

CLOSED, PROTO

**United States District Court
Eastern District of Wisconsin (Milwaukee)
CIVIL DOCKET FOR CASE #: 2:05-cv-01063-RTR**

Equal Employment Opportunity Commission v. Brinker
International Payroll Company
Assigned to: Chief Judge Rudolph T Randa
Cause: 42:2000e Job Discrimination (Employment)

Date Filed: 10/06/2005
Date Terminated: 03/09/2007
Jury Demand: Plaintiff
Nature of Suit: 442 Civil Rights: Jobs
Jurisdiction: Federal Question

Plaintiff

**Equal Employment Opportunity
Commission**

represented by **Dennis R McBride**
United States Equal Employment
Opportunity Commission
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V.

Defendant

Brinker International Payroll Company

doing business as
 Chili's Bar & Grill

represented by **Michael Aldana**

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Date Filed	#	Docket Text
10/06/2005	1	COMPLAINT (Summons(es) issued) against Brinker International Inc. Consent Forms Distributed for Magistrate Judge Patricia Gorence. E-File Notification Distributed. jury demand; (Filing fee \$ 250) filed by Equal Employment Opportunity Commission.(cms,) Document added on 10/7/2005 (bet) (Entered: 10/07/2005)
11/01/2005	2	LETTER from the Court to plaintiff's counsel re: the consent form which is due 11/14/05. (cc: All Counsel) (cms,)
11/01/2005	3	CERTIFICATE of Interest by all defendants. (Williams-Killackey, Judith)
11/01/2005	4	NOTICE of Appearance by Judith A Williams-Killackey on behalf of all defendants. Attorney(s) appearing: Judith A. Williams-Killackey (Williams-Killackey, Judith)
11/01/2005	5	Consent to Jurisdiction by US Magistrate Judge by all defendants (Williams-Killackey, Judith)
11/01/2005	6	CERTIFICATE OF SERVICE by all defendants (Williams-Killackey, Judith)

11/01/2005	7	NOTICE of Appearance by Judith A Williams-Killackey on behalf of all defendants. Attorney(s) appearing: Michael Aldana (Williams-Killackey, Judith)
11/07/2005	8	REFUSAL to Jurisdiction by US Magistrate Judge by Equal Employment Opportunity Commission (Tomlinson, Robert)
11/07/2005		Case reassigned to Judge Rudolph T Randa. Judge Patricia J Gorence no longer assigned to the case due to non-consent. (cms,)
12/02/2005	9	ANSWER to Complaint by Brinker International Inc.(Williams-Killackey, Judith)
12/02/2005	10	CERTIFICATE of Interest by Brinker International Inc. (Williams-Killackey, Judith)
12/06/2005	11	NOTICE of Hearing: Federal Rule of Civil Procedure 16(b) Telephonic Scheduling Conference set for 2/8/2006 10:30 AM before Chief Judge Rudolph T Randa. (cc: all counsel)(Zik, Linda)
01/24/2006	12	<i>Joint</i> REPORT of Rule 26(f) Plan by all parties (Williams-Killackey, Judith)
01/24/2006	13	CERTIFICATE OF SERVICE by Brinker International Inc (Williams-Killackey, Judith)
02/08/2006	14	Minute Entry for proceedings held before Judge Rudolph T Randa: Telephonic Scheduling Conference held on 2/8/2006. Amended Pleadings due by 3/8/2006. Plaintiffs Expert Witness List due by 5/12/2006. Defendants Expert Witness List due by 7/12/2006. Plaintiffs Rebuttal Expert Witness List due by 8/14/2006. Discovery due by 9/18/2006. Dispositive Motions due by 10/31/2006. Telephonic Final Pretrial Conference set for 4/16/2007 02:00 PM before Chief Judge Rudolph T Randa. 6-day Jury Trial set for 5/14/2007 09:00 AM in Courtroom 320 before Chief Judge Rudolph T Randa. (Randa, Rudolph)
02/09/2006	15	SCHEDULING ORDER: signed by Judge Rudolph T Randa on 2/9/2006. See Hearing Minutes above. (cc: all counsel) (Randa, Rudolph) (Entered: 02/10/2006)
04/28/2006	16	CERTIFICATE OF SERVICE by Brinker International Payroll Company (Williams-Killackey, Judith)
05/09/2006	17	CERTIFICATE OF SERVICE by all plaintiffs (Tomlinson, Robert)
05/09/2006	18	MOTION to Compel <i>Discovery Responses</i> by all plaintiffs. (Tomlinson, Robert)
05/09/2006	19	REFILED - Please see entry 21. BRIEF in Support re 18 MOTION to Compel <i>Discovery Responses Memorandum in Support of Plaintiff's Motion to Compel Discovery Responses</i> filed by all plaintiffs. (Tomlinson, Robert) Modified on 5/9/2006 (jld,).
05/09/2006	20	DECLARATION of Robert F. Tomlinson <i>Statement of Compliance with Local Rule 37.1 and Declaration of Robert F. Tomlinson in Support of Plaintiff's Motion to Compel Discovery Responses</i> (Attachments: # 1 # 2 # 3 # 4 # 5 # 6 # 7 # 8 # 9 # 10 # 11 # 12 # 13)(Tomlinson, Robert)
05/09/2006	21	BRIEF in Support re 18 MOTION to Compel <i>Discovery Responses Memorandum in Support of Motion to Compel Discovery Responses</i> filed by all

		parties. (Tomlinson, Robert)
05/09/2006	22	Docket Annotation ; Documents 18, 19 and 21 contain the wrong s/ notification sent to Attorneys Tomlinson and McBride. (jld,)
06/02/2006	23	RESPONSE to Motion re 18 MOTION to Compel <i>Discovery Responses</i> filed by Brinker International Payroll Company. (Williams-Killackey, Judith)
06/02/2006	24	AFFIDAVIT of Judith A. Williams-Killackey <i>in Support of Brinker's Response to the EEOC's Motion to Compel Discovery Responses</i> (Attachments: # 1 Exhibit Exhibit A-1# 2 Exhibit Exhibit A-2# 3 Exhibit Exhibit A-3# 4 Exhibit Exhibit A-4# 5 Exhibit Exhibit B# 6 Exhibit Exhibit C-1# 7 Exhibit Exhibit C-2# 8 Exhibit Exhibit C-3# 9 Exhibit Exhibit C-4# 10 Exhibit Exhibit D# 11 Exhibit Exhibit E# 12 Exhibit Exhibit G# 13 Exhibit Exhibit H# 14 Exhibit Exhibit I)(Williams-Killackey, Judith)
06/02/2006	25	AFFIDAVIT of Mary Lazzaroni <i>in Support of Brinker's Response to the EEOC's Motion to Compel Discovery Responses</i> (Williams-Killackey, Judith)
06/02/2006	26	AFFIDAVIT of Ella Namaksy <i>in Support of Brinker's Response to the EEOC's Motion to Compel Discovery Responses</i> (Attachments: # 1 Exhibit Namaksy-2# 2 Exhibit Namaksy-3# 3 Exhibit Namaksy-4# 4 Exhibit Namaksy-5)(Williams-Killackey, Judith)
06/02/2006	27	CERTIFICATE OF SERVICE by Brinker International Payroll Company (Williams-Killackey, Judith)
06/21/2006	28	Expedite MOTION to Compel <i>Depositions</i> by Brinker International Payroll Company. (Williams-Killackey, Judith)
06/21/2006	29	AFFIDAVIT of Judith Williams-Killackey <i>in Support of Motion to Compel</i> (Attachments: # 1 Exhibit Exhibit A# 2 Exhibit Exhibit B)(Williams-Killackey, Judith)
06/21/2006	30	CERTIFICATE OF SERVICE by Brinker International Payroll Company (Williams-Killackey, Judith)
06/26/2006	31	CERTIFICATE OF SERVICE by all plaintiffs (McBride, Dennis)
06/26/2006	32	BRIEF in Opposition re 28 Expedite MOTION to Compel <i>Depositions Plaintiff's Opposition to Defendant's Expedited Motion to Compel Depositions</i> filed by all plaintiffs. (McBride, Dennis)
06/26/2006	33	DECLARATION of Dennis R. McBride (Attachments: # 1)(McBride, Dennis)
06/30/2006	34	MOTION for Leave to File <i>Reply Memorandum in Support of Motion to Compel Depositions</i> by Brinker International Payroll Company. (Attachments: # 1 Attachment)(Williams-Killackey, Judith)
06/30/2006	35	CERTIFICATE OF SERVICE by Brinker International Payroll Company (Williams-Killackey, Judith)
07/14/2006	36	ORDER signed by Judge Rudolph T Randa on July 14, 2006 granting 28 Brinker's Rule 7.4 Motion to Compel Depositions. The EEOC is directed to produce the twenty individuals requested by Brinker for deposition no later than August 14, 2006. (cc: all ECF counsel) (Randa, Rudolph)

07/18/2006	37	MOTION to Amend/Correct Plaintiff's Motion to Amend Decision and Order by Equal Employment Opportunity Commission. (McBride, Dennis)
07/18/2006	38	ORDER signed by Judge Rudolph T Randa on July 18, 2006 granting 18 Motion to Compel. The EEOC's Motion to Compel Discovery Responses 18 is GRANTED. Chili's is directed to fully respond to Request Nos. 6, 7, 9, 10, and 11 of "EEOC's First Request for Production of Documents" and Interrogatories 6, 7, 8, 9, 12, 13 and 14 of "EEOC's First Set of Interrogatories." (cc: all ECF counsel) (Randa, Rudolph) (Entered: 07/19/2006)
07/20/2006	39	ORDER signed by Judge Rudolph T Randa on July 20, 2006 denying 37 Motion to Amend/Correct. (cc: all ECF counsel) (Randa, Rudolph)
08/18/2006	40	MOTION for Extension of Time <i>Plaintiff's Rule 7.4 Expedited Non-Dispositive Motion to Modify Scheduling Order</i> by Equal Employment Opportunity Commission. (McBride, Dennis)
08/18/2006	41	DECLARATION of Dennis R. McBride in Support of Plaintiff's Rule 7.4 Expedited Non-Dispositive Motion to Modify Scheduling Order (McBride, Dennis)
08/18/2006	42	STIPULATION <i>and Order Regarding Admissibility of Documents</i> by Equal Employment Opportunity Commission. (McBride, Dennis)
08/18/2006	43	CERTIFICATE OF SERVICE by Equal Employment Opportunity Commission (McBride, Dennis)
08/21/2006	44	ORDER regarding admissibility of documents signed by Judge Rudolph T Randa on August 21, 2006. (cc: all ECF counsel)(Randa, Rudolph)
08/23/2006	45	RESPONSE to Motion re 40 MOTION for Extension of Time <i>Plaintiff's Rule 7.4 Expedited Non-Dispositive Motion to Modify Scheduling Order</i> filed by Brinker International Payroll Company. (Williams-Killackey, Judith)
08/23/2006	46	<i>I AFFIDAVIT of Judith Williams-Killackey in Support of Defendant Brinker's Opposition to the EEOC's Motion to Extend Scheduling Order</i> (Williams-Killackey, Judith)
08/23/2006	47	CERTIFICATE OF SERVICE by Brinker International Payroll Company (Williams-Killackey, Judith)
08/30/2006	48	STIPULATION <i>For Protective Order</i> by all parties. (Attachments: # 1)(Aldana, Michael)
08/30/2006	49	CERTIFICATE OF SERVICE by Brinker International Payroll Company <i>To Stipulation For Protective Order and Protective Order</i> (Aldana, Michael)
08/30/2006	51	PROTECTIVE ORDER signed by Judge Rudolph T Randa on 8/30/06. (cc: all counsel)(Randa, Rudolph T) (Entered: 09/01/2006)
08/31/2006	50	DECISION AND ORDER signed by Judge Rudolph T Randa on 8/31/06 denying 40 plaintiff's Rule 7.4 Motion to Modify the Scheduling Order. (cc: all counsel) (Randa, Rudolph T) (Entered: 09/01/2006)
09/08/2006	52	BRIEF in Support filed by Equal Employment Opportunity Commission re 40 MOTION for Extension of Time <i>Plaintiff's Rule 7.4 Expedited Non-Dispositive</i>

		<i>Motion to Modify Scheduling Order Brief in Support of Motion for Reconsideration.</i> (Tomlinson, Robert)
09/08/2006	53	CERTIFICATE OF SERVICE by Equal Employment Opportunity Commission (Tomlinson, Robert)
09/08/2006	54	MOTION for Reconsideration <i>Plaintiff's Motion for Reconsideration AND Certificate of Service</i> by Equal Employment Opportunity Commission. (Tomlinson, Robert)
09/15/2006	55	BRIEF in Opposition filed by Brinker International Payroll Company re 54 MOTION for Reconsideration <i>Plaintiff's Motion for Reconsideration AND Certificate of Service</i> . (Attachments: # 1 Affidavit Affidavit of Judith Williams-Killackey in Support of Defendant Brinker's Opposition to the EEOC's Motion to Reconsider)(Williams-Killackey, Judith)
09/15/2006	56	CERTIFICATE OF SERVICE by Brinker International Payroll Company (Williams-Killackey, Judith)
09/21/2006	57	ORDER signed by Judge Rudolph T Randa on September 21, 2006 granting 54 Motion for Reconsideration. The discovery deadline and dispositive motion deadline are hereby AMENDED. Discovery shall be completed no later than October 31, 2006. The parties shall submit any dispositive motions by November 17, 2006. (cc: all counsel) (Randa, Rudolph)
09/21/2006		Set/Reset Deadlines: Discovery due by 10/31/2006,Dispositive Motions due by 11/17/2006 (Koll, Jacki)
10/20/2006	58	PROPOSED AMENDED COMPLAINT filed in error, as leave of court has not been granted -- Proposed amended complaint against Brinker International Payroll Company filed by Equal Employment Opportunity Commission. Jury Demand.(Tomlinson, Robert) Modified on 10/23/2006 (Delgado, Judy).
10/20/2006	59	MOTION to Amend/Correct Plaintiff's Motion for Leave to File Amended Complaint by Equal Employment Opportunity Commission. (Tomlinson, Robert)
10/23/2006	60	Docket Annotation ; Document #58 filed without leave of court notification sent to Attorney R. Tomlinson (jld)
11/09/2006	61	BRIEF in Opposition filed by Brinker International Payroll Company re 59 MOTION to Amend/Correct Plaintiff's Motion for Leave to File Amended Complaint. (Williams-Killackey, Judith)
11/09/2006	62	AFFIDAVIT of Judith Williams-Killackey <i>in Support of Defendant Brinker's Opposition to the EEOC's Motion to Amend.</i> (Williams-Killackey, Judith)
11/09/2006	63	CERTIFICATE OF SERVICE by Brinker International Payroll Company (Williams-Killackey, Judith)
11/17/2006	64	MOTION for Summary Judgment by Brinker International Payroll Company. (Williams-Killackey, Judith)
11/17/2006	65	BRIEF in Support filed by Brinker International Payroll Company re 64 MOTION for Summary Judgment. (Williams-Killackey, Judith)

11/17/2006	66	Proposed Findings of Fact by Brinker International Payroll Company (Williams-Killackey, Judith)
11/17/2006	67	<i>Statement on E-Filing</i> AFFIDAVIT of Judith Williams-Killackey <i>in Support of Summary Judgment.</i> (Williams-Killackey, Judith)
11/17/2006	68	AFFIDAVIT of Ella Namaksy <i>in Support of Summary Judgment.</i> (Williams-Killackey, Judith)
11/17/2006	69	AFFIDAVIT of Michael Guelzow <i>in Support of Summary Judgment.</i> (Williams-Killackey, Judith)
11/17/2006	70	CERTIFICATE OF SERVICE by Brinker International Payroll Company (Williams-Killackey, Judith)
11/17/2006	71	AFFIDAVIT of Judith Williams-Killackey in support of defendant Brinker's motion for summary judgment (paper format). (jld) (Entered: 11/20/2006)
12/11/2006	72	STIPULATION <i>for Motion for Extension of Deadlines for Filing Briefs</i> by all parties. (Attachments: # 1 Text of Proposed Order)(Williams-Killackey, Judith)
12/12/2006	73	ORDER that the deadline for filing plaintiffs brief in opposition to defendants motion for summary judgment be extended to December 29, 2006, and defendants reply brief in support of its motion for summary judgment be extended to January 23, 2007. Signed by Judge Rudolph T Randa on December 12, 2006. (cc: all counsel)(Randa, Rudolph)
12/27/2006	74	MOTION for Summary Judgment <i>Plaintiff's Memorandum of Law in Opposition to Defendant's Motion for Summary Judgment</i> by Equal Employment Opportunity Commission. (Tomlinson, Robert) Modified on 12/28/2006 (Delgado, Judy).
12/27/2006	75	PROPOSED Plaintiff's Response to Defendant's Proposed Findings of Fact filed by Equal Employment Opportunity Commission. (Tomlinson, Robert)
12/27/2006	76	PROPOSED EEOC's Proposed Supplemental Material Facts filed by Equal Employment Opportunity Commission. (Tomlinson, Robert)
12/27/2006	77	AFFIDAVIT of Robert F. Tomlinson. (Attachments: # 1 # 2 # 3 # 4 # 5 # 6 # 7 # 8 # 9 # 10 # 11 # 12 # 13 # 14 # 15 # 16 # 17 # 18 # 19 # 20 # 21 # 22 # 23 # 24 # 25 # 26 # 27)(Tomlinson, Robert)
12/27/2006	79	Docket Annotation ; wrong event selected notification sent to Attorney R. Tomlinson re entry # 74. (jld) (Entered: 12/28/2006)
12/28/2006	78	ATTACHMENTS by Equal Employment Opportunity Commission re 77 Affidavit of Robert F. Tomlinson filed on 12/27/06 (paper format). (jld)
01/23/2007	80	REPLY BRIEF in Support filed by Brinker International Payroll Company re 64 MOTION for Summary Judgment. (Williams-Killackey, Judith)
01/23/2007	81	RESPONSE filed by Brinker International Payroll Company <i>to the EEOC's Proposed Findings of Material Facts.</i> (Williams-Killackey, Judith)
01/23/2007	82	REPLY filed by Brinker International Payroll Company <i>to Plaintiff's Response to Defendant's Proposed Finding.</i> (Williams-Killackey, Judith)

01/23/2007	83	<i>Supplemental AFFIDAVIT of Michael Guelzow in Support of Brinker's Motion for Summary Judgment.</i> (Williams-Killackey, Judith)
01/23/2007	84	<i>Part 1 of the AFFIDAVIT of Judith A. Williams-Killackey in Support of Defendant Brinker's Motion for Summary Judgment.</i> (Williams-Killackey, Judith)
01/23/2007	85	<i>Part 2 of the AFFIDAVIT of Judith A. Williams-Killackey in Support of Defendant Brinker's Motion for Summary Judgment.</i> (Williams-Killackey, Judith)
01/23/2007	86	<i>Part 1 of the AFFIDAVIT of Mary Lazzaroni in Support of Brinker's Motion for Summary Judgment.</i> (Williams-Killackey, Judith)
01/23/2007	87	<i>Part 2 of the AFFIDAVIT of Mary Lazzaroni in Support Brinker's Motion for Summary Judgment.</i> (Williams-Killackey, Judith)
01/23/2007	88	<i>Part 3 of the AFFIDAVIT of Mary Lazzaroni in Support of Brinker's Motion for Summary Judgment.</i> (Williams-Killackey, Judith)
01/23/2007	89	<i>Part 4 of the AFFIDAVIT of Mary Lazzaroni in Support of Brinker's Motion for Summary Judgment.</i> (Williams-Killackey, Judith)
01/23/2007	90	<i>Part 5 of the AFFIDAVIT of Mary Lazzaroni in Support of Brinker's Motion for Summary Judgment.</i> (Williams-Killackey, Judith)
01/23/2007	91	CERTIFICATE OF SERVICE by Brinker International Payroll Company (Williams-Killackey, Judith)
02/27/2007	92	LETTER from Judith A. Williams-Killackey. (Williams-Killackey, Judith)
02/28/2007	93	LETTER from Robert F. Tomlinson. (Tomlinson, Robert)
03/09/2007	94	DECISION AND ORDER signed by Judge Rudolph T Randa on 3/8/07 denying 59 plaintiff's motion for leave to file an amended complaint; granting 64 defendant's motion for summary judgment; and dismissing this matter in its entirety. (cc: all counsel) (Randa, Rudolph T)
03/09/2007	95	JUDGMENT signed by Deputy Clerk on 3/9/07 granting defendant's motion for summary judgment; denying plaintiff's motion to amend the complaint; and dismissing this action. (cc: all counsel) (Zik, Linda M)
03/23/2007	96	BILL OF COSTS Proposed by Brinker International Payroll Company (Williams-Killackey, Judith)
03/23/2007	97	AFFIDAVIT of Judith A. Williams-Killackey <i>in Support of Bill of Costs.</i> (Attachments: # 1 Exhibit 1# 2 Exhibit 2# 3 Exhibit 3# 4 Exhibit 4# 5 Exhibit 5# 6 Exhibit 6# 7 Exhibit 7# 8 Exhibit 8# 9 Exhibit 9# 10 Exhibit 10# 11 Exhibit 11# 12 Exhibit 12# 13 Exhibit 13# 14 Exhibit 14# 15 Exhibit 15# 16 Exhibit 16# 17 Exhibit 17# 18 Exhibit 18# 19 Exhibit 19# 20 Exhibit 20# 21 Exhibit 21# 22 Exhibit 22# 23 Exhibit 23# 24 Exhibit 24# 25 Exhibit 25# 26 Exhibit 26# 27 Exhibit 27# 28 Exhibit 28# 29 Exhibit 29# 30 Exhibit 30# 31 Exhibit 31)(Williams-Killackey, Judith)
03/23/2007	98	BRIEFING LETTER Mailed to Parties re defendant's proposed bill of costs (jld)

03/27/2007	99	LETTER from Judith A. Williams-Killackey. (Attachments: # 1 Amended Bill of Cost)(Williams-Killackey, Judith)
05/02/2007	100	COSTS TAXED for Brinker International Payroll Company by Chief Deputy Clerk in amount of \$10,734.24 against plaintiff Equal Employment Opportunity Commission. (cc: all counsel) (jld)

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