

**U.S. District Court [LIVE]  
Western District of Texas (San Antonio)  
CIVIL DOCKET FOR CASE #: 5:04-cv-00872-FB**

Equal Employment v. Nexion Health, et al

Assigned to: Honorable Fred Biery

Demand: \$0

Case in other court: 5CCA, 05-51770

5CCA, 05-51770

Fifth Circuit Court of Appeals, 05-51770

USCA, :05- -51770

Cause: 42:1983 Civil Rights Act

Date Filed: 09/28/2004

Date Terminated: 09/28/2005

Jury Demand: Plaintiff

Nature of Suit: 442 Civil Rights: Jobs

Jurisdiction: U.S. Government Plaintiff

**Plaintiff**

**Equal Employment Opportunity  
Commission**

represented by **Edward Juarez**

U.S. EEOC

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V.

**Defendant**

**Nexion Health at Broadway, Inc.**

*doing business as*

Broadway Lodge

represented by **Terrance B. Robinson**

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**Intervenor**

**Terrance Darrell Johnson**

represented by **Matthew R. Pearson**

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**Intervenor Defendant**

**Nexion Health at Broadway, Inc.**

*doing business as*

Broadway Lodge

represented by **Terrance B. Robinson**

(See above for address)

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**Terrance Darrell Johnson**

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**LEAD ATTORNEY****ATTORNEY TO BE NOTICED**

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
09/28/2004		Case assigned to Honorable Fred Biery (ep) (Entered: 09/28/2004)
09/28/2004		If ordered by the court, all referrals will be assigned to Magistrate Judge Primomo (ep) (Entered: 09/28/2004)
09/28/2004	<a href="#"><u>1</u></a>	Complaint filed. (Pages: 5) (ep) (Entered: 09/29/2004)
09/28/2004	<a href="#"><u>2</u></a>	Demand for jury trial by Equal Employment (ep) (Entered: 09/29/2004)
09/28/2004		summons not issued (ep) (Entered: 09/29/2004)
10/26/2004	<a href="#"><u>3</u></a>	Waiver of Service by Nexion Health ; Notice and Request Mailed on 10/18/04 (lp) (Entered: 10/27/2004)
11/23/2004	<a href="#"><u>4</u></a>	Motion by Nexion Health for Terrence B. Robinson to appear pro hac vice (lp) (Entered: 11/23/2004)
11/23/2004	<a href="#"><u>5</u></a>	Answer by Nexion Health (lp) (Entered: 11/23/2004)
11/29/2004		Pro hac vice fee paid by Terrerce B. Robinson with Amount: 25.00 Receipt # 192460 (ct) (Entered: 11/29/2004)
11/30/2004	<a href="#"><u>6</u></a>	Order granting motion for Terrence B. Robinson to appear pro hac vice [4-1] signed by Honorable Fred Biery (lp) (Entered: 12/01/2004)
11/30/2004	<a href="#"><u>7</u></a>	Order that the plaintiff shall submit a proposed scheduling order to the Court within sixty (60) days after the appearance of any defendant. Signed by Honorable Fred Biery (lp) (Entered: 12/01/2004)
12/07/2004	<a href="#"><u>8</u></a>	Motion by Terrance Darrell Johnson to intervene (lp) (Entered: 12/08/2004)
12/07/2004		Received complaint in intervention by Terrance Johnson (lp) (Entered: 12/08/2004)
12/07/2004	<a href="#"><u>9</u></a>	Non-consent to proceed before a U.S. Magistrate by Equal Employment (lp) (Entered: 12/08/2004)
12/15/2004	<a href="#"><u>10</u></a>	Order granting motion to intervene [8-1] signed by Honorable Fred Biery (lp) (Entered: 12/16/2004)
12/15/2004	<a href="#"><u>11</u></a>	Intervenor's complaint by Terrance Darrell Johnson against Nexion Health (Pages: 5) (lp) (Entered: 12/16/2004)
12/27/2004	<a href="#"><u>12</u></a>	Answer by Nexion Health to intervenor complaint [11-1] (rg) (Entered: 12/28/2004)
12/27/2004	<a href="#"><u>13</u></a>	Recommendations for scheduling order by Equal Employment, Nexion Health, Terrance Darrell Johnson (rg) (Entered: 12/28/2004)

12/27/2004	<a href="#"><u>14</u></a>	Notice of filing Report of Parties' Rule 26(f) Joint Discovery Case Management Plan by Equal Employment, Nexion Health, Terrance Darrell Johnson (rg) (Entered: 12/28/2004)
01/03/2005	<a href="#"><u>15</u></a>	Order referring case to US MAgistrate Judge John Primomo for pretrial proceedings signed by Honorable Fred Biery (lp) (Entered: 01/04/2005)
01/03/2005		Case referred to Honorable John W. Primomo (lp) (Entered: 01/04/2005)
01/14/2005	<a href="#"><u>16</u></a>	Scheduling order setting Joining of parties, amending of pleadings on 3/24/05 Deadline for filing of all motions 8/15/05 Discovery cutoff 6/30/05 ; Alternate Dispute Resolution Report due by 2/22/05 , termed motions signed by Honorable John W. Primomo (lp) (Entered: 04/04/2005)
01/18/2005	<a href="#"><u>17</u></a>	Notice of filing initial disclosures by Nexion Health (lp) (Entered: 01/19/2005)
02/17/2005	<a href="#"><u>18</u></a>	Alternate Dispute Resolution Report filed by Equal Employment, Party(s) agree to Alternate Dispute Resolution (lp) (Entered: 02/18/2005)
02/23/2005	<a href="#"><u>19</u></a>	Alternate Dispute Resolution Report filed by Nexion Health, Party(s) agree to Alternate Dispute Resolution (lp) (Entered: 02/24/2005)
04/01/2005	<a href="#"><u>20</u></a>	Designation of expert witness filed by Equal Employment (lp) (Entered: 04/04/2005)
04/01/2005	<a href="#"><u>21</u></a>	Designation of expert witness filed by Terrance Darrell Johnson (lp) (Entered: 04/04/2005)
05/16/2005	<a href="#"><u>22</u></a>	Combined Witness, Exhibit and Expert List by Nexion Health (rg1) (Entered: 05/17/2005)
05/23/2005	<a href="#"><u>23</u></a>	Pretrial disclosures filed by Terrance Darrell Johnson (tm) (Entered: 05/24/2005)
06/28/2005	<a href="#"><u>24</u></a>	Agreed Motion by Equal Employment, Nexion Health, Terrance Darrell Johnson for protective order (ct) (Entered: 06/29/2005)
06/30/2005	<a href="#"><u>25</u></a>	Order granting motion for protective order [24-1] signed by Honorable John W. Primomo (rg) (Entered: 07/01/2005)
07/19/2005	<a href="#"><u>26</u></a>	Combined Witness, Exhibit and Expert List by Nexion Health (tm) (Entered: 07/20/2005)
08/16/2005	<a href="#"><u>27</u></a>	Motion by Nexion Health for summary judgment (ct) (Entered: 08/17/2005)
08/18/2005	<a href="#"><u>28</u></a>	Motion by Equal Employment to strike defendant's motion for summary judgment (ct) (Entered: 08/19/2005)
08/19/2005	<a href="#"><u>29</u></a>	Motion by Nexion Health for leave to file motion for summary judgment (tm) (Entered: 08/22/2005)
08/24/2005	<a href="#"><u>30</u></a>	Order granting motion for leave to file motion for summary judgment [29-1] signed by Honorable John W. Primomo (tm) (Entered: 08/25/2005)
08/24/2005	<a href="#"><u>31</u></a>	Order denying motion to strike defendant's motion for summary judgment [28-1] signed by Honorable John W. (tm) (Entered: 08/25/2005)
08/26/2005	<a href="#"><u>32</u></a>	Response by Nexion Health motion to strike defendant's motion for summary judgment [28-1] (ct) (Entered: 08/29/2005)

08/26/2005	<a href="#"><u>33</u></a>	Opposed Motion by Equal Employment, Terrance Darrell Johnson for leave to file joint response to defendant's motion for summary judgment out of page limit (joint response receive stamped) (ct) Modified on 08/29/2005 (Entered: 08/29/2005)
09/01/2005	<a href="#"><u>34</u></a>	Reply by Nexion Health to response to motion for summary judgment [27-1] (ct) (Entered: 09/02/2005)
09/06/2005	<a href="#"><u>35</u></a>	Order granting motion for leave to file joint response to defendant's motion for summary judgment out of page limit [33-1] signed by Honorable John W. Primomo (tm) (Entered: 09/07/2005)
09/06/2005	<a href="#"><u>36</u></a>	Response by Equal Employment in opposition to motion for summary judgment [27-1] (tm) (Entered: 09/07/2005)
09/08/2005	<a href="#"><u>37</u></a>	Report and recommendation of Judge Primomo recommending that Nexion's motion for summary judgment [27-1] be GRANTED. (Sent copies by certified mail or faxed if authorization is on file) (tm) (Entered: 09/09/2005)
09/08/2005	<a href="#"><u>38</u></a>	Order returning case to the District Court for all purposes signed by Honorable John W. Primomo (tm) (Entered: 09/09/2005)
09/08/2005		CASE NO LONGER REFERRED TO Honorable John W. Primomo (tm) (Entered: 09/09/2005)
09/13/2005		Acknowledgment receipt of Equal Employment magistrate report and recommendations (tm) (Entered: 09/14/2005)
09/13/2005		Acknowledgment receipt of Equal Employment magistrate report and recommendations (tm) (Entered: 09/14/2005)
09/14/2005		Acknowledgment receipt of Nexion Health magistrate report and recommendations (tm) (Entered: 09/19/2005)
09/19/2005	<a href="#"><u>39</u></a>	Objections to Magistrate's proposed findings of fact and recommendations regarding summary judgment [37-1] by Equal Employment (tm) (Entered: 09/20/2005)
09/28/2005	<a href="#"><u>40</u></a>	Order ACCEPTING memorandum and recommendation of the United States Magistrate Judge: granting motion for summary judgment [27-1] signed by Honorable Fred Biery (tm) (Entered: 09/29/2005)
09/28/2005	<a href="#"><u>41</u></a>	Judgment DISMISSING case pursuant to Court granting defendant's motion for summary judgment signed by Honorable Fred Biery (Pages: 1) (tm) (Entered: 09/29/2005)
09/28/2005		Case closed (tm) (Entered: 09/29/2005)
09/30/2005	<a href="#"><u>42</u></a>	Response by Nexion Health to Plaintiffs' objections to Magistrate's proposed findings and recommendation regarding summary judgment [39-1] (tm) (Entered: 10/03/2005)
11/23/2005	<a href="#"><u>43</u></a>	Notice of appeal by Equal Employment (lp) (Entered: 11/28/2005)
11/28/2005	<a href="#"><u>45</u></a>	Notice of appeal by Terrance Darrell Johnson (lp) (Entered: 11/29/2005)

11/29/2005		Notice of appeal and certified copy of docket to USCA: appeal [45-1] (lp) (Entered: 11/29/2005)
01/17/2006		USCA appeal fees paid for appeal [45-1] : Appeal Fee: \$ 255.00 Receipt # 199046 (lp) (Entered: 01/19/2006)
02/03/2006		Return of appeal information sheet received. appeal [45-1] USCA NUMBER: 05-51770 (lp) (Entered: 02/03/2006)
04/20/2006		Certified and transmitted record on appeal to Terreree B. Robinson - appeal [45-1] (4) Volumes of records (bn) (Entered: 04/26/2006)
04/26/2006	<a href="#">46</a>	Acknowledgement from Terrerce B. Robinson - receipt appeal record [0-0] (bn) (Entered: 04/26/2006)
12/12/2006	<a href="#">47</a>	Certified copy of USCA JUDGMENT/MANDATE Affirming <a href="#">45</a> Notice of Appeal filed by Terrance Darrell Johnson,, <a href="#">43</a> Notice of Appeal filed by Equal Employment Opportunity Commission, (bn, ) (Entered: 12/12/2006)
12/12/2006	<a href="#">48</a>	Appeal Record Returned from USCA: <a href="#">45</a> Notice of Appeal, <a href="#">43</a> Notice of Appeal (bn, ) (Entered: 12/12/2006)

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