CLOSED

United States District Court Western District of Michigan (Southern Division (1)) CIVIL DOCKET FOR CASE #: 1:98-cv-00649-WAM

EEOC v. Com-Star Dist.

Assigned to: Senior Judge Wendell A. Miles

Demand: \$0

Cause: 42:2000e Job Discrimination (Employment)

Date Filed: 09/09/1998

Date Terminated: 09/27/1999

Jury Demand: Both

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

<u>plaintiff</u>

Equal Employment Opportunity Commission

represented by Adele Rapport

U.S. Equal Employment Opportunity

Commission (MI)

Patrick V. McNamara Bldg. 477 Michigan Ave., Rm. 865

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ATTORNEY TO BE NOTICED

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V.

defendant

Com-Star Distributing

represented by Robert J. Sharkey

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third-party plaintiff

Brandi R. Lepper represented by David J. Blosser

207 Hoosier Dr., Ste. 6 Angola, IN 46703 (219) 668-1012 LEAD ATTORNEY ATTORNEY TO BE NOTICED

V.

third-party defendant

Com-Star Distributing represented by Robert J. Sharkey

(See above for address)

ATTORNEY TO BE NOTICED

intervening third-party plaintiff

Alicia Moore represented by David J. Blosser

(See above for address)

LEAD ATTORNEY

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intervening third-party plaintiff

Leonie Adams represented by David J. Blosser

(See above for address) *LEAD ATTORNEY*

ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text	
09/09/1998	1	COMPLAINT (5 pgs) and Jury Trial Demand (ddk) (Entered: 09/11/1998)	
09/09/1998	2	TRACK INFORMATION STATEMENT filed by pltf EEOC. III track preferred (ddk) (Entered: 09/11/1998)	
09/09/1998		SUMMONS issued and returned to pltf's rep. (ddk) (Entered: 09/11/1998)	
10/08/1998	3	MOTION to intervene by Brandi R. Lepper and ORDER granting: Brandi R. Lepper is now a party plaintiff to the action and her Complaint is accepted for filing in this case. (sds) (Entered: 10/08/1998)	
10/08/1998	4	THIRD-PARTY COMPLAINT: (11 pgs) by 3rd-party pltf Brandi R. Lepper against 3rd-party deft Com-Star Dist; w/demand for jury trial. (sds) (Entered: 10/08/1998)	
10/15/1998	5	ATTORNEY APPEARANCE by attoprney Robert J. Sharkey on behalf of deft/3rd-party deft Com-Star Dist. (sds) (Entered: 10/16/1998)	
10/15/1998	6	ANSWER to complaint by deft Com-Star Dist.; w/jury demand. (sds) (Entered: 10/16/1998)	

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10/15/1998	7	PROOF OF MAILING by deft Com-Star Dist. of Appearance [5-1] and Answer to Complaint [6-1]. (sds) (Entered: 10/16/1998)		
10/21/1998	8	ANSWER (RESPONSE) by deft Com-Star Dist. to motion to intervene by Brandi R. Lepper; dft Com-Star does not object to the court granting the motion; w/affirmative defenses and proof of mailing. (sds) (Entered: 10/22/1998)		
10/23/1998	9	ORDER Scheduling Status Conference by Senior Judge Wendell A. Miles; Rule 16 status conf set for 11/18/98 at 2:30 p.m. before Magistrate Judge Rowland in Kalamazoo, MI; joint status report due 11/13/98 (cc: all counsel) (sds) (Entered: 10/23/1998)		
11/12/1998	10	CERTIFICATE OF SERVICE by pltf for first set of interrogatories and request for production of documents (gjf) (Entered: 11/12/1998)		
11/16/1998	11	ANSWER to third party complaint by 3rd-party deft Com-Star Distributing w/proof of mailing (gjf) (Entered: 11/17/1998)		
11/16/1998	12	MOTION by deft/3rd-party deft Com-Star Dist. to strike the complaint of third party intervenor for failure to comply w/FRCP w/brief in support and proof of mailing (gjf) (Entered: 11/17/1998)		
11/18/1998	13	CERTIFICATE OF SERVICE by 3rd-party pltf Brandi R. Lepper for first set of interrogatories (gjf) (Entered: 11/19/1998)		
11/18/1998		PROCEEDING before Magistrate Judge Doyle A. Rowland; Rule 16 Conference held 11/18/98; recorded by C. Rather/Tape 952 (sds) (Entered: 11/24/1998)		
11/19/1998	14	ORDER continuing Rule 16 Status Conference(1 pgs) by Magistrate Judge Doyle A. Rowland; Status Conf continued at 11:00 a.m. on 12/21/98, before Magistrate Judge Doyle A. Rowland, 410 W. Michigan Ave., Kalamazoo, MI, 410 W. Michigan Ave., Kalamazoo, MI (cc: all counsel) (cr) (Entered: 11/19/1998)		
11/19/1998	15	JOINT STATUS REPORT filed by the parties. (cr) (Entered: 11/20/1998)		
11/20/1998	16	CASE MANAGEMENT ORDER (7 pgs) by Magistrate Judge Doyle A. Rowland; case will be set for jury trial before Judge Miles in the December 1999 trial session in Grand Rapids, MI; motions for joinder/amendment due by 12/14/98; pltf's witnesses by 12/30/98; dft's witnesses by 12/30/98; on or before 1/21/99, each party shall provide FRCP 26(a)(1) information to the other parties; written expert witness lists due by 3/31/99; discovery completion deadline 6/1/99: interrogatories limited to 30 single part questions; depositions limited to 10 fact witnesses per party; discovery completed by 6/1/99; dispositive motion filing ddl 6/15/99; final pretrial conf set before Magistrate Judge Rowland in Kalamazoo, MI on 11/18/99 at 10:00 a.m.; case submitted to MED which shall be completed by 10/15/99; case assigned to Track IIIstandard track, per Rule 16 conference held 11/18/98 (cc: all counsel and Med Clk) (sds) (Entered: 11/24/1998)		
11/20/1998	17	MEDIATION ORDER: names of mediation panel by 12/30/98; the parties shall inform Med Clk of date, time and place of hearing by 1/21/99; mediation shall be completed by 10/10/99 (cc: all counsel) (sds) (Entered: 11/24/1998)		

12/04/1998	18	ORDER (1 pgs) by Magistrate Judge Doyle A. Rowland dismissing Defendant/Third-Party Defendant Com-Star Distributing's motion to strike the complaint of third party intervenor for failure to comply w/FRCP [12-1] - the party advising the Court that it wishes to withdraw it motion (cc: all counsel) (cr) (Entered: 12/07/1998)		
12/21/1998	19	STIPULATION by the parties withdrawing the motion by dft Com-Star to strike the complaint of third party intervenor for failure to comply w/FRCP [12-1]; filed in accordance with the Order entered 12/4/98 [18-1], which allowed the withdrawal of the motion to strike) (sds) Modified on 12/21/1998 (Entered: 12/21/1998)		
12/21/1998	20	MOTION by deft Com-Star Dist. for summary judgment w/brief in support, affidavit of Daniel McNeal, and proof of service. (sds) (Entered: 12/23/1998)		
12/21/1998		PROCEEDING before Magistrate Judge Doyle A. Rowland; Continuation of Status Conf held 12/21/98; hearing not recorded. (sds) (Entered: 12/23/1998)		
12/24/1998	21	JOINT MOTION by pltf EEOC and Intervenor Brandi R. Lepper for leave to amend complaint; w/brief in support, and certificate of service. (sds) (Entered: 12/28/1998)		
12/31/1998	22	ORIGINAL AFFIDAVIT of Daniel McNeal; filed with dft Com-Star's motion summary judgment [20-1]; w/proof of mailing. (sds) (Entered: 12/31/1998)		
12/31/1998	23	MOTION by potential third party intervenors Alicia Moore and Leonie Adams for leave of court to amend pleadings w/brief in support; proposed order granting, proposed amended complaint by third party intervenor and proposed stipo to intervene; and cert of svc (mrs) (Entered: 01/06/1999)		
01/05/1999	24	WITNESS LIST submitted by deft Com-Star Dist.; w/proof of mailing. (sds) (Entered: 01/06/1999)		
01/06/1999	25	PRELIMINARY WITNESS LIST submitted by pltf EEOC; w/certificate of service. (sds) (Entered: 01/06/1999)		
01/11/1999	26	WITNESS LIST submitted by 3rd-party pltf Brandi R. Lepper; w/certificate of service. (sds) (Entered: 01/12/1999)		
01/13/1999	27	BRIEF IN RESPONSE by pltf EEOC to dft's motion for summary judgment [20-1]; w/exhibits 1-4, and certificate of service. (sds) (Entered: 01/14/1999)		
01/19/1999	28	PROOF OF SERVICE by pltf EEOC of its Response to Deft's First Set of Interrogatories and First Request for Production of Documents. (sds) (Entered: 01/20/1999)		
01/26/1999	29	MOTION to intervene by Alicia Moore, Leonie Adams; w/memorandum in support. (sds) (Entered: 01/27/1999)		
01/26/1999	30	ORDER (1 pg) by Magistrate Judge Doyle A. Rowland granting motion to intervene by potential third-party intervenors Alicia Moore and Leonie Adams [29-1]; and granting motion for leave of court to amend pleadings [23-1] (cc: all counsel) (sds) (Entered: 01/27/1999)		

01/26/1999	31	AMENDED THIRD-PARTY COMPLAINT (4 pgs) [4-1] by 3rd-party pltf Brandi R. Lepper; adding Third-Party Intervenors Alicia Moore and Leonie Adams; w/jury trial demand. (sds) (Entered: 01/27/1999)		
02/01/1999	32	PROOF OF SERVICE by deft Com-Star Dist. of its Request for Production of Documents and Defendant's Second Set of Interrogatories. (sds) (Entered: 02/02/1999)		
02/01/1999	33	ANSWER (RESPONSE) by deft Com-Star Dist. to plaintiff's motion for leave to amend complaint [21-1]; w/brief in opposition, and proof of mailing. (sds) (Entered: 02/02/1999)		
02/08/1999	34	PROOF OF SERVICE by intervenor 3rd-party pltfs of Responses to Deft's Request for Documents. (sds) (Entered: 02/10/1999)		
02/08/1999	35	PROOF OF SERVICE by intervenor 3rd-party pltfs of Responses to Deft's First Set of Interrogatories. (sds) (Entered: 02/10/1999)		
03/23/1999	36	PROOF OF SERVICE by deft Com-Star Dist. of Third Set of Interrogatories. (sds) (Entered: 03/23/1999)		
04/23/1999	37	ATTORNEY APPEARANCE by attorney oseph A. Gammicchia, as co-counse for pltf EEOC; w/certificate of service. (sds) (Entered: 04/26/1999)		
04/23/1999	38	NOTICE OF APPEARANCE AND SUBSTITUTION OF COUNSEL: entering the appearance of attorneys Adele Rapport and Robert Dawkins on behalf of plaw/certificate of service. (Note: Adele Rapport was already counsel for pltf so there is no substitution to be made) (sds) (Entered: 04/26/1999)		
04/29/1999	39	ORDER REJECTING PLEADING (1 pg) by Magistrate Judge Doyle A. Rowland: rejecting pltf's proof of service for plaintiff's response to dft's third so of interrogatories for lack of an original signature (cc: all counsel) (sds) (Enter 04/30/1999)		
05/12/1999	40	PROOF OF SERVICE by pltf EEOC of the Plaintiff's Response to Defendant's Third Set of Interrogatories. (sds) (Entered: 05/13/1999)		
05/20/1999	42	PROOF OF SERVICE by intervenor 3rd-party pltfs Alicia Moore and Leonie Adams of Subpoena Duces Tecum upon a non-party, Coldwater Daily Reporter. (sds) (Entered: 05/25/1999)		
05/21/1999	41	PROOF OF SERVICE by deft Com-Star Dist. of defendant's answer to third party intervenor's 1st set of interrogatories and defendant's answers to pltf EEOC's first set of interrogatories and request for production. (sds) (Entered: 05/24/1999)		
05/24/1999	43	PROOF OF SERVICE by pltf EEOC of Pltf's Response to Dft's Third Set of Interrogatories. (sds) (Entered: 05/25/1999)		
06/01/1999	44	PROTECTIVE NOTICE OF DEPOSITIONS by pltf EEOC of taking depositions of Daniel J. McNeal, Mike Keller, Robert Elliot, Todd Allenhouse, and Mike Bull at a time and place to be agreed upon by counsel; w/certificate of service. (sds) (Entered: 06/02/1999)		
06/01/1999	45	PROTECTIVE NOTICE OF DEPOSITIONS by deft Com-Star Dist. of taking depositions of Brandi Lepper, Leonie Adams, Alicia Moore, and Rob Elliott at a		

		time and place to be mutually agreed upon by counsel; w/proof of mailing. (sds) (Entered: 06/02/1999)	
06/01/1999	46	MOTION by pltf EEOC to modify the Court's Scheduling Order; w/request for expedited hearing and/or ruling w/memorandum of law in support, and certificate of service. (sds) (Entered: 06/02/1999)	
06/07/1999	47	RESPONSE by deft Com-Star Dist. to motion to modify the Court's Scheduling Order; w/proof of mailing. [46-1] (sds) (Entered: 06/08/1999)	
06/07/1999	48	ORDER (2 pgs) by Magistrate Judge Doyle A. Rowland denying plaintiff's motion to modify the Court's Scheduling Order [46-1] (cc: all counsel) (sds) (Entered: 06/09/1999)	
06/28/1999	49	CERTIFICATE OF SERVICE by pltf of Pltf EEOC's Notice of Depositions. (sds) (Entered: 06/28/1999)	
07/06/1999	50	MOTION by deft Com-Star Dist. to quash subpoenas issued by pltf EEOC on or about June 23, 1999, directed to Mr. Brian Stenger and Mr. Ryan Conley; w/brief in support, protective notice of depositions, and proof of mailing. (sds) (Entered: 07/08/1999)	
08/05/1999	51	LETTER to court from pltf EEOC withdrawing their Notice of Depositions for Bryan Stenger and Ryan Conley. (sds) (Entered: 08/05/1999)	
08/09/1999	52	NOTICE by pltf of taking deposition duces tecum of Daniel J. McNeal on 8/16/99 at 9:00 a.m. and Mike Keller of Com-Star Distributing on 8/16/99 at 2:00 p.m. w/exhibit A and cert of svc (gjf) (Entered: 08/10/1999)	
09/01/1999	53	PROOF OF SERVICE by 3rd-party pltf Brandi R. Lepper, intervenor 3rd-party pltf Alicia Moore, and intervenor 3rd-party pltf Leonie Adams of Defendant's Third Set of Interrogatories. (sds) (Entered: 09/03/1999)	
09/27/1999	54	OPINION AND ORDER (14 pgs) by Senior Judge Wendell A. Miles denying as moot the motion by dft Com-Star to quash subpoenas issued by pltf EEOC on or about June 23, 1999, directed to Mr. Brian Stenger and Mr. Ryan Conley [50-1]; denying the joint motion by the EEOC and third-party intervenor Lepper for leave to amend complaint [21-1]; granting dft Com-Star's motion for summary judgment [20-1]; and dismissing case without prejudice in its entirety (cc: all counsel) [EOD Date 9/27/99] (sds) (Entered: 09/27/1999)	

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