

CJRA\_B, CLOSED, FRC

**U.S. District Court  
Southern District of Illinois (East St. Louis)  
CIVIL DOCKET FOR CASE #: 3:99-cv-00106-DRH**

EEOC v. Wal-Mart Stores Inc  
Assigned to: Judge David R Herndon  
Demand: \$0  
Cause: 42:2000 Job Discrimination (Sex)

Date Filed: 02/11/1999  
Date Terminated: 03/27/2000  
Jury Demand: Plaintiff  
Nature of Suit: 442 Civil Rights: Jobs  
Jurisdiction: U.S. Government Plaintiff

**Plaintiff****Equal Employment Opportunity  
Commission**

represented by **James M. Hipkiss**  
Assistant U.S. Attorney - Fairview Heights  
Generally Admitted  
9 Executive Drive  
Suite 300  
Fairview Heights, IL 62208  
618-628-3700  
Email: Jim.Hipkiss@usdoj.gov  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Melvin D. Kennedy**  
Equal Employment Opportunity  
Commission - St. Louis, MO  
1222 Spruce Street  
Room 8.100  
St. Louis, MO 63103  
314-539-7915  
Email: melvin.kennedy@eeoc.gov  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Rebecca Stith**  
Equal Employment Opportunity  
Commission  
St. Louis District Office  
1222 Spruce Street  
Room 8.100  
St. Louis, MO 63103  
314-539-7800  
Email: rebecca.stith@eeoc.gov  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Robert G. Johnson**  
Equal Employment Opportunity

Commission - St. Louis, MO  
1222 Spruce Street  
Room 8.100  
St. Louis, MO 63103  
314-539-7915  
Email: robert.johnson@eoc.gov  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**S. Robert Royal**  
mail returned 99999  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**Wal-Mart Stores Inc**

represented by **Bryan W. Riley**  
Wal Mart Stores, Inc.  
702 S.W. 8th Street  
3rd Floor, Legal Dept.  
Bentonville, AR 72716-0215  
501-273-4505  
Fax: 501-277-5991 fax  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Charles E. Reis, IV**  
Brown & James  
Generally Admitted  
1010 Market Street  
20th Floor  
St. Louis, MO 63101  
314-242-5307  
Fax: 314-421-3128  
Email: creis@bjpc.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Gregory S. Muzingo**  
Wal Mart Stores, Inc.  
702 S.W. 8th Street  
3rd Floor, Legal Dept.  
Bentonville, AR 72716-0215  
501-273-4505  
Fax: 479-204-9476 fax  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
02/11/1999	1	COMPLAINT (drl) (Entered: 02/11/1999)
02/11/1999		Magistrate identification: Mag/Judge Gerald B Cohn (drl) (Entered: 02/11/1999)
02/16/1999	2	CJRA Track B assigned by Judge David R. Herndon; presumptive jury trial set for month of 2/00 before Judge David R. Herndon in the USDC/East St. Louis, IL (cc: all counsel) (dlr) (Entered: 02/18/1999)
03/04/1999		WAIVER OF SERVICE executed upon defendant Wal-Mart Stores Inc on 2/24/99 (dlr) (Entered: 03/09/1999)
04/12/1999	3	ATTORNEY APPEARANCE for defendant Wal-Mart Stores Inc by Charles E. Reis IV (dlr) (Entered: 04/15/1999)
04/12/1999	4	ANSWER by defendant Wal-Mart Stores Inc to complaint [1-1] (dlr) (Entered: 04/15/1999)
04/16/1999	5	NOTICE of Sched/Disc Conf set for 8:30 AM 5/28/99 before Mag Judge Gerald B. Cohn in the USDC/East St. Louis, IL (cc: all counsel) (dmb) (Entered: 04/21/1999)
05/03/1999		PROPOSED joint report submitted by plaintiff EEOC, defendant Wal-Mart Stores Inc (fe) (Entered: 05/03/1999)
05/05/1999	6	SCHEDULING AND DISCOVERY ORDER by Mag Judge Gerald B. Cohn discovery ddl set 10/29/99 ;disp mtn filing ddl 12/10/99 settlement conf set 1:30 PM on 11/16/99 before Mag Judge Gerald B. Cohn in the USDC/East St. Louis, IL (cc: all counsel) (jmf) (Entered: 05/06/1999)
05/05/1999	7	ORDER by Mag Judge Gerald B. Cohn setting settlement conf at 1:30 PM on 11/16/99 before Mag Judge Gerald B. Cohn in the USDC/East St. Louis, IL (cc: all counsel) (jmf) (Entered: 05/06/1999)
06/07/1999	8	MOTION by defendant Wal-Mart Stores Inc for attorney Bryan W. Riley to appear pro hac vice (dmb) (Entered: 06/07/1999)
06/07/1999	9	ORDER (NGJ/dmb) granting motion for attorney Bryan W. Riley to appear pro hac vice [8-1] receipt #300 61017 \$55.00 (cc: all counsel) (dmb) (Entered: 06/07/1999)
06/07/1999	10	MOTION by defendant Wal-Mart Stores Inc for attorney Gregory S. Muzingo to appear pro hac vice (dmb) (Entered: 06/07/1999)
06/07/1999	11	ORDER (NGJ/dmb) granting motion for attorney Gregory S. Muzingo to appear pro hac vice [10-1] receipt #300 61016 \$55.00 (cc: all counsel) (dmb) (Entered: 06/07/1999)
09/29/1999	12	MOTION by plaintiff EEOC for entry of stipulated protective order (myz) (Entered: 10/05/1999)
10/06/1999	13	PROTECTIVE ORDER by Mag Judge Gerald B. Cohn : granting motion for entry of stipulated protective order [12-1] (cc: all counsel) (jmf) (Entered: 10/15/1999)

11/16/1999	14	MINUTES (jms) of Settlement Conference hearing on 11/16/99 before Mag Judge Gerald B. Cohn ; Settlement conf held 11/16/99 Case did not settle. ( C/R: N/A) (jms) (Entered: 11/17/1999)
11/17/1999	15	NOTICE of hearing settlement conf set 9:00AM 12/14/99 before Mag Judge Gerald B. Cohn in the USDC/East St. Louis, IL (cc: all counsel) (jms) (Entered: 11/17/1999)
11/18/1999	16	NOTICE of hearing final pretrl conf set for 10:00 AM on 1/19/00 before Judge David R. Herndon in the USDC/East St. Louis, IL (cc: all counsel) (pab) (Entered: 11/18/1999)
12/10/1999	17	MOTION by defendant Wal-Mart Stores Inc to extend time to file a dispositive motion (tjh) (Entered: 12/15/1999)
12/14/1999	18	MINUTES of hearing on settlement conference before Mag Judge Gerald B. Cohn ; Settlement conf held 12/14/99 case did not settle ( C/R: None) (jmf) (Entered: 12/17/1999)
12/17/1999	19	ORDER by Judge David R. Herndon granting motion to extend time to file a dispositive motion [17-1] dispositive mtn ddl 12/17/99 (cc: all counsel) (pab) (Entered: 12/17/1999)
01/11/2000	20	MOTION by defendant Wal-Mart Stores Inc for continuance of trial (dlr) (Entered: 01/11/2000)
01/13/2000	21	ATTORNEY APPEARANCE for plaintiff EEOC by Melvin D. Kennedy (dlr) (Entered: 01/13/2000)
01/14/2000	22	MEMORANDUM by plaintiff EEOC in opposition to motion for continuance of trial [20-1] (dlr) (Entered: 01/18/2000)
01/19/2000	23	MINUTES (pb) of hearing on final pretrial conference before Judge David R. Herndon , ; Final pretrial conf held 1/19/00; jury trial set for 3/13/00 before Judge David R. Herndon in the USDC/East St. Louis, IL finding the motion for continuance of trial [20-1] moot. ( C/R: none) (dmw) (Entered: 01/21/2000)
01/19/2000	24	FINAL PRE-TRIAL ORDER by Judge David R. Herndon (cc: all counsel) (dmw) (Entered: 01/21/2000)
02/03/2000	25	FIRST SUPPLEMENT TO LIST OF WITNESSESS IT EXPECTS TO CALL TO TESTIFY AT TRIAL (EXPERT WITNESS DESIGNATION) by plaintiff EEOC (dlr) (Entered: 02/08/2000)
02/16/2000	26	SECOND SUPPLEMENT WITNESS DESIGNATION by plaintiff EEOC (jmf) (Entered: 02/23/2000)
02/22/2000	27	MOTION by plaintiff EEOC in limine to prohibit mention or evidence of previous legal or administrative proceedings involving Tammy Williams and suggestions in support (dlr) (Entered: 02/24/2000)
02/22/2000	28	MOTION by plaintiff EEOC in limine to prohibit mention or evidence of Tammy Williams' absences during her employment with defendant and suggestions in support (dlr) (Entered: 02/24/2000)

02/22/2000	29	MOTION by plaintiff EEOC in limine to bar mention or evidence of Tammy Williams' marriages and divorces and suggestions in support (dlr) (Entered: 02/24/2000)
02/22/2000	30	MOTION by plaintiff EEOC in limine to prohibit mention or evidence of Tammy Williams' medical complaints, conditions, injuries, treatments, or surgeries and suggestions in support (dlr) (Entered: 02/24/2000)
02/22/2000	31	MOTION by plaintiff EEOC in limine to prohibit mention or evidence of workers' compensation or unemployment compensation received by Tammy Williams and suggestions in support (dlr) (Entered: 02/24/2000)
02/22/2000	32	MOTION by plaintiff EEOC in limine to prohibit mention or evidence of Tammy Williams' performance with or termination by prior or subsequent employers and suggestions in support (dlr) (Entered: 02/24/2000)
02/22/2000	33	MOTION by plaintiff EEOC in limine to prohibit mention or evidence of Tammy Williams' termination by a prior employer, Edwardsville Care Center, or Ms. Williams' use of the phrase, "Layed Off" instead of "Terminated" on her Wal-Mart application and suggestions in support (dlr) (Entered: 02/24/2000)
02/25/2000	34	MOTION by plaintiff EEOC to file plaintiff's designated exhibits for trial with proposed exhibits (myz) (Entered: 02/29/2000)
02/29/2000	<a href="#">35</a>	ORDER by Judge David R. Herndon granting motion to file plaintiff's designated exhibits for trial [34-1] (cc: all counsel) (dlr) (Entered: 03/01/2000)
02/29/2000	36	EXHIBIT/WITNESS list by plaintiff EEOC (dlr) (Entered: 03/01/2000)
03/06/2000	37	TRIAL BRIEF by plaintiff EEOC (dlr) (Entered: 03/06/2000)
03/06/2000	38	MOTION by plaintiff EEOC to correct by interlineation its designated list of exhibits for trial (amend) (dlr) (Entered: 03/06/2000)
03/06/2000	39	MOTION by plaintiff EEOC in limine to bar mention or evidence of Tammy Williams' sexual relationships and suggestions in support (dlr) (Entered: 03/06/2000)
03/06/2000	40	MOTION by plaintiff EEOC in limine to exclude mention or evidence of Tammy Williams' sexual joking or conversations in defendant's workplace and suggestions in support (dlr) (Entered: 03/06/2000)
03/07/2000	41	RESPONSE by defendant Wal-Mart Stores Inc to motion in limine to prohibit mention or evidence of Tammy Williams' termination by a prior employer, Edwardsville Care Center, or Ms. Williams' use of the phrase, "Layed Off" instead of "Terminated" on her Wal-Mart application [33-1], motion in limine to prohibit mention or evidence of Tammy Williams' performance with or termination by prior or subsequent employers [32-1], motion in limine to prohibit mention or evidence of workers' compensation or unemployment compensation received by Tammy Williams [31-1], motion in limine to prohibit mention or evidence of Tammy Williams' medical complaints, conditions, injuries, treatments, or surgeries [30-1], motion in limine to bar mention or evidence of Tammy Williams' marriages and divorces [29-1], motion in limine to prohibit mention or evidence of previous legal or administrative proceedings involving Tammy Williams [27-1] (dlr) (Entered: 03/07/2000)

03/08/2000	<a href="#">43</a>	ORDER by Judge David R. Herndon granting motion to correct by interlineation its designated list of exhibits for trial (amend) [38-1] (cc: all counsel) (tjh) (Entered: 03/10/2000)
03/08/2000	44	REPLY by plaintiff EEOC re defendant's response to plaintiff's motions in limine [40-1], re [39-1], re [33-1], re [32-1], re [31-1], re [30-1], re [29-1], re [28-1], re [27-1] (tjh) (Entered: 03/10/2000)
03/10/2000	<a href="#">42</a>	ORDER by Judge David R. Herndon granting motion in limine to prohibit mention or evidence of previous legal or administrative proceedings involving Tammy Williams [27-1], granting in part and denying in part motion in limine to prohibit mention or evidence of Tammy Williams' absences during her employment with defendant [28-1], granting motion in limine to bar mention or evidence of Tammy Williams' marriages and divorces [29-1], granting motion in limine to prohibit mention or evidence of Tammy Williams' medical complaints, conditions, injuries, treatments, or surgeries [30-1], granting motion in limine to prohibit mention or evidence of workers' compensation or unemployment compensation received by Tammy Williams [31-1], granting motion in limine to prohibit mention or evidence of Tammy Williams' performance with or termination by prior or subsequent employers [32-1], denying as moot and granting in part motion in limine to prohibit mention or evidence of Tammy Williams' termination by a prior employer, Edwardsville Care Center, or Ms. Williams' use of the phrase, "Layed Off" instead of "Terminated" on her Wal-Mart application [33-1], granting motion in limine to bar mention or evidence of Tammy Williams' sexual relationships [39-1], granting motion in limine to exclude mention or evidence of Tammy Williams' sexual joking or conversations in defendant's workplace [40-1]; see order for specifics (cc: all counsel) (dlr) (Entered: 03/10/2000)
03/10/2000	45	MOTION by plaintiff EEOC to substitute videotaped witness deposition in lieu of live testimony (dlr) (Entered: 03/14/2000)
03/14/2000	46	MOTION by plaintiff EEOC to exclude defendant's exhibits for trial (dlr) (Entered: 03/14/2000)
03/14/2000	47	MEMORANDUM by defendant Wal-Mart Stores Inc in opposition to motion to exclude defendant's exhibits for trial [46-1] (dlr) (Entered: 03/14/2000)
03/15/2000	48	MINUTES OF DAY 1 OF JURY TRIAL (pab) before Judge David R. Herndon denying motion to exclude defendant's exhibits for trial [46-1], granting motion to substitute videotaped witness deposition in lieu of live testimony [45-1] ( C/R: Jennifer Robertson) (pab) (Entered: 03/16/2000)
03/16/2000	49	MINUTES OF DAY 2 OF JURY TRIAL (pab) before Judge David R. Herndon (C/R: Jennifer Robertson) (pab) (Entered: 03/16/2000)
03/20/2000	50	MOTION by defendant Wal-Mart Stores Inc for judgment as a matter of law on plaintiff's claim of sexual harassment of Ms. Williams as the close of plaintiff's case (pab) (Entered: 03/20/2000)
03/20/2000		DEPOSITION of Shannon Kelly Moore taken October 12, 1999 (pab) (Entered: 03/20/2000)

03/20/2000	51	MINUTES OF DAY 3 OF JURY TRIAL (pab) before Judge David R. Herndon denying motion for judgment as a matter of law on plaintiff's claim of sexual harassment of Ms. Williams as the close of plaintiff's case [50-1] ( C/R: Jennifer Robertson) (pab) (Entered: 03/21/2000)
03/20/2000	55	OBJECTIONS by plaintiff EEOC to defendant's proposed exhibits (myz) (Entered: 03/23/2000)
03/21/2000		TRANSCRIPT of cross examination of Tammy Williams; jury trial held March 16, 2000; 1 volume(s) Court Reporter: Jennifer Robertson (pab) (Entered: 03/21/2000)
03/21/2000	52	MINUTES OF DAY 4 OF JURY TRIAL (pab) before Judge David R. Herndon ( C/R: Jennifer Robertson) (pab) (Entered: 03/21/2000)
03/21/2000	53	MOTION by plaintiff EEOC for judgment as a matter of law that (1) Boyd Lance was a "supervision" under the Faragher/Ellerth employer liability standard and (2) defendant is not entitled to the Faragher/Ellerth affirmative defense pursuant to Rule 50(a). (pab) (Entered: 03/22/2000)
03/22/2000	54	MINUTES OF DAY 5 OF JURY TRIAL (pab) before Judge David R. Herndon denying motion for judgment as a matter of law that (1) Boyd Lance was a "supervision" under the Faragher/Ellerth employer liability standard and (2) defendant is not entitled to the Faragher/Ellerth affirmative defense pursuant to Rule 50(a). [53-1] ( C/R: Jennifer Robertson) (pab) (Entered: 03/23/2000)
03/23/2000	56	MINUTES of hearing on day 6 (last) of jury trial before Judge David R. Herndon ; judgment is entered in favor of defendant and against plaintiff on sex harrassment, for plaintiff and against defendant on retaliation (exhibit list attached) ( C/R: Jennifer Robertson) (dlr) Modified on 03/27/2000 (Entered: 03/27/2000)
03/23/2000		EXHIBIT/WITNESS list by defendant Wal-Mart Stores Inc, plaintiff EEOC (dlr) (Entered: 03/27/2000)
03/23/2000	57	Stipulation for Release of Exhibits by defendant Wal-Mart Stores Inc, plaintiff EEOC (dlr) (Entered: 03/27/2000)
03/23/2000	<a href="#">58</a>	ORDER by Judge David R. Herndon; the costs of the meal for the jury shall be borne by the USA (cc: all counsel) (dlr) (Entered: 03/27/2000)
03/23/2000	59	VERDICT for plaintiff EEOC against defendant Wal-Mart Stores Inc (dlr) (Entered: 03/27/2000)
03/23/2000	60	VERDICT for defendant Wal-Mart Stores Inc against plaintiff EEOC (dlr) (Entered: 03/27/2000)
03/23/2000	61	VERDICT for plaintiff EEOC against defendant Wal-Mart Stores Inc (dlr) (Entered: 03/27/2000)
03/23/2000		JURY INSTRUCTIONS (1 envelope) (dlr) (Entered: 03/27/2000)
03/24/2000	<a href="#">62</a>	JUDGMENT (NGJ/pab); it is ordered and adjudged that judgment is entered in favor of defendant and against plaintiff on the claim for the sexual harrassment of Tammy Williams; it is further ordered and adjudged that judgment is entered in favor of plaintiff and against defendant in the sum of \$7,000.00 for lost wages on

		the claim for the retaliation against Tammy Williams; it is further ordered and adjudged that judgment is entered in favor of plaintiff and against defendant for punitive damages in the sum of \$100,000.00 terminating case (cc: all counsel) (dlr) (Entered: 03/27/2000)
04/06/2000	63	MOTION by plaintiff EEOC to modify judgment (amend) (dlr) (Entered: 04/11/2000)
04/06/2000	64	BILL OF COSTS (Photocopy) submitted by plaintiff EEOC re [62-2] response due 4/16/00 (substituted per order at doc #68) (dlr) Modified on 04/24/2000 (Entered: 04/11/2000)
04/07/2000	65	MOTION by defendant Wal-Mart Stores Inc for judgment as a matter of law or in the alternative, motion for remittur (acm) (Entered: 04/11/2000)
04/13/2000	66	MEMORANDUM by plaintiff EEOC in opposition to motion for judgment as a matter of law [65-1], motion or in the alternative, motion for remittur [65-2] (jmf) (Entered: 04/14/2000)
04/14/2000	67	MOTION by plaintiff EEOC to substitute , and to file instanter corrected bill of costs (dlr) (Entered: 04/17/2000)
04/19/2000	<a href="#">68</a>	ORDER by Judge David R. Herndon granting motion to substitute [67-1], granting motion to file instanter corrected bill of costs [67-2] (cc: all counsel) (dlr) (Entered: 04/24/2000)
04/20/2000	69	RESPONSE IN OPPOSITION by defendant Wal-Mart Stores Inc to motion to modify judgment (amend) [63-1] (dlr) (Entered: 04/24/2000)
04/25/2000	<a href="#">70</a>	COSTS taxed for plaintiff EEOC by Clerk of Court in the amount of \$ 5,387.45 against defendant Wal-Mart Stores Inc (cc: all counsel) (dlr) Modified on 04/25/2000 (Entered: 04/25/2000)
04/25/2000	71	REPLY by defendant Wal-Mart Stores Inc to response to motion for judgment as a matter of law [65-1], motion or in the alternative, motion for remittur [65-2] (acm) (Entered: 04/27/2000)
05/05/2000		TRANSCRIPT of jury trial; held 3/15/00,3/16/00,3/20/00,3/21/00,3/22/00; 5 volume(s) Court Reporter: Jennifer Robertson (dlr) (Entered: 05/05/2000)
06/29/2000	<a href="#">72</a>	MEMORANDUM AND ORDER by Judge David R. Herndon denying motion for judgment as a matter of law [65-1], denying motion or in the alternative, motion for remittur [65-2], granting in part and denying in part motion to modify judgment (amend) [63-1] ;the parties have until 7/11/00 to submit proposed notices for the Court's review ; see order for specifics (cc: all counsel) (dlr) Modified on 06/30/2000 (Entered: 06/30/2000)
07/06/2000	<a href="#">73</a>	AMENDED JUDGMENT approved by Judge David R. Herndon (pab); it is ordered and adjudged that judgment is entered in favor of defendant and against plaintiff on the claim for the sexual harassment of Tammy Williams; it is further ordered and adjudged that judgment is entered in favor of plaintiff and against defendant in the sum of \$7,000.00 for lost wages on the claim for the retaliation against Tammy Williams; it is further ordered and adjudged that judgment is entered in favor of plaintiff and against defendant for punitive damages in the sum of \$100,000.00; it is further ordered and adjudged that judgment is entered in



		favor of plaintiff and against defendant in the sum of \$2905.25 for costs; see judgment for specifics (cc: all counsel) (dlr) (Entered: 07/10/2000)
07/11/2000		VOLUME NUMBER 2 created, beginning with document number 73. (fe) (Entered: 07/11/2000)
07/12/2000		PROPOSED Notice to be posted at Defendant's Wal-Mart store in Glen Carbon, IL submitted by plaintiff EEOC (pab) (Entered: 07/13/2000)
07/12/2000	74	MEMORANDUM TO CLERK (NOTICE) by defendant Wal-Mart Stores Inc, plaintiff EEOC regarding 6/29/00 Order of the Court (dlr) (Entered: 07/25/2000)
07/24/2000	<a href="#">75</a>	ORDER by Judge David R. Herndon regarding memorandum to clerk [74-1]; the Court approves the notice and orders that it be posted in the Glen Carbon store, in a location readily visible to employees, on or before 8/5/00 (cc: all counsel) (dlr) (Entered: 07/25/2000)
03/23/2004	76	File Sent to FRC on 03/11/2004: accession number 021-04-0005, box number 28 of 112, location 425608-425719 BAN. (tmpemail2, ) (Entered: 03/23/2004)

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