

CLOSED, CMP

**U.S. District Court
Southern District of Indiana (Indianapolis)
CIVIL DOCKET FOR CASE #: 1:06-cv-01083-SEB-JMS**

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION v.
EBY-BROWN COMPANY, LLC

Assigned to: Judge Sarah Evans Barker
Referred to: Judge Jane Magnus-Stinson
Cause: 42:2000 Job Discrimination (Race)

Date Filed: 07/17/2006

Date Terminated: 01/15/2008

Jury Demand: Plaintiff

Nature of Suit: 442 Civil Rights: Jobs

Jurisdiction: U.S. Government Plaintiff

Plaintiff

**EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION**

represented by **Jo Ann Farnsworth**

EEOC

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ATTORNEY TO BE NOTICED

V.

Intervenor Plaintiff

AHMED CONDE

represented by **Swaray Edward Conteh**
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Fax: (317) 299-6439
Email: contehlaw@att.net
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V.

Defendant

EBY-BROWN COMPANY, LLC

represented by **Eugene A. Boyle**
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Defendant

KEVIN JONES

represented by **Eugene A. Boyle**
(See above for address)
ATTORNEY TO BE NOTICED

Gerald A. Golden
(See above for address)
ATTORNEY TO BE NOTICED

Kelley Bertoux Creveling
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

JEFFREY MURPHY

Defaulted 3/26/07 - Set Aside 4/20/07

represented by **Eugene A. Boyle**
(See above for address)
ATTORNEY TO BE NOTICED

Gerald A. Golden
(See above for address)
ATTORNEY TO BE NOTICED

Kelley Bertoux Creveling
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

EDWARD CAUDILL

Defaulted 3/26/07

Defendant

DAVID ALEXANDER

Defaulted 3/26/07 - Set Aside 4/20/07

represented by **Eugene A. Boyle**
(See above for address)
ATTORNEY TO BE NOTICED

Gerald A. Golden
(See above for address)
ATTORNEY TO BE NOTICED

Kelley Bertoux Creveling
(See above for address)
ATTORNEY TO BE NOTICED

| Date Filed | # | Docket Text |
|------------|--------------------------|---|
| 07/17/2006 | <u>1</u> | COMPLAINT with Jury Demand filed by EQUAL EMPLOYMENT OPPORTUNITY COMMISSION against EBY-BROWN COMPANY, LLC.(DH,) (Entered: 07/17/2006) |

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| 07/17/2006 | <u>2</u> | CIVIL COVER SHEET filed by Plaintiff, EQUAL EMPLOYMENT OPPORTUNITY COMMISSION. (DH,) (Entered: 07/17/2006) |
| 07/17/2006 | <u>3</u> | Summons Issued as to EBY-BROWN COMPANY, LLC c/o CT Corp. System, Registered Agent. (DH,) (Entered: 07/17/2006) |
| 07/17/2006 | <u>4</u> | MAGISTRATE JUDGE's NOTICE of Availability to Exercise Jurisdiction. (DH,) (Entered: 07/17/2006) |
| 08/08/2006 | <u>5</u> | NOTICE of Appearance by Kelley Bertoux Creveling on behalf of EBY-BROWN COMPANY, LLC (Creveling, Kelley) (Entered: 08/08/2006) |
| 08/08/2006 | <u>6</u> | ANSWER to Complaint <i>and Defenses</i> by EBY-BROWN COMPANY, LLC.(Creveling, Kelley) (Entered: 08/08/2006) |
| 08/08/2006 | <u>7</u> | CORPORATE DISCLOSURE STATEMENT by EBY-BROWN COMPANY, LLC. (Creveling, Kelley) (Entered: 08/08/2006) |
| 08/11/2006 | <u>8</u> | SCHEDULING ORDER: Initial Pretrial Conference set for 9/19/2006 01:00 PM in room #256 before Magistrate Judge V. Sue Shields. The CMP is due no later than 14 days prior to the iptc (See Order). Signed by Judge V. Sue Shields on 8/11/06. (SWM,) (Entered: 08/11/2006) |
| 08/14/2006 | <u>9</u> | RETURN of Service by EQUAL EMPLOYMENT OPPORTUNITY COMMISSION. EBY-BROWN COMPANY, LLC served on 7/19/2006. (Attachments: # <u>1</u> Exhibit Certified Mail Receipt)(Farnsworth, Jo Ann) (Entered: 08/14/2006) |
| 08/17/2006 | <u>10</u> | MOTION to Appear pro hac vice by EBY-BROWN COMPANY, LLC. (Attachments: # <u>1</u> Text of Proposed Order)(Creveling, Kelley) (Entered: 08/17/2006) |
| 08/18/2006 | <u>11</u> | RECEIPT #108 3535 in the amount of \$ 30.00 for phv fee, Gerald Golden (PG,) (Entered: 08/18/2006) |
| 08/22/2006 | <u>12</u> | ORDER granting <u>10</u> Motion to Appear pro hac vice. Attorney Gerald A. Golden for EBY-BROWN COMPANY, LLC added . Signed by Judge Sarah Evans Barker on 8/22/06. (MAC,) (Entered: 08/22/2006) |
| 09/05/2006 | <u>13</u> | CASE MANAGEMENT PLAN TENDERED by EQUAL EMPLOYMENT OPPORTUNITY COMMISSION. (Attachments: # <u>1</u> Exhibit A: Magistrate's Summary of Case Management Plan)(Farnsworth, Jo Ann) (Entered: 09/05/2006) |
| 09/05/2006 | <u>14</u> | ORDER: CASE MANAGEMENT ORDER APPROVED as amended. Dispositive motions due by 6/17/2007. Signed by Judge V. Sue Shields on 9/5/06. (SWM,) (Entered: 09/07/2006) |
| 09/19/2006 | <u>15</u> | Entry for proceedings held before Judge V. Sue Shields : Initial Pretrial Conference held on 9/19/2006. Conference held and concluded w/o further order. (LSC) (Entered: 09/19/2006) |
| 09/21/2006 | <u>16</u> | NOTICE of Appearance (Conteh, Swaray) (Entered: 09/21/2006) |
| 09/21/2006 | <u>17</u> | MOTION to Intervene, filed by Petitioner Ahmed Conde., (Attachments: # <u>1</u> Exhibit Proposed Complaint# <u>2</u> Text of Proposed Order Order Granting Leave to Intervene)(Conteh, Swaray) (Entered: 09/21/2006) |

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| 09/21/2006 | <u>18</u> | BRIEF/MEMORANDUM in Support re <u>17</u> MOTION to Intervene, filed by Petitioner Ahmed Conde. (Conteh, Swaray) (Entered: 09/21/2006) |
| 09/25/2006 | <u>19</u> | NOTICE of Withdrawal of Appearance by <i>James Lee and Gwendolyn Young Reams</i> on behalf of EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (Farnsworth, Jo Ann) (Entered: 09/25/2006) |
| 09/27/2006 | <u>20</u> | ENTRY Acknowledges Notice of Withdrawal of Appearance by James L. Lee and Gwendolyn Young (marginal notation). Signed by Judge Sarah Evans Barker on 9/27/06. (MAC) (Entered: 09/28/2006) |
| 10/05/2006 | <u>21</u> | SCHEDULING ORDER:Settlement Conference set for 4/2/2007 09:00 AM in room #256 before Magistrate Judge V. Sue Shields. Confidential settlement statements due no later than two business days prior to the conference (See Order). Signed by Judge V. Sue Shields on 10/5/06. (SWM) (Entered: 10/05/2006) |
| 10/18/2006 | <u>22</u> | MOTION to Appear pro hac vice of <i>Eugene A. Boyle</i> , filed by Defendant EBY-BROWN COMPANY, LLC. (Attachments: # <u>1</u> Text of Proposed Order)(Creveling, Kelley) (Entered: 10/18/2006) |
| 10/18/2006 | <u>23</u> | RECEIPT #108-3796 in the amount of \$ 30.00 - Pro Hac Fee Boyle (MAC) (Entered: 10/19/2006) |
| 10/19/2006 | <u>24</u> | ORDER granting <u>22</u> Motion to Appear pro hac vice. Attorney Eugene A. Boyle for EBY-BROWN COMPANY, LLC added. Signed by Judge Sarah Evans Barker on 10/19/06. (MAC) (Entered: 10/19/2006) |
| 12/11/2006 | <u>25</u> | Joint MOTION for Protective Order, filed by Plaintiff EQUAL EMPLOYMENT OPPORTUNITY COMMISSION., (Farnsworth, Jo Ann) (Entered: 12/11/2006) |
| 12/13/2006 | <u>26</u> | ORDER granting <u>17</u> Motion to Intervene by Ahmed Conde. Petitioner shall forthwith file and serve his Proposed Complaint. Signed by Judge Sarah Evans Barker on 12/13/06. (MAC) (Entered: 12/13/2006) |
| 12/13/2006 | <u>27</u> | Stipulated Protective Order APPROVED. Signed by Judge V. Sue Shields on 12/13/06. (SWM) (Entered: 12/14/2006) |
| 12/18/2006 | <u>28</u> | Exhibit List <i>Preliminary</i> , filed by Plaintiff EQUAL EMPLOYMENT OPPORTUNITY COMMISSION. (Farnsworth, Jo Ann) (Entered: 12/18/2006) |
| 12/18/2006 | <u>29</u> | Witness List <i>Preliminary</i> , filed by Plaintiff EQUAL EMPLOYMENT OPPORTUNITY COMMISSION. (Farnsworth, Jo Ann) (Entered: 12/18/2006) |
| 12/19/2006 | <u>30</u> | Intervenor COMPLAINT, filed by AHMED CONDE.(Conteh, Swaray) (Entered: 12/19/2006) |
| 12/21/2006 | <u>31</u> | Summons Issued as to EBY-BROWN COMPANY, LLC, KEVIN JONES, JEFFREY MURPHY, EDWARD CAUDILL, DAVID ALEXANDER. (MAC) (Entered: 12/21/2006) |
| 01/17/2007 | <u>32</u> | Witness List <i>Preliminary</i> , filed by Defendant EBY-BROWN COMPANY, LLC. (Creveling, Kelley) (Entered: 01/17/2007) |
| 01/17/2007 | <u>33</u> | Exhibit List <i>Preliminary</i> , filed by Defendant EBY-BROWN COMPANY, LLC. (Creveling, Kelley) (Entered: 01/17/2007) |

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| 01/29/2007 | <u>34</u> | NOTICE OF REASSIGNMENT of Magistrate Judge Magnus-Stinson to this case. The settlement conference previously scheduled for 4/2/07 before Magistrate Judge V. Shields remains on the calendar. The conference will be held Room 256 before Magistrate Judge Magnus-Stinson in the United States Courthouse, 46 E. Ohio Street, Indianapolis, Indiana. Parties are to use the initials JMS in the cause number of future filings. All scheduled dates or deadlines before the district judge remain unchanged. (MRI) (Entered: 01/30/2007) |
| 02/21/2007 | <u>35</u> | NOTICE of Appearance by Eugene A. Boyle on behalf of Defendant KEVIN JONES. (Boyle, Eugene) (Entered: 02/21/2007) |
| 02/21/2007 | <u>36</u> | ANSWER to Intervenor Complaint, filed by EBY-BROWN COMPANY, LLC, KEVIN JONES.(Boyle, Eugene) (Entered: 02/21/2007) |
| 03/12/2007 | <u>37</u> | MOTION <i>For Order to Show Cause Why Contempt Should Not Be Issued Against Darryl Matlock</i> , filed by Plaintiff EQUAL EMPLOYMENT OPPORTUNITY COMMISSION., (Attachments: # <u>1</u> Exhibit A - Affidavit of Counsel# <u>2</u> Exhibit B - executed subpoena dated2/28/07# <u>3</u> Exhibit C - executed subpoena dated2/24/07# <u>4</u> Text of Proposed Order)(Farnsworth, Jo Ann) (Entered: 03/12/2007) |
| 03/12/2007 | <u>38</u> | BRIEF/MEMORANDUM in Support re <u>37</u> MOTION <i>For Order to Show Cause Why Contempt Should Not Be Issued Against Darryl Matlock</i> , filed by Plaintiff EQUAL EMPLOYMENT OPPORTUNITY COMMISSION. (Farnsworth, Jo Ann) (Entered: 03/12/2007) |
| 03/15/2007 | <u>39</u> | NOTICE of Appearance by Gerald A. Golden on behalf of Defendant KEVIN JONES. (Golden, Gerald) (Entered: 03/15/2007) |
| 03/15/2007 | <u>40</u> | Unopposed MOTION <i>to Strike and Reset Settlement Conference Date</i> , filed by Defendants EBY-BROWN COMPANY, LLC, KEVIN JONES., (Golden, Gerald) (Entered: 03/15/2007) |
| 03/16/2007 | <u>41</u> | RETURN of Service, filed by AHMED CONDE. DAVID ALEXANDER served on 1/24/2007. (Conteh, Swaray) (Entered: 03/16/2007) |
| 03/16/2007 | <u>42</u> | RETURN of Service, filed by AHMED CONDE. EBY-BROWN COMPANY, LLC served on 1/2/2007. (Conteh, Swaray) (Entered: 03/16/2007) |
| 03/16/2007 | <u>43</u> | RETURN of Service, filed by AHMED CONDE. JEFFREY MURPHY served on 12/23/2006. (Conteh, Swaray) (Entered: 03/16/2007) |
| 03/16/2007 | <u>44</u> | RETURN of Service, filed by AHMED CONDE. KEVIN JONES served on 12/26/2006. (Conteh, Swaray) (Entered: 03/16/2007) |
| 03/16/2007 | <u>45</u> | RETURN of Service, filed by AHMED CONDE. EDWARD CAUDILL served on 12/23/2006. (Conteh, Swaray) (Entered: 03/16/2007) |
| 03/19/2007 | <u>46</u> | ORDER granting defts Eby-Brown and Kevin Jones' <u>40</u> Motion to strike and reset settlement conference. SCHEDULING ORDER: Settlement Conference RESET for 6/4/2007 01:30 PM in room #256 before Judge Jane Magnus-Stinson. In the future, counsel should refer to such motion as a motion to continue. Confidential settlement statements are due 5/30/07. Signed by Judge Jane Magnus-Stinson on 3/19/07. (SWM) (Entered: 03/20/2007) |

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| 03/22/2007 | <u>47</u> | APPLICATION <i>for Default</i> , filed by Intervenor Plaintiff AHMED CONDE. (Attachments: # <u>1</u> # <u>2</u>)(Conteh, Swaray) (Entered: 03/22/2007) |
| 03/26/2007 | <u>48</u> | NOTICE of Appearance by Gerald A. Golden on behalf of Defendants JEFFREY MURPHY, DAVID ALEXANDER. (Golden, Gerald) (Entered: 03/26/2007) |
| 03/26/2007 | <u>49</u> | NOTICE of Appearance by Eugene A. Boyle on behalf of Defendants JEFFREY MURPHY, DAVID ALEXANDER. (Boyle, Eugene) (Entered: 03/26/2007) |
| 03/26/2007 | <u>50</u> | Clerk's ENTRY OF DEFAULT as to JEFFREY MURPHY, EDWARD CAUDILL, DAVID ALEXANDER cm LAB (MAC) (Entered: 03/27/2007) |
| 03/28/2007 | <u>51</u> | MOTION to Set Aside Default <i>Against Defendants Jeffrey Murphy and David Alexander</i> , filed by Defendants JEFFREY MURPHY, DAVID ALEXANDER., (Attachments: # <u>1</u> Exhibit Answer to Complaint-in-Intervention# <u>2</u> Text of Proposed Order)(Golden, Gerald) (Entered: 03/28/2007) |
| 04/05/2007 | <u>52</u> | ORDER granting <u>37</u> Motion for order to show cause why contempt should not be issued against Darryl Matlock for refusing to obey a deposition subpoena; SCHEDULING ORDER: Show Cause Hearing set for 4/17/2007 01:00 PM in room #256 before Judge Jane Magnus-Stinson. ORDER that the court reporter contracted to record said deposition shall be permitted to enter the US Courthouse with recording equipment cm Signed by Judge Jane Magnus-Stinson on 4/5/07. (CBU) (Entered: 04/06/2007) |
| 04/13/2007 | <u>53</u> | Witness List <i>Amended Preliminary</i> , filed by Plaintiff EQUAL EMPLOYMENT OPPORTUNITY COMMISSION. (Farnsworth, Jo Ann) (Entered: 04/13/2007) |
| 04/17/2007 | <u>54</u> | ENTRY for 4/17/07: Parties appear by counsel for hearing on Order to Show Cause. Witness Matlock initially fails to appear, after being contacted by phone, agrees to and does appear for deposition. Deposition concluded. Existing deadlines and other date to remain as set. Signed by Judge Jane Magnus-Stinson on 4/17/07. (SWM) (Entered: 04/18/2007) |
| 04/17/2007 | <u>55</u> | Stipulated Protective Order APPROVED. Signed by Judge Jane Magnus-Stinson on 4/17/07. (SWM) (Entered: 04/18/2007) |
| 04/17/2007 | <u>56</u> | Stipulated Protective Order APPROVED. Signed by Judge Jane Magnus-Stinson on 4/17/07. (SWM) (Entered: 04/18/2007) |
| 04/20/2007 | <u>57</u> | ORDER granting Defendants Murphy and Alexander's <u>51</u> Motion to Set Aside Entry of Default. Signed by Judge Sarah Evans Barker on 4/20/07. (MAC) (Entered: 04/23/2007) |
| 04/27/2007 | <u>58</u> | NOTICE of Appearance by Kelley Bertoux Creveling on behalf of Defendants KEVIN JONES, JEFFREY MURPHY, DAVID ALEXANDER. (Creveling, Kelley) (Entered: 04/27/2007) |
| 05/11/2007 | <u>59</u> | MOTION to Compel <i>Discovery and for Sanctions</i> , filed by Defendants EBY-BROWN COMPANY, LLC, KEVIN JONES, JEFFREY MURPHY, DAVID ALEXANDER., (Attachments: # <u>1</u> Text of Proposed Order # <u>2</u> Exhibit # <u>3</u> Exhibit)(Golden, Gerald) (Entered: 05/11/2007) |
| 05/15/2007 | <u>60</u> | Unopposed MOTION <i>to Extend Discovery Deadline</i> , filed by Defendants EBY-BROWN COMPANY, LLC, KEVIN JONES, JEFFREY MURPHY, |

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| | | DAVID ALEXANDER., (Attachments: # 1 Text of Proposed Order)(Golden, Gerald) (Entered: 05/15/2007) |
| 05/15/2007 | 61 | Joint MOTION to Continue Settlement Conference, filed by Plaintiff EQUAL EMPLOYMENT OPPORTUNITY COMMISSION, Defendants EBY-BROWN COMPANY, LLC, KEVIN JONES, JEFFREY MURPHY, DAVID ALEXANDER., (Attachments: # 1 Text of Proposed Order)(Golden, Gerald) (Entered: 05/15/2007) |
| 05/17/2007 | 62 | ORDER granting parties' 61 Joint Motion to continue settlement conference. SCHEDULING ORDER: Settlement Conference RESET for 7/9/2007 01:30 PM in room #256 before Judge Jane Magnus-Stinson. Confidential settlement statements due by 7/5/07. Signed by Judge Jane Magnus-Stinson on 5/17/07. (SWM) (Entered: 05/17/2007) |
| 05/17/2007 | 63 | RESPONSE in Opposition re 59 MOTION to Compel <i>Discovery and for Sanctions</i> , filed by Plaintiff EQUAL EMPLOYMENT OPPORTUNITY COMMISSION. (Attachments: # 1 Exhibit 1- Supplemental Discovery Response)(Farnsworth, Jo Ann) (Entered: 05/17/2007) |
| 05/17/2007 | 64 | ORDER granting defts' 60 Motion to extend discovery deadline. Fact-discovery must be completed by 6/17/07. Dispositive motions due by 7/16/2007. Signed by Judge Jane Magnus-Stinson on 5/17/07. (SWM) (Entered: 05/18/2007) |
| 05/21/2007 | 65 | Unopposed MOTION for Extension of Time to June 5, 2007 to file reply to 59 MOTION to Compel <i>Discovery and for Sanctions</i> , filed by Defendants EBY-BROWN COMPANY, LLC, KEVIN JONES, JEFFREY MURPHY, DAVID ALEXANDER. (Attachments: # 1 Text of Proposed Order)(Golden, Gerald) (Entered: 05/21/2007) |
| 05/22/2007 | 66 | SCHEDULING ORDER:Final Pretrial Conference set for 1/15/2008 02:00 PM in room #216 before Judge Sarah Evans Barker.,Jury Trial set for 1/28/2008 09:30 AM in room #216 before Judge Sarah Evans Barker. Signed by Judge Sarah Evans Barker on 5/22/07. (MAC) (Entered: 05/23/2007) |
| 05/23/2007 | 67 | RESPONSE in Opposition re 59 MOTION to Compel <i>Discovery and for Sanctions</i> , filed by Intervenor Plaintiff AHMED CONDE. (Attachments: # 1 # 2 # 3 # 4 # 5 # 6)(Conteh, Swaray) (Entered: 05/23/2007) |
| 05/23/2007 | 68 | ORDER granting defts' 65 Motion for Extension of Time to File Reply re 59 MOTION to Compel <i>Discovery and for Sanctions</i> ; 7 days from the date Pltf-Intervenor AHMED files his response to defts' Motion to Compel; or by 6/5/2007 if Pltf-Intervenor files no response to the Motion to Compel. Signed by Judge Jane Magnus-Stinson on 5/23/2007. (LSC) (Entered: 05/23/2007) |
| 05/29/2007 | 69 | MOTION for Continuance of Trial, filed by Plaintiff EQUAL EMPLOYMENT OPPORTUNITY COMMISSION., (Attachments: # 1 Text of Proposed Order)(Farnsworth, Jo Ann) (Entered: 05/29/2007) |
| 05/30/2007 | 70 | REPLY in Support of Motion re 59 MOTION to Compel <i>Discovery and for Sanctions</i> , filed by Defendants EBY-BROWN COMPANY, LLC, KEVIN JONES, JEFFREY MURPHY, DAVID ALEXANDER. (Golden, Gerald) (Entered: 05/30/2007) |

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| 06/04/2007 | <u>71</u> | ORDER granting <u>59</u> Motion to Compel and denies the request for sanctions Signed by Judge Jane Magnus-Stinson on 6/4/07. (CBU) (Entered: 06/04/2007) |
| 06/08/2007 | <u>72</u> | Witness List <i>and Exhibit List</i> , filed by Intervenor Plaintiff AHMED CONDE. (Conteh, Swaray) (Entered: 06/08/2007) |
| 06/13/2007 | <u>73</u> | ENTRY for 6/13/07: On 6/12/07, parties appear by counsel for telephone conference concerning discovery matter (See Entry). Signed by Judge Jane Magnus-Stinson on 6/13/07. (SWM) (Entered: 06/14/2007) |
| 07/09/2007 | <u>74</u> | ENTRY for 7/9/07: Parties appear in person and by counsel for settlement conference. Conference held and substantial progress made toward settlement. Counsel are to continue to work on details of settlement documents. SCHEDULING ORDER: Status Conference set for 7/17/2007 03:00 PM in Telephonic before Judge Jane Magnus-Stinson.. Signed by Judge Jane Magnus-Stinson on 7/9/07. (SWM) Modified on 7/10/2007 (SWM). (Entered: 07/10/2007) |
| 07/17/2007 | <u>75</u> | ENTRY for 7/17/07: Parties appear by counsel for telephone status conference. Settlement negotiations are at impasse. Dispositive motion deadline extended to 7/31/07. Signed by Judge Jane Magnus-Stinson on 7/17/07. (SWM) (Entered: 07/18/2007) |
| 09/13/2007 | <u>76</u> | ENTRY for 9/13/07: Parties appear by counsel for telephone status conference. Conference held and case is set for a continued settlement conference. SCHEDULING ORDER: Settlement Conference set for 9/18/2007 01:00 PM in room #256 before Judge Jane Magnus-Stinson. Pltf Ahmed Conde is to appear in person at the conference. (SWM) (Entered: 09/13/2007) |
| 09/18/2007 | <u>77</u> | ENTRY for 9/18/07: Parties appear in person and by counsel for continued settlement conference. Settlement is not finalized (See Entry for established deadlines). Signed by Judge Jane Magnus-Stinson on 9/18/07. (SWM) (Entered: 09/19/2007) |
| 09/27/2007 | <u>78</u> | MOTION <i>to Enforce Settlement Agreement with Plaintiff-Intervenor Ahmed Conde and for Attorney's Fees and Costs</i> , filed by Defendants EBY-BROWN COMPANY, LLC, KEVIN JONES, JEFFREY MURPHY, DAVID ALEXANDER., (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit 1# <u>3</u> Exhibit 2# <u>4</u> Exhibit 3# <u>5</u> Exhibit 4)(Creveling, Kelley) (Entered: 09/27/2007) |
| 10/10/2007 | <u>79</u> | RESPONSE in Opposition re <u>78</u> MOTION <i>to Enforce Settlement Agreement with Plaintiff-Intervenor Ahmed Conde and for Attorney's Fees and Costs</i> , filed by Intervenor Plaintiff AHMED CONDE. (Attachments: # <u>1</u> Affidavit)(Conteh, Swaray) (Entered: 10/10/2007) |
| 10/15/2007 | <u>80</u> | Exhibit List, filed by Plaintiff EQUAL EMPLOYMENT OPPORTUNITY COMMISSION. (Farnsworth, Jo Ann) (Entered: 10/15/2007) |
| 10/15/2007 | <u>81</u> | Witness List, filed by Plaintiff EQUAL EMPLOYMENT OPPORTUNITY COMMISSION. (Farnsworth, Jo Ann) (Entered: 10/15/2007) |
| 10/16/2007 | <u>82</u> | Exhibit List, filed by Defendants EBY-BROWN COMPANY, LLC, KEVIN JONES, JEFFREY MURPHY, DAVID ALEXANDER. (Golden, Gerald) (Entered: 10/16/2007) |

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| 10/16/2007 | <u>83</u> | Witness List, filed by Defendants EBY-BROWN COMPANY, LLC, KEVIN JONES, JEFFREY MURPHY, DAVID ALEXANDER. (Golden, Gerald) (Entered: 10/16/2007) |
| 10/16/2007 | <u>84</u> | REPLY in Support of Motion re <u>78</u> MOTION <i>to Enforce Settlement Agreement with Plaintiff-Intervenor Ahmed Conde and for Attorney's Fees and Costs</i> , filed by Defendants EBY-BROWN COMPANY, LLC, KEVIN JONES, JEFFREY MURPHY, DAVID ALEXANDER. (Golden, Gerald) (Entered: 10/16/2007) |
| 10/17/2007 | <u>85</u> | Exhibit List, filed by Intervenor Plaintiff AHMED CONDE. (Conteh, Swaray) (Entered: 10/17/2007) |
| 10/17/2007 | <u>86</u> | Witness List, filed by Intervenor Plaintiff AHMED CONDE. (Conteh, Swaray) (Entered: 10/17/2007) |
| 10/22/2007 | <u>87</u> | SCHEDULING ORDER:Hearing re defts' Motion to Enforce Settlement Agreement set for 11/6/2007 at 02:00 PM in room #216 before Judge Sarah Evans Barker. (LSC) (Entered: 10/22/2007) |
| 11/06/2007 | <u>88</u> | Minute Entry for proceedings held before Judge Sarah Evans Barker : Evidentiary Hearing held on 11/6/2007 on defendants' Motion to Enforce Settlement Agreement. Opening Statements by parties. Evidence presented. The Court took the matter under advisement. Proceedings adjourned. (Court Reporter Laura Howie-Walters.) (MAC) (Entered: 11/07/2007) |
| 11/21/2007 | <u>89</u> | ORDER granting in part and denying in part defendant's <u>78</u> Motion to Enforce Settlement. Defendant's request for attorney's fees and costs incurred in filing this motion is Denied (S.O.). Signed by Judge Sarah Evans Barker on 11/21/07. (MAC) (Entered: 11/21/2007) |
| 12/13/2007 | <u>90</u> | ORDER TO SHOW CAUSE to parties to show cause why this case should not be dismissed. Show Cause Response due by 1/11/2008. Signed by Judge Sarah Evans Barker on 12/13/07.(MAC) (Entered: 12/13/2007) |
| 12/19/2007 | <u>91</u> | Joint MOTION <i>for Entry of Consent Decree</i> , filed by Plaintiff EQUAL EMPLOYMENT OPPORTUNITY COMMISSION. (Attachments: # <u>1</u> Text of Proposed Order Proposed Consent Decree)(Farnsworth, Jo Ann) (Entered: 12/19/2007) |
| 12/20/2007 | <u>92</u> | ORDER granting <u>91</u> Motion for Entry of Consent Decree (S.O.). Signed by Judge Sarah Evans Barker on 12/20/07. (MAC) (Entered: 12/21/2007) |
| 01/15/2008 | <u>93</u> | CLOSED DISMISSED - the parties have filed nothing in Response to the Court's Entry for 12/13/07; therefore, cause is DISMISSED WITH PREJUDICE pursuant to Fed.R.Civ.P. 41(b). Signed by Judge Sarah Evans Barker on 1/15/08.(MAC) (Entered: 01/16/2008) |

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