

CLOSED, JURY, PROTO

**U.S. District Court
Eastern District of Virginia (Richmond)
CIVIL DOCKET FOR CASE #: 3:99-cv-00798-RLW**

Equal Employment v. Mega Contractors
Assigned to: District Judge Richard L. Williams
Demand: \$0
Case in other court: 00-02058
USDC, Norfolk, 2:99-CV-01495
USCA, :00- -02058

Date Filed: 09/14/1999
Date Terminated: 06/06/2000
Jury Demand: Plaintiff
Nature of Suit: 442 Civil Rights: Jobs
Jurisdiction: U.S. Government Plaintiff

Cause: 28:1331 Fed. Question: Employment Discrimination

Plaintiff

**Equal Employment Opportunity
Commission**

represented by **Mildred Rivera**
Equal Employment Opportunity
Commission
10 S Howard St
3rd Fl
Baltimore, MD 21201
**NA*
(410) 962-3932
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Stacey Turner Caldwell
Equal Employment Opportunity
Commission
830 East Main St
Suite 600
Richmond, VA 23219
(804) 771-2215
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Gerald Kiel
Equal Employment Opportunity
Commission
10 S Howard St
3rd Fl
Baltimore, MD 21201
**NA*
(410) 962-3932

Stephen P. O'Rourke
Equal Employment Opportunity
Commission

10 S Howard St
 3rd Fl
 Baltimore, MD 21201
 **NA*
 (410) 962-3932

Suzanne Lenahan Nyfeler
 Equal Employment Opportunity
 Commission
 830 East Main St
 Suite 600
 Richmond, VA 23219
 (804) 771-2215

Defendant

Mega Contractors, Inc.

represented by **King Fitchett Tower**
 Williams Mullen
 1021 E Cary St
 PO Box 1320
 Richmond, VA 23218-1320
 (804) 643-1991
 Email: ktower@williamsmullen.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Aaron Scott Walters
 Williams Mullen
 1021 E Cary St
 PO Box 1320
 Richmond, VA 23218-1320
 (804) 643-1991

Steven David Brown
 Williams Mullen
 1021 E Cary St
 PO Box 1320
 Richmond, VA 23218-1320
 (804) 643-1991

Date Filed	#	Docket Text
09/14/1999	1	COMPLAINT; jury demand (clerk) (Entered: 09/14/1999)
09/15/1999		SUMMONS issued, with one copy, for Mega Contractors and mailed to counsel. Mag. notice. (clerk) (Entered: 09/15/1999)
11/08/1999	2	SUMMONS Returned Executed as to Mega Contractors 10/18/99 (clerk) (Entered: 11/09/1999)

11/08/1999	3	ANSWER to Complaint by Mega Contractors (Attorney King Fitchett Tower, Steven David Brown), (clerk) (Entered: 11/09/1999)
11/09/1999		Referred for Initial Pretrial Conference (clerk) (Entered: 11/09/1999)
11/10/1999		Initial pretrial conference set at 2:15 p.m. on 11/23/99 (clerk) (Entered: 11/15/1999)
11/17/1999		Initial pretrial conference reset at 3:45 p.m. on 11/30/99 (clerk) (Entered: 11/22/1999)
11/29/1999	4	ORDER transferring this matter to the Richmond Division of the U.S. District Court for the ED/VA; agreed; entered and filed 11/29/99 (signed by Judge Rebecca B. Smith); OB; Copies Mailed: 11/30/99 [EOD Date: 11/30/99] (clerk) (Entered: 11/30/1999)
11/29/1999		Case file, with certified copy of transfer order and docket entries mailed to Richmond Division. (clerk) (Entered: 11/30/1999)
12/01/1999		Original file, certified copy of transfer order and docket sheet received from Norfolk Division (rpiz) (Entered: 12/01/1999)
12/01/1999		CASE assigned to Judge Richard L. Williams (rpiz) (Entered: 12/01/1999)
12/01/1999		Jury Trial Flag (rpiz) (Entered: 12/02/1999)
12/03/1999	5	MOTION by Mega Contractors, Inc. for Protective Order (Isal) (Entered: 12/03/1999)
12/23/1999	6	JOINT STIPULATION AND AGREED PROTECTIVE ORDER (signed by Judge Richard L. Williams) Copies Mailed: y (rpiz) (Entered: 12/23/1999)
12/23/1999		**Set Protective Order Flag. (rpiz) (Entered: 12/23/1999)
01/07/2000	7	SCHEDULING ORDER setting Pretrial Conference for 9:00 2/10/00 ; (signed by Judge Richard L. Williams) Copies Mailed: yes (jpea) (Entered: 01/07/2000)
02/04/2000	8	NOTICE of Attorney Appearance for Mega Contractors by Aaron Scott Walters of Williams Mullen Clark & Dobbins (rpiz) (Entered: 02/04/2000)
02/11/2000	9	PRETRIAL ORDER filed Jury Trial date 9:30 6/5/00 (signed by Judge Richard L. Williams) Copies Mailed: yes (jpea) (Entered: 02/11/2000)
02/11/2000		Pre-Trial Conference held (jpea) (Entered: 02/11/2000)
03/07/2000	10	NOTICE of Attorney Appearance for Equal Employment by Suzanne Lenahan Nyfeler (rpiz) (Entered: 03/07/2000)
03/13/2000	11	ORDER: The appearance of Suzanne Nyfeler, trial attorney for the plaintiff, is hereby noted as additional local counsel (signed by Judge Richard L. Williams) Copies Mailed: y [EOD Date: 3/13/00] (rpiz) (Entered: 03/13/2000)
05/05/2000	12	MOTION by Mega Contractors for Summary Judgment (rpiz) (Entered: 05/08/2000)
05/05/2000	13	MEMORANDUM by Mega Contractors in support of [12-1] motion by Mega Contractors for Summary Judgment (Exhibits placed in brown expandable folder) (rpiz) (Entered: 05/08/2000)

05/08/2000		Motion hearing re: [12-1] motion by Mega Contractors for Summary Judgment set at 2:30 5/23/00 (lmcd) (Entered: 05/08/2000)
05/15/2000	14	Defendant's NOTICE of Hearing on 5/23/00 at 2:30 p.m. re: Motion for Summary Judgment (rpiz) (Entered: 05/15/2000)
05/16/2000	15	RESPONSE (Memorandum in Opposition) by Equal Employment to [12-1] motion by Mega Contractors for Summary Judgment (Exhibits placed in brown expandable folder) (rpiz) (Entered: 05/16/2000)
05/19/2000	16	REPLY by Mega Contractors to response to [12-1] motion by Mega Contractors for Summary Judgment (rpiz) (Entered: 05/19/2000)
05/19/2000	17	MOTION by Mega Contractors to Strike Portions of Al L. Tucker's Declaration, the Entire VDOT Interview Report, and the Entire Article From the Washington Post Filed by the EEOC In Opposition to Defendant's Motion for Summary Judgment (rpiz) (Entered: 05/19/2000)
05/23/2000		Deadline updated; Motion Hearing Deadline set for 3:30 5/23/00 for [12-1] motion by Mega Contractors for Summary Judgment (jpea) (Entered: 05/23/2000)
05/23/2000	18	Minute entry: IN OPEN COURT: Williams, J., Gilbert Halasz, OCR. Parties by counsel. Matter came on for hearing on Deft's motion for summary judgment; and, Pltf's motion to strike. Arguments had. For the reasons stated from the bench, Court denied Deft's motion for summary judgment; and, Pltf's motion to strike TUA. Order to enter.(35 mins.) (jpea) (Entered: 05/23/2000)
05/23/2000		Motion hearing held re: [17-1] motion by Mega Contractors to Strike Portions of Al L. Tucker's Declaration, the Entire VDOT Interview Report, and the Entire Article From the Washington Post Filed by the EEOC In Opposition to Defendant's Motion for Summary Judgment by Mega Contractors, [12-1] motion by Mega Contractors for Summary Judgment by Mega Contractors (jpea) (Entered: 05/23/2000)
05/23/2000	19	RESPONSE (in opposition) by Equal Employment to [17-1] motion by Mega Contractors to Strike Portions of Al L. Tucker's Declaration, the Entire VDOT Interview Report, and the Entire Article From the Washington Post Filed by the EEOC In Opposition to Defendant's Motion for Summary Judgment by Mega Contractors (filed in open court) (scoo) (Entered: 05/23/2000)
05/23/2000	20	ORDER [17-1] motion by Mega Contractors to Strike taken under advisement, denying [12-1] motion by Mega Contractors for Summary Judgment, this matter is REFERRED to Hon. U.S. Magistrate Judge David G. Lowe for a settlement conference, the parties are DIRECTED to contact Judge Lowe's no later than 5/25/00 to schedule the settlement conference to take place during the week of 5/29/00 (signed by Judge Richard L. Williams) Copies Mailed: yes and faxed [EOD Date: 5/23/00] (scoo) (Entered: 05/23/2000)
05/25/2000		Hearing Deadline as to Equal Employment, Mega Contractors set 3:30 5/31/00 before Judge Richard L. Williams (jpea) (Entered: 05/25/2000)
05/25/2000	21	ORDER that the defendant's motion in limine shall be filed by 5:00 pm today 5/25/00; the plaintiff's response shall be filed by 5:00 pm 5/30/00. The parties will meet with Judge Lowe for a settlement conference on 5/31/00 beginning at

		10:30 am; the hearing on the motion in limine, if the parties are unable to settle, will be held at 3:30 pm before Judge Williams (signed by Judge Richard L. Williams) Copies Mailed: y (and faxed as per Order) [EOD Date: 5/25/00] (rpiz) (Entered: 05/25/2000)
05/25/2000	22	MOTION by Mega Contractors in Limine (rpiz) (Entered: 05/26/2000)
05/25/2000	23	MEMORANDUM by Mega Contractors in support of [22-1] motion by Mega Contractors in Limine (rpiz) (Entered: 05/26/2000)
05/30/2000	24	Exhibit list by Equal Employment (scoo) (Entered: 05/30/2000)
05/30/2000	25	Witness list by Equal Employment (scoo) (Entered: 05/30/2000)
05/30/2000	26	RESPONSE (in opposition) by Equal Employment to [22-1] motion by Mega Contractors in Limine by Mega Contractors (scoo) (Entered: 05/30/2000)
05/30/2000	27	Witness list by Mega Contractors (scoo) (Entered: 05/31/2000)
05/30/2000	28	Exhibit list by Mega Contractors (scoo) (Entered: 05/31/2000)
05/30/2000		Exhibits received by Mega Contractors (1 small black notebook in 2 sets) (scoo) (Entered: 05/31/2000)
05/31/2000	29	Minute entry: IN OPEN COURT: Williams, J., Diane Daffron, OCR. Parties by counsel. Matter came on for hearing on Deft's motion in limine. Arguments had. For the reasons stated from the bench, Deft's motion granted in part and denied in part. Order to enter.(25 mins.) (jpea) (Entered: 05/31/2000)
05/31/2000		Exhibits received by Equal Employment (1 blue notebook in 2 sets) (rpiz) (Entered: 06/01/2000)
06/01/2000	30	ORDER granting in part, denying in part [22-1] motion by Mega Contractors in Limine (signed by Judge Richard L. Williams) Copies Mailed: y [EOD Date: 6/1/00] (rpiz) (Entered: 06/01/2000)
06/01/2000	31	PROPOSED VOIR DIRE by defendant Mega Contractors (rpiz) (Entered: 06/01/2000)
06/01/2000	32	Proposed Jury instructions by Mega Contractors (rpiz) (Entered: 06/01/2000)
06/01/2000	33	Proposed Jury instructions by Equal Employment (rpiz) (Entered: 06/01/2000)
06/01/2000	34	PROPOSED VOIR DIRE by plaintiff Equal Employment (rpiz) (Entered: 06/01/2000)
06/01/2000	35	OBJECTIONS by defendant Mega Contractors to [24-1] exhibits list by Equal Employment, [25-1] witness list by Equal Employment (witness Larry Persons) (rpiz) (Entered: 06/01/2000)
06/02/2000	36	OBJECTIONS by defendant Mega Contractors to [34-1] proposed voir dire by Equal Employment (rpiz) (Entered: 06/02/2000)
06/02/2000	37	ADDENDUM to Witness list by Equal Employment (rpiz) (Entered: 06/02/2000)
06/02/2000	38	OBJECTIONS by plaintiff Equal Employment to [28-1] exhibits list by Mega Contractors (rpiz) (Entered: 06/02/2000)

06/05/2000	39	Stipulations of Fact filed by Equal Employment, Mega Contractors (jpea) (Entered: 06/05/2000)
06/05/2000	40	Minute entry: JURY TRIAL PROCEEDINGS: Williams, J., Gilbert Halasz, OCR. Parties with counsel. Jury. Matter came on for Jury Trial proceedings. Jury sworn and examined on voir dire. Pltf challenged three of Deft's strikes. Court reinstated Jurors Michael Wilson, Rebecca Mendoza and Mary Christian. Jury empaneled. Jury sworn to try issue. Witnesses excluded on motion of Deft. In Jury's absence, objections to exhibits heard and resolved by the Court. Opening statements had. Pltf adduced evidence. Rested. Motion after Pltf rested. Deft's motion for Judgment as a Matter of Law, denied by the Court. Deft adduced evidence. Rested. Deft renewed previous motion. Court denied same. Evidence concluded. Arguments had. Jury charged by the Court. No further objections and/or exceptions noted to the charge. Jury retired at 4:35 p.m. Jurors notified Court at 6:45 p.m. that it wished to retire for the evening, to return for further deliberations on Tuesday, June 6, 2000, at 9:00 a.m. (jpea) (Entered: 06/06/2000)
06/06/2000	41	Minute entry: 2ND DAY JURY TRIAL PROCEEDINGS: Williams, J., Gilbert Halasz, OCR. Parties w/counsel. Jury - all present. Matter came on for 2nd Day Jury Trial proceedings (Deliberations). Jury retired at 9:00 a.m. Jury returned verdict at 9:35 a.m. in favor of the Deft. Jury polled. Jury discharged. Clerk to enter judgment on Jury verdict. All exhibits returned to counsel.(45 mins.) (jpea) (Entered: 06/06/2000)
06/06/2000		Jury Trial held (jpea) (Entered: 06/06/2000)
06/06/2000	42	JURY VERDICT FOR Defendant Mega Contractors and AGAINST Plaintiff EEOC. (jpea) (Entered: 06/06/2000)
06/06/2000	43	JUDGMENT for Mega Contractors against Equal Employment (signed by Deputy Clerk/Judge Richard L. Williams) Copies Mailed: yes [EOD DATE: 6/6/00] (jpea) (Entered: 06/06/2000)
06/06/2000		Case closed (rpiz) (Entered: 06/06/2000)
06/20/2000	44	VERIFIED MOTION by Mega Contractors for Attorneys' Fees (rpiz) (Entered: 06/21/2000)
06/20/2000	45	MEMORANDUM by Mega Contractors in support of [44-1] Verified Motion by Mega Contractors for Attorneys' Fees (rpiz) (Entered: 06/21/2000)
07/03/2000	46	RESPONSE (Memorandum in Opposition) by Equal Employment to [44-1] motion by Mega Contractors for Attorneys' Fees (rpiz) (Entered: 07/06/2000)
07/10/2000	47	REPLY by Mega Contractors to response to [44-1] motion by Mega Contractors for Attorneys' Fees (rpiz) (Entered: 07/10/2000)
07/13/2000		Motion hearing re: [44-1] motion by Mega Contractors for Attorneys' Fees set at 9:30 7/25/00 (jpea) (Entered: 07/13/2000)
07/17/2000		Deadline updated; Motion Hearing Deadline set for 11:30 7/25/00 for [44-1] motion by Mega Contractors for Attorneys' Fees (jpea) (Entered: 07/17/2000)
07/20/2000	48	Defendant's NOTICE of Hearing on 7/25/00 at 11:30 a.m. re: Verified Motion for Attorney's Fees (rpiz) (Entered: 07/21/2000)

07/25/2000	49	Minute entry: IN OPEN COURT: Williams, J., Gil Halasz, OCR. Parties by counsel. Matter came on for hearing on Deft's motion for attorneys' fees. Arguments had. For the reasons stated from the bench, Deft's motion is denied. Order to enter.(15 mins.) (jpea) (Entered: 07/25/2000)
07/25/2000	50	ORDER denying [44-1] verified motion by Mega Contractors for Attorneys' Fees (signed by Judge Richard L. Williams) Copies Mailed: y [EOD Date: 7/25/00] (rpiz) (Entered: 07/25/2000)
07/25/2000	51	JUDGMENT entered by the Clerk, pursuant to Rule 58 and in accordance with the Order entered on 7/25/00 () Copies Mailed: y [EOD DATE: 7/25/00] (rpiz) (Entered: 07/25/2000)
08/09/2000	52	Bill of costs in the filed by Mega Contractors (scoo) (Entered: 08/11/2000)
08/10/2000	53	NOTICE OF APPEAL OF [50-1] order by Mega Contractors . FILING FEE \$ 105.00 RECEIPT # 55451 (TPO pkg mailed to counsel) (scoo) (Entered: 08/11/2000)
08/16/2000		USCA Case Number Re: [53-1] appeal by Mega Contractors; CASE MANAGER: Taline Akseraylian, USCA NUMBER: 00-2058 (rpiz) (Entered: 08/16/2000)
08/17/2000	54	TRANSCRIPT for date of 07/25/00 before the Honorable Richard L. Williams (rpiz) (Entered: 08/18/2000)
08/22/2000		Transcript requested re: [53-1] appeal by Mega Contractors (trial) (rpiz) (Entered: 08/22/2000)
08/22/2000		Transcript requested re: [53-1] appeal by Mega Contractors (7/25/00 hearing) (rpiz) (Entered: 08/22/2000)
09/11/2000	55	TRANSCRIPT of trial for dates of June 5-6, 2000 before the Honorable Richard L. Williams (placed in brown expandable) (rpiz) (Entered: 09/11/2000)
09/18/2000	56	Certification of Completion sent to USCA re: [53-1] appeal by Mega Contractors (walk) (Entered: 09/18/2000)
11/13/2000		Costs taxed in the amount of \$ 3777.93 for Mega Contractors (certified copies mailed to all counsel) (scoo) (Entered: 11/13/2000)
05/07/2001	57	Opinion of USCA re: [53-1] appeal by Mega Contractors affirming decision of USDC (clerk) (Entered: 05/07/2001)
07/02/2001	58	JUDGMENT OF USCA (certified copy) Re: [53-1] appeal; the Court affirms the judgment of the District Court (rpiz) (Entered: 07/05/2001)
07/02/2001	59	USCA Order: Appellee has filed a bill of costs; the Court awards \$58.00 in costs (rpiz) (Entered: 07/05/2001)

PACER Service Center

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