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U.S. District Court DISTRICT OF ARIZONA (Phoenix Division) CIVIL DOCKET FOR CASE #: 2:02-cv-00943-SRB

EEOC v. Berge Ford Inc, et al Assigned to: Judge Susan R Bolton

Demand: \$0

Cause: 42:2000e Job Discrimination (Employment)

Date Filed: 05/20/2002 Date Terminated: 06/14/2004

Jury Demand: Plaintiff

Nature of Suit: 442 Civil Rights: Jobs Jurisdiction: U.S. Government Plaintiff

Plaintiff

Equal Employment Opportunity Commission

represented by C Emanuel Smith

EEOC

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Ste 690

Phoenix, AZ 85012-1848

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V.

Defendant

Berge Ford Inc

an Arizona corporation

represented by Donald Peder Johnsen

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Phoenix, AZ 85016-9225

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Defendant

Auto Care Center LLC

an Arizona limited liability company doing business as Berge Ford Auto Care

represented by **Donald Peder Johnsen**

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Melissa R Berren

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text	
05/20/2002	1	COMPLAINT FILED (LSP) (Entered: 05/22/2002)	
05/21/2002	2	RETURN OF SERVICE EXECUTED summons/complaint upon dft Berge Ford Inc by service upon Scott Ellsworth, Secretary, in Mesa, AZ on 5/21/02 (LAD) (Entered: 05/23/2002)	
05/21/2002	3	RETURN OF SERVICE EXECUTED summons/complaint upon dft Auto Care Center LLC by service upon Statutory Agent FC Service Corporation (Alicia Millford) in Phoenix, AZ on 5/21/02 (LAD) (Entered: 05/23/2002)	
06/11/2002	4	ANSWER to complaint [1-1] by dft Berge Ford Inc, dft Auto Care Center LLC (LAD) (Entered: 06/18/2002)	

06/13/2002	5	AMENDED answer to complaint [4-1] by dft Berge Ford Inc, dft Auto Care Center LLC (LAD) (Entered: 06/18/2002)		
06/18/2002	6	ORDER by Judge Susan R. Bolton scheduling conf set for 10:15 8/12/02; this action is designated a standard track case; all parties are directed to meet at least 21 days before the scheduling conference in accordance with Rule 26(f), Federal Rules of Civil Procedure; FURTHER ORDERED that at the Rule 26(f) case management meeting, the parties shall develop a proposed case management plan; FURTHER ORDERED that counsel shall jointly file their proposed case management plan with the Clerk of Court not less than 5 days before the Pretrial Scheduling Conference (cc: all counsel) (LAD) (Entered: 06/18/2002)		
08/01/2002	7	JOINT CASE MANAGEMENT REPORT: joint pretrial order ddl 7/25/03; discovery cutoff 4/30/03; dispositive motions filing ddl 6/30/03 (LAD) (Entered: 08/06/2002)		
08/12/2002	8	MINUTE ENTRY before Judge Susan R. Bolton. Crt Rptr: Kim Myrick. Appearances: David Lopez for pla; Melissa Berren and Donald Johnsen for dfts. Prel scheduling conf held. The Court enters the following deadlines: discovery ddl set for 4/30/03; dispositive motions due 6/30/03; motions in limine due 11/10/03 with responses due 11/19/03 - no reply; PTO ddl set for 11/17/03. IT IS ORDERED setting pretrial conference for 11/24/03 at 10:30 a.m. IT IS ORDERED setting jury trial for 12/9/03 at 9:00 a.m. (Estimated length: 3 days). Rule 16 Order to follow. Copy of Joint Proposed Pretrial Order provided to counsel this date. [cc: SRB] [8-2] (LMR) (Entered: 08/12/2002)		
08/13/2002	9	SCHEDULING ORDER by Judge Susan R. Bolton: discovery set for 4/30/03; dispositive motions due 6/30/03; joint proposed pretrial order ddl set for 11/17/03; pretrial conference deadline set for 11/24/03 at 10:30; jury trial is set for 12/9/03 at 9:00 (cc: all counsel) re: order (scheduling) [9-1] (LAD) (Entered: 08/13/2002)		
08/22/2002	10	NOTICE of compliance of initial disclosure statement pursuant to FRCivP 26(a) by dfts (LAD) (Entered: 08/28/2002)		
08/22/2002	11	NOTICE of service of discovery by dfts. (LAD) (Entered: 08/28/2002)		
08/30/2002	12	NOTICE of compliance of initial disclosure statement pursuant to FRCivP 26(a) by pla EEOC (LAD) (Entered: 09/04/2002)		
09/25/2002	13	NOTICE of service of discovery by pla EEOC . (LAD) (Entered: 09/26/2002)		
10/15/2002	14	NOTICE of compliance of 1st supplemental disclosure statement pursuant to FRCivP 26(a) by dfts (LAD) (Entered: 10/16/2002)		
12/13/2002	15	NOTICE by dfts OF TAKING DEPO OF Mailyn C Pickler on the following date(s): 1/13/03 at 1 pm (LAD) (Entered: 12/17/2002)		
12/23/2002	16	NOTICE of service of discovery by pla EEOC . (LAD) (Entered: 12/24/2002)		

02/25/2003	17	NOTICE by pla OF TAKING DEPO OF Ron Woodward on the following date(s): 3/17/03 (SAT) (Entered: 02/26/2003)		
02/25/2003	18	NOTICE by pla OF TAKING DEPO OF Tina Gillette on the following date(s): 3/17/03 (SAT) (Entered: 02/26/2003)		
02/25/2003	19	NOTICE by pla OF TAKING DEPO OF Al Beseler on the following date(s): 3/27/03 (SAT) (Entered: 02/26/2003)		
02/25/2003	20	NOTICE by pla OF TAKING DEPO OF Dennis Crutcher on the following date(s): 3/27/03 (SAT) (Entered: 02/26/2003)		
02/27/2003	21	AMENDED NOTICE by pla EEOC OF TAKING VIDEO DEPO OF Ron Woodward on the following date(s): 3/27/03 at 9 am (LAD) (Entered: 03/03/2003)		
02/27/2003	22	AMENDED NOTICE by pla EEOC OF TAKING DEPO OF Tina Gillette on the following date(s): 3/28/03 at 9 am (LAD) (Entered: 03/03/2003)		
02/27/2003	23	AMENDED NOTICE by pla EEOC OF TAKING DEPO OF Al Beseler on the following date(s): 4/8/03 at 9 am (LAD) (Entered: 03/03/2003)		
02/27/2003	24	AMENDED NOTICE by pla EEOC OF TAKING DEPO OF Jim Crutcher on the following date(s): 4/8/03 at 1 pm (LAD) (Entered: 03/03/2003)		
03/03/2003	25	NOTICE of compliance of 1st supplemental disclosure statement pursuant to FRCivP 26(a) by pla EEOC (LAD) (Entered: 03/06/2003)		
03/05/2003	26	NOTICE of compliance of 2nd supplemental disclosure statement pursuant to FRCivP 26(a) by pla EEOC (LAD) (Entered: 03/10/2003)		
03/28/2003	27	2ND AMENDED NOTICE by pla EEOC OF TAKING DEPO OF Ron Woodward on the following date(s): 4/1/03 at 9:30 am (LAD) (Entered: 04/01/2003)		
04/04/2003	28	AMENDED NOTICE by dfts OF TAKING DEPO OF Mailyn C Pickler on the following date(s): 4/22/03 at 9:30 am (LAD) (Entered: 04/04/2003)		
04/18/2003	29	STIPULATION to extend time of discovery deadlines (for 60 days) by pla, dfts (no proposed documents) (LAD) (Entered: 04/22/2003)		
04/22/2003	30	ORDER by Judge Susan R. Bolton granting stipulation to extend time of discovery deadlines (for 60 days) by pla, dfts (no proposed documents) discovery ddl reset for 6/30/03; dispositive motions ddl reset to 8/30/03; joint letter concerning status of settlement discussions and progress of discovery: 6/6/03 and every 4 mos thereafter (cc: all counsel) (LAD) (Entered: 04/22/2003)		
05/06/2003	31	NOTICE of service of discovery by pla EEOC (LAD) (Entered: 05/08/2003)		
05/08/2003	32	NOTICE of compliance of second supplemental disclosure statement		

		pursuant to FRCivP 26(a) by dft (DMT) (Entered: 05/09/2003)		
05/08/2003	33	NOTICE by pla OF TAKING DEPO OF custodian of records for Sheakley UniService on the following date(s): 5/30/03 (DMT) (Entered: 05/09/2003)		
05/12/2003	34	NOTICE of service of third supplemental disclosure statement pursuant to FRCivP 26(a) by dfts (CMM) (Entered: 05/15/2003)		
05/22/2003	35	NOTICE of compliance of 4th supplemental disclosure statement pursuant to FRCivP 26(a) by dfts (LAD) (Entered: 05/29/2003)		
05/29/2003	36	NOTICE of compliance of 3rd supplemental disclosure statement pursuant to FRCivP 26(a) by pla EEOC (LAD) (Entered: 06/02/2003)		
06/09/2003	37	NOTICE of compliance of 4th supplemental disclosure statement pursuant to FRCivP 26(a) by pla EEOC (LAD) (Entered: 06/10/2003)		
06/13/2003	38	JOINT MOTION to extend time of deadlines (discovery to 7/25/03; supplementation of discovery to 7/3/03 and dispositive motions to 8/22/03) by pla EEOC, dft Berge Ford Inc, dft Auto Care Center LLC [38-1] (LAD) (Entered: 06/17/2003)		
06/16/2003	39	NOTICE by pla EEOC OF TAKING DEPO OF Terri Stevenson on the following date(s): 6/25/03 at 9 am (LAD) (Entered: 06/17/2003)		
06/16/2003	40	NOTICE by pla EEOC OF TAKING DEPO OF Connie Eastman on the following date(s): 6/26/03 at 9 am (LAD) (Entered: 06/17/2003)		
06/16/2003	41	2ND AMENDED NOTICE by pla EEOC OF TAKING DEPO OF Al Beseler on the following date(s): 6/26/03 at 10 am (LAD) (Entered: 06/17/2003)		
06/19/2003	42	ORDER by Judge Susan R. Bolton granting motion to extend time of deadlines (discovery to 7/25/03; supplementation of discovery to 7/3/03 and dispositive motions to 8/22/03) by pla EEOC, dft Berge Ford Inc, dft Auto Care Center LLC [38-1] discovery ddl reset for 7/25/03; supplementation of discovery reset to 7/3/03; dispositive motions ddl reset to 8/22/03 (cc: all counsel) (LAD) (Entered: 06/19/2003)		
06/30/2003	43	3RD AMENDED NOTICE by pla EEOC OF TAKING DEPO OF Al Beseler on the following date(s): 7/14/03 at 1 pm (LAD) (Entered: 07/01/2003)		
07/01/2003	44	NOTICE of service of discovery papers by dfts. (former emp) (Entered: 07/02/2003)		
07/11/2003	45	NOTICE of service of discovery by dfts. (LAD) (Entered: 07/16/2003)		
07/11/2003	46	NOTICE of service of discovery by dfts. (LAD) (Entered: 07/16/2003)		
07/15/2003	47	NOTICE of compliance of Pla's 5th Supplemental disclosure statement pursuant to FRCivP 26(a) by pla EEOC (FMP) (Entered: 07/17/2003)		
07/25/2003	48	NOTICE of compliance of 6th supplemental disclosure statement		

		pursuant to FRCivP 26(a) by pla EEOC (LAD) (Entered: 07/29/2003)		
08/05/2003	49	NOTICE by pla EEOC OF TAKING DEPO OF Al Beseler on the following date(s): 8/19/03 (former emp) (Entered: 08/06/2003)		
08/11/2003	50	JOINT MOTION to allow deposition after close of discovery by pla, dfts [50-1] (LAD) (Entered: 08/13/2003)		
08/11/2003	50	STIPULATION to admit documents into evidence (re personnel and unemployment documents) by pla, dfts (no proposed documents provided) (LAD) (Entered: 08/13/2003)		
08/13/2003	51	ORDER by Judge Susan R. Bolton granting motion to allow deposition after close of discovery by pla, dfts [50-1]; EEOC to be allowed to take the deposition of Mr Alfred Beseler after the close of discovery; granting stipulation to admit documents into evidence (re personnel and unemployment documents) by pla, dfts (no proposed documents provided); the parties will not challenge the authenticity of documents purportedly signed by Terry Stevenson (cc: all counsel) (LAD) (Entered: 08/13/2003)		
08/22/2003	52	MOTION for partial summary judgment as to liability for pregnancy discrimination and on dfts' affirmative defense for failure to exhaust administrative remedies by pla EEOC [52-1] (LAD) (Entered: 08/26/2003)		
08/22/2003	53	STATEMENT OF UNDISPUTED FACTS by pla EEOC re motion for partial summary judgment as to liability for pregnancy discrimination and on dfts' affirmative defense for failure to exhaust administrative remedies by pla EEOC [52-1] (LAD) (Entered: 08/26/2003)		
08/22/2003	54	MEMORANDUM IN SUPPORT by pla EEOC of motion for partial summary judgment as to liability for pregnancy discrimination and on dfts' affirmative defense for failure to exhaust administrative remedies by pla EEOC [52-1] (LAD) (Entered: 08/26/2003)		
09/02/2003	55	MOTION for summary judgment (on pla's complaint) by dfts [55-1] (LAD) (Entered: 09/04/2003)		
09/02/2003	56	SEPARATE STATEMENT OF FACTS by dfts re motion for summary judgment (on pla's complaint) by dfts [55-1] (BULKY DOCUMENT) (LAD) (Entered: 09/04/2003)		
09/10/2003	57	ORDER by Judge Susan R. Bolton striking motion for summary judgment (on pla's complaint) by dfts [55-1] (cc: all counsel) (LAD) (Entered: 09/10/2003)		
09/19/2003	58	NOTICE OF FILING ORIGINAL SIGNED AFFIDAVIT of John Pickler in support of statement of facts [53-1] by pla EEOC (LAD) (Entered: 09/23/2003)		
09/24/2003	59	MOTION for reconsideration of 9/9/03 order striking motion for summary judgment by dfts [59-1] and to extend time for submission of motion for summary judgment (to 9/2/03) by dfts [59-2] (motion for		

		summary judgment previously filed and striken) (LAD) (Entered: 09/25/2003)	
09/24/2003	60	RESPONSE (OPPOSITION) by dfts to motion for partial summary judgment as to liability for pregnancy discrimination and on dfts' affirmative defense for failure to exhaust administrative remedies by pla EEOC [52-1] (LAD) (Entered: 09/25/2003)	
09/24/2003	61	STATEMENT OF CONTROVERTING FACTS by dfts in opposition to motion for partial summary judgment as to liability for pregnancy discrimination and dfts' affirmative defense for failure to exhaust administrative remedies by pla EEOC [52-1] (BULKY DOCUMENT) (LAD) (Entered: 09/25/2003)	
10/03/2003	62	NOTICE OF HEARING by dfts setting motion for partial summary judgment as to liability for pregnancy discrimination and dfts' affirmative defense for failure to exhaust administrative remedies by pla EEOC [52-1] at 10:00 12/8/03 (LAD) (Entered: 10/06/2003)	
10/06/2003	63	ORDER by Judge Susan R. Bolton granting motion for reconsideration of 9/9/03 order striking motion for summary judgment by dfts [59-1], granting motion to extend time for submission of motion for summary judgment (to 9/2/03) by dfts [59-2] (motion for summary judgment previously filed and striken); the Court will consider the motion for summary judgment (on pla's complaint) by dfts [55-1] filed 9/2/03; FURTHER ORDERED pla shall file its response not later than 11/3/03; FURTHER ORDERED vacating the pretrial conference; pretrial order deadline, jury trial and motion in limine deadline to be reset after the dispositive motions have been ruled on (cc: all counsel) (LAD) (Entered: 10/06/2003)	
10/14/2003	64	MOTION to strike (testimony and documents submitted by dfts in response/opposition to pla's motion for partial summary judgment) by pla EEOC [64-1] (LAD) (Entered: 10/16/2003)	
10/14/2003	65	MOTION to exceed the page limit for doc(s) reply in support of motionf for summary judgment by pla EEOC [65-1] (proposed reply lodged at docket clerk's desk) (LAD) (Entered: 10/16/2003)	
10/14/2003		LODGED reply to motion for summary judgment by pla EEOC (LAD) (Entered: 10/16/2003)	
10/17/2003	66	ORDER by Judge Susan R. Bolton granting motion to exceed the page limit for doc(s) reply in support of motionf for summary judgment by pla EEOC [65-1] (proposed reply lodged at docket clerk's desk) lodged document [0-0] terminated (cc: all counsel) (LAD) (Entered: 10/17/2003)	
10/17/2003	67	REPLY by pla EEOC to response to motion for partial summary judgment as to liability for pregnancy discrimination and on dfts' affirmative defense for failure to exhaust administrative remedies by pla EEOC [52-1] (OK to file per order #66 10/17/03) (LAD) (Entered: 10/17/2003)	

10/27/2003	68	RESPONSE by dfts to motion to strike (testimony and documents submitted by dfts in response/opposition to pla's motion for partial summary judgment) by pla EEOC [64-1] (LAD) (Entered: 10/29/2003)	
11/03/2003	69	MOTION to strike certain facts offered by dft in support of motion for summary judgment (all or portions of 75 facts improperly before the Court and incorporated in motion for summary judgment) by pla EEOC [69-1] (LAD) (Entered: 11/05/2003)	
11/03/2003	70	MEMORANDUM IN SUPPORT by pla EEOC of motion to strike certain facts offered by dft in support of motion for summary judgment (all or portions of 75 facts improperly before the Court and incorporated in motion for summary judgment) by pla EEOC [69-1] (LAD) (Entered: 11/05/2003)	
11/03/2003	71	MOTION to exceed the page limit for doc(s) response in opposition to motion for summary judgment by pla EEOC [71-1] (proposed response and controverted statement of facts lodged at docket clerk's desk) (LAD) (Entered: 11/05/2003)	
11/03/2003		LODGED response in opposition to motion for summary judgment and controverted statement in support of opposition (response) to motion for partial summary judgment by pla EEOC (LAD) (Entered: 11/05/2003)	
11/05/2003	72	ORDER by Judge Susan R. Bolton granting motion to exceed the page limit for doc(s) response in opposition to motion for summary judgment by pla EEOC [71-1] (proposed response and controverted statement of facts lodged at docket clerk's desk) lodged document [0-0] terminated (cc: all counsel) (LAD) (Entered: 11/05/2003)	
11/05/2003	73	RESPONSE by pla EEOC in opposition to motion for summary judgment (on pla's complaint) by dfts [55-1] (OK to file per order #72 11/5/03) (LAD) (Entered: 11/05/2003)	
11/05/2003	74	CONTROVERTED STATEMENT OF FACTS by pla EEOC in support of opposition (response) to motion for partial summary judgment [73-1] (OK to file per order #72 11/5/03; BULKY DOCUMENT) (LAD) (Entered: 11/05/2003)	
11/06/2003	75	REPLY by pla to response to motion to strike (testimony and documents submitted by dfts in response/opposition to pla's motion for partial summary judgment) by pla EEOC [64-1] (DMT) (Entered: 11/07/2003)	
11/21/2003	76	REPLY by dfts to response in Support of Motion for summary judgment (on pla's complaint) by dfts [55-1] (SAT) (Entered: 11/25/2003)	
12/08/2003	77	MINUTE ENTRY before Judge Susan R. Bolton. Crt Rptr: Kim Myrick. Appearances: P. David Lopez and Michelle Marshall for pla; Donald Johnsen for dfts. Hearing held re: Pla's Motion for Partial Summary Judgment and Defendant's Motion for Summary Judgment. Argument presented. For reasons as stated on the record, IT IS ORDERED denying motion for summary judgment (on pla's complaint) by dfts [55-1] and taking under advisement the motion for partial summary judgment as to	

		liability for pregnancy discrimination and on dfts' affirmative defense for failure to exhaust administrative remedies by pla EEOC [52-1]. [cc: SRB] [77-1] (MAW) (Entered: 12/08/2003)	
01/14/2004	78	Transcript Designation and Ordering Form by pla EEOC re motion for summary judgment hearing 12/8/03 (LAD) (Entered: 01/16/2004)	
01/15/2004	79	TRANSCRIPT of motion for summary judgment hearing by Court Reporter: Kim R Myrick for the following date(s): 12/8/03 (BULKY DOCUMENT) (LAD) (Entered: 01/20/2004)	
03/05/2004	80	ORDER by Judge Susan R. Bolton granting in part and denying in part the motion to strike (testimony and documents submitted by dfts in response/opposition to pla's motion for partial summary judgment) by pla EEOC [64-1] and striking dfts' controverting statement of facts [61-1] paragraphs 97-98, 100-103, 117 and exhibit F (2/1/01 memo to file) as well as section II of the dfts' opposition to pla's motion for summary judgment [60-1] entitled "the Commission is not entitled to summary judgment on its claim for punitive damages;" denying motion to strike certain facts offered by dft in support of motion for summary judgment (all or portions of 75 facts improperly before the Court and incorporated in motion for summary judgment) by pla EEOC [69-1]; granting in part and denying in part the motion for partial summary judgment as to liability for pregnancy discrimination and on dfts' affirmative defense for failure to exhaust administrative remedies by pla EEOC [52-1]; summary judgment is denied as to the issue of liability and granted as to the issue of exhaustion of administrative remedies (cc: all counsel) (LAD) (Entered: 03/05/2004)	
03/29/2004	81	MINUTE ORDER IT IS ORDERED setting motions in limine deadline on 6/14/04 w/ resposes due 6/23/04 - no reply; pretrial order deadline set for 6/21/04. IT IS FURTHER ORDERED setting Pretrial conference on 6/28/04 at 9:30 a.m. IT IS FURTHER ORDERED setting jury trial on 7/13/04 at 9:00 a.m. Estimated length: 3 days. A copy of the Joint Proposed Pretrial Order is attached to counsels' copy of this minute order. (cc: all counsel; SRB) [81-2] (MAW) (Entered: 03/29/2004)	
06/01/2004	82	The Court has ORDERED that effective June 28, 2004, the above captioned matter is reassigned to Judge Neil V. Wake for all further proceedings. Any hearing, conference, or trial scheduled to be held between 6/28/04 and 7/9/04, is vacated. All other matters remain as scheduled. It is FURTHER ORDERED that counsel review and comply with the attached instructions. All further pleadings and papers filed in this action on or after 6/28/04, should bear the complete case number and judge's initials, as shown above. (cc: all counsel/NVW/ SRB) [82-1] (KAL) (Entered: 06/01/2004)	
06/09/2004	83	JOINT MOTION for entry of consent decree by pla, dfts [83-1] (LAD) (Entered: 06/10/2004)	
06/10/2004	84	MINUTE ORDER: In the above entitled matter, the Court has this date ORDERED that the notice dated 6/1/04, reassigning this matter to the	

		Hon. Neil V. Wake effective June 28, 2004, is hereby vacated. This case will remain assigned to the Hon. Susan R. Bolton for all current and future proceedings. (cc: all counsel/NVW/SRB) [84-1] re: order (minute) [84-1] (TCA) (Entered: 06/10/2004)		
06/14/2004	85	CONSENT JUDGMENT/DECREE by Judge Susan R. Bolton: granting motion for entry of consent decree by pla, dfts [83-1] to dismiss case; Berge Ford, its officers, agents, employees, successors and assigns, both at the time that this Decree becomes effective, and for the duration of this Decree, agrees to refrain from (a) discriminating against any employee based on pregnancy; (b) retaliating against any employee because he or she (i) opposes or opposed discriminatory practices made unlawful by Title VII; (ii) files or filed a charge of discrimination; or (iii) assists, assisted, participates or participated in an investigation or proceeding brought under Federal or State laws prohibiting discrimination or retaliation; in settlement of the Commission's and Ms Pickler's existing claims against dfts, Berge Ford agrees to pay the total amount of \$70,000.00 to Mailyn Pickler within 30 days of the entry of this decree; Berge Ford agrees to carry out policies and practices at its Mesa, AZ Auto Care Center location that help assure a work environment free from pregnancy-based discrimination of its applicants and employees and that allows applicants and employees to raise concerns or complaints without retaliation about matters, whether alleged, perceived or actual, made unlawful by Title VII; at the time that this Decree becomes effective and for the duration of this Decree, Berge Ford shall post, in a prominent place frequented by its employees at all of its Arizona locations, the Notice attached as Attachment A; within 90 daysBerge Ford agrees to provide Pregnancy Discrimination Act (PDA) training for its management, employees, its personnel managers, and any individual involved in the hiring, disciplinary or termination process at its Mesa, AZ Auto Care Center location; dfts shall report in writing and in affidavit from to the Regional Attorney of the Commission's Phoenix Officebeginning 6 mos from the date of the entry of this Decree and thereafter every 6 mos for the duration of the Decree; each party shall be		

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