CLOSED, MOTREF

U.S. District Court SOUTHERN DISTRICT OF TEXAS (Houston) CIVIL DOCKET FOR CASE #: 4:04-cv-03788

Equal Employment Opportunity Commission v. U-Haul Co

of Texas et al

Assigned to: Judge David Hittner

Cause: 42:2000e Job Discrimination (Employment)

Date Filed: 09/29/2004

Date Terminated: 11/28/2005

Jury Demand: Both

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

Plaintiff

Equal Employment Opportunity

Commission

represented by Timothy M Bowne

EEOC 1919 Smith

7th Fl Houston, TX 77002 713-209-3395

Fax: 713-209-3402 fax

Email: timothy.bowne@eeoc.gov

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

V.

Defendant

U-Haul Co of Texas

d/b/a U-Haul Co of North Houston

represented by Michael Patrick Cash

Winstead Sechrest & Minick PC

919 Milam Ste 2400

Houston, TX 77002 713-650-8400 Fax: 713-650-2400

Email: mcash@winstead.com ATTORNEY TO BE NOTICED

Defendant

U-Haul International Inc represented by Michael Patrick Cash

(See above for address) *LEAD ATTORNEY*

ATTORNEY TO BE NOTICED

Defendant

Dedric Johnson

Counter Claimant

U-Haul International Inc

V.

Counter Defendant

Equal Employment Opportunity Commission

represented by **Timothy M Bowne**(See above for address) *LEAD ATTORNEY ATTORNEY TO BE NOTICED*

Date Filed #		Docket Text		
09/29/2004	1	COMPLAINT against U-Haul Co of Texas, U-Haul International Inc filed by Equal Employment Opportunity Commission.(vhulsey,) (Entered: 10/01/2004)		
09/29/2004	2	ORDER for Initial Pretrial and Scheduling Conference and Order to Disclose Interested Persons Initial Conference set for 11/18/2004 02:00 PM in Courtroom 702 before Magistrate Judge Stephen Smith. Parties notified.(vhulsey,) (Entered: 10/01/2004)		
09/29/2004		Summons Issued as to U-Haul Co of Texas, U-Haul International Inc , filed.(vhulsey,) (Entered: 10/01/2004)		
10/08/2004	<u>3</u>	CERTIFICATE OF INTERESTED PARTIES by Equal Employment Opportunity Commission, filed.(Bowne, Timothy) (Entered: 10/08/2004)		
10/15/2004	4	Summons Issued as to U-Haul International Inc , filed.(psmith,) (Entered: 10/19/2004)		
10/25/2004	<u>5</u>	RETURN of Service Executed as to U-Haul Co of Texas on 10/18/04, filed.(psmith,) (Entered: 10/28/2004)		
11/04/2004	<u>6</u>	RETURN of Service Executed as to U-Haul International Inc on 10/26/04, filed.(psmith,) (Entered: 11/05/2004)		
11/10/2004	7	MOTION for More Definite Statement, by U-Haul International Inc, filed. Motion Docket Date 11/30/2004. (Attachments: # 1)(psmith,) (Entered: 11/16/2004)		
11/10/2004	8	ANSWER to Complaint, by U-Haul Co of Texas, filed.(psmith,) (Entered: 11/16/2004)		
11/17/2004	9	REPORT of Rule 26(f) Planning Meeting by Equal Employment Opportunity Commission, filed.(Bowne, Timothy) (Entered: 11/17/2004		
11/17/2004	10	ORDER, MOTIONS REFERRED to Magistrate Judge Stephem Wm Smith: 7 MOTION for More Definite Statement. (Signed by Judge David Hittner) Parties notified. (ealexander,) (Entered: 11/18/2004)		
11/17/2004	<u>13</u>	CERTIFICATE OF INTERESTED PARTIES by U-Haul Co of Texas, U-Haul International Inc, filed.(psmith,) (Entered: 11/22/2004)		
11/17/2004	<u>14</u>	RETURN of Service Executed as to U-Haul International Inc on		

		10/27/04, filed.(psmith,) (Entered: 11/22/2004)	
11/18/2004	11	Minute Entry for proceedings held before Judge Stephen Wm Smith. SCHEDULING CONFERENCE held on 11/18/2004. Scheduling Order to follow. Appearances: Timothy M Bowne f/Plf, Michael P Cash f/Def. (ERO:R.Konieczny), filed.(rkonieczny,) (Entered: 11/18/2004)	
11/18/2004	12	SCHEDULING ORDER: Trial Term: November/December 2005. ETT: 5 days. Jury trial Amended Pleadings due by 4/1/2005 Joinder of Parties due by 1/3/2005 Pltf Expert Witness List due by 3/1/2005 Deft Expert Witness List due by 4/1/2005 Discovery due by 8/1/2005 Dispositive Motion Filing due by 9/1/2005 Non-Dispositive Motion Filing due by 9/1/2005 Joint Pretrial Order due by 10/28/2005. (Signed by Judge Stephen Wm Smith) Parties notified. (rkonieczny,) (Entered: 11/18/2004)	
11/30/2004	<u>15</u>	RESPONSE to U-Haul Intl's Inc's 7 MOTION for More Definite Statement filed by Equal Employment Opportunity Commission. (Attachments: # 1 Proposed Order)(sguevara,) (Entered: 12/01/2004)	
12/09/2004	<u>16</u>	MEMORANDUM and ORDER denying 7 Motion for More Definite Statement .(Signed by Judge Stephen Wm Smith) Parties notified. (rkonieczny,) (Entered: 12/10/2004)	
12/20/2004	<u>17</u>	MOTION to Dismiss Pursuant to FRCP 12(b), by U-Haul Internationa Inc, filed. Motion Docket Date 1/10/2005. (Part 1 of 2)(psmith,) (Entered: 12/21/2004)	
12/20/2004		ANSWER to Complaint, Affirmative Defenses and COUNTERCLAIN against Equal Employment Opportunity Commission, by U-Haul International Inc, filed.(psmith,) (Entered: 12/21/2004)	
12/20/2004	<u>18</u>	***DOCUMENT STRICKEN, AS PER ORDER #21*** MOTION for Leave to File Amended Pleading, by U-Haul Co of Texas, filed. Motion Docket Date 1/10/2005. (Attachments: # 1 Proposed Order)(psmith,) Modified on 12/23/2004 (jrichards,). (Entered: 12/21/2004)	
12/20/2004	<u>19</u>	AMENDED ANSWER to Complaint, by U-Haul Co of Texas, filed. (psmith,) (Entered: 12/21/2004)	
12/21/2004	<u>20</u>	SUPPLEMENT to its <u>17</u> MOTION to Dismiss, by U-Haul International Inc, filed.(psmith,) (Entered: 12/21/2004)	
12/22/2004	<u>21</u>	ORDER striking 18 MOTION for Leave to File Amended Pleading. (Signed by Judge David Hittner) Parties notified.(jrichards,) (Entered: 12/23/2004)	
12/27/2004	22	AMENDED ORIGINAL ANSWER to Complaint, by U-Haul Co of Texas, filed. (mbergara,) (Entered: 12/28/2004)	
12/27/2004	<u>23</u>	Defendant U-Haul International, Inc.'s SUPPLEMENT to its <u>17</u> MOTION to Dismiss pursuant to Fed. R. Civ. P. 12(b), filed.(kwallace, 6) (Entered: 12/28/2004)	

12/27/2004	24	Defendant U-Haul Co. of Texas d/b/a U-Haul Co. of North Houston's Unopposed MOTION to for Leave to File Amended Pleadings, filed. Motion Docket Date 1/18/2005. (Attachments: # 1 Proposed Order) (kwallace, 6) (Entered: 12/28/2004)		
12/27/2004	<u>25</u>	MOTION to Dismiss Pursuant to FRCP 12(b)and subject thereto, original answer, affirmative defenses and counterclaim by U-Haul International Inc, filed. Motion Docket Date 1/18/2005. (sguevara) Modified on 12/28/2004 (sguevara). (Entered: 12/28/2004)		
12/29/2004	<u>26</u>	ORDER granting 24 Motion for Leave to Amend Pleading.(Signed by Judge David Hittner) Parties notified.(ealexander,) (Entered: 12/30/2004)		
12/30/2004	<u>27</u>	MOTION to Quash Notice of Intent to Take Oral Deposition of EEOC Investigator, by Equal Employment Opportunity Commission, filed. Motion Docket Date 1/19/2005. (Attachments: # 1 Proposed Order) (psmith,) (Entered: 01/04/2005)		
01/05/2005	<u>28</u>	ORDER, MOTIONS REFERRED to Magistrate Judge 27 MOTION to Quash.(Signed by Judge David Hittner) Parties notified.(ealexander,) (Entered: 01/06/2005)		
01/10/2005	<u>29</u>	RESPONSE to U-Haul International's <u>25</u> MOTION to Dismiss, filed by Equal Employment Opportunity Commission. (Attachments: # <u>1</u> Proposed Order)(psmith,) (Entered: 01/11/2005)		
01/14/2005	30	RESPONSE to Pltfs 27 MOTION to Quash, filed by U-Haul Co of Texas. (Attachments: # 1 Proposed Order)(psmith,) (Entered: 01/14/2005)		
01/20/2005	<u>31</u>	REPLY to Defts Response to 27 MOTION to Quash, filed by Equal Employment Opportunity Commission. (psmith,) (Entered: 01/21/2005)		
02/03/2005	<u>32</u>	ANSWER to Counterclaim by Equal Employment Opportunity Commission, filed.(Bowne, Timothy) (Entered: 02/03/2005)		
02/04/2005	33	MEMORANDUM AND ORDER Denying 27 MOTION to Quash. (Signed by Judge Stephen Wm Smith) Parties notified.(rkonieczny,) (Entered: 02/07/2005)		
03/31/2005	<u>34</u>	DESIGNATION OF EXPERT WITNESSES by U-Haul Co of Texas, filed.(dkelly,) (Entered: 04/05/2005)		
04/12/2005	<u>35</u>	ORDER denying 25 Motion to Dismiss .(Signed by Judge David Hittner) Parties notified.(ealexander,) (Entered: 04/14/2005)		
05/03/2005	<u>36</u>	INITIAL DISCLOSURES by U-Haul International Inc, filed.(rroberts,) (Entered: 05/04/2005)		
05/03/2005	<u>37</u>	INITIAL DISCLOSURES by U-Haul Co of Texas, filed.(rroberts,) (Entered: 05/04/2005)		
05/16/2005	<u>38</u>	UNOPPOSED APPLICATION for an Order to Show Cause Why the Subpoena Served on Dedric Johnson Should Not Be Enforced by Equal		

		Employment Opportunity Commission, filed. Motion Docket Date 6/6/2005. (Attachments: # 1 Proposed Order)(sguevara,) (Entered: 05/16/2005)	
05/17/2005	<u>39</u>	ORDER 38 MOTION for Order to Show Cause as to Why the Subpoena Served on Dedric Johnson Should Not Be Enforced Show Cause Hearing set for 6/1/2005 at 09:45 AM in Courtroom 8A before Judge David Hittner.(Signed by Judge David Hittner) Parties notified.(ealexander,) (Entered: 05/18/2005)	
06/01/2005	<u>40</u>	Minute Entry for proceedings held before Judge David Hittner. SHOW CAUSE HEARING held on 6/1/2005. Hearing reset to 6/15/05 at 9:45 a.m. Order to issue. Appearances:Rudy Sustaita, Tanya Dodd.(Court Reporter: Gayle Dye), filed.(ealexander,) (Entered: 06/01/2005)	
06/01/2005		***Set/Reset Deadlines/Hearings: Show Cause Hearing set for 6/15/2005 at 09:45 AM in Courtroom 8A before Judge David Hittner (ealexander,) (Entered: 06/01/2005)	
06/01/2005	41	ORDER Setting Hearing on Motion Motion Hearing on the show cause why Dedric Johnson should not be held in contempt of court set for 6/15/2005 at 09:45 AM in Courtroom 8A before Judge David Hittner. (Signed by Judge David Hittner) Parties notified.(ealexander,) (Entered: 06/02/2005)	
06/09/2005	<u>42</u>	ORDER, Set Deadlines/Hearings for the Show Cause Hearing. Motion Hearing set for 7/21/2005 at 09:30 AM in Courtroom 8A before Judge David Hittner.(Signed by Judge David Hittner) Parties notified. (ealexander,) (Entered: 06/10/2005)	
06/21/2005	43	NOTICE of Firm Change and Change of Address by Winstead Sechrest & Minick PC, counsel for U-Haul Co of Texas, filed. (mewilliams,) (Entered: 06/21/2005)	
06/22/2005	44	Return of Service Unexecuted as to Dedric Johnson re: Order to appear, filed.(mewilliams,) (Entered: 06/22/2005)	
06/23/2005	<u>45</u>	RETURN of Service Executed as to Dedric Johnson on 6/16/05 re: Amended Order to Show Cause, filed.(bgoolsby,) (Entered: 06/23/2005)	
07/21/2005	<u>46</u>	Minute Entry for proceedings held before Judge David Hittner. Show Cause Hearing held on 7/21/2005. Bench Warrant to issue as to Dedric Johnson. Appearances: Kathy Boutchee. (Court Reporter: Gayle Dye), filed. (ealexander,) (Entered: 07/22/2005)	
07/25/2005	47	ORDER (See order for details).(Signed by Judge David Hittner) Parties notified.(ealexander,) (Entered: 07/25/2005)	
08/01/2005	48	MOTION to compel production of documents and answers to Plaintiff's discovery by Equal Employment Opportunity Commission, filed. Motion Docket Date 8/22/2005. (Attachments: # 1 Proposed Order)(cpeebles) (Entered: 08/02/2005)	
08/02/2005	<u>49</u>	ORDER, MOTIONS REFERRED to Magistrate Judge Stephen Wm	

		Smith: 48 MOTION to Compel production of documents and answerw to Plaintiff's discovery.(Signed by Judge David Hittner) Parties notified. (ealexander,) (Entered: 08/03/2005)	
08/05/2005	<u>50</u>	SUPPLEMENT to 48 MOTION to Compel production of documents and answerw to Plaintiff's discovery by Equal Employment Opportunity Commission, filed.(Bowne, Timothy) (Entered: 08/05/2005)	
08/05/2005	<u>51</u>	Defendant U-Haul International Inc.'s RESPONSE to the EEOC's 48 MOTION to Compel production of documents and answerw to Plaintiff's discovery, filed by U-Haul International Inc. (rroberts,) (Entered: 08/05/2005)	
08/15/2005	<u>52</u>	Reply to Response to <u>48</u> MOTION to Compel production of documents and answerw to Plaintiff's discovery, filed by Equal Employment Opportunity Commission. (Bowne, Timothy) (Entered: 08/15/2005)	
08/23/2005	<u>53</u>	Minute Entry for proceedings held before Judge David Hittner. HEARING on the issuance of bench warrant as to Dedric Johnson held on 8/23/2005. Appearances: Timothy M Bowne, Michael P Cash.(Court Reporter: Fred Warner), filed.(ealexander,) (Entered: 08/24/2005)	
08/25/2005	<u>54</u>	SUPPLEMENT to 48 MOTION to Compel production of documents and answerw to Plaintiff's discovery by Equal Employment Opportunity Commission, filed.(Bowne, Timothy) (Entered: 08/25/2005)	
08/26/2005	<u>55</u>	RETURN of Service Executed as to Dedric Johnson on 08/23/05 re: Warrant for Arrest - Civil. Subject taken to USMS Lockup at 515 Rusk, Houston.(kmurphy,) (Entered: 08/30/2005)	
09/01/2005	<u>56</u>	Opposed MOTION to Exclude Expert Witness by Equal Employment Opportunity Commission, filed. Motion Docket Date 9/21/2005. (Attachments: # 1 Exhibit Declaration of Leticia Flores# 2 Proposed Order)(Bowne, Timothy) (Entered: 09/01/2005)	
09/01/2005	<u>57</u>	MOTION for Summary Judgment by Equal Employment Opportunity Commission, filed. Motion Docket Date 9/21/2005. (Attachments: # 1 Continuation # 2 Proposed Order)(rroberts,) (Entered: 09/02/2005)	
09/19/2005	<u>58</u>	RESPONSE to <u>56</u> Opposed MOTION to Exclude Expert Witness, filed by U-Haul International Inc. (mkadlubowski,) (Entered: 09/20/2005)	
09/20/2005	<u>59</u>	MEMORANDUM and ORDER granting 48 Motion to Compel .(Signed by Judge Stephen Wm Smith) Parties notified.(rkonieczny,) (Entered: 09/21/2005)	
09/28/2005	<u>60</u>	RESPONSE to the EEOC's <u>57</u> MOTION for Summary Judgment, filed by U-Haul Co of Texas, U-Haul International Inc. (Attachments: # <u>1</u> Continuation # <u>2</u> Continuation # <u>3</u> Continuation # <u>4</u> Continuation # <u>5</u> Continuation)(psmith,) (Entered: 09/30/2005)	
10/04/2005	<u>61</u>	MOTION for Leave to File Supplemental Response by U-Haul Co of Texas, U-Haul International Inc, filed. Motion Docket Date 10/24/2005. (Attachments: # 1 Proposed Order)(espencer,) (Entered: 10/05/2005)	

10/04/2005	<u>62</u>	SUPPLEMENTAL RESPONSE to <u>57</u> MOTION for Summary Judgment, filed by U-Haul Co of Texas, U-Haul International Inc. (Attachments: # <u>1</u> Exhibit # <u>2</u> Exhibit)(espencer,) (Entered: 10/05/2005)		
10/06/2005	<u>63</u>	ORDER, Pretrial Conference set for 11/14/2005 at 09:45 AM in Courtroom 8A before Judge David Hittner.(Signed by Judge David Hittner) Parties notified.(ealexander,) (Entered: 10/07/2005)		
10/07/2005	<u>64</u>	ORDER that the parties are to exchange all trial exhibits on 10/28/05. (Signed by Judge David Hittner) Parties notified.(ealexander,) (Entered: 10/11/2005)		
10/14/2005	<u>65</u>	Reply to Response to <u>56</u> Opposed MOTION to Exclude Expert Witness, filed by Equal Employment Opportunity Commission. (Bowne, Timothy (Entered: 10/14/2005)		
10/24/2005	<u>66</u>	RESPONSE to 61 MOTION for Leave to File Supplemental Response, filed by Equal Employment Opportunity Commission. (Bowne, Timothy) (Entered: 10/24/2005)		
10/24/2005	<u>67</u>	ORDER denying <u>57</u> Motion for Summary Judgment .(Signed by Judge David Hittner) Parties notified.(ealexander,) (Entered: 10/25/2005)		
10/24/2005	<u>68</u>	Reply to Response to <u>57</u> MOTION for Summary Judgment, filed by Equal Employment Opportunity Commission. (ltien,) (Entered: 10/27/2005)		
10/28/2005	<u>69</u>	Proposed Pretrial Order by Equal Employment Opportunity Commission filed. (Attachments: # 1 Plaintiff's Witness List# 2 Defendants' Witness List# 3 Plaintiff's Exhibit List# 4 Defendants' Exhibit List)(Bowne, Timothy) (Entered: 10/28/2005)		
10/28/2005	<u>70</u>	Proposed Jury Instructions by Equal Employment Opportunity Commission, filed.(Bowne, Timothy) (Entered: 10/28/2005)		
10/28/2005	71	MOTION in Limine by Equal Employment Opportunity Commission, filed. Motion Docket Date 11/17/2005. (Bowne, Timothy) (Entered: 10/28/2005)		
10/28/2005	<u>72</u>	PRETRIAL MEMORANDUM by Equal Employment Opportunity Commission, filed.(Bowne, Timothy) (Entered: 10/28/2005)		
10/28/2005	<u>73</u>	Voir Dire Questions, filed.(Bowne, Timothy) (Entered: 10/28/2005)		
10/28/2005	<u>75</u>	MOTION in Limine; by U-Haul Co of Texas, U-Haul International Inc, filed. Motion Docket Date 11/17/2005. (Attachments: # 1 Proposed Order)(mkadlubowski,) (Entered: 11/02/2005)		
10/28/2005	<u>76</u>	Defendants'Proposed Voir Dire Questions, filed.(espencer,) (Entered: 11/02/2005)		
11/01/2005	<u>74</u>	ORDER granting <u>56</u> Motion to Exclude Testimony of Defendant U-Haul Texas's Designated Expert Witness.(Signed by Judge David Hittner) Parties notified.(ealexander,) (Entered: 11/01/2005)		

11/03/2005	77	PROPOSED ORDER: Granting Defendants' Motion for Leave to Amend, Motion to Enlarge Time and Motion for Continuance; , filed. (mkadlubowski,) (Entered: 11/09/2005)		
11/03/2005	<u>78</u>	AFFIDAVIT of Tonja K. Doddy , filed.(ltien,) (Entered: 11/09/2005)		
11/03/2005	<u>81</u>	MOTION to Continue, MOTION for Extension of Time, MOTION for Leave to Amend File by U-Haul Co of Texas, U-Haul International Inc, filed. Motion Docket Date 11/23/2005. (mharrison,) (Entered: 11/14/2005)		
11/11/2005	<u>79</u>	RESPONSE to Defendants' <u>81</u> Motion for Leave to Amend, Enlarge Time and Continue, filed by Equal Employment Opportunity Commission. (Attachments: # <u>1</u> Proposed Order)(Bowne, Timothy) Modified on 11/18/2005 - linked to #81 (ltien,). (Entered: 11/11/2005)		
11/13/2005	<u>80</u>	RESPONSE to 75 MOTION in Limine, filed by Equal Employment Opportunity Commission. (Attachments: # 1 Proposed Order)(Bowne, Timothy) (Entered: 11/13/2005)		
11/14/2005	82	Minute Entry for proceedings held before Judge David Hittner. Final PRETRIAL CONFERENCE held on 11/14/2005 granting in part and denying in part as stated on the record 71 MOTION in Limine, granting in part and denying in part as stated on the record 75 MOTION in Limine, denying 81 MOTION to Continue MOTION for Extension of Time MOTION for Leave to File. Jury Seletion and Trial set for November 29, 2005 at 10:00 a.m. ETT: 4 days. Appearances: Timothy M Bowne, Michael Patrick Cash.(Court Reporter: Bruce Slavin), filed.(ealexander,) (Entered: 11/15/2005)		
11/14/2005	<u>83</u>	OBJECTIONS to Defendants' Trial Exhibits, filed by Equal Employmen Opportunity Commission. (Attachments: # 1 Proposed Order) (jmarchand,) (Entered: 11/15/2005)		
11/16/2005	84	TRANSCRIPT of pretrial conference held on 11/14/05 before Judge David Hittner. Court Reporter: Bruce Slavin, filed. (cpeebles) Additional attachment(s) added on 6/12/2006 (tthompson,). (Entered: 11/17/2005)		
11/23/2005	<u>85</u>	STIPULATION of Dismissal by Equal Employment Opportunity Commission, filed. (Attachments: # 1 Proposed Order)(Bowne, Timothy) (Entered: 11/23/2005)		
11/23/2005	<u>86</u>	Agreed MOTION for Entry of Order Consent Decree by Equal Employment Opportunity Commission, filed. Motion Docket Date 12/13/2005. (Attachments: # 1 Proposed Consent Decree)(Bowne, Timothy) (Entered: 11/23/2005)		
11/28/2005	<u>87</u>	ORDER that U-Haul International, Inc. is hereby dismissed as a party-defendant and as a counter-plaintiff, and EEOC is dismissed as a counter-defendant. (Signed by Judge David Hittner) Parties notified. (ealexander,) (Entered: 11/30/2005)		
11/28/2005	<u>88</u>	CONSENT DECREE.(Signed by Judge David Hittner) Parties notified. (ealexander,) (Entered: 11/30/2005)		

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