**CLOSED** 

# U.S. District Court Northern District of Alabama (Southern) CIVIL DOCKET FOR CASE #: 2:05-cv-00733-WMA

Equal Employment Opportunity Commission v. Wal-Mart

Stores, Inc.

Assigned to: Judge William M Acker, Jr Cause: 29:621 Job Discrimination (Age)

Date Filed: 04/07/2005 Jury Demand: Plaintiff

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

## **Plaintiff**

**Equal Employment Opportunity Commission** 

## represented by Charles Guerrier

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Email: charles.guerrier@eeoc.gov TERMINATED: 05/11/2006 LEAD ATTORNEY

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V.

#### **Defendant**

Wal-Mart Stores, Inc.

## represented by Charles A Powell, IV

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<b>Date Filed</b>	#	Docket Text	
04/07/2005	1	COMPLAINT against Wal-Mart Stores, Inc., filed by Equal Employment Opportunity Commission.(BST, ) (Entered: 04/08/2005)	
06/07/2005	2	WAIVER OF SERVICE Returned Executed by Wal-Mart Stores, Inc Wal-M Stores, Inc. waiver sent on 5/10/2005, answer due 7/11/2005. (BST, ) (Entered 06/09/2005)	
06/13/2005	3	ANSWER to Complaint by Wal-Mart Stores, Inc(Singer, Fern) (Entered: 06/13/2005)	
06/13/2005	4	INITIAL ORDER governing all further proceedings. Signed by Judge L Scott Coogler on 06/13/05. (LIB, ) (Entered: 06/13/2005)	
07/19/2005	<u>5</u>	NOTICE by Wal-Mart Stores, Inc. of Pendency of Other Action (Powell, Charles) (Entered: 07/19/2005)	
07/21/2005	<u>6</u>	ORDER -Case consolidated with CV05-AR-714-S and transferred from Jasper Division to the Southern Division, Case reassigned to Judge William M Acker, Jr for all further proceedings. Judge L Scott Coogler no longer assigned to case, hereinafter CV05-CO-733-J shall be designated CV05-AR-733-S, Cases associated Signed by Judge William M Acker Jr on 7/21/05. (MAA, ) (Entered: 07/21/2005)	
08/03/2005		Set/Reset Deadlines: Rule 26 Meeting Report due by 8/15/2005. (KWC) (Entered: 08/03/2005)	
08/15/2005	7	REPORT of Rule 26(f) Planning Meeting. Associated Cases: 2:05-cv-00714-WMA,2:05-cv-00733-WMA(Powell, Charles) (Entered: 08/15/2005)	
08/18/2005	8	SCHEDULING ORDER that certain time limits apply as set out; Discovery due by 4/28/2006; Motions due by 5/31/2006. Signed by Judge William M Acker Jr on 8/18/05. Associated Cases: 2:05-cv-00714-WMA,2:05-cv-00733-WMA(KGE, ) (Entered: 08/18/2005)	
10/12/2005	9	Corporate Disclosure Statement by Wal-Mart Stores Inc. Associated Cases: 2:05-cv-00714-WMA,2:05-cv-00733-WMA(Powell, Charles) (Entered: 10/12/2005)	
12/15/2005	10	NOTICE of Appearance by Prisca M DeLeonardo on behalf of Equal Employment Opportunity Commission (DeLeonardo, Prisca) (Entered: 12/15/2005)	
04/19/2006	11	MOTION for Protective Order by Wal-Mart Stores Inc. (Attachments: # 1 Exhibit A# 2 Exhibit B# 3 Exhibit C# 4 Exhibit D# 5 Exhibit E)Associated Cases: 2:05-cv-00714-WMA,2:05-cv-00733-WMA(Powell, Charles) (Entered: 04/19/2006)	
04/20/2006	12	ORDER dfts motion for protective order in 05-AR-714-S and the joint motion for entry of stipulated protective order in 05-AR-733-S both filed on 4/19/06 will be heard at this courts regular motion docket at 9:00 am 4/21/06. Signed by Judge	

		William M Acker Jr on 4/20/06. Associated Cases: 2:05-cv-00714-WMA,2:05-cv-00733-WMA(KGE, ) (Entered: 04/20/2006)	
04/21/2006		Minute Entry for proceedings held before Judge William M Acker Jr: Motion Hearing held on 4/21/2006 re 14 MOTION for Protective Order; written order to be entered by court (Court Reporter Teresa Roberson.) Associated Cases: 2:05-cv-00714-WMA,2:05-cv-00733-WMA(ADF) (Entered: 04/21/2006)	
04/25/2006	<u>13</u>	Joint MOTION for Extension of Time by Beverly McCluskey, Wal-Mart Stores Inc, L B Garrison, Sharon Tittle, Robbie Scogin. Associated Cases: 2:05-cv-00714-WMA,2:05-cv-00733-WMA(Singer, Fern) (Entered: 04/25/2006)	
04/25/2006		ORDER granting <u>16</u> Motion for Extension of Time. Granting a 45 day extension to complete outstanding discovery and depositions. Signed by Judge William M Acker Jr on 04/25/06. Associated Cases: 2:05-cv-00714-WMA,2:05-cv-00733-WMA(SKB, ) (Entered: 04/25/2006)	
04/28/2006	<u>14</u>	RESPONSE in Opposition re 11 MOTION for Protective Order filed by Equal Employment Opportunity Commission. (Barrett, Mason) (Entered: 04/28/2006)	
04/28/2006	<u>15</u>	RESPONSE in Opposition re 14 MOTION for Protective Order filed by Equal Employment Opportunity Commission. Associated Cases: 2:05-cv-00714-WMA,2:05-cv-00733-WMA(Russell, Ermea) (Entered: 04/28/2006)	
05/02/2006		Reset Scheduling Order Deadlines: Discovery due by 6/12/2006. Dispositive Motions due by 7/17/2006. Associated Cases: 2:05-cv-00714-WMA,2:05-cv-00733-WMA(KWC) (Entered: 05/02/2006)	
05/03/2006	<u>16</u>	ORDER Setting Hearing on Motion 14 MOTION for Protective Order: Motion Hearing set for 5/11/2006 09:00 AM before Judge William M Acker Jr Signed by Judge William M Acker Jr on 5/2/06. Associated Cases: 2:05-cv-00714-WMA,2:05-cv-00733-WMA(KGE, ) (Entered: 05/03/2006)	
05/09/2006	<u>17</u>	MOTION to Substitute Attorney by Equal Employment Opportunity Commission. Associated Cases: 2:05-cv-00714-WMA,2:05-cv-00733-WMA(Russell, Ermea) (Entered: 05/09/2006)	
05/11/2006	Minute Entry for proceedings held before Judge William M Acker Jr: Motion Hearing held on 5/11/2006 re 14 MOTION for Protective Order filed by Wal-Mart Stores Inc., 19 MOTION to Substitute Attorney filed by Equal Employment Opportunity Commission, written order to be entered. (Court Reporter Julie Martin) Associated Cases: 2:05-cv-00714-WMA,2:05-cv-00733-WMA(KWC) (Entered: 05/11/2006)		
05/11/2006		ORDER granting 19 Motion to Substitute Attorney Signed by Judge William M Acker Jr on 5/11/06. Associated Cases: 2:05-cv-00714-WMA,2:05-cv-00733-WMA(SOD, 5/11/06) (Entered: 05/11/2006)	
05/12/2006	<u>18</u>	ORDER -granting dft's motion for protective order with limitations and conditions as set out in order, Motions terminated: 14 MOTION for Protective Order. Signed by Judge William M Acker Jr on 5/12/06. Associated Cases: 2:05-cv-00714-WMA,2:05-cv-00733-WMA(MAA,) (Entered: 05/12/2006)	

06/12/2006	<u>19</u>	MOTION for Extension of Time <i>of Deadlines</i> by Beverly McCluskey, Wal-Ma Stores Inc, L B Garrison, Sharon Tittle, Robbie Scogin. Associated Cases: 2:05-cv-00714-WMA,2:05-cv-00733-WMA(Powell, Charles) (Entered: 06/12/2006)	
06/13/2006		ORDER granting 19 Motion for Extension of Time. Discover deadline - 8/31/06; dispositive motion deadline - 9/29/06. Signed by Judge William M Acker Jr on 06/13/06. (SKB, ) (Entered: 06/13/2006)	
06/13/2006		Reset Scheduling Order Deadlines: Discovery due by 8/21/2006. Dispositive Motions due by 9/29/2006. (KWC) (Entered: 06/13/2006)	
09/26/2006	<u>20</u>	MOTION TO MODIFY THE SCHEDULING ORDER (UNOPPOSED) re Set/Reset Scheduling Order Deadlines by Wal-Mart Stores Inc. Associated Cases: 2:05-cv-00714-WMA,2:05-cv-00733-WMA(Powell, Charles) (Entered: 09/26/2006)	
09/26/2006		ORDER granting and ordering accordingly 22 Motion to modify scheduling order . Signed by Judge William M Acker Jr on 09/26/06. Associated Cases: 2:05-cv-00714-WMA,2:05-cv-00733-WMA(SKB, ) (Entered: 09/26/2006)	
09/26/2006		ORDER granting and ordering accordingly <u>20</u> Motion to modfy the scheduling order . Signed by Judge William M Acker Jr on 09/26/06. (SKB, ) (Entered: 09/26/2006)	
09/26/2006		Reset Scheduling Order Deadlines: Dispositive Motions due by 10/10/2006. Associated Cases: 2:05-cv-00714-WMA,2:05-cv-00733-WMA(KWC) (Entered: 09/26/2006)	
10/10/2006	<u>21</u>	MOTION for Summary Judgment by Wal-Mart Stores Inc. Associated Cases: 2:05-cv-00714-WMA,2:05-cv-00733-WMA(Powell, Charles) (Entered: 10/10/2006)	
10/10/2006	22	Brief re23 MOTION for Summary Judgment. Associated Cases: 2:05-cv-00714-WMA,2:05-cv-00733-WMA(Powell, Charles) (Entered: 10/10/2006)	
10/10/2006	23	NOTICE by Wal-Mart Stores Inc re 23 MOTION for Summary Judgment of Filing Evidentiary Materials in Support of its Motion for Summary Judgment (First) (Attachments: # 1 L.B. Garrison's depo with exhibits# 2 Sharon Tittle's depo with exhibit# 3 Robbie Scogin's depo with exhibits# 4 Beverly McCluskey's depo with exhibits)Associated Cases: 2:05-cv-00714-WMA,2:05-cv-00733-WMA(Powell, Charles) (Entered: 10/10/2006)	
10/10/2006	NOTICE by Wal-Mart Stores Inc re 23 MOTION for Summary Judgment of Filing Evidentiary Materials in Support of its Motion for Summary Judgment (Second) (Attachments: # 1 Mike Durham's depo with exhibits part 1# 2 Mike Durham's depo with exhibits part 2# 3 Mike Durham's depo with exhibits part 3 4 Mike Hawkins depo with exhibits)Associated Cases: 2:05-cv-00714-WMA,2:05-cv-00733-WMA(Powell, Charles) (Entered: 10/10/2006)		

10/10/2006	<u>25</u>	NOTICE by Wal-Mart Stores Inc re 23 MOTION for Summary Judgment of Filing Evidentiary Materials in Support of its Motion for Summary Judgment (Third) (Attachments: # 1 Tim Counce's depo with exhibits part 1# 2 Tim Counce's depo with exhibits part 2# 3 Tim Counce's depo with exhibits part 3)Associated Cases: 2:05-cv-00714-WMA,2:05-cv-00733-WMA(Powell, Charles) (Entered: 10/10/2006)	
10/10/2006	<u>26</u>	NOTICE by Wal-Mart Stores Inc re 23 MOTION for Summary Judgment of Filing Evidentiary Materials in Support of its Motion for Summary Judgment (Fourth) (Attachments: # 1 Larry Jeffreys' depo with exhibits part 1# 2 Larry Jeffreys' depo with exhibits part 2# 3 Larry Jeffreys' depo with exhibits part 3# 4 Larry Jeffreys' depo with exhibits part 4# 5 Larry Jeffreys' depo with exhibits part 5# 6 Larry Jeffreys' depo with exhibits part 6)Associated Cases: 2:05-cv-00714-WMA,2:05-cv-00733-WMA(Powell, Charles) (Entered: 10/10/2006)	
10/10/2006	<u>27</u>	NOTICE by Wal-Mart Stores Inc re 23 MOTION for Summary Judgment of Filing Evidentiary Materials in Support of its Motion for Summary Judgment (Fifth) (Attachments: # 1 Haleyville Store Roster 01-02 - 01-06 Part 1# 2 Haleyville Store Roster 01-02 - 01-06 Part 2# 3 Exit Interview Form for Stacy Warren# 4 Declaration of Larry Jeffreys# 5 Declaration of Luvenia Garrison)Associated Cases: 2:05-cv-00714-WMA,2:05-cv-00733-WMA(Powell, Charles) (Entered: 10/10/2006)	
10/11/2006	<u>28</u>	SUBMISSION ORDER that the motion for summary judgment is submitted to the court; responsive briefs due by 4:30 pm on 10/24/06; reply briefs due by 4:30 pm on 10/31/06 . Signed by Judge William M Acker Jr on 10/11/06. Associated Cases: 2:05-cv-00714-WMA,2:05-cv-00733-WMA(KGE, ) (Entered: 10/11/2006)	
10/13/2006	<u>29</u>	MOTION for Extension of Time to File Response/Reply <i>Response to Summary Judgment (UNOPPOSED)</i> by L B Garrison. Associated Cases: 2:05-cv-00714-WMA,2:05-cv-00733-WMA(Calamusa, Rocco) (Entered: 10/13/2006)	
10/23/2006	<u>30</u>	MOTION to Substitute Attorney by Equal Employment Opportunity Commission. (Attachments: # 1 Text of Proposed Order Substition of Counsel)Associated Cases: 2:05-cv-00714-WMA,2:05-cv-00733-WMA(Russell Ermea) (Entered: 10/23/2006)	
10/24/2006		ORDER granting 32 Motion to Substitute Attorney Signed by Judge William M Acker Jr on 10/24/06. Associated Cases: 2:05-cv-00714-WMA,2:05-cv-00733-WMA(SKB, ) (Entered: 10/24/2006)	
11/03/2006	31	NOTICE of Appearance by Richard J Ebbinghouse on behalf of Beverly McCluskey, L B Garrison, Sharon Tittle, Robbie Scogin Associated Cases: 2:05-cv-00714-WMA,2:05-cv-00733-WMA(Ebbinghouse, Richard) (Entered: 11/03/2006)	
11/03/2006	32	NOTICE by Beverly McCluskey, L B Garrison, Sharon Tittle, Robbie Scogin of Filing of Exhibits in Opposition to Summary Judgment (Attachments: # 1 Exhibit Px. 1, EEOC Determination in Favor of L.B. Garrison# 2 Exhibit x. 2, EEOC Determination in Favor of Beverly McCluskey# 3 Exhibit Px. 3, EEOC	

		Determination in Favor of Robbie Scogin# 4 Exhibit Px. 4, EEOC Determination in Favor of Sharon Tittle# 5 Exhibit Wal-Mart Corporate Policy on Breaks# 6 Exhibit Px. 6, Stacey Warren Declaration# 7 Exhibit Px. 7, Gary Sutherland Affidavit# 8 Exhibit Px. 8, Defendant?s Position Statement to EEOC# 9 Exhibit Px. 9, Documents relating to Jason Dill# 10 Exhibit Px. 10, Documents relating to Tiffany Rose Ray# 11 Exhibit Px. 11, Documents relating to Ashley Mitchell# 12 Exhibit Px. 12, Documents relating to Martin Wheeles)Associated Cases: 2:05-cv-00714-WMA,2:05-cv-00733-WMA(Ebbinghouse, Richard) (Entered: 11/03/2006)	
11/03/2006	33	Brief <i>In Opposition to Defendant's Motion for Summary Judgment</i> filed by Beverly McCluskey, L B Garrison, Sharon Tittle, Robbie Scogin. Associated Cases: 2:05-cv-00714-WMA,2:05-cv-00733-WMA(Ebbinghouse, Richard) (Entered: 11/03/2006)	
11/03/2006	<u>34</u>	NOTICE by Beverly McCluskey, L B Garrison, Sharon Tittle, Robbie Scogin of adoption of disputed facts and material facts and arguments of the EEOC Associated Cases: 2:05-cv-00714-WMA,2:05-cv-00733-WMA(Ebbinghouse, Richard) (Entered: 11/03/2006)	
11/03/2006	<u>35</u>	RESPONSE in Opposition re 23 MOTION for Summary Judgment filed by Equal Employment Opportunity Commission. Associated Cases: 2:05-cv-00714-WMA,2:05-cv-00733-WMA(Russell, Ermea) (Entered: 11/03/2006)	
11/04/2006	<u>36</u>	RESPONSE to <i>Defendant Motion for Summary Judgment Notice of Adoption</i> filed by Equal Employment Opportunity Commission. Associated Cases: 2:05-cv-00714-WMA,2:05-cv-00733-WMA(Russell, Ermea) (Entered: 11/04/2006)	
11/17/2006	<u>37</u>	REPLY to Response to Motion re <u>23</u> MOTION for Summary Judgment filed by Wal-Mart Stores Inc. Associated Cases: 2:05-cv-00714-WMA,2:05-cv-00733-WMA(Powell, Charles) (Entered: 11/17/2006)	
11/27/2006	<u>38</u>	MOTION to Strike 39 Reply to Response to Motion <i>For Summary Judgment</i> by Equal Employment Opportunity Commission. (Attachments: # 1 Memorandum in Support of Motion to Strike# 2 Text of Proposed Order Granting Plaintiff Motion to Strike)Associated Cases: 2:05-cv-00714-WMA,2:05-cv-00733-WMA(Russell, Ermea) (Entered: 11/27/2006)	
12/01/2006	<u>39</u>	NOTICE of Hearing on Motion 41 MOTION to Strike 39 Reply to Response to Motion For Summary Judgment: Motion Hearing set for 12/15/2006 09:00 ANd before Judge William M Acker Jr. Associated Cases: 2:05-cv-00714-WMA,2:05-cv-00733-WMA(KWC) (Entered: 12/01/2006)	
12/01/2006		Set Hearings: Docket Call set for 12/15/2006 09:00 AM in CV 05-AR-714-S before Judge William M Acker Jr. (KWC) (Entered: 12/01/2006)	
12/13/2006	<u>40</u>	RESPONSE to Motion re 41 MOTION to Strike 39 Reply to Response to Motion For Summary Judgment, 40 MOTION to Strike 39 Reply to Response to Motion For Summary Judgment filed by Wal-Mart Stores Inc. Associated Cases: 2:05-cv-00714-WMA,2:05-cv-00733-WMA(Powell, Charles) (Entered: 12/13/2006)	

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12/15/2006		Minute Entry for proceedings held before Judge William M Acker Jr: Motion Hearing held on 12/15/2006 re 41 40; written order to be entered. (Court Reporter Virginia Flowers) Associated Cases: 2:05-cv-00714-WMA,2:05-cv-00733-WMA(KWC) (Entered: 12/15/2006)	
12/15/2006		Motion Hearing held 12/15/2006 - see notes filed in lead case 2:05-cv-714-WMA. (KWC) (Entered: 12/15/2006)	
12/15/2006	41	ORDER denying 40 Motion to Strike, denying 41 Motion to Strike, the court of treat plas responses to dfts motion for summary judgment as timely filed and of consider them as such Associated Cases: 2:05-cv-00714-WMA,2:05-cv-00733-WMA(KGE, ) (Entered: 12/15/2006)	
01/05/2007	<u>42</u>	MEMORANDUM OPINION. Signed by Judge William M Acker Jr on 1/5/07. Associated Cases: 2:05-cv-00714-WMA,2:05-cv-00733-WMA(KGE, ) (Entere 01/05/2007)	
01/05/2007	43	ORDER in accordance with the memorandum opinion, dfts motion for summar judgment 23 is DENIED; Pretrial Conference set for 1/17/2007 09:30 AM before Judge William M Acker Jr Signed by Judge William M Acker Jr on 1/5/07. (Attachments: # 1 Exhibit Pretrial Instructions) Associated Cases: 2:05-cv-00714-WMA,2:05-cv-00733-WMA(KGE, ) (Entered: 01/05/2007)	
01/17/2007		Minute Entry for proceedings held before Judge William M Acker Jr: Final Pretrial Conference held on 1/17/2007. Associated Cases: 2:05-cv-00714-WMA,2:05-cv-00733-WMA(KWC) (Entered: 01/17/2007)	
01/17/2007		Set Trial Management Order Deadlines: Jury Trial set for 4/2/2007 09:30 AM before Judge William M Acker Jr. Damage List, Exhibit List, and Witness List due by 3/16/2007. Associated Cases: 2:05-cv-00714-WMA,2:05-cv-00733-WMA(KWC) (Entered: 01/17/2007)	
01/18/2007	<u>44</u>	PRETRIAL ORDER a pretrial conference was held, wherein, or as a result of which the following proceedings were held and action taken as set out, trial set for 4/2/2007 at 09:30 AM . Signed by Judge William M Acker Jr on 1/17/2007. Associated Cases: 2:05-cv-00714-WMA,2:05-cv-00733-WMA(KSS, ) (Entered 01/18/2007)	
02/14/2007	<u>45</u>	ORDER that this matter is SET for mediation on 3/1/07 at 10:00 am in the chambers of the undersigned magistrate judge, Hugo L Black Federal Courthouse, Birmingham, AL; counsel for each party will be required to attend along with the party; additional information the parties would like to submit in confidence must be submitted by close of business on 2/27/07 and marked "Confidential" and submitted in chambers. Signed by Judge John E Ott on 2/14/07. Associated Cases: 2:05-cv-00714-WMA,2:05-cv-00733-WMA(KGE, ) (Entered: 02/14/2007)	
03/28/2007	<u>46</u>	ORDER the court having been advised that the actions have been successfully mediated, both actions are DISMISSED W/PREJ, except that within 14 days the cases can be reinstated for the limited purpose of submitting a stipulated substitute form of final judgment; the parties are to bear their own respective costs. Signed by Judge William M Acker Jr on 3/28/07. Associated Cases: 2:05-cv-00714-WMA,2:05-cv-00733-WMA(KGE,) (Entered: 03/28/2007)	

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<b>Description:</b>	Docket Report	Search Criteria:	2:05-cv-00733-WMA	
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