

TERMED

U.S. District Court
District of Wyoming (Cheyenne)
CIVIL DOCKET FOR CASE #: 2:99-cv-00210-ABJ

EEOC v. Kennecott Energy, et al
Assigned to: Honorable Alan B Johnson
Demand: \$0
Cause: 42:2000e Job Discrimination (Employment)

Date Filed: 09/30/1999
Jury Demand: Plaintiff
Nature of Suit: 442 Civil Rights: Jobs
Jurisdiction: U.S. Government Plaintiff

Plaintiff

**Equal Employment Opportunity
Commission**

represented by **Evangelina Fierro Hernandez**
EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION
303 East 17th Avenue, Suite 510
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Fax: 866-1375
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*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

V.

Defendant

Kennecott Energy & Coal Company
a Delaware corporation
TERMINATED: 03/13/2000
doing business as
Antelope Coal Company

represented by **Bradley T Cave**
HOLLAND & HART
2515 Warren Avenue, Suite 450
P O Box 1347
Cheyenne, WY 82003-1347
307/778-4200
Fax: 307/778-8175
Email: bcave@hollandhart.com
TERMINATED: 03/13/2000
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Paula Ann Fleck
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Jackson, WY 83001
307/739-9741
Fax: 307/739-9744
Email: pfleck@hollandhart.com
TERMINATED: 03/13/2000
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Defendant

Antelope Coal Company

represented by **Bradley T Cave**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Paula Ann Fleck
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
09/30/1999	1	COMPLAINT (summons not issued); jury demand (dn) Modified on 09/30/1999 (Entered: 09/30/1999)
09/30/1999	2	MOTION by plaintiff for attorney Evangelina Fierro Hernandez to appear pro hac vice referred to Magistrate Judge William C. Beaman (dn) (Entered:

		09/30/1999)
09/30/1999	3	MOTION by plaintiff for attorney Jacqueline A Gilvard to appear pro hac vice referred to Magistrate Judge William C. Beaman (dn) (Entered: 09/30/1999)
09/30/1999	4	NOTIFICATION OF COMPLEXITY OF CASE by plaintiff; the case is non-complex (dn) (Entered: 09/30/1999)
09/30/1999	5	CERTIFICATE of service by plaintiff (dn) (Entered: 09/30/1999)
10/04/1999	6	ORDER by Magistrate Judge William C. Beaman granting motions for attorney Jacqueline A Gilvard to appear pro hac vice [3-1] and for attorney Evangelina Fierro Hernandez to appear pro hac vice [2-1] (cc: all counsel 10/5/99) (dn) (Entered: 10/04/1999)
10/25/1999	7	ATTORNEY APPEARANCE for defendant by Bradley T Cave (dktclerk) (Entered: 10/25/1999)
10/26/1999	8	RETURN OF WAIVER upon defendant Kennecott Energy signed by Bradley Cave on 10/25/99 (dktclerk) (Entered: 10/27/1999)
12/09/1999	9	ANSWER and affirmative defenses by defendant to complaint [1-1] (dktclerk) (Entered: 12/09/1999)
12/10/1999	10	NOTICE: initial pretrial conference set at 8:30am on 1/13/00 in Cheyenne before Magistrate Judge William C. Beaman (cc: all counsel 12/13/99) (dn) (Entered: 12/13/1999)
01/13/2000	11	ORDER by Magistrate Judge William C. Beaman granting motion for admission pro hac vice of Nelson G Ahlston (cc: all counsel mld 1/13/00) (dktclerk) (Entered: 01/13/2000)
01/13/2000		INITIAL PRETRIAL conference held (dktclerk) (Entered: 02/04/2000)
01/26/2000	12	INITIAL PRETRIAL CONFERENCE ORDER by Honorable William C Beaman motion filing deadline is 5/1/00, motion to be decided on briefs ; discovery deadline is 5/1/00 ; plaintiff to designate experts by 3/17/00, defendant to designate experts by 4/17/00; stipulation deadline is 5/8/00 ; final pretrial conference set on 6/16/00 at 9:00am in Cheyenne ; jury trial set on 7/3/00 at 1:30pm in Cheyenne (#1/5 days) (cc: all counsel 1/26/00) (dn) (Entered: 01/26/2000)
01/31/2000	13	ATTORNEY APPEARANCE for defendant by Paula Ann Fleck of Holland & Hart (dn) (Entered: 01/31/2000)
02/03/2000	14	NOTICE by defendant of issuance of subpoenas duces tecum (dn) (Entered: 02/03/2000)
02/04/2000	15	NOTICE by defendant of taking deposition of Lisa Piernick on 3/7/00 (dktclerk) (Entered: 02/07/2000)
02/08/2000	16	RETURN OF SERVICE by defendant of subpoena duces tecum upon Flint Engineering & Construction on 2/4/00 (dn) (Entered: 02/08/2000)
02/08/2000	17	NOTICE by defendant of issuance of subpoena duces tecum upon Roadrunner Welding, Halliburton Energy Services, KCP Inc, Jomax Construction (dn) (Entered: 02/08/2000)

02/09/2000	18	RETURN OF SERVICE by defendant of subpoena duces tecum upon KCP Inc on 2/8/00 (dn) (Entered: 02/09/2000)
02/09/2000	19	RETURN OF SERVICE by defendant of subpoena duces tecum upon Halliburton Energy Services Inc on 2/8/00 (dn) (Entered: 02/09/2000)
02/14/2000	20	RETURN OF SERVICE by defendant of subpoena duces tecum upon Glenn E Sessions & Sons on 2/8/00 (dn) (Entered: 02/14/2000)
02/15/2000	21	MOTION by defendant for protective order referred to Magistrate Judge William C. Beaman (dn) (Entered: 02/15/2000)
02/17/2000	22	AMENDED NOTICE by defendant of taking deposition of Lisa Piernick on 3/8/00 (dktclerk) (Entered: 02/17/2000)
03/03/2000	23	ORDER by Magistrate Judge William C. Beaman granting motion for protective order [21-1] (cc: all counsel mld 3/3/00) (dktclerk) (Entered: 03/03/2000)
03/03/2000	24	PROTECTIVE ORDER relating to employment information by Magistrate Judge William C. Beaman (cc: all counsel mld 3/3/00) (dktclerk) (Entered: 03/03/2000)
03/09/2000	25	STIPULATED MOTION by defendant Kennecott Energy, plaintiff EEOC to substitute party referred to Magistrate Judge William C. Beaman (dn) (Entered: 03/09/2000)
03/13/2000	26	ORDER by Magistrate Judge William C. Beaman granting motion to substitute party [25-1]; substituting defendant Antelope Coal Co for defendant Kennecott Energy (cc: all counsel 3/14/00) (dn) (Entered: 03/14/2000)
03/17/2000	27	MOTION by defendant to amend answer to assert additional affirmative defenses and certification of attempts to confer referred to Magistrate Judge William C. Beaman (dn) (Entered: 03/20/2000)
03/27/2000	28	NOTICE by defendant of issuance of subpoena duces tecum upon Halliburton Energy Services (dn) (Entered: 03/28/2000)
03/31/2000	29	OPPOSITION by plaintiff to motion to amend answer to assert additional affirmative defenses [27-1] (dn) (Entered: 03/31/2000)
04/03/2000	30	RETURN OF SERVICE by defendant of subpoena duces tecum upon Halliburton Energy Services (dn) (Entered: 04/03/2000)
04/14/2000	31	MOTION by defendant for protective order and certification of attempt to confer; referred to Magistrate Judge William C. Beaman (dn) (Entered: 04/14/2000)
04/17/2000	32	REPLY by defendant in support of its motion to amend answer to assert additional affirmative defenses [27-1] (dn) (Entered: 04/17/2000)
04/24/2000	33	ORDER by Magistrate Judge William C. Beaman granting motion to amend answer to assert additional affirmative defenses [27-1] (cc: all counsel mld 4/24/00) (dktclerk) (Entered: 04/24/2000)
04/26/2000	34	AMENDED ANSWER with affirmative defenses [9-1] by defendant Antelope Coal Co (dn) (Entered: 04/26/2000)
04/28/2000	35	OPPOSITION by plaintiff to motion for protective order [31-1] and (dn) (Entered: 04/28/2000)

04/28/2000	35	MOTION by plaintiff to compel defendant to respond to written discovery referred to Magistrate Judge William C. Beaman (dn) (Entered: 04/28/2000)
05/01/2000	36	MOTION by defendant Antelope Coal Co for summary judgment (dn) (Entered: 05/01/2000)
05/01/2000	37	MEMORANDUM by defendant Antelope Coal Co in support of motion for summary judgment [36-1] (dn) (Entered: 05/01/2000)
05/01/2000	38	APPENDIX filed by defendant to motion for summary judgment [36-1] (dn) (Entered: 05/01/2000)
05/01/2000	39	STIPULATION to extend time for discovery (dn) (Entered: 05/02/2000)
05/03/2000	40	ORDER by Magistrate Judge William C. Beaman granting stipulation to extend time for discovery [39-1] discovery deadline extended to 5/31/00 (cc: all counsel 5/3/00) (dn) (Entered: 05/03/2000)
05/05/2000	41	ORDER by Magistrate Judge William C. Beaman granting in part and denying in part the motion to compel defendant to respond to written discovery [35-1] and the motion for protective order [31-1] (cc: all counsel 5/8/00) (dn) (Entered: 05/08/2000)
05/15/2000	42	OPPOSITION by plaintiff to motion for summary judgment [36-1] (dktclerk) (Entered: 05/15/2000)
05/18/2000	43	MOTION by defendant for reconsideration of ruling on motion for protective order and motion to compel referred to Magistrate Judge William C. Beaman (dn) (Entered: 05/18/2000)
05/22/2000	44	MEMORANDUM (REPLY BRIEF) by defendant in support of motion for summary judgment [36-1] (dktclerk) (Entered: 05/22/2000)
05/22/2000	45	OBJECTION TO AND MOTION by defendant to strike testimony of Don Edgely referred to Magistrate Judge William C. Beaman (dktclerk) (Entered: 05/23/2000)
05/31/2000	46	MOTION by plaintiff to compel defendant to respond to EEOC's written discovery and certificate of efforts to confer referred to Magistrate Judge William C. Beaman (dktclerk) (Entered: 05/31/2000)
06/01/2000	47	MEMORANDUM OF LAW by plaintiff in opposition to motion for reconsideration of ruling on motion for protective order and motion to compel [43-1] and plaintiff's request for clarification (dktclerk) (Entered: 06/01/2000)
06/05/2000	48	MEMORANDUM OF LAW by plaintiff in opposition to motion to strike testimony of Don Edgely [45-1] (dktclerk) (Entered: 06/06/2000)
06/09/2000	49	PRETRIAL MEMORANDUM by plaintiff (dktclerk) (Entered: 06/09/2000)
06/09/2000	50	MOTION by plaintiff to continue the trial date (dktclerk) (Entered: 06/09/2000)
06/09/2000	51	FINAL PRETRIAL CONFERENCE MEMORANDUM by defendant (dktclerk) (Entered: 06/09/2000)
06/09/2000	52	ORDER by Magistrate Judge William C. Beaman granting motion to strike testimony of Don Edgely [45-1] (cc: all counsel mld 6/9/00) (dktclerk) (Entered: 06/09/2000)

		06/09/2000)
06/09/2000	53	ORDER by Honorable Alan B. Johnson granting motion for summary judgment [36-1] (cc: all counsel mld 6/12/00) (dktclerk) (Entered: 06/12/2000)
06/09/2000	54	JUDGMENT by Honorable Alan B. Johnson; plaintiff recover nothing and defendant recover its costs of action and its reasonable attorney's fees; terminating case (cc: all counsel EOD and mld 6/12/00) (dktclerk) (Entered: 06/12/2000)
06/23/2000	55	MOTION by plaintiff to alter or amend judgment (seal) (Entered: 06/23/2000)
06/23/2000	56	APPLICATION by defendant for award of attorneys fees and statement of consultation (dktclerk) (Entered: 06/23/2000)
06/23/2000	57	MEMORANDUM BRIEF by defendant in support of attorney fee application [56-1] (dktclerk) (Entered: 06/23/2000)
06/23/2000	58	CERTIFICATE by defendant of costs (dktclerk) (Entered: 06/23/2000)
07/03/2000	59	RESPONSE by defendant to motion to alter or amend judgment [55-1] (jg) (Entered: 07/03/2000)
07/10/2000	60	OBJECTIONS (opposition) by plaintiff to application for attorney fees and other costs [56-1] (dktclerk) (Entered: 07/10/2000)
07/13/2000	61	OBJECTIONS (OPPOSITION) by plaintiff to certificate of costs [58-1] (dktclerk) (Entered: 07/13/2000)
07/14/2000	62	MEMORANDUM (REPLY) by defendant in support of application for attorney's fees [58-1] (dktclerk) (Entered: 07/14/2000)
07/21/2000	63	CLERK'S BILL OF COSTS in the amount of \$ 1200.87 (cc: all counsel 7/21/00) (dn) (Entered: 07/21/2000)
04/09/2001	64	ORDER by Honorable Alan B. Johnson denying motion to alter or amend judgment [55-1] (cc: all counsel 4/10/01) (jlg) (Entered: 04/10/2001)
06/07/2001	65	NOTICE OF APPEAL by plaintiff EEOC from District Court decision [64-1] Receipt # no fees (cc: all counsel) (js) (Entered: 06/07/2001)
06/08/2001	66	NOTIFICATION of appeal sent to USCA and counsel [65-1] (js) (Entered: 06/08/2001)
06/19/2001	67	TRANSCRIPT ORDER FORM filed by plaintiff EEOC for dates: transcript not necessary for appeal (js) (Entered: 06/19/2001)
06/20/2001	68	APPEAL number received from USCA [65-1] Docket Number: 01-8045 (js) (Entered: 06/20/2001)
07/03/2001	69	TRANSCRIPT ORDER FORM by court reporter Janet Dew Harris estimated completion date of transcripts not necessary for this appeal (js) (Entered: 07/03/2001)
07/09/2001	70	TRANSCRIPT LETTER transmitted to USCA and Council re [65-1] appeal no 01-8045 (js) (Entered: 07/09/2001)

08/06/2001	71	MANDATE from USCA dismissing the appeal [65-1] 01-8045 (js) (Entered: 08/06/2001)
05/13/2003	72	ORDER ON ANTELOPE COAL COMPANY'S APPLICATION FOR ATTORNEY'S FEES by Honorable Alan B. Johnson; it is ordered that defendant's attorney fee application shall be granted in part and denied in part; it is further ordered that defendant shall recover of plaintiff its attorneys' fees in the total amount of \$47,560.43; it is further ordered that defendant's request for an award of costs shall be denied; it is further ordered that judgment shall be entered in favor of defendant for its attorneys' fees in the total amount of \$47,560.43 for attorneys' fees awarded pursuant to 42 USC 2000e-5(k) (cc: all counsel mld & EOD 5/13/03) (jlg) (Entered: 05/13/2003)
05/13/2003	73	JUDGMENT FOR ATTORNEYS' FEES: by Honorable Alan B. Johnson; it is ordered that defendant shall recover from the plaintiff attorneys' fees in the amount of \$47,560.43 terminating case (cc: all counsel mld & EOD 5/13/03) (jlg) (Entered: 05/13/2003)

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