CLOSED, JURY, RAMIREZ

# U.S. District Court Northern District of Texas (Dallas) CIVIL DOCKET FOR CASE #: 3:03-cv-02228

Equal Employment Opportunity Commission v. SBC

Communications, Inc

Assigned to: Judge Sidney A Fitzwater Cause: 28:451 Employment Discrimination

Cause: 28:451 Employment Discrimination

Date Filed: 09/29/2003

Date Terminated: 06/30/2005 Jury Demand: Plaintiff

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

# <u>Plaintiff</u>

**Equal Employment Opportunity Commission** 

represented by Devika Seth

**Equal Employment Opportunity** 

Commission

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## **Danita Roy Wiltz**

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## **Ronetta J Francis**

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## **Sidney B Chesnin**

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V.

# **Defendant**

**SBC Communications, Inc** 

TERMINATED: 11/17/2003

# represented by Darrell L Guy

Southwestern Bell Telephone Company

One Bell Plaza 208 S Akard St Suite 2900 Dallas, TX 75202

214/464-3643

Fax: 214/464-2250 FAX Email: darrell.guy@sbc.com

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#### **Defendant**

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# represented by Marisia Parra-Gaona

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## **Provider**

**Courtenay Lee Bass** 

## represented by Courtenay Lee Bass

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Dallas, TX 75204 214/303-4500

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Date Filed #		Docket Text		
09/29/2003	1	COMPLAINT against SBC Communications, Inc , filed by Equal Employmen Opportunity Commission.(djd) (Entered: 09/30/2003)		
09/29/2003		DEMAND for Trial by Jury by Equal Employment Opportunity Commission. (djd) (Entered: 09/30/2003)		
09/29/2003		***Magistrate Judge Ramirez chosen by random selection to handle matters that may be referred in this case. (djd) (Entered: 09/30/2003)		
09/29/2003	2	CERTIFICATE OF INTERESTED PERSONS/DISCLOSURE STATEMENT b Equal Employment Opportunity Commission. (djd) (Entered: 09/30/2003)		
09/30/2003	3	Summons Issued as to CT Corporation, registered Agent, for SBC Communications, Inc. (jaw) (Entered: 10/01/2003)		
10/01/2003	4	Summons Reissued as to SBC Communications, Inc. (jaw) (Entered: 10/01/2003)		
10/29/2003	<u>5</u>	ANSWER to Complaint by SBC Communications, Inc.(djd) (Entered: 10/30/2003)		
10/29/2003	<u>6</u>	CERTIFICATE OF INTERESTED PERSONS/DISCLOSURE STATEMENT by SBC Communications, Inc. (djd) (Entered: 10/30/2003)		
10/30/2003	7	Order for Scheduling Order Proposal: Proposed Scheduling Order due by 12/1/2003. (Signed by Judge Sidney A Fitzwater on 10/30/03) (djd) (Entered: 10/31/2003)		
11/13/2003	8	Notice of Appearance and Designation of lead counsel Sidney Chesnin for Plaintiff Equal Employment Opportunity Commission. (jyg, ) (Entered: 11/18/2003)		
11/14/2003	9	Unopposed MOTION to Amend <u>1</u> Complaint to Substitute SW Bell Telephone a Dft and MOTION to Non-Suit Defendant, SBC Communications Inc re <u>1</u> Complaint by Equal Employment Opportunity Commission (jyg, ) (Entered: 11/18/2003)		
11/17/2003	<u>10</u>	ORDER granting 9 Motion to Amend Complaint, granting 9 Motion to Non-Suit Defendant, SBC Communications Inc. The Clerk of the Court is ordered to file the Amended Complaint among the papers in this cause. (Signed by Judge Sidney A Fitzwater on 11/17/03) (nap, ) (Entered: 11/18/2003)		
11/17/2003	11	AMENDED COMPLAINT and Jury Demand filed by Equal Employment Opportunity Commission against Southwestern Bell Telephone, L.P. (nap, ) (Entered: 11/19/2003)		
11/18/2003	12	JOINT SCHEDULING Proposal for contents of scheduling and discovery order by Equal Employment Opportunity Commission, SBC Communications, Inc. (djd) (Entered: 11/19/2003)		

11/21/2003	<u>13</u>	SCHEDULING ORDER: Amended Pleadings due by 10/1/2004. Discovery due by 11/1/2004. Joinder of Parties due by 4/1/2004. Motions due by 12/1/2004. (Signed by Judge Sidney A Fitzwater on 11/21/03) (djd) (Entered: 11/24/2003)	
11/21/2003	<u>14</u>	STATUS REPORT ORDER: Status Report due by 11/1/2004. (Signed by Judge Sidney A Fitzwater on 11/21/03) (djd) (See #13 for image) (Entered: 11/24/2003	
12/10/2003	<u>15</u>	CERTIFICATE OF INTERESTED PERSONS/DISCLOSURE STATEMENT by Southwestern Bell Telephone, L.P (jrb, ) (Entered: 12/12/2003)	
12/10/2003	<u>16</u>	Original ANSWER to Amended Complaint by Southwestern Bell Telephone, L.P(jrb, ) (Entered: 12/12/2003)	
02/26/2004	<u>17</u>	SUMMONS Returned Executed as to SBC Communications, Inc served by delivering to authorized agent Marie Garcia on 10/10/2003, answer due 10/30/2003. (klm, ) (Entered: 02/27/2004)	
04/01/2004	<u>18</u>	SUBSTITUTION of counsel by Devika S Dubey on behalf of Equal Employment Opportunity Commission (aat, ) (Entered: 04/02/2004)	
07/08/2004	<u>19</u>	Amended Designation of lead counsel Marisia Parra-Gaona for Defendant Southwestern Bell Telephone, L.P (in for Darrell L. Guy) (klm, ) (Entered: 07/09/2004)	
07/09/2004	<u>20</u>	Designation of lead counsel Marisia Parra-Gaona for Defendant Southwestern Bell Telephone, L.P (klm, ) (Entered: 07/12/2004)	
08/26/2004	<u>21</u>	TRIAL SETTING ORDER: Docket Call set for 5/16/2005 before Judge Sidney A Fitzwater. (Signed by Judge Sidney A Fitzwater on 8/26/04) (klm, ) (Entered: 08/27/2004)	
10/01/2004	<u>22</u>	Motion for Leave to File First Amended Answer to Plaintiff's Amended Complaint by Southwestern Bell Telephone, L.P. (klm, ) (Entered: 10/04/2004)	
10/07/2004	<u>23</u>	Response to Motion re 22 Defendant's Motion for Leave to File First Amended Answer to Plaintiff's Amended Complaint filed by Equal Employment Opportunity Commission. (klm, ) (Entered: 10/07/2004)	
10/21/2004	<u>24</u>	REPLY to Plaintiff's Response to Motion re 22 Defendant's MOTION for Leave to File First Amended Answer to Plaintiff's Amended Complaint filed by Southwestern Bell Telephone, L.P. (klm, ) (Entered: 10/21/2004)	
10/26/2004	<u>25</u>	Proof of Service for Subpoena served on Chandra R. Monga on 10/15/04. (klm, ) (Entered: 10/27/2004)	
10/29/2004	<u>26</u>	***UNFILED PER ORDER OF 11/2/04*** MOTION for Contempt, to Compel Deposition and for Limited Extension of Discovery Deadline and Brief in Support Thereof by Southwestern Bell Telephone, L.P. (klm, ) Modified on 11/2/2004 (klm, ). (Entered: 11/01/2004)	
10/29/2004	<u>27</u>	***UNFILED PER ORDER OF 11/2/04***Appendix in Support re 26 Brief in Support of MOTION for Contempt, to Compel Deposition and for Limited Extension of Discovery Deadline filed by Southwestern Bell Telephone, L.P. (klm, ) Modified on 11/2/2004 (klm, ). (Entered: 11/01/2004)	

11/01/2004	<u>28</u>	ORDER REFERRING MOTION to Magistrate Judge Ramirez: <u>26</u> Motion for Contempt, to compel deposition and for limited extension of discovery deadline filed by Southwestern Bell Telephone, L.P. (Signed by Judge Sidney A Fitzwater on 11/1/04) (klm, ) (Entered: 11/02/2004)	
11/01/2004	<u>29</u>	JOINT STATUS REPORT by Equal Employment Opportunity Commission, Southwestern Bell Telephone, L.P. (klm, ) (Entered: 11/02/2004)	
11/02/2004	<u>30</u>	Order Unfiling 26 MOTION for Contempt, to Compel Deposition and for Limited Extension of Discovery Deadline filed by Southwestern Bell Telephone, L.P., 27 Appendix in Support filed by Southwestern Bell Telephone, L.P. due to the following deficiency: A completed certificate of serice is required on 3rd party witness and the motion must include a certificate of conference or inability to confer with 3rd party witness. (Signed by Judge Irma C Ramirez on 11/2/04) (klm, ) (Entered: 11/02/2004)	
11/02/2004	<u>31</u>	ORDER granting 22 Defendant's Motion for Leave to File First Amended Answer to Plaintiff's Amended Complaint. The clerk of court is directed to file the first amended answer today. (Signed by Judge Sidney A Fitzwater on 11/2/04) (klm, ) (Entered: 11/02/2004)	
11/02/2004	<u>32</u>	FIRST AMENDED ANSWER to 11 Plaintiff's Amended Complaint by Southwestern Bell Telephone, L.P. (klm, ) (Entered: 11/02/2004)	
11/02/2004	33	ORDER: In their joint status report, counsel indicate they are willing to mediate this case at this time. Within 45 days of the date of this order, counsel and their clients shall appear before a mediator of their mutual choosing and participate in mediation. The mediator shall submit a report to the court w/in 5 days of the mediation. The clerk of court shall transmit to counsel a copy of the mediator report form. The mediator is ordered to return the form to the clerk of court. The mediator's obligation to return the clerk's form is separate from the obligation to submit a report to the court. (Signed by Judge Sidney A Fitzwater on 11/2/04) (klm, ) (Entered: 11/03/2004)	
11/02/2004	<u>34</u>	Amended MOTION for Contempt, to Compel Deposition and for Limited Extension of Discovery Deadline and Brief in Support Thereof by Southwestern Bell Telephone, L.P. (klm, ) (Entered: 11/03/2004)	
11/02/2004	<u>35</u>	AFFIDAVIT in Support re 34 Defendant's First Amended MOTION for Contempt, to Compel Deposition and for Limited Extension of Discovery Deadline by Southwestern Bell Telephone, L.P. (klm, ) (Entered: 11/03/2004)	
11/03/2004	<u>36</u>	ORDER REFERRING MOTION to Magistrate Judge Ramirez: 34 First Amended Motion for Contempt, to Compel Deposition and for Limited Extension of Discovery Deadline filed by Southwestern Bell Telephone, L.P. (Signed by Judge Sidney A Fitzwater on 11/3/04) (klm, ) (Entered: 11/03/2004)	
11/04/2004	<u>37</u>	ORDER: Set/Reset Deadlines as to Responses due by 11/18/2004 Motion Hearing set for 11/23/2004 10:00 AM before Magistrate Judge Irma C Ramirez. Ordered that respondent Chanda Monga shall appear in person at the hearing. Counsel for plaintiff shall attempt to notify respondent Monga of the date and time of the scheduled hearing via telephone at a telephone number known to counsel. The USDC's office is directed to serve a copy of this Order on the following party via United States Mail: Chanda Monga, 2901 University Blvd.,	

		Dallas, TX, 75205. (Signed by Judge Irma C Ramirez on 11/4/04) (klm, ) (Entered: 11/04/2004)	
11/10/2004	<u>38</u>	ORDER: The parties' Joint Motion for Entry of Agreed Order is granted. The time period in which the parties may complete discovery is extended to 12/15/04. The hearing set for 10:00 a.m. on 11/23/04 is cancelled. (Signed by Judge Irma Ramirez on 11/10/04) (klm, ) (Entered: 11/10/2004)	
11/10/2004		Set/Reset Scheduling Order Deadlines: Discovery due by 12/15/2004. (see image 38) (klm, ) (Entered: 11/10/2004)	
11/10/2004	<u>39</u>	Joint MOTION for Entry of Agreed Order by Equal Employment Opportunity Commission, Southwestern Bell Telephone, L.P. (klm, ) (Entered: 11/12/2004)	
11/12/2004	<u>40</u>	ORDER granting 39 Motion for Entry of Agreed Order. The time period in whith the parties may complete discovery is extended to 12/15/04 for the sole purpose of allowing SBT to take the deposition of Ms. Chanda Monga. Ms. Monga shall appear on 12/15/04 at 10:00 a.m. at the offices of Dixie & Mauzy, LLP for the purpose of giving her deposition testimony. Failure of Ms. Monga to appear mare result in an Order of Contempt and such other penalties as may be determined to the Court. The hearing on this matter set for 10:00 a.m. on 11/23/04 is cancelled (Signed by Judge Sidney A Fitzwater on 11/12/04) (klm,) (Entered: 11/15/2006)	
12/01/2004	41	Alternative Dispute Resolution Summary filed by Courtenay Lee Bass. Attorney in Attendance: Devika S. Dubey, Marisia Parra-Gaona, and Toby W. Costas. Pr Fee: \$2,500.00. Disposition: Parties were unable to reach settlement.(klm, ) (Entered: 12/02/2004)	
12/01/2004	<u>42</u>	MOTION for Summary Judgment by Southwestern Bell Telephone, L.P. (klm, ) (Entered: 12/02/2004)	
12/01/2004	<u>43</u>	Brief in Support re <u>42</u> defendant's MOTION for Summary Judgment filed by Southwestern Bell Telephone, L.P (klm, ) (Entered: 12/02/2004)	
12/01/2004	<u>44</u>	Appendix re <u>43</u> defendant's Brief in Support of Motion for Summary Judgment filed by Southwestern Bell Telephone, L.P. (klm, ) (Entered: 12/02/2004)	
12/17/2004	<u>45</u>	RESPONSE to Defendant's <u>42</u> MOTION for Summary Judgment filed by Equal Employment Opportunity Commission. (lmr, ) (Entered: 12/21/2004)	
12/17/2004	<u>46</u>	Brief in <u>45</u> RESPONSE to Defendant's <u>42</u> MOTION for Summary Judgment filed by Equal Employment Opportunity Commission. (lmr, ) (Entered: 12/21/2004)	
12/17/2004	<u>47</u>	Appendix to Documents Cited in Plaintiff's 45 RESPONSE to Defendant's 42 MOTION for Summary Judgment filed by Equal Employment Opportunity Commission.(attachments not imaged)(100+ pages) (lmr, ) (Entered: 12/21/2004)	
01/03/2005	<u>48</u>	REPLY to Plaintiff's Response to Motion re <u>42</u> Defendant's MOTION for Summary Judgment filed by Southwestern Bell Telephone, L.P. (klm, ) (Entered: 01/05/2005)	
04/14/2005	<u>49</u>	Deposition Witness Designations of by Equal Employment Opportunity Commission. (klm, ) (Entered: 04/14/2005)	

04/14/2005	<u>50</u>	Pre-Trial Exhibit List by Equal Employment Opportunity Commission. (klm, ) (Entered: 04/14/2005)		
04/14/2005	<u>51</u>	Pre-Trial Witness List by Equal Employment Opportunity Commission. (klm, ) (Entered: 04/14/2005)		
04/15/2005	<u>52</u>	Designation of Witness Testimony by Deposition by Southwestern Bell Telephone, L.P.(klm, ) (Entered: 04/18/2005)		
04/15/2005	<u>53</u>	Exhibit List by Southwestern Bell Telephone, L.P (klm, ) (Entered: 04/18/2005)		
04/15/2005	<u>54</u>	Witness List by Southwestern Bell Telephone, L.P (klm, ) (Entered: 04/18/2005)		
04/19/2005	<u>55</u>	Memorandum Opinion and Order denied <u>42</u> Motion for Summary Judgment files by Southwestern Bell Telephone, L.P. (Signed by Judge Sidney A Fitzwater on 4/19/05) (klm, ) (Entered: 04/19/2005)		
04/21/2005	<u>56</u>	NOTICE of Attorney Appearance by Ronetta J Francis on behalf of Equal Employment Opportunity Commission (klm, ) (Entered: 04/22/2005)		
04/21/2005	<u>57</u>	Supplemental Pre-Trial Exhibit List by Equal Employment Opportunity Commission. (klm, ) (Entered: 04/22/2005)		
05/02/2005	<u>58</u>	MOTION in Limine and Brief in Support by Equal Employment Opportunity Commission(klm, ) (Entered: 05/03/2005)		
05/02/2005	<u>59</u>	Proposed Jury Voir Dire by Equal Employment Opportunity Commission. (klm, ) (Entered: 05/03/2005)		
05/02/2005	<u>60</u>	Proposed Jury Instructions by Equal Employment Opportunity Commission. (klm, ) (Entered: 05/03/2005)		
05/02/2005	<u>61</u>	Exhibit List by Equal Employment Opportunity Commission. (klm, ) (Entered: 05/03/2005)		
05/02/2005	<u>62</u>	Witness List by Equal Employment Opportunity Commission. (klm, ) (Entered: 05/03/2005)		
05/02/2005	<u>63</u>	Deposition Witness Designations by Equal Employment Opportunity Commission. (klm, ) (Entered: 05/03/2005)		
05/02/2005	<u>64</u>	Proposed Jury Instructions and Questions by Southwestern Bell Telephone, L.P.(klm, ) (Entered: 05/03/2005)		
05/02/2005	<u>65</u>	Proposed Voir Dire Questions by Southwestern Bell Telephone, L.P. (klm, ) (Entered: 05/03/2005)		
05/02/2005	<u>66</u>	MOTION in Limine by Southwestern Bell Telephone, L.P. (klm, ) (Entered: 05/03/2005)		
05/02/2005	<u>67</u>	Objections re <u>57</u> Plaintiff's Pre-trial Exhibit List, <u>50</u> and Supplemental Pre-trial Exhibit List filed by Southwestern Bell Telephone, L.P. (klm, ) (Entered: 05/03/2005)		
05/02/2005	<u>68</u>	Designation of Deposition Excerpts by Southwestern Bell Telephone, L.P. (klm, ) (Entered: 05/03/2005)		

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05/02/2005	<u>69</u>	Exhibit List by Southwestern Bell Telephone, L.P. (klm, ) (Entered: 05/03/2005)		
05/03/2005	<u>70</u>	Supplemental Document by Southwestern Bell Telephone, L.P. as to <u>69</u> Exhibit List. (klm, ) (Entered: 05/04/2005)		
05/09/2005	<u>72</u>	Objections and RESPONSE in Opposition re 66 Defendant's MOTION in Limine and Supporting Brief filed by Equal Employment Opportunity Commission. (klm, ) (Entered: 05/10/2005)		
05/09/2005	<u>73</u>	Objection re <u>61</u> Plaintiff's Exhibit List filed by Southwestern Bell Telephone, L.P. (klm, ) (Entered: 05/10/2005)		
05/09/2005	<u>74</u>	RESPONSE to Motion re <u>58</u> Plaintiff's MOTION in Limine filed by Southwestern Bell Telephone, L.P. (klm, ) (Entered: 05/10/2005)		
05/10/2005	<u>71</u>	Minute Entry for proceedings held before Judge Sidney A Fitzwater: Status Conference held on 5/10/05. Counsel to advise court by close of business on 5/11/05 whether the case has been settled. (Court Reporter Pam Wilson.) (klm, ) (Entered: 05/10/2005)		
05/16/2005	<u>75</u>	ORDER: The court sets the trial to commence on June 27, 2005 at 9:00 a.m. The court will later set a pretrial conference with counsel, after consulting with them concerning their availability. Docket Call set for 6/27/2005 09:00 AM before Judge Sidney A Fitzwater. (Signed by Judge Sidney A Fitzwater on 5/16/05) (klm, ) (Entered: 05/16/2005)		
05/17/2005	<u>76</u>	Objection re <u>59</u> Plaintiff's Proposed Jury Voir Dire filed by Southwestern Bell Telephone, L.P. (klm, ) (Entered: 05/18/2005)		
05/17/2005	<u>77</u>	Objection re <u>63</u> Plaintiff's Deposition Designations filed by Southwestern Bell Telephone, L.P. (klm, ) (Entered: 05/18/2005)		
05/18/2005	<u>78</u>	Proof of Service for Subpoena served on Chanda Monga personally on 5/10/05. (klm, ) (Entered: 05/19/2005)		
05/20/2005	<u>79</u>	AFFIDAVIT of Service for Subpoena served personally on Melva Best on 5/17/05. (klm, ) (Entered: 05/23/2005)		
05/25/2005	<u>80</u>	PROOF of Service for Subpoena served on Chanda Monga on 5/23/2005. (skt, ) (Entered: 05/27/2005)		
06/20/2005	<u>81</u>	Objections re <u>69</u> Defendant's Trial Exhibit List filed by Equal Employment Opportunity Commission. (klm, ) (Entered: 06/21/2005)		
06/20/2005	<u>82</u>	Objections re <u>65</u> Defendant's Proposed Voir Dire Questions filed by Equal Employment Opportunity Commission. (klm, ) (Entered: 06/21/2005)		
06/20/2005	<u>83</u>	Objections re <u>68</u> Defendant's Designation of Deposition Excerpts filed by Equal Employment Opportunity Commission. (klm, ) (Entered: 06/21/2005)		
06/22/2005	<u>84</u>	Minute Entry for proceedings held before Judge Sidney A Fitzwater: Pretrial Conference held on 6/22/05. (klm, ) (Entered: 06/23/2005)		
06/22/2005	<u>85</u>	JOINT PRETRIAL ORDER (see order for specifics) (Signed by Judge Sidney A Fitzwater on 6/22/05) (klm, ) (Entered: 06/24/2005)		

06/27/2005	86	Minute Entry for proceedings held before Judge Sidney A Fitzwater: Jury Selection held on 6/27/05, Jury Trial begun on 6/27/2005. (Court Reporter Pam Wilson.) (klm, ) (Entered: 06/28/2005)	
06/28/2005	88	Minute Entry for proceedings held before Judge Sidney A Fitzwater: 2nd day Jury Trial held on 6/28/05. (Court Reporter Pam Wilson.) (klm, ) (Entered: 06/29/2005)	
06/29/2005	89	Minute Entry for proceedings held before Judge Sidney A Fitzwater: 3rd day Jury Trial held on 6/29/05. (Court Reporter Pam Wilson.) (klm, ) (Entered: 06/30/2005)	
06/30/2005	90	Minute Entry for proceedings held before Judge Sidney A Fitzwater: 3rd day of Jury Trial completed on 6/30/2005. Court's charge to the jury. Verdict returned i favor of the dft. (Court Reporter Pam Wilson.) (jrb, ) (Entered: 07/01/2005)	
06/30/2005	91	JUDGMENT in favor of Defendant against Plaintiff. It is ordered and adjudged that plaintiff's action is dismissed with prejudice. Taxable costs of court, as calculated by the clerk of the court, are assessed against plaintiff. (Signed by Judge Sidney A Fitzwater on 6/30/05) (jrb, ) (Entered: 07/01/2005)	
06/30/2005	92	RESPONSE to <u>42</u> MOTION for Summary Judgment filed by Equal Employment Opportunity Commission. (bss, ) (Entered: 07/01/2005)	
06/30/2005	93	Certification of Trial Exhibits by Equal Employment Opportunity Commission, Southwestern Bell Telephone, L.P. (kdc, ) (Entered: 07/01/2005)	
06/30/2005	<u>95</u>	Jury Charge. (kdc, ) (Entered: 07/01/2005)	
07/01/2005	97	BILL OF COSTS by Southwestern Bell Telephone, L.P (skt, ) (Entered: 07/06/2005)	
07/06/2005	<u>96</u>	Amended Minute Entry for proceedings held before Judge Sidney A Fitzwater: 4th day of Jury Trial completed on 6/30/2005. Court's charge to the jury. Verdict returned in favor of the dft. (Court Reporter Pam Wilson.) (Court Reporter Pam Wilson.) (mfw, ) (Entered: 07/06/2005)	
07/06/2005		Costs Taxed in amount of \$3,751.14 against Equal Employment Opportunity Commission (skt, ) (Entered: 07/06/2005)	
07/06/2005	98	Plaintiff's and Defendant's Trial Exhibits received by Courtroom Deputy. (kdc, ) (Entered: 07/07/2005)	

<b>PACER Service Center</b>				
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Billable Pages:	6	Cost:	0.48	