

CLOSED

**U.S. District Court
Eastern District of Virginia (Norfolk)
CIVIL DOCKET FOR CASE #: 2:02-cv-00728-JBF-TEM**

EEOC v. Bon Secours
Assigned to: District Judge Jerome B. Friedman
Referred to: Magistrate Judge Tommy E. Miller
Demand: \$0
Cause: 28:451 Employment Discrimination

Date Filed: 09/16/2002
Date Terminated: 03/04/2004
Jury Demand: Plaintiff
Nature of Suit: 442 Civil Rights: Jobs
Jurisdiction: U.S. Government Plaintiff

Plaintiff

**Equal Employment Opportunity
Commission**

represented by **Amy Elizabeth Garber**
Equal Employment Opportunity
Commission
200 Granby St
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Kenneth Michael Golski
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Defendant

**Bon Secours - DePaul Medical Center,
Inc.**

represented by **Timothy Michael McConville**
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Date Filed	#	Docket Text
09/16/2002	1	COMPLAINT; jury demand (lbax) (Entered: 09/17/2002)
09/16/2002		CASE REFERRED to Magistrate Judge Tommy E. Miller (lbax) (Entered: 09/17/2002)
09/17/2002		SUMMONS(ES) and certified copy issued for Bon Secours w/Mag. Consent, financial disclosure, order/motion procedures (lbax) (Entered: 09/17/2002)
12/31/2002	2	ANSWER to Complaint by Bon Secours (Attorney William Edward Rachels Jr., Timothy Michael McConville), (jcow) (Entered: 12/31/2002)
12/31/2002		Referred for 16(b) Conference (jcow) (Entered: 12/31/2002)
01/02/2003	3	SUMMONS Returned Executed as to Bon Secours 12/13/02; Answer due on 1/2/03 for Bon Secours (lbax) (Entered: 01/02/2003)
01/06/2003	4	ORDER: 26(f) attorneys' conference set 1/16/03 at 2:00 p.m.; 16(b) scheduling conference set 8:45 1/30/03; initial disclosure 2/13/03; no party required to respond to discovery sooner than 2/24/03; entered 1/6/03 and filed 1/6/03 (signed by Magistrate Judge Tommy E. Miller) Copies Mailed: 1/6/03 (afor) (Entered: 01/07/2003)
01/31/2003		16(b) Conference held (clerk) (Entered: 02/03/2003)
01/31/2003	5	Rule 16(b) Scheduling Order: setting jury trial at 10:00 a.m. on 8/27/03 at Norfolk. Expert witnesses to be identified by 4/28/03; disclosure outlined in Rule 26 (a)(2)(B) by 5/28/03; response to such disclosure by 6/30/03; rebuttal by 7/15/03; discovery by plaintiff(s) on or before 6/18/03 and defendant(s) on or before 7/16/03; discovery/deposition in lieu of witness at trial concluded by 7/23/03; pretrial disclosures to be delivered to all counsel and unrepresented parties on or before 8/8/03; objections delivered by 8/13/03; an attorney's conference is set for 8/8/03 at 2:00 p.m.; a final pretrial conference shall be conducted on 8/15/03 at 11:00 a.m.; trial by jury has been demanded and proposed voir dire and written jury instructions are due by 8/20/03; plaintiff shall, by 2/3/03, notify the charging party for whom they are seeking relief, that they must exercise their right under Title VII of the Civil Rights Act 42 USC 2000e(f)(1) to intervene in this law suit by 2/21/03, entered 1/30/03 and filed 1/31/03 (signed by Magistrate Judge Tommy E. Miller) Copies Mailed: 2/3/03 (clerk) (Entered: 02/03/2003)
02/03/2003		Deadline updated; set Motion Filing deadline to 2/21/03 to intervene. (clerk) (Entered: 02/03/2003)
02/27/2003	6	Financial Interest Disclosure Statement (Local Rule 7.1) by Bon Secours DePaul Medical Center, Inc. (clerk) (Entered: 02/28/2003)

07/17/2003	7	MOTION by Bon Secours Depaul Medical Center, Inc. for Summary Judgment (clerk) (Entered: 07/18/2003)
07/17/2003	8	MEMORANDUM in support of [7-1] motion by Bon Secours Depaul Medical Center, Inc. for Summary Judgment, received. (clerk) (Entered: 07/18/2003)
07/18/2003	9	AFFIDAVIT of David J. McCombs in support of [8-1] support memorandum by Bon Secours Depaul Medical Center, Inc., [7-1] motion by Bon Secours Depaul Medical Center, Inc. for Summary Judgment (clerk) (Entered: 07/18/2003)
07/18/2003	10	MOTION by EEOC for Partial Summary Judgment (clerk) (Entered: 07/21/2003)
07/18/2003	11	MEMORANDUM in support of [10-1] motion by EEOC for Partial Summary Judgment, received. (clerk) (Entered: 07/21/2003)
07/28/2003	12	MEMORANDUM by EEOC in opposition to [7-1] motion by Bon Secours Depaul Medical Center, Inc. for Summary Judgment, received. (clerk) (Entered: 07/29/2003)
07/28/2003		Deadline updated; reset Final Pretrial Conference for 2:00 p.m. on 8/14/03 before Magistrate Judge Tommy E. Miller (clerk) (Entered: 07/29/2003)
07/29/2003	13	MEMORANDUM by Bon Secours DePaul Medical Center, Inc. in opposition to [10-1] motion by EEOC for Partial Summary Judgment, received. (clerk) (Entered: 07/30/2003)
07/30/2003	14	AFFIDAVIT of David J. McCombs in support of [13-1] opposition memorandum by Bon Secours Depaul Medical Center, Inc. (clerk) (Entered: 07/30/2003)
07/31/2003	15	REPLY by Bon Secours DePaul Medical Center, Inc. to response to [7-1] motion by Bon Secours Depaul Medical Center, Inc. for Summary Judgment, received. (clerk) (Entered: 08/01/2003)
08/01/2003	16	REPLY by EEOC to response to [10-1] motion by EEOC for Partial Summary Judgment, received. (clerk) (Entered: 08/04/2003)
08/14/2003		Final Pre-Trial Conference held (clerk) (Entered: 08/15/2003)
08/14/2003	17	FINAL PRETRIAL ORDER, held in the presence of counsel, entered and filed 8/14/03 (signed by Magistrate Judge Tommy E. Miller) (clerk) (Entered: 08/15/2003)
08/18/2003	18	ORDER denying [10-1] motion by EEOC for Partial Summary Judgment; and denying [7-1] motion by Bon Secours Depaul Medical Center, Inc. for Summary Judgment, entered and filed 8/18/03 (signed by Judge Jerome B. Friedman) Copies Mailed: 8/18/03 [EOD Date: 8/19/03] (clerk) (Entered: 08/19/2003)
08/20/2003		Proposed Jury instructions by Bon Secours DePaul Medical Center, Inc. (clerk) (Entered: 08/21/2003)
08/20/2003		PROPOSED VOIR DIRE by defendant Bon Secours DePaul Medical Center, Inc. (clerk) (Entered: 08/21/2003)
08/20/2003		Proposed Jury instructions by EEOC (clerk) (Entered: 08/21/2003)
08/20/2003		PROPOSED VOIR DIRE by plaintiff EEOC (clerk) (Entered: 08/21/2003)

08/20/2003	19	MOTION by Bon Secours DePaul Medical Center, Inc. in limine to exclude evidence of lost earnings (clerk) (Entered: 08/21/2003)
08/20/2003	20	MEMORANDUM in support of [19-1] motion by Bon Secours DePaul Medical Center, Inc. in limine to exclude evidence of lost earnings, received. (clerk) (Entered: 08/21/2003)
08/26/2003	21	MOTION by EEOC in limine to exclude extrinsic evidence of Ms. Denninghoff's prior employment (clerk) (Entered: 08/26/2003)
08/26/2003	22	MEMORANDUM in support of [21-1] motion by EEOC in limine to exclude extrinsic evidence of Ms. Denninghoff's prior employment, received. (clerk) (Entered: 08/26/2003)
08/26/2003	23	MOTION by EEOC in limine to preclude testimony of newly-identified witnesses (clerk) (Entered: 08/26/2003)
08/26/2003	24	MEMORANDUM in support of [23-1] motion by EEOC in limine to preclude testimony of newly-identified witnesses, received. (clerk) (Entered: 08/26/2003)
08/27/2003		Jury Trial held (Entered: 08/28/2003)
08/27/2003	25	Minute entry: TRIAL PROCEEDINGS: JBF, judge. Sue Ash (OCR). Counsel appeared. Matter came on for trial by jury. Arguments heard on motions in limine - court denied in part and withheld ruling in part. Jury appeared as summoned and sworn on voir dire. 8 jurors were selected to try the issues. Jurors not selected were excused. Witnesses excluded. Opening statements. Pltf. presented evidence. Counsel and parties excused until tomorrow at 9:30 a.m. (Entered: 08/28/2003)
08/28/2003		Jury Trial held (Entered: 08/28/2003)
08/28/2003	26	Minute entry: CONTINUATION OF JURY TRIAL: JBF, j. Sue Ash, OCR. Jurors, counsel and parties appeared. Pltf. resumed with evidence and rested. Arguments heard on defts. motion for judgment as a matter of law - court denied. Deft. presented evidence. Counsel and parties excused until tomorrow at 9:45 a.m. (Entered: 08/28/2003)
08/29/2003		Jury Trial held (Entered: 08/29/2003)
08/29/2003	27	Minute entry: CONTINUATION OF JURY TRIAL: JBF, j. Gloria Smith and Sue Ash, OCR's. Jurors, counsel and parties appeared. Redacted copy of de bene esse deposition of Janet Lorraine Macarthur filed. Pltfs. designation of objections to deposition testimony of Robert C. Squatrito, MD, filed. Deft. resumed with evidence. Video tape deposition of Robert C. Squatrito, MD played to the jury, and transcript filed. Jurors excused until Tuesday, September 2, 2003, at 9:30 a.m., and counsel to appear at 9:00 a.m. (Entered: 08/29/2003)
08/29/2003	28	Redacted copy of de bene esse deposition of Janet Lorraine Maccarthur filed in open court. (Entered: 08/29/2003)
08/29/2003	29	Designation of objections to deposition testimony of Robert C. Squatrito, M.D. by plaintiff EEOC, filed in open court. (Entered: 08/29/2003)
08/29/2003	30	DEPOSITION of Robert C. Squatrito, M.D., filed in open court. (Entered: 08/29/2003)

09/02/2003		Jury Trial held (Entered: 09/02/2003)
09/02/2003	31	Minute entry: CONTINUATION OF JURY TRIAL: JBF, j. Sue Ash, OCR. Jurors, counsel and parties appeared. Deft. resumed with evidence and rested. Pltfs. motion for judgment as a matter of law - denied. Pltf. presented rebuttal evidence and rested. Deft. renewed motion for judgment as a matter of law - denied. Instructions read to the jury. Final arguments. Jury rec'd court's final instructions and retired to begin their deliberations, and sometime later ret'd with the following verdict (attached). Verdict filed. Jury polled. Jurors excused. Deft. made a motion for judgment notwithstanding the verdict. Deft. to submit brief by Sept. 16, 2003, pltfs. response by Sept. 29, 2003, and defts. reply by Oct. 3, 2003. Court directed clerk not to enter judgment at this time. (Entered: 09/02/2003)
09/02/2003	32	JURY VERDICT for the pltf. EEOC, filed in open court. (Entered: 09/02/2003)
09/16/2003	33	MOTION by Bon Secours DePaul Medical Center, Inc. for Judgment as a Matter of Law , or alternatively by Bon Secours DePaul Medical Center, Inc. for New Trial (clerk) (Entered: 09/17/2003)
09/16/2003	34	MEMORANDUM in support of [33-1] motion by Bon Secours DePaul Medical Center, Inc. for Judgment as a Matter of Law, [33-2] motion by Bon Secours DePaul Medical Center, Inc. for New Trial, received. (clerk) (Entered: 09/17/2003)
09/29/2003	35	MEMORANDUM by EEOC in opposition to [33-1] motion by Bon Secours DePaul Medical Center, Inc. for Judgment as a Matter of Law, [33-2] motion by Bon Secours DePaul Medical Center, Inc. for New Trial, received. (clerk) (Entered: 09/30/2003)
10/03/2003	36	REPLY by Bon Secours DePaul Medical Center, Inc. to response to [33-1] motion by Bon Secours DePaul Medical Center, Inc. for Judgment as a of Law, [33-2] motion by Bon Secours DePaul Medical Center, Inc. for New Trial, received. (clerk) (Entered: 10/03/2003)
10/06/2003	37	MOTION by EEOC seeking enforcement of Local Rule of Practice 7(E)3 (clerk) (Entered: 10/07/2003)
10/06/2003	38	MEMORANDUM in support of [37-1] motion by EEOC seeking enforcement of Local Rule of Practice 7(E)3, received. (clerk) (Entered: 10/07/2003)
10/08/2003	39	RESPONSE by Bon Secours to [37-1] motion by EEOC seeking enforcement of Local Rule of Practice 7(E)3 by EEOC (jcow) (Entered: 10/09/2003)
10/08/2003	39	MOTION with Memorandum in Support by Bon Secours to expand the allowable length of defendant's reply memorandum or to allow defendant to file replacemetn reply memorandum (jcow) (Entered: 10/09/2003)
10/22/2003		Motion hearing [33-1] motion by Bon Secours DePaul Medical Center, Inc. for Judgment as a Matter of Law set at 9:30 a.m. on 11/13/03 before Judge Jerome B. Friedman (clerk) (Entered: 10/22/2003)
11/13/2003		Motion hearing held re: [33-1] motion by Bon Secours DePaul Medical Center, Inc. for Judgment as a Matter of Law by Bon Secours, [33-2] motion by Bon Secours DePaul Medical Center, Inc. for New Trial by Bon Secours (Entered: 11/13/2003)

11/13/2003	40	Minute entry: COURT PROCEEDINGS: JBF, j. Sue Ash, OCR. Counsel appeared. Matter came on for hearing on defts. motion for judgment as a matter of law or for new trial. Argued. Court takes under advisement. (Entered: 11/13/2003)
12/09/2003	41	ORDER denying [33-1] motion by Bon Secours DePaul Medical Center, Inc. for Judgment as a Matter of Law; denying [33-2] motion by Bon Secours DePaul Medical Center, Inc. for New Trial and directing parties to schedule a hearing as soon as possible to determine any award of back pay and/or front pay, entered and filed 12/9/03 (signed by Judge Jerome B. Friedman) Copies Mailed: 12/9/03 [EOD Date: 12/9/03] (clerk) (Entered: 12/09/2003)
12/10/2003	42	TRANSCRIPT for dates of August 27, 2003 before the Honorable Jerome B. Friedman (clerk) (Entered: 12/10/2003)
12/10/2003	43	TRANSCRIPT for dates of August 28, 2003 before the Honorable Jerome B. Friedman. (clerk) (Entered: 12/10/2003)
12/10/2003	44	TRANSCRIPT (Volume 3A) for dates of August 29, 2003 before the Honorable Jerome B. Friedman. (clerk) (Entered: 12/10/2003)
12/10/2003	45	TRANSCRIPT (Volume 3B) for dates of August 29, 2003 before the Honorable Jerome B. Friedman. (clerk) (Entered: 12/10/2003)
12/10/2003	46	TRANSCRIPT for dates of September 2, 2003 before the Honorable Jerome B. Friedman. (clerk) (Entered: 12/10/2003)
01/12/2004		Deadline updated; Hearing Deadline for 11:00 a.m. on 2/6/04 on post trial issues before Judge Jerome B. Friedman (clerk) (Entered: 01/12/2004)
02/06/2004		Deadline updated; Hearing Deadline reset for 10:00 a.m. on 3/2/04 before Judge Jerome B. Friedman for post trial issues (clerk) (Entered: 02/06/2004)
03/04/2004	47	CONSENT DECREE resolving al issues and claims in the Complaint; enjoining defendant from making certain employment decisions, see this consent decree for specifics; that within ten (10) days from the date of entry of this consent decree, defendant will pay to Stephanie Denninghoff the amount of \$60,000 for lost wages, \$300,000 in damages, for a total of \$360,000, see this consent decree for specifics as to Internal Revenue Service deductions; see this consent decree for specifics on notice to be posted, costs incurred, and training to be conducted; and this action is dismissed with prejudice and removed from the active docket, agreed, entered and filed 3/4/04 (Signed by Judge Jerome B. Friedman). OB. Copies Mailed: 3/4/04 (clerk) (Entered: 03/05/2004)
03/04/2004		Case closed (clerk) (Entered: 03/05/2004)
03/04/2004		Permanent Record (clerk) (Entered: 03/05/2004)

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