

CLOSED, SANDERSON

**U.S. District Court
Northern District of Texas (Dallas)
CIVIL DOCKET FOR CASE #: 3:93-cv-00044**

USA v. Dallas Area Rapid Tr
Assigned to: Judge Jerry Buchmeyer
Demand: \$0
Case in other court: 96-10132
Cause: 42:2000 Job Discrimination (Race)

Date Filed: 01/08/1993
Date Terminated: 11/27/1995
Jury Demand: None
Nature of Suit: 442 Civil Rights:
Jobs
Jurisdiction: U.S. Government
Plaintiff

Plaintiff

USA

represented by **Alyse S Bass**
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202/353-1929
TERMINATED: 08/22/1995
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V.

Defendant

Dallas Area Rapid Transit

represented by **Diane Frances Norwood**
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TERMINATED: 11/27/1995
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Interested Party

Roger Snoble

represented by **Dora E Villarreal Torseth**

(See above for address)

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Intervenor Plaintiff

Otis C Tolbert

represented by **Otis C Tolbert**
1806 Huntington Drive
Grand Prairie, TX 75051
PRO SE

V.

Intervenor Defendant

Dallas Area Rapid Transit

represented by **Roland Castaneda**
(See above for address)

Date Filed	#	Docket Text
01/08/1993	1	COMPLAINT filed; (5) (lat) (Entered: 01/11/1993)
01/08/1993	2	SUMMONS(ES) issued for Dallas Area Rapid Tr (issued 1) (lat) (Entered: 01/11/1993)
01/08/1993		PRELIMINARY ASSIGNMENT TO Magistrate Judge William F Sanderson (lat) (Entered: 01/11/1993)
01/13/1993	3	CONSENT DECREE...that the deft is enjoined prospectively from retaliating against any person because that person has opposed discriminatory policies, has filed an EEOC charge, ect...that the deft shall offer Otis Tolbert the amt of \$165,757.31...deft shall offer Mr. Tolbert a position as Manager of Special Projects in the Dept of Minority Affairs, grade 9, w/retroactive seniority for all purposes...each party to bear their own costs... (See order for specifics) (signed by JB) Copies to counsel: 1/13/93 Page(s): 12 (grj) (Entered: 01/15/1993)
01/13/1993		Case closed (grj) (Entered: 01/15/1993)
01/11/1994	4	MOTION by plaintiff USA (Otis Tolbert pro se) to extend the consent decree and incorporated memorandum. (3) (amy) (Entered: 01/16/1994)
03/18/1994	5	ORDER granting [4-1] motion to extend the consent decree. Any motion for reconsideration of this order shall be filed within 14 days. (Cy of this order & 1/11/94 motion mailed to pla USA & DART 3/24/94) (signed by JB) Copies to counsel: 3/21/94 Page(s) 1 (dag) (Entered: 03/24/1994)
04/08/1994	6	Letter to Judge Buchmeyer from atty for USA re "pla's motion

		for extension of consent decree" (dag) (Entered: 04/11/1994)
04/08/1994	7	Judge Buchmeyer's letter of 4/8/94 to Ms. Bass, DOJ, re motion served only on DART (1) (dag) (Entered: 04/12/1994)
06/09/1994	8	Intervenor's ORIGINAL COMPLAINT by Otis C Tolbert against defendant DART (15) (tcn) (Entered: 06/10/1994)
07/01/1994	9	MOTION by intervenor-plaintiff Otis C Tolbert for default judgment and award of damages against defendant DART (6) (jrb) (Entered: 07/08/1994)
07/05/1994	10	ANSWER to Complaint by DART (Attorney Don T O'Bannon, Royce Barry West) (5) (ldm) (Entered: 07/08/1994)
07/05/1994	11	ORDER OF REFERENCE: [9-1] motion for default judgment and award of damages against defendant DART referred to Magistrate Judge Wm F. Sanderson Jr (Signed by JB) Copies to counsel: 7/6/94 Page(s): 1 (dag) (Entered: 07/08/1994)
07/06/1994	12	ORDER denying [9-1] motion for default judgment and award of damages against defendant DART (signed by WFSJr) Copies to counsel: 7/6/94 Page(s) 2 (dag) (Entered: 07/08/1994)
07/06/1994	13	RESPONSE by defendant DART to [9-1] motion for default judgment and award of damages against defendant DART (9) (jrb) (Entered: 07/12/1994)
07/18/1994	14	MOTION with memorandum in support by intervenor-plaintiff Otis C Tolbert for leave to file original complaint of intervenor (3) (original and copy of complaint to judge) (cjb) (Entered: 07/19/1994)
07/19/1994	15	ORDER OF REFERENCE: [14-1] motion for leave to file original complaint of intervenor referred to Magistrate Judge Wm F. Sanderson Jr (Signed by JB) Copies to counsel: 7/20/94 Page(s): 1 (dag) (Entered: 07/21/1994)
08/19/1994	16	ORDER granting [14-1] motion for leave to file original complaint of intervenor (signed by WFSJr) Copies to counsel: 8/19/94 Page(s) 1 (dag) Modified on 08/24/1994 (Entered: 08/24/1994)
08/19/1994	17	Intervenor's COMPLAINT (13) (dag) (Entered: 08/24/1994)
10/07/1994		Atty Carl David Adams' letter of 10/5/94 to Otis Tolbert (dag) (Entered: 10/12/1994)
11/04/1994	18	NOTICE of attorney appearance and lead counsel for defendant DART by Diane Frances Norwood (3) (mer) (Entered: 11/04/1994)

		11/09/1994)
11/08/1994	19	MOTION by intervenor-plaintiff Otis C Tolbert for Hearing for damages (6) (cjb) (Entered: 11/09/1994)
11/10/1994	20	ORDER OF REFERENCE: [19-1] motion for Hearing referred to Magistrate Judge Wm F. Sanderson Jr (Signed by JB) Copies to counsel: 11-10 Page(s): 1 (mer) (Entered: 11/14/1994)
11/17/1994	21	MOTION by intervenor-plaintiff Otis C Tolbert for Carl David Adams to withdraw as attorney (2) (klm) (Entered: 11/18/1994)
11/21/1994	22	ORDER granting [21-1] motion for Carl David Adams to withdraw as attorney for intervenor, Otis Tolbert (signed by JB) Copies to counsel: 11/22/94 Page(s) 1 (dag) (Entered: 11/28/1994)
11/22/1994		Letter of 11/19/94 by Otis Tolbert to Magistrate Judge William F Sanderson Jr in response to the Court's letter of 11/14/94 (3) (dag) (Entered: 11/25/1994)
03/08/1995	23	MOTION with memorandum in support by Otis C Tolbert for summary judgment (6) (bjj) (Entered: 03/09/1995)
03/17/1995	24	ORDER OF REFERENCE: [23-1] motion for summary judgment referred to Magistrate Judge Wm F. Sanderson Jr (Signed by JB) Copies to counsel: 3/17/95 Page(s): 1 (dag) (Entered: 03/20/1995)
03/22/1995	25	SUPPLEMENTAL AFFIDAVIT by intervenor-plaintiff Otis C Tolbert Re: [23-1] motion for summary judgment (3) (svc) (Entered: 03/28/1995)
03/27/1995	26	MEMORANDUM in opposition to [23-1] motion for summary judgment (5) (dag) (Entered: 03/29/1995)
03/28/1995	27	FINDINGS, CONCLUSIONS AND RECOMMENDATIONS of Magistrate Judge Wm F. Sanderson Jr Re: [23-1] motion for summary judgment; Motion no longer referred Objections to F and R due by 4/10/95 RECOMMENDATION: motion be denied (dag) (Entered: 03/30/1995)
04/03/1995	28	ORDER...adopting findings of the court. denying [23-1] motion for summary judgment (signed by JB) Copies to counsel: 4-3 Page(s) 1 (mer) (Entered: 04/04/1995)
04/05/1995	29	OBJECTION by intervenor-plaintiff Otis C Tolbert to [27-1] findings & recommendations (15+) (dag) (Entered: 04/07/1995)
06/12/1995		Per note from chambers, case reopened-case is reinstated on

		Court's docket. (dag) Modified on 06/14/1995 (Entered: 06/12/1995)
06/12/1995	30	***UNFILED PER COURT ORDER 6/19/95***MOTION by intervenor-plaintiff Otis C Tolbert for reconsideration of [28-1] order (1) (dag) Modified on 06/20/1995 (Entered: 06/14/1995)
06/19/1995	31	ORDER unfiled [30-1] motion for reconsideration of [28-1] order (signed by JB) Copies to counsel: 6/20/95 Page(s) 1 (Original and copy returned) (dag) (Entered: 06/20/1995)
06/23/1995	32	CONSENT to trial by Magistrate by defendant DART (1) (dag) (Entered: 06/27/1995)
06/28/1995	33	LETTER by plaintiff USA to the Court re consent to magistrate trial (1) (dag) (Entered: 07/06/1995)
08/02/1995	34	SCHEDULING ORDER setting Docket call set for 12/4/95; Pretrial conference for 10:00 12/1/95; (signed by JB) Copies to counsel: 8/3/95 Page(s): 2 (dag) (Entered: 08/07/1995)
08/15/1995	35	ORDER denying [29-1] objections to the Report and Recommendation of the US Magistrate Judge (filed by Otis Tolbert on 4/5/95) (signed by JB) Copies to counsel: 8/16/95 Page(s) 1 (dag) (Entered: 08/21/1995)
10/20/1995	36	MOTION by defendant DART for summary judgment on interenor pro se's claim for "Breach of consent decree or third party beneficiary contract" (3) (lmn) (Entered: 10/23/1995)
10/20/1995	37	MEMORANDUM by defendant DART in support of [36-1] motion for summary judgment on interenor pro se's claim for "Breach of consent decree or third party beneficiary contract" (15+) (lmn) (Entered: 10/23/1995)
10/20/1995	38	MOTION with memorandum in support by defendant DART to dismiss for lack of jurisdiction (9) (lmn) (Entered: 10/23/1995)
10/31/1995	39	MOTION with memorandum in support by defendant DART for sanctions on failureof intervenor pro se to appear for deposition (15+) (jrb) (Entered: 11/01/1995)
11/01/1995	75	RETURN OF SERVICE executed re: subpoena duces tecum in a civil case to Kathy Ingle. (1) (jrb) (Entered: 12/05/1995)
11/02/1995	40	RETURN OF SERVICE executed re: subpoena in a civil case...John Hoeft. (1) (jrb) (Entered: 11/03/1995)
11/02/1995	41	RETURN OF SERVICE executed Re: subpoena in a civil case...Anthony Acklin. (1) (jrb) (Entered: 11/03/1995)

11/02/1995	42	RETURN OF SERVICE executed re: Subpoena in a civil case...Bertha Whatley. (1) (jrb) (Entered: 11/03/1995)
11/02/1995	43	RETURN OF SERVICE executed re: subpoena in a civil case...Warren Morgan. (1) (jrb) (Entered: 11/03/1995)
11/02/1995	44	RETURN OF SERVICE executed re: subpoena in a civil case...Lonnie Blaydes. (1) (jrb) (Entered: 11/03/1995)
11/02/1995	45	RETURN OF SERVICE executed re: subpoena in a civil case...Josie Vasquez (1) (jrb) (Entered: 11/03/1995)
11/02/1995	46	RETURN OF SERVICE executed re: subpoena in a civil case...Martin Burrell. (2) (jrb) (Entered: 11/03/1995)
11/02/1995	47	RETURN OF SERVICE executed re: subpoena in a civil case...Victor Burke. (2) (jrb) (Entered: 11/03/1995)
11/02/1995	48	RETURN OF SERVICE executed re: subpoena in a civil case...Roger Snoble. (2) (jrb) (Entered: 11/03/1995)
11/02/1995	49	RETURN OF SERVICE executed re: subpoena in a civil case...Belza Ramos. (2) (jrb) (Entered: 11/03/1995)
11/02/1995	50	RETURN OF SERVICE executed re: subpoena in a civil case...Jerry Reynolds (2) (jrb) (Entered: 11/03/1995)
11/03/1995	51	MOTION by defendant DART to continue/for first continuance (NOD)(11) (jrb) (Entered: 11/06/1995)
11/03/1995	52	Witness list by defendant DART (3) (jrb) (Entered: 11/06/1995)
11/03/1995	53	Exhibit list by defendant DART (6) (jrb) (Entered: 11/06/1995)
11/03/1995	54	Designation of portions of Depositions by defendant DART (2) (jrb) (Entered: 11/06/1995)
11/07/1995	56	RETURN OF SERVICE executed re: subpoena in a civil case to Demetris Sampson. (1) (jrb) (Entered: 11/14/1995)
11/09/1995	55	ORDER OF REFERENCE: [39-1] motion for sanctions on failure of intervenor pro se to appear for deposition referred to Magistrate Judge Wm F. Sanderson Jr (Signed by JB) Copies to counsel: 11/9/95 Page(s): 1 (jrb) (Entered: 11/09/1995)
11/14/1995	57	MOTION Supplemental-to continue by defendant DART referring to [51-1] motion to continue/for first continuance (5) (jrb) (Entered: 11/15/1995)
11/14/1995	58	RETURN OF SERVICE executed re: subpoena in a civil case to Paula S Hughes. (2) (jrb) (Entered: 11/15/1995)

11/15/1995	59	MOTION by defendant DART to compel productinof intervenor pro se's witness list and exhibit list and well as for sanctions (6) (jrb) (Entered: 11/16/1995)
11/16/1995	60	ORDER Motion hearing set for 10:00 12/1/95 for [59-1] motion to compel productinof intervenor pro se's witness list and exhibit list and well as for sanctions, set for 10:00 12/1/95 for [39-1] motion for sanctions on failureof intervenor pro se to appear for deposition ...the hrg set by Mag Sanderson for 12/12/95 is cancelled. (signed by JB) Copies to counsel: 11/16/95 Page(s) 1 (jrb) (Entered: 11/16/1995)
11/17/1995	61	NOTICE of its inability-solely by reason of intervenor Pro Se's Dilatory Conduct-to Timely file objections to intervenor Pro Se's Witness List and Exhibit List by defendant DART (3) (jrb) (Entered: 11/20/1995)
11/17/1995	62	MOTION by defendant DART to quash or alternatively, to modify subpoena duces tecums (NOD)(15+) (jrb) (Entered: 11/21/1995)
11/20/1995	63	MOTION by defendant DART for Diane Norwood to withdraw as attorney (3) (jrb) (Entered: 11/21/1995)
11/20/1995	63	NOTICE of attorney appearance for defendant DART by Wade Arnold Forsman (jrb) (Entered: 11/21/1995)
11/20/1995	63	Designation of lead counsel for defendant DART by Wade A Forsman. (jrb) (Entered: 11/21/1995)
11/20/1995	64	MOTION Supplemental-to quash by interested party Roger Snoble referring to [62-1] motion to quash or alternatively, to modify subpoena duces tecums (NOD)(4) (jrb) (Entered: 11/21/1995)
11/20/1995	65	RETURN OF SERVICE executed re: Subpoena in a civil case to Helen Dockings Hinsley (1) (jrb) (Entered: 11/21/1995)
11/21/1995	66	MOTION by defendant DART and Non-Party Sampson's to quash subpoena (NOD)(6) (jrb) (Entered: 11/22/1995)
11/27/1995	67	ORDER granting [66-1] motion to quash subpoena (signed by JB) Copies to counsel: 11/28/95 Page(s) 1 (jrb) (Entered: 11/28/1995)
11/27/1995	68	ORDER granting [64-1] supplemental motion Supplemental-to quash (signed by JB) Copies to counsel: 11/28/95 Page(s) 1 (jrb) (Entered: 11/28/1995)
11/27/1995	69	ORDER granting [62-1] motion to quash or alternatively, to

		modify subpoena duces tecums (signed by JB) Copies to counsel: 11/28/95 Page(s) 1 (jrb) (Entered: 11/28/1995)
11/27/1995	70	ORDER granting [63-1] motion for Diane Norwood to withdraw as attorney (Terminated attorney Diane Frances Norwood for DART (signed by JB) Copies to counsel: 11/28/95 Page(s) 1 (jrb) (Entered: 11/28/1995)
11/27/1995	71	ORDER granting [36-1] motion for summary judgment on interenor pro se's claim for "Breach of consent decree or third party beneficiary contract", denying [39-1] motion for sanctions on failureof intervenor pro se to appear for deposition, denying [57-1] supplemental motion Supplemental-to continue, denying [51-1] motion to continue/for first continuance, denying [59-1] motion to compel productinof intervenor pro se's witness list and exhibit list and well as for sanctions...see order for specifics. (signed by JB) Copies to counsel: 11/28/95 Page(s) 2 (jrb) (Entered: 11/28/1995)
11/27/1995	72	MEMORANDUM OPINION...dft's mtn for sumjgm is granted, dft's mtn for sanctions on failure of intervenor pro se to appear for deposition on 10/31/95 is denied, dft's mtns for cont are denied, dft's mtn to compel production of intervenor pro se's witness list and exhibit list as well as for sanctions filed 11/15/95 are denied. Intervenor Tolbert is to pay the court costs incurred by dft in connection with this proceeding. (signed by JB) Copies to counsel: 11/28/95 Page(s): 7 (jrb) (Entered: 11/28/1995)
11/27/1995	73	Proposed pre-trial order from intervenor-plaintiff Otis C Tolbert (5) (jrb) (Entered: 11/30/1995)
11/27/1995	74	Proposed pre-trial order from defendant DART (15+) (jrb) (Entered: 11/30/1995)
12/01/1995	76	MOTION by intervenor-plaintiff Otis C Tolbert for reconsideration of [72-1] order (15+)(under separate cover) (jrb) (Entered: 12/05/1995)
12/06/1995	77	RETURN OF SERVICE of subpoena executed as to Kathy Ingle on 11/30/95 by personal service (2) (lmn) (Entered: 12/07/1995)
12/20/1995	78	MEMORANDUM by defendant DART in opposition to [76-1] motion for reconsideration of [72-1] order (15+) (lch) (Entered: 12/21/1995)
01/16/1996	79	ORDER denying [76-1] motion for reconsideration of [72-1] order...that Intervenor's mtn is denied in its entirety, and that the

		final sumjgm entered on the docket on 11/28/95 stands unaltered. It is further ordered that Mr Tolbert is commanded to pay to DART or its order the sum of \$700 within 20 days, for which let execution issue. All other relief not expressly granted herein is denied. (signed by JB) Copies to counsel: 1/17/96 Page(s) (jrb) (Entered: 01/16/1996)
01/25/1996	80	MOTION by intervenor-plaintiff Otis C Tolbert for leave to file supplemental affidavits and appeal (NOD)(15+) (jrb) (Entered: 01/26/1996)
01/30/1996	81	ORDER denying [80-1] motion for leave to file supplemental affidavits and appeal (signed by JB) Copies to counsel: 1/30/96 Page(s) 1 (jrb) (Entered: 01/30/1996)
02/07/1996	82	NOTICE OF APPEAL by Otis C Tolbert, intervenor, to USCA5, from orders entered 1/15/96 and 1/30/96. (2) Fee payment amount: 105.00 Receipt # 78444 TO mailed (bss) (Entered: 02/09/1996)
02/09/1996		Notice of appeal and certified copy of docket to USCA: [82-1] appeal (bss) (Entered: 02/09/1996)
02/14/1996	83	Transcript order form: Transcript not requested [82-1] appeal...no hearings - transcript is unnecessary for appeal purposes. Filed by cnsl for intervenor. (bss) (Entered: 02/16/1996)
02/15/1996		USCA Case Number, 96-10132 Re: [82-1] appeal (bss) (Entered: 02/16/1996)
03/18/1996		Transmitted record on appeal to U.S. Court of Appeals: [82-1] appeal...3 vols of original case papers including 1 vol under separate cover. (bss) (Entered: 03/18/1996)
10/28/1996	84	ORDER OF USCA (certified copy) Re: [82-1] appeal affirmed. DART's request for sanctions on appeal is denied. (6) cc to Judge (klm) (Entered: 10/29/1996)
10/28/1996	85	JUDGMENT OF USCA (certified copy) Re: [82-1] appeal Issued as mandate on 10/23/96...the judgment of the district court is affirmed. IT IS FURTHER ORDERED that plaintiff-appellant pay to defendant-appellee the costs on appeal to be taxed by the Clerk of this Court. (1) cc to Judge (klm) (Entered: 10/29/1996)
10/28/1996		Record on appeal returned from U.S. Court of Appeals: case papers - 3 volumes + 1 supplemental record. (klm) (Entered: 10/29/1996)

05/29/1997		Received letter from USCA Re: Supreme Court denial of cert, no further order forthcoming (1) (st) (Entered: 05/29/1997)
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