

**United States District Court
Eastern District of Wisconsin (Milwaukee)
CIVIL DOCKET FOR CASE #: 2:03-cv-00898-AEG**

Equal Employment Opportunity Commission v. Mount Carmel
LLC
Assigned to: Magistrate Judge Aaron E Goodstein
Cause: 28:451 Employment Discrimination

Date Filed: 09/15/2003
Date Terminated: 10/07/2004
Jury Demand: Plaintiff
Nature of Suit: 442 Civil Rights: Jobs
Jurisdiction: U.S. Government Plaintiff

Plaintiff

**Equal Employment Opportunity
Commission**

represented by **Eric S Dreiband**
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V.

Defendant**Mount Carmel LLC**

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ATTORNEY TO BE NOTICED

Defendant**John Doe***TERMINATED: 07/01/2004***Defendant****Richard J Rau**

represented by **Joseph J Roby , Jr**
 (See above for address)
ATTORNEY TO BE NOTICED

Defendant**Benedictine Health System Inc**

represented by **Joseph J Roby , Jr**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant**Richard Daehn**

represented by **Joseph J Roby , Jr**
 (See above for address)
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Intervenor Plaintiff**Suzanne Whitty**

represented by **Walter F Kelly**
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Date Filed	#	Docket Text
09/15/2003	<u>1</u>	COMPLAINT with jury demand; Consent Forms Distributed for Magistrate Judge Goodstein. Notice of designation for electronic filing distributed.(vlh,) PDF disk received from filer on 9/18/2003 (vlh,).
09/18/2003	<u>2</u>	Docket Annotation – Letter mailed to attorney Robert F. Tomlinson regarding signature format. (vlh,)
09/29/2003	<u>3</u>	CONSENT to Jurisdiction by US Magistrate Judge by Defendant Mount Carmel LLC (kmm,) (Entered: 09/30/2003)
09/30/2003	<u>4</u>	CERTIFICATE of Interest by Defendant Mount Carmel LLC (Roby, Joseph)
10/01/2003	<u>5</u>	CERTIFICATE OF SERVICE by Defendant Mount Carmel LLC (<i>Amended</i>) (Roby, Joseph)

10/27/2003	<u>6</u>	ANSWER to Complaint by Mount Carmel LLC.(Roby, Joseph)
10/27/2003	<u>7</u>	MOTION for Partial Summary Judgment by Defendant Mount Carmel LLC. (Roby, Joseph)
10/27/2003	<u>8</u>	BRIEF in Support re <u>7</u> MOTION for Partial Summary Judgment <i>and Proposed Findings of Fact</i> filed by Defendant Mount Carmel LLC. (Roby, Joseph)
10/27/2003	<u>9</u>	DECLARATION of Richard J. Rau (Roby, Joseph)
11/04/2003	<u>10</u>	ORDER (JPS) Order entered on 11-4-03 that parties must confer within 21 days of this order and on or before December 12, 2003, file with the court a joint report along with a proposed scheduling order for the court's signature. (cc: all counsel)(Blackburn, Pat)
11/13/2003	<u>11</u>	CONSENT to Jurisdiction by US Magistrate Judge by Equal Employment Opportunity Commission (cms,) Additional attachment(s) added on 11/21/2003 (vlh,). (Entered: 11/14/2003)
11/14/2003	<u>12</u>	Docket Annotation, mailed a copy to Mr. Tomlinson re: a disk in PDF format for the consent form filed. (cms,)
12/01/2003	<u>13</u>	ORDER REASSIGNING CASE ON CONSENT. Case reassigned to Magistrate Judge Aaron E Goodstein for all further proceedings. Judge J P Stadtmueller no longer assigned to case. (cc: all counsel)(Blackburn, Pat)
12/05/2003	<u>14</u>	STIPULATION AND ORDER by Judge Aaron E Goodstein that complainant-intervener Suzanne Whitty may intervene in this action; Suzanne Whitty rep by Walter F Kelly added (cc: all counsel)(vkb) (Entered: 12/08/2003)
12/05/2003	<u>15</u>	STIPULATION AND ORDER by Judge Aaron E Goodstein; IT IS ORDERED that the parties plaintiff and intervener shall respond to defendt's Motion for Partial Summary Judgment on or before 12/15/03; and defendant shall reply to their responses on or before 12/29/03 (cc: all counsel)(vkb) (Entered: 12/08/2003)
12/08/2003	<u>16</u>	LETTER from clerk to intervening plaintiff requesting return of the consent to magistrate no later than 12/19/03 (vkb)
12/19/2003	<u>17</u>	CONSENT to Jurisdiction by US Magistrate Judge by intervening plaintiff Suzanne Whitty (kmm)Document scanned on 12/22/2003 and text modified (vkb)
12/19/2003	<u>18</u>	REQUEST by Attorney Kelly to continue paper filing in this case rather than electronically filing.(kmm) Document scanned on 12/22/2003 (vkb)
12/19/2003		MARGIN ORDER permitting Attorney Walter F. Kelly to continue paper filing. For the reasons stated, Attorney Kelly is given permission to file documents conventionally. All other parties shall provide Kelly with pleadings or other documents conventionally according to the Rules of Civil Procedure.Signed by Judge Aaron E Goodstein on 12/19/03. (cc: all counsel)(Goodstein, Aaron)
12/30/2003	<u>19</u>	NOTICE of Hearing: (cc: all counsel)Telephone Scheduling Conference set for 1/28/2004 at 8:30 AM before Magistrate Judge Aaron E Goodstein; Rule 26(f) report to be filed no later than 1/12/04(vkb)
12/30/2003		Copy of Notice of Hearing <u>19</u> sent via U.S. Mail to Atty. Walter Kelly (vkb)
01/13/2004	<u>20</u>	JOINT REPORT of Rule 26(f) Plan and Proposed Scheduling Order by Equal Employment Opportunity Commission, Mount Carmel LLC (kah,) (Entered: 01/14/2004)
01/15/2004	<u>21</u>	BRIEF in Opposition re <u>7</u> defendant's MOTION for Partial Summary Judgment filed by plaintiff Suzanne Whitty (vkb)
01/15/2004	<u>22</u>	DECLARATION of Suzanne T. Whitty (vkb)
01/15/2004	<u>23</u>	DECLARATION of Walter F. Kelly (vkb)
01/16/2004	<u>24</u>	BRIEF in Opposition re <u>7</u> MOTION for Partial Summary Judgment <i>EEOC's Memorandum in Opposition to Defendant's Motion for Partial Summary Judgment</i> filed by all plaintiffs. (Tomlinson, Robert)

01/16/2004	<u>25</u>	CERTIFICATE OF SERVICE by all plaintiffs <i>Electronic Certificate of Service</i> (Tomlinson, Robert)
01/19/2004	<u>26</u>	REPLY BRIEF in Support re <u>7</u> MOTION for Partial Summary Judgment <i>with attached certificate of service</i> filed by Mount Carmel LLC. (Roby, Joseph)
01/28/2004	<u>27</u>	Minute Entry for proceedings held before Judge Aaron E Goodstein : Scheduling Conference held on 1/28/2004; for reasons stated on the record, defendant's motion for partial summary judgment is DENIED without prejudice; motions to amend the pleadings to be filed no later than 2/13/04; plaintiff shall disclose expert witnesses no later than 6/09/04; defendant shall disclose expert witnesses no later than 8/09/04; plaintiff shall disclose any rebuttal expert witnesses no later than 9/11/04; discovery deadline set for 10/15/04; telephone scheduling conference set for 8:30am on 10/20/04(Tape #8:34:36 – 8:57:00) (vkb) (Entered: 01/29/2004)
01/29/2004	<u>28</u>	SCHEDULING ORDER: by Judge Aaron E Goodstein; see hearing minutes (cc: all counsel)(vkb) (Entered: 01/30/2004)
02/12/2004	<u>29</u>	Document filed in error, see #30 for correct entry (vkb) Modified on 2/13/2004 (vkb) (Entered: 02/13/2004)
02/12/2004	<u>30</u>	INTERVENOR COMPLAINT with Jury Demand; adding defendants Benedictine Health System, Inc., Richard J. Rau and John Doe;(vkb) (Entered: 02/13/2004)
02/13/2004		Docket Annotation; entry #29 filed in error, text of entry has been changed to reflect that (vkb)
02/18/2004	<u>31</u>	ANSWER to Intervenor Complaint by <i>Mount Carmel, LLC, by Benedictine Health System, Inc., and by Richard J Rau.</i> (Roby, Joseph)
02/18/2004		Attorney Joseph J Roby added for defendant Benedictine Health System Inc (vkb)
02/18/2004	<u>32</u>	LETTER from clerk to defendants Rau and Benedictine Health System requesting that the consent to magistrate form be filed no later than 3/03/04 (vkb)
02/20/2004	<u>33</u>	CONSENT to Jurisdiction by US Magistrate Judge by defendants Benedictine Health System Inc and Richard J Rau (vkb) (Entered: 02/23/2004)
06/29/2004	<u>34</u>	<i>Defendants Mount Carmel LLC's, Benedictine Health System Inc.'s, Rau's, and Daehn's</i> ANSWER to Complaint <i>Intervenor's Amended Complaint</i> by all defendants.(Roby, Joseph)
07/01/2004	<u>35</u>	AMENDED COMPLAINT with Jury Demand filed by intervening plaintiff Suzanne Whitty; adding defendant Richard Daehn(vkb)
07/01/2004	<u>36</u>	ACKNOWLEDGEMENT OF SERVICE by defendant Richard Daehn of the amended complaint filed by intervenor plaintiff Suzanne Whitty (vkb)
07/01/2004	<u>37</u>	CONSENT to Jurisdiction by US Magistrate Judge by defendant Richard Daehn (vkb)
08/11/2004	<u>38</u>	MOTION for Leave to File Excess Pages <i>for Summary Judgment Motion Brief</i> by all defendants. (Roby, Joseph)
08/11/2004	<u>39</u>	CERTIFICATE by all defendants <i>Pursuant to L.R. 7.1(a)(2)</i> (Roby, Joseph)
08/13/2004		MARGIN ORDER re: <u>38</u> Motion to file Excess Pages signed by Judge Aaron E. Goodstein on 8/13/2004. As stated in the Scheduling Order of January 29, 2004, the court will discuss the filing dates and procedures for summary judgment motions at the October 20, 2004 telephone scheduling conference. It is also the court's practice to inquire into the general nature of the motions. At times, the parties to an action mutually agree to narrow the issues in dispute, which would affect the nature of the summary judgment motion. The court will give due consideration of the defendant's request for an oversize brief at that time. The motion will be held in abeyance.(cc: all counsel)(Goodstein, Aaron)
10/07/2004	<u>40</u>	CONSENT DECREE by Judge Aaron E Goodstein; Mount Carmel shall pay to Ms. Whitty \$27,500 for alleged past and future lost payroll income; Mount Carmel further agrees to pay Ms. Whitty \$150,000 for all other forms of alleged damages, including emotional distress and reputation damages and to pay her attorney,

		Walter F. Kelly, \$80,000 for reasonable attorney's fees, costs and other litigation expenses; see decree for further details (cc: all counsel)(vkb) (Entered: 10/08/2004)
10/08/2004		Copy of Consent Decree <u>40</u> sent via U.S. Mail to Atty. Dreiband (vkb)