

MAG-2, MASTER, REOPEN

**U. S. District Court**  
**Eastern District of Louisiana (New Orleans)**  
**CIVIL DOCKET FOR CASE #: 2:03-cv-02742-HGB-JCW**

Turner v. KS Cty SO Rwy Co Inc  
Assigned to: Chief Judge Helen G. Berrigan  
Referred to: Magistrate Judge Joseph C. Wilkinson, Jr  
Demand: \$0  
Member case: ([View Member Case](#))  
Cause: 42:1981 Job Discrimination (Race)

Date Filed: 10/01/2003  
Jury Demand: None  
Nature of Suit: 442 Civil Rights: Jobs  
Jurisdiction: Federal Question

**Plaintiff**

**Thomas D Turner**

represented by **Donald F. deBoisblanc**  
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**Consol Plaintiff**

**Equal Employment Opportunity  
Commission**  
05-2668

represented by **Gregory T. Juge**  
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**TERMINATED: 07/25/2006**

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**ATTORNEY TO BE NOTICED**

**Consol Intervenor**

**Roberta Brown**

05-2668

represented by **Nelson Welch Cameron**  
Nelson Welch Cameron, Attorney at Law

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318-226-0111  
*LEAD ATTORNEY*  
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**Consol Intervenor**

**Thomas D Turner**  
05-2668

represented by **Donald F. deBoisblanc**  
(See above for address)  
*LEAD ATTORNEY*  
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**Donald Francis deBoisblanc, Jr.**  
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*ATTORNEY TO BE NOTICED*

**J. Rand Smith, Jr.**  
(See above for address)

**Consol Intervenor Plaintiff**

**Clarence Cargo**  
05-2668  
*TERMINATED: 07/25/2006*

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**Mary Ruth Mann**  
Law Office of Mann & Kytile  
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*ATTORNEY TO BE NOTICED*

**Consol Intervenor Plaintiff**

**Jesse James Frank**  
05-2668  
*TERMINATED: 07/25/2006*

represented by **Stephen Reed Morgan**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Mary Ruth Mann**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**Kansas City Southern Railway  
Company, Inc.**  
(KCS)

represented by **Michael R. Fontham**  
Stone Pigman Walther Wittmann, LLC  
546 Carondelet St.  
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*TERMINATED: 01/25/2008*

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*TERMINATED: 04/16/2008*

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*TERMINATED: 01/25/2008*

**Consol Defendant**

**Kansas City Southern Railway  
Company**  
05-2668

represented by **Michael R. Fontham**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Ashlee Megan Robinson**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Carrie A. McAtee**  
(See above for address)  
*TERMINATED: 01/25/2008*

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*TERMINATED: 01/25/2008*

**Louis Matthew Grossman**  
(See above for address)  
*TERMINATED: 04/16/2008*

**Patrick A. Talley, Jr.**  
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(504) 599-8000  
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 TERMINATED: 04/16/2008

**Rachel Wendt Wisdom**  
 (See above for address)  
 ATTORNEY TO BE NOTICED

**William C. Martucci**  
 (See above for address)  
 TERMINATED: 01/25/2008

Date Filed	#	Docket Text
10/01/2003	<a href="#">1</a>	COMPLAINT; 1 summons(es) issued (plh) (Entered: 10/02/2003)
10/01/2003		Payment of filing fee by plaintiff Thomas D Turner in amount of \$ 150.00 (plh) (Entered: 10/02/2003)
12/22/2003	<a href="#">2</a>	NOTICE/ORDER that case is set before Judge for call docket at 9:30 1/21/04 by Clerk (bc) (Entered: 12/22/2003)
01/22/2004	<a href="#">3</a>	ORDER: Call Docket set for 1/21/04. Case not called: passed for 60 days. by Judge Helen G. Berrigan (dno) (Entered: 01/22/2004)
03/09/2004	<a href="#">4</a>	NOTICE/ORDER that case is set before Judge for call docket at 9:30 4/14/04 by Clerk (dno) (Entered: 03/10/2004)
04/07/2004	<a href="#">5</a>	Motion by plaintiff Thomas D Turner and ORDER that pla file evidence into the record disclosing svc on dft KS Cty So Rwy Co's designated agent for svc w/in 120 days of the signing of this order or show good cause as to why this has not been accomplished. by Judge Helen G. Berrigan (dno) (Entered: 04/08/2004)
04/14/2004	<a href="#">6</a>	ORDER: Call Docket set 4/14/04 - Case not called: passed until 8/5/04. by Judge Helen G. Berrigan (dno) (Entered: 04/15/2004)
07/30/2004	<a href="#">7</a>	Motion by plaintiff Thomas D Turner and ORDER that pla is granted an addl 90 days to file evidence into the record disclosing svc on dft KS Cty SO Rwy Co Inc beginning from the date of the signing of this Order by Judge Helen G. Berrigan Date Signed: 8/2/04 (plh) (Entered: 08/02/2004)
12/22/2004	<a href="#">8</a>	NOTICE/ORDER that case is set before Judge for call docket at 9:30 1/19/05 by Clerk (bc) (Entered: 12/22/2004)
01/13/2005	<a href="#">9</a>	Motion by plaintiff Thomas D Turner and ORDER that pla is granted an addl 20 weeks to file evidence into the record disclosing service on dft KS Cty SO Rwy Co Inc beginning from the date of the signing of this Order . by Judge Helen G. Berrigan Date Signed: 1/19/05 (tbl) (Entered: 01/21/2005)

01/20/2005	<a href="#">10</a>	ORDER: Call Docket was held 9:30 1/19/05 ; ordered that matter is passed for two weeks. by Judge Helen G. Berrigan Date Signed: 1/19/05 (tbl) (Entered: 01/21/2005)
01/26/2005	11	RETURN OF SERVICE of summons and complaint upon defendant KS Cty SO Rwy Co Inc on 1/22/05 by certified mail (bc) (Entered: 01/27/2005)
03/18/2005	<a href="#">12</a>	Statement of Corporate Disclosure by Kansas City Southern Railway Company, Inc. identifying Kansas City Southern as Corporate Parent. (plh, ) (Entered: 03/21/2005)
03/18/2005	<a href="#">13</a>	ANSWER to Complaint by Defendant Kansas City Southern Railway Company, Inc..(plh, ) (Entered: 03/21/2005)
04/08/2005	<a href="#">14</a>	NOTICE of Hearing. Scheduling Conference set for 4/28/2005 10:00 AM before courtroom deputy by telephone, by Clerk. (kac, ) (Entered: 04/08/2005)
04/11/2005	<a href="#">15</a>	MOTION to Appear Pro Hac Vice by Carrie A. McAtee on behalf of Kansas City Southern Railway Company, Inc.. (plh, ) (Entered: 04/14/2005)
04/11/2005	<a href="#">19</a>	MOTION to Appear Pro Hac Vice by William C. Martucci on behalf of Kansas City Southern Railway Company, Inc.. (plh, ) (Entered: 05/23/2005)
04/12/2005	<a href="#">16</a>	ORDER granting <a href="#">15</a> Motion to Appear Pro Hac Vice as to Carrie A. McAtee. . Signed by Judge Helen G. Berrigan. (plh, ) (Entered: 04/14/2005)
04/22/2005	<a href="#">17</a>	MOTION to Stay Proceedings by Thomas D Turner and UNSIGNED ORDER. (plh, ) (Entered: 04/27/2005)
04/26/2005	<a href="#">18</a>	ORDER that case is Closed for statistical purposes. FURTHER ORDERED that the preliminary conference set for 4/28/05 is CANCELED. Signed by Judge Helen G. Berrigan.(plh, ) (Entered: 04/27/2005)
05/20/2005	<a href="#">20</a>	ORDER denying <a href="#">19</a> Motion to Appear Pro Hac Vice. Signed by Judge Helen G. Berrigan on 5/19/05. (plh, ) (Entered: 05/23/2005)
06/09/2005	<a href="#">21</a>	MOTION to Appear Pro Hac Vice by William C. Martucci on behalf of Kansas City Southern Railway Company, Inc.. (plh, ) (Entered: 06/15/2005)
06/13/2005	<a href="#">22</a>	ORDER granting <a href="#">21</a> Motion to Appear Pro Hac Vice as to William C. Martucci. . Signed by Judge Helen G. Berrigan on 6/10/05. (plh, ) (Entered: 06/15/2005)
01/31/2006	<a href="#">23</a>	MOTION to Consolidate by Thomas D Turner and UNSIGNED ORDER. (plh, ) (Entered: 03/20/2006)
03/17/2006	<a href="#">24</a>	ORDER denying <a href="#">23</a> Motion to Consolidate . Signed by Judge Helen G. Berrigan on 3/16/06. (plh, ) (Entered: 03/20/2006)
06/30/2006	<a href="#">25</a>	MOTION to Reopen Case, MOTION to Consolidate Cases by Thomas D Turner. Motion Hearing set for 7/19/2006 09:30 AM before Chief Judge Helen G. Berrigan. (Attachments: # <a href="#">1</a> Notice of Hearing)(plh, ) (Entered: 07/03/2006)
06/30/2006	<a href="#">26</a>	Request/Statement of Oral Argument by Thomas D Turner regarding <a href="#">25</a>

		MOTION to Reopen Case MOTION to Consolidate Cases. (plh, ) (Entered: 07/03/2006)
07/13/2006	<a href="#">27</a>	ORDER that the hearing set for 7/19/06 on <a href="#">25</a> Motion to Reopen Case and Motion to Consolidate Cases will be on the briefs. Signed by Judge Helen G. Berrigan on 7/13/06. (plh, ) (Entered: 07/14/2006)
07/13/2006	<a href="#">28</a>	RESPONSE/MEMORANDUM in Opposition filed by Kansas City Southern Railway Company, Inc. re <a href="#">25</a> MOTION to Reopen Case MOTION to Consolidate Cases. (plh, ) (Entered: 07/14/2006)
07/13/2006	<a href="#">29</a>	EXPARTE/CONSENT MOTION to Appear as Counsel of Record as to Patrick A. Talley, Jr. and Louis Matthew Grossman by Kansas City Southern Railway Company, Inc. (Attachments: # <a href="#">1</a> Memorandum in Support)(plh, ) (Entered: 07/17/2006)
07/17/2006	<a href="#">30</a>	ORDER denying <a href="#">29</a> Motion to Appear . Signed by Judge Helen G. Berrigan on 7/14/06. (plh, ) (Entered: 07/17/2006)
07/17/2006	<a href="#">31</a>	EXPARTE/CONSENT MOTION for Leave to File Reply Memo by Thomas D Turner. (Attachments: # <a href="#">1</a> Memorandum in Support)(plh, ) (Entered: 07/19/2006)
07/18/2006	<a href="#">32</a>	ORDER granting <a href="#">31</a> Motion for Leave to File . Signed by Judge Helen G. Berrigan on 7/18/06. (plh, ) (Entered: 07/19/2006)
07/18/2006	<a href="#">33</a>	REPLY to Response to Motion filed by Thomas D Turner re <a href="#">25</a> MOTION to Reopen Case MOTION to Consolidate Cases. (plh, ) (Entered: 07/19/2006)
07/25/2006	<a href="#">34</a>	ORDER granting <a href="#">25</a> MOTION to Reopen Case and MOTION to Consolidate Cases filed by Thomas D Turner. ORDER consolidating cases 03-2742 with member case 05-2668. The clerk is to establish a master file and docket sheet. All entries are made on master docket sheet except orders and documents terminating a party or disposing of a case which will also be entered on the individual docket sheet . Signed by Judge Helen G. Berrigan on 7/25/06.(plh, ) (Entered: 07/27/2006)
12/14/2006	<a href="#">35</a>	ORDER re objections to page/line designations of depositions as set forth in document. Signed by Judge Helen G. Berrigan on 12/12/06.(Reference: 03-2742; 06-2636)(plh, ) (Entered: 12/14/2006)
01/03/2007	<a href="#">36</a>	***DEFICIENT***EXPARTE/CONSENT MOTION to Continue <i>Trial Date and Related Case Deadlines</i> by Kansas City Southern Railway Company, Inc.. (Attachments: # <a href="#">1</a> Memorandum in Support # <a href="#">2</a> Proposed Order)(Reference: 05-2668)(Grossman, Louis) Modified on 1/4/2007 (plh, ). (Entered: 01/03/2007)
01/04/2007	<a href="#">37</a>	EXPARTE/CONSENT MOTION to Continue by Kansas City Southern Railway Company, Inc.. (Attachments: # <a href="#">1</a> Memorandum in Support # <a href="#">2</a> Proposed Order # <a href="#">3</a> Certificate)(Reference: 05-02668)(Grossman, Louis) (Entered: 01/04/2007)
01/05/2007	<a href="#">38</a>	ORDER granting <a href="#">37</a> MOTION to Continue filed by Kansas City Southern Railway Company, Inc. Signed by Judge Helen G. Berrigan on



		1/4/07.(Reference: 05-2668)(plh, ) (Entered: 01/05/2007)
01/08/2007	<a href="#">39</a>	NOTICE of Hearing.Scheduling Conference set for 1/31/2007 10:00 AM before courtroom deputy by telephone, by Clerk. (Reference: 03-2742 & 05-2668)(kac, ) (Entered: 01/08/2007)
01/31/2007	<a href="#">41</a>	SCHEDULING ORDER: Final Pretrial Conference set for 1/8/2008 09:00 AM before Chief Judge Helen G. Berrigan., Telephone Status Conference set for 12/6/2007 09:00 AM before Chief Judge Helen G. Berrigan., Jury Trial set for 1/28/2008 10:00 AM before Chief Judge Helen G. Berrigan.. Signed by Judge Helen G. Berrigan. (Attachments: # <a href="#">1</a> Pretrial Notice Form)(Reference: 03-2742 & 05-2668)(kac, ) (Entered: 01/31/2007)
02/08/2007	<a href="#">42</a>	***DOCUMENT STRICKEN PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 5(d)*** NOTICE by Equal Employment Opportunity Commission <i>REGARDING PARTIES DISCOVERY PLAN RELATIVE TO LIMITATIONS ON THE NUMBER OF DEPOSITIONS AND INTERROGATORIES</i> . (Reference: 03-2742)(Juge, Gregory) Modified on 2/9/2007 (plh, ). (Entered: 02/08/2007)
02/09/2007	43	Correction of Docket Entry by Clerk re <a href="#">42</a> Notice (Other), Notice (Other); ***DOCUMENT HAS BEEN STRICKEN PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 5(d)*** (Reference: 03-2742)(plh, ) (Entered: 02/09/2007)
10/15/2007	<a href="#">45</a>	EXPARTE/CONSENT Joint MOTION to Continue <i>Trial Date and Related Case Deadlines</i> by Thomas D Turner, Equal Employment Opportunity Commission, Roberta Brown, Thomas D Turner, Kansas City Southern Railway Company, Kansas City Southern Railway Company, Inc.. (Attachments: # <a href="#">1</a> Memorandum in Support # <a href="#">2</a> Proposed Order # <a href="#">3</a> Certificate of Compliance with Civil Justice Expense and Delay Reduction Plan)(Reference: 05-2668)(Grossman, Louis) Modified on 10/16/2007 to modify filers (plh, ). (Entered: 10/15/2007)
10/16/2007	46	Correction of Docket Entry by Clerk re <a href="#">45</a> Joint MOTION to Continue <i>Trial Date and Related Case Deadlines</i> ; ***Filing attorney selected Clarence Cargo and Jesse James Frank as a filer(s) in error. Clerk removed filer(s).*** (Reference: 05-2668)(plh, ) (Entered: 10/16/2007)
10/16/2007	<a href="#">47</a>	ORDER granting in part and denying in part <a href="#">45</a> Joint MOTION to Continue <i>Trial Date and Related Case Deadlines</i> ; The status conference, pre-trial conference and trial are CONTINUED to be RESET at a telephone preliminary pre-trial conference. Signed by Judge Helen G. Berrigan on 10/16/07.(Reference: 03-2742; 05-2668)(plh, ) (Entered: 10/16/2007)
10/18/2007	<a href="#">48</a>	NOTICE of Hearing.Scheduling Conference set for 11/8/2007 10:00 AM before courtroom deputy by telephone, by Clerk. (Reference: 03-2752 & 05-2668)(kac, ) (Entered: 10/18/2007)
11/08/2007	<a href="#">49</a>	SCHEDULING ORDER: Final Pretrial Conference set for 4/15/2008 03:30 PM before Chief Judge Helen G. Berrigan., Telephone Status Conference set for

		3/18/2008 09:30 AM before Chief Judge Helen G. Berrigan., Jury Trial set for 5/12/2008 10:00 AM before Chief Judge Helen G. Berrigan.. Signed by Judge Helen G. Berrigan. (Attachments: # <a href="#">1</a> Pretrial Notice Form)(Reference: 03-2742 & 05-2668)(kac, ) (Entered: 11/08/2007)
01/09/2008	<a href="#">50</a>	EXPARTE/CONSENT MOTION to Substitute Attorney. Attorney Michael R. Fontham, Rachel W. Wisdom, Ashlee M. Robinson to be substituted in place of William C. Martucci, Carrie A. McAtee, Kristen A. Page by Kansas City Southern Railway Company. (Attachments: # <a href="#">1</a> Proposed Order)(Reference: 05-2668)(Robinson, Ashlee) (Entered: 01/09/2008)
01/10/2008	<a href="#">51</a>	ORDER denying <a href="#">50</a> Motion to Substitute Attorney.. Signed by Judge Helen G. Berrigan on 1/10/08. (Reference: 03-2742, 05-2668)(blg) (Entered: 01/11/2008)
01/17/2008	<a href="#">52</a>	EXPARTE/CONSENT MOTION to Substitute Attorney. Attorney Michael R. Fontham, Rachel W. Wisdom, Ashlee M. Robinson to be substituted in place of William C. Martucci, Carrie A. McAtee, Kristen A. Page, MOTION to Designate Michael R. Fontham as Lead Counsel by Kansas City Southern Railway Company, Kansas City Southern Railway Company, Inc.. (Attachments: # <a href="#">1</a> Proposed Order)(Reference: 03-02742, 05-2668)(Robinson, Ashlee) (Entered: 01/17/2008)
01/25/2008	<a href="#">53</a>	ORDER granting <a href="#">52</a> Motion to Substitute Attorney. Added attorneys Michael R. Fontham, Rachel Wendt Wisdom, Ashlee Megan Robinson for Kansas City Southern Railway Company, Kansas City Southern Railway Company, Inc. Attorney Kristen A. Page; William C. Martucci and Carrie A. McAtee terminated; granting <a href="#">52</a> Motion to designate Michael R. Fontham as lead trial counsel. Signed by Judge Helen G. Berrigan on 1/25/08. (Reference: 03-2742; 05-2668)(plh, ) (Entered: 01/25/2008)
02/11/2008	<a href="#">54</a>	***DEFICIENT*** MOTION to Continue by Kansas City Southern Railway Company, Kansas City Southern Railway Company, Inc.. Motion Hearing set for 3/5/2008 09:30 AM before Chief Judge Helen G. Berrigan. (Attachments: # <a href="#">1</a> Certificate of consent to continuance# <a href="#">2</a> Notice of Hearing)(Reference: 05-2668 C/W 03-2742)(Wisdom, Rachel) Modified on 2/12/2008 (plh, ). (Entered: 02/11/2008)
02/11/2008	<a href="#">55</a>	EXPARTE/CONSENT MOTION to Expedite <i>Consideration of Motion to Continue</i> by Kansas City Southern Railway Company, Kansas City Southern Railway Company, Inc.. (Attachments: # <a href="#">1</a> Proposed Order)(Reference: 05-2668 C/W 03-2742)(Wisdom, Rachel) (Entered: 02/11/2008)
02/12/2008	<a href="#">56</a>	MOTION to Continue by Kansas City Southern Railway Company, Kansas City Southern Railway Company, Inc.. Motion Hearing set for 3/5/2008 09:30 AM before Chief Judge Helen G. Berrigan. (Attachments: # <a href="#">1</a> Memorandum in Support # <a href="#">2</a> Certificate of Consent to Continuance# <a href="#">3</a> Notice of Hearing)(Reference: 03-2742, 05-2668)(Robinson, Ashlee) (Entered: 02/12/2008)
02/13/2008	<a href="#">57</a>	ORDER granting <a href="#">56</a> MOTION to Continue filed by Kansas City Southern

		Railway Company. Signed by Judge Helen G. Berrigan on 2/13/08.(Reference: 03-2742; 05-2668)(plh, ) (Entered: 02/14/2008)
03/12/2008	<a href="#">58</a>	NOTICE of Hearing.Scheduling Conference set for 4/15/2008 10:00 AM before courtroom deputy by telephone, by Clerk. (Reference: 03-2742 & 05-2668)(kac, ) (Entered: 03/12/2008)
04/15/2008	<a href="#">59</a>	Ex Parte MOTION to Withdraw Patrick A. Talley, Jr. and Louis M. Grossman as Attorney by Kansas City Southern Railway Company, Kansas City Southern Railway Company, Inc.. (Attachments: # <a href="#">1</a> Proposed Order)(Reference: 05-2668)(Grossman, Louis) (Entered: 04/15/2008)
04/16/2008	<a href="#">60</a>	SCHEDULING ORDER: Final Pretrial Conference set for 11/6/2008 09:00 AM before Chief Judge Helen G. Berrigan. Telephone Status Conference set for 10/1/2008 02:15 PM before Chief Judge Helen G. Berrigan. Jury Trial set for 12/1/2008 10:00 AM before Chief Judge Helen G. Berrigan. Signed by Clerk for Judge Helen G. Berrigan on 4/15/08. (Attachments: # <a href="#">1</a> Pretrial Notice Form)(Reference: 03-2742; 05-2668)(plh, ) (Entered: 04/16/2008)
04/16/2008	<a href="#">61</a>	ORDER granting <a href="#">59</a> Motion to Withdraw as Attorney. Attorney Louis Matthew Grossman and Patrick A. Talley, Jr terminated. Signed by Judge Helen G. Berrigan on 4/16/08. (Reference: 03-2742; 05-2668)(plh, ) (Entered: 04/17/2008)

<b>PACER Service Center</b>			
<b>Transaction Receipt</b>			
04/22/2008 14:52:16			
<b>PACER Login:</b>	wu0079	<b>Client Code:</b>	eeoc
<b>Description:</b>	Docket Report	<b>Search Criteria:</b>	2:03-cv-02742-HGB-JCW
<b>Billable Pages:</b>	6	<b>Cost:</b>	0.48