

CASREF, CLASS, TERMED

**U.S. District Court Northern District of Indiana [LIVE]
USDC Northern Indiana (Fort Wayne)
CIVIL DOCKET FOR CASE #: 1:04-cv-00248-TLS-RBC**

Hill et al v Merrill Gardens LLC
Assigned to: Judge Theresa L Springmann
Referred to: Magistrate Judge Roger B Cosbey
Cause: 42:2000 Job Discrimination (Race)

Date Filed: 06/25/2004
Date Terminated: 10/06/2005
Jury Demand: Plaintiff
Nature of Suit: 442 Civil Rights: Jobs
Jurisdiction: Federal Question

Mediator

William L Sweet

Plaintiff

William Anthony Hill
on Behalf of Themselves and Others
Similarly Situated

represented by **John T Menzie**
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Plaintiff

Elizabeth A Worthman
on Behalf of Themselves and Others
Similarly Situated

represented by **John T Menzie**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Shane C Mulholland
(See above for address)
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Plaintiff

Golda Bailey
on Behalf of Themselves and Others

represented by **John T Menzie**
(See above for address)

Similarly Situated

*LEAD ATTORNEY
ATTORNEY TO BE NOTICED*

Shane C Mulholland
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*LEAD ATTORNEY
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V.

Defendant

Merrill Gardens LLC
*named in complaint as Merrill Gardens Inc.
doing business as
Georgetown Place*

represented by **Kathleen Marie Anderson**
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Date Filed	#	Docket Text
06/25/2004	<u>1</u>	CLASS ACTION COMPLAINT with Jury Demand against Merrill Gardens Inc (Filing fee \$ 150, Receipt #119772) , filed by William Anthony Hill, Elizabeth A Worthman.(Ins,) Additional attachment(s) added on 6/30/2004 (Ins,). (Entered: 06/28/2004)
06/25/2004	<u>2</u>	NOTICE of Appearance by John T Menzie, Shane C Mulholland on behalf of William Anthony Hill, Elizabeth A Worthman (Ins,) (Entered: 06/28/2004)
06/25/2004	<u>3</u>	Summons Issued (2) as to Merrill Gardens Inc. (Ins,) (Entered: 06/28/2004)
07/08/2004	<u>4</u>	Summons Issued as to Merrill Gardens Inc. d/b/a Georgetown Place (FW) on 7/8/04. (kw) (Entered: 07/08/2004)
07/13/2004	<u>5</u>	SUMMONS Returned Executed by William Anthony Hill, Elizabeth A Worthman. Merrill Gardens Inc served on 7/9/2004, answer due 7/29/2004. (Mulholland, Shane) (Entered: 07/13/2004)
07/14/2004	<u>6</u>	SUMMONS Returned Executed by William Anthony Hill, Elizabeth A Worthman. Merrill Gardens Inc served on 7/12/2004, answer due 8/2/2004. (Mulholland, Shane) (Entered: 07/14/2004)
07/14/2004	<u>7</u>	SUMMONS Returned Executed by William Anthony Hill, Elizabeth A Worthman. Merrill Gardens Inc (Highest Ranking Official) served on 7/12/2004, answer due 8/2/2004. (Mulholland, Shane) (Replaces docket entry #5 to show correct pdf

		attached) Modified on 7/15/2004 (jcp,). (Entered: 07/14/2004)
07/14/2004	8	SUMMONS Returned Executed by William Anthony Hill, Elizabeth A Worthman. Merrill Gardens Inc (Resident Agent) served on 7/9/2004, answer due 7/29/2004. (Mulholland, Shane) (Replaces docket entry #6 to show correct pdf attached) Modified on 7/15/2004 (jcp,). (Entered: 07/14/2004)
07/20/2004	9	NOTICE of Appearance by Kathleen Marie Anderson on behalf of Merrill Gardens Inc (Anderson, Kathleen) (Entered: 07/20/2004)
07/20/2004	10	NOTICE of Appearance by Tiffany L Gooden on behalf of Merrill Gardens Inc (Gooden, Tiffany) (Entered: 07/20/2004)
07/20/2004	11	AGREED NOTICE to extend time to file answer filed by Merrill Gardens Inc ; answer due by August 30, 2004. (Gooden, Tiffany) (Entered: 07/20/2004)
07/22/2004	12	ORDER Rule 16 Preliminary Pretrial Conference set for 9/1/2004 11:00 AM in Fort Wayne before Magistrate Judge Roger B Cosbey.Signed by Judge Roger B Cosbey on 7/22/04. Counsel are advised that the Court will be addressing with them "class counsel issues" as set forth in Fed. R.,Civ. P.23(g).(wsy) (Entered: 07/22/2004)
07/22/2004	13	Remark: The previous entry was deleted for failure to attach document. (wsy) (Entered: 07/22/2004)
08/02/2004	14	CERTIFICATE / <i>Attorney-Client Certification</i> . (Anderson, Kathleen) (Entered: 08/02/2004)
08/26/2004	15	REPORT of Rule 26(f) Planning Meeting. (Anderson, Kathleen) (Entered: 08/26/2004)
08/27/2004	16	CERTIFICATE <i>Attorney Certification (William Anthony Hill)</i> . (Mulholland, Shane) (Entered: 08/27/2004)
08/30/2004	17	<i>Defendant's ANSWER to 1 Complaint and Affirmative Defenses to Plaintiffs' Class Action Complaint</i> by Merrill Gardens Inc.(Gooden, Tiffany) (Entered: 08/30/2004)
09/01/2004	18	Minute Entry for proceedings held before Judge Roger B Cosbey : Preliminary Pretrial Conference held on 9/1/2004. Mr. Hill, Mr. Menzie and Mr. Mulholland appear in person. Ms. Anderson, Ms. Gooden and defendant representative appear in person. The Report is approved. Discovery is opened as to the Class Certification issues only. An affidavit of Ms. Worthman regarding her non-appearance at today's conference is due within 10 days. Counsel agree to select a mediator within 7 days. A Motion for class certification will be filed 30 days after discovery thereon is completed with a response time of 30 days and a reply time of 15 days. Any trial date is deferred until after the Court rules on class certification. (Tape #54) (wsy) (Entered: 09/01/2004)
09/01/2004	19	DISCLOSURE of Corporate filed by Merrill Gardens Inc.(Gooden, Tiffany) (Entered: 09/01/2004)
09/10/2004	20	NOTICE re selection of William Sweet as mediator, filed by pltf's (W. Sweet added to case as mediator)(lrm,) (Entered: 09/13/2004)
09/15/2004	21	MOTION for Extension of Time to File <i>Affidavit</i> by Plaintiff Elizabeth A Worthman. (Attachments: # 1 Exhibit "B")(Mulholland, Shane) (Entered: 09/15/2004)
09/15/2004	22	NOTICE OF MANUAL FILING of Motion for Extension of Time in Which to File Affidavit of Elizabeth A. Worthman by Elizabeth A Worthman (Mulholland, Shane)

		(Entered: 09/15/2004)
09/16/2004	23	ORDER granting 21 Motion for Extension of Time to File Affidavit explaining absence at the scheduling conference to and including September 29, 2004. No further order will enter. (wsy) (Entered: 09/16/2004)
09/29/2004	24	Second MOTION for Extension of Time to File <i>Affidavit of Elizabeth A. Worthman</i> by Plaintiff Elizabeth A Worthman. (Mulholland, Shane) (Entered: 09/29/2004)
09/29/2004	25	NOTICE OF MANUAL FILING of Exhibits "A"-"C" under Seal by Elizabeth A Worthman (Mulholland, Shane) (Entered: 09/29/2004)
09/30/2004	26	ORDER re 24 Second MOTION for Extension of Time to File Affidavit of Elizabeth A. Worthman filed by Elizabeth A Worthman. A Motion Hearing is set for 10/4/2004 03:00 PM in Fort Wayne before Magistrate Judge Roger B Cosbey. Counsel to be personally present. (wsy) (Entered: 09/30/2004)
10/04/2004	27	Minute Entry for proceedings held before Judge Roger B Cosbey : Counsel appear as directed. A Motion Hearing is held on 10/4/2004 re 24 Second MOTION for Extension of Time to File Affidavit of Elizabeth A. Worthman, filed by Elizabeth A Worthman. The Court hears from counsel. A separate order will enter as to the Court's findings. (Tape #56) (wsy) (Entered: 10/04/2004)
10/04/2004	28	ORDER TO SHOW CAUSE, granting 24 Second MOTION for Extension of Time to File <i>Affidavit of Elizabeth A. Worthman</i> filed by Elizabeth A Worthman. Response to Order to Show Cause/Affidavit due by 10/21/2004. Signed by Judge Roger B Cosbey on 10/4/2004. (Ins,) (Entered: 10/05/2004)
10/21/2004	29	NOTICE by Elizabeth A Worthman re 28 Order to Show Cause, Terminate Motions,, <i>Concerning Affidavit</i> (Mulholland, Shane) (Entered: 10/21/2004)
01/07/2005	30	NOTICE by Merrill Gardens Inc of <i>Supplemental Corporate Disclosure Statement</i> (Gooden, Tiffany) (Entered: 01/07/2005)
02/01/2005	31	MINUTE ORDER Status Conference set for 3/9/2005 01:00 PM in Fort Wayne before Magistrate Judge Roger B Cosbey. The Court will discuss at the hearing the setting of this case for a settlement conference with all other cases where Merrill Gardens is the named defendant. No pdf order to follow. (wsy) (Entered: 02/01/2005)
02/25/2005	32	NOTICE by Merrill Gardens Inc of <i>Agreed Enlargement of Time</i> (Gooden, Tiffany) (Entered: 02/25/2005)
02/25/2005	33	MOTION for client representative, Michelle Corey, to participate in status conference by telephone by Defendant Merrill Gardens Inc. (Gooden, Tiffany) (Entered: 02/25/2005)
02/28/2005	34	ORDER granting 33 Motion for client representative, Michelle Corey, to participate in status conference by telephone by Defendant Merrill Gardens Inc . Signed by Judge Roger B Cosbey on 2/28/2005. (Ins,) (Entered: 02/28/2005)
03/01/2005	35	Joint MOTION for Extension of Time to Complete Discovery <i>on Class Certification</i> by Defendant Merrill Gardens Inc. (Anderson, Kathleen) (Entered: 03/01/2005)
03/02/2005	36	ORDER granting 35 Joint Motion for Extension of Time to Complete Discovery on Class Certification until 5/29/2005 filed by Defendant and Plaintiffs. Signed by Judge Roger B Cosbey on 3/2/2005. (Ins,) (Entered: 03/02/2005)
03/09/2005	37	Minute Entry for proceedings held before Judge Roger B Cosbey : Settlement

		Conference held on 3/9/2005. A further settlement conference is set for 4/18/05 at 9am. (wsy) (Entered: 03/09/2005)
03/09/2005	38	Minute Entry for proceedings held before Judge Roger B Cosbey : Preliminary Pretrial Conference held on 3/9/2005. All proceedings are STAYED until further order of the Court with the exception of informal discovery as it relates to settlement. Defendants response to any outstanding discovery is also stayed, the date to respond, if any, to be reset by further order.Settlement Conference set for 4/18/2005 09:00 AM in Fort Wayne before Magistrate Judge Roger B Cosbey. No further deadlines are established.(Tape #68) (wsy) (Entered: 03/09/2005)
03/09/2005	39	SCHEDULING ORDER: Settlement Conference set for 4/18/2005 09:00 AM in Fort Wayne before Magistrate Judge Roger B Cosbey.Signed by Judge Roger B Cosbey on 3/9/05. (wsy) (Entered: 03/09/2005)
04/18/2005	40	Minute Entry for proceedings held before Judge Roger B Cosbey : Settlement Conference held on 4/18/2005. No Notice of Settlement will be submitted at this time. (wsy) Modified on 4/19/2005 (wsy,). (Entered: 04/19/2005)
04/19/2005	41	ORDER Status Conference set for 5/4/2005 08:30 AM in Fort Wayne before Magistrate Judge Roger B Cosbey. No pdf order will follow. (wsy) (Entered: 04/19/2005)
05/04/2005	42	Minute Entry for proceedings held before Judge Roger B Cosbey : Status Conference held on 5/4/2005. (Tape #70) (wsy) (Entered: 05/04/2005)
05/04/2005	43	ENTRY FOR JUDGE THERESA L SPRINGMANN re [42] Status Conference. Settlement documents and proposed notices are to be submitted to Judge Springmann by 5/17/2005. Telephonic Status Conference set for 5/20/2005 04:00 PM in Fort Wayne before Judge Theresa L Springmann to be held in conjunction with case 1:05CV004TLS. (jjj) (Entered: 05/04/2005)
05/20/2005	44	MOTION to Certify Class by Plaintiffs William Anthony Hill, Elizabeth A Worthman. (Mulholland, Shane) (Entered: 05/20/2005)
05/20/2005	45	MEMORANDUM in Support of 44 MOTION to Certify Class filed by William Anthony Hill, Elizabeth A Worthman. (Mulholland, Shane) (Entered: 05/20/2005)
05/20/2005	46	TELEPHONE STATUS CONFERENCE held on 5/20/2005 before Judge Theresa L Springmann: Status Conference in conjunction with case 1:05CV004TLS regarding preliminary approval of 44 MOTION to Certify Class. Pltf attys Muholland, Bird; Dft atty Anderson present. Court GRANTS Dft oral Motion to Amend Docket to Reflect Dft name Merrill Gardens LLC. Stipulated Order granting Preliminary approval to be submitted by 6/3/2005. Telephonic Status Conference set for 6/3/2005 01:30 PM in Fort Wayne before Judge Theresa L Springmann. IN-PERSON Hearing to be held on 9/9/2005 at 09:00 AM at Fort Wayne before Judge Theresa L Springmann re objections/final approval. (Court Reporter T. Gallucci.) (jjj) (Entered: 05/26/2005)
06/03/2005	47	ENTRY FOR JUDGE THERESA L SPRINGMANN. Telephonic Status Conference RESET (in conjunction with cause 1:05CV004TLS) for 6/8/2005 01:30 PM in Fort Wayne before Judge Theresa L Springmann at request and agreement of counsel to review revised documents. (jjj) (Entered: 06/06/2005)
06/08/2005	48	<i>Joint STIPULATION for Addition of Additional Plaintiff</i> by Defendant Merrill Gardens LLC, Plaintiffs William Anthony Hill, Elizabeth A Worthman. (Mulholland, Shane) (Entered: 06/08/2005)

06/08/2005	49	TELEPHONE STATUS CONFERENCE held on 6/8/2005 before Judge Theresa L Springmann in conjunction with cause 1:05CV004TLS). Pltf attys Mulholland, Menzie, Bird, Intern Sherman; Dft attys Anderson, Intern Brackey present. Court GRANTS 48 Joint STIPULATION for Addition of Additional Plaintiff filed by William Anthony Hill, Elizabeth A Worthman, Merrill Gardens LLC. Court to grant Stipulated Order for preliminary approval re class action upon receipt. (Court Reporter T. Gallucci.) (jjj) (Entered: 06/08/2005)
06/08/2005	50	STIPULATION / <i>Stipulated Order Granting Preliminary Approval to Class Action Settlement, Conditional Class Certification, and Proposed Consent Decree</i> by Defendant Merrill Gardens LLC. (Attachments: # 1 Exhibit A-1 to A-3# 2 Exhibit B# 3 Exhibit C# 4 Exhibit D# 5 Exhibit E)(Anderson, Kathleen) (Entered: 06/08/2005)
06/08/2005	51	ORDER granting 48 Joint STIPULATION for Addition of Additional Plaintiff filed by William Anthony Hill, Elizabeth A Worthman, Merrill Gardens LLC. Golda Bailey rep by Shane C Mulholland, John T Menzie added . Signed by Judge Theresa L Springmann on 6/8/2005. (Ins,) (Entered: 06/09/2005)
06/16/2005	52	ORDER granting 50 Stipulation/Stipulated Order Granting Preliminary Approval to Class Action Settlement, Conditional Class Certification, and Proposed Consent Decree by Defendant Merrill Gardens LLC . Signed by Judge Theresa L Springmann on 6/16/2005. (Ins,) (Entered: 06/20/2005)
08/18/2005	53	RECEIPT of Statement from Alexis Smith re settlement. (Ins) (Entered: 08/23/2005)
08/23/2005	54	RECEIPT of Objection Letter from Marcus E Mitchell Sr re settlement. (Ins) (Entered: 08/24/2005)
08/23/2005	55	RECEIPT of Objection re settlement from Rodney Woods. (Ins) (Entered: 08/24/2005)
08/24/2005	56	RECEIPT of Letter from Anitera Fowler re settlement. (Ins) (Entered: 08/26/2005)
08/26/2005	57	RECEIPT of Letter from Lawrence T Brooks re settlement. (Ins) (Entered: 08/29/2005)
08/26/2005	58	RECEIPT of Objection by Atty Edward Smith obo Vickie M Hill re proposed settlement. (Ins) (Entered: 08/29/2005)
08/29/2005	59	RECEIPT of Letter from Elmo R Portee Jr re proposed settlement. (Ins) (Entered: 08/30/2005)
09/01/2005	60	AFFIDAVIT of Cindy L. Harrison by Merrill Gardens LLC. (Attachments: # 1 Exhibit A-F)(Anderson, Kathleen) (Entered: 09/01/2005)
09/02/2005	61	RECEIPT of Letter from Robert Warren Hagler Jr re settlement. (Ins) (Entered: 09/02/2005)
09/07/2005	62	ENTRY FOR JUDGE THERESA L SPRINGMANN. Telephonic Status Conference set for 9/8/2005 11:00 AM in Fort Wayne before Judge Theresa L Springmann re 9/9/2005 Hearing. (Entered: 09/07/2005)
09/07/2005	63	RECEIPT of Letter from Tony Lamar Robertson re proposed settlement. (Ins) (Entered: 09/08/2005)
09/07/2005	64	RECEIPT of Letter from Robert L Guy Jr re proposed settlement. (Ins) (Entered: 09/08/2005)

09/08/2005	66	TELEPHONE STATUS CONFERENCE held before Judge Theresa L Springmann. Pltfs' attys Mulholland, Bird; Dft attys Anderson Gooden present. Court reviews pre-hearing conference proceedings and issues. (Court Reporter T. Gallucci.) (jjj) (Entered: 09/13/2005)
09/09/2005	65	FAIRNESS HEARING held before Judge Theresa L Springmann on 9/9/2005; pltfs by Atty J. Menzie, Atty S. Mulholland, Atty K. Bird, Atty M. Eisele, EEOC rep M. Guest, unnamed class rep G. Bailey; defts by Atty K. Anderson, Atty T. Gooden, and party reps D. Manning and B. Bowman; court hears testimony from parties having filed objections to proposed class settlement/non-inclusion in class; court calls for testimony of objectors A. Smith, L. Brooks, A. Fowler, R. Hughes, E. Portee, but those individuals are not present; court will consider the written submissions of those parties; EEOC presents evidence; court hears from G. Bailey obo the Unknown Class; court hears from S. Mulholland obo W. Hill, representative of named class, obo named class; court grants final approval of S. Mulholland and J. Menzie to act as class counsel; class counsel request that G. Bailey as rep of unknow class be compensated; cnsl to confer re that possibility; matter of final approval of proposed class settlement TAKEN UNDER ADVISEMENT; counsel to submit revised form of final order of approval; time frame for this submission to be addressed at a TELE CONF set for 9/12/05, 2:00 p.m. before Judge Theresa L Springmann. (Court Reporter Tina Gallucci.) (lrm) (Entered: 09/09/2005)
09/12/2005	67	TELEPHONE STATUS CONFERENCE held before Judge Theresa L Springmann. Pltfs' attys Mulholland, Bird; Dft atty Anderson present. Court to receive proposed order by 9/15/2005 12:00 PM. Final Briefing of general issues by 9/22/2005. (Court Reporter T. Gallucci.) (jjj) (Entered: 09/13/2005)
09/16/2005	68	RECEIPT of supplemental letter re 63 Receipt of Letter from Tony Robertson re proposed settlement. (lms) (Entered: 09/21/2005)
09/23/2005	69	ENTRY FOR JUDGE THERESA L SPRINGMANN - Telephone Conference set for 9/23/2005 09:45 AM in Fort Wayne before Judge Theresa L Springmann regarding notification. (jjj) (Entered: 09/23/2005)
09/23/2005	70	TELEPHONE CONFERENCE held before Judge Theresa L Springmann. Pltfs' attys Menzie, Bird; Dft attys Anderson, Gooden present. Cnsl advised Court as to notification issues. Pltf to mail notification by 9/23/2005 COB with response ddl. Recipient Response to be filed by 9/29/2005. Court to receive notice of status by 9/30/2005. (Court Reporter T. Galucci.) (jjj) (Entered: 09/23/2005)
09/29/2005	71	RECEIPT of Letter from Roszetta Clark re settlement proposal. (received from Atty John Menzie). (lms) (Entered: 10/05/2005)
10/06/2005	72	OPINION AND ORDER granting Final Approval to Class Action Settlement, Entry of Final Judgment, and Entering Consent Decree. Court orders entry of final judgment of dismissal w/prejudice as outlined in this Order.Signed by Judge Theresa L Springmann on 10/6/2005. (lms) Modified on 10/6/2005 (lms). (Entered: 10/06/2005)
10/06/2005	73	CLERK'S ENTRY OF JUDGMENT. (lms) (Entered: 10/06/2005)
10/28/2005	74	SETTLEMENT AGREEMENT by Merrill Gardens LLC. (Anderson, Kathleen) (Entered: 10/28/2005)
04/04/2006	75	STATUS REPORT <i>Joint Verified Final Report and Request for Approval</i> by Golda Bailey, William Anthony Hill. (Attachments: # 1 Exhibit "A")(Mulholland, Shane) (Entered: 04/04/2006)

04/12/2006	76	COURT APPROVAL AND FINAL ORDER re 75 Joint Verified Final Report and Request for Approval by Golda Bailey, William Anthony Hill. Signed by Judge Theresa L Springmann on 4/12/2006. (Ins) (Entered: 04/12/2006)
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