#### APPEAL, CLOSED, JTR, JURY

# U.S. District Court Eastern District of Arkansas (Jonesboro) CIVIL DOCKET FOR CASE #: 3:06-cv-00176-JLH

Equal Employment Opportunity Commission v. Southwestern

Bell Telephone, L.P.

Assigned to: Chief Judge J. Leon Holmes Case in other court: USCA8, 08-01096 USCA8, 08-01417

Cause: 42:2000e Job Discrimination (Employment)

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

Date Filed: 09/28/2006

Date Terminated: 12/19/2007

### **Plaintiff**

**Equal Employment Opportunity Commission** 

represented by Faye A. Williams

Equal Employment Opportunity Commission - Memphis 1407 Union Avenue Suite 901 Memphis, TN 38104 901-544-0088 Email: faye.williams@eeoc.gov

LEAD ATTORNEY
ATTORNEY TO BE NOTICED

#### Terry Beck

Equal Employment Opportunity Commission - Memphis 1407 Union Avenue Suite 901 Memphis, TN 38104 (901) 544-0138 TERMINATED: 12/20/2007 LEAD ATTORNEY ATTORNEY TO BE NOTICED

#### William A. Cash, Jr.

Equal Employment Opportunity Commission - Little Rock 820 Louisiana Street Suite 200 Little Rock, AR 72201 (501) 324-5539 Email: william.cash@eeoc.gov LEAD ATTORNEY ATTORNEY TO BE NOTICED

## Darin B. Tuggle

Equal Employment Opportunity Commission - Memphis 1407 Union Avenue Suite 901 Memphis, TN 38104 901-544-0137 Email: darin.tuggle@eeoc.gov ATTORNEY TO BE NOTICED

V.

# **Defendant**

# **Southwestern Bell Telephone LP**

doing business as
AT&T Southwest
doing business as
SBC Communications

## represented by Byron L. Freeland

Mitchell, Williams, Selig, Gates & Woodyard, P.L.L.C. - LR 425 West Capitol Avenue Suite 1800
Little Rock, AR 72201 (501) 688-8810
Email: bfreeland@mwsgw.com
LEAD ATTORNEY
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#### Jeffrey L. Spillyards

Mitchell, Williams, Selig, Gates & Woodyard, P.L.L.C. - LR 425 West Capitol Avenue Suite 1800 Little Rock, AR 72201 (501) 688-8800 Email: jspillyards@mwsgw.com LEAD ATTORNEY ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text	
09/28/2006		***Set Flags: "Jury" & Magistrate. (jct) (Entered: 09/28/2006)	
09/28/2006	1	COMPLAINT with jury demand against Southwestern Bell Telephone, L.P., filed by Equal Employment Opportunity Commission. (Filing fee waived; no summons issued)(jct) (Entered: 09/28/2006)	
10/03/2006	2	ORDER REASSIGNING CASE to Judge J. Leon Holmes for all further proceedings. Judge James M. Moody no longer assigned to case.(bfw) (Entered: 10/03/2006)	

11/14/2006	<u>3</u>	WAIVER OF SERVICE Returned Executed as to Southwestern Bell Telephone, L.P by Equal Employment Opportunity Commission. (Cash, William) (Entered: 11/14/2006)			
11/30/2006	4	ANSWER to Complaint by Southwestern Bell Telephone, L.P(Freeland, Byron) (Entered: 11/30/2006)			
11/30/2006	<u>5</u>	NOTICE of Appearance by Byron L. Freeland on behalf of Southwestern Bell Telephone, L.P. (Freeland, Byron) (Entered: 11/30/2006)			
12/01/2006	<u>6</u>	INITIAL SCHEDULING ORDER (DOC): Rule 26(f) Conference to occur by 2/7/2007; Rule 26(f) Report due by 2/21/2007; proposed jury trial date the week of 6/18/2007 in Jonesboro, Arkansas.(cdw) (Entered: 12/01/2006)			
02/20/2007	7	REPORT of Rule 26(f) Planning Meeting by Equal Employment Opportunity Commission (Cash, William) (Entered: 02/20/2007)			
03/20/2007	8	FINAL SCHEDULING ORDER (DOC): Jury Trial set for the week of 6/18/2007 at 9:15 AM in Jonesboro, Courtroom (large) #324 before Chief Judge J. Leon Holmes; Discovery due by 4/5/2007; Pretrial Disclosure Sheet due by 5/29/2007; Status Report due by 4/19/2007.(cdw) (Entered: 03/20/2007)			
03/22/2007	9	Joint MOTION to Continue by Equal Employment Opportunity Commission (Cash, William) (Entered: 03/22/2007)			
03/22/2007	<u>10</u>	ORDER granting 9 Joint Motion to Continue. The 6/18/07 trial date is removed from the Court's docket. A new trial date & scheduling deadlines will be set by separate order. Signed by Judge J. Leon Holmes on 3/22/07. (jct) (Entered: 03/22/2007)			
03/27/2007	11	AMENDED FINAL SCHEDULING ORDER (DOC): Jury Trial reset for the week of 10/15/2007 at 9:15 AM in Jonesboro, Courtroom (large) #324 before Chief Judge J. Leon Holmes; Discovery due by 8/2/2007; Pretrial Disclosure Sheet due by 9/25/2007; Status Report due by 8/16/2007.(cdw) (Entered: 03/27/2007)			
08/16/2007	<u>12</u>	NOTICE of Appearance by Jeffrey L. Spillyards on behalf of Southwestern Bell Telephone, L.P. (Spillyards, Jeffrey) (Entered: 08/16/2007)			
08/16/2007	<u>13</u>	MOTION for Summary Judgment by Southwestern Bell Telephone, L.P. (Attachments: # 1 Exhibit 1# 2 Exhibit 2# 3 Exhibit 3# 4 Exhibit 4# 5 Exhibit 5# 6 Exhibit 6# 7 Exhibit 7# 8 Exhibit 8# 9 Exhibit 9)(Spillyards, Jeffrey) (Entered: 08/16/2007)			
08/16/2007	<u>14</u>	BRIEF IN SUPPORT filed by Southwestern Bell Telephone, L.P. re 13 Motion for Summary Judgment (Spillyards, Jeffrey) (Entered: 08/16/2007)			
08/16/2007	<u>15</u>	STATEMENT OF FACTS (Local Rule 56.1) re 13 Motion for Summary Judgment filed by Southwestern Bell Telephone, L.P (Spillyards, Jeffrey) (Entered: 08/16/2007)			
08/16/2007	<u>16</u>	STATUS REPORT by Equal Employment Opportunity Commission, Southwestern Bell Telephone, L.P. (Spillyards, Jeffrey) (Entered: 08/16/2007)			

08/17/2007	<u>17</u>	NOTICE of Appearance by Darin B. Tuggle on behalf of Equal Employment Opportunity Commission (Tuggle, Darin) (Entered: 08/17/2007)			
08/22/2007	<u>18</u>	MOTION for Extension of Time to File Response/Reply as to 13 MOTION for Summary Judgment filed August 16, 2007 by defendant, Southwestern Bell Telephone, L.P. d/b/a AT&T Southwest and SBC Communications, by Equal Employment Opportunity Commission (Cash, William) (Entered: 08/22/2007)			
08/22/2007	<u>19</u>	ORDER granting 18 Motion for Extension of Time to File Response. Pltf's response deadline to 13 Deft's Motion for Summary Judgment is extended to 9/7/07. Signed by Judge J. Leon Holmes on 8/22/07. (jct) (Entered: 08/22/2007)			
09/05/2007	<u>20</u>	Second MOTION for Extension of Time to File Response/Reply as to 13 MOTION for Summary Judgment ( <i>Defendant has no objection to the extension</i> ) by Equal Employment Opportunity Commission (Cash, William) (Entered: 09/05/2007)			
09/06/2007	<u>21</u>	ORDER granting 20 Motion for Extension of Time to File Response, re 13 MOTION for Summary Judgment. Plaintiff's response deadline is extended until 0/14/07. Signed by Judge J. Leon Holmes on 9/6/07. (jct) (Entered: 09/07/2007)			
09/14/2007	<u>22</u>	BRIEF IN SUPPORT filed by Equal Employment Opportunity Commission re Response to Motion for Summary Judgment. (Cash, William) (Docket entry modified on 9/17/2007 to correct linkage and the description of the document filed.) (thd) (Entered: 09/14/2007)			
09/14/2007	<u>23</u>	RESPONSE re 15 Statement of Facts (Local Rule 56.1). <i>Plaintiff's Response To Defendant's Statement of Undisputed Facts</i> by Equal Employment Opportunity Commission (Cash, William) (Entered: 09/14/2007)			
09/14/2007	24	RESPONSE to Motion re 13 MOTION for Summary Judgment . <i>Plaintiff's Response To Defendant's Motion For Summary Judgment</i> filed by Equal Employment Opportunity Commission. (Attachments: # 1 Exhibit 1 thru 2# 2 Exhibit 3 thru 4# 3 Exhibit 5 thru 8# 4 Exhibit 9 thru 24)(Cash, William) (Entered: 09/14/2007)			
09/17/2007		NOTICE OF DOCKET CORRECTION re: 22 Brief in Support. CORRECTION: The docket entry was modified to correct the linkage and the description of the document filed as "Brief in Support of Response to Motion for Summary Judgment." (thd) (Entered: 09/17/2007)			
09/20/2007	<u>25</u>	MOTION for Leave to File <i>Reply Brief</i> by Southwestern Bell Telephone, L.P. (Spillyards, Jeffrey) (Entered: 09/20/2007)			
09/20/2007	<u>26</u>	ORDER granting <u>25</u> Motion for Leave to File Reply Brief. Defendant must file its reply brief on or before 9/27/07. Signed by Judge J. Leon Holmes on 9/20/07. (jct (Entered: 09/21/2007)			
09/25/2007	<u>27</u>	PRETRIAL DISCLOSURE SHEET by Southwestern Bell Telephone, L.P. (Freeland, Byron) (Entered: 09/25/2007)			
09/25/2007	<u>28</u>	PRETRIAL DISCLOSURE SHEET . <i>Plaintiff's Pretrial Disclosures</i> by Equal Employment Opportunity Commission (Cash, William) (Entered: 09/25/2007)			

09/27/2007	<u>29</u>	REPLY to Response to Motion re 13 MOTION for Summary Judgment Defendant's Reply Brief in Support of Motion for Summary Judgment filed by Southwestern Bell Telephone, L.P (Attachments: # 1 Exhibit 1)(Spillyards, Jeffrey) (Entered: 09/27/2007)		
10/01/2007	<u>30</u>	MOTION in Limine <i>Regarding Glenn Owen</i> by Equal Employment Opportunity Commission (Cash, William) (Entered: 10/01/2007)		
10/01/2007	31	BRIEF IN SUPPORT filed by Equal Employment Opportunity Commission re 30 Motion in Limine (Cash, William) (Entered: 10/01/2007)		
10/03/2007	32	OPINION AND ORDER denying 13 Deft's Motion for Summary Judgment. Signed by Judge J. Leon Holmes on 10/3/07. (jct) (Entered: 10/03/2007)		
10/05/2007	33	TRIAL BRIEF by Southwestern Bell Telephone, L.P.(Spillyards, Jeffrey) (Entered: 10/05/2007)		
10/05/2007	<u>34</u>	TRIAL BRIEF ( <i>Plaintiff EEOC's</i> ) by Equal Employment Opportunity Commission(Cash, William) (Entered: 10/05/2007)		
10/08/2007	<u>35</u>	RESPONSE to Motion re 30 MOTION in Limine Regarding Glenn Owen Defendant's Response to Plaintiff's Motion in Limine Regarding Glenn Owen filed by Southwestern Bell Telephone, L.P (Spillyards, Jeffrey) (Entered: 10/08/2007)		
10/09/2007	<u>36</u>	ORDER granting in part and denying in part 30 Plaintiff's Motion in Limine regarding testimony of Glenn Owen. Signed by Judge J. Leon Holmes on 10/9/07. (jct) (Entered: 10/09/2007)		
10/10/2007	<u>37</u>	AMENDED SCHEDULING ORDER: Jury Trial before Chief Judge J. Leon Holmes set for 10/15/2007 is rescheduled to begin at 1:15 PM in Jonesboro Courtroom #324. Signed by Judge J. Leon Holmes on 10/10/07. (jct) (Entered: 10/10/2007)		
10/15/2007		(This is a TEXT ENTRY ONLY. There is no pdf document associated with this entry.) Minute entry for proceedings held before Judge J. Leon Holmes: Jury Trial (DAY 1) held on Monday, 10/15/2007 in Jonesboro; William Cash, Darin Tuggle present for plaintiff; Byron Freeland, Tim Pickering present for defendant; voir dire by Court and counsel; peremptory strikes exercised; jury of 12 seated and sworn; opening statements by counsel for plaintiff and counsel for defendant; plaintiff's proof begins. (Court Reporter Genie Power) (cdw) (Entered: 10/16/2007)		
10/16/2007		(This is a TEXT ENTRY ONLY. There is no pdf document associated with this entry.) Minute proceedings held before Judge J. Leon Holmes: Jury Trial (DAY 2) held on Tuesday, 10/16/2007 in Jonesboro; plaintiff's proof continues. (Court Reporter Genie Power) (cdw) (Entered: 10/17/2007)		
10/17/2007		(This is a TEXT ENTRY ONLY. There is no pdf document associated with this entry.) Minute entry for proceedings held before Judge J. Leon Holmes: Jury Tria (DAY 3) held on Wednesday, 10/17/2007 in Jonesboro; plaintiff's proof concludes. (Court Reporter Genie Power) (cdw) (Entered: 10/18/2007)		

10/18/2007		(This is a TEXT ENTRY ONLY. There is no pdf document associated with this entry.) Minute entry for proceedings held before Judge J. Leon Holmes: Jury Tria (DAY 4) held on Thursday, 10/18/2007 in Jonesboro; defendant's proof concludes; closing arguments by counsel for plaintiff and counsel for defendant; Court reads jury instructions to jurors; CSO sworn; jury retires for deliberations a 2:13 p.m.; jury excused for the evening at 7:00 p.m., directed to return to resume deliberations at 9:00 a.m. on Friday. (Court Reporter Genie Power) (cdw) (Entered: 10/19/2007)		
10/18/2007	<u>38</u>	Jury Instructions given by the Court. (cdw) (Entered: 10/22/2007)		
10/18/2007	<u>39</u>	Proffered Jury Instructions by Equal Employment Opportunity Commission (cdw) (Entered: 10/22/2007)		
10/18/2007	<u>40</u>	Proffered Jury Instruction by Southwestern Bell Telephone, L.P. (cdw) (Entered: 10/22/2007)		
10/19/2007	41	Minute entry for proceedings held before Judge J. Leon Holmes: Jury Trial (DAY 5) held on Friday, 10/19/2007 in Jonesboro; jurors resume deliberations at 9:00 a.m.; fed lunch at 12:30 p.m.; announce verdict in favor of plaintiffs at 1:22 p.m.; jurors excused from service, Court adjourned. (Court Reporter Cheryl Nelson) (cdw) (Entered: 10/22/2007)		
10/19/2007	<u>42</u>	JURY VERDICT finding in favor of plaintiffs (cdw) (Entered: 10/22/2007)		
10/23/2007	43	JUDGMENT, pursuant to 42 Jury Verdict, in favor of Equal Employment Opportunity Commission against Southwestern Bell Telephone, L.P. in the amount of \$756,000, with interest to accrue at the rate of 4.14% per annum from this day forward. The Court will retain jurisdiction to consider what equitable relief, if any, should be granted. Signed by Judge J. Leon Holmes on 10/23/07. (jct) (Entered: 10/23/2007)		
10/25/2007	<u>44</u>	MOTION for Bill of Costs by Equal Employment Opportunity Commission (Attachments: # 1 Exhibit Exhibits A and B)(Cash, William) (Entered: 10/25/2007)		
11/30/2007	45	TRANSCRIPT of Voir Dire (1 Volume) held on October 15, 2007 before Judge J. Leon Holmes. Court Reporter: Eugenie M. Power. (mkf) (Entered: 11/30/2007)		
11/30/2007	46	TRANSCRIPT of Trial (Vol. #1) held on October 15, 2007 before Judge J. Leon Holmes. Court Reporter: Eugenie M. Power. (mkf) (Entered: 11/30/2007)		
11/30/2007	47	TRANSCRIPT of Trial (Vol. #2) held on October 16, 2007 before Judge J. Leon Holmes. Court Reporter: Eugenie M. Power. (mkf) (Entered: 11/30/2007)		
11/30/2007	48	TRANSCRIPT of Trial (Vol. #3) held on October 17, 2007 before Judge J. Leon Holmes. Court Reporter: Eugenie M. Power. (mkf) (Entered: 11/30/2007)		
11/30/2007	49	TRANSCRIPT of Trial (Vol. #4) held on October 18-19, 2007 before Judge J. Leon Holmes. Court Reporter: Eugenie M. Power. (mkf) (Entered: 11/30/2007)		
12/12/2007	<u>50</u>			

12/19/2007	<u>52</u>	ORDER, re <u>43</u> Judgment, that Defendant is enjoined from engaging in any employment practice which discriminates on the basis of religion. Defendant is directed to reinstate Glenn Owen & Joe Gonzalez, with appropriate adjustments to seniority rights & benefits, to the positions they held prior to their termination Defendant is directed to pay front pay to Mr. Owen & Mr. Gonzalez from the point of Judgment until the date of their reinstatement. Defendant is directed to pay interest on the front pay amounts from the point of Judgment until Mr. Owe & Mr. Gonzalez are reinstated. The Court orders that Glenn Owen is entitled to prejudgment interest of \$15,764.52. The Court orders that Joe Gonzalez is entitled to prejudgment interest of \$13,982.99. Signed by Chief Judge J. Leon Holmes on 12/19/07. (jct) (Entered: 12/19/2007)		
12/19/2007	<u>54</u>	MOTION to Withdraw as Attorney ( <i>Proposed Order submitted</i> ) by Equal Employment Opportunity Commission (Tuggle, Darin) (Entered: 12/19/2007)		
12/20/2007	<u>55</u>	ORDER granting <u>54</u> Motion to Withdraw as Attorney. Attorney Terry Beck terminated. Signed by Chief Judge J. Leon Holmes on 12/20/07. (jct) (Entered: 12/20/2007)		
01/08/2008	<u>56</u>	NOTICE OF APPEAL with Appeal Information form "A" as to <u>52</u> Order, <u>32</u> Order on Motion for Summary Judgment, <u>43</u> Judgment, <u>50</u> Order on Motion for Bill of Costs, by Southwestern Bell Telephone LP. Filing fee \$ 455, receipt number JONOOO292. (dac) (Entered: 01/08/2008)		
01/08/2008	<u>57</u>	NOTIFICATION OF APPEAL and NOA SUPPLEMENT as to <u>52</u> Order <u>32</u> Order on Motion for Summary Judgment, <u>43</u> Judgment, <u>50</u> Order on Motion for Bill of Costs, <u>56</u> Notice of Appeal, by Southwestern Bell Telephone LP. (NOTIFICATION TO COUNSEL: REQUEST FOR TRANSCRIPTS SHOULD BE FILED WITH THE DISTRICT COURT CLERK. FORM A & B SHOULD BE SUBMITTED TO EIGHTH CIRCUIT COURT OF APPEALS CLERK'S OFFICE). (dac) (Entered: 01/08/2008)		
01/08/2008	<u>58</u>	TRANSCRIPT REQUEST by Southwestern Bell Telephone LP (Freeland, Byron) (Entered: 01/08/2008)		
01/08/2008	<u>59</u>	MOTION to Stay <i>Motion for Stay Upon Appeal</i> by Southwestern Bell Telephone LP (Attachments: # 1 Exhibit A - Bond)(Freeland, Byron) (Entered: 01/08/2008)		
01/09/2008	<u>60</u>	ORDER granting <u>59</u> Motion to Stay. Signed by Chief Judge J. Leon Holmes on 1/9/08. (dac) (Entered: 01/09/2008)		
01/10/2008	<u>61</u>	USCA Docketing Letter and Briefing Schedule as to <u>56</u> Notice of Appeal, filed by Southwestern Bell Telephone LP. USCA Case Number 08-1096 Transcript due by 2/19/2008 (dac) (Entered: 01/10/2008)		
01/15/2008	<u>62</u>	Transmitted Record on Appeal to US Court of Appeals: 5 volumes of jury trial transcripts re 56 Notice of Appeal, (dac) (Entered: 01/15/2008)		
02/14/2008	<u>63</u>	NOTICE OF APPEAL as to <u>52</u> Order,,, <u>43</u> Judgment, by Equal Employment Opportunity Commission. (Cash, William) (Entered: 02/14/2008)		
02/14/2008	<u>64</u>	NOTIFICATION OF APPEAL and NOA SUPPLEMENT as to <u>52</u> Order, <u>43</u> Judgment, <u>63</u> Notice of Appeal by Equal Employment Opportunity Commission. (dac) (Entered: 02/14/2008)		

02/22/2008	<u>65</u>	NOTICE by Equal Employment Opportunity Commission that a transcript of the proceedings in the case has been received and the transcript is on file. (Cash, William) (Entered: 02/22/2008)	
02/22/2008	<u>66</u>	USCA Docketing Letter as to <u>63</u> Notice of Appeal filed by Equal Employment Opportunity Commission. USCA Case Number 08-1417 (dac) (Entered: 02/22/2008)	
02/22/2008	<u>67</u>	USCA Scheduling Order as to <u>63</u> Notice of Appeal filed by Equal Employment Opportunity Commission, <u>56</u> Notice of Appeal, filed by Southwestern Bell Telephone LP. (dac) (Entered: 02/22/2008)	

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