

CLOSED

**U.S. District Court**  
**United States District Court for the Western District of Washington (Seattle)**  
**CIVIL DOCKET FOR CASE #: 2:03-cv-02903-RSM**

Equal Employment Opportunity Commission v. Oregon  
Electric Construction Inc  
Assigned to: Hon. Ricardo S Martinez  
Cause: 42:2000e Job Discrimination (Employment)

Date Filed: 09/24/2003  
Date Terminated: 02/14/2005  
Jury Demand: Plaintiff  
Nature of Suit: 442 Civil Rights: Jobs  
Jurisdiction: U.S. Government Plaintiff

**Plaintiff**

**Equal Employment Opportunity  
Commission**

represented by **A Luis Lucero, Jr**  
EQUAL EMPLOYMENT  
OPPORTUNITY COMMISSION  
SEATTLE DISTRICT OFFICE  
909 FIRST AVE  
STE 400  
SEATTLE, WA 98104-1061  
206-220-6883  
Email: LUIS.LUCERO@EEOC.GOV  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**John Freeman Stanley**  
EQUAL EMPLOYMENT  
OPPORTUNITY COMMISSION  
SEATTLE DISTRICT OFFICE  
909 FIRST AVE  
STE 400  
SEATTLE, WA 98104-1061  
206-220-6883  
Fax: 206-220-6892  
Email:  
JOHN.STANLEY@EEOC.GOV  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Wesley Katahira**  
EQUAL EMPLOYMENT  
OPPORTUNITY COMMISSION  
SEATTLE DISTRICT OFFICE  
909 FIRST AVE  
STE 400  
SEATTLE, WA 98104-1061  
206-220-6883  
Fax: 206-220-6851  
Email: wesley.katahira@eeoc.gov

*LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**Teri L Healy**  
EQUAL EMPLOYMENT  
OPPORTUNITY COMMISSION  
909 FIRST AVE  
STE 400  
SEATTLE, WA 98104-1061  
206-220-6883  
Fax: FAX 220-6911  
Email: teri.healy@eeoc.gov  
*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**Oregon Electric Construction Inc**  
*doing business as*  
Washington Electric Group

represented by **Jeff D Brecht**  
SUSSMAN SHANK  
1000 SW BROADWAY  
SUITE 1400  
PORTLAND, OR 97205-1111  
503-227-1111  
Email: jeffb@sussmanshank.com  
*LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**Nena Cook**  
SUSSMAN SHANK WAPNICK  
CAPLAN & STILES  
1000 SW BROADWAY  
SUITE 1400  
PORTLAND, OR 97205-1111  
503-227-1111  
Fax: FAX 1-503-248-0130  
Email: nena@sussmanshank.com  
*LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**Counter Claimant**

**Oregon Electric Construction Inc**

represented by **Jeff D Brecht**  
(See above for address)  
*LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**Nena Cook**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

V.

**Counter Defendant****Equal Employment Opportunity  
Commission**

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
09/24/2003	<a href="#">1</a>	COMPLAINT and JURY TRIAL DEMANDED against defendant Oregon Electric Construction Inc (Summons(es) issued) (Receipt # fee waived) , filed by Equal Employment Opportunity Commission. (Attachments: # <a href="#">1</a> Civil Cover Sheet)(PM, ) (Entered: 10/01/2003)
10/09/2003	<a href="#">2</a>	SERVICE OF SUMMONS and Complaint returned executed upon defendant Oregon Electric Construction Inc on 10/6/2003. (LS, ) (Entered: 10/17/2003)
10/20/2003	3	MINUTE ENTRY setting status conference:  The attorney who will be responsible for trying the case should attend the conference and be prepared to discuss the following matters at the conference: <b>1.</b> The nature of the case, <b>2.</b> The status of matters which are presently set before the Court, e.g., hearings, motions, etc., <b>3.</b> The status of discovery and a time schedule for its completion, <b>4.</b> A statement of any legal issues about which motions are contemplated and a possible briefing schedule, <b>5.</b> An estimate of the number of days needed for trial, <b>6.</b> Whether the case is jury or non-jury, <b>7.</b> The date by which the case will be ready for trial, and <b>8.</b> Settlement probabilities. Counsel for all parties are required to appear at the conference. If counsel office is outside of Seattle, arrangements can be made for telephonic participation in the conference. If counsel wish to make such arrangements, they should contact Julie Mahnke, Deputy Clerk at 206-553-4435. COUNSEL FOR THE PLAINTIFF IS DIRECTED TO NOTIFY ALL PARTIES OF THE DATE AND TIME OF THE SCHEDULED CONFERENCE. Status Conference set for 1/22/2004 09:00 AM before John C Coughenour. (JM,counsel) (Entered: 10/20/2003)
10/20/2003	<a href="#">4</a>	ORDER REGARDING DISCOVERY AND DEPOSITIONS by Judge John C Coughenour. (LS, ) (Entered: 10/21/2003)
10/24/2003	<a href="#">5</a>	ANSWER to Complaint, COUNTERCLAIM against plaintiff Equal Employment Opportunity Commission by Defendant Oregon Electric Construction Inc, Plaintiff Equal Employment Opportunity Commission. (Cook, Nena) (Entered: 10/24/2003)
10/31/2003	<a href="#">6</a>	CERTIFICATE OF SERVICE by Plaintiff Equal Employment Opportunity Commission re <a href="#">4</a> Discovery and Depositions Order. (LS, ) (Entered: 11/05/2003)
12/22/2003	<a href="#">7</a>	ANSWER to Counterclaim by Plaintiff Equal Employment Opportunity Commission.(LS, ) (Entered: 01/05/2004)

01/22/2004	8	<p>MINUTES OF STATUS CONFERENCE: JCC; Dep Clerk: GG; CR: Sue Palmerton; Counsel: Katahira/Cook; Called, counsel advises the Court of status. Court directs counsel to be guided by Local Civil Rule 16 in completing discovery and filing dispositive motions. Note that <u>all</u> depositions, discovery and perpetuation, must be completed before the discovery completion date.</p> <p>Jury instructions, if any, are to be filed with the Clerk and shall include an original version and two copies thereof, each numbered sequentially and with citations, and one copy on plain white paper without numbering or citations. Counsel are advised that the Court will rely primarily upon the Manual of Model Jury Instructions for the Ninth Circuit in preparation of final instructions for submission to the jury.</p> <p>Counsel are advised that this case is one of several cases set for the week described below. <b>Counsel must be prepared to commence trial as scheduled, but it must be understood that the trial may have to be continued.</b> The Clerk should be contacted as the trial date approaches for further information regarding the calendar.</p> <p>Pretrial and trial schedule are set as follows: Jury Trial set for/will resume 2/22/2005 09:30 AM before John C Coughenour. Pretrial Order due by 2/11/2005; Pleading amendment/3rd pty action due by 7/9/2004; 39.1 mediation to be completed by 7/9/2004; Trial briefs to be submitted by 2/17/2005; Voir dire/jury instructions due by 2/17/2005; (GG, ) (Entered: 01/22/2004)</p>
07/02/2004	<a href="#">9</a>	<p>NOTICE by Plaintiff Equal Employment Opportunity Commission of <i>Selection of Mediator Pursuant to LR 39.1(c)(3)</i> (Katahira, Wesley) (Entered: 07/02/2004)</p>
07/12/2004	10	<p>Case transferred to the Hon. Ricardo S. Martinez. All pleadings filed in the future shall bear case number C03-2903RSM. Judge John C Coughenour no longer assigned to the case. (JM, ) (Entered: 07/12/2004)</p>
07/13/2004	<a href="#">11</a>	<p>MINUTE ORDER by Judge Ricardo Martinez: Mediation was to be completed by 7/9/04. Mediator's report due 8/2/04. (LC, ) (Entered: 07/13/2004)</p>
07/23/2004	<a href="#">12</a>	<p>REPORT from Mediator Michele Sales regarding failure of mediation on 7/19/04. (RS, ) (Entered: 07/29/2004)</p>
09/01/2004	<a href="#">13</a>	<p>INITIAL DISCLOSURES by Defendant Oregon Electric Construction Inc.(Cook, Nena) (Entered: 09/01/2004)</p>
11/17/2004	<a href="#">14</a>	<p>MOTION for Summary Judgment by Defendant Oregon Electric Construction Inc. Noting Date 12/10/2004.Oral Argument Requested. (Attachments: # <a href="#">1</a> PROPOSED ORDER # <a href="#">2</a> CERTIFICATE OF SERVICE)(Cook, Nena) Attachments not Identified, Modified on 11/18/2004 (LMS, ). (Entered: 11/17/2004)</p>
11/17/2004	<a href="#">15</a>	<p>DECLARATION of Glenn Patterson filed by Defendant Oregon Electric</p>

		Construction Inc re <a href="#">14</a> MOTION for Summary Judgment (Attachments: # <a href="#">1</a> Exhibit)(Cook, Nena) Declaration Not Signed. Attachment Not Identified, Modified on 11/18/2004 (LMS, ). (Entered: 11/17/2004)
11/17/2004	<a href="#">16</a>	AFFIDAVIT of Jeff D. Brecht filed by Defendant Oregon Electric Construction Inc re <a href="#">14</a> MOTION for Summary Judgment (Attachments: # <a href="#">1</a> Exhibit 1 # <a href="#">2</a> Exhibit 2)(Cook, Nena) Affidavit not Signed; Attachments not Identified, Modified on 11/18/2004 (LMS, ). (Entered: 11/17/2004)
12/06/2004	<a href="#">17</a>	RESPONSE, by Plaintiff Equal Employment Opportunity Commission, to <a href="#">14</a> MOTION for Summary Judgment. (Katahira, Wesley) (Entered: 12/06/2004)
12/06/2004	<a href="#">18</a>	DECLARATION of LAURA LINDBERG filed by Plaintiff Equal Employment Opportunity Commission re <a href="#">14</a> MOTION for Summary Judgment (Katahira, Wesley) (Entered: 12/06/2004)
12/06/2004	<a href="#">19</a>	DECLARATION of JENNIFER WILKERSON filed by Plaintiff Equal Employment Opportunity Commission re <a href="#">14</a> MOTION for Summary Judgment (Katahira, Wesley) (Entered: 12/06/2004)
12/06/2004	<a href="#">20</a>	DECLARATION of WESLEY KATAHIRA filed by Plaintiff Equal Employment Opportunity Commission re <a href="#">14</a> MOTION for Summary Judgment (Attachments: # <a href="#">1</a> Exhibit 1 part 1# <a href="#">2</a> Exhibit 1 part 2# <a href="#">3</a> Exhibit 2 part 1# <a href="#">4</a> Exhibit 2 part 2# <a href="#">5</a> Exhibit 2 part 3# <a href="#">6</a> Exhibit 3 part 1# <a href="#">7</a> Exhibit 3 part 2# <a href="#">8</a> Exhibit 3 part 3# <a href="#">9</a> Exhibit 4# <a href="#">10</a> Exhibit 5# <a href="#">11</a> Exhibit 6# <a href="#">12</a> Exhibit 7# <a href="#">13</a> Exhibit 8# <a href="#">14</a> Exhibit 9# <a href="#">15</a> Exhibit 10# <a href="#">16</a> Exhibit 11# <a href="#">17</a> Exhibit 12# <a href="#">18</a> Exhibit 13# <a href="#">19</a> Exhibit 14# <a href="#">20</a> Exhibit 15) (Katahira, Wesley) (Entered: 12/06/2004)
12/06/2004	<a href="#">21</a>	CERTIFICATE OF SERVICE by Plaintiff Equal Employment Opportunity Commission re <a href="#">17</a> Response to Motion <i>FOR SUMMARY JUDGMENT</i> . (Katahira, Wesley) (Entered: 12/06/2004)
12/09/2004	<a href="#">22</a>	REPLY, filed by Defendant Oregon Electric Construction Inc, TO RESPONSE to <a href="#">14</a> MOTION for Summary Judgment (Cook, Nena) (Entered: 12/09/2004)
12/09/2004	<a href="#">23</a>	DECLARATION of Jeff D. Brecht filed by Defendant Oregon Electric Construction Inc re <a href="#">14</a> MOTION for Summary Judgment (Attachments: # <a href="#">1</a> Exhibits 1-4# <a href="#">2</a> Certificate of Service)(Cook, Nena) Attachments not Identified, Modified on 12/10/2004 (LMS, ). (Entered: 12/09/2004)
12/09/2004	<a href="#">24</a>	DECLARATION of Michael R. Trautman filed by Defendant Oregon Electric Construction Inc re <a href="#">14</a> MOTION for Summary Judgment (Cook, Nena) (Entered: 12/09/2004)
12/15/2004	<a href="#">25</a>	SURREPLY filed by Plaintiff Equal Employment Opportunity Commission re <a href="#">14</a> MOTION for Summary Judgment (Katahira, Wesley) (Entered: 12/15/2004)
12/15/2004	<a href="#">26</a>	DECLARATION of WESLEY KATAHIRA filed by Plaintiff Equal Employment Opportunity Commission re <a href="#">14</a> MOTION for Summary

		Judgment (Attachments: # <a href="#">1</a> Exhibit 1# <a href="#">2</a> Exhibit 2# <a href="#">3</a> Exhibit 3# <a href="#">4</a> Exhibit 4# <a href="#">5</a> Exhibit 5)(Katahira, Wesley) (Entered: 12/15/2004)
12/15/2004	<a href="#">27</a>	CERTIFICATE OF SERVICE by Plaintiff Equal Employment Opportunity Commission re <a href="#">25</a> Surreply, <a href="#">26</a> Declaration. (Katahira, Wesley) (Entered: 12/15/2004)
12/16/2004		Set/Reset Deadlines & Hearings: At direction of the Court, Motions in Limine due by 1/25/2005; Proposed Pretrial Order due by 2/9/2005. Proposed Findings of Fact and Conclusions of Law to be submitted by 2/17/2005; Final Pretrial Conference set for 2/11/2005 01:30 PM before Hon. Ricardo Martinez. (LW) (Entered: 12/16/2004)
12/16/2004		Set Oral Argument on <a href="#">14</a> MOTION for Summary Judgment: Motion Hearing set for 1/13/2005 01:30 PM before Hon. Ricardo Martinez. (LW) (Entered: 12/16/2004)
12/17/2004	<a href="#">28</a>	NOTICE of Appearance by attorney Teri L Healy on behalf of Plaintiff Equal Employment Opportunity Commission (Healy, Teri) (Entered: 12/17/2004)
12/17/2004	<a href="#">29</a>	RESPONSE, by Defendant Oregon Electric Construction Inc, to <a href="#">14</a> MOTION for Summary Judgment. (Attachments: # <a href="#">1</a> Certificate of Service )(Cook, Nena) Attachment Not Identified, Modified on 12/20/2004 (LMS, ). (Entered: 12/17/2004)
12/17/2004	<a href="#">30</a>	DECLARATION of Jeff D. Brecht filed by Defendant Oregon Electric Construction Inc re <a href="#">14</a> MOTION for Summary Judgment (Cook, Nena) (Entered: 12/17/2004)
01/12/2005	<a href="#">31</a>	MINUTE ORDER at direction of Judge Ricardo S. Martinez: Referring case to Judge Karen L. Strombom to conduct a settlement conference. Csnl are directed to contact Patti Hickey, judicial assistant, at 253-593-6751 to schedule. (LW) (Entered: 01/12/2005)
01/12/2005	<a href="#">32</a>	APPLICATION by Defendant Oregon Electric Construction Inc AND ORDER admitting Jeff D Brecht pro hac vice. Receipt # 851173. (RS, ) (Entered: 01/13/2005)
01/13/2005	<a href="#">33</a>	MINUTE ENTRY for proceedings held before Judge Ricardo Martinez - Dep Clerk: <i>Gail Glass</i> ; Pla Counsel: <i>Wesley Katahira</i> ; Def Counsel: <i>Nena Cook</i> ; CR: <i>Laurie Brigg, Vernon &amp; Associates</i> ; <b>In Court Hearing</b> held on 1/13/2005.The court hears oral argument from counsel on defendant's motion for summary judgment. (Dkt. #14). The court STRIKES the Pretrial Conference set for February 11, 2005 at 1:30 p.m., to be rescheduled later. The court DENIES the parties' two motions to strike. The court takes the matter under advisement, and will issue a ruling shortly. (GG, ) (Entered: 01/13/2005)
02/09/2005	<a href="#">34</a>	SEE CORRECTED FILING AT DOC # <a href="#">35</a> ; NOTICE by Plaintiff Equal Employment Opportunity Commission of <i>Proposed Consent Decree</i> (Katahira, Wesley) Modified on 2/10/2005 (ECS, ). (Entered: 02/09/2005)

02/09/2005	<a href="#">35</a>	NOTICE by Plaintiff Equal Employment Opportunity Commission of <i>Corrected Consent Decree</i> (Katahira, Wesley) (Entered: 02/09/2005)
02/14/2005	<a href="#">36</a>	ORDER APPROVING CORRECTED CONSENT DECREE, Case Dismissed with Prejudice and Without Costs or Attorneys' Fees to any Party by Judge Ricardo Martinez. (LMS, ) (Entered: 02/15/2005)
02/14/2005	<a href="#">37</a>	TRANSCRIPT of Proceedings held on 1/13/05 Motion for Summary Judgment before Judge Ricardo S Martinez. Court Reporter: L. Briggs. (SA, ) (Entered: 02/18/2005)

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