

CLOSED

**U.S. District Court
SOUTHERN DISTRICT OF TEXAS (Houston)
CIVIL DOCKET FOR CASE #: 4:05-cv-01768**

Equal Employment Opportunity Commission v. Kroger Texas
LP
Assigned to: Judge Keith P Ellison
Cause: 42:2000e Job Discrimination (Employment)

Date Filed: 05/17/2005
Date Terminated: 07/27/2006
Jury Demand: Plaintiff
Nature of Suit: 442 Civil Rights: Jobs
Jurisdiction: U.S. Government Plaintiff

Plaintiff

**Equal Employment Opportunity
Commission**

represented by **Aimee Lynn McFerren**

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V.

Defendant

Kroger Texas LP

represented by **James Bradley Spalding**

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*LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Intervenor Plaintiff****Yolanda E Washington**represented by **Melissa Moore**

(See above for address)

*LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Intervenor Defendant****Kroger Texas LP**represented by **James Bradley Spalding**

(See above for address)

*LEAD ATTORNEY**ATTORNEY TO BE NOTICED*

Date Filed	#	Docket Text
05/17/2005	<u>1</u>	COMPLAINT against Kroger Texas LP (Filing fee \$ 0.) filed by Equal Employment Opportunity Commission.(Ifilmore,) Additional attachment(s) added on 5/17/2005 (kmurphy,). (Entered: 05/17/2005)
05/17/2005		Summons Issued as to Kroger Texas LP , filed.(Ifilmore,) (Entered: 05/17/2005)
05/17/2005	<u>2</u>	ORDER for Initial Pretrial and Scheduling Conference and Order to Disclose Interested Persons. Initial Conference set for 9/2/2005 at 09:30 AM in Room 8631 before Judge Keith P Ellison.(Signed by Judge Keith P Ellison) Parties notified.(kmurphy,) (Entered: 05/17/2005)

06/06/2005	3	SUMMONS Returned Executed. Kroger Texas LP served on 6/6/2005, answer due 6/27/2005, filed.(kmurphy,) (Entered: 06/16/2005)
06/16/2005	4	RETURN of Service Executed as to Kroger Texas LP on 6/6/05, filed.(psmith,) (Entered: 06/17/2005)
06/24/2005	5	ANSWER to Complaint by Kroger Texas LP, filed.(Spalding, James) (Entered: 06/24/2005)
06/24/2005	6	CERTIFICATE OF INTERESTED PARTIES by Kroger Texas LP, filed.(Spalding, James) (Entered: 06/24/2005)
07/12/2005	7	CERTIFICATE OF FINANCIALLY INTERESTED PARTIES by Equal Employment Opportunity Commission, filed.(rroberts,) (Entered: 07/12/2005)
07/14/2005	8	Opposed MOTION to Intervene by Subrena Tarver, Yolanda Washington, filed. Motion Docket Date 8/3/2005. (Attachments: # 1 Exhibit Exhibit A)(Moore, Melissa) (Entered: 07/14/2005)
07/14/2005	9	First INTERVENOR COMPLAINT against Kroger Texas LP filed by Subrena Tarver, Yolanda Washington.(Moore, Melissa) (Entered: 07/14/2005)
08/02/2005	10	RESPONSE to 8 Opposed MOTION to Intervene, filed by Kroger Texas LP. (Spalding, James) (Entered: 08/02/2005)
08/19/2005	11	JOINT Report of Meeting and joint DISCOVERY/CASE MANAGEMENT PLAN by Equal Employment Opportunity Commission, Kroger Texas LP, filed.(ncavazos,) Modified on 8/19/2005 (ncavazos,). (Entered: 08/19/2005)
08/26/2005	12	ORDER Resetting Scheduling Conference: The scheduling conference previously set for Sept 2, 2005 at 9:30 am has been reset for Sept 2, 2005 at 11 am. Parties may participate by telephone.(Signed by Judge Keith P Ellison) Parties notified.(psmith,) (Entered: 08/26/2005)
08/31/2005	13	ORDER granting 8 Unopposed Motion to Intervene .(Signed by Judge Keith P Ellison) Parties notified.(pfoister,) (Entered: 09/01/2005)
09/02/2005	15	Minute Entry for proceedings held before Judge Keith P Ellison. SCHEDULING CONFERENCE held on 9/2/2005. Parties will submit a proposed Scheduling Order. The Court gave the parties an August 14, 2006 trial date. Appearances:Rochelle Owens (by telephone), Rose Adewale-Mendes, James Bradley Spalding.(Court Reporter: Stephanie Carlisle) (Judicial Asst: Lynda Lerma), filed.(llerma) (Entered: 09/09/2005)
09/07/2005	14	PROPOSED ORDER, filed.(Moore, Melissa) (Entered: 09/07/2005)
09/15/2005	16	ANSWER to Intervenor Complaint by Kroger Texas LP, filed.(Spalding, James) (Entered: 09/15/2005)
01/19/2006	17	MOTION to Compel Plaintiff The Equal Employment Opportunity Commission to Produce Documents by Kroger Texas LP, filed. Motion Docket Date 2/8/2006. (Attachments: # 1 Exhibit 1 & 2# 2 Proposed Order)(Spalding, James) (Entered: 01/19/2006)
02/08/2006	18	NOTICE of Appearance by Aimee L. McFerren on behalf of Equal Employment Opportunity Commission, filed. (ledwards,) (Entered: 02/08/2006)

02/08/2006	19	RESPONSE to 17 MOTION to Compel Plaintiff The Equal Employment Opportunity Commission to Produce Documents, filed by Equal Employment Opportunity Commission. (Attachments: # 1 Proposed Order)(mkallie,) (Entered: 02/08/2006)
02/21/2006	20	Reply to Response to 17 MOTION to Compel Plaintiff The Equal Employment Opportunity Commission to Produce Documents, filed by Kroger Texas LP. (Gatling, Yvette) (Entered: 02/21/2006)
02/23/2006	21	MOTION to Amend Scheduling Order by Equal Employment Opportunity Commission, filed. Motion Docket Date 3/15/2006. (Attachments: # 1 Proposed Order)(sguevara,) (Entered: 02/24/2006)
02/24/2006	22	SURREPLY to 17 MOTION to Compel Plaintiff The Equal Employment Opportunity Commission to Produce Documents, filed by Equal Employment Opportunity Commission. (McFerren, Aimee) (Entered: 02/24/2006)
02/24/2006	23	Opposed MOTION to Expedite Hearing on Motion to Amend Scheduling Order by Equal Employment Opportunity Commission, filed. Motion Docket Date 3/16/2006. (McFerren, Aimee) (Entered: 02/24/2006)
02/27/2006	24	RESPONSE to 21 MOTION to Amend, 23 Opposed MOTION to Expedite Hearing on Motion to Amend Scheduling Order, filed by Kroger Texas LP. (Attachments: # 1 Proposed Order)(Spalding, James) (Entered: 02/27/2006)
02/27/2006	25	Amended RESPONSE to 21 MOTION to Amend, 23 Opposed MOTION to Expedite Hearing on Motion to Amend Scheduling Order, filed by Kroger Texas LP. (Attachments: # 1 Exhibit 1# 2 Proposed Order)(Spalding, James) (Entered: 02/27/2006)
02/28/2006	26	ORDER SETTING HEARING Miscellaneous Hearing set for 3/9/2006 at 10:00 AM at Room 8631 before Judge Keith P Ellison.(Signed by Judge Keith P Ellison) Parties notified.(svaught) (Entered: 02/28/2006)
03/09/2006	27	Reply to Kroger's First Amended Response to 21 MOTION to Amend, Scheduling Order filed by Equal Employment Opportunity Commission. (ledwards,) (Entered: 03/09/2006)
03/09/2006	29	Minute Entry for proceedings held before Judge Keith P Ellison. Proceedings held on 3/9/2006. The Court will take under advisement. Appearances: Rose Adewale-Mendes, Aimee Lynn McFerren, Melissa Moore, James Bradley Spalding.(Court Reporter: Kathy Metzger)(Law Clerk: Christina Brown) (Judicial Asst: Lynda Lerma), filed.(llerma) (Entered: 03/16/2006)
03/13/2006	28	MEMORANDUM AND ORDER granting 17 MOTION to Compel Plaintiff The Equal Employment Opportunity Commission to Produce Documents, granting in part, denying in part 21 MOTION to Amend, mooting 23 Opposed MOTION to Expedite Hearing on Motion to Amend Scheduling Order, Pltf Expert Report due by 4/14/2006 Deft Expert Report due by 5/14/2006 Discovery due by 6/16/2006. The EEOC is ORDERED to produce the EEO-1 Comopartive Report and EEO-1 Detailed Reports, in redacted form, to Kroger by Friday March 17, 2006. (Signed by Judge Keith P Ellison) Parties notified.(svaught) Modified on 3/13/2006 (svaught). (Entered: 03/13/2006)

03/30/2006	30	Unopposed MOTION for Protective Order by Kroger Texas LP, filed. Motion Docket Date 4/19/2006. (Attachments: # 1 Exhibit 1)(Spalding, James) (Entered: 03/30/2006)
04/03/2006	31	AGREED PROTECTIVE ORDER.(Signed by Judge Keith P Ellison) Parties notified.(csonnier,) (Entered: 04/03/2006)
04/14/2006	32	DESIGNATION OF EXPERT WITNESS LIST by Equal Employment Opportunity Commission, filed.(ledwards,) (Entered: 04/14/2006)
04/20/2006	33	MOTION to Reopen Plaintiff-Intervenor Subrena Tarver's Deposition, MOTION to Compel Written Discovery Responses by Kroger Texas LP, filed. Motion Docket Date 5/10/2006. (Attachments: # 1 Exhibit 1-2# 2 Exhibit 3-6# 3 Proposed Order)(Spalding, James) (Entered: 04/20/2006)
04/24/2006	34	MOTION for Leave to File EEOC'S First Amended Original Complaint by Subrena L Tarver, Yolanda E Washington, Equal Employment Opportunity Commission, filed. Motion Docket Date 5/15/2006. (ejuarez,) Additional attachment(s) added on 4/25/2006 (ejuarez,). (Entered: 04/25/2006)
05/01/2006	35	TRANSCRIPT of hearing held on 3/9/06 before Judge Keith Ellison. Court Reporter: Kathy Metzger, filed. (cpeebles) Additional attachment(s) added on 8/15/2006 (tthompson,). (Entered: 05/01/2006)
05/03/2006	36	NOTICE of Withdrawal re: 33 MOTION to Reopen Plaintiff-Intervenor Subrena Tarver's Deposition MOTION to Compel Written Discovery Responses MOTION to Reopen Plaintiff-Intervenor Subrena Tarver's Deposition MOTION to Compel Written Discovery Responses by Kroger Texas LP, filed. (Spalding, James) (Entered: 05/03/2006)
05/03/2006	37	ORDER denying as moot 33 MOTION to Reopen Plaintiff-Intervenor Subrena Tarver's Deposition MOTION to Compel Written Discovery Responses MOTION to Reopen Plaintiff-Intervenor Subrena Tarver's Deposition MOTION to Compel Written Discovery Responses.(Signed by Judge Keith P Ellison) Parties notified.(svaught) (Entered: 05/04/2006)
05/10/2006	38	Opposed MOTION for Leave to File Amended Complaint by Subrena L Tarver, Yolanda E Washington, filed. Motion Docket Date 5/30/2006. (Attachments: # 1 Exhibit Exhibit A)(Moore, Melissa) (Entered: 05/10/2006)
05/12/2006	39	RESPONSE to 34 MOTION for Leave to File EEOC'S First Amended Original Complaint, 38 Opposed MOTION for Leave to File Amended Complaint, filed by Kroger Texas LP. (Attachments: # 1 Exhibit 1 and 2# 2 Exhibit 3, 4 and 5# 3 Proposed Order)(Gatling, Yvette) (Entered: 05/12/2006)
05/18/2006	40	Joint NOTICE to Court by Subrena L Tarver, Yolanda E Washington, Equal Employment Opportunity Commission, Kroger Texas LP, filed. (jbradford,) (Entered: 05/19/2006)
06/21/2006	41	ORDER denying as moot 34 MOTION for Leave to File EEOC'S First Amended Original Complaint, 38 Opposed MOTION for Leave to File Amended Complaint.(Signed by Judge Keith P Ellison) Parties notified.(svaught) (Entered: 06/21/2006)

06/26/2006	42	Letter from J. Bradley Spalding re: the finalization of the consent decree between the parties , filed. (svaught) (Entered: 06/26/2006)
07/21/2006	43	ORDER setting Status Conference for 7/26/2006 at 11:00 AM in Courtroom 8C before Judge Keith P Ellison. Parties should be prepared to discuss their progress in finalizing the consent decree.(Signed by Judge Keith P Ellison) Parties notified.(svaught) (Entered: 07/21/2006)
07/24/2006	44	Agreed MOTION to Enter Consent Decree by Equal Employment Opportunity Commission, Kroger Texas LP, filed. Motion Docket Date 8/14/2006. (sbyrum,) (Entered: 07/24/2006)
07/24/2006	45	PROPOSED ORDER re: 44 MOTION to Enter Consent Decree, filed.(sbyrum,) (Entered: 07/24/2006)
07/24/2006	46	STIPULATION of Dismissal <i>witih Prejudice All Claims Against Defendant</i> by Subrena L Tarver, Yolanda E Washington, Kroger Texas LP, Kroger Texas LP, filed. (Attachments: # 1 Proposed Order)(Spalding, James) (Entered: 07/24/2006)
07/24/2006	47	Letter from J. Bradley Spalding re: the agreed finalization of the consent decree, filed. (svaught) Additional attachment(s) added on 7/25/2006 (svaught,). (Entered: 07/25/2006)
07/27/2006	48	CONSENT DECREE .(Signed by Judge Keith P Ellison) Parties notified.(espencer,) (Entered: 07/27/2006)
07/27/2006	49	ORDER OF DISMISSAL WITH PREJUDICE .(Signed by Judge Keith P Ellison) Parties notified.(espencer,) (Entered: 07/27/2006)
07/27/2006	50	FINAL JUDGMENT. Case terminated on July 27, 2006.(Signed by Judge Keith P Ellison) Parties notified.(espencer,) (Entered: 07/27/2006)

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