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**U.S. District Court
DISTRICT OF ARIZONA (Prescott Division)
CIVIL DOCKET FOR CASE #: 3:02-cv-01460-RCB**

EEOC v. Classic Air Ambulance
Assigned to: Judge Robert C Broomfield
Demand: \$0
Cause: 42:2000e Job Discrimination (Employment)

Date Filed: 08/01/2002
Date Terminated: 08/24/2004
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**
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V.

Defendant

Classic Air Ambulance Incorporated
a Utah corporation
doing business as
Classic Lifeguard Air Ambulance

represented by **Classic Air Ambulance Incorporated**
c/o Mark R Henerson President
5039 Fillmore Ave.
Ogden, UT 84403
(801)295-5700
PRO SE

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TERMINATED: 10/07/2003

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TERMINATED: 10/07/2003

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Date Filed	#	Docket Text
08/01/2002	1	COMPLAINT FILED (LSP) (Entered: 08/02/2002)
08/16/2002	2	RETURN OF SERVICE EXECUTED summons/complaint upon Mark R Henderson (Owner) for dft Classic Air Ambulanc on 8/7/02 (SAT) (Entered: 08/20/2002)
08/30/2002	3	STIPULATION for Extension of Time until 9/20/02 to Answer Complaint [1-1] by pla, dft [3-1] (first request) (SAT) (Entered: 09/05/2002)
09/20/2002	4	ANSWER to complaint [1-1] by dft Classic Air Ambulanc (SAT) (Entered: 09/23/2002)
09/23/2002	5	ORDER by Judge Robert C. Broomfield granting Stipulation for Extension of Time until 9/20/02 for Defendant to Answer Complaint [1-1] by pla, dft [3-1] (cc: all counsel) (SAT) (ADI-ICMS,). (Entered: 09/23/2002)
10/16/2002	6	ORDER by Judge Robert C. Broomfield designating action a standard track case; prel scheduling conf set for 1:45 2/10/03 (cc: all counsel) (DMT) (ADI-ICMS,). (Entered: 10/16/2002)
01/27/2003	7	JOINT CASE MGT PLAN/REPORT (KMG) (Entered: 01/29/2003)
01/30/2003	8	NOTICE by pla EEOC, dft Classic Air Ambulanc of Amended Proposed Scheduling Order (KMG) (Entered: 02/03/2003)
02/10/2003	9	MINUTE ENTRY before Judge Robert C. Broomfield . Crt Rptr: Vicki Reger. Present: Michelle Marshall for Plas. Richard Green for Dfts. Prel scheduling conf held. PTO ddl set for 2/9/04 ; Pretrial conference set for Monday, March 1, 2004 at 1:30 p.m., before the Honorable Robert C. Broomfield, Courtroom 606, 6th floor. [cc: RCB/CD] [9-3] (LCF) (Entered: 02/10/2003)
02/11/2003	10	AMENDED SCHEDULING ORDER by Judge Robert C. Broomfield ; Discovery now due 11/28/03 ; Dispositive motions due 1/9/04 ; Joint Pretrial order now due 2/9/04 ; Pretrial conference reset for 1:30 3/1/04 (cc: all counsel) re: order (scheduling) [10-1] (KMG) (ADI-ICMS,). (Entered: 02/11/2003)
02/21/2003	11	NOTICE of compliance of initial disclosure statement pursuant to FRCivP 26(a) by pla EEOC (KMG) (Entered: 02/24/2003)
02/21/2003	12	NOTICE of compliance of initial disclosure statement pursuant to FRCivP 26(a) by dft Classic Air Ambulanc (KMG) (Entered: 02/24/2003)
02/25/2003	13	NOTICE of service of discovery by dft Classic Air Ambulanc serving; First Request for Production of documents. (KMG) (Entered: 02/26/2003)
02/25/2003	14	NOTICE of service of discovery by dft Classic Air Ambulanc serving; First Set of Interrogatories. (KMG) (Entered: 02/26/2003)
03/14/2003	15	MOTION for Leave to Amend Answer to complaint [4-1] by dft Classic Air Ambulanc [15-1] (NOTE: No Lodged Document Submitted - Only UNsigned copy

		attached as Exhibit A) (KMG) (Entered: 03/18/2003)
03/14/2003	16	MEMORANDUM IN SUPPORT by dft Classic Air Ambulanc of Motion for Leave to Amend Answer to complaint [4-1] by dft Classic Air Ambulanc [15-1] (NOTE: No Lodged Document Submitted – Only UNsigned copy attached as Exhibit A) [15-1] (KMG) (Entered: 03/18/2003)
03/14/2003	17	NOTICE by pla EEOC OF TAKING VIDEO DEPO OF Michael Smith on the following date(s): 5/21/03 (KMG) (Entered: 03/18/2003)
03/14/2003	18	NOTICE by pla EEOC OF TAKING VIDEO DEPO OF Mark Henderson on the following date(s): 5/20/03 (KMG) (Entered: 03/18/2003)
03/14/2003	19	NOTICE by pla EEOC OF TAKING VIDEO DEPO OF Michael Swain on the following date(s): 5/29/03 (KMG) (Entered: 03/18/2003)
03/14/2003	20	NOTICE by pla EEOC OF TAKING VIDEO DEPO OF John Bingham on the following date(s): 5/22/03 (KMG) (Entered: 03/18/2003)
03/14/2003	21	NOTICE by pla EEOC OF TAKING DEPO OF Custodian of Records for Classic Air Ambulance, Inc. on the following date(s): 5/20/03 (KMG) (Entered: 03/18/2003)
03/18/2003	22	NOTICE by dft Classic Air Ambulanc OF TAKING VIDEO DEPO OF Marsha Bratcher on the following date(s): 6/27/03 (KMG) (Entered: 03/20/2003)
03/25/2003	23	CORRECTED NOTICE by pla EEOC OF TAKING VIDEO DEPO OF Custodian of Records for Classic Air Ambulance, Inc. on the following date(s): 5/20/03 (KMG) (Entered: 03/27/2003)
03/31/2003	24	NOTICE of Service of discovery by pla. (SAT) (Entered: 04/02/2003)
04/08/2003	<u>25</u>	ORDER by Judge Robert C. Broomfield granting motion for Leave to File an Amended Answer to Complaint [4-1] in the form attached as Exhibit A to add mixed motive as an affirmative defense [15-1] (NOTE: No Lodged Document Submitted – Only UNsigned copy attached as Exhibit A) (cc: all counsel) (KMG) (ADI-ICMS,). (Entered: 04/08/2003)
04/10/2003	26	AMENDED Answer to Complaint [4-1] by dft Classic Air Ambulanc (KMG) (Entered: 04/14/2003)
04/23/2003	27	NOTICE of service of discovery by pla EEOC . (FMP) (Entered: 04/25/2003)
05/08/2003	28	NOTICE of service of discovery by pla EEOC serving; First Supplemental Responses to dft's First Request for Production of Docs and First Set of Interrogatories. (KMG) (Entered: 05/13/2003)
05/09/2003	29	AMENDED NOTICE by pla EEOC OF TAKING DEPO OF Michael Swain on the following date(s): 6/20/03 (KMG) (Entered: 05/13/2003)
05/22/2003	30	NOTICE of service of discovery by dft Classic Air Ambulanc serving; Responses to pla's First Set of Requests for Production of Documents. (KMG) (Entered: 05/27/2003)
06/02/2003	31	NOTICE of service of discovery by dft Classic Air Ambulanc serving; First Supplemental Responses to pla's First Set of Requests for Production of documents. (KMG) (Entered: 06/03/2003)
06/09/2003	32	NOTICE of service of discovery by pla EEOC serving; Second Set of Requests for Production of Documents. (KMG) (Entered: 06/12/2003)
06/17/2003	33	NOTICE of service of discovery by pla EEOC serving; Second Supplemental Response to dft's First Set of Interrogatories . (KMG) (Entered: 06/19/2003)
06/18/2003	34	AMENDED NOTICE by dft Classic Air Ambulanc OF TAKING VIDEO DEPO OF Marsha Bratcher on the following date(s): 7/10/03 at 10 am (LAD) (Entered: 06/20/2003)
07/07/2003	35	NOTICE of service of discovery by dft Classic Air Ambulanc serving; Second Supplemental Response to pla EEOC's First Set of Requests for Production of Documents; Dft Responses to pla's Second Set of Requests for Production; and dft's First Supplemental Disclosure Statement. (KMG) (Entered: 07/11/2003)

07/28/2003	36	NOTICE of service of discovery by dft Classic Air Ambulanc serving; First Supplemental Response to pla's Second Set of Requests for Production of documents and Second Supplemental Disclosure Statement. (KMG) (Entered: 07/29/2003)
09/30/2003	37	MOTION (Ex-Parte) of Attorneys Richard L. Green, Paul D. Friedman and Van O'Steen and Partners to Withdraw as counsel for dft Classic Air Ambulanc [37-1] (NOTE: Classic Air Ambulance, Inc address: Mark R. Henderson, President, 5039 Fillmore Ave., Ogden, UT 84403, (801) 295-5700, (801) 589-5970) (KMG) Modified on 10/06/2003 (Entered: 10/01/2003)
10/07/2003	<u>38</u>	ORDER by Judge Robert C. Broomfield granting motion (Ex-Parte) of Attorneys Richard L. Green, Paul D. Friedman and Van O'Steen and Partners to Withdraw as counsel for dft Classic Air Ambulanc [37-1] (NOTE: Classic Air Ambulance, Inc address: Mark R. Henderson, President, 5039 Fillmore Ave., Ogden, UT 84403, (801) 295-5700, (801) 589-5970) Dismissing attorney Paul David Friedman and Richard L. Green for Classic Air Ambulanc (cc: all counsel) (KMG) (ADI-ICMS,). (Entered: 10/07/2003)
10/24/2003	39	NOTICE by pla EEOC OF TAKING DEPO OF Nancy Hagerman on the following date(s): 11/20/03 (KMG) (Entered: 10/28/2003)
10/24/2003	40	NOTICE by pla EEOC OF TAKING DEPO OF Scott R. Henderson on the following date(s): 11/13/03 (KMG) (Entered: 10/28/2003)
10/24/2003	41	NOTICE by pla EEOC OF TAKING DEPO OF Marc A. Marcroft on the following date(s): 11/18/03 (KMG) (Entered: 10/28/2003)
10/24/2003	42	NOTICE of service of discovery by pla EEOC serving; First Request for Admissions, First Set of Non-Uniform Interrogatories, and Third Request for Production of Documents. (KMG) (Entered: 10/28/2003)
10/24/2003	43	NOTICE by pla EEOC OF TAKING DEPO OF William F. Miner on the following date(s): 11/13/03 (KMG) (Entered: 10/28/2003)
11/04/2003	44	MOTION for Leave to Take Deposition of Witness Marc Marcrof by Remote Electronic Means by pla EEOC [44-1] (KMG) (Entered: 11/06/2003)
11/13/2003	45	NOTICE OF RESCHEDULED DEPO by pla EEOC OF TAKING DEPO OF William F. Miner on the following date(s): 11/13/03 (KMG) (Entered: 11/17/2003)
11/13/2003	46	NOTICE OF RESCHEDULED DEPO by pla EEOC OF TAKING DEPO OF Scott R. Henderson on the following date(s): 11/13/03 (KMG) (Entered: 11/17/2003)
11/17/2003	47	NOTICE by pla EEOC of Appearance of Additional Counsel atty Danien Lee, of the Commission's Seattle District Office, will appear for the limited purpose of taking the depo of witness Marc Marcroft in Seattle, Washington on 11/18/03. (KMG) (Entered: 11/18/2003)
11/17/2003	48	FIRST AMENDED NOTICE by pla EEOC OF TAKING VIDEO DEPO OF Marc A. Marcroft on the following date(s): 11/18/03 (KMG) (Entered: 11/18/2003)
11/18/2003	<u>49</u>	ORDER by Judge Robert C. Broomfield granting motion for Leave to Take Deposition of Witness Marc Marcrof by Remote Electronic Means by pla EEOC [44-1] (cc: all counsel) (KMG) (ADI-ICMS,). (Entered: 11/18/2003)
12/01/2003	50	NOTICE of compliance of first supplemental disclosure statement pursuant to FRCivP 26(a) by pla EEOC (KMG) (Entered: 12/03/2003)
01/09/2004	52	MOTION for Status Conference /hearing by pla EEOC [52-1] (KMG) (Entered: 01/15/2004)
01/12/2004	51	MINUTE ORDER: The Court Orders setting this matter for Status Hearing on Monday, January 26, 2004 at 3:15 p.m. before the Honorable Robert C. Broomfield. (cc: RCB, all counsel) [51-2] (KSB) (Entered: 01/12/2004)
01/26/2004	53	MINUTE ENTRY before Judge Robert C. Broomfield. ECR: Vicki Reger. Appearances: Plaintiff is represented by Michelle Marshall. No one appears on behalf of the defendant. Status Hearing held. The Court DIRECTS plaintiff counsel to prepare a proposed form of order for the Court giving notice to the defendant that no employee can represent the defendant as they have apparently tried to do and directing

		them to retain counsel within a six week time period. The order shall also include an admonishment that failure to do so could result in the court allowing the case to proceed by way of default against the defendant. [cc: RCB] [53-2] (KSB) (Entered: 01/26/2004)
02/02/2004	54	NOTICE by pla EEOC of Lodging proposed order (KMG) (Entered: 02/05/2004)
02/09/2004	<u>55</u>	ORDER by Judge Robert C. Broomfield within six weeks (45 days) of the date of this Order, dft shall have counsel file a notice of appearance on its behalf. If no notice of appearance is filed within that time, the Court will conclude that dft no longer intends to defend this action and will conduct a hearing, on notice to dft, that the case may proceed by default against dft. re: order filed [38-2] (cc: all counsel) (KMG) (ADI-ICMS,). (Entered: 02/09/2004)
04/02/2004	56	MOTION for Entry of Default as to Classic Air Ambulanc by pla EEOC [56-1] , for Status Hearing by pla EEOC [56-2] (KMG) (Entered: 04/05/2004)
04/14/2004	<u>57</u>	ORDER by Judge Robert C. Broomfield granting pla's Motion for Entry of Default as to Classic Air Ambulanc [56-1]. FURTHER ORDERED that the Clerk shall enter default against dft. FURTHER ORDERED setting a status hearing as follows: status hearing set for 2:30 5/24/04 (cc: all counsel) (KMG) (ADI-ICMS,). (Entered: 04/14/2004)
04/14/2004	<u>58</u>	DEFAULT ENTERED Defendant Classic Air Ambulance, Inc. having failed to appear or otherwise respond to the Complaint in the time allowed by law, and in accordance with the Federal Rules of Civil Procedure Rule 55(a), default is hereby entered against this same Defendant. (cc: all counsel) (KMG) (ADI-ICMS,). (Entered: 04/14/2004)
05/24/2004	59	MINUTE ENTRY before Judge Robert C. Broomfield. ECR: Vicki Reger. Appearances: Plaintiff is present with counsel, Mary Joleen O'Neill. No one appears on behalf of defendant. Status Hearing re: default held. IT IS ORDERED setting this matter for Evidentiary Hearing re: damages on Monday, July 26, 2004 at 3:00 p.m. before the Honorable Robert C. Broomfield. [cc: RCB] [59-4] (KSB) (Entered: 05/25/2004)
07/20/2004	60	MINUTE ORDER: The Court ORDERS that the Evidentiary Hearing re: damages currently set on Monday, July 26, 2004 be moved in TIME ONLY from 3:00 p.m. to 2:00 p.m. before the Honorable Robert C. Broomfield. (cc: RCB, all counsel) [60-2] (KSB) (Entered: 07/20/2004)
07/23/2004	61	NOTICE by pla EEOC of service of Court Order re: Evidentiary Hearing on damages (change of time only). (LSP) (Entered: 07/26/2004)
07/26/2004	62	MINUTE ENTRY before Judge Robert C. Broomfield. ECR: Vicki Reger. Appearances: Patrick David Lopez for Mary Joleen O'Neill appearing for the plaintiff. No one appears on behalf the the defendant. Evidentiary Hearing re: damages held. FOR THE PLAINTIFF: Marsha Bratcher is sworn, examined, and excused. Exhibits 1 through 11 are admitted into evidence. Dennis Bratcher is sworn, examined, and excused. Exhibit 12 is admitted into evidence. Patricia Miner is sworn, examined, and excused. Rosanne Wood is sworn, examined, questioned by the Court, and excused. Exhibits 13 and 14 are admitted into evidence. Mr. Lopez makes closing statements to the court. The Court DIRECTS plaintiff's counsel to prepare a proposed order leaving blank all the dollar figures, including the injunctive relief felt appropriate. [cc: RCB] [62-2] (KSB) (Entered: 07/26/2004)
07/26/2004	63	EXHIBIT LIST submitted by pla EEOC (LSP) (Entered: 07/27/2004)
07/26/2004	64	WITNESS LIST by pla EEOC (LSP) (Entered: 07/27/2004)
07/29/2004	65	NOTICE by pla EEOC of Lodging Proposed Order (LSP) (Entered: 07/30/2004)
08/24/2004	<u>66</u>	ORDER by Judge Robert C. Broomfield granting Marsha Bratcher back pay, benefits, and prejudgment interest plus interest for the period of 5/31/00, until the date of judgment in the amount of \$159,324.00, IT IS FURTHER ORDERED granting Marsha Bratcher front pay for three years, in lieu of reinstatement, in the amount of \$96,972.00. IT IS FURTHER ORDERED granting Marsha Bratcher non-pecuniary compensatory damages in the amount of \$15,000. IT IS FURTHER ORDERED granting Marsha Bratcher punitive damages in the amount of \$5,000. IT IS FURTHER

		ORDERED that all damages shall be paid within thirty days of the entry of this order, order [57-2] terminating case . IT IS FURTHER ORDERED that Defendant shall be enjoined from discrimination on the basis of sex and from retaliation for a period of 3 years form the date of final judgment. (cc: all counsel) (LSP) (ADI-ICMS,). (Entered: 08/24/2004)
08/24/2004	<u>67</u>	JUDGMENT: that this Court having granting Plaintiff's Motion for default against Defendant. Granting Marsha Bratcher back pay, benefits, and prejudgment interest plus interest for the period of 5/31/00, until the date of judgment in the amount of \$159,324.00. IT IS FURTHER ORDERED granting Marsha Bratcher front pay for three years, in lieu of reinstatement, in the amount of \$96,972.00. IT IS FURTHER ORDERED granting Marsha Bratcher non-pecuniary compensatory damages in the amount of \$15,00 and punitve damages in the amount of \$5,000. All damages shall be paid within 30 days of the entry of this order, order [66-2]. This Complaint and action are hereby dismissed. (cc: all counsel) (LSP) (ADI-ICMS,). (Entered: 08/24/2004)
09/10/2004	68	Transcript Designation and Ordering Form by pla EEOC re: 7/26/04 Hearing (LSP) (Entered: 09/14/2004)
09/20/2004	69	TRANSCRIPT of Evidentiary Hearing re: Damages by Court Reporter: Vicki Reger for the following date(s): 7/26/04 (LSP) (Entered: 09/22/2004)