

APPEAL,BENCH,MEDIATION,REOPEN

**U.S. District Court [LIVE]
Eastern District of TEXAS (Lufkin)
CIVIL DOCKET FOR CASE #: 9:97-cv-00063-RC**

McClain, et al v. Lufkin Industries
Assigned to: Judge Ron Clark
Demand: \$0
Case in other court: 5th Circuit, 05--41417
5th Circuit, 05-41417
09-40524
09-40524
10-40036
5th Circuit, 10-40086

Date Filed: 02/26/1997
Date Terminated: 01/15/2010
Jury Demand: Plaintiff
Nature of Suit: 442 Civil Rights: Jobs
Jurisdiction: Federal Question

Cause: 42:2000 Job Discrimination (Race)

Mediator

Allen Butler, .

Mediator

Gloria Portela

Technical Advisor

Tony P Rosenstein

represented by **Tony P Rosenstein**
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Plaintiff

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Plaintiff

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Plaintiff

Walter Butler
*on his own behalf and on behalf of a class
of similarly situated persons
also known as
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Plaintiff

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Plaintiff

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Plaintiff

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Plaintiff

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TERMINATED: 03/27/2003

Defendant

Rod Tanner

Defendant

Mimi C Satter

Movant

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TERMINATED: 11/18/2003

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Movant

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TERMINATED: 11/18/2003

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TERMINATED: 09/01/2004

Movant

**International Association of
Boilermakers, Iron Ship Builders,
Blacksmiths, Forgers & Helpers, Local
No 587, AFL-CIO/CLC**
TERMINATED: 11/18/2003

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| Date Filed | # | Docket Text |
|------------|---|-------------|
|------------|---|-------------|

| | | |
|------------|-----------|---|
| 02/26/1997 | <u>1</u> | Original Complaint filed (former empl) (Entered: 02/26/1997) |
| 02/26/1997 | | Filing Fee Paid; FILING FEE \$ 150.00 RECEIPT # 74144 (former empl) (Entered: 02/26/1997) |
| 02/26/1997 | | Summons issued for Lufkin Industries & returned to atty for pltf for service of same (former empl) (Entered: 02/26/1997) |
| 02/26/1997 | <u>2</u> | In compliance with Article One of the Civil Justice Expense and Delay Reduction Plan, and after a review of the pleadings, this action has been assigned to track 3 for case management purposes. (former empl) (Entered: 02/26/1997) |
| 02/26/1997 | | Magistrate consent form mailed to Sylvester McClain, Buford Thomas . (former empl) (Entered: 02/26/1997) |
| 03/03/1997 | <u>3</u> | Demand for jury trial by Sylvester McClain, Buford Thomas (djh) (Entered: 03/03/1997) |
| 03/05/1997 | <u>4</u> | Return of service executed as to Lufkin Industries 3/3/97 Answer due on 3/24/97 for Lufkin Industries (djh) (Entered: 03/05/1997) |
| 03/21/1997 | <u>5</u> | Answer to pltf's orig cmplt by Lufkin Industries (Mailed track assignment form.) (former empl) (Entered: 03/21/1997) |
| 03/21/1997 | | Magistrate consent form mailed to Lufkin Industries . (former empl) (Entered: 03/21/1997) |
| 04/21/1997 | <u>6</u> | Notice of disclosure by Lufkin Industries (djh) (Entered: 04/21/1997) |
| 04/23/1997 | <u>7</u> | Notice of disclosure by Sylvester McClain, Buford Thomas (djh) (Entered: 04/23/1997) |
| 05/14/1997 | <u>8</u> | MOTION by Sylvester McClain and Buford Thomas for leave to file first amended complaint (djh) (Entered: 05/14/1997) |
| 05/16/1997 | | MANAGEMENT CONFERENCE set at 1:30 6/16/97 before Judge Thad Heartfield. cc: TH, attys (jmv) (Entered: 05/16/1997) |
| 06/09/1997 | <u>9</u> | Motion by Lufkin Industries to dismiss class action claims . (former empl) (Entered: 06/09/1997) |
| 06/16/1997 | | MANAGEMENT CONFERENCE held in chambers before Magistrate Judge Wendell C. Radford for Judge Thad Heartfield. The court to enter a docket control order. (former empl) (Entered: 06/19/1997) |
| 06/18/1997 | <u>10</u> | Docket Control Order entered setting Pretrial conference at 10:30 1/12/98 for Lufkin Industries, for Buford Thomas, for Sylvester McClain (signed by Magistrate Judge Wendell C. Radford 6/16/97) cc: attys 6/19/97 (pkb) (Entered: 06/19/1997) |
| 06/23/1997 | <u>11</u> | Response by Sylvester McClain and Buford Thomas in opposition to [9-1] motion to dismiss class action claims (djh) (Entered: 06/23/1997) |
| 07/07/1997 | <u>12</u> | MOTION by Lufkin Industries for leave to file reply to pla's response in opposition to dft's mo to dismiss class action claims (djh) (Entered: 07/07/1997) |
| 07/18/1997 | <u>13</u> | Supplemental response to dft's [9-1] motion to dismiss class action claims by plaintiff Sylvester McClain, & plaintiff Buford Thomas (djh) (Entered: 09/10/1997) |
| 07/21/1997 | <u>14</u> | ORDER granting dft's unopposed alternative motion to file a reply limited to 30 pages, and denying [12-1] motion for leave to file a reply brief to pla's response in opposition to mo to dismiss class action claims in excess of 30 pages. (signed by Judge Thad Heartfield 7/18/97) cc: attys 7/22/97 (pkb) (Entered: 07/22/1997) |
| 07/21/1997 | <u>16</u> | Reply by Lufkin Industries to plas' response [9-1] in opposition to dft's motion to dismiss class action clms. (djh) (Entered: 07/28/1997) |
| 07/22/1997 | 15 | Notice of supplemental disclosure by Sylvester McClain, Buford Thomas (djh) (Entered: 07/22/1997) |
| 08/01/1997 | 17 | Order referring case to Allen Butler as mediator. The mediation conference may occur any time between 10/1/97 and 12/1/97 (signed by Judge Thad Heartfield) cc: attys |

| | | |
|------------|------------|--|
| | | 8/4/97 (bjc) (Entered: 08/04/1997) |
| 10/09/1997 | <u>18</u> | MOTION by Lufkin Industries unopposed to expedite motion to amend docket control order (djh) (Entered: 10/09/1997) |
| 10/22/1997 | <u>19</u> | ORDER denying [9-1] motion to dismiss class action claims, The parties must file a discovery plan relating to the question of class certification set discovery due for 11/3/97 Pla's must file their motion for class certification set motion filing deadline for 11/14/97 , Dfts must respond to the motion. Response to motion due by 11/28/97 . A hearing will be held on the motion in Beaumont, TX Motion hearing set for 12/15/97 at 1:00 (signed by Judge Thad Heartfield 10/22/97) cc: attys 10/22/97 (pkb) (Entered: 10/22/1997) |
| 10/22/1997 | <u>20</u> | ORDER, vacating the deadline in this case's docket control order for dispositive motions denying [18-1] motion to expedite motion to amend docket control order (signed by Judge Thad Heartfield 10/22/97) cc: attys 10/22/97 (pkb) (Entered: 10/22/1997) |
| 10/22/1997 | <u>21</u> | ORDER granting [8-1] motion for leave to file first amended supplemental complaint (signed by Judge Thad Heartfield 10/22/97) cc: attys 10/22/97 (pkb) (Entered: 10/22/1997) |
| 10/22/1997 | <u>22</u> | ORDER reassigning this action to track 5 for case management purposes. (signed by Judge Thad Heartfield 10/22/97) cc: attys 10/22/97 (pkb) (Entered: 10/22/1997) |
| 10/22/1997 | <u>154</u> | Supplemental Complaint filed by Sylvester McClain (kjr) (Entered: 10/16/2000) |
| 11/03/1997 | <u>23</u> | Discover plan relating to the question of class certification (djh) (Entered: 11/03/1997) |
| 11/04/1997 | <u>24</u> | JOINT AGREED MOTION by Sylvester McClain, Buford Thomas, Lufkin Industries, & Allen Butler for additional time to mediate disputes (djh) (Entered: 11/04/1997) |
| 11/05/1997 | <u>25</u> | ORDER granting [24-1] motion for additional time to mediate disputes. The order referring case to mediation is MODIFIED to permit the mediation conference to take place at any time up to and including the 45th day following the court's ruling on class certification issues. (signed by Judge Thad Heartfield 11/5/97) cc: attys 11/6/97 (pkb) (Entered: 11/06/1997) |
| 11/07/1997 | <u>26</u> | ORDER approving the parties' discovery plan relating to the question of class certification. (signed by Judge Thad Heartfield 11/7/97) cc: attys 11/7/97 (pkb) (Entered: 11/07/1997) |
| 11/14/1997 | | HOTLINE CONFERENCE: before Magistrate Judge Harry W. McKee (er) (Entered: 11/14/1997) |
| 11/14/1997 | <u>27</u> | MOTION by Sylvester McClain & Buford Thomas to certify class action (former empl) (Entered: 11/14/1997) |
| 11/24/1997 | <u>28</u> | MOTION by Sylvester McClain, Buford Thomas to compel production of personnel databases in compliance w/the discovery plan relating to the question of class certification (djh) (Entered: 11/24/1997) |
| 11/25/1997 | <u>29</u> | Response by Lufkin Industries to [28-1] motion to compel production of personnel databases in compliance w/the discovery plan relating to the question of class certification (djh) (Entered: 11/25/1997) |
| 11/26/1997 | <u>30</u> | ORDER granting [28-1] motion to compel production of personnel databases in compliance w/the discovery plan relating to the question of class certification, Set notice of compliance due for 12/5/97 for Lufkin Industries Ordered that the defendant shall provide copies of its affirmative action plans and the two letters from the OFCCP and defendant's responses thereto. Production required by this order shall be completed by 12/5/97(signed by Magistrate Judge Harry W. McKee) cc all parties 11/26/97 (tln) (Entered: 11/26/1997) |
| 11/26/1997 | <u>31</u> | Reply by Sylvester McClain & Buford Thomas to [29-1] motion response (dft's response to pltf's motion to compel production of personnel databases) (former empl) (Entered: 11/26/1997) |

| | | |
|------------|-----------|--|
| 11/26/1997 | | ORDER referring pla's motion to compel production of personnel databases in compliance with the discovery pla relating to the question of class certification: to Magistrate Judge Harry W. McKee (signed by Judge Thad Heartfield 11/26/97) cc: attys 12/1/97 (pkb) (Entered: 12/01/1997) |
| 12/01/1997 | <u>32</u> | Response by Lufkin Industries to pla's [27-1] motion to certify class action (djh) (Entered: 12/01/1997) |
| 12/02/1997 | <u>33</u> | MOTION by Sylvester McClain and Buford Thomas to reset class certification hearing (djh) (Entered: 12/02/1997) |
| 12/05/1997 | <u>34</u> | MOTION by Lufkin Industries for reconsideration of [30-1] court's discovery order (djh) (Entered: 12/05/1997) |
| 12/05/1997 | <u>35</u> | Response by Lufkin Industries to [33-1] motion to reset class certification hearing (djh) (Entered: 12/05/1997) |
| 12/05/1997 | <u>37</u> | ORDER granting [33-1] mo to reset class certification hrg. The class certification hrg will begin at 10:30 on 1/6/98 (signed by Judge Thad Heartfield) cc: attys 12/8/97 (bjc) (Entered: 12/08/1997) |
| 12/08/1997 | <u>36</u> | ORDER granting [34-1] motion for reconsideration of [30-1] court's discovery order for the dft redact the portions of its affirmative action plans entitled "Analyses and Plan Audit" before producing the plans to pla. No other provisions of the Court's discovery order entered on 11/26/97 is modified by this order (signed by Magistrate Judge Harry W. McKee) cc: attys, TH, HWM 12/8/97 (djh) (Entered: 12/08/1997) |
| 12/10/1997 | 38 | Response by Sylvester McClain to [34-1] motion for reconsideration of [30-1] court's discovery order (former empl) (Entered: 12/10/1997) |
| 12/10/1997 | <u>38</u> | MOTION by Sylvester McClain for reconsideration of [37-1] order (resetting clas certification hrg on 1/6/98 at 10:30 am) (former empl) (Entered: 12/10/1997) |
| 12/10/1997 | <u>39</u> | Response in opposition by Sylvester McClain to [35-1] Request for additional discovery by Lufkin Industries (former empl) (Entered: 12/10/1997) |
| 12/12/1997 | <u>40</u> | ORDER denying motion for reconsideration of [30-1] court's discovery order wherein dft was ordered to produce it Affirmative Action Plans to pltf. (signed by Magistrate Judge Harry W. McKee) cc: attys, HWM & TH (former empl) (Entered: 12/12/1997) |
| 12/17/1997 | | Terminated document #38 - moot by order this date (jec) (Entered: 04/01/1999) |
| 12/19/1997 | <u>41</u> | ORDER resetting mo hrg for 10:00 2/18/98 for [27-1] motion to certify class action (signed by Judge Thad Heartfield) cc: attys 12/22/97 (bjc) (Entered: 12/22/1997) |
| 12/22/1997 | | Final Pre-trial conference set at 10:30 1/12/98 before Judge Thad Heartfield. cc: TH, attys (jmv) (Entered: 12/22/1997) |
| 12/22/1997 | | Jury selection set at 9:00 1/13/98 before Judge Thad Heartfield (jmv) (Entered: 12/22/1997) |
| 12/23/1997 | <u>42</u> | ORDER, vacating [10-1] Scheduling order . (signed by Judge Thad Heartfield 12/23/97) cc: attys 12/24/97 (pkb) (Entered: 12/24/1997) |
| 12/23/1997 | <u>43</u> | ORDER that plas' must file evidence supporting their motion for class certification with accompanying brief, set evidence and brief due for 1/21/98 , set status conference to discuss the format for the hearing on pla's motion for class certification for 10:00 2/10/98 before Judge Thad Heartfield (signed by Judge Thad Heartfield 12/23/97) cc: attys 12/24/97 (pkb) (Entered: 12/24/1997) |
| 01/21/1998 | <u>44</u> | Brief filed by Sylvester McClain, Buford Thomas explaining how evidence relates to each class certification criterion (djh) (Entered: 01/21/1998) |
| 02/02/1998 | <u>45</u> | Response by Lufkin Industries to pla's [44-1] brief explanation how evidence relates to class certification criterion (djh) (Entered: 02/02/1998) |
| 02/10/1998 | | Status conference held before Magistrate Judge Wendell C. Radford for Judge Thad Heartfield. The parties discussed the format of the hearing to be held on the evidence for the class certification with the court. The court to enter an order. (former empl) (Entered: 02/11/1998) |

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| 02/10/1998 | <u>46</u> | Minutes Re: [0-0] status conference by Magistrate Judge Wendell C. Radford on 2/10/98 (Ct rep/ECRO: Tonya Piper) (former empl) (Entered: 02/11/1998) |
| 02/18/1998 | | Motion hearing re: [27-1] motion to certify class action held before Judge Thad Heartfield. Parties present testimony and evidence. Parties state arguments. Court reserves ruling. Court adjourned. (jmv) (Entered: 02/19/1998) |
| 02/18/1998 | <u>47</u> | Exhibit list by Sylvester McClain, Buford Thomas (jmv) (Entered: 02/19/1998) |
| 02/18/1998 | <u>48</u> | Witness list filed by Sylvester McClain, Buford Thomas (jmv) (Entered: 02/19/1998) |
| 02/18/1998 | <u>49</u> | Witness list filed by Lufkin Industries (jmv) (Entered: 02/19/1998) |
| 02/18/1998 | <u>50</u> | Minutes Re: [0-0] motion hearing by Judge Thad Heartfield on 2/18/98 (Ct rep/ECRO: J.Kelley) (jmv) (Entered: 02/19/1998) |
| 02/23/1998 | <u>51</u> | ORDER denying [35-2] motion for additional discovery (signed by Judge Thad Heartfield) cc: attys (rll) (Entered: 02/24/1998) |
| 05/01/1998 | <u>52</u> | ORDER transferring the case to the docket of the Honorable Howell Cobb for future handling & disposition pursuant to General Order 98-5. (signed by Judge Thad Heartfield) cc: attys, HC & TH (former empl) (Entered: 05/01/1998) |
| 05/01/1998 | | Case reassigned to Judge Howell Cobb (former empl) (Entered: 05/01/1998) |
| 06/03/1998 | <u>53</u> | Supplemental Response by Lufkin Industries to [27-1] motion to certify class action (former empl) (Entered: 06/03/1998) |
| 06/18/1998 | <u>54</u> | Supplemental brief in support of pla's motion for class certification filed by Sylvester McClain, Buford Thomas (djh) (Entered: 06/18/1998) |
| 06/24/1998 | <u>55</u> | ORDER Motion hearing set for 2:00 7/13/98 for [38-1] motion for reconsideration of [37-1] order, set for 2:00 7/13/98 for [27-1] motion to certify class action , set expert witness list due for 6/30/98 for Allen Butler ., for Lufkin Industries, for Buford Thomas, for Sylvester McClain (signed by Judge Howell Cobb) cc: attys (rll) (Entered: 06/25/1998) |
| 06/29/1998 | <u>56</u> | Transcript of hearing on class certification before Judge Thad Heartfield filed (djh) (Entered: 06/30/1998) |
| 06/30/1998 | <u>57</u> | Proposed witness list for 6/13/98 class certification hearing filed by Sylvester McClain, Buford Thomas (djh) (Entered: 06/30/1998) |
| 06/30/1998 | <u>60</u> | ORDER that the information requested in this order be submitted to the ct at the class cetification hearing which is to commence on Monday, 7/13/98 at 2:00 p.m. in the US District Court, Lufkin, TX. Further ORDERED that the dft shall not destroy, delete, alter change or make new notations on documents, personnel records, electronic materials and magnetic recordings which are in any way, involved in the alleged discriminatory practices alleged by pla (signed by Judge Howell Cobb) cc: attys, HC 7/2/98 (djh) (Entered: 07/02/1998) |
| 07/01/1998 | <u>58</u> | Witness list for class certification hearing filed by Lufkin Industries (djh) (Entered: 07/01/1998) |
| 07/01/1998 | <u>59</u> | MOTION by Sylvester McClain, Buford Thomas for leave to file 1st amended supplemental complaint adding Eric Knighton as a pla (djh) (Entered: 07/01/1998) |
| 07/09/1998 | <u>61</u> | Response by Lufkin Industries to [59-1] motion for leave to file 1st amended supplemental complaint adding Eric Knighton as a pla (djh) (Entered: 07/09/1998) |
| 07/09/1998 | <u>62</u> | ORDER that due unforeseen and tragic circumstances pla's counsel has been called out of town and therefore the class certification hearing set in this case for 7/13/98 will be postponed and rescheduled as soon as possible (signed by Judge Howell Cobb) cc: attys, HC 7/9/98 (djh) (Entered: 07/09/1998) |
| 07/13/1998 | <u>63</u> | PARTIALLY UNOPPOSED MOTION by Sylvester McClain, Buford Thomas to extend time to reply to dft's response to plas' mo for lv to add Eric Knighton as a pla (djh) (Entered: 07/13/1998) |

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| 07/24/1998 | <u>64</u> | ORDER that motions to exceed page limit is denied. (signed by Judge Howell Cobb) cc: attys 7/27/98 (former empl) (Entered: 07/27/1998) |
| 07/27/1998 | <u>65</u> | ORDER that class certification hearing is set for 8/18/98 at 10:30. (signed by Judge Howell Cobb) cc: attys 7/27/98 (former empl) (Entered: 07/27/1998) |
| 08/11/1998 | <u>66</u> | Reply by Sylvester McClain, Buford Thomas to response to [59-1] motion for leave to file 1st amended supplemental complaint adding Eric Knighton as a pla (djh) (Entered: 08/11/1998) |
| 08/11/1998 | <u>67</u> | Supplemental proposed witness list filed by Sylvester McClain, Buford Thoma for 8/18/98 class certification hearing (djh) (Entered: 08/11/1998) |
| 08/18/1998 | | Motion hearing re: [27-1] motion to certify class action held before Judge Howell Cobb. Plaintiff and Defendant presented testimony and evidence. Hearing continued until 9:00am 8/19/98 (former empl) (Entered: 08/19/1998) |
| 08/18/1998 | <u>68</u> | Minutes Re: [0-0] motion hearing by Judge Howell Cobb held on 8/18/98 (Ct rep: Whitney Garza w/Excel Reporting & Assoc., Lufkin, TX) (former empl) (Entered: 08/19/1998) |
| 08/19/1998 | | Motion hearing re: [27-1] motion to certify class action held before Judge Howell Cobb. Plaintiff and Defendant presented testimony and evidence. Plaintiff rests. Hearing continued until 8/20/98 at 9:00 am (former empl) (Entered: 08/20/1998) |
| 08/19/1998 | <u>69</u> | Minutes Re: [0-0] motion hearing by Judge Howell Cobb held on 8/19/98 (Ct rep: Whitney Garza w/Excel Reporting & Assoc., Lufkin, TX) (former empl) (Entered: 08/20/1998) |
| 08/20/1998 | | 3rd day Motion hearing re: [27-1] motion to certify class action held before Judge Howell Cobb. Parties completed testimony and evidence. Defense rested. The Court took the matter under advisement and will enter an order at a later date. (former empl) (Entered: 08/21/1998) |
| 08/20/1998 | <u>70</u> | Witness list filed by Sylvester McClain, Buford Thomas (former empl) (Entered: 08/21/1998) |
| 08/20/1998 | <u>71</u> | Exhibit list by Sylvester McClain, Buford Thomas (former empl) (Entered: 08/21/1998) |
| 08/20/1998 | <u>72</u> | Witness list filed by Lufkin Industries (former empl) (Entered: 08/21/1998) |
| 08/20/1998 | <u>73</u> | Exhibit list by Lufkin Industries (former empl) (Entered: 08/21/1998) |
| 08/20/1998 | <u>74</u> | ORDER for Examination of Facility (signed by Judge Howell Cobb) cc: HC, attys via hand delivered 8/20/98 (former empl) (Entered: 08/21/1998) |
| 08/20/1998 | <u>75</u> | Minutes Re: [0-0] 3rd day motion hearing held by Judge Howell Cobb on 8/20/98 (Ct rep: Whitney Garza w/Excel Reporting & Assoc., Lufkin, TX) (former empl) (Entered: 08/21/1998) |
| 10/08/1998 | <u>76</u> | MOTION by Sylvester McClain, Buford Thomas for relief from retaliation against witnesses (djh) (Entered: 10/08/1998) |
| 10/14/1998 | <u>77</u> | Response by Buford Thomas to [76-1] motion for relief from retaliation against witnesses (djh) (Entered: 10/14/1998) |
| 10/14/1998 | <u>78</u> | ORDER that Roald Mark will be returned to work consistent with his present medical condition to his assignment in the general foundry at the rate of \$9.25 per hour. Nothing in this order shall prohibit or interfere with Mr. Mark bidding on other jobs, or receiving raises or advancing in any way or being subject to job transfer, demotion, or layoff according to the governing terms of the collective bargaining agreement. (signed by Judge Howell Cobb) cc: attys 10/14/98 (former empl) (Entered: 10/14/1998) |
| 10/14/1998 | | Motion hearing re: [76-1] motion for relief from retaliation against witnesses held before Judge Howell Cobb. Plaintiff and Defendant presented testimony and evidence. Rule invoked. Order was entered orally on the record (former empl) (Entered: 10/19/1998) |

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| 10/14/1998 | <u>79</u> | Witness list filed by Sylvester McClain, Buford Thomas (former empl) (Entered: 10/19/1998) |
| 10/14/1998 | <u>80</u> | Witness list filed by Lufkin Industries (former empl) (Entered: 10/19/1998) |
| 10/14/1998 | <u>81</u> | Exhibit list by Sylvester McClain, Buford Thomas (former empl) (Entered: 10/19/1998) |
| 10/14/1998 | <u>82</u> | Exhibit list by Lufkin Industries (former empl) (Entered: 10/19/1998) |
| 10/14/1998 | <u>83</u> | Minutes Re: Motion hearing held before Judge Howell Cobb on 10/14/98 (Ct rep: Wendell Parks) (former empl) (Entered: 10/19/1998) |
| 10/14/1998 | | Terminated motion document #76 – order entered orally 10/14/98 (jec) (Entered: 07/02/1999) |
| 10/19/1998 | | Notice of Mailing of Document #81 (copies of exhibits) to Tim Garrigan (former empl) (Entered: 10/19/1998) |
| 01/25/1999 | <u>84</u> | MOTION by Sylvester McClain, Buford Thomas for leave to file motion for relief from retaliation against witnesses and motion to show cause why dft should not be held in contempt in excess of 15 pages (kjr) (Entered: 01/25/1999) |
| 02/11/1999 | <u>85</u> | ORDER granting [84–1] motion for leave to file motion for relief from retaliation against witnesses and motion to show cause why dft should not be held in contempt in excess of 15 pages (signed by Judge Howell Cobb) cc: HC and attys (rll) (Entered: 02/16/1999) |
| 02/11/1999 | <u>86</u> | Second MOTION by Sylvester McClain & Buford Thomas for relief from retaliation against witnesses and to show cause why dft Lufkin Industries should not be held in contempt (kjr) (Entered: 02/22/1999) |
| 02/22/1999 | <u>87</u> | Response by Lufkin Industries to [86–1] motion for relief from retaliation against witnesses, [86–2] motion to show cause why dft Lufkin Industries should not be held in contempt (kjr) (Entered: 02/22/1999) |
| 02/23/1999 | <u>88</u> | Reply by Sylvester McClain & Buford Thomas to response to [86–1] motion for relief from retaliation against witnesses and [86–2] motion to show cause why dft Lufkin Industries should not be held in contempt (kjr) (Entered: 02/23/1999) |
| 03/31/1999 | <u>89</u> | Memorandum Opinion Regarding Certification of Class Action (signed by Judge Howell Cobb) cc: HC and attys (rll) Modified on 04/01/1999 (Entered: 04/01/1999) |
| 03/31/1999 | <u>90</u> | ORDER granting [27–1] motion to certify class action (signed by Judge Howell Cobb) cc: HC and attys (rll) (Entered: 04/01/1999) |
| 03/31/1999 | <u>91</u> | ORDER DESIGNATING CLASS REPRESENTATIVES. The court hereby designates the following as additional class representatives: Patrick Ross; Mary Thomas; Eddie K. Mask; Leroy Garner; Sherry Calloway Swint; John Doe a/k/a "A"; John Doe II a/k/a "B"; John Doe III a/k/a "C"; Clifford R. Duirden; Earl Potts; and Roald Mark. In the event any John Doe wishes to withdraw his willingness to be a class representative, and the inevitable discovery of his true name, leave of the court is hereby granted to each to file such motion to withdraw in camera. (signed by Judge Howell Cobb) cc: HC and attys (rll) (Entered: 04/01/1999) |
| 03/31/1999 | <u>92</u> | ORDER denying [59–1] motion for leave to file 1st amended supplemental complaint adding Eric Knighton as a pla (signed by Judge Howell Cobb) cc: HC and attys (rll) (Entered: 04/01/1999) |
| 03/31/1999 | <u>93</u> | ORDER denying [63–1] motion to extend time to reply to dft's response to plas' mo for lv to add Eric Knighton as a pla (signed by Judge Howell Cobb) cc: HC and attys (rll) (Entered: 04/01/1999) |
| 03/31/1999 | <u>95</u> | Memorandum Opinion and Order Re: Class Certification (signed by Judge Howell Cobb) cc: HC and attys (rll) (Entered: 04/09/1999) |
| 04/08/1999 | <u>94</u> | ORDER SUBSTITUTING OPINION. The court hereby substitutes the attached opinion for the original one filed 3/31/99. (signed by Judge Howell Cobb 4/7/99) cc: HC and attys (rll) (Entered: 04/09/1999) |

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| 06/28/1999 | <u>96</u> | USCA ORDER that the petition filed by petitioner Lufkin Industries for permission to appeal is denied. (USCA #99-33). Before Higinbotham, Jones & Dennis. Issued 6/23/99 cc HC (kjr) (Entered: 06/28/1999) |
| 09/29/1999 | <u>97</u> | ORDER granting [86-1] motion for relief from retaliation against witnesses, granting [86-2] motion to show cause why dft Lufkin Industries should not be held in contempt and setting contempt hearing for 1:30 10/28/99 before Judge Howell Cobb in Lufkin (signed by Judge Howell Cobb) cc HC, parties 9/29/99 (kjr) (Entered: 09/29/1999) |
| 10/14/1999 | <u>98</u> | Transcript filed of motion hrg held on 10/14/98 before Judge Cobb. Court Reporter: Wendell Parks (191 pages) (kjr) (Entered: 10/15/1999) |
| 11/03/1999 | <u>99</u> | MOTION by Sylvester McClain to exceed page limitation for filing plas' second motion to compel production of personnel databases (kjr) (Entered: 11/03/1999) |
| 11/05/1999 | 100 | MOTION by Lufkin Industries for protective order (kjr) (Entered: 11/05/1999) |
| 11/05/1999 | <u>100</u> | (filed early) Response by Lufkin Industries to Plas' motion to compel production (kjr) (Entered: 11/05/1999) |
| 11/10/1999 | <u>101</u> | Response by Pla Class to [100-1] motion for protective order (kjr) (Entered: 11/10/1999) |
| 11/17/1999 | <u>102</u> | MOTION by Lufkin Industries for leave to file reply to pla class' response in opposition to dft's motion to enter protective order (kjr) (Entered: 11/17/1999) |
| 02/11/2000 | <u>103</u> | MOTION by Glass, Molders, to appear as amicus curiae (djh) (Entered: 02/11/2000) |
| 02/11/2000 | <u>104</u> | Memorandum by Glass, Molders, in support of [103-1] motion to appear as amicus curiae (djh) (Entered: 02/11/2000) |
| 03/07/2000 | <u>105</u> | Plas' Response to [103-1] motion to appear as amicus curiae (kjr) (Entered: 03/07/2000) |
| 03/09/2000 | <u>110</u> | Second MOTION by Plaintiffs to compel production of personnel databases (kjr) Modified on 03/13/2000 (Entered: 03/13/2000) |
| 03/09/2000 | <u>111</u> | ORDER granting [100-1] motion for protective order, granting [99-1] motion to exceed page limitation for filing plas' second motion to compel production of personnel databases, granting [110-1] motion to compel production of personnel databases. The court orders the dfts to produce the personnel databases subject to the provisions in this protective order. (signed by Judge Howell Cobb) cc HC, parties 3/13/00 (kjr) (Entered: 03/13/2000) |
| 03/10/2000 | <u>106</u> | ORDER denying [103-1] motion to appear as amicus curiae. The addition of an Amicus Curiae may further delay the progress of this litigation. The Court is confident that it can interpret the Collective Bargaining Agreement. (signed by Judge Howell Cobb) cc; attys, HC 3/10/00 (djh) (Entered: 03/10/2000) |
| 03/10/2000 | <u>107</u> | ORDER granting [102-1] motion for leave to file reply to pla class' response in opposition to dft's motion to enter protective order (signed by Judge Howell Cobb) cc: attys, HC 3/10/00 (djh) (Entered: 03/10/2000) |
| 03/10/2000 | <u>108</u> | Response by Lufkin Industries in opposition to [100-1] motion for protective order (djh) (Entered: 03/10/2000) |
| 03/13/2000 | <u>109</u> | ORDER denying [86-1] motion for relief from retaliation against witnesses and withdrawing [97-1] order granting pla's second motion for relief from retaliation against witnesses (signed by Judge Howell Cobb) cc HC, parties 3/13/0 (kjr) (Entered: 03/13/2000) |
| 04/04/2000 | <u>112</u> | MOTION by Sylvester McClain for reconsideration of [109-1] order withdrawing [97-1] order granting pla's second motion for relief from retaliation against witnesses (kjr) (Entered: 04/04/2000) |
| 05/26/2000 | <u>113</u> | ORDER granting [112-1] motion for reconsideration of [109-1] order withdrawing [97-1] order granting pla's second motion for relief from retaliation against witnesses. The Court grants [86-1] motion for relief from retaliation against witnesses and [86-2] motion to show cause why dft Lufkin Industries should not be held in contempt. Contempt hearing set for 7/6/00 at 10:00 in Beaumont (signed by Judge |

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| | | Howell Cobb) cc HC, parties 5/26/00 (kjr) (Entered: 05/26/2000) |
| 05/31/2000 | <u>114</u> | ORDERED that the show cause hearing scheduled in this matter in Beaumont TX on 7/6/00 is continued to 7/27/00 . Dft Lufkin Industries shall appear and show cause why it should not be held in contempt. The hearing is scheduled for 10:00 am 7/27/00 in Beaumont TX. (signed by Judge Howell Cobb) cc HC, parties 5/31/00 (kjr) (Entered: 05/31/2000) |
| 06/22/2000 | <u>115</u> | MOTION by Lufkin Industries to amenda the temporal scope of the class pursuant to Federal Rule of Civil Procedure 23(c)(1) (djh) (Entered: 06/22/2000) |
| 06/30/2000 | <u>116</u> | Notice by Sylvester McClain, Buford Thomas of request for additional time to respond to motion to amend the temporal scope of the class and motion to dismiss disparate treatment class claims. (kjr) (Entered: 06/30/2000) |
| 07/03/2000 | <u>117</u> | MOTION by Lufkin Industries to dismiss plas' disparate treatment class claims (kjr) (Entered: 07/03/2000) |
| 07/17/2000 | <u>118</u> | MOTION by Lufkin Industries to stay show cause hearing (djh) (Entered: 07/17/2000) |
| 07/20/2000 | <u>119</u> | ORDER directing parties to be prepared to argue all pending motions at hearing scheduled for 7/27/00 in Beaumont. In addition the court may wish to conduct a case management type conference. (signed by Judge Howell Cobb) cc HC, parties 7/20/00 (kjr) (Entered: 07/20/2000) |
| 07/21/2000 | <u>120</u> | Transcript of 8/18/98 Hearing on Class Certification filed . Court Reporter: Whitney Durham Garza (213 pages) (kjr) (Entered: 07/21/2000) |
| 07/21/2000 | <u>121</u> | Transcript of 8/19/98 Hearing on Class Certification filed . Court Reporter: Whitney Durham Garza (304 pages) (kjr) Modified on 07/21/2000 (Entered: 07/21/2000) |
| 07/21/2000 | <u>122</u> | Transcript of 8/20/98 Hearing on Class Certification filed . Court Reporter: Whitney Durham Garza (138 pages) (kjr) (Entered: 07/21/2000) |
| 07/24/2000 | <u>123</u> | Plas' Response to [117-1] motion to dismiss plas' disparate treatment class claims (kjr) (Entered: 07/24/2000) |
| 07/25/2000 | <u>124</u> | Response by Sylvester McClain, Buford Thomas in opposition to [115-1] motion to amenda the temporal scope of the class pursuant to Federal Rule of Civil Procedure 23(c)(1) (djh) (Entered: 07/25/2000) |
| 07/26/2000 | <u>125</u> | Response by Sylvester McClain, Buford Thomas to [118-1] motion to stay show cause hearing (kjr) (Entered: 07/26/2000) |
| 07/27/2000 | <u>126</u> | Reply by Lufkin Industries to response to [115-1] motion to amenda the temporal scope of the class pursuant to Federal Rule of Civil Procedure 23(c)(1) (djh) (Entered: 07/28/2000) |
| 07/27/2000 | | Motion hearing re: [118-1] motion to stay show cause hearing, [117-1] motion to dismiss plas' disparate treatment class claims, [115-1] motion to amenda the temporal scope of the class pursuant to Federal Rule of Civil Procedure 23(c)(1) held before Judge Howell Cobb. The Court took the motions under advisement. The Court will amend the order as stated on the record. The Court will not sever the plaintiffs and will try only one lawsuit. The Court proceeded into the bench trial (former empl) (Entered: 07/31/2000) |
| 07/27/2000 | | Bench trial held before Judge Howell Cobb. The parties presented testimony and evidence. The Court will allow the parties to submit written briefs and will take the contempt matter under advisement (former empl) (Entered: 07/31/2000) |
| 07/27/2000 | <u>127</u> | Witness list filed by plaintiff (former empl) (Entered: 07/31/2000) |
| 07/27/2000 | <u>128</u> | Exhibit list by plaintiffs (former empl) Modified on 07/31/2000 (Entered: 07/31/2000) |
| 07/27/2000 | <u>129</u> | Witness list filed by Lufkin Industries (former empl) (Entered: 07/31/2000) |
| 07/27/2000 | <u>130</u> | Exhibit list by Lufkin Industries (former empl) (Entered: 07/31/2000) |
| 07/27/2000 | <u>131</u> | Minutes Re: [0-0] motion hearing and [0-0] bench trial held by Judge Howell Cobb on 7/27/00 (Ct rep: Wendell Parks) (former empl) (Entered: 07/31/2000) |

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| 07/27/2000 | | Oral order denying [118-1] motion to stay show cause hearing, denying [117-1] motion to dismiss plas' disparate treatment class claims from the bench (kjr) (Entered: 01/23/2001) |
| 08/02/2000 | <u>132</u> | ORDER denying [115-1] motion to amend the temporal scope of the class pursuant to Federal Rules of Civil Procedure 23(c)(1) (signed by Judge Howell Cobb) cc HC, parties 8/2/00 (kjr) (Entered: 08/02/2000) |
| 08/17/2000 | <u>133</u> | Post-Hearing Brief filed by Sylvester McClain in Support of Finding Dft Lufkin Industries in Contempt (kjr) (Entered: 08/17/2000) |
| 08/31/2000 | <u>134</u> | Post Hearing Brief filed by Lufkin Industries (djh) (Entered: 08/31/2000) |
| 08/31/2000 | <u>135</u> | MOTION by Lufkin Industries to strike [133-1] evidence offered in plas' post-hearing brief (djh) (Entered: 08/31/2000) |
| 09/20/2000 | <u>136</u> | Post-Hearing Brief filed by plaintiff class in support of finding dft in contempt (kjr) (Entered: 09/21/2000) |
| 09/22/2000 | <u>137</u> | Response by Lufkin Industries to [135-1] motion to strike [133-1] evidence offered in plas' post-hearing brief (djh) (Entered: 09/22/2000) |
| 09/28/2000 | <u>138</u> | Response by Lufkin Industries to [136-1] Plas' Supplemental Post-Hearing Brief (kjr) (Entered: 09/28/2000) |
| 09/28/2000 | <u>139</u> | Reply by Lufkin Industries to response to [135-1] motion to strike [133-1] evidence offered in plas' post-hearing brief (kjr) (Entered: 09/28/2000) |
| 10/02/2000 | <u>140</u> | MOTION by Sylvester McClain, Buford Thomas to exceed page limitation (kjr) (Entered: 10/02/2000) |
| 10/02/2000 | <u>141</u> | MOTION by Sylvester McClain, Buford Thomas for Linda M Dardarian to appear pro hac vice (kjr) (Entered: 10/03/2000) |
| 10/02/2000 | | PHV Filing Fee paid by atty Linda M Dardarian; PHV FILING FEE \$ 10.00 RECEIPT # 91109 (kjr) (Entered: 10/03/2000) |
| 10/02/2000 | <u>142</u> | MOTION by Sylvester McClain, Buford Thomas for Teresa Demchak to appear pro hac vice (kjr) (Entered: 10/03/2000) |
| 10/02/2000 | | PHV Filing Fee paid by atty Teresa Demchak; PHV FILING FEE \$ 10.00 RECEIPT # 91110 (kjr) (Entered: 10/03/2000) |
| 10/03/2000 | <u>143</u> | ORDER granting [140-1] motion to exceed page limitation to file Pla Class Supplemental Opposition` Lufkin Industries' Motion to Dismiss Class Disparate Treatment Claims and Pla Class Motion to Bifurcate Trial and for Discretionary Notice (signed by Judge Howell Cobb) cc HC, parties 10/3/00 (kjr) (Entered: 10/03/2000) |
| 10/03/2000 | <u>144</u> | MOTION by Sylvester McClain, Buford Thomas to bifurcate and for discretionary notice (kjr) (Entered: 10/03/2000) |
| 10/03/2000 | <u>145</u> | Supplemental response to [117-1] motion to dismiss plas' disparate treatment class claims by plaintiff Sylvester McClain, plaintiff Buford Thomas (kjr) (Entered: 10/03/2000) |
| 10/05/2000 | <u>146</u> | MOTION by Sylvester McClain, Buford Thomas for Darci E Burrell to appear pro hac vice (kjr) (Entered: 10/05/2000) |
| 10/05/2000 | | PHV Filing Fee paid by atty Darci E Burrell; PHV FILING FEE \$ 10.00 RECEIPT # 91115 (kjr) (Entered: 10/05/2000) |
| 10/05/2000 | <u>147</u> | Supplemental response to [135-1] motion to strike [133-1] evidence offered in plas' post-hearing brief by plaintiff Sylvester McClain, plaintiff Buford Thomas (kjr) (Entered: 10/05/2000) |
| 10/05/2000 | 148 | Second Supplemental Post-Hearing Brief filed by Sylvester McClain, Buford Thomas (kjr) (Entered: 10/05/2000) |
| 10/05/2000 | <u>148</u> | MOTION by Sylvester McClain, Buford Thomas to strike three pages of documents attached to dft's response to pla's supplemental post-hearing brief (kjr) (Entered: 10/05/2000) |

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| | | 10/05/2000) |
| 10/05/2000 | <u>149</u> | MOTION by Lufkin Industries to extend time to file responses to pla's supplemental opposition to motion to dismiss disparate treatment claims and motion to bifurcate trial and for discretionary notice (kjr) Modified on 11/05/2002 (Entered: 10/05/2000) |
| 10/10/2000 | <u>150</u> | ORDER granting [141-1] motion for Linda M Dardarian to appear pro hac vice (signed by Judge Howell Cobb) cc HC, parties 10/10/00 (kjr) (Entered: 10/10/2000) |
| 10/10/2000 | <u>151</u> | ORDER granting [142-1] motion for Teresa Demchak to appear pro hac vice (signed by Judge Howell Cobb) cc HC, parties 10/10/00 (kjr) (Entered: 10/10/2000) |
| 10/10/2000 | <u>152</u> | ORDER granting [146-1] motion for Darci E Burrell to appear pro hac vice (signed by Judge Howell Cobb) cc HC, parties 10/10/00 (kjr) (Entered: 10/10/2000) |
| 10/11/2000 | <u>153</u> | ORDER granting [149-1] motion to extend time to file responses to pla's supplemental opposition to motion to dismiss disparate treatment claims and motion to bifurcate trial and for discretionary notice, Response to motion reset to 11/3/00 for [144-1] motion to bifurcate, reset to 11/3/00 for [144-2] motion for discretionary notice, reset to 11/3/00 for [117-1] motion to dismiss plas' disparate treatment class claims (signed by Judge Howell Cobb) cc: HC and attys (rll) Modified on 11/05/2002 (Entered: 10/12/2000) |
| 11/06/2000 | <u>155</u> | Response by Lufkin Industries to [144-1] motion to bifurcate, [144-2] motion for discretionary notice (kjr) (Entered: 11/06/2000) |
| 11/16/2000 | <u>156</u> | MOTION by Sylvester McClain, Buford Thomas to extend time to file reply to response to pla class' supplemental opposition (kjr) (Entered: 11/20/2000) |
| 11/27/2000 | <u>157</u> | ORDER granting [156-1] motion to extend time to file reply to response to pla class' supplemental opposition and has until 12/8/00 to file their reply (signed by Judge Howell Cobb) cc; attys, HC 11/27/00 (djh) (Entered: 11/27/2000) |
| 12/07/2000 | 158 | MOTION by Sylvester McClain, Buford Thomas to dismiss individual claims for compensatory and punitive damages (djh) (Entered: 12/08/2000) |
| 12/07/2000 | <u>158</u> | MOTION by Sylvester McClain, Buford Thomas for leave to file 2nd amended supplemental complaint (djh) (Entered: 12/08/2000) |
| 12/08/2000 | | Partial filing fee paid per court order; PARTIAL FILING FEE \$40.00 RECEIPT # 91187 (djh) (Entered: 12/08/2000) |
| 12/08/2000 | <u>159</u> | Reply by Sylvester McClain, Buford Thomas to response to [117-1] motion to dismiss plas' disparate treatment class claims (djh) (Entered: 12/08/2000) |
| 02/27/2001 | <u>160</u> | ORDER granting [135-1] motion to strike [133-1] evidence offered in plas' post-hearing brief (signed by Judge Howell Cobb) cc HC, parties 2/27/01 (kjr) (Entered: 02/27/2001) |
| 02/28/2001 | <u>161</u> | JOINT MOTION to stay proceedings (kjr) (Entered: 02/28/2001) |
| 03/08/2001 | <u>162</u> | ORDER granting [161-1] motion to stay proceedings and administratively closing case pending mediation. In the event mediation is unsuccessful, the parties are granted leave to move to reinstate the case on the court's active docket no earlier than 6 months after this order has been entered or after the mediator declares an impasse, provided the party filing the motion has first conferred with the other party prior to filing any motion. (signed by Judge Howell Cobb) cc HC, parties 3/8/01 (kjr) Modified on 11/05/2002 (Entered: 03/08/2001) |
| 03/08/2001 | | Case Administratively Closed per #162 Order (kjr) (Entered: 03/08/2001) |
| 03/14/2003 | <u>163</u> | ORDER, reopening case and setting bench trial for 9:00 4/21/03 before Judge Howell Cobb in Beaumont (signed by Judge Howell Cobb) cc HC, parties 3/14/03 (kjr) (Entered: 03/14/2003) |
| 03/14/2003 | <u>164</u> | Fax noticing receipt of #163 Order reopening case to attorney Teresa Demchak for plaintiff Pla Class, Darci E Burrell for plaintiff Pla Class, Linda M Dardarian for plaintiff Pla Class, Timothy Borne Garrigan for plaintiff Roald Mark, John H Smither for defendant Lufkin Industries, Christopher V Bacon for defendant Lufkin Industries |

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| | | 3/14/03 . (kjr) (Entered: 03/14/2003) |
| 03/14/2003 | | Case reopened pursuant to Court Order (kjr) (Entered: 04/01/2003) |
| 03/19/2003 | <u>165</u> | ORDER setting a scheduling and status conference for 3/27/03 at 10:00 a.m. in the first floor courtroom U S Courthouse Beaumont, TX status conference for 10:00 3/27/03 before Judge Howell Cobb. The above captioned matter is set for trial on 4/21/03 (signed by Judge Howell Cobb) cc; attys, HC 3/19/03 (djh) Modified on 03/20/2003 (Entered: 03/19/2003) |
| 03/19/2003 | <u>166</u> | Fax noticing receipt of #165 order to attorney Carl Steffen Yaller for movant Glass, Molders, Teresa Demchak for plaintiff Pla Class, Darci E Burrell for plaintiff Pla Class, Linda M Dardarian for plaintiff Pla Class, Timothy Borne Garrigan for plaintiff Roald Mark, John H Smither for defendant Lufkin Industries, Christopher V Bacon for defendant Lufkin Industries 3/19/03 . (djh) (Entered: 03/19/2003) |
| 03/26/2003 | <u>167</u> | AGREED MOTION to continue trial setting to a date no earlier than 9/1/03 (kjr) (Entered: 03/27/2003) |
| 03/27/2003 | | Status conference held before Judge Howell Cobb. The parties argued to the Court. The Court continued the case from the April setting and will reset the case for trial in October, 2003. The Court is also going to check on having Magistrate Judge Radford handle pretrial matters. The parties will complete a docket control order and return it to the Court (former empl) (Entered: 03/28/2003) |
| 03/27/2003 | <u>168</u> | Minutes Re: [0-0] status conference held by Judge Howell Cobb on 3/27/03 (Ct rep/ECRO: Wendell Parks) (former empl) (Entered: 03/28/2003) |
| 03/28/2003 | <u>169</u> | ORDER granting [158-1] motion for leave to file 2nd amended supplemental complaint, granting [158-1] motion to dismiss individual claims for compensatory and punitive damages. Plaintiffs McClain's and Thomas' individual claims for compensatory and punitive damages are dismissed. (signed by Judge Howell Cobb) cc; attys, HC 3/28/03 (djh) Modified on 03/31/2003 (Entered: 03/28/2003) |
| 03/28/2003 | <u>170</u> | Second Amended Supplemental Complaint filed by Pla Class (djh) Modified on 04/01/2003 (Entered: 03/28/2003) |
| 03/28/2003 | 171 | Fax noticing receipt of #169 order to attorney Teresa Demchak for plaintiff Pla Class, Darci E Burrell for plaintiff Pla Class, Timothy Borne Garrigan for plaintiff Roald Mark, Douglas Edward Hamel for defendant Lufkin Industries, Christopher V Bacon for defendant Lufkin Industries 03/28/03 . (djh) (Entered: 03/28/2003) |
| 03/28/2003 | | PHV Filing Fee paid by atty Joshua G Konecky; PHV FILING FEE \$ 25.00 RECEIPT # 106564 (kjr) (Entered: 03/31/2003) |
| 03/28/2003 | <u>172</u> | Application by Sylvester McClain, Buford Thomas, Patrick . Ross, Mary Thomas, Eddie K Mask, Leroy Garner, Sherry Calloway Swint, John Doe, John Doe II, John Doe III, Clifford R Duirden, Earl Potts, Roald Mark, Pla Class, Glass, Molders, for Joshua G Konecky (kjr) (Entered: 03/31/2003) |
| 04/04/2003 | | Proposed Discovery Plan/Scheduling Order (kjr) (Entered: 04/04/2003) |
| 04/07/2003 | <u>173</u> | Acknowledgement by Linda Dardarian, atty for Pla Class of receipt on 4/1/03 of #169 Order (kjr) (Entered: 04/07/2003) |
| 04/08/2003 | <u>174</u> | Amended Answer to Plaintiffs' Second Amended Supplemental Complaint by Lufkin Industries (kjr) (Entered: 04/10/2003) |
| 04/10/2003 | <u>175</u> | Scheduling order setting following deadlines: Non-Jury Trial, 9:00 am, Beaumont, in October; Final Pretrial order due on or before 9/30/03 for Pla Class, for Lufkin Industries ; Join parties by 4/15/03 ; Deadline for filing dispositive motions 8/29/03 ; responses to dispositive motions 9/15/03; Discovery cutoff 8/15/03 ; Identify trial witnesses by 6/2/03 for Pla Class, 7/2/03 for Lufkin Industries ; Amend pleadings by 4/15/03 ; Expert witness list by 5/30/03 for Pla Class, 7/16/03 for Lufkin Industries ; expert witnesses report due 5/30/03 statistical experts, 6/16/03 all other experts; Mediation to be completed by 5/15/03; privilege logs to be exchanged by 5/15/03. A final pretrial conference will be scheduled approximately 7 to 14 days prior to docket call. (signed by Judge Howell Cobb) cc HC, parties 4/10/03 (kjr) (Entered: 04/10/2003) |

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| 04/11/2003 | 176 | Fax noticing receipt of #175 Scheduling Order to attorney Joshua G Konecky for plaintiff Pla Class, Timothy Borne Garrigan for plaintiff Pla Class, Teresa Demchak for plaintiff Pla Class, Darci E Burrell for plaintiff Pla Class, Linda M Dardarian for plaintiff Pla Class, Douglas Edward Hamel for defendant Lufkin Industries, Christopher V Bacon for defendant Lufkin Industries 4/10/03 . (kjr) (Entered: 04/11/2003) |
| 04/15/2003 | | Proposed Amended Docket Control Order (djh) (Entered: 04/15/2003) |
| 04/15/2003 | <u>177</u> | Notice by Lufkin Industries of substitution of attorney in charge to Doyle E Hamel (djh) Modified on 04/21/2003 (Entered: 04/15/2003) |
| 04/16/2003 | <u>178</u> | AMENDED Docket Control Order setting non-jury trial for 10/03 at 9:00 am in Beaumont, TX; Joint pretrial order, proposed findings of fact and conclusions of law (motions in limine due one day before final pretrial conference) due 9/30/03; Join additional parties by 5/1/03; Response to dispositive motions by 9/15/03; Dispositive motions and any other motions that may require a hearing by 8/15/03; dft to identify trial witnesses by 7/15/03; pla to identify trial witnesses by 6/15/03; Discovery deadline 8/15/03 (except pla's may take depositions of dft's expert through 9/15); dft to answer amended pleadings due 5/1/03; amended pleadings due 4/15/03; dft to designate expert witnesses (expert reports due also) due 8/1/03 (statistical experts) 8/15/03 (all other experts); pla to designate expert witnesses by 6/16/03 (statistical experts) 7/16/03 (all other experts); Privilege logs to be exchanged by parties at the same time as corresponding discovery or disclosures; completion mediation by 5/15/03 (signed by Judge Howell Cobb) cc; attys, HC 4/16/03 (djh) Modified on 04/21/2003 (Entered: 04/16/2003) |
| 04/16/2003 | <u>179</u> | Stipulations of Confidentiality (djh) Modified on 04/21/2003 (Entered: 04/16/2003) |
| 04/17/2003 | <u>180</u> | Stipulation and proposed order (djh) (Entered: 04/17/2003) |
| 04/23/2003 | <u>183</u> | Letter from Hon Howell Cobb to attorneys regarding concerns about the future handling of case (kjr) (Entered: 04/28/2003) |
| 04/23/2003 | <u>184</u> | Response by Lufkin Industries to [183-1] letter (kjr) (Entered: 04/28/2003) |
| 04/25/2003 | <u>181</u> | ORDER granting [180-1] stipulation that all references to class representative John Doe A in the second amended complaint shall be considered and are allegations made by and on behalf of Walter Butler, all references to class representative John Doe C in the second amended complaint shall be considered and are allegations made by and on behalf of Clarence Owens. Paragraph 108 of the second amended complaint is stricken (signed by Judge Howell Cobb) cc; attys, HC 4/25/03 (djh) (Entered: 04/25/2003) |
| 04/25/2003 | 182 | Fax noticing receipt of #181 order to attorney Joshua G Konecky for plaintiff Pla Class, Timothy Borne Garrigan for plaintiff Pla Class, Teresa Demchak for plaintiff Pla Class, Darci E Burrell for plaintiff Pla Class, Linda M Dardarian for plaintiff Pla Class, Douglas Edward Hamel for defendant Lufkin Industries, Christopher V Bacon for defendant Lufkin Industries 4/25/03 . (djh) (Entered: 04/25/2003) |
| 04/29/2003 | <u>185</u> | Supplemental response to [183-1] letter by plaintiff Pla Class (kjr) (Entered: 04/30/2003) |
| 04/30/2003 | <u>186</u> | Initial response by Pla Class to [183-1] letter (kjr) (Entered: 04/30/2003) |
| 04/30/2003 | | Minute entry: terminating [167-1] motion to continue trial setting to a date no earlier than 9/1/03 per request from chambers. Doc #178 granted the motion (mrp) (Entered: 04/30/2003) |
| 05/12/2003 | <u>187</u> | MOTION by Lufkin Industries to compel answers to interrogatories (kjr) (Entered: 05/13/2003) |
| 05/12/2003 | <u>188</u> | Notice by Lufkin Industries of privilege log with respect to plas' first request for production of documents (kjr) (Entered: 05/15/2003) |
| 05/27/2003 | <u>189</u> | Response by Pla Class to [187-1] motion to compel answers to interrogatories (kjr) (Entered: 05/27/2003) |
| 05/28/2003 | <u>190</u> | Response by Lufkin Industries to [187-1] motion to compel production of certain portions of "Lufkin's Affirmative Action Plans" from 1998 to present (djh) Modified |

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| | | on 06/03/2003 (Entered: 05/30/2003) |
| 06/03/2003 | <u>191</u> | MOTION by Pla Class to exceed page limitation for Reply to Response to Motion to Compel (kjr) (Entered: 06/04/2003) |
| 06/09/2003 | <u>192</u> | MOTION by Sylvester McClain for protective order pursuant to Fed. R. Civ. P. 26(c) directing that dft Lufkin Industries, Inc be prohibited from seeking discovery from absent class members without first obtaining leave of the court and that the absent class members not be required to respond to dft's first request for production of documents (djh) (Entered: 06/09/2003) |
| 06/13/2003 | <u>193</u> | Notice by Lufkin Industries of filing of dft's privilege log with respect to plas' third request for production of documents (kjr) (Entered: 06/16/2003) |
| 06/20/2003 | <u>194</u> | MOTION by Lufkin Industries to exceed page limitation for Motion to Serve Written Discovery on the Class and Response to Plaintiffs' Motion for Protective Order (kjr) (Entered: 06/20/2003) |
| 06/23/2003 | <u>195</u> | Notice by Pla Class of compliance with statistical expert disclosures (djh) (Entered: 06/23/2003) |
| 06/23/2003 | <u>196</u> | Reply by Pla Class to response to [192-1] motion for protective order pursuant to Fed. R. Civ. P. 26(c) directing that dft Lufkin Industries, Inc be prohibited from seeking discovery from absent class members without first obtaining leave of the court and that the absent class members not be required to respond to dft's first request for production of documents (djh) (Entered: 06/24/2003) |
| 06/25/2003 | <u>198</u> | ORDER granting [194-1] motion to exceed page limitation for Motion to Serve Written Discovery on the Class and Response to Plaintiffs' Motion for Protective Order. (signed by Judge Howell Cobb) cc HC, parties 6/25/03 (kjr) (Entered: 07/01/2003) |
| 06/25/2003 | <u>200</u> | MOTION by Lufkin Industries for leave to serve written discovery on the class (kjr) (Entered: 07/01/2003) |
| 06/25/2003 | <u>200</u> | Response by Lufkin Industries to [192-1] motion for protective order pursuant to Fed. R. Civ. P. 26(c) directing that dft Lufkin Industries, Inc be prohibited from seeking discovery from absent class members without first obtaining leave of the court and that the absent class members not be required to respond to dft's first request for production of documents (kjr) (Entered: 07/01/2003) |
| 06/26/2003 | <u>199</u> | Notice of of supplemental disclosure by Pla Class (djh) (Entered: 06/26/2003) |
| 07/01/2003 | <u>201</u> | Response by Pla Class to [200-1] motion for leave to serve written discovery on the class (kjr) (Entered: 07/01/2003) |
| 07/03/2003 | <u>202</u> | Objection by Lufkin Industries to trial in Beaumont, TX (djh) (Entered: 07/03/2003) |
| 07/03/2003 | <u>202</u> | Objection to Trial in Beaumont and motion by Lufkin Industries to transfer case to Lufkin for trial (djh) Modified on 07/08/2003 (Entered: 07/03/2003) |
| 07/03/2003 | <u>203</u> | Second MOTION by Lufkin Industries to compel responses to its first set of interrogatories nos 1 and 2 (djh) (Entered: 07/03/2003) |
| 07/10/2003 | <u>204</u> | Response by Pla Class to [203-1] motion to compel responses to its first set of interrogatories nos 1 and 2 (kjr) (Entered: 07/10/2003) |
| 07/11/2003 | <u>205</u> | ORDER granting [117-1] motion to dismiss plas' disparate treatment class claims to the extent that any disparate treatment or individual claims, if asserted, will be severed from this case. Any such claims will be considered to have been part of this action until severed, thereby tolling the limitations periods. Potential damages in this action will be limited to those available under disparate impact claims. Order, denying [144-1] motion to bifurcate, granting [144-2] motion for discretionary notice, granting [192-1] motion for protective order to the extent that dft shall seek approval from the court before engaging in discovery, beyond that granted at the hearing, of absent class members. Plaintiff representatives shall furnish the names & addresses of all class members, but dft shall not seek additional information, including social security numbers, without showing of good cause for such discovery. Order, granting [191-1] motion to exceed page limitation for Reply to Response to Motion to Compel, |

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| | | denying [187-1] motion to compel answers to interrogatories, denying [200-1] motion for leave to serve written discovery on the class, subject to dft obtaining approval from the court, granting [203-1] motion to compel responses to dft's first set of interrogatories nos 1 and 2 to the extent that plas shall be required to supplement their responses to the interrogatories within 10 days, denying [202-1] motion to transfer case to Lufkin for trial. Plas' request to discover redacted portions of Lufkin Industries Affirmative Action Plans, written 5/5/03, is granted to the extent that dft shall furnish the requested materials for in camera inspection by the court. Any individual who is to testify at trial shall be designated and made available for deposition. In addition, dft may take the deposition of up to 20 absent class members. Pla may also take up to 20 depositions. (signed by Judge Howell Cobb) cc HC, parties 7/14/03 (kjr) (Entered: 07/14/2003) |
| 07/11/2003 | <u>206</u> | Reply by Pla Class to response to [187-1] motion to compel redacted portions of Lufkin Industries' Affirmative Action Plans (kjr) (Entered: 07/14/2003) |
| 07/11/2003 | <u>212</u> | ORDER granting [191-1] motion to exceed page limitation for Reply to Response to Motion to Compel (signed by Judge Howell Cobb) (Note: response filed 7/11/03 - Doc #206) (kjr) (Entered: 07/22/2003) |
| 07/11/2003 | | Motion hearing re: pending motions held before Judge Howell Cobb. The Court order the parties to furnish all names requested. The Court also ordered the parties to post the opt-out notice. The parties will work together on the notice (former empl) (Entered: 07/23/2003) |
| 07/11/2003 | <u>216</u> | Minutes Re: [0-0] motion hearing held by Judge Howell Cobb on 7/11/03 (Ct rep/ECRO: Wendell Parks) (former empl) (Entered: 07/23/2003) |
| 07/14/2003 | <u>207</u> | Fax noticing receipt of #205 Order to attorney Teresa Demchak for plaintiff Pla Class, Darci E Burrell for plaintiff Pla Class, Linda M Dardarian for plaintiff Pla Class, Douglas Edward Hamel for defendant Lufkin Industries, John H Smither for defendant Lufkin Industries, Christopher V Bacon for defendant Lufkin Industries 7/14/03 (note: mailed to Garrigan & Konecky) (kjr) (Entered: 07/14/2003) |
| 07/16/2003 | <u>208</u> | MOTION by Lufkin Industries for leave to serve a second set of 11 contention interrogatories on the named plaintiffs (kjr) (Entered: 07/16/2003) |
| 07/18/2003 | <u>209</u> | Witness list filed by Lufkin Industries (kjr) (Entered: 07/18/2003) |
| 07/18/2003 | <u>210</u> | MOTION by Pla Class for reconsideration of [205-1] order dismissing plas' systemic disparate treatment claim and class claim for front pay , or, alternatively, to certify the order for interlocutory appeal and to stay the proceedings pending such appeal (kjr) (Entered: 07/18/2003) |
| 07/18/2003 | <u>211</u> | Notice by Pla Class of compliance with non-statistical expert disclosures (kjr) (Entered: 07/18/2003) |
| 07/22/2003 | <u>213</u> | ORDER referring case for mediation to Magistrate Judge Wendell C. Radford. The court appoints Timothy Garrigan as lead counsel to work with mediator & counsel to coordinate a date. The mediator shall submit a report within five days of mediation. (signed by Judge Howell Cobb) cc HC, WCR, parties 7/22/03 (kjr) (Entered: 07/22/2003) |
| 07/22/2003 | <u>214</u> | Fax noticing receipt of #212 Order 7/22/03 to attys of record (kjr) (Entered: 07/22/2003) |
| 07/22/2003 | <u>215</u> | Fax noticing receipt of 213 7/22/03 to attys of record (kjr) (Entered: 07/22/2003) |
| 07/24/2003 | <u>217</u> | Motion by Lufkin Industries to extend the dispositive motion deadline to 9/5/03 (djh) (Entered: 07/24/2003) |
| 07/28/2003 | <u>218</u> | ORDER granting [217-1] motion to extend the dispositive motion deadline to 9/5/03, Response to dispositive motion is 9/5/03 (signed by Judge Howell Cobb) cc; attys, HC 7/28/03 (djh) (Entered: 07/28/2003) |
| 07/28/2003 | <u>219</u> | Response by Lufkin Industries to [210-1] motion for reconsideration of [205-1] order dismissing plas' systemic disparate treatment claim and class claim for front pay (djh) (Entered: 07/28/2003) |

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| 07/29/2003 | <u>220</u> | Opposition by Pla Class to [208-1] motion for leave to serve a second set of 11 contention interrogatories on the named plaintiffs (djh) (Entered: 07/29/2003) |
| 07/29/2003 | <u>221</u> | Declaration of Teresa Demchak (djh) (Entered: 07/29/2003) |
| 07/29/2003 | <u>222</u> | ORDER granting [208-1] motion for leave to serve a second set of 11 contention interrogatories on the named plaintiffs (signed by Judge Howell Cobb) cc: Attys, HC 7/29/03 (djh) (Entered: 07/29/2003) |
| 07/30/2003 | <u>223</u> | Application by Pla Class for Morris J Baller to appear pro hac vice (djh) (Entered: 07/30/2003) |
| 07/30/2003 | | PHV Filing Fee paid by atty Morris Baller; PHV FILING FEE \$ 25.00 RECEIPT # 95960 (djh) (Entered: 07/30/2003) |
| 07/30/2003 | <u>224</u> | ORDER that plas' request for production of portions of the documents listed in Lufkin's privilege logs is denied. Lufkin is instructed to disclose to plas what previously produced information was used in the analysis of each yearly plan (igned by Judge Howell Cobb) cc; attys, HC 7/30/03 (djh) (Entered: 07/30/2003) |
| 08/01/2003 | <u>225</u> | ORDER denying [210-1] motion for reconsideration of [205-1] order dismissing plas' systemic disparate treatment claim and class claim for front pay, denying [210-2] motion to certify the order for interlocutory appeal and to stay the proceedings pending such appeal (signed by Judge Howell Cobb) cc; attys, HC 8/1/03 (djh) (Entered: 08/01/2003) |
| 08/04/2003 | <u>226</u> | Reply by Pla Class to response to [210-1] motion for reconsideration of [205-1] order dismissing plas' systemic disparate treatment claim and class claim for front pay (kjr) (Entered: 08/04/2003) |
| 08/06/2003 | <u>227</u> | Notice of compliance by Lufkin Industries with statistical expert disclosures (kjr) (Entered: 08/06/2003) |
| 08/20/2003 | <u>228</u> | Mediation Conference set for 10:00 9/4/03 before Magistrate Judge Wendell C. Radford in Beaumont (kjr) (Entered: 08/20/2003) |
| 08/25/2003 | <u>229</u> | MOTION by Lufkin Industries for protective order quashing plas' notice of deposition of Douglas Smith and precluding plas from deposing Smith on any future date (kjr) (Entered: 08/25/2003) |
| 08/25/2003 | <u>230</u> | Proposed Notice to Class by Lufkin Industries (kjr) (Entered: 08/25/2003) |
| 08/25/2003 | <u>231</u> | ORDER denying [229-1] motion for protective order quashing plas' notice of deposition of Douglas Smith and precluding plas from deposing Smith on any future date (signed by Judge Howell Cobb) cc HC, parties 8/25/03 (kjr) (Entered: 08/25/2003) |
| 08/26/2003 | <u>232</u> | Response by Pla Class to [230-1] Proposed Notice (kjr) (Entered: 08/26/2003) |
| 08/26/2003 | <u>233</u> | Fax noticing receipt of #231 Order to attorney Morris J Baller for plaintiff Pla Class, Joshua G Konecky for plaintiff Pla Class, Timothy Borne Garrigan for plaintiff Pla Class, Teresa Demchak for plaintiff Pla Class, Darci E Burrell for plaintiff Pla Class, Linda M Dardarian for plaintiff Pla Class, Douglas Edward Hamel for defendant Lufkin Industries, Christopher V Bacon for defendant Lufkin Industries 8/25/03 . (kjr) (Entered: 08/26/2003) |
| 09/02/2003 | <u>234</u> | Notice of compliance with expert disclosures by Lufkin Industries (kjr) (Entered: 09/02/2003) |
| 09/03/2003 | | Received Revised Amended Docket Control Order (kjr) (Entered: 09/03/2003) |
| 09/04/2003 | | Mediation conference held before Magistrate Judge Wendell C. Radford on 09/04/03 10:00 (ksd) (Entered: 09/05/2003) |
| 09/04/2003 | <u>235</u> | Minutes Re: [0-0] mediation conference by Magistrate Judge Wendell C. Radford on 09/04/03 (Ct rep/ECRO: Kyla Dean) (ksd) (Entered: 09/05/2003) |
| 09/05/2003 | <u>236</u> | MOTION by Lufkin Industries to strike testimony of Dr Richard Drogin (kjr) (Entered: 09/08/2003) |

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| 09/05/2003 | <u>237</u> | MOTION by Lufkin Industries for summary judgment (kjr) (Entered: 09/08/2003) |
| 09/11/2003 | <u>238</u> | Objections by Lufkin Industries to Court's proposed notice of class action (kjr) (Entered: 09/11/2003) |
| 09/11/2003 | | Transcript requested of 2/5/02 Scheduling Conference (kjr) (Entered: 09/11/2003) |
| 09/11/2003 | <u>239</u> | Letter from Judge Cobb to dft's attorney advising that because of volume and size the submitted motion for summary judgment would not be considered (kjr) (Entered: 09/12/2003) |
| 09/11/2003 | | Terminated document #237 Motion for Summary Judgment – see #239 Letter from Court (kjr) (Entered: 09/12/2003) |
| 09/15/2003 | <u>240</u> | Pla Class Comments and Suggestions Regarding the Court's Proposed Notice to the Class, Plaintiffs' Proposed Class Notice and Opt Out Schedule and Pla Class Response to Dft's [238–1] Objections to the Proposed Notice (kjr) (Entered: 09/15/2003) |
| 09/16/2003 | <u>241</u> | Reply by Lufkin Industries to response to proposed notice of class action (djh) (Entered: 09/16/2003) |
| 09/16/2003 | <u>242</u> | MOTION by Pla Class for clarification , for reconsideration of [205–1] order (djh) (Entered: 09/16/2003) |
| 09/16/2003 | <u>243</u> | MOTION by Lufkin Industries for summary judgment (djh) Modified on 09/22/2003 (Entered: 09/16/2003) |
| 09/17/2003 | <u>244</u> | Notice by Lufkin Industries of submission of Appendix to Dft's Summary Judgment Exhibits (kjr) Modified on 09/22/2003 (Entered: 09/17/2003) |
| 09/18/2003 | <u>245</u> | Additional Comments by Pla Class on Court's Proposed Notice of Class Action (kjr) (Entered: 09/18/2003) |
| 09/19/2003 | <u>246</u> | ORDER that any motion to exceed page limit to file dfts' motion for summary judgment is rescinded, canceled and held for naught. Any motion for summary judgment will consist of no more than 30 pages of 8 1/2 by 11 typed materials, including all exhibits thereto, until and unless this court is directed or ordered to accept such voluminous and burdensome motion (signed by Judge Howell Cobb) cc; attys, HC 9/19/03 (djh) (Entered: 09/19/2003) |
| 09/19/2003 | | Terminated document #243 & #244 per Judge Cobb (djh) (Entered: 09/19/2003) |
| 09/19/2003 | <u>247</u> | Fax noticing receipt of #246 order to attorney Morris J Baller for plaintiff Pla Class, Joshua G Konecky for plaintiff Pla Class, Timothy Borne Garrigan for plaintiff Pla Class, Teresa Demchak for plaintiff Pla Class, Darci E Burrell for plaintiff Pla Class, Linda M Dardarian for plaintiff Pla Class, Douglas Edward Hamel for defendant Lufkin Industries, Christopher V Bacon for defendant Lufkin Industries 9/19/03 . (djh) (Entered: 09/22/2003) |
| 09/23/2003 | <u>248</u> | Response by Pla Class to [236–1] motion to strike testimony of Dr Richard Drogin (kjr) (Entered: 09/23/2003) |
| 09/24/2003 | <u>249</u> | MOTION by Lufkin Industries for leave to depose trial witnesses identified in plas' responses to dft's second set of interrogatories (kjr) (Entered: 09/24/2003) |
| 09/24/2003 | <u>250</u> | ORDERED that dft is required to furnish a list of all African American employees from 3/6/94 to date. (signed by Judge Howell Cobb) cc HC, parties 9/24/03 (kjr) (Entered: 09/24/2003) |
| 09/24/2003 | <u>251</u> | Fax noticing receipt of #250 Order 9/24/03 to all attys of record (kjr) (Entered: 09/24/2003) |
| 09/24/2003 | <u>252</u> | Response by Lufkin Industries to [246–1] order (kjr) (Entered: 09/24/2003) |
| 09/24/2003 | <u>253</u> | MOTION by Lufkin Industries for leave to file Motion for Partial Summary Judgment (kjr) (Entered: 09/24/2003) |
| 09/25/2003 | <u>254</u> | Dft Lufkin Industries' Comments on the Court's Proposed Notice of Class Action and Response to Plaintiffs' Additional Comments on the Court's Proposed Notice of Class Action (kjr) (Entered: 09/25/2003) |

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| 09/26/2003 | <u>255</u> | Response by Pla Class to [253-1] motion for leave to file Motion for Partial Summary Judgment (kjr) (Entered: 09/26/2003) |
| 09/29/2003 | <u>256</u> | Reply by Lufkin Industries to response to [253-1] motion for leave to file Motion for Partial Summary Judgment (kjr) (Entered: 09/29/2003) |
| 09/29/2003 | <u>257</u> | Dft Lufkin Industries' Objections to the Court's Revised Draft of the Notice of Class Action (kjr) (Entered: 09/29/2003) |
| 09/29/2003 | <u>258</u> | MOTION by Pla Class to compel production of source data and disclosure of data collection methods underlying dft's statistical expert's report , for sanctions for untimley production of documents relevant to dft's experts' reports and analyses, the shredding of expert draft reports, unauthorized disclosure of privileged settlement communications to expert, and , to compel outstanding discovery pertaining to class member witness (kjr) (Entered: 09/29/2003) |
| 09/29/2003 | <u>259</u> | Affidavit by Teresa Demchak Re: [258-1] motion to compel production of source data and disclosure of data collection methods underlying dft's statistical expert's report, [258-2] motion for sanctions for untimley production of documents relevant to dft's experts' reports and analyses, the shredding of expert draft reports, unauthorized disclosure of privileged settlement communications to expert, and, [258-3] motion to compel outstanding discovery pertaining to class member witness (kjr) (Entered: 09/29/2003) |
| 09/29/2003 | <u>260</u> | MOTION by Pla Class in limine to exclude testimony of Dr. Mary Baker and Dr. Paul Richard Jeanneret (kjr) (Entered: 09/29/2003) |
| 09/29/2003 | <u>261</u> | Affidavit by Lisa M Dungan Re: [260-1] motion in limine to exclude testimony of Dr. Mary Baker and Dr. Paul Richard Jeanneret (kjr) (Entered: 09/29/2003) |
| 09/29/2003 | <u>262</u> | ORDER granting [253-1] motion for leave to file Motion for Partial Summary Judgment. Plas' response, if any, shall be due on 10/6/03. (signed by Judge Howell Cobb) cc HC, parties 9/29/03 (kjr) (Entered: 09/29/2003) |
| 09/29/2003 | <u>263</u> | MOTION by Lufkin Industries for partial summary judgment (kjr) (Entered: 09/29/2003) |
| 09/29/2003 | <u>264</u> | Fax noticing receipt of #262 Order 9/29/03 to attys of record (kjr) (Entered: 09/29/2003) |
| 09/30/2003 | <u>265</u> | MOTION by Lufkin Industries to amend [90-1] order certifying class (kjr) (Entered: 09/30/2003) |
| 09/30/2003 | <u>266</u> | Proposed pre-trial order received from Lufkin Industries, Pla Class (kjr) (Entered: 09/30/2003) |
| 09/30/2003 | <u>267</u> | Plaintiff's Proposed Pre-Trial Findings of Fact and Conclusions of Law on Their Disparate Impact Case (kjr) Modified on 09/30/2003 (Entered: 09/30/2003) |
| 09/30/2003 | <u>268</u> | Dft's Pre-Trial Proposed Findings of Fact and Conclusions of Law (kjr) (Entered: 09/30/2003) |
| 10/03/2003 | <u>269</u> | Opposition by Pla Class to dft's [263-1] motion for partial summary judgment (djh) (Entered: 10/03/2003) |
| 10/07/2003 | <u>270</u> | Plas' Opposition to Lufkin's [249-1] motion for leave to depose trial witnesses identified in plas' responses to dft's second set of interrogatories (djh) Modified on 10/07/2003 (Entered: 10/07/2003) |
| 10/07/2003 | <u>271</u> | Reply by Lufkin Industries to response to [263-1] motion for partial summary judgment (djh) (Entered: 10/07/2003) |
| 10/09/2003 | <u>272</u> | ORDER denying [249-1] motion for leave to depose trial witnesses identified in plas' responses to dft's second set of interrogatories (signed by Judge Howell Cobb) cc; attys, HC 10/9/03 (djh) (Entered: 10/09/2003) |
| 10/09/2003 | <u>273</u> | (** VACATED PER #299 ORDER **) ORDER by the court that notice be mailed to each of the class members whose names are to be furnished by plas' attorneys on or before 10/21/03 and that the notice also be published in print on two occasions between 10/21 and 11/20/03 in the Houston County Courier and Jasper Newsboy and |

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| | | be shown on at least 2 occasions in the local television station in Lufkinm and an affidavit of publication by the above named media be furnished to the Clerk of the Court of such publication and filed in the papers of this case. Costs associated with the Notice to members of the class will be taxed as costs (signed by Judge Howell Cobb) cc; attys, HC 10/9/03 (djh) Modified on 10/27/2003 (Entered: 10/09/2003) |
| 10/09/2003 | <u>274</u> | Fax noticing receipt of #272 to attorney Morris J Baller for plaintiff Pla Class, Joshua G Konecky for plaintiff Pla Class, Timothy Borne Garrigan for plaintiff Pla Class, Teresa Demchak for plaintiff Pla Class, Darci E Burrell for plaintiff Pla Class, Linda M Dardarian for plaintiff Pla Class, Douglas Edward Hamel for defendant Lufkin Industries, Christopher V Bacon for defendant Lufkin Industries 10/9/03 . (djh) (Entered: 10/09/2003) |
| 10/09/2003 | <u>275</u> | Fax noticing receipt of #272 order to attorney Morris J Baller for plaintiff Pla Class, Joshua G Konecky for plaintiff Pla Class, Timothy Borne Garrigan for plaintiff Pla Class, Teresa Demchak for plaintiff Pla Class, Darci E Burrell for plaintiff Pla Class, Linda M Dardarian for plaintiff Pla Class, Douglas Edward Hamel for defendant Lufkin Industries, Christopher V Bacon for defendant Lufkin Industries 10/9/03 . (djh) (Entered: 10/09/2003) |
| 10/10/2003 | <u>276</u> | Surreply by Pla Class to response to [263-1] motion for partial summary judgment (djh) (Entered: 10/10/2003) |
| 10/14/2003 | <u>277</u> | Response by Lufkin Industries to [260-1] motion in limine to exclude testimony of Dr. Mary Baker and Dr. Paul Richard Jeanneret (kjr) (Entered: 10/14/2003) |
| 10/14/2003 | <u>278</u> | Response by Lufkin Industries to [242-1] motion for clarification, [242-2] motion for reconsideration of [205-1] order (kjr) (Entered: 10/14/2003) |
| 10/14/2003 | <u>279</u> | Notice by Pla Class of submission of revisions to the Class Notice (kjr) (Entered: 10/14/2003) |
| 10/14/2003 | <u>280</u> | Opposition by Pla Class to [265-1] motion to amend [90-1] order certifying class (kjr) (Entered: 10/14/2003) |
| 10/14/2003 | <u>281</u> | Declaration of Darci E Burrell in support of plaintiffs' opposition to dft's motion to amend the class certification order (kjr) (Entered: 10/14/2003) |
| 10/14/2003 | <u>282</u> | Declaration of Richard Drogin Re: [280-1] motion response (kjr) (Entered: 10/14/2003) |
| 10/14/2003 | <u>283</u> | Response by Lufkin Industries to [258-1] motion to compel production of source data and disclosure of data collection methods underlying dft's statistical expert's report, [258-2] motion for sanctions for untimley production of documents relevant to dft's experts' reports and analyses, the shredding of expert draft reports, unauthorized disclosure of privileged settlement communications to expert, and, [258-3] motion to compel outstanding discovery pertaining to class member witness (kjr) (Entered: 10/15/2003) |
| 10/14/2003 | <u>284</u> | Affidavit of Douglas E Hamel Re: [283-1] motion response (kjr) Modified on 10/15/2003 (Entered: 10/15/2003) |
| 10/14/2003 | <u>285</u> | Response by Lufkin Industries to issues raised in Court's letter of 10/8/03 and plas' response of 10/9/03 (kjr) (Entered: 10/15/2003) |
| 10/15/2003 | <u>286</u> | Reply by Pla Class to response to [260-1] motion in limine to exclude testimony of Dr. Mary Baker and Dr. Paul Richard Jeanneret (kjr) (Entered: 10/15/2003) |
| 10/15/2003 | <u>287</u> | Reply by Pla Class to response to [242-1] motion for clarification, [242-2] motion for reconsideration of [205-1] order (kjr) (Entered: 10/15/2003) |
| 10/16/2003 | <u>288</u> | Response by Pla Class to [285-1] letter from dft regarding trial dates and class notice (kjr) (Entered: 10/16/2003) |
| 10/16/2003 | <u>289</u> | Reply by Lufkin Industries to response to [265-1] motion to amend [90-1] order certifying class (kjr) (Entered: 10/16/2003) |
| 10/17/2003 | <u>290</u> | Response by Lufkin Industries to [288-1] letter re notice (kjr) (Entered: 10/17/2003) |

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| 10/20/2003 | | Received proposed Stipulation Regarding Geographic Scope of the Class & forwarded to Judge Cobb (kjr) (Entered: 10/20/2003) |
| 10/20/2003 | <u>291</u> | Reply by Pla Class to response to [258-1] motion to compel production of source data and disclosure of data collection methods underlying dft's statistical expert's report (kjr) (Entered: 10/20/2003) |
| 10/21/2003 | <u>292</u> | Sur-Reply by Pla Class to Dft's Reply to Plas' Response to [265-1] motion to amend [90-1] order certifying class (kjr) (Entered: 10/21/2003) |
| 10/21/2003 | | Received Revised Notice of Class Action from plaintiffs (kjr) (Entered: 10/21/2003) |
| 10/21/2003 | <u>293</u> | (** VACATED PER #299 ORDER **) ORDERED that notice be mailed to each class member whose name is to be furnished by plas' attys on or before 11/1/03 and that the notice also be published in print on two occasions between 11/1/03 and 12/1/03 in the Lufkin Daily News and once between 11/1/03 and 12/1/03 in the Houston County Courier and the Jasper Newsboy and be shown on at least two occasions in the local tv station in Lufkin and an affidavit of publication by the above named news media furnished to the clerk of such publication and filed in the papers of this cause. Costs associated with the Notice to members are to be paid equally by the parties. Upon judgment, the prevailing party will be reimbursed for costs expended on notice to the class. The Order of 10/9/03 (Doc #273) pertaining to notice in this case is vacated. (signed by Judge Howell Cobb) cc HC, parties 10/21/03 (kjr) Modified on 10/27/2003 (Entered: 10/21/2003) |
| 10/22/2003 | <u>294</u> | Fax noticing receipt of #293 Order & Notice to attorney Morris J Baller for plaintiff Pla Class, Joshua G Konecky for plaintiff Pla Class, Timothy Borne Garrigan for plaintiff Pla Class, Teresa Demchak for plaintiff Pla Class, Darci E Burrell for plaintiff Pla Class, Linda M Dardarian for plaintiff Pla Class, Douglas Edward Hamel for defendant Lufkin Industries, Christopher V Bacon for defendant Lufkin Industries 10/21/03 & 10/22/03 (kjr) (Entered: 10/22/2003) |
| 10/22/2003 | <u>295</u> | Objections by Lufkin Industries to Plaintiffs' Amended Proposed Notice and Certain Rulings Related to the Amended Proposed Notice Made by the Court During the 10/20/03 Telephone Conference (kjr) (Entered: 10/22/2003) |
| 10/22/2003 | | Forwarded statement for costs of court envelopes to Lead Counsel for plas & dft - cost \$16.63 each (kjr) (Entered: 10/22/2003) |
| 10/23/2003 | <u>296</u> | Plaintiffs' Opposition to Dft's [295-1] Objections to the Class Notice and Related Rulings (kjr) (Entered: 10/23/2003) |
| 10/27/2003 | <u>297</u> | ORDER as to geographic scope of the class. (signed by Judge Howell Cobb) cc HC, parties 10/27/03 (kjr) (Entered: 10/27/2003) |
| 10/27/2003 | <u>298</u> | Fax noticing receipt of #297 Orer to attorney Carl Steffen Yaller for movant Glass, Molders, Morris J Baller for plaintiff Pla Class, Joshua G Konecky for plaintiff Pla Class, Timothy Borne Garrigan for plaintiff Pla Class, Teresa Demchak for plaintiff Pla Class, Darci E Burrell for plaintiff Pla Class, Linda M Dardarian for plaintiff Pla Class, Douglas Edward Hamel for defendant Lufkin Industries, Christopher V Bacon for defendant Lufkin Industries 10/27/03 . (kjr) (Entered: 10/27/2003) |
| 10/27/2003 | <u>299</u> | ** AMENDED PER #324 ORDER REGARDING TELEVISED PUBLICATION OF CLASS NOTICE ** ORDER that notice be mailed to each of the class members whose names are to be furnished by plas' attorneys on or before 11/1/03, and that the notice also be published in print on two occasions between 11/1/03 and 12/1/03 in the Lufkin Daily News and once between 11/1/03 and 12/1/03 in the Houston County Courier, the Nacogdoches Daily Sentinel and the Jasper Newsboy and be shown and read on at least two occasions on KTRE, the local tv station in Lufkin, during or after a sports event, and an affidvit of publication by the above named news media furnished to the Clerk of the Court and filed in this case. Costs associated with the Notice will initially be borne by the plas, subject to being assessed as costs upon judgment. A third party administrator may be utilized to comply with this Order. Furthermore, the [293-1] order and [273-1] order pertaining to the notice in this case are vacated . (signed by Judge Howell Cobb) cc HC, parties 10/27/03 (kjr) Modified on 11/12/2003 (Entered: 10/27/2003) |

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| 10/28/2003 | <u>300</u> | Fax noticing receipt of #299 Order to attorney Morris J Baller for plaintiff Pla Class, Joshua G Konecky for plaintiff Pla Class, Timothy Borne Garrigan for plaintiff Pla Class, Teresa Demchak for plaintiff Pla Class, Darci E Burrell for plaintiff Pla Class, Linda M Dardarian for plaintiff Pla Class, Douglas Edward Hamel for defendant Lufkin Industries, Christopher V Bacon for defendant Lufkin Industries 10/27/03 . (kjr) (Entered: 10/28/2003) |
| 10/29/2003 | <u>301</u> | Dft Lufkin Industries sur-reply to plaintiffs' reply to dft's response to [258-1] motion to compel production of source data and disclosure of data collection methods underlying dft's statistical expert's report, [258-2] motion for sanctions for untimley production of documents relevant to dft's experts' reports and analyses, the shredding of expert draft reports, unauthorized disclosure of privileged settlement communications to expert, and (kjr) (Entered: 10/29/2003) |
| 10/29/2003 | <u>302</u> | ORDER, reset pretrial conference for 10:00 11/13/03 before Judge Howell Cobb in Beaumont. (signed by Judge Howell Cobb) cc HC, parties 10/29/03 (kjr) (Entered: 10/29/2003) |
| 10/29/2003 | <u>303</u> | ORDER granting [258-1] motion to compel production of source data and disclosure of data collection methods underlying dft's statistical expert's report, denying [258-2] motion for sanctions for untimley production of documents relevant to dft's experts' reports and analyses, the shredding of expert draft reports, unauthorized disclosure of privileged settlement communications to expert, and, Motion hearing set for 10:00 11/13/03 for [258-3] motion to compel outstanding discovery pertaining to class member witness (signed by Judge Howell Cobb) cc HC, parties 10/29/03 (kjr) (Entered: 10/29/2003) |
| 10/29/2003 | <u>304</u> | MOTION by Pla Class to compel production of (1) documents from personnel files and continued access to those files, (2) salaried bid sheets, and (3) documents in computer readable format (kjr) (Entered: 10/29/2003) |
| 10/29/2003 | <u>305</u> | ORDER granting [304-1] motion to compel production of (1) documents from personnel files and continued access to those files, (2) salaried bid sheets, and (3) documents in computer readable format (signed by Judge Howell Cobb) cc HC, parties 10/29/03 (kjr) (Entered: 10/29/2003) |
| 10/29/2003 | <u>306</u> | Fax noticing receipt of #303 Order to attorney Morris J Baller for plaintiff Pla Class, Joshua G Konecky for plaintiff Pla Class, Timothy Borne Garrigan for plaintiff Pla Class, Teresa Demchak for plaintiff Pla Class, Darci E Burrell for plaintiff Pla Class, Linda M Dardarian for plaintiff Pla Class, Douglas Edward Hamel for defendant Lufkin Industries, Christopher V Bacon for defendant Lufkin Industries 10/29/03 . (kjr) (Entered: 10/29/2003) |
| 10/29/2003 | <u>307</u> | Fax noticing receipt of #302 Order to attorney Morris J Baller for plaintiff Pla Class, Joshua G Konecky for plaintiff Pla Class, Timothy Borne Garrigan for plaintiff Pla Class, Teresa Demchak for plaintiff Pla Class, Darci E Burrell for plaintiff Pla Class, Linda M Dardarian for plaintiff Pla Class, Douglas Edward Hamel for defendant Lufkin Industries, Christopher V Bacon for defendant Lufkin Industries 10/29/03 . (kjr) (Entered: 10/29/2003) |
| 10/29/2003 | <u>308</u> | Fax noticing receipt of #305 Order to attorney Morris J Baller for plaintiff Pla Class, Joshua G Konecky for plaintiff Pla Class, Timothy Borne Garrigan for plaintiff Pla Class, Teresa Demchak for plaintiff Pla Class, Darci E Burrell for plaintiff Pla Class, Linda M Dardarian for plaintiff Pla Class, Douglas Edward Hamel for defendant Lufkin Industries, Christopher V Bacon for defendant Lufkin Industries 10/29/03 . (kjr) (Entered: 10/29/2003) |
| 10/30/2003 | <u>309</u> | ORDER denying [263-1] motion for partial summary judgment (signed by Judge Howell Cobb) cc HC, parties 10/30/03 (kjr) (Entered: 10/30/2003) |
| 10/30/2003 | <u>310</u> | ORDER denying [265-1] motion to amend [90-1] order certifying class (signed by Judge Howell Cobb) cc HC, parties 10/30/03 (kjr) (Entered: 10/30/2003) |
| 10/30/2003 | <u>311</u> | ORDER, that the final pretrial conference will be held 10:00 12/1/03 before Judge Howell Cobb in Beaumont (signed by Judge Howell Cobb) cc HC, parties 10/30/03 (kjr) (Entered: 10/30/2003) |

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| 10/30/2003 | <u>312</u> | Fax noticing receipt of #310 Order to attorney Morris J Baller for plaintiff Pla Class, Joshua G Konecky for plaintiff Pla Class, Timothy Borne Garrigan for plaintiff Pla Class, Teresa Demchak for plaintiff Pla Class, Darci E Burrell for plaintiff Pla Class, Linda M Dardarian for plaintiff Pla Class, Douglas Edward Hamel for defendant Lufkin Industries, Christopher V Bacon for defendant Lufkin Industries 10/30/03 . (kjr) (Entered: 10/30/2003) |
| 10/30/2003 | <u>313</u> | Fax noticing receipt of #311 Order to attorney Morris J Baller for plaintiff Pla Class, Joshua G Konecky for plaintiff Pla Class, Timothy Borne Garrigan for plaintiff Pla Class, Teresa Demchak for plaintiff Pla Class, Darci E Burrell for plaintiff Pla Class, Linda M Dardarian for plaintiff Pla Class, Douglas Edward Hamel for defendant Lufkin Industries, Christopher V Bacon for defendant Lufkin Industries 10/30/03 . (kjr) (Entered: 10/30/2003) |
| 10/30/2003 | <u>314</u> | Fax noticing receipt of #309 Order to attorney Morris J Baller for plaintiff Pla Class, Joshua G Konecky for plaintiff Pla Class, Timothy Borne Garrigan for plaintiff Pla Class, Teresa Demchak for plaintiff Pla Class, Darci E Burrell for plaintiff Pla Class, Linda M Dardarian for plaintiff Pla Class, Douglas Edward Hamel for defendant Lufkin Industries, Christopher V Bacon for defendant Lufkin Industries 10/30/03 . (kjr) (Entered: 10/30/2003) |
| 10/30/2003 | <u>315</u> | MOTION by Lufkin Industries to strike [304-1] motion to compel production of (1) documents from personnel files and continued access to those files, (2) salaried bid sheets, and (3) documents in computer readable format (kjr) (Entered: 10/30/2003) |
| 10/30/2003 | <u>316</u> | MOTION by Lufkin Industries for reconsideration of [305-1] order , to vacate [305-1] order granting motion to compel (kjr) (Entered: 10/30/2003) |
| 10/30/2003 | <u>317</u> | ORDER, Motion hearing set for 10:00 11/13/03 for [316-1] motion for reconsideration of [305-1] order, set for 10:00 11/13/03 for [316-2] motion to vacate [305-1] order granting motion to compel (signed by Judge Howell Cobb) cc HC, parties 10/30/03 (kjr) (Entered: 10/30/2003) |
| 10/30/2003 | <u>318</u> | Fax noticing receipt of #317 Order to attorney Morris J Baller for plaintiff Pla Class, Joshua G Konecky for plaintiff Pla Class, Timothy Borne Garrigan for plaintiff Pla Class, Teresa Demchak for plaintiff Pla Class, Darci E Burrell for plaintiff Pla Class, Linda M Dardarian for plaintiff Pla Class, Douglas Edward Hamel for defendant Lufkin Industries, Christopher V Bacon for defendant Lufkin Industries 10/30/03 . (kjr) (Entered: 10/30/2003) |
| 10/31/2003 | <u>319</u> | MOTION by Glass Molders Union, Machinists Union & Boilermakers Union to intervene with memorandum brief (djh) Modified on 11/04/2003 (Entered: 10/31/2003) |
| 10/31/2003 | <u>320</u> | Application by Glass, Molders, Pottery, Plastics & Allied Workers International Union, Local 429 for Mimi C Satter to appear pro hac vice (djh) Modified on 10/31/2003 (Entered: 10/31/2003) |
| 10/31/2003 | | PHV Filing Fee paid by atty Mimi C Satter; PHV FILING FEE \$ 25.00 RECEIPT # 101154 (djh) (Entered: 10/31/2003) |
| 10/31/2003 | <u>321</u> | MOTION by Lufkin Industries to stay court's order granting plas' motion to compel dated 10/28/03 pending the hearing on dft's motion to reconsider scheduled for 11/13/03 (djh) (Entered: 10/31/2003) |
| 11/03/2003 | <u>322</u> | Notice by Lufkin Industries of payment of invoice for envelopes in the amount of \$16.63 (kjr) (Entered: 11/03/2003) |
| 11/05/2003 | <u>323</u> | Objections by Lufkin Industries to plas' exhibits (djh) (Entered: 11/05/2003) |
| 11/05/2003 | <u>324</u> | AMENDED ORDER REGARDING TELEVISED PUBLICAITON OF CLASS NOTICE -- ORDER that the order of 10/24/03 pertaining to Notice in this case is amended solely with respect that a summary version of the Notice as reflected in the attachment to this order, shall be read on at least two occasions on KTRE the local television station in Lufkin, TX during or after a college football game on Saturday, 11/22/03 (signed by Judge Howell Cobb) cc; attys, HC 11/5/03 (djh) Modified on 11/12/2003 (Entered: 11/05/2003) |

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| 11/06/2003 | <u>325</u> | Fax noticing receipt of #324 order to attorney Joseph Donald Carona Jr for movant Boilermakers Union, Wade Arnold Forsman for movant Machinists Union, Rod Tanner for movant Machinists Union, Mimi C Satter for movant Glass Molders Union, Morris J Baller for plaintiff Pla Class, Joshua G Konecky for plaintiff Pla Class, Timothy Borne Garrigan for plaintiff Pla Class, Teresa Demchak for plaintiff Pla Class, Darci E Burrell for plaintiff Pla Class, Linda M Dardarian for plaintiff Pla Class, Douglas Edward Hamel for defendant Lufkin Industries, John H Smither for defendant Lufkin Industries, Christopher V Bacon for defendant Lufkin Industries 11/5/03 . (djh) (Entered: 11/06/2003) |
| 11/06/2003 | | Mail returned: bad addresses for: Shawn D Allen, Rayford E Barlow, Derrick J Barnes, Sr, Paul C Bennett, Patrick D Bluford, Damari R Bryant, Somari T Bryant, Oscar G Buckley, Donnies R Burnett, Lerone D Burns, Jerome Christopher, Jesse L Cole, Demond J Crawford, Oliver W Duirden, Dexter A Edwards, Marvin E Garrett, Gregory A Gray, Derrick Hadnot, Otis J Hamilton, Rojean Hart Jr, Don A Houston, Dexter G Howard, James C Johnson II, Robert N Johnson, Richard L Jones, Russ L Jones, Robyn A Josey Sr, Ronald E King, Eddie L Loche Jr, Roald D Mark, Rickey D Menefee, Patrick D Montgomery, Kenneth R Moye, Willis D Pea, Lavell E Ross, Patrick B Ross, Raphael E Ross, Terry L Sessions, John S Sigrest, Cedroc B Simpson, James A Specks, Freddie Spencer Jr, Marques D Teel, James O Thompson, Robert E Underwood, Jerome A Wade, Calvin L Walker, Willie S Washington, Christopher L Whitfield, Cedric J Williams, Luther R Williams, Derrick L Wilson, Kenny L Zeno (djh) (Entered: 11/06/2003) |
| 11/07/2003 | | Mail returned: bad address for Roosevelt R Adams, Donta V Clemons, Aron L Clinton Sr, Robert E Davis, Desmon D Goff, Willie M Jenkins, Robert Nobles, Williw Z Odom, Alan T Robinson, Timothy D Sanders, Shaye R Stanford, Ernest L Thomas, Remonia G Wade, Vonda K Whitfield, Archie A Williams, Kervin L Williams (djh) (Entered: 11/07/2003) |
| 11/07/2003 | <u>326</u> | MOTION by Sylvester McClain, Buford Thomas in limine #2: to prohibit dft from producing into evidence or making comment or arguments re: dft's internal monitoring of its compliance with fair employment laws (djh) Modified on 11/07/2003 (Entered: 11/07/2003) |
| 11/07/2003 | <u>327</u> | MOTION by Sylvester McClain, Buford Thomas in limine #3: to exclude dft from producing evidence or making comment or arguments re: any comparison between the racial composition of its workforce and the racial composition of the geographic labor market (djh) (Entered: 11/07/2003) |
| 11/07/2003 | <u>328</u> | MOTION by Sylvester McClain, Buford Thomas in limine #4: to exclude dft from making comment or arguments re: plas' exhaustion of administrative remedies (djh) (Entered: 11/07/2003) |
| 11/07/2003 | <u>329</u> | MOTION by Sylvester McClain, Buford Thomas in limine #5 to exclude dft producing into evidence or making comment or arguments re: class member or manager testimony relating to the number of hourly positions awarded on the basis of seniority (djh) (Entered: 11/07/2003) |
| 11/07/2003 | <u>330</u> | MOTION by Sylvester McClain, Buford Thomas in limine #6 to exclude dft from producing into evidence or making comment or argument re: irrelevant class member testimony (djh) (Entered: 11/07/2003) |
| 11/07/2003 | <u>331</u> | Declaration of Timothy B Garrigan in support of plas' opposition to (1) dft's motion for reconsideration and to vacate the court's order granting plas' motion to compel and (2) dft's motion to strike plas' motion to compel for exceeding the page limitation (djh) (Entered: 11/07/2003) |
| 11/07/2003 | <u>332</u> | Opposition by Sylvester McClain, Buford Thomas to [316-1] motion for reconsideration of [305-1] order 's motion to strike plas' motion to compel for exceeding the page limitations (djh) (Entered: 11/07/2003) |
| 11/10/2003 | | Mail returned: bad addresses to Felicia A Bryant, Donald E Deckard, Robert L Evans, Juarez L Goodrich, Randy D Greer, Rosalind D Hadnot, Alan J Hafford, Billy R Hoosier, Cedric R Jackson, Byron K Lee, Darryl L Mark, Joseph R Moore, Darran W O'Neal, Cleveland A Payne, Richard E Polk, Ronn Powell, Kevin B Ratliff, Donnie R Sanders, James T Taylor Jr, Morris L Taylor, Yolanda Taylor, Cedric D Williams, Victor L Williams (djh) (Entered: 11/10/2003) |

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| 11/10/2003 | <u>333</u> | Response by Sylvester McClain, Buford Thomas to [319-1] motion to intervene (djh) (Entered: 11/10/2003) |
| 11/10/2003 | <u>334</u> | Affidavit by Timothy B Garrigan Re: [333-1] opposition to motion to intervene of IAM Local 1999, GMP Local 429 and Boilermakers Local 587 (djh) (Entered: 11/10/2003) |
| 11/10/2003 | <u>335</u> | Letter from Lufkin Industries re: "Summary of Class Notice" (djh) (Entered: 11/10/2003) |
| 11/10/2003 | <u>336</u> | Response by Sylvester McClain, Buford Thomas to dft's objections to plas' exhibits (djh) (Entered: 11/10/2003) |
| 11/10/2003 | <u>337</u> | MOTION by Sylvester McClain, Buford Thomas in limine #7 to exclude dft from producing into evidence or making comment or argument re its bid sheet and applicant flow databases or in the alternative for a rebuttal adverse inference re the reliability of the databases and to exclude dft from producing into evidence or making comment or argument re information related to its bid sheet and applicant flow databases not produced prior to the date of this motion (djh) (Entered: 11/10/2003) |
| 11/10/2003 | <u>338</u> | Declaration by Darci E Burrell Re: [337-1] motion in limine #7 to exclude dft from producing into evidence or making comment or argument re its bid sheet and applicant flow databases or in the alternative for a rebuttal adverse inference re the reliability of the databases and to exclude dft from producing into evidence or making comment or argument re information related to its bid sheet and applicant flow databases not produced prior to the date of this motion (djh) (Entered: 11/10/2003) |
| 11/12/2003 | | Mail returned as attempted not known to Shelton T Benton, Kim Brady, George L Burns, Antie D Cummings, Rodney R Freeman, Linda K McGowen, Jimmie D Morrison, Vincent D Wallace; returned forwarding order expired to Bryant K Tyler returned not deliverable as addressed to Leon Watley & Russell R Perkins; returned as insufficient address to Patrick Parris (kjr) Modified on 11/12/2003 (Entered: 11/12/2003) |
| 11/12/2003 | <u>339</u> | Response by Lufkin Industries to [304-1] motion to compel production of (1) documents from personnel files and continued access to those files, (2) salaried bid sheets, and (3) documents in computer readable format (kjr) (Entered: 11/12/2003) |
| 11/12/2003 | <u>340</u> | Reply by Lufkin Industries to response to [316-1] motion for reconsideration of [305-1] order, [316-2] motion to vacate [305-1] order granting motion to compel, [315-1] motion to strike [304-1] motion to compel production of (1) documents from personnel files and continued access to those files, (2) salaried bid sheets, and (3) documents in computer readable format (kjr) (Entered: 11/12/2003) |
| 11/12/2003 | <u>341</u> | Objections by Pla Class to Dft's trial exhibits (kjr) (Entered: 11/12/2003) |
| 11/12/2003 | <u>342</u> | Supplemental Objections by Pla Class to Dft's trial exhibits (kjr) (Entered: 11/12/2003) |
| 11/12/2003 | <u>343</u> | MOTION by Pla Class in limine #8 (1) to exclude dft from producing into evidence or for an adverse inference regarding bid sheets dft altered after the commencement of litigation and (2) to exclude the bid sheets for failure to satisfy Federal Rules of Evidence 901 (kjr) (Entered: 11/12/2003) |
| 11/12/2003 | <u>344</u> | Declaration of Teresa Demchak Re: [343-1] motion in limine #8 (1) to exclude dft from producing into evidence or for an adverse inference regarding bid sheets dft altered after the commencement of litigation and (2) to exclude the bid sheets for failure to satisfy Federal Rules of Evidence 901 (kjr) (Entered: 11/12/2003) |
| 11/12/2003 | <u>345</u> | MOTION by Pla Class in limine #9 to exclude dft's statistical expert from testifying regarding any opinion based on the revised bid database (kjr) (Entered: 11/12/2003) |
| 11/13/2003 | | Mail returned on class notice: RTS-no forward order on file to Thaddeus S Fon; RTS-forwarding order expired to Travis L Cartwright (kjr) (Entered: 11/13/2003) |
| 11/13/2003 | <u>346</u> | Response by Lufkin Industries to [326-1] motion in limine #2: to prohibit dft from producing into evidence or making comment or arguments re: dft's internal monitoring of its compliance with fair employment laws (kjr) (Entered: 11/13/2003) |

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| 11/13/2003 | <u>347</u> | Response by Lufkin Industries to [327-1] motion in limine #3: to exclude dft from producing evidence or making comment or arguments re: any comparison between the racial composition of its workforce and the racial composition of the geographic labor market (kjr) (Entered: 11/13/2003) |
| 11/13/2003 | <u>348</u> | Response by Lufkin Industries to [328-1] motion in limine #4: to exclude dft from making comment or arguments re: plas' exhaustion of administrative remedies (kjr) (Entered: 11/13/2003) |
| 11/13/2003 | <u>349</u> | Response by Lufkin Industries to [329-1] motion in limine #5 to exclude dft producing into evidence or making comment or arguments re: class member or manager testimony relating to the number of hourly positions awarded on the basis of seniority (kjr) (Entered: 11/13/2003) |
| 11/13/2003 | <u>350</u> | Response by Lufkin Industries to [330-1] motion in limine #6 to exclude dft from producing into evidence or making comment or argument re: irrelevant class member testimony (kjr) (Entered: 11/13/2003) |
| 11/13/2003 | <u>351</u> | Response by Lufkin Industries to [337-1] motion in limine #7 to exclude dft from producing into evidence or making comment or argument re its bid sheet and applicant flow databases or in the alternative for a rebuttal adverse inference re the reliability of the databases and to exclude dft from producing into evidence or making comment or argument re information related to its bid sheet and applicant flow databases not produced prior to the date of this motion (kjr) (Entered: 11/13/2003) |
| 11/13/2003 | <u>352</u> | MOTION by Lufkin Industries to compel production of plas' trial exhibits 76 and 77 (kjr) (Entered: 11/13/2003) |
| 11/13/2003 | <u>353</u> | Letter from Lufkin Industries in response to plas' letter dated 11/7/03 (kjr) (Entered: 11/13/2003) |
| 11/13/2003 | | Pretrial conference held before Judge Howell Cobb. The court made rulings on several pending motions. The court will enter an order ruling on pending motion to intervene. (dlc) (Entered: 11/18/2003) |
| 11/13/2003 | <u>358</u> | Minutes Re: [0-0] Pretrial conference by Judge Howell Cobb on 11/13/03 (Ct rep/ECRO: Wendell Parks) (dlc) (Entered: 11/18/2003) |
| 11/13/2003 | | Oral order denying [236-1] motion to strike testimony of Dr Richard Drogin from the bench by Judge Howell Cobb (dlc) (Entered: 11/18/2003) |
| 11/13/2003 | | Oral order mooting [258-3] motion to compel outstanding discovery pertaining to class member witness from the bench by Judge Howell Cobb as pltf's counsel with the motion. (dlc) (Entered: 11/18/2003) |
| 11/13/2003 | | Oral order mooting [316-1] motion for reconsideration of [305-1] order, mooting [316-2] motion to vacate [305-1] order granting motion to compel from the bench by Judge Howell Cobb as dft withdrew the motion. (dlc) (Entered: 11/18/2003) |
| 11/13/2003 | | Oral order granting [352-1] motion to compel production of plas' trial exhibits 76 and 77 from the bench by Judge Howell Cobb (dlc) (Entered: 11/18/2003) |
| 11/14/2003 | <u>354</u> | ORDER setting guidelines for use of time in trial of case. Dft's objections thereto are overruled. (signed by Judge Howell Cobb) cc HC, parties 11/14/03 (kjr) (Entered: 11/14/2003) |
| 11/14/2003 | <u>355</u> | Fax noticing receipt of #354 Order 11/14/03 to attys of record (kjr) (Entered: 11/14/2003) |
| 11/17/2003 | | Mail returned: addressed as not deliverable as addrsd to Bryan V Blake & Tyron M Holcomb; addressed as attempted not known to Galen P Yarbrough (kjr) (Entered: 11/17/2003) |
| 11/17/2003 | <u>356</u> | Affidavit by Dr Richard Drogin Re: [337-1] motion in limine #7 to exclude dft from producing into evidence or making comment or argument re its bid sheet and applicant flow databases or in the alternative for a rebuttal adverse inference re the reliability of the databases and to exclude dft from producing into evidence or making comment or argument re information related to its bid sheet and applicant flow databases not produced prior to the date of this motion (kjr) (Entered: 11/17/2003) |

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| 11/17/2003 | <u>357</u> | Transcript of motion hearing held on 11/13/03 filed . Court Reporter: Wendell R Parks (87 pages) (kjr) (Entered: 11/18/2003) |
| 11/18/2003 | | Mail returned: Insufficient address to Noal Price Jr; RTS to Elliot E Pruitt (kjr) (Entered: 11/18/2003) |
| 11/18/2003 | <u>359</u> | Memorandum Opinion denying [319-1] motion to intervene (signed by Judge Howell Cobb) cc HC, parties 11/18/03 (kjr) (Entered: 11/18/2003) |
| 11/18/2003 | <u>360</u> | ORDER denying [319-1] motion to intervene (signed by Judge Howell Cobb) cc HC, parties 11/18/03 (kjr) (Entered: 11/18/2003) |
| 11/18/2003 | 361 | Fax noticing receipt of #359 Memorandum Opinion 11/18/03 to attys of record (kjr) (Entered: 11/18/2003) |
| 11/18/2003 | <u>362</u> | Fax noticing receipt of #360 Order 11/18/03 to attys of record (kjr) (Entered: 11/18/2003) |
| 11/19/2003 | | Mail returned: Damari R Bryant, Ronald E King, Patrick D Montgomery, Kenneth R Moye, Charles J Releford, Timothy D Sanders, James A Specks, Vernon L Sturgis, Willie S Washington, Anthony L Wilmore (sealed) (Entered: 11/19/2003) |
| 11/20/2003 | <u>363</u> | Notice of interlocutory appeal of [360-1] order denying motion to intervene, [359-1] order by Glass Molders Union, Machinists Union, Boilermakers Union (kjr) (Entered: 11/20/2003) |
| 11/20/2003 | | USCA appeal fee: Paid \$255.00; Rcpt 101178 [363-1] appeal (kjr) (Entered: 11/20/2003) |
| 11/20/2003 | | Mail returned: refused to Hilera G Roberts; RTS to Larry R Thomas; Attempted not known to Calvin L Walker; No such address to Luther R Williams (kjr) (Entered: 11/20/2003) |
| 11/21/2003 | | Mail returned: Jammie Parks (djh) (Entered: 11/21/2003) |
| 11/21/2003 | <u>364</u> | EMERGENCY MOTION by Glass Molders Union, Machinists Union, for stay (djh) Modified on 11/24/2003 (Entered: 11/21/2003) |
| 11/24/2003 | <u>365</u> | Emergency MOTION by Lufkin Industries to stay action (kjr) (Entered: 11/24/2003) |
| 11/24/2003 | | Mail returned: No forward order on file addressed to Jamie T Jackson, Felicia A Berry, Demetrell A Castle; forwarding order expired to Devon K Darden, Derrick J Barnes Sr, Wilmoth M Bernard, Lerone D Burns; attempted not known to Shaye R Stanford; not at this address to Zebby C Gray; not deliverable as addressed to Dexter G Howard and Otis J Hamilton (kjr) (Entered: 11/24/2003) |
| 11/24/2003 | <u>366</u> | Notice by Pla Class of submission of revised Exhibit B to Pretrial Order (letter only) (kjr) (Entered: 11/24/2003) |
| 11/25/2003 | | Transcript requested [363-1] appeal for 3/27/03 status conference & 11/13/03 hearing on motion to intervene (kjr) (Entered: 11/25/2003) |
| 11/25/2003 | <u>367</u> | Letter Response by Lufkin Industries to [366-1] Letter Notice of submission of revised exhibit list (kjr) (Entered: 11/25/2003) |
| 11/25/2003 | <u>368</u> | Notice by Lufkin Industries of compliance with statistical expert disclosures (kjr) (Entered: 11/25/2003) |
| 11/25/2003 | <u>373</u> | Transcript of Status conference held 3/27/03 filed re: [363-1] appeal. Appeal record due on 12/10/03 (46 pages) (pkb) (Entered: 11/26/2003) |
| 11/26/2003 | <u>369</u> | Response by Pla Class to Unions' [364-1] motion for stay (kjr) (Entered: 11/26/2003) |
| 11/26/2003 | <u>370</u> | Response by Pla Class to Lufkin's [365-1] motion to stay action (kjr) (Entered: 11/26/2003) |
| 11/26/2003 | <u>371</u> | Declaration of Teresa Demchak in Opposition to Lufkin's and IAM's and GMP's Motions for Stay (kjr) (Entered: 11/26/2003) |
| 11/26/2003 | <u>372</u> | Declaration of Timothy B Garrigan in Opposition to Lufkin's and the Two Unions' Motions for Stay (kjr) (Entered: 11/26/2003) |

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| 11/26/2003 | <u>374</u> | Letter from Lufkin Industries, Glass Molders Union, Machinists Union re emergency motions to stay (kjr) (Entered: 11/26/2003) |
| 11/26/2003 | <u>375</u> | ORDER denying [365-1] motion to stay action, denying [364-1] motion for stay (signed by Judge Howell Cobb) cc HC, parties 11/26/03 (kjr) (Entered: 11/26/2003) |
| 11/26/2003 | <u>376</u> | Fax noticing receipt of #375 Order 11/26/03 to all attys of record (kjr) (Entered: 11/26/2003) |
| 12/01/2003 | <u>377</u> | Notice of opt out of class action filed by Alfred Johnson (kjr) (Entered: 12/01/2003) |
| 12/01/2003 | | Mail returned: Return to sender – not deliverable as addressed to Oscar G Buckley & Bobby G Cook; MLNFA to Patrick B Ross (kjr) (Entered: 12/01/2003) |
| 12/01/2003 | <u>378</u> | Amended Exhibit list by Lufkin Industries (kjr) (Entered: 12/01/2003) |
| 12/02/2003 | | Mail returned: RTS Attempted Not Known to Morris L Taylor (kjr) (Entered: 12/02/2003) |
| 12/03/2003 | | Mail returned: Not deliverable as addressed to Leon Watley; No such address to Rosalind D Hadnot (kjr) (Entered: 12/03/2003) |
| 12/03/2003 | <u>379</u> | Plaintiffs' Amended Proposed Findings of fact and conclusions of law on their disparate impact case (kjr) (Entered: 12/03/2003) |
| 12/04/2003 | | Mail returned: RTS not deliverable as addressed unable to fwd to Ronn Powell; Forarding order expired to Terry L Sessions; No such number to James T Talor Jr (kjr) (Entered: 12/04/2003) |
| 12/04/2003 | | 1st day Bench trial held before Judge Howell Cobb. Pltf presented evidence. (dlc) (Entered: 12/05/2003) |
| 12/04/2003 | <u>380</u> | Minutes Re: [0-0] 1st day bench trial by Judge Howell Cobb on 12/4/03 (Ct rep/ECRO: Wendell Parks) (dlc) (Entered: 12/05/2003) |
| 12/05/2003 | | Mail returned: Byron K Lee & Darran W O'Neal (djh) (Entered: 12/05/2003) |
| 12/05/2003 | | 2nd day Bench trial held before Judge Howell Cobb. Pltf presented evidence. (dlc) (Entered: 12/10/2003) |
| 12/05/2003 | <u>381</u> | Minutes Re: [0-0] 2nd day bench trial by Judge Howell Cobb on 12/5/03 (Ct rep/ECRO: Wendell Parks) (dlc) (Entered: 12/10/2003) |
| 12/09/2003 | | Mail returned: Insufficient address to Jamie T Jackson, Felicia A Berry; No forward order on file to Patrick Parris; No mail receptacle to Victor L Williams; Not deliverable as addressed, unable to forward to Russell R Perkins (kjr) (Entered: 12/09/2003) |
| 12/10/2003 | | 3rd day Bench trial held before Judge Howell Cobb. Pltf presented evidence. (dlc) (Entered: 12/11/2003) |
| 12/10/2003 | <u>382</u> | Minutes Re: [0-0] 3rd day bench trial by Judge Howell Cobb on 12/10/03 (Ct rep/ECRO: Wendell Parks) (dlc) (Entered: 12/11/2003) |
| 12/11/2003 | | 4th day Bench trial held before Judge Howell Cobb. Pltf presented evidence. (dlc) (Entered: 12/12/2003) |
| 12/11/2003 | <u>383</u> | Minutes Re: [0-0] 4th day bench trial by Judge Howell Cobb on 12/11/03 (Ct rep/ECRO: Wendell Parks) (dlc) (Entered: 12/12/2003) |
| 12/12/2003 | | Mail returned: RTS – Attempted not known to Jammie Parks & Bryan V Blake (kjr) (Entered: 12/12/2003) |
| 12/12/2003 | | 5th day Bench trial held before Judge Howell Cobb. Pltf presented evidence and rested. (dlc) (Entered: 12/15/2003) |
| 12/12/2003 | <u>384</u> | Minutes Re: [0-0] 5th day bench trial by Judge Howell Cobb on 12/12/03 (Ct rep/ECRO: Wendell Parks) (dlc) (Entered: 12/15/2003) |
| 12/15/2003 | <u>385</u> | Transcript of Day 1 of Bench Trial filed before Judge Cobb. Court Reporter: Wendell P Parks (290 pages) (kjr) (Entered: 12/16/2003) |

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| 12/16/2003 | | Mail returned: RTS not deliverable as addressed to Cedric R Jackson, Hilera G Roberts, Rickey D Menefee; Forwarding Order Expired to Kenric D McKenzie (kjr) (Entered: 12/16/2003) |
| 12/16/2003 | | Notice of Docketing ROA from USCA Re: [363-1] appeal USCA NUMBER: 03-41613 (kjr) (Entered: 12/16/2003) |
| 12/16/2003 | <u>386</u> | USCA ORDER entered 12/2/03 denying motions to stay 12/4/03 trial setting pending appeal (kjr) (Entered: 12/16/2003) |
| 12/16/2003 | <u>387</u> | Transcript of Day 2 of Bench Trial filed . Court Reporter: Wendell R Parks (219 pages) (kjr) (Entered: 12/17/2003) |
| 12/17/2003 | | Mail returned: Attempted not known to Wilmoth M Bernard; no indicated as to reason returned to Devon K Darden (kjr) (Entered: 12/17/2003) |
| 12/18/2003 | | Certified and transmitted record on appeal to U.S. Court of Appeals: [363-1] appeal (7 transcripts, 2 expandos, 14 vols) (kjr) (Entered: 12/18/2003) |
| 12/23/2003 | <u>388</u> | Transcript of Bench Trial Day 3 (12/10/03) filed . Court Reporter: Wendell R Parks (286 pages) (kjr) (Entered: 12/29/2003) |
| 12/29/2003 | <u>389</u> | Transcript of day 4 of bench trial (12/11/03) filed . Court Reporter: Wendell R Parks (251 pages) (kjr) (Entered: 12/30/2003) |
| 12/30/2003 | | Mail returned: Return to Sender not deliverable as addressed to Bobby G Cook (kjr) (Entered: 12/30/2003) |
| 01/06/2004 | <u>390</u> | Transcript of Day 5 of Bench Trial (12/12/03) filed . Court Reporter: Wendell R Parks (259 pages) (kjr) (Entered: 01/07/2004) |
| 01/14/2004 | | Acknowledgement by USCA of receipt on 12/22/04 of record on appeal (kjr) (Entered: 01/14/2004) |
| 01/15/2004 | <u>391</u> | Report Regarding Class Notice Procedure filed by plaintiff Pla Class (kjr) (Entered: 01/15/2004) |
| 01/22/2004 | | Mail returned: addressed to Robert E Underwood with notation "rts not deliverable as addrsd unable to forward" (kjr) (Entered: 01/22/2004) |
| 02/19/2004 | | Supplemental Record on Appeal transmitted to US Court of Appeals re <u>363</u> Notice of Interlocutory Appeal (Supplemental record contained Doc #379 Proposed Findings of Fact) (kjr,) (Entered: 02/19/2004) |
| 03/11/2004 | <u>392</u> | NOTICE by Glass, Molders, Pottery, Plastics & Allied Workers International Union, Local No 429, AFL-CIO/CLC, International Association of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers & Helpers, Local No 587, AFL-CIO/CLC, International Association of Machinists and Aerospace Workers, Local Lodge No 1999, AFL-CIO/CLC of submission of FRAP 10(b)(3)(A) Statement (kjr,) (Entered: 03/11/2004) |
| 03/11/2004 | <u>393</u> | NOTICE by Glass, Molders, Pottery, Plastics & Allied Workers International Union, Local No 429, AFL-CIO/CLC, International Association of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers & Helpers, Local No 587, AFL-CIO/CLC, International Association of Machinists and Aerospace Workers, Local Lodge No 1999, AFL-CIO/CLC of submission of Certificate of no transcript (kjr,) (Entered: 03/11/2004) |
| 08/12/2004 | <u>394</u> | ORDER denying as moot <u>242</u> Motion for Clarification and Reconsideration filed by Pla Class, denying <u>315</u> Motion to Strike filed by Lufkin Industries Inc, denying as moot <u>321</u> Motion to Stay filed by Lufkin Industries Inc, and denying <u>260</u> Motion to Exclude the Testimony of Dr Mary Baker and Dr. Paul Richard Jeanneret filed by Pla Class. Signed by Judge Howell Cobb on 8/12/04. (kjr,) (Entered: 08/12/2004) |
| 08/20/2004 | | Minute Entry for proceedings held before Judge Howell Cobb : Telephone Conference held on 8/20/2004 regarding resuming the trial. Attys present will check with co-counsel for any problems with suggested date. (kjr,) (Entered: 08/24/2004) |
| 08/24/2004 | <u>395</u> | NOTICE OF TRIAL SETTING AND PROTECTIVE ORDER. Bench Trial set to continue 10/12/2004 09:00 AM in Ctrm 2 (Beaumont) before Judge Howell Cobb. |

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| | | Each side shall have up to 20 minutes to review or summarize the previous evidence presented prior to the recess of this trial at its previous setting. Signed by Judge Howell Cobb on 8/24/04. (kjr,) (Entered: 08/24/2004) |
| 09/22/2004 | <u>396</u> | ORDER denying <u>326</u> Motion in Limine, denying <u>327</u> Motion in Limine, denying <u>328</u> Motion in Limine, denying <u>329</u> Motion in Limine, denying <u>330</u> Motion in Limine, denying <u>337</u> Motion in Limine, denying <u>343</u> Motion in Limine, denying <u>345</u> Motion in Limine to the extent that prior to introducing evidence made the subject of such motions becomes relevant, counsel shall approach the bench and state the reason for introducing the evidence, and the court shall rule thereon. Signed by Judge Howell Cobb on 9/22/04. (kjr,) (Entered: 09/22/2004) |
| 09/22/2004 | | Notified Attorney, Linda M Dardarian, Per GO 04-12, this court no longer accepts pleadings in paper form. The Clerk will no longer mail or fax notices or orders to parties. All notices and orders generated by this court shall be sent electronically. (kjr,) (Entered: 09/22/2004) |
| 09/24/2004 | | Appeal Record Returned: <u>363</u> Notice of Interlocutory Appeal (22 vols & 1 box sealed)(djh,) (Entered: 09/24/2004) |
| 09/24/2004 | <u>397</u> | USCA JUDGMENT as to <u>363</u> Notice of Interlocutory Appeal filed by Glass, Molders, Pottery, Plastics & Allied Workers International Union, Local No 429, AFL-CIO/CLC, International Association of Machinists and Aerospace Workers, Local Lodge No 1999, AFL-CIO/CLC, International Association of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers & Helpers, Local No 587, AFL-CIO/CLC that the judgment of the district court is affirmed. Appellants pay to appellees the costs of appeal to be taxed by the clerk of this court. Mandate issued on 9/22/04 (djh,) (Entered: 09/24/2004) |
| 10/04/2004 | <u>398</u> | NOTICE by Pla Class <i>To Remove Counsel From Court's Service List</i> (Demchak, Teresa) (Entered: 10/04/2004) |
| 10/05/2004 | | Sent 5 boxes to Judge Cobb(Box 1 contains vols 1-6 (rcd sent to 5th Circ)(Box 2 contains vols 7-12(rcd sent to 5th Circ)(Box 3 contains vols 13-14, 1 supplemental vol, expando containing exhibits to #244 doc)(Box 4 contains expando with exhibits to #237 doc, and 7 transcripts)(Box 5 contains 5 transcripts, expando w/3 labeled folders-motion hrg exhibits, expando of mail returned-opt out forms) (djh,) (Entered: 10/05/2004) |
| 10/11/2004 | <u>399</u> | MOTION for Judgment on Partial Findings by Lufkin Industries Inc. Responses due by 10/12/2004 (Bacon, Christopher) (Entered: 10/11/2004) |
| 10/12/2004 | <u>400</u> | MOTION to Dismiss by Lufkin Industries Inc. Responses due by 10/12/2004 (Hamel, Douglas) (Entered: 10/12/2004) |
| 10/12/2004 | <u>401</u> | **DOCUMENT DEFICIENT (no certificate of service). PLEASE IGNORE.** NOTICE by Lufkin Industries Inc <i>Affidavit re Trial Time</i> (Attachments: # <u>1</u> Exhibit Time Chart)(Mahony, Mary) Modified on 10/12/2004 (kjr,). (Entered: 10/12/2004) |
| 10/12/2004 | <u>402</u> | (Replaces deficient document #401.) NOTICE by Lufkin Industries Inc <i>Affidavit re Trial Time</i> (Attachments: # <u>1</u> Time Chart Attachment)(Mahony, Mary) Modified on 10/12/2004 (kjr,). (Entered: 10/12/2004) |
| 10/13/2004 | <u>403</u> | Minute Entry for proceedings held before Judge Howell Cobb: 6th Day Bench Trial held on 10/13/2004. Deft presented evidence. (Court Reporter Wendell Parks.) (rll) (Entered: 10/13/2004) |
| 10/13/2004 | <u>425</u> | Witness List by Lufkin Industries Inc. (kjr,) (Entered: 10/20/2004) |
| 10/13/2004 | <u>426</u> | Plaintiffs' Exhibit List (kjr,) (Entered: 10/20/2004) |
| 10/13/2004 | <u>427</u> | Plaintiffs' Witness List (kjr,) (Entered: 10/20/2004) |
| 10/13/2004 | <u>428</u> | Exhibit List by Pla Class (kjr,) (Entered: 10/20/2004) |
| 10/14/2004 | <u>404</u> | Minute Entry for proceedings held before Judge Howell Cobb: 7th Day Bench Trial held on 10/14/2004. Defendant presented evidence. (Court Reporter Wendell Parks.) |

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| | | (rll) (Entered: 10/14/2004) |
| 10/14/2004 | <u>405</u> | NOTICE by Lufkin Industries Inc <i>Proposed Order re Documents</i> (Bacon, Christopher) (Entered: 10/14/2004) |
| 10/14/2004 | <u>406</u> | NOTICE by Lufkin Industries Inc <i>Offer of Proof re David Jinkins</i> (Bacon, Christopher) (Entered: 10/14/2004) |
| 10/14/2004 | <u>407</u> | NOTICE by Lufkin Industries Inc <i>Offer of Proof Regarding Walter Bulter</i> (Attachments: # <u>1</u> Exhibit Deposition testimony –part 1 # <u>2</u> Errata Deposition testimony – part two)(Bacon, Christopher) (Entered: 10/14/2004) |
| 10/14/2004 | <u>408</u> | NOTICE by Lufkin Industries Inc <i>Offer of Proof for Lisa Dungan</i> (Attachments: # <u>1</u> Supplement Continuation of Offer of Proof)(Bacon, Christopher) (Entered: 10/14/2004) |
| 10/15/2004 | <u>409</u> | NOTICE by Lufkin Industries Inc <i>Offer of Proof for Richard Gilley</i> (Hamel, Douglas) (Entered: 10/15/2004) |
| 10/15/2004 | <u>410</u> | NOTICE by Lufkin Industries Inc <i>Offer of Proof for Kerry White</i> (Hamel, Douglas) (Entered: 10/15/2004) |
| 10/15/2004 | <u>411</u> | NOTICE by Lufkin Industries Inc <i>Offer of Proof for Larry Long</i> (Hamel, Douglas) (Entered: 10/15/2004) |
| 10/15/2004 | <u>412</u> | NOTICE by Lufkin Industries Inc <i>Offer of Proof for Steve Reynolds</i> (Hamel, Douglas) (Entered: 10/15/2004) |
| 10/15/2004 | <u>413</u> | Minute Entry for proceedings held before Judge Howell Cobb: 8th Bench Trial completed on 10/15/2004. (Court Reporter Wendell Parks.) (rll) (Entered: 10/15/2004) |
| 10/15/2004 | <u>414</u> | NOTICE by Lufkin Industries Inc <i>Offer of Proof for Leroy Garner</i> (Attachments: # <u>1</u> Attachment Part 1 # <u>2</u> Attachment Part 2)(Hamel, Douglas) (Entered: 10/15/2004) |
| 10/15/2004 | <u>415</u> | NOTICE by Lufkin Industries Inc <i>Offer of Proof for Eddie Mask</i> (Attachments: # <u>1</u> Deposition Testimony)(Hamel, Douglas) (Entered: 10/15/2004) |
| 10/15/2004 | <u>416</u> | NOTICE by Lufkin Industries Inc <i>Offer of Proof for Mary Williams</i> (Attachments: # <u>1</u> Deposition Testimony)(Hamel, Douglas) (Entered: 10/15/2004) |
| 10/15/2004 | <u>417</u> | NOTICE by Lufkin Industries Inc <i>Offer of Proof for Earl Potts</i> (Attachments: # <u>1</u> Deposition Testimony)(Hamel, Douglas) (Entered: 10/15/2004) |
| 10/15/2004 | <u>418</u> | NOTICE by Lufkin Industries Inc <i>Regarding Defendant's Exhibit 113</i> (Attachments: # <u>1</u>)(Bacon, Christopher) (Entered: 10/15/2004) |
| 10/15/2004 | <u>419</u> | NOTICE by Lufkin Industries Inc <i>Offer of Proof for Patrick Ross</i> (Attachments: # <u>1</u> Deposition Testimony)(Hamel, Douglas) (Entered: 10/15/2004) |
| 10/15/2004 | <u>420</u> | NOTICE by Lufkin Industries Inc <i>Offer of Proof for Curtis Thomas</i> (Attachments: # <u>1</u> Deposition Testimony)(Hamel, Douglas) (Entered: 10/15/2004) |
| 10/15/2004 | <u>421</u> | NOTICE by Lufkin Industries Inc <i>Offer of Proof for Shirley Thomas</i> (Attachments: # <u>1</u> Deposition Testimony)(Hamel, Douglas) (Entered: 10/15/2004) |
| 10/15/2004 | <u>422</u> | NOTICE by Lufkin Industries Inc <i>Offer of Proof for James White</i> (Attachments: # <u>1</u> Deposition Testimony)(Hamel, Douglas) (Entered: 10/15/2004) |
| 10/15/2004 | <u>423</u> | NOTICE by Lufkin Industries Inc <i>Offer of Proof for Buford Thomas</i> (Attachments: # <u>1</u> Deposition Testimony # <u>2</u>)(Hamel, Douglas) (Entered: 10/15/2004) |
| 10/15/2004 | <u>424</u> | ORDER REGARDING DEFENDANT'S DOCUMENTS. Dft's counsel will maintain custody of dft's documents that were admitted into evidence during the trial of this case. Signed by Judge Howell Cobb on 10/15/04. (kjr,) (Entered: 10/15/2004) |

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| 11/29/2004 | <u>429</u> | NOTICE by Leroy Garner <i>Plaintiffs' Counter-Offer of Proof Regarding Leroy Garner</i> (Attachments: # <u>1</u> Exhibit No. 1 # <u>2</u> Exhibit No. 2 # <u>3</u> Exhibit No. 3 (Garner))(Garrigan, Timothy) (Entered: 11/29/2004) |
| 11/29/2004 | <u>430</u> | NOTICE by Leroy Garner <i>Plaintiffs' Counter-Offer of Proof Regarding Mary Williams</i> (Attachments: # <u>1</u> Exhibit No. 1 (Mary Williams) # <u>2</u> Exhibit No. 2 (Mary Williams) # <u>3</u> Exhibit No. 3 (Mary Williams))(Garrigan, Timothy) (Entered: 11/29/2004) |
| 11/29/2004 | <u>431</u> | NOTICE by Leroy Garner <i>Plaintiffs' Counter-Offer of Proof Regarding Eddie Mask</i> (Attachments: # <u>1</u> Exhibit No. 1 (Eddie Mask) # <u>2</u> Exhibit No. 2 (Eddie Mask))(Garrigan, Timothy) (Entered: 11/29/2004) |
| 11/29/2004 | <u>432</u> | NOTICE by Leroy Garner <i>Plaintiffs' Counter-Offer of Proof Regarding Patrick Ross</i> (Attachments: # <u>1</u> Exhibit No. 1 (Patrick Ross) # <u>2</u> Exhibit No. 2 (Patrick Ross) # <u>3</u> Exhibit No. 3 (Patrick Ross))(Garrigan, Timothy) (Entered: 11/29/2004) |
| 11/29/2004 | <u>433</u> | NOTICE by Leroy Garner <i>Plaintiffs' Counter-Offer of Proof Regarding Curtis L. Thomas</i> (Attachments: # <u>1</u> Exhibit No. 1 (Curtis Thomas))(Garrigan, Timothy) (Entered: 11/29/2004) |
| 11/29/2004 | <u>434</u> | NOTICE by Leroy Garner <i>Plaintiffs' Counter-Offer of Proof Regarding Shirley Thomas</i> (Attachments: # <u>1</u> Exhibit No. 1 (Shirley Thomas))(Garrigan, Timothy) (Entered: 11/29/2004) |
| 11/29/2004 | <u>435</u> | NOTICE by Leroy Garner <i>Plaintiffs' Counter-Offer of Proof Regarding Buford Thomas</i> (Attachments: # <u>1</u> Exhibit No. 1 (Buford Thomas) # <u>2</u> Exhibit No. 2 (Buford Thomas) # <u>3</u> Exhibit No. 3 (Buford Thomas) # <u>4</u> Exhibit No. 4 (Buford Thomas))(Garrigan, Timothy) (Entered: 11/29/2004) |
| 11/29/2004 | <u>436</u> | NOTICE by Leroy Garner <i>Plaintiffs' Counter-Offer of Proof Regarding Earl Potts</i> (Attachments: # <u>1</u> Exhibit No. 1 (Earl Potts) # <u>2</u> Exhibit No. 2 (Earl Potts) # <u>3</u> Exhibit No. 3 (Earl Potts) # <u>4</u> Exhibit No. 4 (Earl Potts))(Garrigan, Timothy) (Entered: 11/29/2004) |
| 11/29/2004 | <u>437</u> | NOTICE by Leroy Garner <i>Plaintiffs' Counter-Offer of Proof Regarding Walter Butler</i> (Attachments: # <u>1</u> Exhibit No. 1 (Walter Butler))(Garrigan, Timothy) (Entered: 11/29/2004) |
| 11/29/2004 | <u>438</u> | **DOCUMENT DEFICIENT (no certificate of service). PLEASE IGNORE.** RESPONSE in Opposition re <u>400</u> MOTION to Dismiss <i>Classs Representatives</i> filed by Leroy Garner. (Attachments: # <u>1</u> Affidavit of Timothy Garrigan)(Demchak, Teresa) Modified on 11/30/2004 (kjr,). (Entered: 11/29/2004) |
| 11/29/2004 | <u>439</u> | DOCUMENT DEFICIENT (no certificate of service). PLEASE IGNORE.** NOTICE by Leroy Garner re <u>408</u> Notice (Other) <i>Objections to Offer of Proof for Lisa Dungan</i> (Demchak, Teresa) Modified on 11/30/2004 (kjr,). (Entered: 11/29/2004) |
| 11/29/2004 | <u>440</u> | NOTICE by Leroy Garner <i>Plaintiffs' Counter-Offer of Proof Regarding James White</i> (Attachments: # <u>1</u> Exhibit No. 1 (James White) # <u>2</u> Exhibit No. 2 (James White))(Garrigan, Timothy) Modified on 11/30/2004 (kjr,). (Entered: 11/29/2004) |
| 11/29/2004 | <u>441</u> | NOTICE by Leroy Garner <i>Plaintiffs' Counter-Offer of Proof Regarding Walter Butler w/ Exh 1 and Exh 2</i> (Attachments: # <u>1</u> Exhibit No. 1 (Walter Butler) |

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| | | # <u>2</u> Exhibit No. 2 (Walter Butler))(Garrigan, Timothy) (Entered: 11/29/2004) |
| 11/29/2004 | <u>442</u> | DOCUMENT DEFICIENT (no certificate of service). PLEASE IGNORE.** NOTICE by Leroy Garner re <u>406</u> Notice (Other) <i>Plaintiffs Opposition to Offer of Proof for David Jinkins</i> (Attachments: # <u>1</u> Exhibit 1 – Jinkins Depo Excerpts)(Demchak, Teresa) Modified on 11/30/2004 (kjr,). (Entered: 11/29/2004) |
| 11/29/2004 | <u>443</u> | **DOCUMENT DEFICIENT (no certificate of service). PLEASE IGNORE.** NOTICE by Leroy Garner re <u>409</u> Notice (Other) <i>Plaintiffs Opposition to Offer of Proof for Richard Gilley</i> (Attachments: # <u>1</u> Exhibit 1 – Gilley Depo Excerpts)(Demchak, Teresa) Modified on 11/30/2004 (kjr,). (Entered: 11/29/2004) |
| 11/29/2004 | <u>444</u> | **DOCUMENT DEFICIENT (no certificate of service). PLEASE IGNORE.** NOTICE by Leroy Garner re <u>410</u> Notice (Other) <i>Plaintiffs Objections to Offer of Proof for Kerry White</i> (Demchak, Teresa) Modified on 11/30/2004 (kjr,). (Entered: 11/29/2004) |
| 11/29/2004 | <u>445</u> | **DOCUMENT DEFICIENT (no certificate of service). PLEASE IGNORE.** NOTICE by Leroy Garner re <u>411</u> Notice (Other) <i>Plaintiffs Objections to Offer of Proof for Larry Long</i> (Attachments: # <u>1</u> Exhibit 1 – Long Depo Excerpts)(Demchak, Teresa) Modified on 11/30/2004 (kjr,). (Entered: 11/29/2004) |
| 11/29/2004 | <u>446</u> | **DOCUMENT DEFICIENT (no certificate of service). PLEASE IGNORE.** NOTICE by Leroy Garner re <u>412</u> Notice (Other) <i>Plaintiffs Objections to Offer of Proof for Steve Reynolds</i> (Attachments: # <u>1</u> Exhibit 1 – Reynolds Depo Excerpts)(Demchak, Teresa) Modified on 11/30/2004 (kjr,). (Entered: 11/29/2004) |
| 11/29/2004 | <u>447</u> | NOTICE by Leroy Garner re <u>406</u> Notice (Other), <u>408</u> Notice (Other), <u>409</u> Notice (Other), <u>410</u> Notice (Other), <u>411</u> Notice (Other), <u>412</u> Notice (Other) Proposed Order Denying Defendants Offers of Proof (Demchak, Teresa) Modified on 11/30/2004 (kjr,). (Entered: 11/29/2004) |
| 11/29/2004 | <u>448</u> | **DOCUMENT DEFICIENT (no certificate of service). PLEASE IGNORE.** RESPONSE in Opposition re <u>399</u> MOTION for Judgment on Partial Findings filed by Leroy Garner. (Demchak, Teresa) Modified on 11/30/2004 (kjr,). (Entered: 11/29/2004) |
| 11/29/2004 | <u>449</u> | **DOCUMENT DEFICIENT (missing last page). PLEASE IGNORE.** Proposed Findings of Fact by Leroy Garner. (Attachments: # <u>1</u> Supplement Part 2 # <u>2</u> Supplement Part 3 # <u>3</u> Supplement Part 4 # <u>4</u> Supplement Part 5 # <u>5</u> Supplement Part 6 # <u>6</u> Supplement Part 7 # <u>7</u> Supplement Table of Contents)(Demchak, Teresa) Modified on 11/30/2004 (kjr,). Modified on 11/30/2004 (kjr,). (Entered: 11/29/2004) |
| 11/29/2004 | <u>450</u> | Proposed Findings of Fact by Lufkin Industries Inc. (Hamel, Douglas) (Entered: 11/30/2004) |
| 11/30/2004 | | NOTICE of Deficiency (no certificate of service) regarding Documents #438, 439, 440, 442, 443, 444, 445, 446, 448 submitted by Pla Class. Document #449 is missing last page (no certificate of service?). Document #447 is Proposed Order and should be scanned with Notices. Documents to be resubmitted. (kjr,) (Entered: 11/30/2004) |
| 11/30/2004 | <u>451</u> | Proposed Findings of Fact by Leroy Garner. (Attachments: # <u>1</u> Supplement part2 # <u>2</u> Supplement part3 # <u>3</u> Supplement part4 # <u>4</u> Supplement part5 # <u>5</u> Supplement part6 # <u>6</u> Supplement part7)(Demchak, Teresa) Modified on 12/2/2004 (kjr,). Replaces |

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| | | deficient Document #449) (Entered: 11/30/2004) |
| 11/30/2004 | <u>452</u> | RESPONSE in Opposition re <u>399</u> MOTION for Judgment on Partial Findings filed by Leroy Garner. (Demchak, Teresa) Modified on 12/2/2004 (kjr,). Replaces deficient document #448. (Entered: 11/30/2004) |
| 11/30/2004 | <u>453</u> | RESPONSE in Opposition re <u>400</u> MOTION to Dismiss <i>Class Representatives</i> filed by Leroy Garner. (Attachments: # <u>1</u> Affidavit of Timothy Garrigan)(Demchak, Teresa) Modified on 12/2/2004 (kjr,). Replaces deficient document #438. (Entered: 11/30/2004) |
| 11/30/2004 | <u>454</u> | NOTICE by Leroy Garner re <u>408</u> Notice (Other) <i>Objections to Offer of Proof for Lisa Dungan</i> (Attachments: # <u>1</u> Text of Proposed Order)(Demchak, Teresa) Modified on 12/2/2004 (kjr,). Replaces deficient document #439. (Entered: 11/30/2004) |
| 11/30/2004 | <u>455</u> | NOTICE by Leroy Garner <i>Objections to Offer of Proof for Larry Long</i> (Attachments: # <u>1</u> Exhibit Long Depo Excerpts # <u>2</u> Text of Proposed Order)(Demchak, Teresa) Modified on 12/2/2004 (kjr,). Replaces deficient document #445. (Entered: 11/30/2004) |
| 11/30/2004 | <u>456</u> | NOTICE by Leroy Garner re <u>412</u> Notice (Other) <i>Objections to Offer of Proof for Steve Reynolds</i> (Attachments: # <u>1</u> Exhibit Depo Excerpts # <u>2</u> Text of Proposed Order)(Demchak, Teresa) Modified on 12/2/2004 (kjr,). Replaces deficient document #446. (Entered: 11/30/2004) |
| 11/30/2004 | <u>457</u> | NOTICE by Leroy Garner re <u>406</u> Notice (Other) <i>Objections to Offer of Proof for David Jinkins</i> (Attachments: # <u>1</u> Exhibit Jinkins Depo Excerpts # <u>2</u> Text of Proposed Order)(Demchak, Teresa) Modified on 12/2/2004 (kjr,). Replaces deficient document #442. (Entered: 11/30/2004) |
| 11/30/2004 | <u>458</u> | NOTICE by Leroy Garner re <u>410</u> Notice (Other) <i>Objections to Offer of Proof for Kerry White</i> (Attachments: # <u>1</u> Text of Proposed Order)(Demchak, Teresa) Modified on 12/2/2004 (kjr,). Replaces deficient document #444. (Entered: 11/30/2004) |
| 11/30/2004 | <u>459</u> | NOTICE by Leroy Garner re <u>409</u> Notice (Other) <i>Objections to Offer of Proof for Gilley</i> (Attachments: # <u>1</u> Exhibit Depo Excerpts of Gilley # <u>2</u> Text of Proposed Order)(Demchak, Teresa) Modified on 12/2/2004 (kjr,). Replaces deficient document #443. (Entered: 11/30/2004) |
| 11/30/2004 | | *** Document # 440 Plaintiff's Counter-Offer of Proof Regarding James White is not deficient. PLEASE IGNORE NOTICE OF DEFICIENCY REGARDING THIS DOCUMENT.*** (kjr,) (Entered: 12/01/2004) |
| 12/03/2004 | <u>460</u> | Amended Proposed Findings of Fact by Lufkin Industries Inc. (Hamel, Douglas) Modified on 12/3/2004 (djh,). (Entered: 12/03/2004) |
| 01/13/2005 | <u>461</u> | MEMORANDUM AND OPINION finding that Lufkin Industries discriminated against African-American employees when awarding initial assignments and promotions. That discrimination resulted in a corresponding shortfall in African-American wages and salaries. To remedy that discrimination, the court orders back pay to the groups and in the amounts listed. The Court also enjoins and orders Lufkin Industries to cease and desist all racially biased assignment and promotion practices. Specifically, the court orders Lufkin Industries to: cease and desist any and all channeling of black applicants to the Foundry and Trailer divisions; make formal training equally available to all ensure that it is not unreasonably withheld; create and implement a program to ensure that back employees receive more on-the-job training through daily work assignments which will develop the skills and abilities needed for promotions; and create and implement a program to ensure that black employees receive an equitable proportion of promotions in keeping with their representation in the Lufkin Industries work force. The court does not at this time order specific measures to achieve those goals, but finds that increased training in human resources and equal employment opportunity law would be a very well-advised first step. The |

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| | | court may also appoint a monitor to oversee Lufkin's compliance efforts and ensure the smooth implementation of the listed requirements. Lufkin Industries is to take all necessary steps to remedy the effects of its past discrimination and ensure that discrimination does not taint its future decisions.. Signed by Judge Howell Cobb on 1/13/05. (kjr,) (Entered: 01/13/2005) |
| 01/14/2005 | <u>462</u> | FINAL JUDGMENT in accordance with the Memorandum Opinion and Order entered on 1/13/05 in favor of plaintiffs and against defendant based on the formula contained in said opinion. Costs of court are taxed against the defendant. Upon motion and hearing, the court will consider request for attorney fees. Signed by Judge Howell Cobb on 1/14/05. (kjr,) (Entered: 01/14/2005) |
| 01/18/2005 | <u>463</u> | MOTION Further Proceedings Regarding Injunctive Relief by Sylvester McClain. (Attachments: # <u>1</u> Text of Proposed Order)(Demchak, Teresa) (Entered: 01/18/2005) |
| 01/19/2005 | <u>464</u> | ORDER that the parties are to meet and confer and report to the Court within 60 days from the date of this Order whether they have been able to reach agreement on the specific details of non-monetary remedial measures dft will implement to address the discrimination found and injunction entered by the Court. The Court schedules a status conference for 4/7/05. Signed by Judge Howell Cobb on 1/18/05. (kjr,) (Entered: 01/19/2005) |
| 01/27/2005 | <u>465</u> | MOTION for Attorney Fees <i>AND REQUEST THAT THE COURT SET A SCHEDULE FOR SUPPLEMENTAL BRIEFING AND HEARING</i> by Sylvester McClain. (Attachments: # <u>1</u> Text of Proposed Order)(Demchak, Teresa) (Entered: 01/27/2005) |
| 01/31/2005 | <u>466</u> | MOTION to Alter Judgment <i>and to Amend and Make Additional Findings of Fact</i> by Lufkin Industries Inc. (Attachments: # <u>1</u> Proposed Order)(Hamel, Douglas) (Entered: 01/31/2005) |
| 02/03/2005 | <u>467</u> | NOTICE by Lufkin Industries Inc <i>Letter to Judge Cobb in response to Plaintiffs' Letter to Judge Cobb re: briefing schedule</i> (Attachments: # <u>1</u> Letter to TWC)(Hamel, Douglas) (Entered: 02/03/2005) |
| 02/07/2005 | <u>468</u> | MOTION to Vacate <i>Court's Order of January 18, 2005 and Response to Plaintiffs' Motion for Order Requiring Further Proceedings</i> by Lufkin Industries Inc. (Attachments: # <u>1</u> Exhibit A, Demchak letter 1/24/05 # <u>2</u> Proposed Order)(Hamel, Douglas) Additional attachment(s) added on 2/8/2005 (kjr,). (Entered: 02/07/2005) |
| 02/08/2005 | <u>469</u> | MOTION Shorten Time Within Which Defendant Must Respond to Plaintiffs' 5th Request for Production of Documents by Sylvester McClain. (Attachments: # <u>1</u> Exhibit 1 # <u>2</u> Exhibit 2 # <u>3</u> Exhibit 3 # <u>4</u> Exhibit 4 # <u>5</u> Exhibit 5 # <u>6</u> Exhibit 6 # <u>7</u> Exhibit 7 # <u>8</u> Exhibit 8 # <u>9</u> Exhibit 9)(Demchak, Teresa) (Entered: 02/08/2005) |
| 02/11/2005 | <u>470</u> | NOTICE OF APPEAL as to <u>462</u> Final Judgment, by Lufkin Industries Inc. Filing fee \$ 255 check #1652675 (djh,) (Entered: 02/11/2005) |
| 02/11/2005 | | Transmission of Notice of Appeal and Docket Sheet to US Court of Appeals re <u>470</u> Notice of Appeal (djh,) (Entered: 02/11/2005) |
| 02/11/2005 | <u>471</u> | RESPONSE in Opposition re <u>466</u> MOTION to Alter Judgment <i>and to Amend and Make Additional Findings of Fact</i> filed by Sylvester McClain. (Attachments: # <u>1</u> Exhibit Plaintiffs' Specific Objections)(Demchak, Teresa) (Entered: 02/11/2005) |
| 02/11/2005 | <u>472</u> | Proposed Pretrial Order <i>Proposed Order</i> by Sylvester McClain. (Demchak, Teresa) (Entered: 02/11/2005) |

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| 02/11/2005 | <u>473</u> | Proposed Pretrial Order <i>Amended Proposed Order</i> by Sylvester McClain. (Demchak, Teresa) (Entered: 02/11/2005) |
| 02/11/2005 | <u>474</u> | RESPONSE in Opposition re <u>465</u> MOTION for Attorney Fees <i>AND REQUEST THAT THE COURT SET A SCHEDULE FOR SUPPLEMENTAL BRIEFING AND HEARING</i> filed by Lufkin Industries Inc. (Attachments: # <u>1</u> Proposed Order Denying Plaintiffs' Motion for Attorneys' Fees # <u>2</u> Proposed Order Scheduling Briefing on Plaintiffs' Motion for Attorneys' Fees)(Hamel, Douglas) (Entered: 02/11/2005) |
| 02/14/2005 | <u>475</u> | ORDER granting in part and denying in part <u>466</u> Motion to Alter Judgment and Make Additional Findings of Fact. The court finds that Paul Perez, a person of Hispanic descent, has been the corporate employee or officer in charge of Lufkin's Human Resources and Law Departments. The court also amends its judgment to delete the award of pre-judgment interest at the rate of 10% compounded annually. Pre-judgment interest is instead to be awarded at the rate of 5% compounded annually, in accord with the Texas Finance Code section 304.003. The court denies the remainder of Lufkin's amendments and additional findings of fact as unnecessary and/or unsupported by the evidence presented before this court. Signed by Judge Howell Cobb on 2/14/05. (kjr,) (Entered: 02/14/2005) |
| 02/14/2005 | <u>476</u> | ORDER setting briefing and response deadlines re <u>465</u> MOTION for interim award of atty's fees, costs and other recoverable litigation-related expenses filed by Sylvester McClain . The status conference currently scheduled in this matter on 4/7/05 is canceled and will be rescheduled at the same time as the hearing on the motion for interim atty's fees. Signed by Judge Howell Cobb on 2/14/05. (kjr,) (Entered: 02/14/2005) |
| 02/15/2005 | <u>477</u> | AMENDED NOTICE OF APPEAL as to <u>461</u> Memorandum & Opinion, <u>475</u> Order on Motion to Alter Judgment, <u>462</u> Final Judgment, <u>464</u> Order, by Lufkin Industries Inc. (kjr,) (Entered: 02/15/2005) |
| 02/15/2005 | | Transmission of Amended Notice of Appeal and Docket Sheet to US Court of Appeals re <u>477</u> Notice of Appeal (kjr,) (Entered: 02/15/2005) |
| 02/17/2005 | <u>478</u> | MOTION for Extension of Time to File <i>Plaintiffs' Motion for Award of Attorneys' Fees and Costs</i> by Sylvester McClain. (Attachments: # <u>1</u> Text of Proposed Order re Motion for Extension of Time to File Motion for Award of Attorneys' Fees and Costs)(Demchak, Teresa) (Entered: 02/17/2005) |
| 02/22/2005 | <u>479</u> | ORDERED that plaintiff's shall file their motion for award of reasonable attorneys' fees and costs by 3/10/05. Dft shall respond by 4/21/05, and plaintiffs shall file their reply by 5/5/05. Motions terminated: <u>478</u> MOTION for Extension of Time to File <i>Plaintiffs' Motion for Award of Attorneys' Fees and Costs</i> . Signed by Judge Howell Cobb on 2/22/05. (kjr,) (Entered: 02/22/2005) |
| 02/22/2005 | <u>480</u> | RESPONSE in Opposition re <u>468</u> MOTION to Vacate <i>Court's Order of January 18, 2005 and Response to Plaintiffs' Motion for Order Requiring Further Proceedings</i> filed by Sylvester McClain. (Demchak, Teresa) (Entered: 02/22/2005) |
| 02/22/2005 | <u>481</u> | AFFIDAVIT in Opposition re <u>468</u> MOTION to Vacate <i>Court's Order of January 18, 2005 and Response to Plaintiffs' Motion for Order Requiring Further Proceedings (Declaration of Teresa Demchak)</i> filed by Sylvester McClain. (Attachments: # <u>1</u> Exhibit Exh. 1 # <u>2</u> Exhibit Exh. 2 # <u>3</u> Exhibit Exh. 3 # <u>4</u> Exhibit Exh. 4 # <u>5</u> Exhibit Exh. 5 # <u>6</u> Exhibit Exh. 6)(Demchak, Teresa) (Entered: 02/22/2005) |
| 02/23/2005 | <u>482</u> | Proposed Pretrial Order <i>Denying Lufkin's Motion to Vacate Court's Order of January 18, 2005</i> by Sylvester McClain. (Demchak, Teresa) (Entered: 02/23/2005) |
| 02/23/2005 | <u>483</u> | RESPONSE in Opposition re <u>469</u> MOTION Shorten Time Within Which Defendant Must Respond to Plaintiffs' 5th Request for Production of Documents filed by Lufkin Industries Inc. (Bacon, Christopher) (Entered: 02/23/2005) |

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| 02/23/2005 | <u>484</u> | MOTION for Protective Order by Lufkin Industries Inc. (Attachments: # <u>1</u> Proposed Order)(Hamel, Douglas) (Entered: 02/23/2005) |
| 02/24/2005 | 485 | TRANSCRIPT of Motion Hearing held on July 11, 2003 before Judge Howell Cobb. Court Reporter: Wendell R. Parks (42 pages). (kjr,) (Entered: 02/25/2005) |
| 02/24/2005 | 486 | TRANSCRIPT of Day 6 of Trial held on October 12, 2004 before Judge Howell Cobb. Court Reporter: Wendell R. Parks (263 pages). (kjr,) (Entered: 02/25/2005) |
| 02/24/2005 | 487 | TRANSCRIPT of Day 7 of Trial held on October 13, 2004 before Judge Howell Cobb. Court Reporter: Wendell R. Parks (248 pages). (kjr,) (Entered: 02/25/2005) |
| 02/24/2005 | 488 | TRANSCRIPT of Day 8 of Bench Trial held on October 14, 2004 before Judge Howell Cobb. Court Reporter: Wendell R. Parks (131 pages). (kjr,) (Entered: 02/25/2005) |
| 02/28/2005 | <u>489</u> | TRANSCRIPT REQUEST by Lufkin Industries Inc for proceedings held on 7/11/03, 10/13-15/04 before Judge Cobb.. (djh,) (Entered: 02/28/2005) |
| 02/28/2005 | <u>490</u> | ORDER finding as moot <u>469</u> Motion to shorten time within which to respond to plaintiffs' fifth request for production of documents, denying plaintiffs' fifth request for production of documents and granting <u>484</u> Motion for Protective Order . Signed by Judge Howell Cobb on 2/28/05. (kjr,) (Entered: 02/28/2005) |
| 02/28/2005 | <u>491</u> | NOTICE OF CROSS APPEAL as to <u>461</u> Memorandum & Opinion, <u>462</u> Final Judgment, by Pla Class. Filing fee \$ 255, receipt number 9-1-18. (djh,) (Entered: 02/28/2005) |
| 02/28/2005 | | Transmission of Notice of Appeal and Docket Sheet to US Court of Appeals re <u>491</u> Notice of Cross Appeal (djh,) (Entered: 02/28/2005) |
| 03/01/2005 | <u>492</u> | REPLY to Response to Motion re <u>468</u> MOTION to Vacate <i>Court's Order of January 18, 2005 and Response to Plaintiffs' Motion for Order Requiring Further Proceedings</i> filed by Lufkin Industries Inc. (Attachments: # <u>1</u> Exhibit A # <u>2</u> Proposed Order)(Hamel, Douglas) (Entered: 03/01/2005) |
| 03/02/2005 | <u>493</u> | REPLY to Response to Motion re <u>468</u> MOTION to Vacate <i>Court's Order of January 18, 2005 and Response to Plaintiffs' Motion for Order Requiring Further Proceedings (Sur-Reply in Opposition)</i> filed by Sylvester McClain. (Attachments: # <u>1</u> Exhibit Exhibit A)(Demchak, Teresa) (Entered: 03/02/2005) |
| 03/03/2005 | <u>494</u> | APPROVED APPLICATION to Appear Pro Hac Vice by Attorney Nina Rabin for John Doe, III; Clifford R Duirden; Earl Potts; Roald Mark; Pla Class; Sylvester McClain; Buford Thomas; Patrick. Ross; Mary Thomas; Eddie K Mask; Leroy Garner; Sherry Calloway Swint; John Doe and Florine Thompson. (djh,) (Entered: 03/04/2005) |
| 03/03/2005 | | Pro Hac Vice Filing fee paid by Nina Rabin; Fee: \$25, receipt number: 9-022 (djh,) (Entered: 03/04/2005) |
| 03/03/2005 | <u>495</u> | APPROVED APPLICATION to Appear Pro Hac Vice by Attorney Meetal Jain for John Doe, III; Clifford R Duirden; Earl Potts; Roald Mark; Pla Class; Sylvester McClain; Buford Thomas; Patrick. Ross; Mary Thomas; Eddie K Mask; Leroy Garner; Sherry Calloway Swint; John Doe and Florine Thompson. (djh,) Additional attachment(s) added on 3/4/2005 (djh,). (Entered: 03/04/2005) |
| 03/03/2005 | | Pro Hac Vice Filing fee paid by Meetal Jain; Fee: \$25, receipt number: 9-021 (djh,) (Entered: 03/04/2005) |
| 03/07/2005 | <u>496</u> | NOTICE of Docketing acknowledgement by 5th Circuit. USCA Case Number 05-40254 (djh,) Modified on 3/10/2005 (djh,). (Entered: 03/07/2005) |
| 03/07/2005 | <u>497</u> | NOTICE of Docketing acknowledgement by USCA Caseand assigned case Number 05-40254 (djh,) Modified on 3/10/2005 (djh,). (Entered: 03/07/2005) |
| 03/09/2005 | <u>498</u> | MOTION Requesting Judicial Notice by Sylvester McClain. (Attachments: # <u>1</u> Exhibit Exh 1 # <u>2</u> Exhibit Exh 2 # <u>3</u> Exhibit Exh 3) |

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| | | <p># <u>4</u> Exhibit Exh 4 # <u>5</u> Exhibit Exh 5 # <u>6</u> Exhibit Exh 6 # <u>7</u> Exhibit Exh 7 # <u>8</u> Exhibit Exh 8 # <u>9</u> Exhibit Exh 9 # <u>10</u> Text of Proposed Order)(Demchak, Teresa) (Entered: 03/09/2005)</p> |
| 03/10/2005 | <u>499</u> | <p>**Document deficient (no certificate of conference; exceeds page limit). Please ignore — Document to be resubmitted.** MOTION for Attorney Fees <i>Interim Award of Fees, Costs & Expenses</i> by Sylvester McClain. (Attachments: # <u>1</u> Exhibit Exhibit 1 # <u>2</u> Exhibit Exhibit 2 # <u>3</u> Text of Proposed Order)(Demchak, Teresa) Modified on 3/14/2005 (kjr,). (Entered: 03/10/2005)</p> |
| 03/10/2005 | <u>500</u> | <p>AFFIDAVIT in Support re <u>499</u> MOTION for Attorney Fees <i>Interim Award of Fees, Costs & Expenses of Teresa Demchak</i> filed by Sylvester McClain. (Attachments: # <u>1</u> Exhibit Exhibit 1 # <u>2</u> Exhibit Exhibit 2 # <u>3</u> Exhibit Exhibit 3 # <u>4</u> Exhibit Exhibit 4 # <u>5</u> Exhibit Exhibit 5 # <u>6</u> Exhibit Exhibit 6 # <u>7</u> Exhibit Exhibit 7 # <u>8</u> Exhibit Exhibit 8 # <u>9</u> Exhibit Exhibit 9 # <u>10</u> Exhibit Exhibit 10 # <u>11</u> Exhibit Exhibit 11 # <u>12</u> Exhibit Exhibit 12 # <u>13</u> Exhibit Exhibit 13 # <u>14</u> Exhibit Exhibit 14 # <u>15</u> Exhibit Exhibit 15 # <u>16</u> Exhibit Exhibit 16 # <u>17</u> Exhibit Exhibit 17 # <u>18</u> Exhibit Exhibit 18 # <u>19</u> Exhibit Exhibit 19 # <u>20</u> Exhibit Exhibit 20 # <u>21</u> Exhibit Exhibit 21 # <u>22</u> Exhibit Exhibit 22 # <u>23</u> Exhibit Exhibit 23 # <u>24</u> Exhibit Exhibit 24 # <u>25</u> Exhibit Exhibit 25 # <u>26</u> Exhibit Exhibit 26 # <u>27</u> Exhibit Exhibit 27 # <u>28</u> Exhibit Exhibit 28 # <u>29</u> Exhibit Exhibit 29)(Demchak, Teresa) (Entered: 03/10/2005)</p> |
| 03/10/2005 | <u>501</u> | <p>AFFIDAVIT in Support re <u>499</u> MOTION for Attorney Fees <i>Interim Award of Fees, Costs & Expenses of Timothy Garrigan</i> filed by Sylvester McClain. (Attachments: # <u>1</u> Exhibit Exhibit 1 # <u>2</u> Exhibit Exhibit 2)(Demchak, Teresa) (Entered: 03/10/2005)</p> |
| 03/10/2005 | <u>502</u> | <p>Additional Attachments to Main Document: <u>499</u> MOTION for Attorney Fees <i>Interim Award of Fees, Costs & Expenses..</i> (Attachments: # <u>1</u> Affidavit of Ann Davis # <u>2</u> Exhibit Exhibit 1 to Davis Declaration # <u>3</u> Affidavit of Joseph Sellers # <u>4</u> Affidavit of J. Derek Braziel # <u>5</u> Affidavit of Otis Carroll # <u>6</u> Affidavit of Margaret A. Harris # <u>7</u> Affidavit of Stephen D. Susman # <u>8</u> Affidavit of Steven B. Thorpe # <u>9</u> Affidavit of David Weiser)(Demchak, Teresa) (Entered: 03/10/2005)</p> |

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| 03/10/2005 | <u>503</u> | BILL OF COSTS by Sylvester McClain. (Demchak, Teresa) (Entered: 03/10/2005) |
| 03/10/2005 | | NOTICE of Deficiency regarding the #499 Motion for Attorney Fees submitted by Pla Class. (No certificate of conference; exceeds page limit). Docket to be resubmitted. (kjr,) (Entered: 03/14/2005) |
| 03/14/2005 | <u>504</u> | MOTION for Leave to File Excess Pages by Sylvester McClain. (Attachments: # <u>1</u> Text of Proposed Order)(Demchak, Teresa) (Entered: 03/14/2005) |
| 03/16/2005 | <u>505</u> | MOTION to Stay re <u>504</u> MOTION for Leave to File Excess Pages by Lufkin Industries Inc. (Attachments: # <u>1</u> Text of Proposed Order)(Bacon, Christopher) (Entered: 03/16/2005) |
| 03/21/2005 | <u>506</u> | STATUS REPORT <i>Joint Report Pursuant to January 19, 2005 Order</i> by Sylvester McClain, Lufkin Industries Inc. (Demchak, Teresa) (Entered: 03/21/2005) |
| 03/21/2005 | <u>507</u> | STATUS REPORT <i>Pursuant to the January 19, 2005 Order</i> by Sylvester McClain. (Attachments: # <u>1</u> Exhibit Exhibts 1 – 7 # <u>2</u> Exhibit Exhibits 8 – 13)(Demchak, Teresa) (Entered: 03/21/2005) |
| 03/21/2005 | <u>508</u> | MOTION for Hearing <i>and Briefing on Injunctive Remedies</i> by Sylvester McClain. (Attachments: # <u>1</u> Text of Proposed Order)(Demchak, Teresa) (Entered: 03/21/2005) |
| 03/21/2005 | <u>509</u> | RESPONSE in Opposition re <u>505</u> MOTION to Stay re <u>504</u> MOTION for Leave to File Excess Pages filed by Sylvester McClain. (Attachments: # <u>1</u> Exhibit Exhibits 1 – 2)(Demchak, Teresa) (Entered: 03/21/2005) |
| 03/24/2005 | <u>510</u> | RESPONSE in Opposition re <u>498</u> MOTION Requesting Judicial Notice filed by Lufkin Industries Inc. (Attachments: # <u>1</u> Text of Proposed Order)(Bacon, Christopher) (Entered: 03/24/2005) |
| 03/28/2005 | <u>511</u> | NOTICE of Docketing Record on Appeal from USCA re <u>491</u> Notice of Cross Appeal filed by Pla Class., USCA Case Number 05–40254 (djh,) (Entered: 03/28/2005) |
| 03/30/2005 | <u>512</u> | REPLY to Response to Motion re <u>498</u> MOTION Requesting Judicial Notice filed by Sylvester McClain. (Demchak, Teresa) (Entered: 03/30/2005) |
| 04/06/2005 | <u>513</u> | MOTION to Compel <i>Production of Documents</i> by Lufkin Industries Inc. (Attachments: # <u>1</u> Exhibit Exhibit A # <u>2</u> Text of Proposed Order)(Hamel, Douglas) (Entered: 04/06/2005) |
| 04/12/2005 | <u>514</u> | MOTION for Order Specifying Amount of Class Back Pay and Method of Determining Individual Class Member Awards by Sylvester McClain. (Attachments: # <u>1</u> Text of Proposed Order # <u>2</u> Affidavit of Richard Drogin)(Demchak, Teresa) (Entered: 04/12/2005) |
| 04/18/2005 | <u>515</u> | Acknowledgement by 5th Circuit of receipt of appeal record (Entered: 04/18/2005) |
| 04/18/2005 | <u>516</u> | MOTION for Extension of Time to File Response/Reply as to <u>479</u> Order,, Terminate Motions, by Lufkin Industries Inc. (Attachments: # <u>1</u> Text of Proposed Order)(Hamel, Douglas) (Entered: 04/18/2005) |
| 04/19/2005 | <u>517</u> | RESPONSE in Opposition re <u>513</u> MOTION to Compel <i>Production of Documents</i> filed by Sylvester McClain. (Attachments: # <u>1</u> Exhibit Exh 1)(Demchak, Teresa) (Entered: 04/19/2005) |
| 04/19/2005 | <u>518</u> | RESPONSE in Opposition re <u>516</u> MOTION for Extension of Time to File Response/Reply as to <u>479</u> Order,, Terminate Motions, filed by Sylvester McClain. (Demchak, Teresa) (Entered: 04/19/2005) |
| 04/19/2005 | <u>519</u> | ORDER granting the <u>516</u> motion for extension of time to file response to plas' motion for an interim award of attys' fees, costs and expenses and the Court ORDERS as follows: dft shall file its response to plas' motion for an interim award of attys' fees, costs and expenses within 5 working days after plas produce the documents sought in dft's motion to compel production of documents. Plas shall file their reply by 2 weeks after the new response deadline. Signed by Judge Howell Cobb on 4/19/05. (djh,) (Entered: 04/20/2005) |

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| 04/20/2005 | <u>520</u> | MOTION Clarification of Order, doc. no. 519 <i>Plaintiffs' Motion for Clarification of the April 19, 2005 Order</i> by Leroy Garner. (Attachments: # <u>1</u> Text of Proposed Order)(Garrigan, Timothy) (Entered: 04/20/2005) |
| 04/22/2005 | <u>521</u> | ORDER granting <u>520</u> Motion for clarification. Dft motion for extension of time to file its response to plas' motion for an interim award of atty's fees, costs and expenses is granted. In the event that the Court denies Lufkin's motion to compel, Lufkin shall have 3 business days from the date of the denial to file its response. In the event that the Court grants Lufkin's motion to compel in whole or in part, or if the plas satisfy Lufkin's underlying request, Lufkin shall have 5 business days after plas' production in which to file its response. Plas shall file their reply by two weeks after the new response deadline . Signed by Judge Howell Cobb on 4/22/05. (djh,) (Entered: 04/22/2005) |
| 04/27/2005 | <u>522</u> | RESPONSE in Opposition re <u>514</u> MOTION for Order Specifying Amount of Class Back Pay and Method of Determining Individual Class Member Awards filed by Lufkin Industries Inc. (Hamel, Douglas) (Entered: 04/27/2005) |
| 05/02/2005 | <u>523</u> | REPLY to Response to Motion re <u>514</u> MOTION for Order Specifying Amount of Class Back Pay and Method of Determining Individual Class Member Awards filed by Sylvester McClain. (Demchak, Teresa) (Entered: 05/02/2005) |
| 05/02/2005 | <u>524</u> | MOTION Appointment of 1) Special Master and 2) Court–Appointed Expert Witness or Technical Advisor by Sylvester McClain. (Attachments: # <u>1</u> Text of Proposed Order # <u>2</u> Exhibit Exhs 1–3)(Demchak, Teresa) (Entered: 05/02/2005) |
| 05/04/2005 | <u>525</u> | **PLEASE IGNORE. FILED IN ERROR. SEE DOCUMENT <u>527</u> .** MOTION for Leave to File Excess Pages by Lufkin Industries Inc. (Attachments: # <u>1</u> Text of Proposed Order)(Bacon, Christopher) Modified on 5/5/2005 (kjr,). (Entered: 05/04/2005) |
| 05/04/2005 | <u>526</u> | MOTION to Seal <i>Declarations filed in Support of Opposition to Motion for Interim Award of Attorney's Fees</i> by Lufkin Industries Inc. (Attachments: # <u>1</u> Text of Proposed Order)(Bacon, Christopher) (Entered: 05/04/2005) |
| 05/04/2005 | <u>527</u> | MOTION for Leave to File Excess Pages <i>Opposition to Motion for Interim Award of Attorney's Fees</i> by Lufkin Industries Inc. (Attachments: # <u>1</u> Text of Proposed Order)(Bacon, Christopher) (Entered: 05/04/2005) |
| 05/04/2005 | <u>528</u> | RESPONSE in Opposition re <u>499</u> MOTION for Attorney Fees <i>Interim Award of Fees, Costs & Expenses</i> filed by Lufkin Industries Inc. (Attachments: # <u>1</u> Appendix Table of Contents # <u>2</u> Errata Sealed Documents # <u>3</u> Exhibit Declaration of Carolyn Wood # <u>4</u> Exhibit Declaration of Christopher Bacon # <u>5</u> Exhibit Declaration of Patricia Rios # <u>6</u> Exhibit January 27, 2005 letter from Demchak # <u>7</u> Exhibit Garrigan Engagement Letters # <u>8</u> Exhibit Garrigan deposition # <u>9</u> Exhibit Declaration of Anderson Lee # <u>10</u> Exhibit Drogen invoices # <u>11</u> Exhibit McCune invoices)(Hamel, Douglas) (Entered: 05/04/2005) |
| 05/04/2005 | <u>529</u> | Additional Attachments to Main Document: <u>528</u> Response in Opposition to Motion,... (Attachments: # <u>1</u> Exhibit Exhibits to Wood Declaration A–H # <u>2</u> Exhibit Wood Declaration Exhibit I # <u>3</u> Errata Wood Declaration Exhibits J–M)(Bacon, Christopher) (Entered: 05/05/2005) |
| 05/04/2005 | | ***FILED IN ERROR. Document # <u>525</u> Motion for Leave to File Excess Pages. PLEASE IGNORE; MOTION TERMINATED. REPLACED BY DOCUMENT <u>527</u> . *** (kjr,) (Entered: 05/05/2005) |
| 05/05/2005 | <u>530</u> | Additional Attachments to Main Document: <u>528</u> Response in Opposition to Motion,... (Attachments: # <u>1</u> Exhibit Declaration of Christopher Bacon)(Hamel, Douglas) (Entered: 05/05/2005) |

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| 05/05/2005 | | PARTIAL return of appeal record: received 2 boxes of transcripts and 1 box of motions exhibits only (Entered: 05/05/2005) |
| 05/05/2005 | <u>531</u> | USCA JUDGMENT that the motion of appellees–cross–appellants to dismiss the appeals for lack of jurisdiction is granted. The alternative motion of appellees–cross–appellants to stay further proceedings in this court pending further proceedings before USDC is denied as unnecessary. Mandate issued on 5/2/05 (Entered: 05/05/2005) |
| 05/05/2005 | <u>532</u> | Additional Attachments to Main Document: <u>528</u> Response in Opposition to Motion,... (Attachments: # <u>1</u> Exhibit Declaration of Anderson Lee (Shin–Yueh A. Lee))(Hamel, Douglas) (Entered: 05/05/2005) |
| 05/05/2005 | <u>533</u> | ORDER Setting Hearing on Motion <u>465</u> MOTION for Attorney Fees AND REQUEST THAT THE COURT SET A SCHEDULE FOR SUPPLEMENTAL BRIEFING AND HEARING, <u>504</u> MOTION for Leave to File Excess Pages, <u>505</u> MOTION to Stay re <u>504</u> MOTION for Leave to File Excess Pages, <u>468</u> MOTION to Vacate Court's Order of January 18, 2005 and Response to Plaintiffs' Motion for Order Requiring Further Proceedings, <u>508</u> MOTION for Hearing and Briefing on Injunctive Remedies, <u>498</u> MOTION Requesting Judicial Notice, <u>524</u> MOTION Appointment of 1) Special Master and 2) Court–Appointed Expert Witness or Technical Advisor, <u>513</u> MOTION to Compel Production of Documents, <u>514</u> MOTION for Order Specifying Amount of Class Back Pay and Method of Determining Individual Class Member Awards, <u>526</u> MOTION to Seal Declarations filed in Support of Opposition to Motion for Interim Award of Attorney's Fees, <u>527</u> MOTION for Leave to File Excess Pages Opposition to Motion for Interim Award of Attorney's Fees: Motion Hearing set for 5/25/2005 10:00 AM in Beaumont before Judge Howell Cobb.. Signed by Judge Howell Cobb on 5/5/05. (djh,) (Entered: 05/05/2005) |
| 05/09/2005 | <u>534</u> | Joint MOTION to Allow Unions to Intervene as Non–Aligned Parties by Sylvester McClain. (Attachments: # <u>1</u> Text of Proposed Order & Stipulation)(Demchak, Teresa) (Entered: 05/09/2005) |
| 05/17/2005 | <u>535</u> | Document deficient – no response attached. Please ignore. See correct document at <u>536</u> . RESPONSE in Opposition re <u>524</u> MOTION Appointment of 1) Special Master and 2) Court–Appointed Expert Witness or Technical Advisor filed by Lufkin Industries Inc. (Attachments: # <u>1</u> Text of Proposed Order)(Bacon, Christopher) Modified on 5/18/2005 (kjr,). (Entered: 05/17/2005) |
| 05/17/2005 | <u>536</u> | RESPONSE in Opposition re <u>524</u> MOTION Appointment of 1) Special Master and 2) Court–Appointed Expert Witness or Technical Advisor filed by Lufkin Industries Inc. (Attachments: # <u>1</u> Text of Proposed Order)(Bacon, Christopher) (Replaces deficient document #535.) (Entered: 05/17/2005) |
| 05/17/2005 | | NOTICE of Deficiency regarding Document <u>535</u> submitted by Lufkin Industries Inc. The response was not attached – just the proposed order. See corrected document at <u>536</u> . (kjr,) (Entered: 05/18/2005) |
| 05/18/2005 | <u>537</u> | MOTION for Leave to File Excess Pages by Sylvester McClain. (Attachments: # <u>1</u> Text of Proposed Order)(Demchak, Teresa) (Entered: 05/18/2005) |
| 05/18/2005 | <u>538</u> | REPLY to Response to Motion re <u>499</u> MOTION for Attorney Fees <i>Interim Award of Fees, Costs & Expenses</i> filed by Sylvester McClain. (Attachments: # <u>1</u> Text of Proposed Order # <u>2</u> Exhibit Appendix A # <u>3</u> Affidavit Supplemental Declaration of Teresa Demchak # <u>4</u> Exhibit Exhibits to Suppl. Demchak Decl. # <u>5</u> Affidavit Supplemental Declaration of T. Garrigan # <u>6</u> Affidavit Declaration of K. Turner Link # <u>7</u> Exhibit Exhibits to K. Turner Link Decl. # <u>8</u> Affidavit Declaration of O. Carroll # <u>9</u> Affidavit Declaration of L. Ashe # <u>10</u> Affidavit Declaration of S. Forst)(Demchak, Teresa) (Entered: 05/18/2005) |

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| 05/19/2005 | <u>539</u> | Additional Attachments to Main Document: <u>538</u> Reply to Response to Motion,,... (Demchak, Teresa) (Entered: 05/19/2005) |
| 05/20/2005 | <u>540</u> | REPLY to Response to Motion re <u>524</u> MOTION Appointment of 1) Special Master and 2) Court–Appointed Expert Witness or Technical Advisor <i>Plaintiffs' Reply to Lufkin's Response in Opposition to Plaintiffs' Motion for Appointments</i> filed by Sylvester McClain. (Demchak, Teresa) (Entered: 05/20/2005) |
| 05/20/2005 | <u>541</u> | RESPONSE in Opposition re <u>537</u> MOTION for Leave to File Excess Pages filed by Lufkin Industries Inc. (Bacon, Christopher) (Entered: 05/20/2005) |
| 05/23/2005 | <u>542</u> | REPLY to Response to Motion re <u>499</u> MOTION for Attorney Fees <i>Interim Award of Fees, Costs & Expenses</i> filed by Lufkin Industries Inc. (Bacon, Christopher) (Entered: 05/23/2005) |
| 05/24/2005 | <u>543</u> | STATUS REPORT <i>regarding remedial measures taken by Lufkin</i> by Lufkin Industries Inc. (Attachments: # <u>1</u> Exhibit A # <u>2</u> Exhibit B # <u>3</u> Exhibit C # <u>4</u> Exhibit D # <u>5</u> Exhibit E)(Hamel, Douglas) (Entered: 05/24/2005) |
| 05/25/2005 | <u>546</u> | Minute Entry for proceedings held before Judge Howell Cobb: Motion Hearing held on 5/25/2005. The Ct ruled on following motions: Motion for Judicial Notice–denied; Motions for excess pages–moot; Motion to vacate–denied; motion for stay to be taken up at a later date; motion for review–granted; motion to compel–withdrawn; other pending motions taken under advisement. (Court Reporter Wendell Parks.) (rll) (Entered: 06/02/2005) |
| 05/31/2005 | <u>544</u> | RESPONSE to Motion re <u>508</u> MOTION for Hearing <i>and Briefing on Injunctive Remedies Plaintiff Response to Lufkin's Report to Court on Remedial Measures</i> filed by Sylvester McClain. (Attachments: # <u>1</u> Exhibit Exhibit 1 to Plaintiff Response to Lufkin's Report to Court on Remedial Measures)(Demchak, Teresa) (Entered: 05/31/2005) |
| 06/01/2005 | <u>545</u> | REPLY to Response to Motion re <u>514</u> MOTION for Order Specifying Amount of Class Back Pay and Method of Determining Individual Class Member Awards <i>as Requested at May 25, 2005 Hearing</i> filed by Sylvester McClain. (Demchak, Teresa) (Entered: 06/01/2005) |
| 06/13/2005 | <u>547</u> | REPLY to Response to Motion re <u>499</u> MOTION for Attorney Fees <i>Interim Award of Fees, Costs & Expenses and in response to the Court's June 6, 2005 letter</i> filed by Sylvester McClain. (Demchak, Teresa) (Entered: 06/13/2005) |
| 06/13/2005 | 548 | TRANSCRIPT of Motion hearing Proceedings held on May 25, 2005 before Judge Cobb. Court Reporter: Wendell Parks. (djh,) (Entered: 06/14/2005) |
| 06/29/2005 | <u>549</u> | REPLY to Response to Motion re <u>499</u> MOTION for Attorney Fees <i>Interim Award of Fees, Costs & Expenses Reply to Demchak Letter, Docket No. 547</i> filed by Lufkin Industries Inc. (Hamel, Douglas) (Entered: 06/29/2005) |
| 06/29/2005 | <u>550</u> | NOTICE by Lufkin Industries Inc re <u>524</u> MOTION Appointment of 1) Special Master and 2) Court–Appointed Expert Witness or Technical Advisor <i>Letter to Judge Cobb regarding Appointment of The Hon. Wendall Radford</i> (Hamel, Douglas) (Entered: 06/29/2005) |
| 07/01/2005 | <u>551</u> | REPLY to Response to Motion re <u>499</u> MOTION for Attorney Fees <i>Interim Award of Fees, Costs & Expenses Reply to Hamel Letter Docket No. 549</i> filed by Sylvester McClain. (Attachments: # <u>1</u> Exhibit)(Demchak, Teresa) (Entered: 07/01/2005) |
| 08/29/2005 | <u>552</u> | AMENDED FINAL JUDGMENT that the plas having prevailed it is ORDERED that the class receive \$3,400,139 in back pay, pl post judgment interest on that amt beginning 1/1/05. Post judgment interest is to be assessed at the ordinary federal rate. The aty fees which are approved and ORDERED area s follows: no fee is awarded for time spent inthe unsuccessful mediation, nor is any fee awarded for Mr. Garrigan's attendance at pla Mark's separate suit against Lufkin Industries. Once that time is |

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| | | removed the remaining billable hrs of all plas' attys are to be reduced by 25%. Ms. Demchak and Mr. Baller are to received \$350 an hr. Attys Burrell, Konecky and Borgen are to receive \$300 an hr. Ms Rabin to receive \$250 an hr. Paralegal hrs are to be billed at \$60 an hr. Case clerk hrs are to be billed at \$50 an hr. Mr. garrigan is to receive \$250 an hr. Mr. Garrigan's paralegal, Ms. Davis is to receive \$75 an hr. Plas' attys are awarded \$127,658.60 in taxable costs. Plas' attys are also awarded \$840,129.72 in litigation–related expenses. Because plas have proven their case for employment discrimination it is hereby ORDERED that plas receive all relief stated in this opinion . Signed by Judge Howell Cobb on 8/29/05. (djh,) (Entered: 08/29/2005) |
| 09/01/2005 | <u>553</u> | NOTICE OF APPEAL as to <u>552</u> Amended Final Judgment by All Pla's. (djh,) (Entered: 09/01/2005) |
| 09/01/2005 | | Filing fee: \$ 255.00, receipt number 9–1–155 (djh,) (Entered: 09/01/2005) |
| 09/01/2005 | | Mailed transcript order form to pla's attorney (djh,) (Entered: 09/01/2005) |
| 09/01/2005 | | Transmission of Notice of Appeal and Docket Sheet to US Court of Appeals re <u>553</u> Notice of Appeal (djh,) (Entered: 09/01/2005) |
| 09/12/2005 | <u>554</u> | *** (<u>556</u> REPLACES THIS DOCUMENT) *****Supplemental MOTION for Attorney Fees , <i>Costs and Expenses</i> by Sylvester McClain. (Attachments: # <u>1</u> Text of Proposed Order # <u>2</u> Affidavit Declaration of T. Demchak # <u>3</u> Exhibit Exh. 1 to Demchak Decl. # <u>4</u> Exhibit Exh. 2 to Demchak Decl. # <u>5</u> Exhibit Exh. 3 to Demchak Decl. # <u>6</u> Exhibit Exh. 4 to Demchak Decl. # <u>7</u> Affidavit Declaration of T. Garrigan # <u>8</u> Exhibit Exh. 1 to Garrigan Decl. # <u>9</u> Exhibit Exh. 2 to Garrigan Decl. # <u>10</u> Exhibit Exh. 3 to Garrigan Decl.)(Demchak, Teresa) Modified on 9/16/2005 (djh,). (Entered: 09/12/2005) |
| 09/12/2005 | <u>555</u> | BILL OF COSTS (<i>Supplemental</i>) by Sylvester McClain. (Demchak, Teresa) (Entered: 09/12/2005) |
| 09/16/2005 | <u>556</u> | ***** (REPLACES <u>554</u>) ***** Amended MOTION for Attorney Fees <i>Plaintiffs' Corrected Motion for a Supplemental Award of Attorneys' Fees, Costs and Expenses</i> by All Pla's. (Attachments: # <u>1</u> Text of Proposed Order # <u>2</u> Affidavit Corrected Declaration of Teresa Demchak # <u>3</u> Exhibit Exh 1 to Demchak Declaration # <u>4</u> Exhibit Exh 2 to Demchak Declaration # <u>5</u> Exhibit Exh 3 to Demchak Declaration # <u>6</u> Exhibit Exh 4 to Demchak Declaration # <u>7</u> Affidavit Corrected Declaration of Timothy Garrigan # <u>8</u> Exhibit Exh 1 to Garrigan Declaration # <u>9</u> Exhibit Exh 2 to Garrigan Declaration # <u>10</u> Exhibit Exh 3 to Garrigan Declaration)(Garrigan, Timothy) Modified on 9/16/2005 (djh,). (Entered: 09/16/2005) |
| 09/19/2005 | <u>557</u> | NOTICE OF APPEAL as to <u>552</u> Amended Final Judgment by Lufkin Industries Inc. (djh,) (Entered: 09/19/2005) |
| 09/19/2005 | | USCA Appeal Fees received \$ 255 receipt number 9–1–170 re <u>557</u> Notice of Appeal filed by Lufkin Industries Inc, (djh,) (Entered: 09/19/2005) |
| 09/19/2005 | | Transmission of Notice of Appeal and Docket Sheet to US Court of Appeals re <u>557</u> Notice of Appeal (djh,) (Entered: 09/19/2005) |
| 09/19/2005 | | Forwarded transcript order form to Lufkin Industries atty Doug Hamel (djh,) (Entered: 09/19/2005) |
| 09/19/2005 | <u>558</u> | ORDER denying <u>556</u> Motion for Attorney Fees without prejudice. Signed by Judge Ron Clark on 9/19/05. (kjr,) (Entered: 09/21/2005) |

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| 09/19/2005 | <u>559</u> | Case reassigned to Judge Ron Clark pursuant to GO 05-14. Judge Howell Cobb no longer assigned to the case. (kjr,) (Entered: 09/21/2005) |
| 10/06/2005 | <u>560</u> | TRANSCRIPT REQUEST by All Pla's re <u>553</u> Notice of Appeal that the transcript is already on file in the Clerk's office (kjr,) (Entered: 10/06/2005) |
| 10/19/2005 | <u>561</u> | MOTION Unopposed Motion for Leave to Return Defendant's Trial Exhibits to the Court by Lufkin Industries Inc. (Attachments: # <u>1</u> Proposed Order)(Hamel, Douglas) (Entered: 10/19/2005) |
| 10/20/2005 | <u>562</u> | TRANSCRIPT REQUEST stating that the transcripts are already on file by Lufkin Industries Inc. (djh,) (Entered: 10/20/2005) |
| 11/07/2005 | <u>563</u> | ORDER granting <u>561</u> unopposed motion to return dft's trial exhibits for inclusion in the record subject to a verification of the exhibits by affidavit. The dft and plas should submit a joint, sworn affidavit detailing that the exhibits being submitted are those that the trial court admitted and no alterations have been made. The affidavit should be supplemented with a copy of the trial exhibit list. Upon filing this affidavit, dft may send the exhibits directly to Fifth Circuit along with a copy of the affidavit and notice tha the affidavit has been filed in this court. . Signed by Judge Ron Clark on 11/7/05. (djh,) (Entered: 11/08/2005) |
| 11/07/2005 | <u>564</u> | ORDER finding as moot <u>465</u> Motion for Attorney Fees, denying <u>468</u> Motion to Vacate, denying <u>498</u> Motion, finding as moot <u>504</u> Motion for Leave to File Excess Pages, finding as moot <u>505</u> Motion to Stay, finding as moot <u>508</u> Motion for Hearing, withdrawing <u>513</u> Motion to Compel, finding as moot <u>514</u> Motion, finding as moot <u>524</u> Motion, finding as moot <u>526</u> Motion to Seal, finding as moot <u>527</u> Motion for Leave to File Excess Pages, finding as moot <u>534</u> Motion, finding as moot <u>537</u> Motion for Leave to File Excess Pages . Signed by Judge Ron Clark on 11/7/05. (djh,) (Entered: 11/08/2005) |
| 11/09/2005 | <u>565</u> | NOTICE of Docketing Record on Appeal from USCA re <u>557</u> Notice of Appeal filed by Lufkin Industries Inc., USCA Case Number 05-41417 (djh,) (Entered: 11/09/2005) |
| 11/09/2005 | <u>566</u> | NOTICE of Docketing Record on Appeal from USCA re <u>553</u> Notice of Appeal filed by All Pla's,. USCA Case Number 05--41417 (djh,) (Entered: 11/09/2005) |
| 11/30/2005 | <u>567</u> | NOTICE by Lufkin Industries Inc <i>that exhibits will be transmitted to Court of Appeals</i> (Attachments: # <u>1</u> Exhibit 1 (affidavit) # <u>2</u> Exhibit 2 (exhibit list))(Bacon, Christopher) (Entered: 11/30/2005) |
| 12/15/2005 | <u>568</u> | Joint MOTION to Stay of Proceedings to Enforce a Judgment by Lufkin Industries Inc. (Attachments: # <u>1</u> Exhibit 1 # <u>2</u> Proposed Order)(Hamel, Douglas) (Entered: 12/15/2005) |
| 12/16/2005 | <u>569</u> | ORDER granting <u>568</u> Motion to Stay to enforce judgment. Signed by Judge Ron Clark on 12/16/05. (djh,) (Entered: 12/19/2005) |
| 01/24/2006 | | Electronically certified record on appeal (Entered: 01/26/2006) |
| 02/09/2006 | | Electronically certified record on appeal (djh,) (Entered: 02/09/2006) |
| 02/09/2006 | <u>570</u> | Pla's request for appeal record and shipped to pla's atty via Federal Express (djh,) Modified on 2/27/2006 (djh,). (Entered: 02/13/2006) |
| 03/06/2006 | | Partial Record sent back to 5th Circuit (sent us stating closed appeal with wrong appeal number--appeal still pending 05-41417). (expando rtd envelopes and exhibits to motions) (djh,) (Entered: 03/06/2006) |
| 04/07/2006 | <u>571</u> | Acknowledgement of receipt by 5th Circuit of appeal record (25 vols) (djh,) (Entered: 04/07/2006) |
| 05/26/2006 | 572 | TRANSCRIPT of Motion Hearing Proceedings held on July 27, 2000 before Judge Cobb in Beaumont, Tx. Court Reporter: Wendell Parks. (278 pgs) (djh,) (Entered: 05/30/2006) |

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| 06/06/2006 | | Supplemental Record on Appeal transmitted to US Court of Appeals (1 transcript of motions hrs held on 7/27/00)(djh,) (Entered: 06/06/2006) |
| 06/29/2006 | <u>573</u> | Acknowledgment of receipt by 5th Circuit of receiving the appeal record on 6/9/06 (djh,) (Entered: 06/30/2006) |
| 07/24/2006 | <u>574</u> | ACKNOWLEDGEMENT OF FORWARDING Appeal Record to Scott Grimes filed by Lufkin Industries Inc. (djh,) (Entered: 07/24/2006) |
| 09/11/2006 | <u>575</u> | Appeal Remark: Notice from Scott G. Grimes, senior paralegal at Goldstein, Demchak, Baller, Borgen & Dardarian, of return of record (CD, 17 transcripts and exhibits to document 528) to Vinson & Elkins on 9/7/06 (kjr,) (Entered: 09/11/2006) |
| 10/05/2006 | <u>576</u> | Letter to 5th Circuit from Christopher Bacon returning transcripts (djh,) (Entered: 10/05/2006) |
| 10/13/2006 | <u>577</u> | Received 1 box containing 17 transcripts from 5th Circuit (djh,) (Entered: 10/17/2006) |
| 10/12/2007 | | Supplemental Record on Appeal transmitted to US Court of Appeals (3 transcripts) (djh,) (Entered: 10/12/2007) |
| 10/15/2007 | | Supplemental Record on Appeal transmitted to US Court of Appeals (3 transcripts 486, 487,488) (djh,) (Entered: 10/15/2007) |
| 10/29/2007 | <u>578</u> | Acknowledgment of receipt by 5th Circuit of receiving supplemental record containing transcripts (djh,) (Entered: 10/29/2007) |
| 04/21/2008 | <u>579</u> | USCA JUDGMENT that the USDC is affirmed in part, reversed in part, and vacated and remanded in part to the USDC for further proceedings in accordance with the opinion of this Court. Mandate issued 4/14/08(djh,) (Entered: 04/21/2008) |
| 04/25/2008 | <u>580</u> | Appeal Record Returned: (ljw,) (Entered: 04/25/2008) |
| 06/05/2008 | <u>581</u> | Notice of setting status conference for 12/5/08 at 10:00 am in Beaumont, Tx. (djh,) (Entered: 06/05/2008) |
| 06/05/2008 | | Set/Reset Hearings: Status Conference set for 12/5/2008 10:00 AM in Ctrm 2 (Beaumont) before Judge Ron Clark. (djh,) (Entered: 06/05/2008) |
| 08/15/2008 | <u>582</u> | MOTION to Quash <i>Depositions and for Protection from Unnecessary Discovery</i> by Lufkin Industries Inc. (Attachments: # <u>1</u> Exhibit Exhibit A, # <u>2</u> Exhibit Exhibit B, # <u>3</u> Exhibit Exhibit C, # <u>4</u> Text of Proposed Order Order)(Bacon, Christopher) (Additional attachment(s) added on 8/18/2008: # <u>5</u> Text of Proposed Order 1) (ljw,). (Entered: 08/15/2008) |
| 08/15/2008 | <u>583</u> | RESPONSE in Opposition re <u>582</u> MOTION to Quash <i>Depositions and for Protection from Unnecessary Discovery Plaintiffs' Response in Opposition to Defendant's Motion to Quash (Doc. 582) filed by All Pla's.</i> (Attachments: # <u>1</u> Exhibit Plaintiffs' Exhibits 1-6)(Garrigan, Timothy) (Additional attachment(s) added on 8/18/2008: # <u>2</u> Text of Proposed Order) (ljw,). (Entered: 08/15/2008) |
| 08/15/2008 | <u>584</u> | PLEASE IGNORE, ATTACHED TO MAIN DOC#583 Additional Attachments to Main Document: <u>583</u> Response in Opposition to Motion,.. (Garrigan, Timothy) Modified on 8/18/2008 (ljw,). (Entered: 08/15/2008) |
| 08/18/2008 | <u>585</u> | ORDER granting in part <u>582</u> Defendant Lufkin Industries, Inc.s Motion to Quash. Plaintiffs Sylvester McClain et al will be permitted to take the deposition of Paul Perez, which shall be limited to three hours. All other post-remand discovery shall cease immediately. Signed by Judge Ron Clark on 8/18/08. (ljw,) (Entered: 08/18/2008) |
| 10/15/2008 | <u>586</u> | STATUS REPORT (<i>Plaintiffs' Remedial Proposals</i>) by All Pla's. (Demchak, Teresa) (Entered: 10/15/2008) |
| 10/15/2008 | <u>587</u> | STATUS REPORT <i>Proposals for Calculating Damages and Injunctive Relief</i> by Lufkin Industries Inc. (Hamel, Douglas) (Entered: 10/15/2008) |

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| 10/20/2008 | <u>588</u> | U S Supreme Court Order denying writ of certiorari (djh,) (Entered: 10/20/2008) |
| 12/05/2008 | <u>589</u> | Minute Entry for proceedings held before Judge Ron Clark: Status Conference held on 12/5/2008. (Court Reporter Chris Bickham.) (fal,) (Entered: 12/05/2008) |
| 12/05/2008 | <u>596</u> | Minute Entry for proceedings held before Judge Ron Clark: Status Conference held on 12/5/2008. (Court Reporter Chris Bickham.) (mjc) (Entered: 01/07/2009) |
| 12/23/2008 | <u>590</u> | Second MOTION to quash deposition and for protection from unnecessary discovery by Lufkin Industries Inc. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Text of Proposed Order)(Bacon, Christopher) (Entered: 12/23/2008) |
| 12/30/2008 | <u>591</u> | *** TWO PART DOC. SEE ALSO DOC# 597. *** RESPONSE in Opposition re <u>590</u> Second MOTION to quash deposition and for protection from unnecessary discovery , filed by <i>Sylvester McClain</i> . (Attachments: # <u>1</u> Text of Proposed Order)(Demchak, Teresa) Modified on 1/7/2009 (bjc,). (Entered: 12/30/2008) |
| 12/30/2008 | <u>597</u> | *** TWO PART DOC. SEE ALSO DOC# 591. *** MOTION for Leave to conduct and compel discovery limited to the issue of defendant's attorneys' fees by Sylvester McClain. (bjc,) (Entered: 01/07/2009) |
| 01/05/2009 | <u>592</u> | REPLY to Response to Motion re <u>590</u> Second MOTION to quash deposition and for protection from unnecessary discovery filed by <i>Lufkin Industries Inc.</i> (Bacon, Christopher) (Entered: 01/05/2009) |
| 01/05/2009 | <u>593</u> | STATUS REPORT Report to the Court Regarding Appointment of Consultant by All Pla's. (Attachments: # <u>1</u> Exhibit Plaintiffs' Exhibits 1 and 2)(Garrigan, Timothy) (Entered: 01/05/2009) |
| 01/06/2009 | <u>594</u> | SUR-REPLY to Reply to Response to Motion re <u>590</u> Second MOTION to quash deposition and for protection from unnecessary discovery <i>Plaintiffs' Sur-Reply to Defendant Lufkin Industries, Inc.'s Reply (Doc. 592) filed by All Pla's.</i> (Garrigan, Timothy) (Entered: 01/06/2009) |
| 01/07/2009 | <u>595</u> | ORDER granting in part and denying in part <u>590</u> Motion to Quash. Lufkin Industries' counsel shall, within five business days of this order, provide counsel for Sylvester McClain et al. an affidavit stating current hourly rates for attorneys and paralegals who worked on this case, the total number of hours billed, and the total fee billed. No other discovery regarding Defendant's attorneys' fees is permitted without court authorization. Signed by Judge Ron Clark on 1/6/09. (mjc) (Entered: 01/07/2009) |
| 01/20/2009 | <u>598</u> | Unopposed MOTION for Leave to File Excess Pages by Sylvester McClain. (Attachments: # <u>1</u> Text of Proposed Order)(Demchak, Teresa) (Entered: 01/20/2009) |
| 01/20/2009 | <u>599</u> | MOTION for Attorney Fees (<i>Plaintiffs' Superceding and Supplemental Motion for Interim Award of Reasonable Attorneys' Fees, Costs and Expenses</i>) by Sylvester McClain. (Attachments: # <u>1</u> Exhibit 1 to Motion, # <u>2</u> Text of Proposed Order, # <u>3</u> Declaration to T. Demchak, # <u>4</u> Exhibits 1-19 to Demchak Decl., # <u>5</u> Exhibits 20-23 to Demchak Decl., # <u>6</u> Exhibit 24 to Demchak Decl., # <u>7</u> Exhibit 25 to Demchak Decl., # <u>8</u> Exhibits 26-30 to Demchak Decl., # <u>9</u> Declaration of T. Garrigan, # <u>10</u> Declaration of M. Baller, # <u>11</u> Appendix of Additional Declarations)(Demchak, Teresa) (Additional attachment(s) added on 1/22/2009: # <u>12</u> cert of conf) (djh,). (Entered: 01/20/2009) |
| 01/20/2009 | <u>600</u> | Supplemental MOTION for Bill of Costs by Sylvester McClain. (Attachments: # <u>1</u> Exhibit 1)(Demchak, Teresa) (Additional attachment(s) added on 1/22/2009: # <u>2</u> cert of conf) (djh,). (Entered: 01/20/2009) |

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| 01/23/2009 | <u>601</u> | ORDER granting <u>598</u> Motion for Leave to File Excess Pages to theplas' superseding and supplemental motion for interim award of attorneys' fees, costs and expenses shall be considered properly filed. Dft may also exceed the page limit by 10 pages in its response. Signed by Judge Ron Clark on 1/23/09. (djh,) (Entered: 01/26/2009) |
| 01/29/2009 | <u>602</u> | NOTICE by All Pla's <i>Transcript Order 12-5-08 hearing</i> (Garrigan, Timothy) (Entered: 01/29/2009) |
| 01/29/2009 | <u>603</u> | (APPROVED) APPLICATION to Appear Pro Hac Vice by Attorney James Kan for All Pla' (Receipt 9-1-1031 \$25) (djh,) (Entered: 01/29/2009) |
| 02/04/2009 | <u>604</u> | TRANSCRIPT of Status Conference held on 12-5-2008 before Judge Ron Clark. Court Reporter: Christina Bickham, Telephone number: 409-654-2891. NOTICE RE REDACTION OF TRANSCRIPTS: The parties have seven (7) business days to file with the Court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript will be made remotely electronically available to the public without redaction after 90 calendar days. The policy is located on our website at www.txed.uscourts.gov Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER.. Redaction Request due 2/25/2009. Redacted Transcript Deadline set for 3/9/2009. Release of Transcript Restriction set for 5/5/2009. (clb,) (Entered: 02/04/2009) |
| 02/05/2009 | <u>605</u> | Joint MOTION for Extension of Time to File <i>Report on Damages and Injunctive Relief</i> by Lufkin Industries Inc. (Attachments: # <u>1</u> Text of Proposed Order).(Bacon, Christopher) (Modified on 2/6/2009 (mfr,). (Entered: 02/05/2009) |
| 02/19/2009 | <u>606</u> | STATUS REPORT <i>JOINT REPORT ON INJUNCTIVE RELIEF</i> by Lufkin Industries Inc. (Bacon, Christopher) (Entered: 02/19/2009) |
| 02/19/2009 | <u>607</u> | STATUS REPORT <i>Plaintiffs' Separate Report on Injunctive Relief</i> by Sylvester McClain. (Demchak, Teresa) (Entered: 02/19/2009) |
| 02/19/2009 | <u>608</u> | STATUS REPORT <i>Joint Report on Damages</i> by Lufkin Industries Inc. (Hamel, Douglas) (Entered: 02/19/2009) |
| 02/19/2009 | <u>609</u> | STATUS REPORT <i>ON POINTS OF DISAGREEMENT ON INJUNCTIVE RELIEF</i> by Lufkin Industries Inc. (Bacon, Christopher) (Entered: 02/19/2009) |
| 02/19/2009 | <u>610</u> | RESPONSE to Motion re <u>599</u> MOTION for Attorney Fees (<i>Plaintiffs' Superceding and Supplemental Motion for Interim Award of Reasonable Attorneys' Fees, Costs and Expenses</i>) MOTION for Attorney Fees (<i>Plaintiffs' Superceding and Supplemental Motion for Interim Award of Reasonable Attorneys' Fees, Costs and Expenses</i>) MOTION for Attorney Fees (<i>Plaintiffs' Superceding and Supplemental Motion for Interim Award of Reasonable Attorneys' Fees, Costs and Expenses</i>) filed by Lufkin Industries Inc. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Errata 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7)(Hamel, Douglas) (Entered: 02/19/2009) |
| 02/20/2009 | <u>611</u> | ORDER granting <u>605</u> The parties Joint Motion for Additional Time. Signed by Judge Ron Clark on 2/20/09. (ljw,) (Entered: 02/20/2009) |
| 02/27/2009 | <u>612</u> | REPLY to Response to Motion re <u>599</u> MOTION for Attorney Fees (<i>Plaintiffs' Superceding and Supplemental Motion for Interim Award of Reasonable Attorneys' Fees, Costs and Expenses</i>) MOTION for Attorney Fees (<i>Plaintiffs' Superceding and Supplemental Motion for Interim Award of Reasonable Attorneys' Fees, Costs and Expenses</i>) MOTION for Attorney Fees (<i>Plaintiffs' Superceding and Supplemental Motion for Interim Award of Reasonable Attorneys' Fees, Costs and Expenses</i>) filed by Sylvester McClain. (Attachments: |

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| | | # <u>1</u> Baller Suppl. Decl., # <u>2</u> Garrigan Suppl. Decl., # <u>3</u> Grimes Decl.)(Demchak, Teresa) (Entered: 02/27/2009) |
| 03/02/2009 | <u>613</u> | REPLY to Response to Motion re <u>599</u> MOTION for Attorney Fees (<i>Plaintiffs' Superceding and Supplemental Motion for Interim Award of Reasonable Attorneys' Fees, Costs and Expenses</i>) MOTION for Attorney Fees (<i>Plaintiffs' Superceding and Supplemental Motion for Interim Award of Reasonable Attorneys' Fees, Costs and Expenses</i>) MOTION for Attorney Fees (<i>Plaintiffs' Superceding and Supplemental Motion for Interim Award of Reasonable Attorneys' Fees, Costs and Expenses</i>) AMENDED REPLY filed by Sylvester McClain. (Attachments: # <u>1</u> Baller Amended Supplemental Declaration)(Demchak, Teresa) (Entered: 03/02/2009) |
| 03/06/2009 | <u>614</u> | STATUS REPORT <i>PLAINTIFFS REPORT ON PLAINTIFFS PROPOSED OMBUDSPERSON CANDIDATES</i> by Sylvester McClain. (Attachments: # <u>1</u> Exhibits 1-3, # <u>2</u> Demchak Decl.)(Demchak, Teresa) (Entered: 03/06/2009) |
| 03/06/2009 | <u>615</u> | NOTICE by Lufkin Industries Inc <i>Proposed Ombudsperson Candidates</i> (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Bacon, Christopher) (Entered: 03/06/2009) |
| 03/06/2009 | <u>616</u> | SUR-REPLY to Reply to Response to Motion re <u>599</u> MOTION for Attorney Fees (<i>Plaintiffs' Superceding and Supplemental Motion for Interim Award of Reasonable Attorneys' Fees, Costs and Expenses</i>) filed by Lufkin Industries Inc.. (Bacon, Christopher) Modified on 3/9/2009 (mfr,). (Entered: 03/06/2009) |
| 03/12/2009 | <u>617</u> | STATUS REPORT <i>Joint Advisory on Damages Discussions</i> by All Pla's. (Garrigan, Timothy) (Entered: 03/12/2009) |
| 03/13/2009 | <u>618</u> | STATUS REPORT <i>Supplemental Proposed Ombudsperson</i> by Lufkin Industries Inc. (Attachments: # <u>1</u> Exhibit A)(Bacon, Christopher) (Entered: 03/13/2009) |
| 03/20/2009 | <u>619</u> | STATUS REPORT <i>Supplemental Joint Advisory on Damages Discussions</i> by All Pla's. (Demchak, Teresa) (Entered: 03/20/2009) |
| 03/31/2009 | <u>620</u> | STATUS REPORT <i>Final Joint Status Report on Back Pay Issues</i> by Lufkin Industries Inc. (Hamel, Douglas) (Entered: 03/31/2009) |
| 04/02/2009 | <u>621</u> | ORDER that Plaintiffs Motion for an Interim Award of Reasonable Attorneys Fees, Costs, and Expenses [Doc. #599] is GRANTED IN PART, and Defendant Lufkin Industries, Inc. shall pay Plaintiffs \$4,740,195.80 for attorneys fees and \$932,603.84 in litigation related expenses. (This amount includes the \$840,129.72 previously awarded by Judge Cobb.) IT IS FURTHER ORDERED that Plaintiffs Supplemental Bill of Taxable Costs [Doc. #600] is APPROVED, and Defendant Lufkin Industries, Inc. shall pay Plaintiffs \$140,562.26 in taxable costs. (This amount includes the \$127,658.60 in taxable costs previously awarded by Judge Cobb.). Signed by Judge Ron Clark on 4/2/09. (djh,) (Entered: 04/02/2009) |
| 04/02/2009 | <u>622</u> | ORDER that Defendant Lufkin Industries, Inc. shall pay Plaintiffs \$4,740,195.80 for attorneys fees; \$932,603.84 in litigation related expenses; and \$140,562.26 in taxable costs. IT IS FURTHER ORDERED that post-judgment interest on the above sums shall be calculated pursuant to 28 U.S.C. § 1961 at the rate of 0.59%. IT IS FURTHER ORDERED execution shall issue if the above sums are not paid within 21 days of the entry of this Order. The court retains jurisdiction of this matter for the purposes set out in the order of remand concerning Plaintiffs other claims and for receiving and ruling on a further application for attorneys fees, costs, and expenses incurred by Plaintiffs counsel on and after January 1, 2009, pursuant to a schedule to be determined after further proceedings in this matter.. Signed by Judge Ron Clark on 4/2/09. (djh,) (Entered: 04/02/2009) |
| 04/03/2009 | <u>623</u> | STATUS REPORT <i>Plaintiffs' Comments re Defendant Lufkin's Ombudsperson Candidates</i> by All Pla's. (Attachments: # <u>1</u> Garrigan Declaration, # <u>2</u> Demchak Declaration)(Demchak, Teresa) (Entered: 04/03/2009) |

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| 04/06/2009 | <u>624</u> | Minute Entry for proceedings held before Judge Ron Clark: Telephone Conference held in Beaumont on 4/6/2009. (Court Reporter Chris Bickham.) (fal,) (Entered: 04/06/2009) |
| 04/07/2009 | <u>625</u> | <p>NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Telephone Conference held on April 6, 2009 before Judge Ron Clark. Court Reporter: Christina Bickham, Telephone number: 409-654-2891.</p> <p>NOTICE RE REDACTION OF TRANSCRIPTS: The parties have seven (7) business days to file with the Court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript will be made remotely electronically available to the public without redaction after 90 calendar days. The policy is located on our website at www.txed.uscourts.gov</p> <p>Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER.. Redaction Request due 4/28/2009. Redacted Transcript Deadline set for 5/8/2009. Release of Transcript Restriction set for 7/6/2009. (clb,) (Entered: 04/07/2009)</p> |
| 04/07/2009 | <u>626</u> | ORDER that Dr. Michael Campion is appointed to review Lufkin Industries promotion policies, procedures, and practices for hourly and salaried positions. Dr. Campion shall submit his findings and recommendations in the form of a report to Lufkin Industries, counsel for both parties, and the court within 90 days of this order. The parties shall respond within 20 days to Dr. Campions report. Signed by Judge Ron Clark on 4/7/09. (ljw,) (Entered: 04/08/2009) |
| 04/13/2009 | <u>627</u> | STATUS REPORT <i>Plaintiffs' Proposed Language For Inclusion in the Court's Injunctive Relief Order</i> by All Pla's. (Demchak, Teresa) (Entered: 04/13/2009) |
| 04/16/2009 | <u>628</u> | NOTICE by Lufkin Industries Inc re <u>627</u> Status Report <i>and Response to Plaintiffs' Proposed Language for Inclusion in the Court's Injunctive Relief Order</i> (Bacon, Christopher) (Entered: 04/16/2009) |
| 04/17/2009 | <u>629</u> | STATUS REPORT <i>Plaintiffs Brief on Disputed Class Back Pay Issues</i> by Sylvester McClain. (Attachments: # <u>1</u> Drogin Declaration)(Demchak, Teresa) (Entered: 04/17/2009) |
| 04/17/2009 | <u>630</u> | MOTION for Partial Summary Judgment by Lufkin Industries Inc. Responses due by 4/29/2009 (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Text of Proposed Order)(Hamel, Douglas) (Additional attachment(s) added on 4/20/2009: # <u>5</u> Text of Proposed Order) (mfr,). (Entered: 04/17/2009) |
| 04/17/2009 | <u>631</u> | STATUS REPORT <i>Defendant Lufkin's Position on Disputed Issues For Calculation of Monetary Relief</i> by Lufkin Industries Inc. (Hamel, Douglas) (Entered: 04/17/2009) |
| 04/20/2009 | <u>632</u> | Amended MOTION for Partial Summary Judgment by Lufkin Industries Inc. Responses due by 5/5/2009 (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Text of Proposed Order)(Hamel, Douglas) (Additional attachment(s) added on 4/20/2009: # <u>5</u> Text of Proposed Order) (mfr,). (Entered: 04/20/2009) |
| 04/20/2009 | <u>633</u> | STATUS REPORT <i>Defendant Lufkin's Amended Position on Disputed Issues For Calculation of Monetary Relief</i> by Lufkin Industries Inc. (Hamel, Douglas) (Entered: 04/20/2009) |
| 04/20/2009 | <u>634</u> | STATUS REPORT <i>JOINT STATUS REPORT ON SELECTION OF AN OMBUDSPERSON CANDIDATE</i> by Sylvester McClain. (Attachments: # <u>1</u> Text of Proposed Order)(Demchak, Teresa) (Additional attachment(s) added on 4/21/2009: # <u>2</u> Text of Proposed Order) (mfr,). (Entered: 04/20/2009) |

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| 04/22/2009 | <u>635</u> | ORDER re <u>634</u> Status Report filed by Sylvester McClain. IT IS THEREFORE ORDERED that by May 4, 2009, Plaintiffs Sylvester McClain and Defendant Lufkin Industries, Inc. shall submit the name of an agreed proposed candidate for ombudsperson to the court or, if no agreement is reached, the names of any separately proposed candidates for ombudsperson. Signed by Judge Ron Clark on 4/22/09. (ljlw,) (Entered: 04/23/2009) |
| 04/24/2009 | <u>636</u> | NOTICE by All Pla's <i>vacation letter</i> (Garrigan, Timothy) (Entered: 04/24/2009) |
| 05/01/2009 | <u>637</u> | RESPONSE in Opposition re <u>632</u> Amended MOTION for Partial Summary Judgment <i>filed by Sylvester McClain</i> . (Attachments: # <u>1</u> Exhibit 1 – Drogin Declaration, # <u>2</u> Grimes Declaration)(Demchak, Teresa) (Entered: 05/01/2009) |
| 05/01/2009 | <u>638</u> | NOTICE OF APPEAL as to <u>622</u> Order,,, <u>621</u> Order on Motion for Attorney Fees,,, Order on Motion for Bill of Costs,, by All Pla's. Filing fee \$ 455, receipt number 0540000000001980086. (Demchak, Teresa) (Entered: 05/01/2009) |
| 05/04/2009 | <u>639</u> | STATUS REPORT <i>JOINT RECOMMENDATION ON OMBUDSPERSON CANDIDATE</i> by Sylvester McClain. (Demchak, Teresa) (Entered: 05/04/2009) |
| 05/12/2009 | <u>640</u> | PLEASE IGNORE--ATTY REFILED-- DOCUMENT 641 REPLACES THIS DOCUMENT REPLY to Response to Motion re <u>632</u> Amended MOTION for Partial Summary Judgment filed by Lufkin Industries Inc. (Bacon, Christopher) Modified on 5/13/2009 (djh,). (Entered: 05/12/2009) |
| 05/12/2009 | <u>641</u> | REPLY to Response to Motion re <u>632</u> Amended MOTION for Partial Summary Judgment (<i>Corrected</i>) <i>filed by Lufkin Industries Inc.</i> (Bacon, Christopher) (Entered: 05/12/2009) |
| 05/13/2009 | | ***FILED IN ERROR--PLEASE INGORE--DOCUMENT 641 REPLACES THIS DOCUMENT. Document # 640, Lufkin's Reply to response to amended motion for partial summary judgment. PLEASE IGNORE.*** (djh,) (Entered: 05/13/2009) |
| 05/15/2009 | <u>642</u> | NOTICE OF CROSS APPEAL by Lufkin Industries Inc. Filing fee \$ 455, receipt number 0540000000001995380. (Bacon, Christopher) (Entered: 05/15/2009) |
| 05/15/2009 | <u>643</u> | TRANSCRIPT is already on file in Clerk's office(djh,) (Entered: 05/15/2009) |
| 05/26/2009 | <u>644</u> | NOTICE of Docketing Record on Appeal from USCA re <u>642</u> Notice of Cross Appeal filed by Lufkin Industries Inc. USCA Case Number 09-40524 (ljlw,) (Entered: 05/26/2009) |
| 05/26/2009 | <u>645</u> | NOTICE of Docketing Record on Appeal from USCA re <u>638</u> Notice of Appeal filed by All Pla's. USCA Case Number 09-40524 (ljlw,) (Entered: 05/26/2009) |
| 06/19/2009 | <u>646</u> | ORDER denying <u>630</u> Motion for Partial Summary Judgment; denying <u>632</u> Amended Motion for Partial Summary Judgment. Signed by Judge Ron Clark on 6/19/09. (djh,) (Entered: 06/22/2009) |
| 06/19/2009 | <u>647</u> | ORDER that Plaintiffs Sylvester McClain et al. shall recover of, and from, Defendant Lufkin Industries, Inc. the following amounts: (1) for lost hourly promotions, during the following time periods: 1994-95: \$483,340; 1996-2002: \$1,901,417; and 2003-2004: \$487,756; (2) and for lost salaried promotions, during the following time periods: 1994-95: \$109,868; and 1996-2002: \$128,055. Prejudgment interest shall be calculated at the rate of 5% per annum. Prejudgment interest shall accrue, as agreed to by the parties, as follows:(1) for damages attributable to discrimination occurring in 1994, interest shall begin to accrue on August 3, 1994; and (2) for damages attributable to discrimination in 1995 and for each subsequent year, prejudgment interest shall begin to accrue on July 1st of that year. IT IS FURTHER ORDERED that Plaintiffs Sylvester McClain et al. shall file, by July 9, 2009, a motion or brief, (limited to twenty pages) outlining its claim that Defendant Lufkin Industries, Inc. is liable to Plaintiffs for hourly promotion discrimination for the period from 2005-2007, with pinpoint citations to documents supporting that claim. (If a document is already electronically filed in the record, or already admitted as a numbered exhibit, it does not need to be electronically filed again, but a copy should be attached to the paper |

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| | | courtesy copy provided to the court.) Defendant may then respond in kind by July 17, 2009. Counsel should notify the court if they believe a hearing will be necessary or helpful in making this determination. Signed by Judge Ron Clark on 6/19/09. (djh,) (Entered: 06/22/2009) |
| 06/30/2009 | <u>648</u> | STIPULATION <i>REGARDING DAMAGES</i> by Lufkin Industries Inc. (Bacon, Christopher) (Entered: 06/30/2009) |
| 07/02/2009 | <u>649</u> | STIPULATION by Plaintiffs Regarding Damages by Sylvester McClain. (Demchak, Teresa) Modified on 7/2/2009 (ljw,). (Entered: 07/02/2009) |
| 07/06/2009 | <u>650</u> | ORDER that plaintiffs Sylvester McClain et al. shall recover of, and from, defendant Lufkin Industries, Inc., \$159,412.00 for lost hourly promotions during the time period from 2005 and 2007. Signed by Judge Ron Clark on 7/2/09. (djh,) (Entered: 07/06/2009) |
| 07/09/2009 | <u>651</u> | PLEASE IGNORE, FILED IN ERROR, ATTORNEY TO REFILE STIPULATION (<i>JOINT</i>) <i>REGARDING CALCULATION OF INTEREST</i> by Lufkin Industries Inc. (Bacon, Christopher) Modified on 7/9/2009 (ljw,). (Entered: 07/09/2009) |
| 07/09/2009 | | ***FILED IN ERROR BY ATTORNEY. Document # 651, Stipulation. PLEASE IGNORE. ATTORNEY TO REFILE*** (ljw,) (Entered: 07/09/2009) |
| 07/09/2009 | <u>652</u> | STIPULATION (<i>Joint</i>) <i>Regarding Calculation of Interest</i> by Lufkin Industries Inc. (Bacon, Christopher) (Entered: 07/09/2009) |
| 07/21/2009 | <u>653</u> | NOTICE: Appeal record sent on cd to Scott G Grimes. (ljw,) (ljw,). (Entered: 07/22/2009) |
| 07/27/2009 | <u>654</u> | NOTICE by Sylvester McClain <i>of Filing Report of M. Champion, Ph.D.</i> (Attachments: # <u>1</u> <i>Campion Report</i>)(Demchak, Teresa) (Entered: 07/27/2009) |
| 08/13/2009 | <u>655</u> | NOTICE by GMP and its Local 429 <i>and IAM and its District Lodge 161 of position re Expert Report</i> (Attachments: # <u>1</u> <i>Exhibit GMP/IAM and Lufkin Collective Bargaining Agreement</i>)(Satter, Mimi) (Entered: 08/13/2009) |
| 08/14/2009 | <u>656</u> | STATUS REPORT <i>PLAINTIFFS COMMENTS ON THE REPORT OF THE COURT APPOINTED CONSULTANT MICHAEL CAMPION, Ph.D.</i> by All Pla's. (Attachments: # <u>1</u> <i>Exhibits 1-4</i>)(Demchak, Teresa) (Entered: 08/14/2009) |
| 08/14/2009 | <u>657</u> | NOTICE by Lufkin Industries Inc <i>Response to Report of Michael A. Champion</i> (Hamel, Douglas) (Entered: 08/14/2009) |
| 08/18/2009 | <u>658</u> | Minute Entry for proceedings held before Judge Ron Clark: Telephone Conference held in Beaumont on 8/18/2009. (Court Reporter Chris Bickham.) (fal,) (Entered: 08/19/2009) |
| 08/19/2009 | <u>659</u> | NOTICE by All Pla's re <u>655</u> Notice (Other) <i>Letter submitting copy of Collective Bargaining Agreement</i> (Attachments: # <u>1</u> <i>Exhibit</i>)(Demchak, Teresa) (Entered: 08/19/2009) |
| 08/21/2009 | <u>660</u> | STATUS REPORT <i>ON MONETARY RELIEF PROCEEDINGS AND PROPOSED SCHEDULING ORDER FOR RESOLUTION OF DISPUTED MONETARY RELIEF ISSUES</i> by All Pla's. (Attachments: # <u>1</u> <i>Exhibit</i>)(Baller, Morris) (Entered: 08/21/2009) |
| 08/25/2009 | <u>661</u> | NOTICE by Rod Tanner, Mimi C Satter <i>Letter to Hon. Ron Clark</i> (Tanner, Rod) (Entered: 08/25/2009) |
| 08/25/2009 | <u>662</u> | The court ORDERS Plaintiffs to submit the plan they believe is proper in its entirety on or before September 9, 2009. After Plaintiffs submit their plan, the parties shall meet and confer in good faith regarding the plan. If any good faith objections or points of disagreement remain they should be submitted to the court on or before September 23, 2009. The parties may instead choose to submit a joint plan after they have met |

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| | | and conferred. Reasons for any objections or disagreements must be fully stated and submitted on or before September 23. Signed by Judge Ron Clark on 8/25/09. (ljw,) (Entered: 08/25/2009) |
| 08/28/2009 | <u>663</u> | Request for Record on Appeal on CD by Christopher Bacon. (ljw,) (Entered: 08/28/2009) |
| 08/28/2009 | <u>664</u> | Forwarded Record on Appeal to Christopher Bacon, counsel for Lufkin Industries. (1 cd containing whole record) (ljw,) (Entered: 08/28/2009) |
| 09/04/2009 | <u>665</u> | ACKNOWLEDGMENT OF RECEIPT by Christopher Bacon as to <u>664</u> CD containing Appeal Record. (ljw,) (Entered: 09/04/2009) |
| 09/08/2009 | <u>666</u> | Joint MOTION for Extension of Time to File <i>Proposed Language on Injunction Relief</i> by Lufkin Industries Inc. (Bacon, Christopher) (Additional attachment(s) added on 9/9/2009: # <u>1</u> Text of Proposed Order) (ljw,). (Entered: 09/08/2009) |
| 09/09/2009 | <u>667</u> | NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Status Conference held on August 18, 2009 before Judge Ron Clark. Court Reporter: Christina Bickham, Telephone number: 409-654-2891. NOTICE RE REDACTION OF TRANSCRIPTS: The parties have seven (7) business days to file with the Court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript will be made remotely electronically available to the public without redaction after 90 calendar days. The policy is located on our website at www.txed.uscourts.gov Transcript may be viewed at the court public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER or from the Court Reporter. Redaction Request due 9/30/2009. Redacted Transcript Deadline set for 10/13/2009. Release of Transcript Restriction set for 12/8/2009. (clb,) (Entered: 09/09/2009) |
| 09/09/2009 | <u>668</u> | ORDER granting <u>666</u> Joint Motion for Extension of Time to File. The deadline for the parties to submit to the court proposed language on injunctive relief is extended twenty-one days from September 11, 2009 to October 2, 2009. Signed by Judge Ron Clark on 9/9/09. (ljw,) (Entered: 09/09/2009) |
| 09/09/2009 | <u>669</u> | STATUS REPORT <i>Plaintiffs' [Proposed] Further Order re Monetary Relief</i> by All Pla's. (Baller, Morris) (Entered: 09/09/2009) |
| 09/22/2009 | <u>670</u> | Joint MOTION for Extension of Time to File <i>Response to Court on Plaintiffs' Proposal for Distribution</i> by Lufkin Industries Inc.(Bacon, Christopher) (Additional attachment(s) added on 9/22/2009: # <u>1</u> Text of Proposed Order) (ljw,). (Entered: 09/22/2009) |
| 09/23/2009 | <u>671</u> | ORDER granting <u>670</u> parties Joint Motion for Additional Time to Respond to the Court on Plaintiffs Proposal for Distribution. The deadline for the parties to advise the court of any points of disagreement on Plaintiffs Proposed Further Order Re: Monetary Relief is extended nine days from September 23, 2009 to October 2, 2009. Signed by Judge Ron Clark on 9/23/09. (ljw,) (Entered: 09/23/2009) |
| 09/30/2009 | <u>672</u> | USCA JUDGMENT as to <u>642</u> Notice of Cross Appeal filed by Lufkin Industries Inc, <u>638</u> Notice of Appeal filed by All Pla's. This appeal is DISMISSED. (ljw,) (Entered: 10/01/2009) |
| 09/30/2009 | <u>673</u> | USCA JUDGMENT as to <u>642</u> Notice of Cross Appeal filed by Lufkin Industries Inc, <u>638</u> Notice of Appeal filed by All Pla's. The appeal is dismissed for lack of jurisdiction. The appellants to pay the costs on appeal and to be taxed by the Clerk of the Court. (ljw,) (Entered: 10/01/2009) |
| 10/02/2009 | <u>674</u> | STATUS REPORT <i>Plaintiffs Memorandum in Support of Amended Proposed Further Order for Monetary Relief</i> by All Pla's. (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Declaration of T. Garrigan)(Baller, Morris) (Entered: 10/02/2009) |

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| 10/02/2009 | <u>675</u> | STATUS REPORT <i>Position on Plaintiffs' Proposed Further Order Re Monetary Relief</i> by Lufkin Industries Inc. (Hamel, Douglas) (Entered: 10/02/2009) |
| 10/02/2009 | <u>676</u> | STATUS REPORT <i>Joint Report on Injunctive Relief</i> by Lufkin Industries Inc. (Attachments: # <u>1</u> Text of Proposed Order Proposed Injunction, # <u>2</u> Appendix 1, # <u>3</u> Appendix 2, # <u>4</u> Appendix 3, # <u>5</u> Appendix 3a, # <u>6</u> Appendix 4, # <u>7</u> Appendix 5, # <u>8</u> Affidavit 6, # <u>9</u> Affidavit 7, # <u>10</u> Affidavit 8, # <u>11</u> Appendix 9)(Hamel, Douglas) (Entered: 10/02/2009) |
| 10/26/2009 | 677 | PLEASE IGNORE, FILED IN WRONG CASE ORDER . (ljw,) Modified on 10/26/2009 (ljw,). (Entered: 10/26/2009) |
| 10/26/2009 | | ***FILED IN ERROR. Document # 677, Order. PLEASE IGNORE. Document filed in wrong case*** (ljw,) (Entered: 10/26/2009) |
| 10/30/2009 | <u>678</u> | Minute Entry for proceedings held before Judge Ron Clark: Telephone Conference held in Beaumont on 10/30/2009. (Court Reporter Chris Bickham.) (fal,) (Entered: 10/30/2009) |
| 11/10/2009 | <u>679</u> | NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Telephone Conference held on 10-30-2009 before Judge Ron Clark. Court Reporter: Christina Bickham, Telephone number: 409-654-2891. NOTICE RE REDACTION OF TRANSCRIPTS: The parties have seven (7) business days to file with the Court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript will be made remotely electronically available to the public without redaction after 90 calendar days. The policy is located on our website at www.txed.uscourts.gov Transcript may be viewed at the court public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER or the Court Reporter. Redaction Request due 12/1/2009. Redacted Transcript Deadline set for 12/11/2009. Release of Transcript Restriction set for 2/8/2010. (clb,) (Entered: 11/10/2009) |
| 11/13/2009 | <u>680</u> | STATUS REPORT <i>AND AMENDED DISTRIBUTION PROPOSAL RE: MONETARY RELIEF</i> by All Pla's. (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Garrigan Declaration)(Baller, Morris) (Entered: 11/13/2009) |
| 11/13/2009 | <u>681</u> | STATUS REPORT <i>Amended Joint Report on Injunctive Relief</i> by Lufkin Industries Inc. (Attachments: # <u>1</u> Text of Proposed Order Proposed Injunction, # <u>2</u> Appendix 1, # <u>3</u> Appendix 2, # <u>4</u> Appendix 3, # <u>5</u> Appendix 4, # <u>6</u> Appendix 4a, # <u>7</u> Appendix 5, # <u>8</u> Appendix 6, # <u>9</u> Appendix 7, # <u>10</u> Appendix 8, # <u>11</u> Appendix 9, # <u>12</u> Appendix 10)(Bacon, Christopher) (Entered: 11/13/2009) |
| 11/19/2009 | <u>682</u> | STATUS REPORT <i>Defendant's Comments on Plaintiffs' Status Report and Amended Distribution Policy Re: Monetary Relief</i> by Lufkin Industries Inc. (Bacon, |

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| | | Christopher) (Entered: 11/19/2009) |
| 12/18/2009 | <u>683</u> | PERMANENT INJUNCTION to partially remedy the discrimination found by Judge Cobb, and affirmed by the Fifth Circuit, toward black employees when determining promotions for hourly and salaried positions. Signed by Judge Ron Clark on 12/18/09. (djh,) (Entered: 12/18/2009) |
| 12/22/2009 | <u>684</u> | ORDER re Monetary Relief. A final judgment will be entered on 1/15/10. Based on this judgment date, the parties are ordered to submit, by 1/12/10, a joint report re: (1) class members and amounts to be rewarded and (2) proposals for specific language and form of judgment. Signed by Judge Ron Clark on 12/22/09. (djh,) (Entered: 12/22/2009) |
| 12/28/2009 | <u>685</u> | STATUS REPORT (<i>Letter requesting clarification of Order Re: Monetary Relief</i>) by All Pla's. (Baller, Morris) (Entered: 12/28/2009) |
| 12/30/2009 | <u>686</u> | NOTICE by Lufkin Industries Inc <i>Notice of Compliance With Certain Requirements of Injunction</i> (Attachments: # <u>1</u> Exhibit A)(Hamel, Douglas) (Entered: 12/30/2009) |
| 01/06/2010 | <u>687</u> | ORDER re Clarification of <u>684</u> Monetary Relief Order. The parties shall submit a joint report by 1/12/10 which includes (1) class members list and dates of employment, (2) total amounts to be awarded and (3) proposals for language or form of judgment. Signed by Judge Ron Clark on 1/6/10. (djh,) (Entered: 01/06/2010) |
| 01/08/2010 | <u>688</u> | MOTION Motion Requesting Findings of Fact by Lufkin Industries Inc. (Attachments: # <u>1</u> Text of Proposed Order Proposed Findings of Fact)(Bacon, Christopher) (Entered: 01/08/2010) |
| 01/12/2010 | <u>689</u> | STATUS REPORT <i>JOINT REPORT OF THE PARTIES REGARDING ENTRY OF JUDGMENT</i> by All Pla's, Lufkin Industries Inc. (Baller, Morris) (Entered: 01/12/2010) |
| 01/13/2010 | <u>690</u> | STATUS REPORT <i>Amended Status Report Regarding Entry of Judgment</i> by Lufkin Industries Inc. (Attachments: # <u>1</u> Exhibit 1)(Bacon, Christopher) (Entered: 01/13/2010) |
| 01/13/2010 | <u>691</u> | STATUS REPORT <i>Defendant's Position on Proposed Final Judgment</i> by Lufkin Industries Inc. (Bacon, Christopher) (Entered: 01/13/2010) |
| 01/13/2010 | <u>692</u> | STATUS REPORT <i>Pls.' Position in Resp. to Def's Position on Proposed Final Judgment</i> by All Pla's. (Baller, Morris) (Entered: 01/13/2010) |
| 01/14/2010 | <u>693</u> | STATUS REPORT <i>on Final Judgment (supplemental)</i> by Lufkin Industries Inc. (Attachments: # <u>1</u> Exhibit Schedule B)(Bacon, Christopher) (Entered: 01/14/2010) |
| 01/15/2010 | <u>694</u> | NOTICE by Lufkin Industries Inc <i>Defendant's Notice of Compliance with Certain Requirements of Injunction</i> (Attachments: # <u>1</u> Exhibit A)(Hamel, Douglas) (Entered: 01/15/2010) |
| 01/15/2010 | <u>695</u> | ORDER denying <u>688</u> Motion requesting Findings of Fact. Signed by Judge Ron Clark on 1/15/10. (djh,) (Entered: 01/15/2010) |
| 01/15/2010 | <u>696</u> | FINAL JUDGMENT for pltfs against Lufkin Industries Inc with attached appendices regarding permanent injunction, monetary awards and attorney fees. That all relief not specifically granted herein is denied. All pending motions not previously ruled on are denied. This is a final judgment and is appealable. Signed by Judge Ron Clark on 1/15/10. (djh,) Modified on 1/19/2010 (djh,). (Entered: 01/15/2010) |
| 01/15/2010 | <u>697</u> | NOTICE OF APPEAL as to <u>696</u> Judgment by All Pla's. Filing fee \$ 455, receipt number 0540000000002318698. Appeal Record due by 1/29/2010. (Demchak, Teresa) (Entered: 01/15/2010) |
| 01/21/2010 | <u>698</u> | NOTICE OF CROSS APPEAL by Lufkin Industries Inc. Filing fee \$ 455, receipt number 0540000000002324545. (Hamel, Douglas) (Entered: 01/21/2010) |
| 01/21/2010 | <u>699</u> | Unopposed MOTION Unopposed Motion to Approve Supersedeas Bond For Purposes of Obtaining A Stay Pending Appeal by Lufkin Industries Inc. (Attachments: |

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| | | # <u>1</u> Exhibit Supersedeas Bond Part 1, # <u>2</u> Exhibit Supersedeas Bond Part 2, # <u>3</u> Text of Proposed Order)(Hamel, Douglas) (Entered: 01/21/2010) |
| 01/22/2010 | <u>700</u> | Amended MOTION Amended Motion to Approve Supersedeas Bond For Purposes of Obtaining a Stay Pending Appeal by Lufkin Industries Inc. (Attachments: # <u>1</u> Exhibit Supersedeas Bond, # <u>2</u> Text of Proposed Order)(Hamel, Douglas) (Entered: 01/22/2010) |
| 01/27/2010 | <u>701</u> | ORDERED that the <u>700</u> Amended Motion to approve Supersedeas Bond for purposes of obtaining a stay pending Appeal is granted and denying as moot <u>699</u> Motion to approve Supersedeas Bond for purposes of obtaining a stay pending appeal. Clerk shall receive and file Supersedeas Bond immediately. Signed by Judge Ron Clark on 1/26/10. (djh,) (Entered: 01/27/2010) |
| 01/28/2010 | <u>703</u> | TRANSCRIPT is already on file in the Clerk's Office filed by All Plas'. (djh,) (Entered: 01/29/2010) |
| 01/28/2010 | <u>704</u> | Minute Entry for proceedings held before Judge Ron Clark: Telephone Conference held on 1/28/2010. (Court Reporter Chris Bickham.) (fal,) (Entered: 01/29/2010) |
| 01/29/2010 | <u>702</u> | Supersedeas Bond in the amount of \$ \$5,583,365.55 posted by Lufkin Industries Inc (djh,) (Entered: 01/29/2010) |
| 01/29/2010 | <u>705</u> | MOTION for Attorney Fees (<i>Pls.' Mot. for Supp. Award of Attys.' Fees Costs & Expenses Incurred from Jan. 1, 2009 through Jan. 15, 2010</i>) by Sylvester McClain. (Attachments: # <u>1</u> T. Demchak Declaration, # <u>2</u> T. Garrigan Decl., # <u>3</u> Text of Proposed Order)(Demchak, Teresa) (Entered: 01/29/2010) |
| 01/29/2010 | <u>706</u> | ***FILED IN ERROR. PLEASE IGNORE.*** PROPOSED BILL OF COSTS filed by Sylvester McClain. (Demchak, Teresa) Modified on 2/1/2010 (bjc,). (Entered: 01/29/2010) |
| 01/29/2010 | | ***FILED IN ERROR. Document # 706, proposed bill of costs. Incorrect form. PLEASE IGNORE.*** (bjc,) (Entered: 02/01/2010) |
| 02/01/2010 | <u>707</u> | PROPOSED BILL OF COSTS filed by Sylvester McClain. (Demchak, Teresa) (Entered: 02/01/2010) |
| 02/02/2010 | <u>708</u> | BILL OF COSTS by plaintiffs. Costs Taxed in the amount of \$1138.55 against Lufkin Industries, Inc. (pkb,) (Entered: 02/02/2010) |
| 02/04/2010 | <u>709</u> | NOTICE of Docketing Record on Appeal from USCA. USCA Case Number 10-40036 (djh,) (Entered: 02/04/2010) |
| 02/05/2010 | <u>710</u> | STATUS REPORT on <i>Plaintiffs' Motion for Fees</i> by Lufkin Industries Inc. (Bacon, Christopher) (Entered: 02/05/2010) |
| 02/22/2010 | <u>711</u> | NOTICE of Docketing Record on Appeal from USCA re <u>698</u> Notice of Cross Appeal filed by Lufkin Industries Inc. USCA Case Number 10-40086 (ljw,) (Entered: 02/22/2010) |
| 03/15/2010 | | Certified record on appeal for 5th Circuit.(ljw,) (Entered: 03/18/2010) |
| 04/09/2010 | | Forwarded cd of appeal record to Scott Grimes, co-counsel for Tim Garrigan. (ljw,) (Entered: 04/09/2010) |
| 04/20/2010 | <u>712</u> | STATUS REPORT <i>1st Quarterly Report of Ombudsman</i> by Tony P Rosenstein. (Attachments: # <u>1</u> Attachment A, # <u>2</u> Exhibit I to Attachment A, # <u>3</u> Exhibit II to Attachment A, # <u>4</u> Exhibit III to Attachment A, # <u>5</u> Exhibit IV to Attachment A, # <u>6</u> Exhibit V to Attachment A, |

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| | | # <u>7</u> Exhibit VI to Attachment A, # <u>8</u> Exhibit VII to Attachment A, # <u>9</u> Exhibit VIII to Attachment A, # <u>10</u> Exhibit IX to Attachment A, # <u>11</u> Exhibit X to Attachment A, # <u>12</u> Exhibit XI to Attachment A, # <u>13</u> Exhibit XII to Attachmetn A, # <u>14</u> Exhibit XIII to Attachment A)(Rosenstein, Tony) (Entered: 04/20/2010) |
| 05/07/2010 | <u>713</u> | Request from Christopher Bacon for appeal record on CD. (ljw,) (Entered: 05/07/2010) |
| 05/07/2010 | | Appeal record sent to Christopher Bacon via Federal Express. Tracking #868703246953 (ljw,) (Entered: 05/07/2010) |
| 05/12/2010 | <u>714</u> | ACKNOWLEDGMENT OF RECEIPT by Christopher Bacon on 5/11/10 as to receiving appeal record on cd. (ljw,) (Entered: 05/12/2010) |
| 08/03/2010 | <u>715</u> | STATUS REPORT <i>Second Quarterly Report of Ombudsman</i> by Tony P Rosenstein. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C)(Rosenstein, Tony) (Entered: 08/03/2010) |
| 08/24/2010 | <u>716</u> | Certified and Transmitted Record on Appeal to US Court of Appeals re <u>697</u> Notice of Appeal. Sent 25 volumes of record, 7 volumes of supplemental record, 22 transcripts and 4 expandos of exhibits. (ljw,) (Entered: 08/24/2010) |
| 09/01/2010 | | Supplemental Record on Appeal transmitted to US Court of Appeals re <u>697</u> Notice of Appeal. Sent 12 boxes of defendants exhibits. (ljw,) (Entered: 09/02/2010) |
| 09/10/2010 | <u>717</u> | Certified and Transmitted Record on Appeal to US Court of Appeals re <u>697</u> Notice of Appeal. Sent 27 volumes of record, 16 transcripts and 1 volume of supplemental record containing doc 712-715 (ljw,) (Entered: 09/13/2010) |
| 09/20/2010 | <u>718</u> | ACKNOWLEDGMENT OF RECEIPT by 5th Circuit as to receiving Supplemental ROA on 9/3/10. (ljw,) (Entered: 09/21/2010) |
| 09/28/2010 | <u>719</u> | ORDER granting <u>705</u> Plaintiffs' Motion for a Supplemental Award of Attorneys' Fees, Costs, and Expenses Incurred from January 1, 2009 Through January 15, 2010. Signed by Judge Ron Clark on 9/28/10. (ljw,) (Entered: 09/28/2010) |
| 10/29/2010 | <u>720</u> | STATUS REPORT <i>Third Quarterly Report of Ombudsman</i> by Tony P Rosenstein. (Attachments: # <u>1</u> Exhibit A)(Rosenstein, Tony) (Entered: 10/29/2010) |
| 03/10/2011 | <u>721</u> | STATUS REPORT <i>Fourth Quarterly Report of Ombudsman</i> by Tony P Rosenstein. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Rosenstein, Tony) (Entered: 03/10/2011) |
| 05/20/2011 | <u>722</u> | STATUS REPORT <i>Fifth Quarterly Report of Ombudsman</i> by Tony P Rosenstein. (Attachments: # <u>1</u> Exhibit A)(Rosenstein, Tony) (Entered: 05/20/2011) |
| 07/21/2011 | <u>723</u> | STIPULATION <i>Regarding Modification of Injunction</i> by All Pla's, Lufkin Industries Inc. (Attachments: # <u>1</u> Exhibit A)(Bacon, Christopher) (Entered: 07/21/2011) |
| 08/22/2011 | <u>724</u> | NOTICE by All Pla's, Allen Butler, Walter Butler, Clifford R Duirden, Leroy Garner, Roald Mark, Eddie K Mask, Sylvester McClain, Clarence Owens, Pla Class, Earl Potts, Tony P Rosenstein, Patrick. Ross, Mimi C Satter, Sherry Calloway Swint, Rod Tanner, Buford Thomas, Mary Thomas, Florine Thompson <i>Plaintiffs' Rule 54(d) Claim for Attorneys' Fees Costs and Expenses adn Request that the Court Set a Briefing Schedule Thereon</i> (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2)(Demchak, Teresa) (Entered: 08/22/2011) |

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| 08/24/2011 | <u>725</u> | NOTICE by All Pla's, Allen Butler, Walter Butler, Clifford R Duirden, Leroy Garner, Roald Mark, Eddie K Mask, Sylvester McClain, Clarence Owens, Pla Class, Earl Potts, Tony P Rosenstein, Patrick. Ross, Mimi C Satter, Sherry Calloway Swint, Rod Tanner, Buford Thomas, Mary Thomas, Florine Thompson <i>Plaintiffs' Amended Rule 54(d) Claim for Attorneys Fees, Costs and Expenses and Request for Briefing Schedule</i> (Attachments: # <u>1</u> Exhibit 1 (Opinion), # <u>2</u> Exhibit 2 (Summary of Fees & Costs))(Demchak, Teresa) (Entered: 08/24/2011) |
| 08/25/2011 | <u>726</u> | STATUS REPORT <i>Sixth Quarterly Report</i> by Tony P Rosenstein. (Attachments: # <u>1</u> Exhibit A part 1 of 3, # <u>2</u> Exhibit A part 2 of 3, # <u>3</u> Exhibit A part 3 of 3, # <u>4</u> Exhibit B)(Rosenstein, Tony) (Entered: 08/25/2011) |
| 08/26/2011 | | NOTICE of Hearing: Telephone Conference set for 8/30/2011 10:00 AM in Ctrm 2 (Beaumont) before Judge Ron Clark. (bmo,) (Entered: 08/26/2011) |
| 08/26/2011 | <u>727</u> | NOTICE by Lufkin Industries Inc re <u>725</u> Notice (Other), Notice (Other), Notice (Other) <i>Opposition to Plaintiff's Rule 54(d) Claim</i> (Bacon, Christopher) (Entered: 08/26/2011) |
| 08/30/2011 | <u>728</u> | Minute Entry for proceedings held before Judge Ron Clark: Status Conference held on 8/30/2011. A written order will be entered. (Court Reporter Chris Bickham.) (fal,) (Entered: 08/31/2011) |
| 08/31/2011 | <u>729</u> | SCHEDULING ORDER. Signed by Judge Ron Clark on 8/31/11. (ljw,) (Entered: 09/01/2011) |
| 09/09/2011 | <u>756</u> | USCA Order denying petition for rehearing by Circuit Judge Edith Jones. (Attachments: # <u>1</u> Cover Letter)(ljw,) (Entered: 06/26/2012) |
| 09/15/2011 | <u>730</u> | MOTION to Vacate <i>Stay of Proceedings re: Monetary Relief</i> by All Pla's, Walter Butler, Clifford R Duirden, Leroy Garner, Roald Mark, Eddie K Mask, Sylvester McClain, Clarence Owens, Pla Class, Earl Potts, Patrick. Ross, Sherry Calloway Swint, Buford Thomas, Mary Thomas, Florine Thompson. (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Declaration of T. Garrigan, # <u>3</u> Declaration of D. Rosenthal)(Baller, Morris) (Entered: 09/15/2011) |
| 09/16/2011 | <u>731</u> | RESPONSE in Opposition re <u>730</u> MOTION to Vacate <i>Stay of Proceedings re: Monetary Relief filed by Lufkin Industries Inc.</i> (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Text of Proposed Order)(Bacon, Christopher) (Entered: 09/16/2011) |
| 09/19/2011 | <u>732</u> | Opposed MOTION to Amend/Correct <i>Scheduling Order</i> by Lufkin Industries Inc. (Attachments: # <u>1</u> Text of Proposed Order)(Bacon, Christopher) (Entered: 09/19/2011) |
| 09/19/2011 | <u>733</u> | REPLY to Response to Motion re <u>730</u> MOTION to Vacate <i>Stay of Proceedings re: Monetary Relief filed by All Pla's, Walter Butler, Clifford R Duirden, Leroy Garner, Roald Mark, Eddie K Mask, Sylvester McClain, Clarence Owens, Pla Class, Earl Potts, Patrick. Ross, Sherry Calloway Swint, Buford Thomas, Mary Thomas, Florine Thompson.</i> (Baller, Morris) (Entered: 09/19/2011) |
| 09/19/2011 | <u>734</u> | RESPONSE to Motion re <u>732</u> Opposed MOTION to Amend/Correct <i>Scheduling Order filed by All Pla's, Walter Butler, Clifford R Duirden, Leroy Garner, Roald Mark, Eddie K Mask, Sylvester McClain, Clarence Owens, Pla Class, Earl Potts, Patrick. Ross, Sherry Calloway Swint, Buford Thomas, Mary Thomas, Florine Thompson.</i> (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Baller Decl.)(Demchak, Teresa) (Entered: 09/19/2011) |
| 09/22/2011 | <u>735</u> | NOTICE of Designation of Mediator, Gloria Portela, filed by All Pla's, Walter Butler, Clifford R Duirden, Leroy Garner, Roald Mark, Eddie K Mask, Sylvester McClain, Clarence Owens, Pla Class, Earl Potts, Patrick. Ross, Sherry Calloway Swint, Buford Thomas, Mary Thomas, Florine Thompson. re <u>729</u> Scheduling Order (Demchak, |

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| | | Teresa) (Entered: 09/22/2011) |
| 09/22/2011 | <u>736</u> | ORDER denying <u>730</u> Plaintiff's Motion to Vacate Stay of Proceedings & granting <u>732</u> Defendant's Motion to Amend the Scheduling Order. Signed by Judge Ron Clark on 9/22/11. (ljlw,) (Entered: 09/23/2011) |
| 11/07/2011 | <u>737</u> | STIPULATION (<i>Joint</i>) Regarding Modification of Injunction by All Pla's, Lufkin Industries Inc. (Attachments: # <u>1</u> Exhibit A)(Bacon, Christopher) (Entered: 11/07/2011) |
| 11/16/2011 | <u>738</u> | Unopposed MOTION Further Proceedings by All Pla's, Walter Butler, Clifford R Duirden, Leroy Garner, Roald Mark, Eddie K Mask, Sylvester McClain, Clarence Owens, Pla Class, Earl Potts, Patrick. Ross, Sherry Calloway Swint, Buford Thomas, Mary Thomas, Florine Thompson. (Attachments: # <u>1</u> Text of Proposed Order)(Demchak, Teresa) (Entered: 11/16/2011) |
| 11/18/2011 | <u>739</u> | ORDER TO DISTRIBUTE FUNDS. Plaintiff's <u>738</u> Motion Re: Further Proceedings is granted. The stay of proceedings pending appeal is VACATED. Signed by Judge Ron Clark on 11/18/11. (ljlw,) (Entered: 11/18/2011) |
| 11/21/2011 | <u>740</u> | STATUS REPORT <i>Seventh Quarterly Report of Ombudsman</i> by Tony P Rosenstein. (Attachments: # <u>1</u> Exhibit A Part 1 of 3, # <u>2</u> Exhibit A Part 2 of 3, # <u>3</u> Exhibit A Part 3 of 3)(Rosenstein, Tony) (Entered: 11/21/2011) |
| 11/21/2011 | <u>741</u> | ORDER of the Supreme Court denying the petition for a writ of certiorari. (ljlw,) (Entered: 11/23/2011) |
| 11/28/2011 | <u>742</u> | ORDER REFERRING CASE to Mediation. Gloria Portela is added as Mediator. The mediation conference shall be conducted by February 28, 2012. Signed by Judge Ron Clark on 11/28/11. (ljlw,) (Entered: 11/29/2011) |
| 11/30/2011 | <u>743</u> | AMENDED ORDER REFERRING CASE to Mediation. The mediation conference shall be conducted by December 14, 2011. Signed by Judge Ron Clark on 11/30/11. (ljlw,) (Entered: 12/01/2011) |
| 12/14/2011 | <u>744</u> | STATUS REPORT (<i>JOINT</i>) by All Pla's, Lufkin Industries Inc. (Bacon, Christopher) (Entered: 12/14/2011) |
| 12/21/2011 | <u>745</u> | AMENDED INJUNCTION. This Order shall remain in effect for five (5) years from the date December 18, 2009, when the Court first entered this Injunction. Signed by Judge Ron Clark on 12/21/11. (ljlw,) (Entered: 12/21/2011) |
| 12/23/2011 | <u>746</u> | STATUS REPORT by All Pla's. (Garrigan, Timothy) (Entered: 12/23/2011) |
| 02/14/2012 | <u>747</u> | Unopposed MOTION for Release of Bond Obligation by Lufkin Industries Inc. (Attachments: # <u>1</u> Text of Proposed Order)(Bacon, Christopher) (Entered: 02/14/2012) |
| 02/15/2012 | <u>748</u> | ORDER granting <u>747</u> Defendant Lufkin Industries unopposed motion for an order releasing it and its surety from their obligations on the supersedeas bond. Lufkin Industries and Travelers Casualty and Surety Company of America are hereby released from their obligations with respect to this supersedeas bond. Signed by Judge Ron Clark on 2/15/12. (ljlw,) (Entered: 02/15/2012) |
| 04/05/2012 | <u>749</u> | STATUS REPORT <i>Eighth Quarterly Report of Ombudsman</i> by Tony P Rosenstein. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Rosenstein, Tony) (Entered: 04/05/2012) |
| 04/25/2012 | <u>750</u> | STIPULATION <i>Joint</i> by Lufkin Industries Inc. (Bacon, Christopher) (Entered: 04/25/2012) |
| 04/27/2012 | <u>751</u> | Joint MOTION Distribute Monetary Awards <i>Report on the Final Distribution List and Unopposed Motion</i> by All Pla's. (Attachments: # <u>1</u> Text of Proposed Order)(Garrigan, Timothy) (Entered: 04/27/2012) |

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| 04/27/2012 | <u>752</u> | SEALED ADDITIONAL ATTACHMENTS to Main Document: <u>751</u> Joint MOTION Distribute Monetary Awards <i>Report on the Final Distribution List and Unopposed Motion</i> . (Garrigan, Timothy) (Entered: 04/27/2012) |
| 05/01/2012 | <u>753</u> | ORDER granting <u>751</u> the parties' joint report on the final distribution list and motion to distribute monetary awards to the plaintiff class. The court hereby directs the Appointed Third Party Administrator Kurzman Carson Consultants, LLC to distribute the monetary awards to the persons and in the amounts specified in the Final Distribution List <u>752</u> as anticipated by Section III.G. of the Order Re: Monetary Relief. (<u>684</u> at 14-16) and the Order to Distribute Funds <u>739</u> . Signed by Judge Ron Clark on 5/1/12. (ljw,) (Entered: 05/02/2012) |
| 05/14/2012 | <u>754</u> | Second Amended Injunction. This Order shall remain in effect for five (5) years from the date December 18, 2009, when the Court first entered this Injunction.Signed by Judge Ron Clark on 5/14/12. (ljw,) (Entered: 05/15/2012) |
| 06/12/2012 | <u>755</u> | STATUS REPORT <i>Ninth Quarterly Report of Ombudsman</i> by Tony P Rosenstein. (Attachments: # <u>1</u> Exhibit A)(Rosenstein, Tony) (Entered: 06/12/2012) |
| 08/20/2012 | <u>757</u> | STATUS REPORT <i>Tenth Quarterly Report of Ombudsman</i> by Tony P Rosenstein. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2)(Rosenstein, Tony) (Entered: 08/20/2012) |
| 08/30/2012 | <u>758</u> | STIPULATION (<i>Joint</i>) <i>Regarding Modification of Injunction</i> by All Pla's, Lufkin Industries Inc. (Attachments: # <u>1</u> Exhibit A)(Bacon, Christopher) (Entered: 08/30/2012) |
| 11/16/2012 | <u>759</u> | STATUS REPORT <i>Eleventh Quarterly Report of Ombudsman</i> by Tony P Rosenstein. (Attachments: # <u>1</u> Exhibit A)(Rosenstein, Tony) (Entered: 11/16/2012) |
| 11/19/2012 | <u>760</u> | ORDER APPROVING JOINT STIPULATION REGARDING MODIFICATION OF INJUNCTION. The court approves the joint stipulation submitted by the parties. The parties shall submit an Amended Injunction reflecting the changes on or before December 10, 2012. Signed by Judge Ron Clark on 11/19/12. (ljw,) (Entered: 11/20/2012) |
| 12/19/2012 | <u>761</u> | THIRD AMENDED INJUNCTION. This Order shall remain in effect for five (5) years from the date December 18, 2009, when the Court first entered this Injunction. Signed by Judge Ron Clark on 12/19/12. (ljw,) (Entered: 12/19/2012) |
| 04/25/2013 | <u>762</u> | STATUS REPORT <i>Twelfth Quarterly Report of Ombudsman</i> by Tony P Rosenstein. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Rosenstein, Tony) (Entered: 04/25/2013) |
| 05/23/2013 | <u>763</u> | STATUS REPORT <i>Thirteenth Quarter Summary Report of Ombudsman</i> by Tony P Rosenstein. (Attachments: # <u>1</u> Exhibit A)(Rosenstein, Tony) (Entered: 05/23/2013) |
| 06/24/2013 | <u>764</u> | Unopposed MOTION for Leave to File <i>Designation of Cy Pres Recipients and Unoppposed Motion for Leave to File Out of Time</i> by All Pla's. (Attachments: # <u>1</u> Exhibit Plaintiffs' Exhibit 1, # <u>2</u> Exhibit Plaintiffs' Exhibit 2, # <u>3</u> Exhibit Plaintiffs' Exhibit 3, # <u>4</u> Exhibit Plaintiffs' Exhibit 4, # <u>5</u> Exhibit Plaintiffs' Exhibit 5, # <u>6</u> Exhibit Plaintiffs' Exhibit 6, # <u>7</u> Exhibit Plaintiffs' Exhibit 7, # <u>8</u> Exhibit Plaintiffs' Exhibit 8, # <u>9</u> Text of Proposed Order)(Garrigan, Timothy) (Entered: 06/24/2013) |
| 07/02/2013 | <u>765</u> | ORDER granting <u>764</u> Plaintiffs' unopposed motion for leave to file out of time designation of cy pres recipients. The following cy pres designations are approved (1) A class Action Scholarship Fund of the Stephen F. Austin State University (SFASU) Alumni Foundation; (2) the Lufkin NAACP Scholarship Fund of the Angelina College |

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| | | endowment Funds; (3) the Lufkin Area Alumni Chapter of Delta Sigma Theta, Inc; (4) the Lufkin Chapter of the Top Ladies of Distinction; (5) the Concerned Black Men of Lufkin, Texas. The first two cy pres recipients will receive \$40,000 of the Cy Pres Fund and the remaining recipients will receive an equal amount of the remainder of the Fund after the awards to the first two recipients. Plaintiffs are directed to instruct the third party administrator accordingly. Signed by Judge Ron Clark on 7/2/13. (ljw,) (Entered: 07/03/2013) |
| 07/03/2013 | <u>766</u> | STIPULATION (<i>Joint</i>) Regarding Modification of Injunction by All Pla's, Lufkin Industries Inc. (Bacon, Christopher) (Entered: 07/03/2013) |
| 07/17/2013 | <u>767</u> | FOURTH AMENDED INJUNCTION. Signed by Judge Ron Clark on 7/17/13. (ljw,) (Entered: 07/17/2013) |
| 09/23/2013 | <u>768</u> | STATUS REPORT <i>Fourteenth Quarterly Report of Ombudsman</i> by Tony P Rosenstein. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit B)(Rosenstein, Tony) (Entered: 09/23/2013) |
| 11/11/2013 | <u>769</u> | STATUS REPORT <i>Fifteenth Quarter Summary Report of Ombudsman</i> by Tony P Rosenstein. (Attachments: # <u>1</u> Exhibit A)(Rosenstein, Tony) (Entered: 11/11/2013) |
| 03/31/2014 | <u>770</u> | STATUS REPORT <i>Sixteenth Quarterly Report of Ombudsman</i> by Tony P Rosenstein. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B (part 1 of 2), # <u>3</u> Exhibit B (part 2 of 2))(Rosenstein, Tony) (Entered: 03/31/2014) |
| 05/16/2014 | <u>771</u> | STATUS REPORT <i>Seventeenth Quarter Summary Report of Ombudsman</i> by Tony P Rosenstein. (Attachments: # <u>1</u> Exhibit A)(Rosenstein, Tony) (Entered: 05/16/2014) |
| 09/24/2014 | <u>772</u> | STATUS REPORT <i>Eighteenth Quarterly Report of Ombudsman</i> by Tony P Rosenstein. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Rosenstein, Tony) (Entered: 09/24/2014) |
| 12/05/2014 | <u>773</u> | STATUS REPORT <i>Nineteenth Quarterly Report and Final Statistical Report of Ombudsman</i> by Tony P Rosenstein. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit B, # <u>4</u> Exhibit B)(Rosenstein, Tony) (Entered: 12/05/2014) |
| 01/27/2015 | <u>774</u> | STATUS REPORT by Tony P Rosenstein. (Attachments: # <u>1</u> Exhibit A)(Rosenstein, Tony) (Entered: 01/27/2015) |
| 01/27/2015 | <u>775</u> | Unopposed MOTION <i>For Order Confirming Injunction Has Been Dissolved and Case Closed</i> by Lufkin Industries Inc. (Attachments: # <u>1</u> Text of Proposed Order)(Bacon, Christopher) (Entered: 01/27/2015) |
| 09/18/2015 | <u>776</u> | ORDER that Defendant's Motion <u>775</u> is GRANTED; the injunction in this matter has expired, and this matter is hereby closed. Signed by Judge Ron Clark on 9/18/15. (ljw,) (Entered: 09/23/2015) |