

CASREF,CLOSED,CONSENT

**United States District Court  
District of Massachusetts (Boston)  
CIVIL DOCKET FOR CASE #: 1:04-cv-12097-MBB**

Equal Employment Opportunity Commission v. Washington  
Group International, Inc.  
Assigned to: Magistrate Judge Marianne B. Bowler  
Referred to: Magistrate Judge Marianne B. Bowler (Settlement)  
Cause: 42:2000e Job Discrimination (Employment)

Date Filed: 09/30/2004  
Date Terminated: 01/30/2008  
Jury Demand: Both  
Nature of Suit: 442 Civil Rights: Jobs  
Jurisdiction: U.S. Government Plaintiff

**Intervenor Plaintiff**

**Godwin Enagbarre**

represented by **Jacques A. Dessin**  
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**LEAD ATTORNEY**  
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**ATTORNEY TO BE NOTICED**

**Intervenor Plaintiff**

**Joe L. Willis**

represented by **Jacques A. Dessin**  
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**Stephen T. Paterniti**  
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**Intervenor Plaintiff**

**John Baldwin**

represented by **Todd J. Bennett**  
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**Intervenor Plaintiff**

**Leonard Bell**

represented by **Todd J. Bennett**  
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*LEAD ATTORNEY  
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**Stephen T. Paterniti**  
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**Intervenor Plaintiff**

**Wayne Henderson**

represented by **Todd J. Bennett**  
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**Stephen T. Paterniti**  
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**Intervenor Plaintiff**

**Johannes Kaindoh**

represented by **Todd J. Bennett**  
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**Stephen T. Paterniti**  
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**Plaintiff**

**Equal Employment Opportunity  
Commision**

represented by **Rosa L. Palacios**  
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**Stephen T. Paterniti**  
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V.

**Defendant**

**Washington Group International, Inc.**

represented by **Erin K. Higgins**  
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**Stephen T. Paterniti**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Intervenor Defendant**

**Ron Bennett**

represented by **Stephen T. Paterniti**  
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*ATTORNEY TO BE NOTICED*

**Intervenor Defendant**

**Michael Fogarty**

represented by **Jennifer A. Serafyn**  
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**Stephen T. Paterniti**  
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*TERMINATED: 02/02/2007*  
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**Intervenor Defendant**

**Dennis Woodruff**

represented by **Jennifer A. Serafyn**  
(See above for address)  
*TERMINATED: 12/18/2007*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Lisa J. Damon**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Erin S. Martino**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Stephen T. Paterniti**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Intervenor Defendant**

**Washington Group International, Inc.**

represented by **Erin K. Higgins**  
(See above for address)  
*TERMINATED: 04/26/2007*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**James F. Kavanaugh , Jr.**  
(See above for address)  
*TERMINATED: 04/26/2007*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Michael R. Bernardo**  
(See above for address)  
*TERMINATED: 04/26/2007*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Stephen T. Paterniti**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

Date Filed	#	Docket Text
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09/30/2004	<u>1</u>	COMPLAINT Filing fee: \$ 150, filed by Equal Employment Opportunity Commission. (Attachments: # <u>1</u> Civil Category Sheet)(Edge, Eugenia) (Entered: 10/01/2004)
09/30/2004		Summons Issued as to Washington Group International, Inc.. (Edge, Eugenia) (Entered: 10/01/2004)
09/30/2004		If the trial Judge issues an Order of Reference of any matter in this case to a Magistrate Judge, the matter will be transmitted to Chief Magistrate Judge Bowler. (Edge, Eugenia) (Entered: 10/01/2004)
10/12/2004	<u>2</u>	NOTICE of Appearance by Michael R. Bernardo, James F. Kavanaugh Jr., Erin K. Higgins on behalf of Washington Group International, Inc. c/s (Edge, Eugenia) (Entered: 10/19/2004)
10/14/2004	<u>3</u>	WAIVER OF SERVICE Returned Executed Washington Group International, Inc. waiver sent on 10/1/2004, answer due 11/30/2004. (Edge, Eugenia) (Entered: 10/19/2004)
11/24/2004	<u>6</u>	MOTION to Intervene as Plaintiff and Add as Defendants Ron Bennett, Michael Fogarty and Dennis Woodruff.. (Attachments: # <u>1</u> Complaint to Intervene)(Edge, Eugenia) (Entered: 11/30/2004)
11/24/2004	<u>7</u>	MEMORANDUM of LAW in Support re <u>6</u> MOTION to Intervene . (Edge, Eugenia) (Entered: 11/30/2004)
11/24/2004	<u>8</u>	AFFIDAVIT in Support re <u>6</u> MOTION to Intervene. (Edge, Eugenia) (Entered: 11/30/2004)
11/29/2004	<u>4</u>	<i>Defendant's</i> ANSWER to Complaint with Jury Demand by Washington Group International, Inc..(Higgins, Erin) (Entered: 11/29/2004)
11/29/2004	<u>5</u>	CORPORATE DISCLOSURE STATEMENT by Washington Group International, Inc.. (Higgins, Erin) (Entered: 11/29/2004)
01/13/2005	<u>9</u>	NOTICE of Scheduling Conference Scheduling Conference set for 2/14/2005 02:00 PM in Courtroom 9 before Judge George A. O'Toole Jr.. Please mark your calendars accordingly. (Lyness, Paul) (Entered: 01/13/2005)
01/19/2005		Judge George A. O'Toole Jr.: ElectronicORDER entered granting <u>6</u> Motion to Intervene. A 16 (b) conference has been scheduled for February 14, 2005 at 2:00pm. Please mark your calendars accordingly. (Lyness, Paul) (Entered: 01/19/2005)
01/19/2005	<u>17</u>	Intervenor COMPLAINT , filed by John Baldwin, Leonard Bell, Wayne henderson, Johannes Kaindoh.(Edge, Eugenia) (Entered: 03/01/2005)
02/07/2005	<u>10</u>	JOINT STATEMENT of counsel Pursuant to Local Rule 16.1(D)(3). (Higgins, Erin) (Entered: 02/07/2005)
02/07/2005	<u>11</u>	CERTIFICATE OF CONSULTATION Pursuant to Local Rule 16.1(D)(3) by Rosa L. Palacios on behalf of Equal Employment Opportunity Commission. (Palacios, Rosa) (Entered: 02/07/2005)
02/07/2005	<u>13</u>	MOTION to Intervene by Godwin Enagbare, Joe L. Willis.(Abaid, Kim) (Entered: 02/08/2005)
02/07/2005	<u>14</u>	MEMORANDUM in Support re <u>13</u> MOTION to Intervene filed by Godwin Enagbare, Joe L. Willis. (Abaid, Kim) (Entered: 02/08/2005)
02/07/2005	<u>15</u>	Proposed Document(s) submitted by Godwin Enagbare, Joe L. Willis. Document received: Complaint to Intervene. (Abaid, Kim) (Entered: 02/08/2005)
02/07/2005	<u>16</u>	AFFIDAVIT in Support re <u>13</u> MOTION to Intervene. (Abaid, Kim) (Entered: 02/08/2005)
02/08/2005	<u>12</u>	CERTIFICATE OF CONSULTATION Pursuant to L.R. 16.1(D)(3) by Erin K. Higgins on behalf of Washington Group International, Inc.. (Higgins, Erin) (Entered: 02/08/2005)
02/14/2005		Electronic Clerk's Notes for proceedings held before Judge George A. O'Toole Jr.: Scheduling Conference held on 2/14/2005, Motion( doc # 13)is GRANTED. The joint

		statement submitted by counsel is adopted by the court. Fact discovery is to be completed by December 16, 2005. Motions terminated: <u>13</u> MOTION to Intervene filed by Godwin Enagbare,, Joe L. Willis,. Status Conference set for 1/11/2006 02:00 PM in Courtroom 9 before Judge George A. O'Toole Jr.. Another status conference is set for 7/5/06 at 2:00pm.(Court Reporter Shelly Killian.) (Lyness, Paul) (Entered: 02/15/2005)
02/14/2005	<u>21</u>	Intervenor COMPLAINT with Jury Demand against intervenor defendant Washington Group International, Inc., filed by Godwin Enagbare, Joe L. Willis. (Edge, Eugenia) (Entered: 04/21/2005)
02/25/2005	<u>18</u>	CERTIFICATION pursuant to Local Rule 16.1 by John Baldwin, Leonard Bell, Wayne Henderson, Johannes Kaindoh.(Edge, Eugenia) (Entered: 03/01/2005)
03/10/2005	<u>19</u>	ACKNOWLEDGEMENT OF SERVICE Executed by Washington Group International, Inc., Ron Bennett, Michael Fogarty. Washington Group International, Inc. served on 3/1/2005, answer due 3/21/2005; Ron Bennett served on 3/1/2005, answer due 3/21/2005; Michael Fogarty served on 3/1/2005, answer due 3/21/2005. Acknowledgement filed by Washington Group International, Inc.; Ron Bennett; Michael Fogarty. (Edge, Eugenia) (Entered: 03/14/2005)
03/10/2005	<u>20</u>	SUMMONS Returned Executed Dennis Woodruff served on 2/24/2005, answer due 3/16/2005. (Edge, Eugenia) (Entered: 03/14/2005)
06/09/2005	<u>22</u>	NOTICE of Appearance by Stephen T. Paterniti on behalf of Washington Group International, Inc. (Paterniti, Stephen) (Entered: 06/09/2005)
07/12/2005	<u>23</u>	ANSWER to Complaint with Jury Demand by Washington Group International, Inc..(Paterniti, Stephen) (Entered: 07/12/2005)
07/12/2005	<u>24</u>	ANSWER to Intervenor Complaint by Ron Bennett, Michael Fogarty, Dennis Woodruff, Washington Group International, Inc..(Paterniti, Stephen) (Entered: 07/12/2005)
11/08/2005	<u>25</u>	First MOTION for Extension of Time to August 16, 2006 to Complete Discovery <i>On behalf of all Parties</i> by Equal Employment Opportunity Commision.(Palacios, Rosa) (Entered: 11/08/2005)
11/22/2005		Judge George A. O'Toole Jr.: Electronic ORDER entered granting <u>25</u> Motion for Extension of Time to Complete Discovery Discovery to be completed by 8/16/2006. (Lyness, Paul) (Entered: 11/22/2005)
12/20/2005		Notice Resetting or Cancelling Hearing. (Lyness, Paul) (Entered: 12/20/2005)
01/04/2006		Set/Reset Hearings: Status Conference set for 9/6/2006 02:00 PM in Courtroom 9 before Judge George A. O'Toole Jr.. Please mark your calendars accordingly. (Lyness, Paul) (Entered: 01/04/2006)
06/23/2006	<u>26</u>	Second MOTION for Extension of Time to January 15, 2007 to complete Discovery and Mediation <i>Jointly Filed</i> by all parties.(Palacios, Rosa) Modified on 6/26/2006 (Edge, Eugenia). (Entered: 06/23/2006)
06/26/2006		Judge George A. O'Toole Jr.: Electronic ORDER entered granting <u>26</u> Motion for Extension of Time Discovery to be completed by 1/15/2007. NO FURTHER CONTINUANCES WILL BE ALLOWED. (Lyness, Paul) (Entered: 06/26/2006)
06/27/2006		E-Mail Notice returned as undeliverable. Name of Addressee: Jacques Dessin. The ECF Help Desk has contacted the attorney, who provided a new email address. The attorney's address was updated in the ECF database, and the notices resent this date. (Hurley, Virginia) (Entered: 06/27/2006)
08/14/2006		ELECTRONIC NOTICE Resetting or Cancelling Hearing. The status conference scheduled for 9/6/06 at 2:00pm is cancelled. Counsel will be notified by the court of new date. (Lyness, Paul) Modified on 8/15/2006 (Edge, Eugenia). (Entered: 08/14/2006)
12/01/2006		ELECTRONIC NOTICE of Hearing : Status Conference set for 2/1/2007 02:00 PM in Courtroom 9 before Judge George A. O'Toole Jr.. Please mark your calendars accordingly. (Lyness, Paul) (Entered: 12/01/2006)

12/04/2006	<u>27</u>	STIPULATION <i>Regarding Confidentiality of Godwin Enagbare's Medical Records</i> by Equal Employment Opportunity Commission. (Palacios, Rosa) (Entered: 12/04/2006)
12/06/2006	<u>28</u>	NOTICE of Appearance by Markus L. Penzel on behalf of Equal Employment Opportunity Commission (Penzel, Markus) (Entered: 12/06/2006)
12/13/2006	<u>29</u>	( <i>Third</i> )Joint MOTION for Extension of Time to 04/16/2007 to Complete Discovery by Equal Employment Opportunity Commission.(Palacios, Rosa) Modified on 12/15/2006 (Edge, Eugenia). (Entered: 12/13/2006)
12/14/2006		Judge George A. O'Toole Jr.: Electronic ORDER entered granting <u>29</u> Motion for Extension of Time Discovery to be completed by 4/16/2007. (Lyness, Paul) (Entered: 12/14/2006)
12/29/2006	<u>30</u>	MOTION for Protective Order by Washington Group International, Inc..(Paterniti, Stephen) (Entered: 12/29/2006)
12/29/2006	<u>31</u>	MEMORANDUM in Support re <u>30</u> MOTION for Protective Order filed by Washington Group International, Inc.. (Attachments: # <u>1</u> Affidavit of Stephen G. Hanks# <u>2</u> Affidavit of Stephen T. Paterniti)(Paterniti, Stephen) (Entered: 12/29/2006)
01/11/2007	<u>32</u>	MEMORANDUM in Opposition re <u>30</u> MOTION for Protective Order filed by Equal Employment Opportunity Commission. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B (Part 1)# <u>3</u> Exhibit B (Part 2)# <u>4</u> Exhibit C (Part 1)# <u>5</u> Exhibit C (Part 2)# <u>6</u> Exhibit C (Part 3)# <u>7</u> Exhibit D# <u>8</u> Exhibit E# <u>9</u> Exhibit F# <u>10</u> Exhibit G# <u>11</u> Exhibit H# <u>12</u> Exhibit I# <u>13</u> Exhibit J)(Penzel, Markus) Additional attachment(s) added on 1/12/2007 (Edge, Eugenia). Additional attachment(s) added on 1/12/2007 (Edge, Eugenia). (Entered: 01/11/2007)
01/22/2007	<u>33</u>	REPLY to Response to Motion re <u>30</u> MOTION for Protective Order filed by Washington Group International, Inc., Washington Group International, Inc.. (Attachments: # <u>1</u> Exhibit A (Part 1)# <u>2</u> Exhibit A (Part 2)# <u>3</u> Exhibit B (Part 1)# <u>4</u> Exhibit B (Part 2)# <u>5</u> Exhibit B (Part 3))(Paterniti, Stephen) (Entered: 01/22/2007)
01/30/2007		Judge George A. O'Toole Jr.: Electronic ORDER entered denying <u>30</u> Motion for Protective Order. (O'Toole, George) (Entered: 01/30/2007)
01/31/2007	<u>34</u>	NOTICE of Appearance by Jennifer A. Serafyn on behalf of Michael Fogarty (Serafyn, Jennifer) (Entered: 01/31/2007)
01/31/2007	<u>35</u>	NOTICE of Appearance by Lisa J. Damon on behalf of Michael Fogarty (Damon, Lisa) (Entered: 01/31/2007)
02/01/2007	<u>36</u>	MOTION to Withdraw by Washington Group International, Inc., Washington Group International, Inc..(Paterniti, Stephen) (Entered: 02/01/2007)
02/01/2007		ElectronicClerk's Notes for proceedings held before Judge George A. O'Toole Jr.: Status Conference held on 2/1/2007. Discovery is to be completed by 4/16/07. Status Conference set for 5/31/2007 02:00 PM in Courtroom 9 before Judge George A. O'Toole Jr.. (Court Reporter Marie Cloonan.) (Lyness, Paul) (Entered: 02/01/2007)
02/02/2007		Judge George A. O'Toole Jr.: Electronic ORDER entered granting <u>36</u> Motion to Withdraw (Lyness, Paul) (Entered: 02/02/2007)
02/06/2007		Notice of correction to docket made by Court staff. Correction: Atty. Damon and Serafyn notice status corrected because: Changed from no notice to noticed (Edge, Eugenia) (Entered: 02/06/2007)
04/03/2007	<u>37</u>	MOTION to Withdraw as Attorney <i>For Dennis Woodruff</i> by Washington Group International, Inc.. (Attachments: # <u>1</u> )(Paterniti, Stephen) (Entered: 04/03/2007)
04/11/2007	<u>38</u>	Opposition re <u>37</u> MOTION to Withdraw as Attorney <i>For Dennis Woodruff and Request for Hearing</i> filed by John Baldwin, Leonard Bell, Wayne Henderson, Johannes Kaindoh. (Bennett, Todd) (Entered: 04/11/2007)
04/13/2007	<u>39</u>	Joint MOTION for Extension of Time to May 30, 2007 to Complete Discovery by Washington Group International, Inc..(Paterniti, Stephen) (Entered: 04/13/2007)
04/17/2007		Judge George A. O'Toole Jr.: Electronic ORDER entered granting <u>39</u> Motion for Extension of Time to Complete Discovery Discovery to be completed by 5/30/2007.

		(Lyness, Paul) (Entered: 04/17/2007)
04/26/2007	<u>40</u>	NOTICE of Withdrawal of Appearance by Michael R. Bernardo (Bernardo, Michael) (Entered: 04/26/2007)
05/31/2007		Electronic Clerk's Notes for proceedings held before Judge George A. O'Toole Jr.: Status Conference held on 5/31/2007. Settlement negotiations ongoing. Status Conference set for 8/1/2007 02:00 PM in Courtroom 9 before Judge George A. O'Toole Jr.. (Court Reporter Shelly Killian.) (Lyness, Paul) (Entered: 06/01/2007)
08/01/2007		Electronic Clerk's Notes for proceedings held before Judge George A. O'Toole Jr.: Status Conference held on 8/1/2007. The court to inquire if this action can be referred to a Magistrate Judge for settlement conference. (Court Reporter Shelly Killian.) (Lyness, Paul) (Entered: 08/02/2007)
08/02/2007	<u>41</u>	Judge George A. O'Toole Jr.: ORDER entered. REFERRING CASE to Magistrate Judge Marianne B. Bowler Referred for: Settlement Conference(Lyness, Paul) (Entered: 08/02/2007)
08/02/2007	<u>42</u>	Assented to MOTION to Continue Settlement Conference to a date from and including September 19, 2007 through October 5, 2007, but not including September 21, 25, 27, 28 and October 1, 2, and 3 by Equal Employment Opportunity Commission.(Penzel, Markus) (Entered: 08/02/2007)
08/03/2007		Judge Marianne B. Bowler: Electronic ORDER entered granting <u>42</u> Motion to Continue. The mediation is continued until October 4, 2007 at 10:00 a.m. (Bowler, Marianne) (Entered: 08/03/2007)
08/22/2007	<u>43</u>	NOTICE of Appearance by Jennifer A. Serafyn on behalf of Dennis Woodruff (Serafyn, Jennifer) (Entered: 08/22/2007)
08/22/2007	<u>44</u>	NOTICE of Appearance by Lisa J. Damon on behalf of Dennis Woodruff (Damon, Lisa) (Entered: 08/22/2007)
09/24/2007	<u>45</u>	NOTICE of ADR Conference. The settlement conference previously set 10/4/2007 is rescheduled to 10/17/2007 at 10:00 AM in Courtroom 25 before Magistrate Judge Marianne B. Bowler. All PARTIES and trial counsel are REQUIRED to attend and must have full binding settlement authority. Leave of court is REQUIRED for any exceptions. All confidential briefs are to be submitted to the court VIA FACSIMILE at (617) 204-5833 at least TWO BUSINESS DAYS prior to the hearing. (Duffy, Marc) Additional attachment(s) added on 9/24/2007 (Duffy, Marc). (Entered: 09/24/2007)
10/04/2007	<u>46</u>	Assented to MOTION to Continue Settlement Conference to Week of December 17-20, 2007 ( <i>Partially Assented-To</i> ) by Washington Group International, Inc..(Paterniti, Stephen) (Entered: 10/04/2007)
10/12/2007		Judge Marianne B. Bowler: Electronic ORDER entered granting <u>46</u> Motion to Continue. The settlement conference is continued until December 17, 2007 at 10:00 a.m. (Bowler, Marianne) (Entered: 10/12/2007)
11/27/2007	<u>47</u>	Assented to MOTION to Continue Settlement Conference to December 18, 2007 by Equal Employment Opportunity Commission, Godwin Enagbarre, Joe L. Willis, Washington Group International, Inc., John Baldwin, Leonard Bell, Wayne Henderson, Johannes Kaindoh, Ron Bennett, Michael Fogarty, Dennis Woodruff.(Paterniti, Stephen) (Entered: 11/27/2007)
11/28/2007		Judge Marianne B. Bowler: Electronic ORDER entered denying <u>47</u> Motion to Continue, without prejudice. The date proposed by counsel is not available. Parties are advised to contact the deputy clerk, Marc Duffy, Esq., to select an alternative date. (Bowler, Marianne) (Entered: 11/28/2007)
12/10/2007	<u>48</u>	Partially Assented to MOTION to Continue <i>Settlement Conference</i> from 12/17/07 to 01/29/08 by Washington Group International, Inc..(Paterniti, Stephen) Modified on 12/18/2007 (Edge, Eugenia). (Entered: 12/10/2007)
12/11/2007		Judge Marianne B. Bowler: Electronic ORDER entered granting <u>48</u> Motion to Continue. (Bowler, Marianne) (Entered: 12/11/2007)



12/12/2007	<u>49</u>	NOTICE of Appearance by Erin S. Martino on behalf of Michael Fogarty, Dennis Woodruff (Martino, Erin) (Entered: 12/12/2007)
12/12/2007	<u>50</u>	NOTICE of Withdrawal of Appearance by Jennifer A. Serafyn (Serafyn, Jennifer) (Entered: 12/12/2007)
01/29/2008	<u>51</u>	REPORT of Alternative Dispute Resolution Provider. The case is settled. (Duffy, Marc) (Duffy, Marc). (Entered: 01/29/2008)
01/30/2008		Judge George A. OToole, Jr: Electronic ORDER entered. SETTLEMENT ORDER OF DISMISSAL– It is ORDERED that this action is hereby dismissed without costs and without prejudice to the right of any party, upon good cause shown, to reopen the action within 60 days if settlement is not consummated. (Lyness, Paul) (Entered: 01/30/2008)
01/30/2008		Civil Case Terminated. (Lyness, Paul) (Entered: 01/30/2008)
01/30/2008	<u>52</u>	CONSENT by all parties to Jurisdiction by US Magistrate Judge. (Duffy, Marc) (Entered: 01/30/2008)
01/30/2008		Magistrate Judge Marianne B. Bowler added as presiding judge. Judge George A. OToole, Jr no longer assigned to case. (Duffy, Marc) (Entered: 01/30/2008)
03/07/2008	<u>53</u>	SETTLEMENT AGREEMENT / <i>CONSENT DECREE</i> by Equal Employment Opportunity Commision. (Palacios, Rosa) (Entered: 03/07/2008)
03/17/2008	<u>54</u>	SETTLEMENT AGREEMENT, Consent Decree entered by the court. (Duffy, Marc) (Entered: 03/19/2008)
04/02/2008	<u>55</u>	MOTION to Amend <u>54</u> Settlement Agreement <i>to Substitute/Amend Exhibit B</i> by Equal Employment Opportunity Commision. (Attachments: # <u>1</u> Exhibit Substituted/Amended)(Palacios, Rosa) (Entered: 04/02/2008)
03/31/2009		Magistrate Judge Marianne B. Bowler: Electronic ORDER entered granting <u>55</u> Motion to Amend. (Bowler, Marianne) (Entered: 03/31/2009)