

CASREF, PROTO, TERMED

**U.S. District Court Northern District of Indiana [LIVE]
USDC Northern Indiana (South Bend)
CIVIL DOCKET FOR CASE #: 3:05-cv-00469-AS-CAN**

Equal Employment Opportunity Commission v. Fiserv Inc et al
Assigned to: Judge Allen Sharp
Referred to: Magistrate Judge Christopher A Nuechterlein
Cause: 42:12101 Americans with Disabilities Act
Date Filed: 08/04/2005
Date Terminated: 10/24/2006
Jury Demand: Plaintiff
Nature of Suit: 442 Civil Rights: Jobs
Jurisdiction: U.S. Government Plaintiff

Mediator

Joseph V Simeri

represented by **Joseph V Simeri**
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PRO SE

Plaintiff

**Equal Employment Opportunity
Commission**

represented by **Laurie A Young**
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V.

Defendant

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Defendant

Fiserv Solutions Inc
doing business as
Mortgageserv

represented by **Elizabeth A McDuffie**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

James L Hough
(See above for address)
ATTORNEY TO BE NOTICED

Kathleen M Maicher
(See above for address)
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
08/04/2005	1	COMPLAINT with JURY DEMAND against Fiserv Inc, Fiserv Solutions Inc, filed by Equal Employment Opportunity Commission. (Attachments: (1) Civil Cover Sheet)(rmn) (Entered: 08/05/2005)
08/04/2005	2	Summons Issued as to Fiserv Inc, Fiserv Solutions Inc. (rmn) (Entered: 08/05/2005)
08/23/2005	3	NOTICE of Appearance by Nancy Dean Edmonds on behalf of Equal Employment Opportunity Commission (Edmonds, Nancy) (Entered: 08/23/2005)
08/30/2005	4	NOTICE of Appearance by James L Hough on behalf of all defendants (Hough, James) (Entered: 08/30/2005)
08/30/2005	5	NOTICE of Appearance by Kathleen M Maicher on behalf of all defendants (Maicher, Kathleen) (Entered: 08/30/2005)
08/30/2005	6	NOTICE of Appearance by Elizabeth A McDuffie on behalf of all defendants (McDuffie, Elizabeth) (Entered: 08/30/2005)
08/30/2005	7	<i>DEFENDANTS'</i> ANSWER to Complaint by Fiserv Inc, Fiserv Solutions Inc.(McDuffie, Elizabeth) (Entered: 08/30/2005)
09/01/2005	8	ORDER: Joint Proposed Discovery due by 10/14/2005. Rule 16 Preliminary Pretrial Conference set for 10/25/2005 10:30 AM (South Bend time) in South Bend before Magistrate Judge Christopher A Nuechterlein. Signed by Judge Christopher A Nuechterlein on 9/1/2005. (rmn) (Entered: 09/01/2005)
09/01/2005	9	MAGISTRATE CONSENT FORMS sent to all parties (Standard Track). (rmn) (Entered: 09/01/2005)
09/19/2005	10	SUMMONS Returned Executed by Equal Employment Opportunity Commission. Fiserv Solutions c/o Prentice Hall Corp (Registered Agent) served on 8/10/2005, answer due 8/30/2005. (rmn) (Entered: 09/21/2005)
09/22/2005	11	MOTION for Leave to Appear Telephonic, at Preliminary Pretrial Conference by Plaintiff Equal Employment Opportunity Commission. (Attachments: # (1) Proposed Order removed per chambers)(Edmonds, Nancy) Modified on 9/23/2005 (rmn). (Entered: 09/22/2005)
09/26/2005	12	ORDER granting 11 Motion for Leave of ALL COUNSEL to Appear Telephonically at the 10/25/2005 Preliminary Pretrial Conference. Signed by Judge Christopher A Nuechterlein on 09/26/2005. (rmn) (Entered: 09/26/2005)
10/14/2005	13	REPORT of Rule 26(f) Planning Meeting. (McDuffie, Elizabeth)

		(Entered: 10/14/2005)
10/25/2005	14	RULE 16 PRELIMINARY PRETRIAL CONFERENCE held on 10/25/2005. before Judge Christopher A Nuechterlein. Plaintiffs appeared by attorneys Nancy Dean Edmonds. Defendants appeared by attorneys Elizabeth A McDuffie. Initial Disclosures to be exchanged by 11/22/2005. Any amendments to the pleadings to be filed by 12/30/2005. Plaintiff expert witness disclosures and reports to be delivered to the defendant by 5/31/2006. Defendant expert witness disclosures and reports to be delivered to the plaintiff by 7/30/2006. Discovery deadline is 9/30/2006. Mediator Selection Deadline is 11/25/2006. (slm,) (Entered: 10/26/2005)
11/23/2005	15	REPORT by Fiserv Inc, Fiserv Solutions Inc <i>REGARDING MEDIATION</i> . (McDuffie, Elizabeth) (Entered: 11/23/2005)
11/30/2005	16	ORDER appointing Joseph V Simeri to serve as a mediator. Signed by Judge Christopher A Nuechterlein on 11/30/2005. Atty Simeri added. (rmn) (Entered: 11/30/2005)
02/09/2006	17	MOTION to Compel <i>Responses to First Interrogatories and First Request for Production</i> by Equal Employment Opportunity Commission. (Attachments: # 1 Affidavit Declaration of Nancy Dean Edmonds# 2 Exhibit #1 to Declaration of Nancy Dean Edmonds# 3 Exhibit #2 to Declaration of Nancy Dean Edmonds# 4 Exhibit #3 to Declaration of Nancy Dean Edmonds# 5 Exhibit # 4 to Declaration of Nancy Dean Edmonds# (6) Proposed Order)(Edmonds, Nancy) (Entered: 02/09/2006)
02/24/2006	18	MOTION for Extension of Time to File Response/Reply as to 17 MOTION to Compel <i>Responses to First Interrogatories and First Request for Production</i> by Fiserv Inc, Fiserv Solutions Inc. (McDuffie, Elizabeth) (Entered: 02/24/2006)
02/27/2006	19	ORDER granting 18 Motion for Extension of Time to respond to Plaintiff's 17 Motion to Compel. Response is due 2/28/2006. Signed by Judge Christopher A Nuechterlein on 2/27/06. (khr) (Entered: 02/28/2006)
02/28/2006	20	RESPONSE to Motion re 17 MOTION to Compel <i>Responses to First Interrogatories and First Request for Production</i> filed by Fiserv Inc, Fiserv Solutions Inc. (McDuffie, Elizabeth) (Entered: 02/28/2006)
03/08/2006	21	REPLY to Response to Motion re 17 MOTION to Compel <i>Responses to First Interrogatories and First Request for Production</i> filed by Equal Employment Opportunity Commission. (Attachments: # 1 Affidavit Supplemental Declaration of Nancy Dean Edmonds# 2 Exhibit 1 to Suppl. Decl.# 3 Exhibit 2 to Suppl. Decl.# 4 Exhibit 3 to Suppl. Decl.# 5 Exhibit 4 to Suppl. Decl.# 6 Exhibit 5 to Suppl. Decl.# 7 Exhibit 6 to Suppl. Decl.)(Edmonds, Nancy) (Entered: 03/08/2006)
03/09/2006	22	MOTION for Hearing <i>request on Plaintiff's Motion to Compel or In The Alternative to Allow Defendants an Opportunity to Submit a Response to Plaintiff's "Reply"</i> by Fiserv Inc, Fiserv Solutions Inc. (McDuffie,

		Elizabeth) (Entered: 03/09/2006)
03/10/2006	23	ORDER granting 22 Motion for Hearing. Telephonic Conference set for 3/29/2006 at 3:30 PM with Judge Neuchterlein. Signed by Judge Christopher A Nuechterlein on 3/10/06. (khr) (Entered: 03/10/2006)
03/13/2006	24	MOTION to reset <i>Telephonic Conference</i> by Equal Employment Opportunity Commission. (Edmonds, Nancy) (Entered: 03/13/2006)
03/13/2006	25	MOTION for Leave to File <i>Motion for Hearing or in the alternative, to Allow Defendants an Opportunity to Respond to Plaintiffs' Reply</i> by Fiserv Inc, Fiserv Solutions Inc. (McDuffie, Elizabeth) (Entered: 03/13/2006)
03/15/2006	26	ORDER GRANTING 24 Motion to Reset Telephonic Conference and DENYING As Moot 25 Motion for Leave to File Motion for Hearing. Telephone Conference set for 3/22/2006 03:30 PM in South Bend before Magistrate Judge Christopher A Nuechterlein. Signed by Judge Christopher A Nuechterlein on 3/15/06. (khr) (Entered: 03/15/2006)
03/17/2006	27	MOTION to Continue <i>Hearing Date</i> by Fiserv Inc, Fiserv Solutions Inc. (McDuffie, Elizabeth) (Entered: 03/17/2006)
03/20/2006	28	ORDER GRANTING 27 Motion to Continue with telephonic conference to be held on 3/23/2006 at 03:30 PM at South Bend. Signed by Judge Christopher A Nuechterlein on 3/20/06. (khr) Modified on 3/21/2006 (smp). (Entered: 03/20/2006)
03/23/2006	29	ORDER continuing telephonic conference on the Plaintiff's motion to compel and the Defendants objection. Hearing rescheduled on 4/12/06 at 11:00 a.m. (E.D.T.) in court in South Bend, Indiana with counsel required to attend. Signed by Judge Christopher A Nuechterlein on 3/23/06. (khr) Modified on 3/24/2006 (smp). (Entered: 03/23/2006)
04/12/2006	30	MOTION HEARING held on 4/12/2006 re 17 MOTION to Compel <i>Responses to First Interrogatories and First Request for Production</i> filed by Equal Employment Opportunity Commission, before Judge Christopher A Nuechterlein. Plaintiffs appeared by attorneys Nancy Dean Edmonds. Defendants appeared by attorneys Elizabeth A McDuffie; James L Hough. Order to be entered. (Tape #FTR 4/12/2006.) (slm,) (Entered: 04/12/2006)
04/17/2006	31	SUPPLEMENT <i>RESPONSE TO MOTION TO COMPEL HEARING HELD APRIL 12, 2006</i> filed by Fiserv Inc, Fiserv Solutions Inc. (McDuffie, Elizabeth) (Entered: 04/17/2006)
04/18/2006	32	ORDER AND OPINION granting 17 Plaintiff's Motion to Compel. Plaintiff has until 4/28/06 to file a statement of its costs associated with the motion. Fiserv has until 5/5/06 to file objections to the statement and to serve Plaintiff with supplemental discovery responses conforming with this Court's order. Signed by Judge Christopher A Nuechterlein on 4/18/06. (khr) Modified on 4/18/2006 (khr). (Entered: 04/18/2006)
04/20/2006	33	MOTION for Attorney Fees <i>per 4/18/06 Order</i> by Equal Employment

		Opportunity Commission. (Attachments: # 1 Affidavit of Nancy Dean Edmonds# 2 Affidavit Denise K. LaRue# 3 Affidavit Stephanie Longo# 4 Exhibit A to Longo Declaration)(Edmonds, Nancy) (Entered: 04/20/2006)
04/28/2006	34	MOTION for Protective Order by Fiserv Inc, Fiserv Solutions Inc. (Attachments: # 1)(McDuffie, Elizabeth) (Entered: 04/28/2006)
05/03/2006	35	MOTION for Extension of Time to File <i>SUPPLMENTAL DISCOVERY RESPONSES</i> by Fiserv Inc, Fiserv Solutions Inc. (McDuffie, Elizabeth) (Entered: 05/03/2006)
05/08/2006	37	ORDER granting 35 Motion for Extension of Time to 5/11/06 to comply with 32 Court's order and serve the supplemental discovery responses . Signed by Judge Christopher A Nuechterlein on 5/8/06. (smp) Modified on 5/12/2006 (smp). (Entered: 05/11/2006)
05/08/2006	38	ORDER granting 33 Motion for Attorney Fees. Defendants shall pay plaintiff \$3,125.00 in attorney's fees and \$110.36 in costs incurred in bringing the motion to compel by 6/8/06. Signed by Judge Christopher A Nuechterlein on 5/8/06. (smp) Modified on 5/12/2006 (smp). (Entered: 05/11/2006)
05/09/2006	36	RESPONSE to Motion re 34 MOTION for Protective Order filed by Equal Employment Opportunity Commission. (Attachments: # 1 Affidavit of Nancy Dean Edmonds# 2 Exhibit 1 to Declaration# 3 Exhibit 2 to Declaration# 4 Exhibit 3 to Declaration# 5 Exhibit 4 to Declaration# 6 Exhibit 5 to Declaration# 7 Exhibit 6 to Declaration# 8 Exhibit 7 to Declaration)(Edmonds, Nancy) (Entered: 05/09/2006)
05/11/2006	39	ORDER denying without prejudice 34 Motion for Protective Order . Defendants may refile their motion for a protective order in accordance with Seventh Circuit precedent. Signed by Judge Christopher A Nuechterlein on 5/11/06. (smp) (Entered: 05/12/2006)
05/16/2006	40	MOTION for Extension of Time to File <i>Expert Report</i> by Equal Employment Opportunity Commission. (Edmonds, Nancy) (Entered: 05/16/2006)
05/16/2006	41	ORDER granting 40 Motion for Extension of Time to File. Plaintiff expert reports to be delivered to the defendant by 7/31/2006. Defendants serve any responsive expert report by 8/30/2006. Signed by Judge Christopher A Nuechterlein on 5/16/06. (kds) (Entered: 05/17/2006)
05/19/2006	42	Second MOTION for Protective Order by Fiserv Inc, Fiserv Solutions Inc. (Attachments: # 1)(McDuffie, Elizabeth) (Entered: 05/19/2006)
05/26/2006	43	ORDER granting 42 Motion for Protective Order . Signed by Judge Christopher A Nuechterlein on 5/26/06. (kds) (Entered: 05/26/2006)
07/05/2006	44	AGREED NOTICE to extend time to file discovery filed by Equal Employment Opportunity Commission; EEOC's Responses to Defendants' First Interrogatories and First REquest for Production to be filed by August 13, 2006. (Edmonds, Nancy) (Entered: 07/05/2006)

07/07/2006	45	Joint MOTION for Extension of Time to Complete Discovery <i>and Expert Reports</i> by Equal Employment Opportunity Commission. (Edmonds, Nancy) (Entered: 07/07/2006)
07/17/2006	46	ORDER granting 45 Motion for Extension of Time to Complete Discovery. Discovery deadline is 11/30/2006. Defendant expert witness disclosures and reports to be delivered to the plaintiff by 10/30/2006. Plaintiff expert witness disclosures and reports to be delivered to the defendant by 9/30/2006. Signed by Judge Christopher A Nuechterlein on 7/17/06. (kds) (Entered: 07/18/2006)
08/16/2006	47	AGREED NOTICE to extend time to file discovery filed by Equal Employment Opportunity Commission, Fiserv Inc, Fiserv Solutions Inc; EEOC REsponses to dEfendants First Interrogatories and REquest for Production; Defendants' Responses to EEOC's Second Request for Production to be filed by 9/12/2006 and 9/16/2006. (Edmonds, Nancy) (Entered: 08/16/2006)
10/03/2006	48	MOTION for Extension of Time to Complete Discovery <i>Extend Discovery Deadlines</i> by Equal Employment Opportunity Commission. (Edmonds, Nancy) (Entered: 10/03/2006)
10/06/2006	49	MOTION for Extension of Time to File <i>Dispositive Motion Deadline</i> by Fiserv Inc, Fiserv Solutions Inc. (McDuffie, Elizabeth) (Entered: 10/06/2006)
10/10/2006	50	AGREED NOTICE to extend time to file discovery filed by Equal Employment Opportunity Commission; EEOC's Responses to First Interrogatories/REquest for Production and Defendants' Responses to EEOC's Second REquest for Production to be filed by EEOC: 10/17/06; Defs. 10/23/06. (Edmonds, Nancy) (Entered: 10/10/2006)
10/10/2006	51	ORDER granting 49 Motion for Extension of Time to File. Defendants dispositive motions to be filed by 12/14/2006. Signed by Judge Christopher A Nuechterlein on 10/10/06. (kds) (Entered: 10/12/2006)
10/18/2006	52	Joint MOTION for Settlement <i>and Entry of a Consent Decree</i> by Fiserv Inc, Fiserv Solutions Inc. (Attachments: # 1 Consent Decree)(McDuffie, Elizabeth) (Entered: 10/18/2006)
10/24/2006	53	CONSENT JUDGMENT in favor of plaintiff and against defendant in the amount of \$175,725.00 with interest at the rate of 5.05%. Signed by Judge Allen Sharp on 10/24/06. (kds) (Entered: 10/25/2006)
10/27/2006	54	MOTION FOR CLARIFICATION <i>AND OTHER RELIEF</i> by Fiserv Inc, Fiserv Solutions Inc. (Attachments: # 1 Exhibit A# 2 Exhibit B) (McDuffie, Elizabeth) (Entered: 10/27/2006)
11/01/2006	55	RESPONSE to Motion re 54 MOTION FOR CLARIFICATION <i>AND OTHER RELIEF</i> filed by Equal Employment Opportunity Commission. (Edmonds, Nancy) (Entered: 11/01/2006)
11/13/2006	56	Supplemental MOTION to Amend/Correct 54 MOTION FOR CLARIFICATION <i>AND OTHER RELIEF</i> by Fiserv Inc, Fiserv Solutions

		Inc. (Attachments: # 1 Exhibit A# 2 Exhibit B)(McDuffie, Elizabeth) (Entered: 11/13/2006)
11/20/2006	57	ORDER granting 54 Motion for clarification and other relief in its entirety. Defendants' payment obligation under the Consent Decree has been stayed pending the entry of this order. The court retains jurisdiction to enforce the Consent Decree for a period of two years from 10/24/06. Signed by Judge Allen Sharp on 11/20/06. (jld) (Entered: 11/21/2006)

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