CLOSED, LEVIN

United States District Court Northern District of Illinois - CM/ECF LIVE, Ver 3.0 (Chicago) CIVIL DOCKET FOR CASE #: 1:06-cv-00608

Equal Employment Opportunity Commission v. Infinity Home

Improvement, Inc.

Assigned to: Honorable Ruben Castillo Cause: 42:2000 Job Discrimination (Race)

Date Filed: 02/02/2006

Date Terminated: 11/07/2006

Jury Demand: Plaintiff

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

Plaintiff

Equal Employment Opportunity Commission

represented by Justin Mulaire

U.S. Equal Employment Opportunity

Commission

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V.

Defendant

Infinity Home Improvement, Inc.

doing business as Gutter Helmet represented by Eugene F. Keefe

Keefe & Associates, L.L.C. 118 North Clinton Suite 300 Chicago, IL 60661 (312) 756-1800 LEAD ATTORNEY ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text		
02/02/2006	1	COMPLAINT filed by Equal Employment Opportunity Commission; Jury Demand.(rmm,) (Entered: 02/03/2006)		
02/02/2006	2	CIVIL Cover Sheet (rmm,) (Entered: 02/03/2006)		
02/03/2006	3	ATTORNEY Appearance for Plaintiff Equal Employment Opportunity Commission by John C. Hendrickson (Hendrickson, John) (Entered: 02/03/2006)		
02/06/2006	4	ATTORNEY Appearance for Plaintiff Equal Employment Opportunity Commission by Gregory M. Gochanour (Gochanour, Gregory) (Entered: 02/06/2006)		
02/06/2006	5	TTORNEY Appearance for Plaintiff Equal Employment Opportunity ommission by Justin Mulaire (Mulaire, Justin) (Entered: 02/06/2006)		
04/03/2006	<u>6</u>	MINUTE entry before Judge Ruben Castillo: After review of the initial pleadings in this case, this Court has decided to hold an expedited settlement conference. Plaintiff's counsel is directed to immediately serve the complaint and exhaust all settlement possibilities for this lawsuit. Parties to file a joint status report on or before 4/24/2006. The Court will hold a settlement conference in chambers on 4/26/2006 at 2:00 PM. Clients with settlement authority are directed to appear or be available by telephone. Mailed notice (rao,) (Entered: 04/03/2006)		
04/03/2006	7	WAIVER OF SERVICE returned executed by Equal Employment Opportunity Commission. Infinity Home Improvement, Inc. waiver sent on 2/7/2006, answer due 4/10/2006. (Mulaire, Justin) (Incorrect Date Entered - Docket Text Edited by Clerk's Office) Modified on 4/4/2006 (gma,). (Entered: 04/03/2006)		
04/04/2006	8	NOTICE of Correction regarding waiver of service executed [Incorrect "sent on" date entered) (gma,) (Entered: 04/04/2006)		
04/05/2006	9	MOTION by Defendant for extension of time to file answer(gma,) (Entered: 04/06/2006)		
04/05/2006	<u>10</u>	NOTICE of Motion by Infinity Home Improvement, Inc. for presentment of MOTION by Defendant for extension of time to file answer 9 before Honorable Ruben Castillo on 4/11/2006 at 09:15 AM. (gma,) (Entered: 04/06/2006)		

04/05/2006	<u>12</u>	ATTORNEY Appearance for Defendant Infinity Home Improvement, Inc. by Eugene F. Keefe (cdy,) (Entered: 04/07/2006)		
04/07/2006	<u>11</u>	MINUTE entry before Judge Ruben Castillo: Defendant's motion for extension of time to file answer 9 is granted. Defendant to answer or otherwise plead to the complaint on or before 4/26/2006. Parties to file the joint status report on or before 5/8/2006. Settlement conference reset to 5/10/2006 at 3:00 PM. Mailed notice (rao,) (Entered: 04/07/2006)		
04/24/2006	<u>13</u>	ANSWER to Complaint by Infinity Home Improvement, Inc.(rmm,) (Entered: 04/27/2006)		
04/27/2006	<u>14</u>	RULE 7.1 Disclosure Statement by Infinity Home Improvement, Inc. (mb,) (Entered: 05/01/2006)		
05/05/2006	<u>15</u>	MINUTE entry before Judge Ruben Castillo: Parties' oral request to reset the settlement conference is granted. Settlement conference reset to 5/22/2006 at 3:00 PM. Settlement conference set for 5/10/2006 is vacated. Mailed notice (rao) (Entered: 05/05/2006)		
05/05/2006	<u>16</u>	STATUS Report <i>(joint)</i> by Equal Employment Opportunity Commission, Infinit Home Improvement, Inc. (Attachments: # <u>1</u> Exhibit A (proposed scheduling order))(Mulaire, Justin) (Entered: 05/05/2006)		
05/05/2006	<u>17</u>	CERTIFICATE by Equal Employment Opportunity Commission of service of joint status report (Mulaire, Justin) (Entered: 05/05/2006)		
05/18/2006	<u>18</u>	FED.R.Civ.P. 26(a)(1) Initial Disclosures by Defendant Infinity Home Improvement, Inc. (ar,) (Entered: 05/23/2006)		
05/22/2006	<u>19</u>	MINUTE entry before Judge Ruben Castillo: Settlement conference held in chambers on 5/22/2006. The parties are requested to exhaust all remaining settlement possibilities for this litigation in view of the court's recommendation. Status hearing set for 6/8/2006 at 9:45 AM. A firm schedule for this lawsuit including a trial date will be set at the next status hearing Mailed notice (rao,) (Entered: 05/23/2006)		
05/22/2006	<u>20</u>	APPLICATION for Leave to Appear Pro Hac Vice on behalf of Infinity Home Improvement, Inc. by Eugene F. Keefe; Order entered granting leave by Ruben Castillo. Filing fee \$ 50 paid, receipt number 1097878. (mjc,) (Entered: 05/25/2006)		
06/08/2006	<u>21</u>	MINUTE entry before Judge Ruben Castillo: Status hearing held on 6/8/2006 and continued to 7/13/2006 at 9:45 AM. All discovery to be completed on or before 9/22/2006. Any dispositive motions are to be filed on or before 10/20/2006. Jury trial set for 12/11/2006 at 9:45 AM. Mailed notice (rao,) (Entered: 06/08/2006)		
07/13/2006	22	MINUTE entry before Judge Ruben Castillo: Status hearing held on 7/13/2006 and continued to 8/22/2006 at 9:45 AM. Mailed notice (rao,) (Entered: 07/13/2006)		
08/17/2006	<u>23</u>	<u>'</u>		

		Exhibit C, Infinity 1st document responses# 4 Exhibit D, Infinity 2d document responses# 5 Exhibit E, Spreadsheet provided by Infinity# 6 Exhibit F, Rule 37 certificate# 7 Exhibit G, Letter from EEOC counsel to Infinity counsel# 8 Exhibit H, cited decisional law (French v. Amsleep)# 9 Exhibit I, cited decisional law (EEOC v. Staffing Network))(Mulaire, Justin) (Entered: 08/17/2006)		
08/17/2006	<u>24</u>	NOTICE of Motion by Justin Mulaire for presentment of motion to compel,, 23 before Honorable Ruben Castillo on 8/22/2006 at 09:45 AM. (Mulaire, Justin) (Entered: 08/17/2006)		
08/22/2006	<u>25</u>	MINUTE entry before Judge Ruben Castillo: Plaintiff's motion to compel <u>23</u> is granted. Defendant to turn over all documents on or before 9/21/2006. Status hearing held on 8/22/2006 and continued to 9/13/2006 at 9:45 AM. Mailed notice (rao,) (Entered: 08/22/2006)		
08/22/2006	<u>26</u>	MINUTE entry before Judge Ruben Castillo: This Court's earlier order is corrected as follows: Defendant to turn over all documents pursuant to the motion to compel on or before 9/1/2006. Mailed notice (rao,) (Entered: 08/22/2006)		
09/08/2006	<u>27</u>	MOTION by Plaintiff Equal Employment Opportunity Commission to compel disclosure of workload data (Attachments: # 1 Exhibit A, EEOC First Request for Production of Documents# 2 Exhibit B, Infinity response to EEOC First Request for Production of Documents# 3 Exhibit C, Local Rule 37.2 certificate)(Mulaire, Justin) (Entered: 09/08/2006)		
09/08/2006	28	NOTICE of Motion by Justin Mulaire for presentment of motion to compel, <u>27</u> before Honorable Ruben Castillo on 9/13/2006 at 09:45 AM. (Mulaire, Justin) (Entered: 09/08/2006)		
09/13/2006	<u>29</u>	MINUTE entry before Judge Ruben Castillo: Plaintiff's motion to compel disclosure of workload data 27 is withdrawn. Status hearing held on 9/13/2006. Settlement conference set for 10/4/2006 at 3:30 PM. Mailed notice (rao,) (Entered: 09/13/2006)		
09/15/2006	<u>30</u>	MOTION by Plaintiff Equal Employment Opportunity Commission for order to show cause why Infinity should not be precluded from introducing certain evidence at trial (Attachments: # 1 Exhibit A, EEOC 1st document requests# 2 Exhibit B, Infinity 1st document responses# 3 Exhibit C, EEOC motion to compel# 4 Exhibit D, order to produce documents# 5 Exhibit E, document produced# 6 Exhibit F, Declaration of Justin Mulaire# 7 Exhibit G, letter from Mulaire to Kaplan)(Mulaire, Justin) (Entered: 09/15/2006)		
09/15/2006	31	NOTICE of Motion by Justin Mulaire for presentment of motion for order to show cause,, <u>30</u> before Honorable Ruben Castillo on 9/20/2006 at 09:45 AM. (Mulaire, Justin) (Entered: 09/15/2006)		
09/18/2006	<u>32</u>	MINUTE entry before Judge Ruben Castillo: Plaintiff's motion for an order to show cause 30 is entered and continued to 9/27/2006 at 9:30 AM. Motion hearing set for 9/20/2006 is vacated. Mailed notice (rao,) (Entered: 09/18/2006)		
09/22/2006	<u>33</u>			

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		1st document responses# 3 Exhibit C, sample installation work report page# 4 Exhibit D, 9/14/06 letter from Mulaire to Kaplan# 5 Exhibit E, 9/18/06 letter from Mulaire to Kaplan# 6 Exhibit F, 9/19/06 letter from Mulaire to Kaplan# 7 Exhibit G, Rule 37.2 certificate# 8 Exhibit H, 9/21/06 letter from Kaplan to Mulaire)(Mulaire, Justin) (Entered: 09/22/2006)		
09/22/2006	<u>34</u>	NOTICE of Motion by Justin Mulaire for presentment of motion to compel,, <u>33</u> before Honorable Ruben Castillo on 9/27/2006 at 09:45 AM. (Mulaire, Justin) (Entered: 09/22/2006)		
09/27/2006	<u>35</u>	MINUTE entry before Judge Ruben Castillo: Settlement conference reset to 10/4/2006 at 4:30 p.m. Status hearing set for 10/12/2006 at 9:45 a.m. Defendant' response to Plaintiff's motion for order to show cause 30 is due on or before 10/5/2006. The Court will rule on 10/12/2006 at 9:45 a.m. Plaintiff's motion to compel disclosure of sales and work in progress reports or preclude evidence 33 is entered and continued to 10/12/2006 at 9:45 a.m. Defendant should file an evidentiary affidavit that the reports are not available by 10/5/2006. Mailed notice (rao,) (Entered: 09/27/2006)		
10/04/2006	<u>36</u>	MINUTE entry before Judge Ruben Castillo: Settlement conference held in chambers on 10/4/2006. Progress made toward a settlement. Defendant's attorned is given until 10/13/2006 to make a formal offer to the EEOC with regard to: (1 an agreeable consent decree and (2) monetary damages in light of the Court's specific recommendations. The status hearing is reset to 10/19/2006 at 9:45 a.m. Status hearing set for 10/12/2006 is vacated. Plaintiff's motion for order to show cause 30 and motion to compel disclosure of sales and work in progress reports or preclude evidence 33 are entered and continued to 10/19/2006 at 9:45 a.m. Mailed notice (rao,) (Entered: 10/05/2006)		
10/05/2006	<u>37</u>	RESPONSE to Plaintiff EEOC's Motion for Rule to Show Cause. (mb,) (Entered: 10/10/2006)		
10/05/2006	<u>38</u>	AFFIDAVIT by Infinity Home Improvement, Inc. (mb,) (Entered: 10/10/2006)		
10/18/2006	<u>39</u>	MEMORANDUM by Equal Employment Opportunity Commission in Support of motion for order to show cause,, <u>30</u> , motion to compel,, <u>33</u> (<i>Reply Memorandum</i>) (Attachments: # <u>1</u> Exhibit 1, Transcript of Deposition of Mark Adams# <u>2</u> Exhibit 2, Financial data page# <u>3</u> Exhibit 3, Transcript of Deposition of Robert Heilman)(Mulaire, Justin) (Entered: 10/18/2006)		
10/18/2006	<u>40</u>	CERTIFICATE of Service by Justin Mulaire on behalf of Equal Employment Opportunity Commission regarding memorandum in support of motion, 39 (Mulaire, Justin) (Entered: 10/18/2006)		
10/20/2006	41	MINUTE entry before Judge Ruben Castillo: Status hearing held on 10/19/2006 and continued to 10/31/2006 at 9:45 a.m. Plaintiff's motion for order to show cause 30 is denied. Plaintiff's motion to compel disclosure of sales and work in progress reports or preclude evidence 33 is entered and continued to 10/31/2006 at 9:45 a.m. Defendant is directed to file an evidentiary affidavit regarding the sales report. Mailed notice (rao,) (Entered: 10/20/2006)		
10/20/2006	<u>42</u>	OFFER of Judgment Pursuant to Rule 68 by Infinity Home Improvement, Inc. (mb,) (Entered: 10/24/2006)		

10/20/2006	<u>43</u>	MOTION by Defendant Infinity Home Improvement, Inc. for summary judgment (mb,) (Entered: 10/24/2006)		
10/20/2006	44	MEMORANDUM of Law in support of Motion for Summary Judgment by Infinity Home Improvement, Inc. (mb,) (Entered: 10/24/2006)		
10/24/2006	<u>45</u>	MOTION by Plaintiff Equal Employment Opportunity Commission to strike MOTION by Defendant Infinity Home Improvement, Inc. for summary judgment 43, memorandum in support of motion 44 for failure to comply with Local Rule 56.1(a) (Mulaire, Justin) (Entered: 10/24/2006)		
10/24/2006	<u>46</u>	NOTICE of Motion by Justin Mulaire for presentment of motion to strike, motion for relief,,,, <u>45</u> before Honorable Ruben Castillo on 10/31/2006 at 09:45 AM. (Mulaire, Justin) (Entered: 10/24/2006)		
10/25/2006	<u>47</u>	AMENDED RULE 56.1 Statement by Defendant (Exhibits) (mb,) (Entered: 10/27/2006)		
10/26/2006	<u>48</u>	AFFIDAVIT of by Infinity Home Improvement, Inc. (mb,) (Entered: 10/27/2006)		
10/31/2006	<u>49</u>	MINUTE entry before Judge Ruben Castillo: Motion hearing held. MOTION by Plaintiff Equal Employment Opportunity Commission to strike motion by Defendant Infinity Home Improvement, Inc. for summary judgment is entered and continued to 11/6/2006 at 4:30p.m. Mailed notice (slb,) (Entered: 10/31/2006)		
11/07/2006	<u>50</u>	MINUTE entry before Judge Ruben Castillo: Counsel notified the Court that the parties have settled. This case is taken off the Court's active calendar and dismissed without prejudice subject to a dismissal with prejudice upon the submission of a full settlement and consent decree which are approved by the Court within the next 30 days. The trial date of 12/11/2006 is vacated. All motions are denied as moot. Mailed notice (rao,) (Entered: 11/07/2006)		
11/17/2006	<u>51</u>	MOTION by Plaintiff Equal Employment Opportunity Commission to approve consent judgment (<i>AGREED MOTION</i>) (Attachments: # 1 Exhibit A, proposed consent decree)(Mulaire, Justin) (Entered: 11/17/2006)		
11/17/2006	<u>52</u>	NOTICE of Motion by Justin Mulaire for presentment of motion to approve consent judgment <u>51</u> before Honorable Ruben Castillo on 11/22/2006 at 09:45 AM. (Mulaire, Justin) (Entered: 11/17/2006)		
11/20/2006	<u>53</u>	MINUTE entry before Judge Ruben Castillo: Parties' agreed motion for entry of consent decree 51 is granted. Enter Consent Decree. Enter Notice to Infinity Home Improvement (Gutter Helmet) Employees. Motion hearing set for 11/22/2006 is vacated. Mailed notice (mb,) (Entered: 11/22/2006)		
11/20/2006	<u>54</u>	CONSENT DECREE Signed by Judge Ruben Castillo on 11/20/2006.(mb,) (Entered: 11/22/2006)		
11/20/2006	<u>55</u>	NOTICE to Infinity Home Improvement (Gutter Helmet) Employees Signed by Judge Ruben Castillo on 11/20/2006.(mb,) (Entered: 11/22/2006)		

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