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# U.S. District Court DISTRICT OF ARIZONA (Phoenix Division) CIVIL DOCKET FOR CASE #: 2:03-cv-01651-ROS

EEOC v. Pimalco Inc

Assigned to: Judge Roslyn O Silver

Demand: \$0

Cause: 28:451 Employment Discrimination

Date Filed: 08/26/2003

Date Terminated: 02/17/2004

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** 

3300 N Central Ave

Ste 690

Phoenix, AZ 85012-1848

602-640-5033

Fax: 602-640-5009

Email: emanuel.smith@eeoc.gov

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

## Mary Joleen O'Neill

**EEOC** 

3300 N Central Ave

Ste 690

Phoenix, Az 85012-1848

602-640-5044

Fax: 602-640-5009

Email: mary.oneill@eeoc.gov

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

## Sally Clifford Shanley

**EEOC** 

3300 N Central Ave

Suite 690

Phoenix, AZ 85012-1848

602-640-5007

Fax: 602-640-5009

Email: sally.shanley@eeoc.gov

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

V.

# **Defendant**

### Pimalco Inc

# represented by Margaret A Keane

LeBoeuf Lamb Greene & MacRae LLP 420 Fort Duquesne Blvd Ste 1600 Pittsburgh, PA 15222-1437 (412)594-2300 LEAD ATTORNEY ATTORNEY TO BE NOTICED

#### **Paul Amato**

LeBoeuf Lamb Greene & MacRae LLP 420 Fort Duquesne Blvd Ste 1600 Pittsburgh, PA 15222-1437 (412)594-2300 LEAD ATTORNEY ATTORNEY TO BE NOTICED

# **Stephanie May Cerasano**

Lewis & Roca LLP 40 N Central Ave Phoenix, AZ 85004-4429 602-262-0260

Fax: 602-734-3792

Email: scerasano@lrlaw.com

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text	
08/26/2003	1	COMPLAINT FILED (MRB) (Entered: 08/27/2003)	
08/29/2003	2	RETURN OF SERVICE EXECUTED summons/complaint upon dft Pimalco Inc, by service on Shannon McKnight, service clerk for Corporation Service Co on 8/27/03 in Phoenix, AZ (former emp) (Entered: 09/02/2003)	
09/15/2003	3	JOINT MOTION to extend deadline, until 9/25/03, to file response to pla's complaint by pla EEOC, dft Pimalco Inc [3-1] (former emp) (Entered: 09/16/2003)	
09/17/2003	4	MOTION for admission pro hac vice as to Margaret A Keane, atty for dft Pimalco Inc [4-1] (former emp) (Entered: 09/18/2003)	
09/17/2003	5	MOTION for admission pro hac vice as to Paul Amato, atty for dft Pimalco Inc [5-1] (former emp) (Entered: 09/18/2003)	
09/18/2003		Pro Hac Vice \$25 Fee Paid as to Paul Amato (BAS) (Entered: 09/18/2003)	
09/18/2003		Pro Hac Vice \$25 Fee Paid as to Margaret A Keane (BAS) (Entered: 09/18/2003)	

09/18/2003	6	ORDER by Judge Roslyn O. Silver granting motion to extend deadline, until 9/25/03, to file response to pla's by pla EEOC, dft Pimalco Inc [3-1] (cc: all counsel) (former emp) (Entered: 09/18/2003)		
09/22/2003	7	ORDER by Judge Roslyn O. Silver granting motion for admission pro hac vice as to Paul Amato, atty for dft Pimalco Inc [5-1] (cc: all counsel) (former emp) (Entered: 09/22/2003)		
09/22/2003	8	ORDER by Judge Roslyn O. Silver granting motion for admission pro hac vice as to Margaret A Keane, atty for dft Pimalco Inc [4-1] (cc: all counsel) (former emp) (Entered: 09/22/2003)		
09/25/2003	9	ANSWER and defenses to pla's complaint [1-1] by dft Pimalco Inc (former emp) (Entered: 09/25/2003)		
09/25/2003	10	CORPORATE DISCLOSURE STATEMENT by dft Pimalco Inc (SAT) (Entered: 09/26/2003)		
10/06/2003	11	ORDER by Judge Roslyn O. Silver; prel scheduling conf set for 9:00 12/12/03 All counsel to this action must advise the Court 3 days prior to the Conference they plan to participate by telephone. All parties are to conduct an initial case management meeting at least 21 days before the Conference in accordance with Rule 26(f) of the Fed.R.Civ.P. Parties shall develop and Proposed Case Management Plan. The Plan shall be filed with the Court not less than 10 days before the Scheduling Conference (cc: all counsel) (former emp) (Entered: 10/06/2003)		
11/07/2003	12	JOINT REQUET (MOTION) for referral to magistrate judge for a settlement conference a by pla EEOC, dft Pimalco Inc [12-1] (former emp) (Entered: 11/10/2003)		
11/20/2003	13	MINUTE ORDER: The Court has received and reviewed the pending motion. IT IS ORDERED granting motion for referral to magistrate judge for a settlement conference by pla EEOC, dft Pimalco Inc [12-1]. Upon random draw, IT IS ORDERED reassigning this matter to Magistrate Judge David K. Duncan for a settlement conference. Counsel are instructed to contact Judge Duncan's chambers to arrange the setting of the settlement conference. On Court's motion, IT IS ORDERED vacating the Rule 16 Scheduling Conference set December 12, 2003, pending the completion of the settlement conference. Counsel are instructed to notify this Court within 7 days after the settlement conference if a Rule 16 Scheduling Conference is still needed. If needed, the Court will reset the Conference at the earliest convenient date on the Court's calendar.; prel scheduling conf held (cc: all counsel, DKD, ROS) [13-2] (SJF) (Entered: 11/20/2003)		
11/26/2003	SETTLEMENT CONFERENCE ORDER by Magistrate Judge David K. Dunca; settlement conference set for 9:00 1/23/04, before Magistrate Judge David K. Duncan; all parties and their counsel responsible for trial shall physically appear before the settlement judge; the parties shall exchange written correspondence regarding settlement; pla's demand shall be delivered to defense counsel 30 day before the settlement conference; dfts' response shall be delivered to pla's counsent less than 14 days before the Settlement Memoranda are due; each party shall provide the Court with that party's settlement memorandum at least 5 days before			

		the conference (cc: all counsel/ROS) (former emp) (Entered: 11/26/2003)		
01/23/2004	15	MINUTE ENTRY before Magistrate Judge David K. Duncan ; settlement conference held ; case has settled; parties to file with the Court their proposed consent decree by 2/12/04 [cc: cnsl/ros]] [15-2] (former emp) (Entered: 01/23/2004)		
01/27/2004	16	ORDER by Judge Roslyn O. Silver: this action will be dismissed by the Clerk's Office without further notice on 2/25/04 unless a request for reinstatement on the Court's calendar is filed; ; possbl dsm ddl set for 2/25/04; all pending motions are denied without prejudice with leave to reinstate should the parties fail to finalize the settlement agreement; vacating any hearings and or trial date (cc: all counsel) (former emp) (Entered: 01/27/2004)		
02/10/2004	17	NOTICE by pla EEOC of lodging consent decree signed by both parties (former emp) (Entered: 02/11/2004)		
02/17/2004	18	CONSENT DECREE by Judge Roslyn O. Silver: the court has jurisdiction over the subject matter of this action and the parties; the Decree resolves all claims arising out of the issues between the commission and Pimalco, including without limitation back pay, compensatory and punitive damages, injunctive relief, costs and attorneys fees; the Decree resolves all claims by EEOC under the ADA for both monetary and non-monetary relief re Pimalco's termination of Roy Merritt; the duration of this decree shall be 2 years from teh date of its entry; judgment is entered in favor of the Commission and against Pimalco in the amount of \$70,000; Pimalco will not condition the receipt of individual relief on an agreement to maintain as confidential the terms of this decree; Pimalco shall pay the settlement amount within within 14 days of the entry of the decree; the payment represents \$42,000 as back pay and the remainder as payment of compensatory damages; within 10 business days of issuance of these checks, Pimalco will submit a copy of each check to the Regional Attorney, EEOC; within 30 days of the entry of this decree, Pimalco shall submit a written document for review to the Regional Attorney of the Phoenix District Office of the EEOC which reflects Pimalco's plan for reaffirming its current Mobile Equipment Operator Medical Standard; within 90 days following entry of the Decree, Pimalco will provide a training session to all management employees, regarding the Americans With Disabilities Act and diabetes; at least once every 12 months during the length of the Decree, Pimalco shall provide management level employees with all policies or procedures developed or modified pursuant to the decree; Pimalco will provide trainers knowledgeable about all the subjects of the training set in paragraph 14; Pimalco will submit the names of the proposed trainers with the dates of the proposed seminar and the contents of the training to the Regional Attorney, EEOC within 60 days of the entry of this decree; during the second year, the		

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