APPEAL, CLOSED

United States District Court Eastern District of Wisconsin (Milwaukee) CIVIL DOCKET FOR CASE #: 2:05-cv-00194-RTR

Equal Employment Opportunity Commission v. V&J Foods Date Filed: 02/17/2005

Inc

Assigned to: Chief Judge Rudolph T Randa

Case in other court: USCA 12/28/06 EEOC, 07-1009 Cause: 42:2000e Job Discrimination (Employment)

Date Terminated: 11/03/2006

Jury Demand: Both

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

Plaintiff

Equal Employment Opportunity Commission

represented by Brian C Tyndall

United States Equal Employment **Opportunity Commission** Milwaukee District Office 310 W Wisconsin Ave - Ste 800 Milwaukee, WI 53203-2292 414-297-1130

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Email: brian.tyndall@eeoc.gov

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ATTORNEY TO BE NOTICED

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V.

Defendant

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represented by Andre E Townsel

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Defendant

V&J Employment Service Inc

represented by Andre E Townsel

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Date Filed	# Docket Text	
02/17/2005	1	COMPLAINT (Summons(es) issued) against V&J Foods Inc. Consent Forms Distributed for Magistrate Judge Callahan. E-File Notification

		Distributed. Jury Demand; filed by Equal Employment Opportunity Commission. (Attachments: # 1 Notice# 2 Waiver)(jld,)	
03/10/2005	2	Consent to Jurisdiction by US Magistrate Judge by Equal Employment Opportunity Commission (Fox, Rosemary)	
03/11/2005	<u>3</u>	LETTER re Consent to Magistrate form from Brian C. Tyndall (jld,)	
03/30/2005	<u>4</u>	REFUSAL of Consent to Jurisdiction by US Magistrate Judge by V&J Foods Inc (Attachments: # 1 Cover Letter)(jld,)	
04/15/2005	<u>5</u>	NOTICE of Appearance by Pamela M Ploor on behalf of V&J Foods Inc. Attorney(s) appearing: Pamela M. Ploor (Ploor, Pamela)	
04/15/2005	<u>6</u>	STIPULATION EXTENDING TIME FOR DEFENDANT TO FILE AND SERVE ANSWER by all parties (Ploor, Pamela)	
04/15/2005	<u>7</u>	CERTIFICATE of Interest by all defendants. (Ploor, Pamela)	
04/15/2005	<u>8</u>	CERTIFICATE OF SERVICE by V&J Foods Inc (Ploor, Pamela)	
05/18/2005	9	• • • • • • • • • • • • • • • • • • • •	
05/18/2005	<u>10</u>	CERTIFICATE OF SERVICE by V&J Foods Inc (Williams-Killackey, Judith)	
05/25/2005	<u>11</u>	NOTICE of Hearing: Federal Rule of Civil Procedure 16(b) Telephonic Scheduling Conference set for 7/20/2005 09:30 AM before Chief Judge Rudolph T Randa. (cc: all counsel) (Zik, Linda)	
06/29/2005	<u>12</u>	LETTER from both parties <i>requesting mediation</i> (Williams-Killackey, Judith)	
07/01/2005	<u>13</u>	REPORT of Rule 26(f) Plan by all parties (Williams-Killackey, Judith)	
07/01/2005	<u>14</u>	ORDER REFERRING CASE to Magistrate Judge William E Callahan, Jr for mediation. Signed by Judge Rudolph T Randa on July 1, 2005. The telephonic scheduling conference call scheduled for July 20, 2005 at 9:30 A.M. before Judge Randa is removed from the calendar. (cc: all counsel) (Randa, Rudolph) (Entered: 07/05/2005)	
07/14/2005	<u>15</u>	ORDER signed by Magistrate Judge William E Callahan Jr on 7/14/05. Mediation Hearing set for 8/15/2005 10:00 AM in Courtroom 253 before Magistrate Judge William E Callahan Jr. (cc: all counsel)(rpz,)	
08/15/2005	<u>16</u>	Minute Entry for proceedings held before Magistrate Judge William E Callahan Jr: Mediation Hearing held on 8/15/2005. Mediation did not result in settlement. (rpz,) (Entered: 08/16/2005)	
08/16/2005	<u>17</u>	ORDER signed by Magistrate Judge William E Callahan Jr on 8/16/05. Mediation did not result in resolution of plaintiff's claims and the action is referred back to Judge Randa. Case no longer referred to William E Callahan, Jr. (cc: all counsel)(rpz,)	
08/19/2005	<u>18</u>	NOTICE of Hearing: Rule 16(b) Telephonic Scheduling Conference set	

		for 9/13/2005 09:30 AM before Chief Judge Rudolph T Randa. (cc: all counsel)(Zik, Linda)	
09/13/2005	<u>19</u>	Minute Entry for proceedings held before Judge Rudolph T Randa: Telephonic Scheduling Conference held on 9/13/2005. Amended Pleadings due by 10/31/2005. Plaintiffs Expert Witness List due by 1/16/2006. Defendants Expert Witness List due by 3/15/2006. Plaintiffs Rebuttal Expert Witness List due by 4/28/2006. All Discovery other than Expert Discovery due by 5/15/2006. Expert Discovery due by 6/1/2006. Dispositive Motions due by 6/30/2006. Telephonic Final Pretrial Conference set for 11/6/2006 02:00 PM before Chief Judge Rudolph T Randa. 3-4 day Jury Trial set for 12/4/2006 09:00 AM in Courtroom 320 before Chief Judge Rudolph T Randa. (Randa, Rudolph) (Entered: 09/14/2005)	
09/13/2005	<u>20</u>	SCHEDULING ORDER: signed by Judge Rudolph T Randa on 9/13/2005. (cc: all counsel) (Randa, Rudolph) (Entered: 09/14/2005)	
10/28/2005	21	AMENDED COMPLAINT <i>FIRST AMENDED COMPLAINT BY EEOC</i> against all defendants Jury Demand filed by Equal Employment Opportunity Commission.(Tyndall, Brian) Modified on 10/31/2005 (jld, to add against all defendants).	
11/23/2005	<u>22</u>	NOTICE of Appearance by Andre E Townsel on behalf of V&J Foods Inc, V&J Employment Service Inc. Attorney(s) appearing: Andre E. Townsel (Townsel, Andre)	
02/28/2006	<u>23</u>	ANSWER to Amended Complaint by V&J Foods Inc, V&J Employment Service Inc.(Townsel, Andre)	
03/30/2006	<u>24</u>	MOTION to Compel <i>Discovery</i> by all plaintiffs. (Tyndall, Brian)	
03/30/2006	<u>25</u>	BRIEF in Support re 24 MOTION to Compel <i>Discovery Brief in Support of Plaintiff's Motion to Compel Discovery</i> filed by all plaintiffs. (Tyndall, Brian)	
03/30/2006	<u>26</u>	AFFIDAVIT of Brian C. Tyndall <i>In Support of Plaintiff's Motion to Compel Discovery</i> (Attachments: # 1 # 2 # 3 # 4 # 5 # 6 # 7 # 8 # 9 # 10 # 11 # 12 # 13 # 14 # 15 # 16 # 17 # 18 # 19 # 20 # 21)(Tyndall, Brian)	
04/21/2006	<u>27</u>	MOTION for Extension of Time by V&J Foods Inc, V&J Employment Service Inc. (Townsel, Andre)	
04/24/2006		MARGIN ORDER approving defendants' request for an extention to, and including, Friday, April 28, 2006, to respond to plaintiff's motion to compel. Signed by Judge Rudolph T Randa on April 24, 2006. (cc: all ECF counsel)(Randa, Rudolph)	
04/27/2006	<u>28</u>	Joint MOTION to Modify <i>Case Management Order</i> by V&J Foods Inc, V&J Employment Service Inc. (Townsel, Andre)	
04/28/2006	<u>29</u>	BRIEF in Opposition re 24 MOTION to Compel <i>Discovery</i> filed by V&J Foods Inc, V&J Employment Service Inc. (Townsel, Andre)	

05/01/2006		MARGIN ORDER signed by Judge Rudolph T Randa on 5/1/2006 granting 28 Joint Motion to Modify Scheduling Order. Discovery deadline, other than expert discovery, extended to 6/16/2006. (cc: all counsel) (Randa, Rudolph)	
05/01/2006		Set/Reset Deadlines: Discovery due by 6/16/2006. No need for expert discovery per parties 4/27/2006 joint motion #28. (Zik, Linda)	
05/02/2006	<u>30</u>	MOTION for Protective Order by V&J Foods Inc, V&J Employment Service Inc. (Townsel, Andre)	
05/03/2006	<u>31</u>	CERTIFICATE OF SERVICE by V&J Foods Inc, V&J Employment Service Inc (Townsel, Andre)	
05/04/2006	<u>32</u>	SUPPLEMENT by V&J Foods Inc, V&J Employment Service Inc to Motion for Protective Order (Townsel, Andre)	
05/10/2006	<u>33</u>	ATTACHMENTS to entry 34 BRIEF in Support re 24 MOTION to Compel Discovery Reply Brief in Support of Plaintiff's Motion to Compel Discovery filed by all plaintiffs. (Attachments: # 1 # 2)(Tyndall, Brian) Modified on 5/11/2006 (jld,).	
05/11/2006	<u>34</u>	REPLY BRIEF in Support re 24 MOTION to Compel <i>Discovery</i> filed by all plaintiffs. (Tyndall, Brian)	
05/11/2006	<u>35</u>	Docket Annotation; Document does not match event used in docket entry notification sent to Attorney B. Tyndall re entry #33. (jld,)	
05/23/2006	<u>36</u>	BRIEF in Opposition re 30 MOTION for Protective Order filed by all plaintiffs. (Tyndall, Brian)	
05/23/2006	<u>37</u>	AFFIDAVIT of Brian C. Tyndall in Opposition to Defendants' Motion for Protective Order (Attachments: # 1 Exhibit # 2 # 3)(Tyndall, Brian	
06/16/2006	<u>38</u>	STIPULATION Joint Stipulation for Extension of Discovery by all plaintiffs (Tyndall, Brian)	
06/19/2006	MARGIN ORDER approving joint stipulation for extension of d Signed by Judge Rudolph T Randa on June 19, 2006. (cc: all EC counsel)(Randa, Rudolph)		
06/27/2006	<u>39</u>	MOTION for Extension of Time to File Dispositive Motions by V&J Foods Inc, V&J Employment Service Inc. (Townsel, Andre)	
06/30/2006	<u>40</u>	MOTION for Summary Judgment by V&J Foods Inc, V&J Employme Service Inc. (Attachments: # 1)(Townsel, Andre)	
07/05/2006	41	RESPONSE to Motion re 39 MOTION for Extension of Time to File Dispositive Motions filed by Equal Employment Opportunity Commission. (Tyndall, Brian)	
07/05/2006	<u>42</u>	7.4 MOTION to Compel <i>Discovery</i> by Equal Employment Opportunity Commission. (Tyndall, Brian)	
07/05/2006	<u>43</u>	DECLARATION of Brian C. Tyndall in support of Rule 7.4 Motion to	

		Compel Discovery (Attachments: # 1 # 2 # 3)(Tyndall, Brian)	
07/06/2006		MARGIN ORDER signed by Judge Rudolph T Randa on 7/5/2006 granting 39 defendants' motion for extension of time to 7/14/2006 to file dispositive motions. (cc: all counsel) (Randa, Rudolph T)	
07/14/2006	<u>44</u>	Amended MOTION for Summary Judgment by V&J Foods Inc, V&J Employment Service Inc. (Attachments: # 1 # 2 # 3 # 4 # 5 # 6 # 7 # 8 # 9)(Townsel, Andre)	
07/18/2006	<u>45</u>	ORDER signed by Judge Rudolph T Randa on July 18, 2006 granting 42 Motion to Compel. EEOC's Rule 7.4 Motion to Compel 42 is GRANTED. V & J is directed to answer Interrogatory 13. (cc: all counsel) (Randa, Rudolph) (Entered: 07/19/2006)	
07/19/2006	<u>46</u>	MOTION To Set Briefing Schedule by Equal Employment Opportunity Commission. (Tyndall, Brian)	
07/21/2006	47	LETTER from Brian Tyndall regarding Motion to Set Briefing Schedule (Tyndall, Brian)	
07/21/2006		MARGIN ORDER approving request that the due date for EEOC's response to defendants' motion for summary judgment be August 16, 2006. Signed by Judge Rudolph T Randa on July 21, 2006. (cc: all ECF counsel)(Randa, Rudolph)	
08/16/2006	<u>48</u>	MOTION for Extension of Time <i>Motion to Extend Briefing Schedule</i> by Equal Employment Opportunity Commission. (Tyndall, Brian)	
08/17/2006	<u>49</u>	RESPONSE to Motion re <u>48</u> MOTION for Extension of Time <i>Motion to Extend Briefing Schedule</i> filed by V&J Foods Inc, V&J Employment Service Inc. (Townsel, Andre)	
08/17/2006	<u>50</u>	MOTION for Extension of Time <i>to file Reply</i> by V&J Foods Inc, V&J Employment Service Inc. (Townsel, Andre)	
08/17/2006		MARGIN ORDER approving 50 MOTION for Extension of Time to file Reply filed by V&J Foods Inc, V&J Employment Service Inc; approving 48 MOTION for Extension of Time filed by Equal Employment Opportunity Commission. The due date for EEOC's response to defendants' motion for summary judgment is extended to August 23, 2006, V&J's reply is due September 13, 2006. Signed by Judge Rudolph T Randa on August 17, 2006. (cc: all ECF counsel)(Randa, Rudolph) (Entered: 08/18/2006)	
08/21/2006	<u>51</u>	BRIEF in Opposition re 40 MOTION for Summary Judgment <i>EEOC'S RESPONSE BRIEF IN OPPOSITION TO SUMMARY JUDGMENT</i> filed by Equal Employment Opportunity Commission. (Tyndall, Brian)	
08/21/2006	52	RESPONSE to Motion re 40 MOTION for Summary Judgment EEOC'S RESPONSE TO DEFENDANT'S PROPOSED FINDINGS OF FACT AND ADDITIONAL PROPOSED FINDINGDS OF FACT AND DISPUTED MATERIAL FACTS filed by Equal Employment Opportunity Commission. (Tyndall, Brian) Modified on 8/22/2006 (vlh,).	

08/21/2006	<u>53</u>	AFFIDAVIT of SAMEKIEA MERRIWEATHER IN OPPOSITION TO DEFENDANTS' MOTION FOR SUMMARY JUDGMENT (Tyndall, Brian)	
08/21/2006	<u>54</u>	AFFIDAVIT of BARBARA RETH IN OPPOSITION TO DEFENDANTS' MOTION FOR SUMMARY JUDGEMENT (Attachments: # 1 # 2 # 3 # 4 # 5 # 6 # 7 # 8)(Tyndall, Brian)	
08/21/2006	<u>55</u>	AFFIDAVIT of BRIAN C. TYNDALL IN OPPOSITION TO DEFEDANTS' MOTION FOR SUMMARY JUDGMENT (Tyndall, Brian)	
08/21/2006	<u>56</u>	ATTACHMENTS <i>TO AFFIDAVIT OF BRIAN C. TYNDALL</i> by Equal Employment Opportunity Commission (Attachments: # 1 # 2 # 3 # 4 # 5 # 6 # 7 # 8 # 9 # 10 # 11 # 12 # 13 # 14 # 15 # 16 # 17 # 18 # 19 # 20) (Tyndall, Brian)	
08/22/2006	<u>57</u>	ATTACHMENTS AFFIDAVIT OF BRIAN C. TYNDALL IN OPPOSITION TO DEFENDANTS' MOTION FOR SUMMARY JUDGMENT by Equal Employment Opportunity Commission (Attachments: # 1 # 2 # 3 # 4 # 5 # 6 # 7 # 8 # 9)(Tyndall, Brian)	
08/22/2006	<u>58</u>	ATTACHMENTS AFFIDAVIT OF BRIAN C. TYNDALL IN OPPOSITION TO DEFENDANTS' MOTION FOR SUMMARY JUDGMENT by Equal Employment Opportunity Commission (Attachments: # 1 # 2 # 3 # 4 # 5 # 6)(Tyndall, Brian)	
08/22/2006	<u>59</u>	ATTACHMENTS AFFIDAVIT OF BRIAN C. TYNDALL IN OPPOSITION TO DEFENDANTS' MOTION FOR SUMMARY JUDGMENT by Equal Employment Opportunity Commission (Attachments: # 1 # 2 # 3 # 4 # 5 # 6 # 7 # 8)(Tyndall, Brian)	
09/14/2006	<u>60</u>	Emergency MOTION for Extension of Time to file Reply by V&J Foods Inc, V&J Employment Service Inc. (Townsel, Andre)	
09/18/2006		MARGIN ORDER approving, nunc pro tunc, <u>60</u> Emergency MOTION for Extension of Time to file Reply filed by V&J Employment Service Inc,V&J Foods Inc. Signed by Judge Rudolph T Randa on September 18, 2006. (cc: all ECF counsel)(Randa, Rudolph) (Entered: 09/20/2006)	
09/19/2006	<u>61</u>	REPLY BRIEF in Support filed by V&J Foods Inc, V&J Employment Service Inc re 44 Amended MOTION for Summary Judgment. (Attachments: # 1 # 2 # 3)(Townsel, Andre)	
09/27/2006	62	MOTION to Compel <i>Plaintiff's Rule 7.4 Expedited Non-Dispositive Motion to Compel Discovery</i> by Equal Employment Opportunity Commission. (Tyndall, Brian)	
09/27/2006	<u>63</u>	DECLARATION of Brian C. Tyndall in Support of Plaintiff's Rule 7.4 Expedited Non-Dispositive Motion to Compel Discovery. (Attachments: #1 Exhibit #2 #3 #4 #5 #6 #7 #8)(Tyndall, Brian)	
10/05/2006	<u>64</u>		

		(Townsel, Andre)	
10/16/2006	<u>65</u>	ORDER signed by Judge Rudolph T Randa on October 16, 2006 granting in part and denying in part 62 Motion to Compel. (cc: all counsel) (Randa, Rudolph)	
10/31/2006	<u>66</u>	MOTION to Supplement <i>amended motion for summary judgment</i> by V&J Foods Inc, V&J Employment Service Inc. (Attachments: # 1 # 2 # 3 # 4)(Townsel, Andre)	
11/01/2006	<u>67</u>	Plaintiff's PRETRIAL REPORT by Equal Employment Opportunity Commission. (Tyndall, Brian)	
11/02/2006	<u>68</u>	MOTION to Supplement <i>Record on Summary Judgment</i> by Equal Employment Opportunity Commission. (Attachments: # 1 Affidavit) (Tyndall, Brian)	
11/03/2006	<u>69</u>	ORDER signed by Judge Rudolph T Randa on November 3, 2006 granting 40 Motion for Summary Judgment; granting 44 Motion for Summary Judgment; granting 66 Motion to Supplement; granting 68 Motion to Supplement; denying as moot 24 Motion to Compel; denying as moot 30 Motion for Protective Order. This matter is dismissed. (cc: al counsel) (Randa, Rudolph)	
11/03/2006	<u>70</u>	JUDGMENT signed by Deputy Clerk on November 3, 2006. (cc: all counsel)(Randa, Rudolph)	
11/17/2006	71	BILL OF COSTS Proposed by V&J Foods Inc, V&J Employment Service Inc (Attachments: # 1 # 2 # 3 # 4 # 5 # 6 # 7 # 8 # 9 # 10 # 11 # 12 # 13 # 14 # 15 # 16)(Townsel, Andre)	
11/20/2006	<u>72</u>	BRIEFING LETTER Mailed to Parties re proposed bill of costs (jld)	
12/06/2006	73	LETTER from Brian C. Tyndall <i>Proposed Costs - No Objections</i> . (Tyndall, Brian)	
12/22/2006	74	COSTS TAXED for defendants by Chief Deputy Clerk in amount of \$5,092.75 against plaintiff. (cc: all counsel) (jld)	
12/28/2006	<u>75</u>	NOTICE OF APPEAL from 11/3/06 70 Judgment by Equal Employmer Opportunity Commission (cc: all counsel) (vlh)	
12/28/2006		Transmission of Notice of Appeal and Docket Sheet to US Court of Appeals re: 75 Notice of Appeal (vlh)	
01/04/2007		USCA Case Number 07-1009 re: 75 Notice of Appeal filed by EEOC (vlh)	
01/16/2007		Appeal record prepared consisting of 1 bound vol. pldgs. & 4 loose pldgs. (nos. 26, 44, 56, & 57) re: 75 Notice of Appeal (vlh)	
02/26/2007	<u>76</u>	7.4 MOTION to Supplement <i>Record on Appeal (Expedited)</i> by Equal Employment Opportunity Commission. (Attachments: # 1)(Tyndall, Brian)	

03/08/2007	<u>77</u>	DECISION AND ORDER signed by Judge Rudolph T Randa on 3/6/07
		granting 76 plaintiff's motion to supplement the record on appeal. The pages attached as Exhibit A to plaintiff's motion shall be included in the record on appeal. (cc: all counsel) (Randa, Rudolph T)

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