87BE, CLOSED, _SR

U.S. District Court Western District of Oklahoma[LIVE] (Oklahoma City) CIVIL DOCKET FOR CASE #: 5:03-cv-01363-R

EEOC v. Citgo Petroleum Corp

Assigned to: Honorable David L. Russell

Demand: \$100,000

Cause: 42:2000e Job Discrimination (Employment)

Date Filed: 09/29/2003

Date Terminated: 01/13/2005

Jury Demand: None

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

Plaintiff

Equal Employment Opportunity

Commission

represented by Michelle M Robertson

EEOC-OKC

Equal Employment Opportunity

Commission

215 Dean A McGee

Suite 524

Oklahoma City, OK 73102

405-231-4363

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Email: michelle.robertson@eeoc.gov *ATTORNEY TO BE NOTICED*

V.

Defendant

Citgo Petroleum Corporation

an indirect wholly owned subsidiary of Petroleos de Venezuela SA represented by Audra K Hamilton

Doerner Saunders Daniel & Anderson

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Date Filed	#	Docket Text	
09/29/2003	1	COMPLAINT (nm) (Entered: 09/29/2003)	
09/29/2003	2	PRAECIPE for and issued 1 summons by plaintiff EEOC (nm) (Entered: 09/29/2003)	
09/29/2003	3	ATTORNEY APPEARANCE for plaintiff EEOC by Michelle M Robertson (nm) (Entered: 09/29/2003)	
11/12/2003	4	ENTRY of Appearance by Charles S Plumb on behalf of Citgo Petroleum Corporation (kw,) (Entered: 11/13/2003)	
11/12/2003	<u>5</u>	ENTRY of Appearance by Audra K Hamilton on behalf of Citgo Petroleum Corporation (kw,) (Entered: 11/13/2003)	
11/12/2003	<u>6</u>	ANSWER to Complaint by Citgo Petroleum Corporation.(kw,) (Entered: 11/13/2003)	
12/09/2003	7	DOCKET:Status/Scheduling Conference set for 2/2/2004 at 02:00 PM in Chambers before Honorable David L. Russell. (ns,) (Entered: 12/09/2003)	
12/24/2003	8	DOCKET: Scheduling Conference set for 2/2/2004 02:00 PM in Chambers before Honorable David L. Russell. (bc,) (Entered: 12/24/2003)	
01/30/2004	9	JOINT STATUS REPORT. (kw,) (Entered: 02/02/2004)	
01/30/2004	<u>10</u>	JOINT DISCOVERY PLAN. (kw,) (Entered: 02/02/2004)	
02/02/2004	<u>11</u>	SCHEDULING ORDER: Pla witness list due 7/1/04; Pla exhibit list due 7/1/04 Dft witness list due 10 days t/a; Dft exhibit list due 10 days t/a; Motions in lim due 9/1/04; Jury instructions due 9/1/04; Voir dire requests due 9/1/04; Trial briefs due 9/1/04; Discovery due by 8/15/2004. Jury Trial set for 9/13/2004 09 AM in Courtroom #302 before Honorable David L. Russell. Motions due by 7/1/2004. Pretrial Report due by 9/1/2004 Signed by Judge David L. Russell of 2/2/04. (kw.) (Entered: 02/03/2004)	
04/22/2004	<u>12</u>	GENERAL ORDER 04-02 (April 15, 2004) Mandatory Electronic Case Filing. Signed by Judge David L. Russell on 4/15/04. (ns,) (Entered: 04/22/2004)	
06/08/2004	<u>13</u>	UNOPPOSED MOTION for Protective Order by Equal Employment Opportunity Commission. (Robertson, Michelle) (Entered: 06/08/2004)	

06/08/2004	<u>14</u>	ORDER granting 13 Motion for Protective Order . Signed by Judge David L. Russell on 6/8/04. (ns,) (Entered: 06/08/2004)	
06/14/2004	<u>15</u>	MOTION to Compel by Citgo Petroleum Corporation. (Attachments: # 1 # 2 # 4 # 5 # 6)(Hamilton, Audra) (Entered: 06/14/2004)	
06/15/2004	<u>16</u>	MOTION for Extension of Time by Citgo Petroleum Corporation. (Hamilton, Audra) (Entered: 06/15/2004)	
06/16/2004	<u>17</u>	ORDER granting <u>16</u> Motion for Extension of Time of Scheduling Deadlines . Signed by Judge David L. Russell on 6/16/04. (ns,) (Entered: 06/16/2004)	
06/16/2004		Set/Reset Deadlines: Case moved to the January 2005 Jury Docket. Discovery due by 12/15/2004. Exhibit List due by 11/1/2004. Expert Witness List due by 11/1/2004. Motions due by 11/1/2004. Pretrial Report due by 1/3/2005. (ns,) (Entered: 06/16/2004)	
07/01/2004	<u>18</u>	RESPONSE in Opposition re <u>15</u> MOTION to Compel filed by Equal Employment Opportunity Commission. (Attachments: # <u>1</u>)(Robertson, Michelle) (Entered: 07/01/2004)	
07/07/2004	<u>19</u>	ORDER granting in part and denying in part <u>15</u> Defendant's Motion to Compel . Signed by Judge David L. Russell on 7/7/04. (ns,) (Entered: 07/07/2004)	
07/15/2004		Set/Reset Hearings: Jury Trial set for 1/10/2005 09:30 AM in Courtroom #302 before Honorable David L. Russell. (entered to correct the ECF system ddls) (kw,) (Entered: 07/15/2004)	
09/17/2004	<u>20</u>	MOTION to Quash, for Protective Order and Expedited Review by Equal Employment Opportunity Commission. (Attachments: # 1)(Robertson, Michelle) (Entered: 09/17/2004)	
09/20/2004	<u>21</u>	ORDER REFERRING MOTION: Plaintiff's request for expedited review is Granted. 20 MOTION to Quash, and for Protective Order filed by Equal Employment Opportunity Commission is referred to Magistrate Gary Purcell for a hearing before him on September 21, 2004 at 2:00 p.m Signed by Judge David L. Russell on 9/20/04. (ns,) (Entered: 09/20/2004)	
09/21/2004	<u>22</u>	RESPONSE in Opposition re <u>20</u> MOTION to Quash, <i>for Protective Order and Expedited Review</i> filed by Citgo Petroleum Corporation. (Attachments: # <u>1</u> Exhibit 1 - Clark Deposition Excerpts)(Hamilton, Audra) (Entered: 09/21/2004)	
09/21/2004	23	Minute Entry: Ptys appr by cnsl & hrg held pur to referral by District Judge David Russell re: Plf EEOC's Mtn to Quash (Doc. #20) certain subps issued by Dft. Plf EEOC's Mtn to Quash GRANTED, & subps as issued are ordered quashed. Ea pty to bear their own costs, expenses, & attys' fees. Ptys adv of rt to appeal under LCivRules concerning this bench ruling. (Tape #04-20-H,P Interva 2104-3095) (dm) (Entered: 09/21/2004)	
10/07/2004	<u>24</u>	MOTION to Compel <i>Deposition Testimony or in Alternative Motion in Limine</i> by Equal Employment Opportunity Commission. (Attachments: # 1 # 2 # 3)(Robertson, Michelle) (Entered: 10/07/2004)	
10/07/2004	<u>25</u>	MOTION to Compel <i>Discovery</i> by Equal Employment Opportunity Commission (Attachments: # 1 # 2 # 3 # 4 # 5 # 6 # 7 # 8)(Robertson, Michelle) (Entered:	

		10/07/2004)	
10/08/2004		Docket Annotation: Documents <u>24</u> and <u>25</u> are STRICKEN as the exhibits are not described. Counsel instructed to refile motions with a description for each attachment. (kw,) (Entered: 10/08/2004)	
10/12/2004	<u>26</u>	MOTION to Compel <i>Deposition Testimony or in Alternative Motion in Limine</i> by Equal Employment Opportunity Commission. (Attachments: # 1 Exhibit Exh. 1-Citgo Letter of 5/25/01; Exh. 2-Citgo Letter of 12/13/01; Exh. 3-Logan Deposition# 2 Exhibit Exh. 4-Moxley Deposition; Exh. 5- Schmult Deposition; Exh. 6-Kitchen Deposition# 3 Exhibit Exh. 7-Epperly Deposition; Exh. 8-Barentine Deposition; Exh. 9-Bobo Deposition)(Robertson, Michelle) (Entered: 10/12/2004)	
10/12/2004	<u>27</u>	MOTION to Compel <i>Discovery</i> by Equal Employment Opportunity Commission. (Attachments: # 1 1-Cover Sheet# 2 2-Table of Contents# 3 3-Table of Authorities# 4 Exhibit 1-Citgo's Discovery Responses# 5 Exhibit 2-Privilege Log# 6 Exhibit 3-Citgo Letter of 12/13/01; Exh. 4-Logan Deposition; Exh. 5-Moxley Deposition# 7 Exhibit 6-Schmult Deposition; Exh. 7-Kitchen Deposition# 8 Exhibit 8-Epperly Deposition; Exh. 9-Citgo Policies)(Robertson, Michelle) (Entered: 10/12/2004)	
10/18/2004	<u>28</u>	ENTRY of Appearance by Richard H Foster on behalf of Citgo Petroleum Corporation (Foster, Richard) (Entered: 10/18/2004)	
10/27/2004	<u>29</u>	ORDER granting in part and denying in part <u>26</u> Plaintiff's Motion to Compel, and granting <u>27</u> Plaintiff's Motion to Compel . Signed by Judge Cauthron for Judge David L. Russell on 10/27/04. (ns,) (Entered: 10/27/2004)	
10/28/2004	<u>30</u>	UNOPPOSED MOTION for Leave to File Reply by Citgo Petroleum Corporation. (Hamilton, Audra) (Entered: 10/28/2004)	
10/28/2004	<u>31</u>	ORDER granting 30 Defendant's Motion for Leave to File Reply to motions to compel by November 1,2004. Order 29 entered October 27, 2004 is vacated after being entered in error prematurely. Signed by Judge David L. Russell on 10/28/04. (ns,) (Entered: 10/28/2004)	
11/01/2004	<u>32</u>	MOTION for Summary Judgment by Equal Employment Opportunity Commission. (Attachments: # 1 Exhibit 1-EEOC Charge; 2-Letter of Determination; 3-EEOC Letter; 4-Citgo Letter; 5-EEOC Letter of 2/11; 6-Notic of Conciliation Failure# 2 Exhibit 7-Affidavit of S.Anderson)(Robertson, Michelle) (Entered: 11/01/2004)	
11/01/2004	<u>33</u>	Witness List <i>and Exhibit List</i> by Plaintiff Equal Employment Opportunity Commission. (Robertson, Michelle) (Entered: 11/01/2004)	
11/01/2004	<u>34</u>	Witness List <i>for Expert and Expert Report</i> by Plaintiff Equal Employment Opportunity Commission. (Attachments: # 1 Exhibit 1-Expert Report and fee schedule# 2 Exhibit 2-Fish Cirriculum Vitae & publications)(Robertson, Michelle) (Entered: 11/01/2004)	
11/01/2004	<u>35</u>	RESPONSE to Motion re <u>27</u> MOTION to Compel <i>Discovery</i> filed by Citgo Petroleum Corporation. (Attachments: # <u>1</u> Exhibit Exhibit 1 Affidavit of Nancy Hillyard# <u>2</u> Exhibit Exhibit 2 Affidavit of Brad Helton# <u>3</u> Exhibit Exhibit 3 Affidavit of Gary Barentine# <u>4</u> Exhibit Exhibit 4 10.4.04 letter from hamilton to	

		robertson# <u>5</u> Exhibit Exhibit 5 10.6.04 letter from hamilton to robertson# <u>6</u> Exhibit Exhibit 6 Affidavit of Marshall Buzan, Jr.# <u>7</u> Exhibit Exhbit 7 CITGO's SEC Form 10-K)(Hamilton, Audra) (Entered: 11/01/2004)	
11/01/2004	<u>36</u>	RESPONSE to Motion re 26 MOTION to Compel Deposition Testimony or in Alternative Motion in Limine, 27 MOTION to Compel Discovery and Brief in Support filed by Citgo Petroleum Corporation. (Attachments: # 1 Exhibit 1 - 10/4/04 ltr to EEOC# 2 Exhibit 2- 10/6/04 ltr to EEOC# 3 Exhibit 3 - Affidavit of Lon harvey# 4 Exhibit 4 - Affidavit of Brad Helton# 5 Exhibit 5 - 10/20/04 ltr to EEOC# 6 Exhibit 6 - Janet Kitchen Transcript# 7 Exhibit 7 - Billie Jean Logan Transcript# 8 Exhibit 8 - Jason Clark Transcript# 9 Exhibit 9 - Linda Moxley Transcript)(Hamilton, Audra) (Entered: 11/01/2004)	
11/01/2004	<u>37</u>	MOTION for Summary Judgment <i>and brief in support</i> by Citgo Petroleum Corporation. (Attachments: # 1 Exhibit 2 - depo jason clark# 2 Exhibit 8 - depo of james bobo# 3 Exhibit 9 - citgo's response# 4 Exhibit 10 - depo of billie logan# 5 Exhibit 11 - depo janet kitchen# 6 Exhibit 12 - depo ronald schmult# 7 Exhibit 13 - depo nancy eperly# 8 Exhibit 14 - depo linda moxley# 9 Exhibit 15 - eeoc's answer)(Hamilton, Audra) (Entered: 11/01/2004)	
11/01/2004	<u>38</u>	NOTICE of Conventional Filing by Audra K Hamilton on behalf of Citgo Petroleum Corporation (Hamilton, Audra) (Entered: 11/01/2004)	
11/02/2004		SEALED DOCUMENT (Sealed Exhibits to Motion for Summary Judgment, document 37) by Citgo Petroleum Corporation. See notice of conventional filing, document 38 (kw,) (Entered: 11/02/2004)	
11/02/2004	<u>39</u>	CERTIFICATE. (Hamilton, Audra) Certificate of Service. Modified on 11/2/2004 (kw,). (Entered: 11/02/2004)	
11/08/2004	<u>40</u>	DOCKET: Docket Call set for 1/5/2005 09:00 AM in Courtroom #302 before Honorable David L. Russell. Jury Trial set for 1/10/2005 09:30 AM in Courtroom #302 before Honorable David L. Russell. (kw,) (Entered: 11/08/2004)	
11/15/2004	<u>41</u>	Exhibit List <i>and Witness List</i> by Defendant Citgo Petroleum Corporation. (Hamilton, Audra) (Entered: 11/15/2004)	
11/15/2004	<u>42</u>	Witness List <i>Expert and Report</i> by Defendant Citgo Petroleum Corporation. (Attachments: # 1 Exhibit Exhibit "A")(Hamilton, Audra) (Entered: 11/15/2004)	
11/16/2004	43	MOTION for Extension of Time to File Response/Reply as to <u>37</u> MOTION for Summary Judgment <i>and brief in support and Rule 56(f) Affidavit</i> by Equal Employment Opportunity Commission. (Attachments: # <u>1</u> Exhibit 1-copy of motion to compel depo testimony# <u>2</u> Exhibit 2-copy of motion to compel discovery# <u>3</u> Exhibit 3-Rule 56(f) Affidavit of Robertson)(Robertson, Michelle) (Entered: 11/16/2004)	
11/18/2004	<u>44</u>	OBJECTIONS to Plaintiff's Rule 56(f) Motion filed by Citgo Petroleum Corporation. (Hamilton, Audra) (Entered: 11/18/2004)	
11/18/2004	<u>45</u>	ORDER Settlement Conference set for 12/15/2004 09:00 AM before Magistrate Judge Doyle W. Argo. Statement due by noon on 12/10/04. Signed by Judge David L. Russell on 11/18/04. (cjs,) (Entered: 11/19/2004)	

11/19/2004	<u>46</u>	RESPONSE to Motion re 32 MOTION for Summary Judgment filed by Citgo Petroleum Corporation. (Attachments: # 1 Exhibit 1 - jason clark depo# 2 Exhibit 1 - jason clark depo continued# 3 Exhibit 2 - ronald kingsley letter# 4 Exhibit 3 - kersey note# 5 Exhibit 4 - kersey email# 6 Exhibit 5 - helton affidavit# 7 Exhibit 6 - employee history report# 8 Exhibit 7 - freed letter# 9 Exhibit 8 - hamilton affidavit# 10 Exhibit 9 - logan deposition)(Hamilton, Audra) (Entered: 11/19/2004)	
11/22/2004	<u>47</u>	ORDER granting in part and denying in part <u>26</u> Plaintiff's Motion to Compel deposition testimony. Signed by Judge David L. Russell on 11/22/04. (ns,) (Entered: 11/22/2004)	
11/22/2004	<u>48</u>	ORDER granting in part and denying in part <u>27</u> Plaintiff's Motion to Compel . Signed by Judge David L. Russell on 11/22/04. (ns,) (Entered: 11/22/2004)	
11/23/2004	<u>49</u>	REPLY by Plaintiff Equal Employment Opportunity Commission re 44 Objections by Defendant to Rule 56(f) Motion for Extension filed by Equal Employment Opportunity Commission. (Attachments: # 1 Exhibit 1 Clark Deposition# 2 Exhibit 2 Kersey Email)(Robertson, Michelle) (Entered: 11/23/2004)	
11/29/2004	<u>50</u>	ORDER denying 32 Pla's Motion for Partial Summary Judgment . Signed by Judge David L. Russell on 11/29/04. (cjs,) (Entered: 11/29/2004)	
11/30/2004	<u>51</u>	ORDER granting 43 Plaintiff's Motion for Extension of Time to File Response to Defendant's Motion for SJ. Responses due by 12/15/2004. Signed by Judge David L. Russell on 11/30/04. (ns,) (Entered: 11/30/2004)	
11/30/2004	<u>52</u>	JOINT MOTION for Extension of Time <i>of Deposition Designation Deadline</i> by Equal Employment Opportunity Commission. (Robertson, Michelle) (Entered: 11/30/2004)	
12/01/2004	<u>53</u>	NOTICE by Equal Employment Opportunity Commission of Gannaway Deposition Designations (Robertson, Michelle) (Entered: 12/01/2004)	
12/01/2004	<u>54</u>	ORDER granting <u>52</u> Joint Motion for Extension of Deadline for Deposition Designations. Signed by Judge David L. Russell on 12/1/04. (ns,) (Entered: 12/01/2004)	
12/06/2004	<u>55</u>	ORDER, the Court has reviewed each of the Bates stamped numbered document and finds that each of them is protected from disclosure by the attorney-client and/or work product privilege. Signed by Judge David L. Russell on 12/6/04. (ns,) (Entered: 12/06/2004)	
12/09/2004	<u>56</u>	UNOPPOSED MOTION for Leave to File Excess Pages in Response to Defendant's Motion for Summary Judgment by Equal Employment Opportunity Commission. (Robertson, Michelle) (Entered: 12/09/2004)	
12/10/2004	<u>57</u>	ORDER granting <u>56</u> Plaintiff's Motion for Leave to File Oversized Brief to Defendant's Motion for SJ. Signed by Judge David L. Russell on 12/10/04. (ns,) (Entered: 12/10/2004)	
12/15/2004	<u>58</u>		

		Keithly# 6 Exhibit Kingsley Depo# 7 # 8 Exhibit Gannaway Depo# 9 Exhibit Moxley Depo# 10 Exhibit Epperly Depo# 11 Exhibit Job Duties Clark# 12 Exhibit Citgo job description# 13 Exhibit Logan Depo# 14 Exhibit Moxley E-mail# 15 Exhibit EEOC Answ to Interog 3# 16 # 17 Exhibit Kingsley letter# 18 Exhibit Lab support placement records# 19 Exhibit Safety consid. for handicapped# 20 Exhibit Schmult depo# 21 Exhibit Kitchen depo# 22 Exhibit Gannaway e-mail# 23 Exhibit Citgo job offer# 24 Exhibit Kersey e-mail# 25 Exhibit Kersey memo# 26 Exhibit E-mails of Kersey to Barentine# 27 Exhibit Barentine Depo# 28 Exhibit Ex 29 Citgo's position statement# 29 Exhibit Ex. 30 Bobo depo# 30 Exhibit Ex. 31 Citgo's Rsp to EEOC 12-13-01# 31 Exhibit Ex. 32 Nat'l Eye Institute# 32 Exhibit Ex. 33 Kellogg Institute# 33 Exhibit Ex. 34 Lab Test Procedures# 34 Exhibit Ex. 34 Lab Test Pro. pt 2# 35 Exhibit Ex. 35 Citgo objection to 56(f)# 38 Exhibit Ex. 36 Clark Affidavit# 39 Exhibit Additional job duties# 40 Exhibit Kersey depo# 41 Exhibit Schlecht depo)(Robertson, Michelle) (Entered: 12/15/2004)	
12/15/2004	<u>59</u>	NOTICE of Conventional Filing <i>of exhibits to EEOC's Response to MSJ</i> by Michelle M Robertson on behalf of Equal Employment Opportunity Commission (Robertson, Michelle) (Entered: 12/15/2004)	
12/15/2004	<u>60</u>	MOTION to Seal <i>and file under seal exhibits of EEOC</i> by Equal Employment Opportunity Commission. (Attachments: # 1)(Robertson, Michelle) (Entered: 12/15/2004)	
12/16/2004	<u>61</u>	ENTER ORDER The settlement conference was held on December 15, 2004, before Magistrate JudgeDoyle Argo. Michelle Robertson appeared as lead trial counsel for Plaintiff and AudraHamilton appeared as lead trial counsel for Defendant. The case settled. By direction of Magistrate Judge Doyle W. Argo, we have entered the above enter order. re 45 Order, Set Hearings. Signed by Judge Doyle W. Argo on 12/16/04. (sr,) (Entered: 12/16/2004)	
12/16/2004	<u>62</u>	ORDER granting 60Plaintiff's Motion to Seal Exhibits . Signed by Judge David L. Russell on 12/16/04. (ns,) (Entered: 12/16/2004)	
01/13/2005	<u>63</u>	ADMINISTRATIVE CLOSING ORDER: This action is administratively terminated without prejudice to the rights of the parties to reopen for entry of any stipulation or order. If not reopened within 45 days to obtain final determination, action is deemed dismissed with prejudice. Signed by Judge David L. Russell on 1/13/05. (ns,) (Entered: 01/13/2005)	
02/11/2005	64	JOINT MOTION to Vacate <u>63</u> Administrative Closing Order, <i>and enter Consent Decree</i> by Equal Employment Opportunity Commission. (Robertson, Michelle) (Entered: 02/11/2005)	
02/14/2005	<u>65</u>	ORDER granting 64Joint Motion to Vacate Administrative Closing Order for entry of Consent Decree . Signed by Judge David L. Russell on 2/14/05. (ns,) (Entered: 02/14/2005)	
02/14/2005	<u>66</u>	CONSENT DECREE . Signed by Judge David L. Russell on 2/14/05. (ns,) (Entered: 02/14/2005)	

PACER Service Center Transaction Receipt				
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