

CLOSED

**U.S. District Court  
Western District of Virginia (Roanoke)  
CIVIL DOCKET FOR CASE #: 7:01-cv-00076-sgw-gc**

Equal Employment, et al v. Overnite  
Assigned to: Judge Samuel G. Wilson  
Referred to: Magistrate Judge Glen E. Conrad(Magistrate)  
Demand: \$0  
Case in other court:  
Cause: Americans With Disabilities Act of 1990 (ADA)

Date Filed: 01/30/2001  
Nature of Suit: 442 Civil Rights: Jobs  
Jurisdiction: U.S. Government Plaintiff

**Plaintiff**

**Equal Employment Opportunity  
Commission**

represented by **Gerald S. Kiel**  
Richmond Area Office  
3600 West Broad Street, Rm. 229  
Richmond, VA 23230  
8042784667  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Suzanne L. Nyfeler**  
EQUAL EMPLOYMENT  
OPPORTUNITY COMMISSION  
RICHMOND AREA OFFICE, SUITE 600  
830 EAST MAIN STREET  
RICHMOND, VA 23219  
804-771-2215  
Fax: 771-2222  
Email: suzanne.nyfeler@eeoc.gov  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Tracey Hudson Spicer**  
EQUAL EMPLOYMENT  
OPPORTUNITY COMMISSION  
RICHMOND AREA OFFICE, SUITE 600  
830 EAST MAIN STREET  
RICHMOND, VA 23219  
804-771-2200  
Fax: 771-2222  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

V.

**Intervenor Plaintiff**

**Etzel Paul Newton**

represented by **Paul Graham Beers**  
GLENN FELDMANN DARBY &  
GOODLATTE  
PO BOX 2887  
ROANOKE, VA 24001-1613  
540-224-8035  
Fax: 540-224-8050  
Email: pbeers@gfdg.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

V.

**Defendant****Overnite Transportation Company**

represented by **James M. Johnson**  
MCGUIRE WOODS LLP  
PO BOX 1288  
CHARLOTTESVILLE, VA 22902-1288  
434-977-2500  
Fax: 980-2222  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Robert Craig Wood**  
MCGUIRE WOODS LLP  
SUITE 300  
PO BOX 1288  
CHARLOTTESVILLE, VA 22902-1288  
434-977-2558  
Fax: 434-980-2274  
Email: cwood@mcguirewoods.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

Date Filed	#	Docket Text
01/30/2001	1	COMPLAINT; 100 Day Notice due 5/10/01 for Overnite; Service due 5/30/01 for Overnite (mka) Modified on 01/31/2001 (Entered: 01/31/2001)
01/31/2001		SUMMONS(ES) issued for Overnite (mka)
03/28/2001	2	MOTION to Dismiss by Overnite (Attorney James M. Johnson) (mka)
03/29/2001		Magistrate's Notice (emh)
03/29/2001		SCHEDULING LETTER for Judge Wilson to counsel (emh)
03/29/2001		CORPORATE DISCLOSURE LETTER; Response due 4/1/01 for Overnite (emh)

04/06/2001	3	POSITIVE CORPORATE DISCLOSURE STATEMENT by Overnite (mka)
04/10/2001	4	SCHEDULING ORDER setting Jury Trial for 9:00 10/29-30/01 , and Referring Case to Magistrate Judge Glen E. Conrad for all nondispositive pretrial motions and issues,including any requested changes in this Order and whatever else as set forth in Order as to trial and settlement, motions, discovery, witnesses and mediation ( signed by Chief Judge Samuel G. Wilson ) [EOD Date 4/11/01] (mka) (Entered: 04/11/2001)
04/24/2001	5	MEMORANDUM by Overnite in support of [2-1] motion to Dismiss by Overnite (mka)
04/26/2001	6	Rule 26(f) Agreement of the Parties by Equal Employment, Overnite (mka)
05/07/2001	7	NOTICE of Hearing Motion Hearing set for 12:00 6/11/01 in Harrisonburg Division by agreement of the parties for [2-1] motion to Dismiss by Overnite (mka)
05/08/2001	8	MEMORANDUM by Equal Employment in opposition to [2-1] motion to Dismiss by Overnite (mka)
05/08/2001	9	MOTION to Intervene by Etzel Paul Newton (mka)
05/11/2001	10	ORDER granting [9-1] motion to Intervene ( signed by Chief Judge Samuel G. Wilson ) [EOD Date 5/11/01] (mka)
05/21/2001	11	REPLY MEMORANDUM by Overnite to [8-1] Opposition to Motion to Dismiss by Equal Employment (rkc) (Entered: 05/22/2001)
06/11/2001		Motion hearing held re: [2-1] motion to Dismiss by Overnite. Parties argue. Ct will render order. (Judge Samuel G. Wilson OCR Aaron LaDuke) (jat)
07/06/2001	12	ORDER denying [2-1] motion to Dismiss, directing parties to confer and, if possible, submit stipulations of fact within 45 days of the date of this order and whatever else set forth in the order ( signed by Chief Judge Samuel G. Wilson ) [EOD Date 7/6/01] (mka)
07/18/2001	13	ANSWER AND DEFENSES to Complaint by Overnite (emh)
07/26/2001	14	NOTICE TO TAKE DEPOSITION OF Etzel Paul Newton by Overnite (rkc)
07/26/2001	15	NOTICE TO TAKE DEPOSITION OF Butch Vandergrift by Overnite (rkc)
08/03/2001		DISCOVERY LETTER by Etzel Paul Newton (Return of service of deposition subpoena as to E. S. Vandergrift) (lmh) (Entered: 08/06/2001)
08/03/2001		DISCOVERY LETTER (Subpoena executed for documents upon USF Red Star) by Overnite (lmh) (Entered: 08/06/2001)
08/13/2001	16	SHOW CAUSE ORDER, directing E. S. Vandergrift, Jr. to appear before Hon. Glen E. Conrad, U. S. Magistrate Judge set Show Cause Hearing for 1:00 8/21/01 ( signed by Magistrate Judge Glen E. Conrad ) [EOD Date 8/14/01] (lmh) (Entered: 08/14/2001)
08/20/2001	17	MOTION for Pre-trial Conference to adjust scheduling by Overnite (lmh) (Entered: 08/21/2001)

08/22/2001		MARSHAL'S RETURN on show cause order as to E. S. Vandergrift, Jr. executed on 8/20/01 (lmh)
08/24/2001	18	ORDER granting [17-1] motion for Pre-trial Conference to adjust scheduling, Resetting Stipulations and/or joint appendix deadline to 8/31/01 , Resetting Motion Filing deadline to 9/10/01 ( signed by Chief Judge Samuel G. Wilson ) [EOD Date 8/24/01] (emh)
08/31/2001	19	STIPULATIONS (ssm)
09/13/2001	20	SCHEDULING ORDER setting jury trial for 12/12-13/01 at 9:00 in Roanoke; Dispositive motions due 9/18/01, Responses due 10/5/01; Oral arguments to be held on 10/19/01 at 2:00 ( signed by Chief Judge Samuel G. Wilson ) [EOD Date 9/14/01] (lmh) (Entered: 09/14/2001)
09/14/2001		Deadline updated; reset Jury Trial for 9:00 12/12-13/01 , (lmh)
09/18/2001	21	RENEWED MOTION to Dismiss , and for Summary Judgment by Overnite (lmh)
09/18/2001	22	MEMORANDUM by Overnite in support of Renewed [21-1] motion to Dismiss by Overnite, [21-2] motion for Summary Judgment by Overnite (lmh)
09/19/2001	23	Appendix to Motion for Summary Judgment by Overnite (lmh)
10/05/2001	24	MEMORANDUM by Equal Employment in opposition to [21-1] motion to Dismiss by Overnite, [21-2] motion for Summary Judgment by Overnite (emh)
10/10/2001		DISCOVERY LETTER (Return of service of Subpena for documents to Stephen Fry, M.D.) by Overnite (lmh)
10/10/2001		DISCOVERY LETTER (Return of Service on Subpoena for documents as to Charles H. Hiles, M.D.) by Overnite (lmh)
10/15/2001	25	RESPONSE by Overnite to [24-1] opposition memorandum by Equal Employment (lmh)
10/19/2001		Motion hearing held re: [21-1] motion to Dismiss by Overnite, [21-2] motion for Summary Judgment by Overnite, [2-1] motion to Dismiss by Overnite (Judge Samuel G. Wilson OCR Aaron LaDuke) (lmh)
11/30/2001		COURT REPORTER NOTES as to defendant Overnite filed in Roanoke Division by Court Reporter Aaron LaDuke Carton CV # 158 for hearing date 6/11/01 for Motion to Dismiss (lmh)
11/30/2001	26	MEMORANDUM OPINION ( signed by Chief Judge Samuel G. Wilson ) (lmh)
11/30/2001	27	FINAL ORDER ent. granting defendant's [21-2] motion for Summary Judgment; Striking case from the docket of the Court ( signed by Chief Judge Samuel G. Wilson ) [EOD Date 11/30/01] (lmh)
11/30/2001		Case closed (lmh)
12/10/2001		POST OFFICE RETURN of Final Memorandum opinion and order as to Suzanne L Nyfeler, Esq. because insufficient address; Remailed 10/12/01; Faxed order on 11/30/01 to co-counsel at the direction of the Court. (lmh) (Entered: 12/12/2001)

01/28/2002	28	NOTICE OF APPEAL by Equal Employment . Order appealed: 11/30/01 Order by Judge Samuel G. Wilson) (lmh)
01/29/2002		Transmittal Letter w/ Notice of Appeal and certified copy of docket to USCA: [28-1] appeal by Equal Employment (lmh)
02/11/2002		NOTICE of Docketing ROA from USCA Re: [28-1] appeal by Equal Employment USCA Number: 02-1135 Docket Clerk Barbara H. Rowe (lmh) (Entered: 02/12/2002)
02/12/2002		USCA NOTICE/Request for record (lmh)
02/13/2002		RECORD ON APPEAL in 2 volumes sent to U.S. Court of Appeals: Re [28-1] appeal by Equal Employment (lmh)
02/19/2002		Appeal record received in USCA on 2/14/02 (lmh)
03/18/2002	29	TRANSCRIPT of Motion for summary judgment for dates of 10/19/01 (OCR Aaron LaDuke) (lmh) (Entered: 03/19/2002)
03/28/2002		Supplemental to USCA: Transcript of 10/19/01; Filed 3/18/02 [28-1] appeal by Equal Employment (lmh)
04/04/2002		Supplement to record rec. in U. S. Court of Appeals on 4/1/02 (lmh) (Entered: 04/05/2002)
05/13/2002		COURT REPORTER NOTES as to defendant Overnite filed in Roanoke Division by Court Reporter Aaron LaDuke, OCR for hearing date 10/19/01 for MSJ (rtb)
08/27/2002		JUDGMENT OF USCA (certified copy) dismissing per consent motion [28-1] appeal by Equal Employment (mka)
08/27/2002		RECORD ON APPEAL returned from U.S. Court of Appeals: [28-1] appeal (mka)

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