlodge Hosp., WW Lodging Limited for leave to file response to motion to compel out of time (fe) (Entered: 06/07/2001)
06/07/2001	22	Motion by Westlodge Hosp., WW Lodging Limited for protective order (fe) (Entered: 06/07/2001)
06/08/2001	<a href="#">23</a>	Order granting motion for leave to file response to motion to compel out of time [21-1] (fe) (Entered: 06/08/2001)
06/08/2001	24	Response by Westlodge Hosp., WW Lodging Limited motion to compel [18-1] (fe) (Entered: 06/08/2001)
06/11/2001	25	Motion by EEOC to extend discovery (fe) (Entered: 06/11/2001)
06/11/2001	26	Response by EEOC in opposition to motion for protective order [22-1] (fe) (Entered: 06/12/2001)
06/13/2001	27	Reply by EEOC to response to motion for protective order [22-1] (fe) (Entered: 06/14/2001)
06/14/2001	<a href="#">28</a>	Order denying motion for protective order [22-1] (fe) (Entered: 06/14/2001)
06/15/2001	<a href="#">29</a>	Order granting in part, denying in part motion to compel [18-1] Futher Ordered that on or before 6/25/01 plfts submit to the Court an affidavit setting forth the expenses, including attorney's fees, plft incurred in bright the instant motion to compel and deft to show cause on or before 7/6/01 why the Court should not award the expense plfts sets forth, if any, by a ffidavit as provided herein. ; (fe) (Entered: 06/15/2001)
06/15/2001	<a href="#">30</a>	Order denying motion to strike [19-1] and plft submit an affidavit to the Court setting for the expense, including attorney's fees, which plft incurred in bringing the instant Motion to strike (fe) (Entered: 06/18/2001)
06/21/2001	31	Memorandum by Westlodge Hosp. in support of motion to extend discovery [25-1] (fe) (Entered: 06/21/2001)
06/22/2001	<a href="#">32</a>	Order granting motion to extend discovery [25-1] re discovery deadline set 8/8/01 (fe) (Entered: 06/22/2001)
06/25/2001	33	Motion by EEOC to amend order [29-2] (fe) (Entered: 06/25/2001)
06/25/2001	34	Response by EEOC to order [30-1] (fe) (Entered: 06/25/2001)
06/25/2001	35	Response by EEOC to order [29-2] (fe) (Entered: 06/25/2001)
07/05/2001	36	Reply by EEOC to Defendant's response to Plaintiff's motion to alter or amend order of 6/15/01 [29-2] [33-1] (fe) (Entered: 07/09/2001)
07/05/2001	37	Motion by EEOC for leave to file amended designation of potential witnesses, designation of testifying experts, and list of proposed exhibits to add one potential witness (fe) (Entered: 07/09/2001)
07/09/2001	<a href="#">38</a>	Order granting motion for leave to file amended designation of potential witnesses, designation of testifying experts, and list of proposed exhibits [37-1] (fe) (Entered: 07/10/2001)

07/09/2001	39	Amended Designation of potential witnesses, designation of testifying expert witnesses, and list of proposed exhibits filed by EEOC (fe) (Entered: 07/10/2001)
07/09/2001	40	Response by Westlodge Hosp., WW Lodging Limited to Plaintiff's motion to amend the Court's 6/15/01 order [29-2] [33-1] (fe) (Entered: 07/11/2001)
07/12/2001	41	Motion by Westlodge Hosp., WW Lodging Limited for leave to file late responses (fe) (Entered: 07/12/2001)
07/13/2001	<a href="#">42</a>	Order granting motion for leave to file late responses [41-1] (fe) (Entered: 07/13/2001)
07/13/2001	43	Response by Westlodge Hosp., WW Lodging Limited to Plaintiff's submission of affidavits on Court's order ruling on Plaintiff's motion to strike [34-1] (fe) (Entered: 07/13/2001)
07/13/2001	44	Response by Westlodge Hosp., WW Lodging Limited to Plaintiff's submission of affidavits on Court's order ruling on Plaintiff's motion to compel [35-1] (fe) (Entered: 07/13/2001)
07/23/2001	<a href="#">45</a>	Order granting motion to amend order [29-2] [33-1] (fe) (Entered: 07/26/2001)
08/02/2001	46	Defendant's unopposed motion by Westlodge Hosp., WW Lodging Limited to extend Dispositive motion deadline (fe) (Entered: 08/02/2001)
08/06/2001	<a href="#">47</a>	Order granting motion to extend Dispositive motion deadline [46-1]. The dispositive motion deadline is reset for 8/15/01. Plaintiff response is due 8/31/01 (fe) (Entered: 08/07/2001)
08/14/2001	48	Motion by EEOC with memorandum in support exclude the testimony of defendants' expert witness. (fe) (Entered: 08/15/2001)
08/15/2001	49	Motion by Westlodge Hosp., WW Lodging Limited for summary judgment (fe) (Entered: 08/16/2001)
08/22/2001	50	Response by Westlodge Hosp., WW Lodging Limited to motion exclude the testimony of defendants' expert witness. [48-1] (fe) (Entered: 08/22/2001)
08/31/2001	51	Response by EEOC to Defendant's motion for summary judgment [49-1] (fe) (Entered: 08/31/2001)
08/31/2001	52	Appendix of material facts cited in support of Plaintiff's response to Defendant's motion for summary judgment [51-1] by EEOC (fe) (Entered: 08/31/2001)
09/04/2001	53	Reply by EEOC to Defendant's response to Plaintiff's motion exclude the testimony of defendants' expert witness. [48-1] (fe) (Entered: 09/05/2001)
09/07/2001	54	Reply by Westlodge Hosp., WW Lodging Limited to Plaintiff's response to motion for summary judgment [49-1] (fe) (Entered: 09/07/2001)
09/07/2001	55	Motion by Westlodge Hosp., WW Lodging Limited to strike affidavit of Arturo Carrion (fe) (Entered: 09/07/2001)
09/12/2001	<a href="#">56</a>	Order denying Plaintiff's motion to exclude the testimony of defendants' expert witness. [48-1] (fe) (Entered: 09/14/2001)

09/18/2001	57	Response by EEOC to Defendant's motion to strike affidavit [55-1] (fe) (Entered: 09/19/2001)
09/25/2001	<a href="#">58</a>	Order denying motion to strike affidavit [55-1] (fe) (Entered: 09/26/2001)
09/28/2001	59	Notice of filing Plaintiff's proposed voir dire questions by EEOC (fe) Modified on 10/01/2001 (Entered: 10/01/2001)
09/28/2001	60	Statement of issues filed by EEOC (fe) (Entered: 10/01/2001)
09/28/2001	61	Proposed Stipulation of facts filed by EEOC (fe) (Entered: 10/01/2001)
09/28/2001	62	Exhibit Identification list by EEOC (fe) (Entered: 10/01/2001)
09/28/2001	63	Designation of trial Witness List by EEOC (fe) (Entered: 10/01/2001)
09/28/2001	64	Notice of filing Proposed Jury Instructions by EEOC (fe) Modified on 10/01/2001 (Entered: 10/01/2001)
09/28/2001	65	Notice of filing Proposed Verdict form by EEOC (fe) (Entered: 10/01/2001)
09/28/2001	66	Notice of filing Witnesses whose testimony may be presented by means of deposition by EEOC (fe) (Entered: 10/01/2001)
09/28/2001	67	Motion by EEOC in limine (fe) (Entered: 10/01/2001)
09/28/2001	68	Brief by EEOC in support of motion in limine [67-1] (fe) (Entered: 10/01/2001)
09/28/2001	69	Notice of filing Estimate of trial length by EEOC (fe) (Entered: 10/01/2001)
09/28/2001	78	Reply by Westlodge Hosp., WW Lodging Limited to Plaintiff's response to motion to strike affidavit [55-1] (fe) (Entered: 10/02/2001)
10/01/2001	70	Notice of filing estimation of trial length by Westlodge Hosp., WW Lodging Limited (fe) (Entered: 10/01/2001)
10/01/2001	71	Statement of defenses filed by Westlodge Hosp., WW Lodging Limited (fe) (Entered: 10/01/2001)
10/01/2001	72	Exhibit list by Westlodge Hosp., WW Lodging Limited (fe) (Entered: 10/01/2001)
10/01/2001	73	Proposed Stipulation of facts filed by Westlodge Hosp., WW Lodging Limited (fe) (Entered: 10/01/2001)
10/01/2001	74	Designation of fact and expert witnesses filed by Westlodge Hosp., WW Lodging Limited (fe) (Entered: 10/01/2001)
10/01/2001	75	Motion by Westlodge Hosp., WW Lodging Limited in limine (fe) (Entered: 10/01/2001)
10/01/2001	76	Notice of filing requested voir dire by Westlodge Hosp., WW Lodging Limited (fe) (Entered: 10/01/2001)
10/01/2001	77	Notice of filing requested charge to the jury by Westlodge Hosp., WW Lodging Limited (fe) (Entered: 10/01/2001)

10/01/2001	<a href="#">79</a>	Order sua sponte by the Court that Defendants Westlodge Hospitality, Inc., and WW Lodging Limited pay Plaintiff EEOC \$3117.50 on or before 10/19/01 for expenses incurred and tender proof of compliance to the Court (fe) (Entered: 10/02/2001)
10/02/2001	<a href="#">80</a>	Memorandum and Order denying motion for summary judgment [49-1] (fe) (Entered: 10/03/2001)
10/03/2001	81	Notice of filing Intention to present deposition testimony by Westlodge Hosp., WW Lodging Limited (fe) (Entered: 10/04/2001)
10/05/2001	82	Memorandum by Westlodge Hosp., WW Lodging Limited in response to motion in limine [75-1] (fe) (Entered: 10/05/2001)
10/05/2001	83	Objections by Westlodge Hosp., WW Lodging Limited to exhibits list [62-1] (fe) (Entered: 10/05/2001)
10/05/2001	84	Objections by EEOC to Defendant's proposed exhibits list [72-1] (fe) (Entered: 10/09/2001)
10/05/2001	85	Notice of filing offer of testimony by deposition by EEOC (fe) (Entered: 10/09/2001)
10/05/2001	86	Written objections by EEOC to Defendants' requested Charge to the Jury [77-1] (fe) (Entered: 10/09/2001)
10/05/2001	87	Response by EEOC and objections to Defendants' motion in limine [75-1] (fe) (Entered: 10/09/2001)
10/05/2001	88	Brief by EEOC in support of the admissibility of it's Letter of Determination (fe) (Entered: 10/09/2001)
10/05/2001	89	Supplemental Motion by EEOC in limine (fe) (Entered: 10/09/2001)
10/09/2001	90	Response by Westlodge Hosp., WW Lodging Limited to Plaintiff's supplemental motion in limine [89-1] (fe) (Entered: 10/09/2001)
10/09/2001	91	Motion by Westlodge Hosp., WW Lodging Limited for leave to file amended answer to complaint (fe) (Entered: 10/10/2001)
10/09/2001	92	Notice of filing requested Charge to the Jury by Westlodge Hosp., WW Lodging Limited (fe) (Entered: 10/10/2001)
10/09/2001	93	Notice of filing proposed order of trial witnesses by EEOC (fe) (Entered: 10/12/2001)
10/09/2001	<a href="#">94</a>	Order granting motion in limine [89-1] (fe) (Entered: 10/12/2001)
10/09/2001	95	Order granting motion in limine [75-1] (fe) (Entered: 10/12/2001)
10/09/2001		Status conference held (fe) (Entered: 10/12/2001)
10/09/2001		Voir dire begins (fe) (Entered: 10/12/2001)
10/09/2001	96	Peremptory challenges by EEOC (fe) (Entered: 10/12/2001)
10/09/2001	97	Peremptory challenges by Westlodge Hosp., WW Lodging Limited (fe) (Entered: 10/12/2001)

10/09/2001		Jury impaneled (fe) (Entered: 10/12/2001)
10/09/2001	98	Jury seating arrangement filed (fe) (Entered: 10/12/2001)
10/09/2001		Jury trial begun and continued to 10/10/01 at 9:30 (fe) (Entered: 10/12/2001)
10/09/2001		Jury selection held (mm1) (Entered: 11/05/2001)
10/10/2001		Jury trial held. Opening statements heard. Plaintiff began presenting evidence. Trial recessed at 5:00 pm. Trial to resume 10/11/01 (fe) (Entered: 10/12/2001)
10/10/2001	<a href="#">99</a>	Response by EEOC to Defendant's motion for leave to file amended answer to complaint [91-1] (fe) (Entered: 10/12/2001)
10/10/2001	100	Memorandum by EEOC in opposition to Defendant's motion for leave to file amended answer to complaint [91-1] (fe) (Entered: 10/12/2001)
10/11/2001	101	Notice of filing Trial Brief on Same-Actor Inference by EEOC (fe) (Entered: 10/12/2001)
10/11/2001		Jury trial held. Plaintiff continues presenting evidence. Plaintiff rests. Defendant presented evidence. Both sides rest and close. Oral motion for judgment as a matter of law Pursuant to Rule 50 FRCP by Defendant. Closing arguments heard by both parties. Jury began deliberations (fe) (Entered: 10/12/2001)
10/11/2001		Motion in open court by Westlodge Hosp., WW Lodging Limited ORAL for judgment as a matter of law Pursuant to Rule 50 Fed.R.Civil Proc. (fe) (Entered: 10/12/2001)
10/11/2001		Oral order denying Oral Motion for judgment as a matter of law Pursuant to Rule 50 Fed.R.Civil Proc. (fe) (Entered: 10/12/2001)
10/11/2001	102	Court's Instructions to the Jury (fe) (Entered: 10/12/2001)
10/11/2001	103	Jury note #1 filed (fe) (Entered: 10/12/2001)
10/11/2001	104	Jury verdict for Westlodge Hosp., WW Lodging Limited (fe) (Entered: 10/12/2001)
10/11/2001	105	Exhibit list by EEOC (fe) (Entered: 10/12/2001)
10/11/2001	106	Exhibit list by Westlodge Hosp., WW Lodging Limited (fe) (Entered: 10/12/2001)
10/11/2001	107	Exhibits by Westlodge Hosp., WW Lodging Limited (fe) (Entered: 10/12/2001)
10/11/2001	108	Witness List by EEOC, Westlodge Hosp., WW Lodging Limited (fe) (Entered: 10/12/2001)
10/11/2001		Jury trial concluded (fe) (Entered: 11/05/2001)
10/19/2001	<a href="#">109</a>	Judgment for Westlodge Hosp., WW Lodging Limited against EEOC (Pages: 1) (fe) (Entered: 10/19/2001)
10/19/2001		Case closed (fe) (Entered: 10/19/2001)
10/31/2001	110	Bill of costs filed by Westlodge Hosp., WW Lodging Limited (fe) (Entered: 11/07/2001)

10/31/2001	111	Motion by Westlodge Hosp., WW Lodging Limited to enter Bill of Costs (fe) (Entered: 11/07/2001)
11/06/2001	112	Objections by EEOC to Defendants' Bill of Costs [110-1] (fe) (Entered: 11/07/2001)
11/26/2001	<a href="#">113</a>	Order Defendants to amend request to enter Bill of Costs on or before 12/10/01 (fe) (Entered: 11/26/2001)
12/07/2001	<a href="#">114</a>	Amended Motion by Westlodge Hosp., WW Lodging Limited to enter amended Bill of Costs (fe) (Entered: 12/18/2001)
12/17/2001	<a href="#">115</a>	Order denying motion to enter Bill of Costs [111-1] (fe) Modified on 12/18/2001 (Entered: 12/17/2001)
12/17/2001	116	Response in opposition by EEOC to Defendant's motion to enter amended Bill of Costs [114-1] (fe) (Entered: 12/18/2001)
12/18/2001	<a href="#">117</a>	Order vacating Order Denying Defendants' Bill of Costs filed 12/17/01 (fe) (Entered: 12/18/2001)
12/18/2001	<a href="#">118</a>	Notice of appeal by EEOC (fe) (Entered: 12/18/2001)
12/18/2001		Notice of appeal and certified copy of docket to USCA: appeal [118-1] (fe) (Entered: 12/18/2001)
01/08/2002		Return of appeal information sheet received. appeal [118-1] USCA NUMBER: 01-51291 (fe) (Entered: 01/08/2002)
01/17/2002	<a href="#">119</a>	Certified copy of judgment of USCA dismissing appeal [118-1] (fe) (Entered: 01/18/2002)
01/30/2002	<a href="#">120</a>	Order granting in part, denying in part motion to enter amended Bill of Costs [114-1] (fe) (Entered: 01/30/2002)
02/21/2002	121	Motion by EEOC to extend time for payment of bill of costs (mt) (Entered: 02/21/2002)
02/25/2002	<a href="#">122</a>	Order granting motion to extend time for payment of bill of costs within 60 days of the signing and entering of this order [121-1] (mt) (Entered: 02/25/2002)
04/03/2002	123	Motion by EEOC to extend time for payment of bill of costs (mt) (Entered: 04/03/2002)
04/05/2002	<a href="#">124</a>	Order granting motion to extend time for payment of bill of costs within 90 days of the signing and entering of this order [123-1] (mt) (Entered: 04/05/2002)

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<b>Billable Pages:</b>	5	<b>Cost:</b>	0.40

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