

**U.S. District Court
District of Colorado (Denver)
CIVIL DOCKET FOR CASE #: 1:05-cv-01901-PSF-MJW**

Equal Employment Opportunity Commission v. Lithia Motors,
Inc. et al
Assigned to: Judge Phillip S. Figa
Referred to: Magistrate Judge Michael J. Watanabe
Cause: 42:2000e Job Discrimination (Employment)

Date Filed: 09/30/2005
Date Terminated: 03/08/2006
Jury Demand: Plaintiff
Nature of Suit: 442 Civil Rights: Jobs
Jurisdiction: U.S. Government Plaintiff

Plaintiff

**Equal Employment Opportunity
Commission**

represented by **Lynn L. Palma**
U.S. Equal Employment Opportunity
Commission—Colorado
Denver Field Office
303 East 17th Avenue
#400
Denver , CO 80203
303-866-1374
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Email: lynn.palma@eeoc.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Intervenor Plaintiff

James Witherspoon

represented by **Patricia S. Bangert**
Patricia S. Bangert, Attorney at Law, LLC
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#575
Denver , CO 80209
303-228-2175
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LEAD ATTORNEY
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V.

Defendant

Lithia Motors, Inc.
doing business as
Lithia Dodge of Cherry Creek

represented by **Matthew James Costinett**
Harris, Karstaedt, Jamison & Powers,
PC—Englewood
188 Inverness Drive West
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LEAD ATTORNEY
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Defendant

Lithia Cherry Creek Dodge, Inc.
doing business as
 Lithia Dodge of Cherry Creek

represented by **Matthew James Costinett**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Michael Brice Sullivan
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

| Date Filed | # | Docket Text |
|------------|-----------|---|
| 09/30/2005 | <u>1</u> | COMPLAINT and jury trial demand against all defendants Summons Issued, filed by Equal Employment Opportunity Commission. (Attachments: # <u>1</u> Civil Cover Sheet # <u>2</u> Special Assignment Form)(bpm,) (Entered: 09/30/2005) |
| 10/04/2005 | <u>2</u> | MEMORANDUM RETURNING CASE for reassignment by Judge Matsch. (bpm,) (Entered: 10/05/2005) |
| 10/05/2005 | <u>3</u> | LETTER REASSIGNING CASE. Case reassigned to Judge Phillip S. Figa for all further proceedings. Judge Richard P. Matsch is no longer assigned to case. (bpm,) (Entered: 10/05/2005) |
| 10/07/2005 | <u>4</u> | Letter from CT Corporation to Lynn L. Palma returning the Notice, and <u>1</u> Complaint they received. Lithia Motors d/b/a Lithia Dodge of Cherry Creek is not listed on their records or on the records of the State of CO. (lam,) (Entered: 10/07/2005) |
| 10/11/2005 | <u>5</u> | ORDER REFERRING CASE to Magistrate Judge Michael J. Watanabe by Judge Figa. (emksl,) (Entered: 10/11/2005) |
| 10/20/2005 | <u>6</u> | ORDER: Scheduling Conference set for 11/15/2005 10:00 AM in Courtroom A 502 before Magistrate Judge Michael J. Watanabe. Signed by Magistrate Judge Michael J. Watanabe on 10/20/05. (emksl,) (Entered: 10/20/2005) |
| 11/08/2005 | <u>7</u> | WAIVER OF SERVICE Returned Executed by Equal Employment Opportunity Commission. Lithia Motors Support Services, Inc. waiver sent on 10/4/2005, answer due 12/5/2005. (Palma, Lynn) (Modified on 11/14/2005 to correct the name of the entity that signed the waiver) (gms,). (Entered: 11/08/2005) |
| 11/14/2005 | <u>8</u> | Docket Annotation re: <u>7</u> Waiver of Service Executed. This docket entry was modified to correct the name of the entity that signed the waiver to "Lithia Motors Support Services, Inc." Text only entry – no document attached. (gms,) (Entered: 11/14/2005) |
| 11/15/2005 | <u>9</u> | ORDER: Scheduling Conference reset for 12/5/2005 09:00 AM in Courtroom A 502 before Magistrate Judge Michael J. Watanabe. Show Cause Hearing set for 12/5/2005 09:00 AM in Courtroom A 502 before Magistrate Judge Michael J. Watanabe. Signed by Magistrate Judge Michael J. Watanabe on 11/15/05. (emksl,) (Entered: 11/15/2005) |
| 11/16/2005 | <u>10</u> | Minute Entry for proceedings held before Judge Michael J. Watanabe : Scheduling Conference held on 11/16/2005: Plaintiff shall show cause why this case should not be dismissed for failure to appear and lack of prosecution at a show cause hearing, scheduled for December 5, 2005 at 9:00 a.m. Rule 16 Scheduling Conference is reset to December 5, 2005 at 9:00 a.m. (Court Reporter FTR– Kathy Preuitt–Parks.) (emksl,) (Entered: 11/16/2005) |
| 11/28/2005 | <u>11</u> | Joint MOTION to Vacate <u>10</u> Scheduling Conference, and Show Cause Hearing of December 5, 2005, by Plaintiff Equal Employment Opportunity Commission. (Palma, Lynn) (Entered: 11/28/2005) |

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| 11/29/2005 | <u>12</u> | MEMORANDUM referring to Magistrate Judge Watanabe : <u>11</u> Joint MOTION to Vacate <u>10</u> Scheduling Conference, <i>and Show Cause Hearing of December 5, 2005</i> , filed by Equal Employment Opportunity Commission, by Judge Phillip S. Figa on 11/29/05. (Text Only Entry – No Document Attached) (emksl,) (Entered: 11/29/2005) |
| 11/30/2005 | <u>13</u> | Minute ORDER granting Plaintiff's <u>11</u> Motion to Vacate and Reschedule. The show cause hearing set on December 5, 2005, at 9:00 a.m. is VACATED. The show cause order dated November 15, 2005, is also VACATED. Scheduling Conference is reset to January 11, 2006, at 9:00 a.m., in Courtroom A502, by Magistrate Judge Michael J. Watanabe on 11/30/05. (emksl,) (Entered: 11/30/2005) |
| 12/05/2005 | <u>14</u> | MOTION to Intervene by Interested Party James Witherspoon. (Attachments: # <u>1</u> Exhibit 1 (Complaint))(Bangert, Patricia) (Entered: 12/05/2005) |
| 12/06/2005 | 15 | MEMORANDUM referring to Magistrate Judge Watanabe : <u>14</u> MOTION to Intervene filed by James Witherspoon, by Judge Phillip S. Figa on 12/6/05. (Text Only Entry – No Document Attached) (emksl,) (Entered: 12/06/2005) |
| 12/20/2005 | <u>16</u> | MINUTE ORDER granting <u>14</u> Witherspoons' Motion to Intervene as Party Plaintiff, by Magistrate Judge Michael J. Watanabe on 12/20/05. (emksl,) (Entered: 12/20/2005) |
| 12/20/2005 | <u>17</u> | Unopposed MOTION to Vacate <i>and Reschedule January 11, 2006 Scheduling Conference and Status Report</i> by Plaintiff Equal Employment Opportunity Commission. (Palma, Lynn) (Entered: 12/20/2005) |
| 12/20/2005 | 18 | MEMORANDUM referring to Magistrate Judge Watanabe : <u>17</u> Unopposed MOTION to Vacate <i>and Reschedule January 11, 2006 Scheduling Conference and Status Report</i> filed by Equal Employment Opportunity Commission, by Judge Phillip S. Figa on 12/20/05. (Text Only Entry – No Document Attached) (emksl,) (Entered: 12/20/2005) |
| 12/28/2005 | <u>19</u> | Minute ORDER granting Plaintiff's Status Report and <u>17</u> Motion to Vacate and Reschedule 1/11/06 hearing. Scheduling conference is reset to 2/16/06 at 9:30 a.m., by Magistrate Judge Michael J. Watanabe on 12/28/05. (gms,) (Entered: 12/28/2005) |
| 02/07/2006 | <u>20</u> | MINUTE ORDER: Parties having settled this matter, Dismissal Paper due by 2/21/2006, Scheduling Conference set for 02/16/06 at 9:30am is VACATED, by Magistrate Judge Michael J. Watanabe on 02/07/06. (rlp,) (Entered: 02/08/2006) |
| 02/21/2006 | <u>21</u> | Unopposed MOTION For Extension of Time to <i>File Motion for Dismissal and Proposed Consent Decree</i> by Plaintiff Equal Employment Opportunity Commission. (Palma, Lynn) (Entered: 02/21/2006) |
| 02/21/2006 | 22 | MEMORANDUM referring to Magistrate Judge Watanabe : <u>21</u> Unopposed MOTION For Extension of Time to File Motion for Dismissal and Proposed Consent Decree filed by Plaintiff Equal Employment Opportunity Commission, by Judge Phillip S. Figa on 2/21/06. (Text Only Entry – No Document Attached)(lam,) (Entered: 02/22/2006) |
| 02/22/2006 | <u>23</u> | MINUTE ORDER granting Plaintiff's <u>21</u> Motion for Extension of Time to File Motion to Dismiss and Consent Decree, parties have up to and including 03/03/06 to file, by Magistrate Judge Michael J. Watanabe on 02/22/06. (rlp,) (Entered: 02/22/2006) |
| 03/03/2006 | <u>24</u> | NOTICE of Entry of Appearance by Michael Brice Sullivan on behalf of all defendants (Sullivan, Michael) (Entered: 03/03/2006) |
| 03/03/2006 | <u>25</u> | Joint MOTION to Dismiss <i>upon Approval of Proposed Consent Decree</i> by Plaintiff Equal Employment Opportunity Commission. (Attachments: # <u>1</u> Proposed Order (PDF Only) Consent Decree)(Palma, Lynn) (Entered: 03/03/2006) |
| 03/08/2006 | <u>26</u> | ORDER granting Joint <u>25</u> Motion for Approval of Consent Decree and to Dismiss with Prejudice, the court retains jurisdiction to enforce this Consent Decree . Signed by Judge Phillip S. Figa on 03/08/06. (rlp2,) (Entered: 03/08/2006) |