

CLOSED

**U.S. District Court
SOUTHERN DISTRICT OF TEXAS (Houston)
CIVIL DOCKET FOR CASE #: 4:00-cv-01617**

USA v. McElroy, et al
Assigned to: Judge Lynn N. Hughes
Demand: \$0
Cause: 42:2000 Job Discrimination (Race)

Date Filed: 05/12/2000
Date Terminated: 04/30/2002
Jury Demand: Defendant
Nature of Suit: 442 Civil Rights:
Jobs
Jurisdiction: U.S. Government
Plaintiff

Plaintiff

United States of America

represented by **Charles E Leggott**
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Civil Rights Div
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V.

Defendant

H N McElroy
*Harris County Justice of the
Peace, Precinct 4, Position 1 (in*

represented by **Bobby Nick Turner**
Harris County Attorney's Office
1019 Congress

his official capacity)

15th Floor
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TERMINATED: 02/13/2001
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Defendant

Harris County

represented by **Bobby Nick Turner**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jay R Aldis
(See above for address)
TERMINATED: 02/13/2001
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Intervenor Plaintiff

Pearlene Evans

represented by **Mary L Sinderson**
Fifth Circuit Information
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Intervenor Defendant

H N McElroy
TERMINATED: 05/15/2002

represented by **Bobby Nick Turner**
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TERMINATED: 05/15/2002
LEAD ATTORNEY
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Jay R Aldis
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TERMINATED: 02/13/2001
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Intervenor Defendant

Harris County
TERMINATED: 05/15/2002

represented by **Bobby Nick Turner**
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TERMINATED: 05/15/2002
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Jay R Aldis
(See above for address)
TERMINATED: 02/13/2001
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
05/12/2000	1	COMPLAINT by USA filed; (bchurchill) (Entered: 05/15/2000)
05/12/2000	2	ORDER for Conf set initial pretrial conference for 4:30 9/11/00 before Judge Lynn N. Hughes , entered; Parties notified. (bchurchill) (Entered: 05/15/2000)
06/23/2000	3	CERTIFICATE OF INTERESTED PARTIES by H N McElroy, Harris County , filed. (hlerma) (Entered: 06/26/2000)
06/26/2000	4	NOTICE CERTIFICATE OF INTERESTED PARTIES by USA , filed. (hlerma) (Entered: 06/26/2000)
07/19/2000	5	ANSWER to Complaint by H N McElroy, Harris County (Added attorney) , filed.; jury demand (hlerma) (Entered: 07/20/2000)
09/05/2000	6	JOINT DISCOVERY/Case Management Plan by USA, H N McElroy, Harris County , filed. (hlerma) (Entered: 09/06/2000)

09/11/2000	8	CONFERENCE MEMORANDUM following pretrial conference. Apps: D Hu, C Leggott f/pltf; J Aldis, L Hulsey f/deft. Order to be entered. Set pretrial conference for 4:30 10/16/00 , entered. Parties ntf. (signed by Judge Lynn N. Hughes) (ltien) (Entered: 09/19/2000)
09/14/2000	7	ORDER pretrial conference set 10/16/00 at 4:30 pm before Judge Lynn N. Hughes , entered; Parties notified. (signed by Judge Lynn N. Hughes) (fmremp) (Entered: 09/15/2000)
10/04/2000	9	MOTION to intervene by Pearlene Evans , Motion Docket Date 10/24/00 [9-1] motion , filed. (hlerma) (Entered: 10/05/2000)
10/10/2000	10	ORDER granting [9-1] motion to intervene by Pearlene Evans , entered; Parties notified. (signed by Judge Lynn N. Hughes) (hlerma) (Entered: 10/16/2000)
10/10/2000	11	CONFERENCE MEMORANDUM held; Apps: Sinderson, Leggott and Aldis. Order to be entered. Reset pretrial conference for 2:30 10/23/00 before Judge Lynn N. Hughes , entered. Parties ntf. (signed by Judge Lynn N. Hughes) (hlerma) (Entered: 10/16/2000)
10/10/2000	12	ORDER McvElroy's oral objection is overruled; Pearland Evans may intervene. McElroy will depose Evans at 8:30 By noon, 10/11/00, Evans will give McElroy work-related information about Pearlene Evans. By noon, 10/11/00, Evans will give McElroy information about her health claims and doctor visits for the last ten years. By 10/20/00, Evans will produce a spreadsheet listing all jobs, entered; Parties notified. (signed by Judge Lynn N. Hughes) (hlerma) Modified on 10/16/2000 (Entered: 10/16/2000)
10/10/2000	13	NOTICE by USA to take deposition of Carolyn F Phillips 10/11/00, filed. (hlerma) (Entered: 10/16/2000)
10/10/2000	23	Intervenor's COMPLAINT by Pearlene Evans against H N McElroy, Harris County , filed (hlerma) (Entered: 02/08/2001)
10/23/2000	14	CONFERENCE MEMORANDUM Pretrial Conf. held; Apps: Leggatt by phone , Turner, Aldis and Sinderson. McElroy will expeditiously finish deposing Pearlene Evans. The government may depose the former supervisor, Betty Terrell, and the two current supervisors. The parties may depose Carol Montgomery. terminated deadlines , et pretrial conference for 2:00 11/13/00 before Judge Lynn N. Hughes , entered. Parties ntf. (signed by Judge Lynn N. Hughes) (hlerma) Modified on 10/27/2000 (Entered: 10/27/2000)

11/13/2000	15	ORDER resetting pretrial conference for 4:30 12/1/00 , entered; Parties notified. (signed by Judge Lynn N. Hughes) (ltien) (Entered: 11/13/2000)
12/01/2000	16	CONFERENCE MEMORANDUM following pretrial conference held in chambers. Apps: C Leggott by telephone f/pltf; N Turner, L Hulsey f/deft; M Sinderson f/intervenor. Government may depose H N McElroy, judge, and Teresa M DuBose, assistant chief clerk. Harris County district attorney's office will name the person with the most knowledge of the investigation of Pearlene Evans and will produce documents. Turner will call the district attorney. Government may depose the person named but may not subpoena them. McElroy may depose Carolyn Howerlin, Vanessa Hartlet, and Bridget Brophy. Set pretrial conference for 4:30 1/17/01 , entered. Parties ntfd. (signed by Judge Lynn N. Hughes) (ltien) (Entered: 12/07/2000)
01/17/2001	17	CONFERENCE MEMORANDUM held in chambers; Apps: Leggott, Turna, Hulsey and Sinderson. Order to be entered. Set review deadline for 2/20/01 before Judge Lynn N. Hughes , entered. Parties ntfd. (signed by Judge Lynn N. Hughes) (hlerma) Modified on 01/25/2001 (Entered: 01/25/2001)
01/19/2001	18	ORDER Harris county will give the gov't copies of all tickets found in Pearlene Evans's desk that shoud not have been there. The county will find out to whom Evans ws supposed to report harassment... By 2/2/01, the county may move for summary judgment. The government and Pearlene Evans may respond by 2/16/01. No replies are allowed. The parties will file a joint set of exhibitis with the Ct. entered; Parties notified. (signed by Judge Lynn N. Hughes) (hlerma) (Entered: 01/25/2001)
02/02/2001	19	MOTION for summary judgment by H N McElroy, Harris County, Motion Docket Date 2/22/01 [19-1] motion , filed. (hlerma) (Entered: 02/05/2001)
02/07/2001	20	MOTION to substitute attorney Nick Turner in place of Jay Aldis by H N McElroy, Motion Docket Date 2/27/01 [20-1] motion , filed. (hlerma) (Entered: 02/08/2001)
02/07/2001	21	REQUEST/MOTION for leave to file first amended answer by H N McElroy, Harris County, Motion Docket Date 2/27/01 [21-1] motion , filed. (hlerma) (Entered: 02/08/2001)
02/07/2001	22	FIRST AMENDED ANSWER to Complaint by H N McElroy, Harris County : amends [5-1] answer , filed.; jury demand (hlerma) (Entered: 02/08/2001)

02/07/2001	24	ANSWER by H N McElroy, Harris County to [23-1] intervenor complaint , filed. (hlerma) (Entered: 02/08/2001)
02/13/2001	25	ORDER granting defts' [20-1] motion to substitute attorney Nick Turner in place of Jay Aldis, who is withdrawn, entered; Parties notified. (signed by Judge Lynn N. Hughes) (Itien) (Entered: 02/13/2001)
02/13/2001	26	ORDER granting defts' [21-1] motion for leave to file first amended answer , entered; Parties notified. (signed by Judge Lynn N. Hughes) (Itien) (Entered: 02/13/2001)
02/16/2001	27	MEMORANDUM by Pearlene Evans in opposition to defts' [19-1] motion for summary judgment , filed (sguevara) (Entered: 02/19/2001)
02/16/2001	28	RESPONSE by USA in opposition to [19-1] motion for summary judgment , filed (hlerma) (Entered: 02/20/2001)
02/16/2001	29	Joint Exhibits by USA, H N McElroy, Harris County to , filed. (in expandex folder) (hlerma) (Entered: 02/20/2001)
08/20/2001		Deadline updated; set review deadline for 9/10/01 before Judge Lynn N. Hughes (dkelly) (Entered: 08/20/2001)
11/20/2001	30	ORDER denying [19-1] motion for summary judgment , entered; Parties notified. (signed by Judge Lynn N. Hughes) (hlerma) (Entered: 11/23/2001)
11/21/2001	31	ORDER reset pretrial conference for 9:30 12/17/01 before Judge Lynn N. Hughes , entered; Parties notified. (signed by Judge Lynn N. Hughes) (hlerma) (Entered: 11/23/2001)
12/17/2001	32	CONFERENCE MEMORANDUM Pretrial Conf. held; Apps: Leggatt, Sinderson, Turner and Hulsey. Discovery on the issue of damages is stayed until the government and Harris County reach a procedural solution. Harris County and Pearlene Evans will talk about mediation. Parties to file a one-page status report by 2/28/02 , and set review deadline for 3/4/02 before Judge Lynn N. Hughes , entered. Parties ntfed. (signed by Judge Lynn N. Hughes) (hlerma) (Entered: 12/20/2001)
02/28/2002	33	JOINT STATUS REPORT by USA, Pearlene Evans, Harris County , filed. (hlerma) (Entered: 03/04/2002)
03/06/2002	34	MEDIATION ORDER, Under Local Rule 16, this case is referred for mediation: James Greenwood. Within ten days of the mediation, the mediator will file the memorandum required by Local Rule 16.4K2. No information about the mediation, other than that memorandum, may be given to the court by

		anyone. All dates in the scheduling order are suspended. If mediation is unsuccessful, the court will enter a scheduling order. Everything is stayed except for extraordinary emergency motions. mediation deadline is 4/22/02 , entered Parties notified. (signed by Judge Lynn N. Hughes) (kprice) Modified on 03/07/2002 (Entered: 03/07/2002)
03/07/2002		Deadline updated; set review deadline for 5/6/02 before Judge Lynn N. Hughes (dkelly) (Entered: 03/07/2002)
04/26/2002		Rec'd Proposed Consent Decree, frwd to crd. (hlerma) (Entered: 04/30/2002)
04/30/2002	35	CONSENT DECREE ORDER , entered; Parties notified. (signed by Judge Lynn N. Hughes) (hlerma) (Entered: 05/01/2002)
04/30/2002		Case closed (hlerma) (Entered: 05/01/2002)
04/30/2002	36	NOTICE by James Greenwood III that the case has settled and the mediation has been canceled. (psmith) (Entered: 05/02/2002)
05/03/2002	37	MOTION to dismissal with prejudice by Pearlene Evans, Motion Docket Date 5/23/02 [37-1] motion , filed. (hlerma) (Entered: 05/06/2002)
05/10/2002	38	ORDER granting [37-1] motion to dismissal with prejudice , All of Intervenor Pealene Evans' claims against the Defts Harris County and H N McElroy, are dismissed with prejudice entered; Parties notified. (signed by Judge Lynn N. Hughes) (hlerma) (Entered: 05/15/2002)