

**U.S. District Court  
SOUTHERN DISTRICT OF TEXAS (McAllen)  
CIVIL DOCKET FOR CASE #: 7:07-cv-00094**

Hilgert v. May  
Assigned to: Chief Judge Ricardo H. Hinojosa  
Related Cases: [7:09-mc-00011](#)  
[7:09-cv-00154](#)

Date Filed: 05/01/2007  
Jury Demand: Plaintiff  
Nature of Suit: 442 Civil Rights: Jobs  
Jurisdiction: Federal Question

Cause: 28:1331 Fed. Question: Employment Discrimination

**Plaintiff**

**Clive B. Hilgert**  
*an Individual, 1-5,000 Similary Situated  
Present and Past Employees of Defendant*

represented by **Clive B. Hilgert**  
2500 N. 32nd St. Apt 2  
McAllen, TX 78501  
956-566-4540  
PRO SE

V.

**Defendant**

**George S. May International Company**

represented by **John L Collins**  
Seyfarth Shaw LLP  
700 Louisiana  
Ste 3700  
Houston, TX 77002-2797  
713-225-2300  
Fax: 713-225-2340  
Email: [jcollins@seyfarth.com](mailto:jcollins@seyfarth.com)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Dennis Alexander Clifford**  
Meyer White LLC  
600 Travis St.,  
Suite 900  
Houston, TX 77002  
713-951-1416  
Fax: 713-951-1499  
Email: [dclifford@meyerwhite.com](mailto:dclifford@meyerwhite.com)  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
05/01/2007	<u>1</u>	COMPLAINT against George S. May International Company (Filing fee \$ 350) filed by Clive B Hilbert. (Attachments: # <u>1</u> Continuation # <u>2</u> Affidavit)(bgarces, ) (Entered: 05/03/2007)
05/03/2007	<u>2</u>	ORDER for Initial Pretrial and Scheduling Conference and Order to Disclose Interested Persons. Initial Conference set for 8/8/2007 at 02:30 PM before Judge Ricardo H. Hinojosa. Parties notified.(bgarces, ) (Entered: 05/03/2007)
05/08/2007	<u>3</u>	Mail Returned Undeliverable as to Clive B Hilgert re: <u>2</u> Order for Initial Conference and Disclosure - FORMS, filed. (esmith, ). (Entered: 05/11/2007)
05/25/2007	<u>4</u>	MOTION for Appointment of Counsel by Clive B Hilgert, filed. Motion Docket Date 6/14/2007. (bgarces, ). (Entered: 05/29/2007)
05/25/2007	<u>5</u>	CERTIFICATE OF INTERESTED PARTIES by Clive B Hilgert, filed.(bgarces, ). (Entered: 05/29/2007)

06/13/2007	<u>6</u>	WAIVER OF SERVICE Returned Executed as to George S. May International Company served on 5/25/2007, answer due 7/24/2007, filed.(bgarces, ) (Entered: 06/18/2007)
06/13/2007	<u>7</u>	AFFIDAVIT by Clive Hilgert, filed.(bgarces, ). (Entered: 06/18/2007)
07/09/2007	<u>8</u>	CERTIFICATE OF INTERESTED PARTIES by George S. May International Company, filed.(Collins, John) (Entered: 07/09/2007)
07/09/2007	<u>9</u>	DESIGNATION of John L. Collins as attorney in charge of George S. May International Company, filed.(Collins, John) (Entered: 07/09/2007)
07/23/2007	<u>10</u>	MOTION to Dismiss <i>Plaintiff's Title VII, ADEA, FLSA, Constitutional, Good Faith And Fair Dealing, And Negligent Infliction Of Emotional Distress Claims</i> by George S. May International Company, filed. Motion Docket Date 8/13/2007. (Collins, John) (Entered: 07/23/2007)
07/23/2007	<u>11</u>	ANSWER to <u>1</u> Complaint by George S. May International Company, filed.(Collins, John) (Entered: 07/23/2007)
07/23/2007	<u>12</u>	PROPOSED ORDER <i>Dismissing Plaintiff's Claims</i> re: <u>10</u> MOTION to Dismiss <i>Plaintiff's Title VII, ADEA, FLSA, Constitutional, Good Faith And Fair Dealing, And Negligent Infliction Of Emotional Distress Claims</i> , filed.(Collins, John) (Entered: 07/23/2007)
07/27/2007	<u>13</u>	JOINT DISCOVERY/CASE MANAGEMENT PLAN by all parties, filed.(Collins, John) (Entered: 07/27/2007)
08/03/2007	<u>14</u>	PLAINTIFFS REPLY to <u>10</u> Defendant's Motion to dismiss some claims, filed by Clive B Hilbert. (mzamarripa, ) Additional attachment(s) added on 8/7/2007 (mzamarripa, ). (Entered: 08/06/2007)
08/08/2007		Minute Entry for proceedings held before Judge Ricardo H. Hinojosa. Initial PRETRIAL CONFERENCE held on 8/8/2007. All parties present. Mr. Hilgert is proceeding pro se. The Court addresses the Motion to Dismiss filed by Defendant which the Court will also consider as a motion for summary judgment and makes the following rulings: As to the Title VII and ADEA claims the Court finds that these claims should be dismissed; the Plaintiff concedes to the FLSA claim; the Court GRANTS the Motion to Dismiss and/or for summary judgement as to the Fifth Amendedment claim as well as the good faith and fair dealing claims and the negligent infliction of emotion distress claim. This leave the breach of contract claim and the intentional infliction of emotional distress. Before the Court rules on these claims the Plaintiff is asked to try to contact some lawyers who may take his case. The Court will set a hearing date where the Plaintiff can advise the Court how he will proceed or if he hired an attorney. The Court sets the hearing for 9/12/2007 at 04:00 PM before Judge Ricardo H. Hinojosa Appearances: Clive B. Hilgert, pro se; John L Collins.(ERO:Tony Tijerina), filed.(smartinez, ) (Entered: 08/14/2007)
08/27/2007	<u>15</u>	Plaintiff's MOTION to Reconsider the Dismissal of Some of Plaintiff's Claims with Prejudice by Clive B Hilgert, filed. Motion Docket Date 9/17/2007. (mzamarripa, ). (Entered: 08/28/2007)
08/27/2007	<u>16</u>	Plaintiff's MOTION to Stay Proceedings Pending Exhausting of Administrative Remedies by Clive B Hilgert, filed. Motion Docket Date 9/17/2007. (mzamarripa, ). (Entered: 08/28/2007)
09/11/2007	<u>17</u>	RESPONSE in Opposition to <u>15</u> MOTION for Reconsideration, <u>16</u> MOTION to Stay, filed by George S. May International Company. (Collins, John) (Entered: 09/11/2007)
09/12/2007		Minute Entry for proceedings held before Judge Ricardo H. Hinojosa. Initial PRETRIAL CONFERENCE held on 9/12/2007 denying <u>16</u> MOTION to Stay, <u>15</u> MOTION for Reconsideration, <u>4</u> MOTION for Appointment of Counsel. All parties present. Mr. Hilgert is present and proceeding pro se. The Court addresses the Request for Appointment of Class Attorney and DENIES same. The Court DENIES the Motion to Reconsider and also DENIES the Motion to Stay Proceedings. The Court will issue a docket control order. (90 days) Appearances:Clive B. Hilgert. John L Collins.(ERO:Tony Tijerina),

		filed.(smartinez, ) (Entered: 09/12/2007)
09/12/2007	<u>18</u>	SCHEDULING ORDER: Joinder of Parties due by 12/21/2007 Discovery due by 12/11/2007 Dispositive Motion Filing due by 12/21/2007 Non-Dispositive Motion Filing due by 12/21/2007 Joint Pretrial Order due by 1/3/2008 Motions for Extension of Time due by 11/13/2007 Pretrial Conference set for 1/10/2008 at 02:30 PM before Judge Ricardo H. Hinojosa.( Signed by Judge Ricardo H. Hinojosa ) Parties notified.(mzamarripa, ) (Entered: 09/13/2007)
10/15/2007	<u>19</u>	NOTICE of Starting of the Discovery Process by Clive B. Hilgert, filed. (bgarces, ) (Entered: 10/15/2007)
11/06/2007	<u>20</u>	Agreed PROPOSED ORDER for Protective Order, filed.(Clifford, Dennis) (Entered: 11/06/2007)
11/07/2007	<u>21</u>	Agreed MOTION for Protective Order by all parties, filed.re # <u>20</u> Motion Docket Date 11/27/2007. (Clifford, Dennis) Modified on 11/7/2007 (jdav, ). (Entered: 11/07/2007)
12/14/2007	<u>22</u>	Unopposed MOTION to Modify Scheduling Order by George S. May International Company, filed. Motion Docket Date 1/3/2008. (Attachments: # <u>1</u> Proposed Order)(Clifford, Dennis) (Entered: 12/14/2007)
12/19/2007	<u>24</u>	ORDER granting <u>22</u> Unopposed MOTION to Modify Scheduling Order, Joint Pretrial Order due no later than 30 days from the date that the Court rules on Defendant's motion for summary judgment. Pretrial Conference set for 2/7/2008 at 02:30 PM before Judge Ricardo H. Hinojosa.( Signed by Judge Ricardo H. Hinojosa ) Parties notified.(mzamarripa, ) (Entered: 12/26/2007)
12/21/2007	<u>23</u>	Sealed Event, filed. (With attachments) (Entered: 12/21/2007)
01/04/2008	<u>25</u>	REPLY to <u>23</u> Sealed Event, filed by Clive B. Hilgert. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> Exhibit C# <u>4</u> Exhibit D# <u>5</u> Exhibit D)(mzamarripa, ) (Entered: 01/08/2008)
01/22/2008	<u>26</u>	Sealed Event, filed. (Entered: 01/22/2008)
02/07/2008		Minute Entry for proceedings held before Judge Ricardo H. Hinojosa. HEARING held on 2/7/2008. Dennis Clifford for Defendant is present. Mr. Clive Hilgert is not present. The Court sets a Show Cause hearing for Mr. Hilgert for 3/7/2008 at 02:30 PM before Judge Ricardo H. Hinojosa at which time the Court will also take up the pending matters. Appearances:Dennis Clifford.(ERO:Tony Tijerina), filed.(smartinez, ) (Entered: 02/15/2008)
03/04/2008	<u>27</u>	Notice by Clive B. Hilgert: Correct address: 2500 N. 32nd St. Apt. 2, McAllen, TX 78501, filed.(mzamarripa, ) (Entered: 03/04/2008)
03/07/2008		Minute Entry for proceedings held before Judge Ricardo H. Hinojosa. MOTION HEARING held on 3/7/2008. Mr. Hilgert is also present proceeding pro se. *The Court addresses Mr. Hilgert and his failure to be present at the last hearing. Mr. Hilgert gives his explanation. After some discussion the Court will not impose a fine. The Court signs the Agreed Protective Order. Mr. Hilgert can supplement his response to the Motion for Summary Judgment by 4/25/08; Defense can file their reply by 5/9/08 and the Court will continue with this hearing on 5/15/2008 at 04:00 PM before Judge Ricardo H. Hinojosa Appearances: Dennis Alexander Clifford; Mr. Clive Hilgert, pro se(ERO:Tony Tijerina), filed.(smartinez, ) Modified on 3/12/2008 (smartinez, ). (Entered: 03/12/2008)
03/07/2008	<u>28</u>	AGREED PROTECTIVE ORDER ( Signed by Judge Ricardo H. Hinojosa ) Parties notified.(bgarces, ) (Entered: 03/12/2008)
04/24/2008	<u>29</u>	Supplemental Reply to Defedant's Motion for Summary Judgment filed by Clive B. Hilgert. (bgarces, ) (Entered: 04/24/2008)
05/09/2008	<u>30</u>	DOCUMENT INADVERTENTLY FILED/NOT FOR PUBLIC VIEWING: REPLY to Response to <u>23</u> Sealed Event, filed by George S. May International Company. (Clifford, Dennis) Modified on 5/9/2008 (bgarces, ). (Entered: 05/09/2008)

05/09/2008	<u>31</u>	Corrected REPLY to Response to <u>23</u> Sealed Event, filed by George S. May International Company. (Clifford, Dennis) (Entered: 05/09/2008)
05/15/2008		Minute Entry for proceedings held before Judge Ricardo H. Hinojosa. MOTION HEARING held on 5/15/2008. Mr. Hilbert is also present proceeding pro se. The Court addresses the Motion for Summary Judgment and the two remaining issues. The Court GRANTS the motion on the issue of intentional infliction of emotional distress. As to the issue of breach of contract, the Court instructs Mr. Hilbert that he needs to file some sworn statement that would contradict the facts presented by the Defense. Mr. Hilbert to file said statement by 6/16/08 and the Court will continue with this hearing via Telephone Conference on 7/2/2008 at 04:00 PM before Judge Ricardo H. Hinojosa Appearances: Dennis Alexander Clifford.(ERO:Tony Tijerina), filed.(smartinez, ) Modified on 6/12/2008 (smartinez, ).*hrg date corrected. (Parties notified) (Entered: 05/20/2008)
06/12/2008		ORAL ORDER Telephone Conference set for 7/2/2008 at 04:00 PM before Judge Ricardo H. Hinojosa. Parties notified.(smartinez, ) (Entered: 06/12/2008)
06/13/2008		Document(s) Sent by certified mail to Clive B. Hilbert; Tracking Number 7004 2510 0004 3293 8361 re: Oral Order: Telephone Conference set for 7/2/2008 at 04:00 PM before Judge Ricardo H. Hinojosa. (mzamarripa, ) (Entered: 06/13/2008)
06/13/2008	<u>32</u>	Supplemental Motion and REPLY to Defendant's Motion for Summary Judgment filed by Clive B. Hilbert. (Attachments: # <u>1</u> Continuation, # <u>2</u> Continuation)(bgarces, ) (Entered: 06/17/2008)
06/13/2008	<u>33</u>	MOTION for Reconsideration by Clive B. Hilbert, filed. Motion Docket Date 7/3/2008. (bgarces, ) (Entered: 06/17/2008)
06/27/2008	<u>34</u>	Second REPLY to Response to <u>33</u> MOTION for Reconsideration, <u>23</u> Sealed Event, filed by George S. May International Company. (Clifford, Dennis) (Entered: 06/27/2008)
06/30/2008		ORAL ORDER by Judge Ricardo H. Hinojosa: Telephone Conference reset for 7/17/2008 at 04:00 PM before Judge Ricardo H. Hinojosa. (previously set for 7/2/08) Parties notified. (Mr. Hilbert notified via voice message)(bgarces, ) (Entered: 06/30/2008)
07/10/2008	<u>35</u>	Plaintiff's Third Supplemental REPLY to Defendant's Responses to Plaintiff's Reply to Motion for Summary Judgment and Defendant's Reply to Plaintiff's Motion for Reconsideration, filed by Clive B. Hilbert. (mzamarripa, ) (Entered: 07/11/2008)
07/16/2008		ORAL ORDER by Judge Ricardo H. Hinojosa: ( Telephone Conference reset for 8/7/2008 at 02:30 PM before Judge Ricardo H. Hinojosa) Parties notified. Mr. Hilbert notified telephonically.(mzamarripa, ) (Entered: 07/16/2008)
07/17/2008		ORAL ORDER ( Telephone Conference set for 8/7/2008 at 04:00 PM before Judge Ricardo H. Hinojosa), (CHANGE ON TIME ONLY). Parties notified.(mzamarripa, ) (Entered: 07/17/2008)
07/22/2008	<u>36</u>	Certified Mail Receipt Returned as to Clive B. Hilbert re: 07/02/2008 hrg. notification., filed. (mzamarripa, ) (Entered: 07/22/2008)
07/22/2008	<u>37</u>	***Delivery Confirmation; delivery date(s) 07/19/2008 re: Notice of Electronic Filing of 08/07/2008 hearing, Certified Mail Receipt Returned as to Clive B. Hilbert, filed. (mzamarripa, ) (Entered: 07/22/2008)
08/07/2008		Minute Entry for proceedings held before Judge Ricardo H. Hinojosa. TELEPHONE CONFERENCE held on 8/7/2008. All parties present. (Mr. Clifford via telephonically). The Court DENIES the MOTION for Reconsideration. As to the Motion for Summary Judgment as to the issue of the contract, the Court instructs the parties to get together and go over the 12 entities as to which ones they did business with and which ones they did not. The Court sets a Telephone Conference for 9/25/2008 at 09:30 AM before Judge Ricardo H. Hinojosa). Appearances: Clive B. Hilbert pro se; Dennis Alexander Clifford.(ERO:Tony Tijerina), filed.(smartinez, ) (Entered: 08/18/2008)



09/16/2008	<u>38</u>	Plaintiff's Fourth REPLY to Defendant's Motion for Summary Judgment, filed by Clive B. Hilgert. (mzamarripa, ) (Entered: 09/16/2008)
09/16/2008	<u>39</u>	NOTICE of Error by Clive B. Hilgert, filed. (mzamarripa, ) (Entered: 09/16/2008)
09/25/2008		Minute Entry for proceedings held before Judge Ricardo H. Hinojosa. MOTION HEARING held on 9/25/2008. Mr. Clifford is attending telephonically and Mr. Hilgert is present in the courtroom. Parties indicate that nothing has been resolved. The Court addresses the only remaining issue of Deft.'s Motion for Summary Judgment. The Court makes its findings and will DENY the motion as to the 5 entities and will GRANT the motion as to all others. The Court sets this case for Final Pretrial Conference on 12/1/2008 at 09:30 AM before Judge Ricardo H. Hinojosa and Jury Selection set for 12/2/2008 at 09:30AM before Judge Ricardo H. Hinojosa Appearances: Dennis Alexander Clifford.(ERO:Tony Tijerina), filed.(smartinez, ) (Entered: 09/25/2008)
10/08/2008	<u>40</u>	MOTION Settlement Conference and Expedited Ruling by George S. May International Company, filed. Motion Docket Date 10/28/2008. (Attachments: # <u>1</u> Proposed Order)(Clifford, Dennis) (Entered: 10/08/2008)
10/14/2008	<u>41</u>	MOTION for Temporary Restraining Order by Clive B. Hilgert, filed. Motion Docket Date 11/3/2008. (Attachments: # <u>1</u> Proposed Order)(mzamarripa, ) (Entered: 10/14/2008)
10/14/2008	<u>42</u>	Plaintiff's MEMORANDUM of Law In Support re: <u>41</u> MOTION for Temporary Restraining Order by Clive B. Hilgert, filed.(mzamarripa, ) (Entered: 10/14/2008)
10/15/2008	<u>43</u>	Plaintiff's REPLY to <u>40</u> MOTION Settlement Conference and Expedited Ruling, filed by Clive B. Hilgert. (Attachments: # <u>1</u> Exhibit)(mzamarripa, ) (Entered: 10/15/2008)
10/29/2008	<u>44</u>	RESPONSE in Opposition to <u>41</u> MOTION for Temporary Restraining Order, filed by George S. May International Company. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Proposed Order)(Clifford, Dennis) (Entered: 10/29/2008)
11/07/2008	<u>45</u>	REPLY to Response to <u>41</u> MOTION for Temporary Restraining Order, filed by Clive B. Hilgert. (bgarces, ) (Entered: 11/21/2008)
11/26/2008	<u>46</u>	Proposed Pretrial Order by George S. May International Company, filed. (Attachments: # <u>1</u> Exhibit A through D)(Clifford, Dennis) (Entered: 11/26/2008)
11/26/2008	<u>47</u>	MOTION In Limine by George S. May International Company, filed. Motion Docket Date 12/16/2008. (Clifford, Dennis) (Entered: 11/26/2008)
11/26/2008	<u>48</u>	Proposed Joint Pretrial Order by Clive B. Hilgert, filed.(bgarces, ) (Entered: 11/26/2008)
11/26/2008	<u>49</u>	Exhibit List by Clive B. Hilgert, filed.(bgarces, ) (Entered: 11/26/2008)
11/26/2008	<u>50</u>	MOTION/APPLICATION to Proceed In Forma Pauperis by Clive B. Hilgert, filed. Motion Docket Date 12/16/2008. (bgarces, ) (Entered: 11/26/2008)
12/01/2008		Minute Entry for proceedings held before Judge Ricardo H. Hinojosa. PRETRIAL CONFERENCE held on 12/1/2008. All parties present. The Court notes that several motions have been filed since the last hearing. The Court will set a hearing date on the motions before proceeding to jury selection. Motion Hearing set for 12/12/2008 at 02:30 PM before Judge Ricardo H. Hinojosa Appearances: Dennis Alexander Clifford, Clive Hilgert pro se(ERO:Tony Tijerina), filed.(smartinez, ) (Entered: 12/02/2008)
12/05/2008	<u>51</u>	RESPONSE to <u>47</u> MOTION In Limine, filed by Clive B. Hilgert. (bgarces, ) (Entered: 12/18/2008)
12/12/2008		Minute Entry for proceedings held before Judge Ricardo H. Hinojosa. MOTION HEARING held on 12/12/2008. All parties present. Mr. Hilgert is proceeding pro se. The Court addresses the Motion for Temporary Restraining Order and DENIES same. (#41). As to the Motion in Limine, the Court will take up this motion at time of trial. The Court also DENIES the Plaintiff's Motion to Proceed In Forma

		Pauperis. As to the Motion for Settlement Conference – Mr. Hilgert states he is unopposed. The Court will refer this matter to Magistrate Judge Peter Ormsby. The parties will be notified of when this will be set up before Magistrate Judge Ormsby. Appearances: Clive Hilgert pro se, Dennis Alexander Clifford.(ERO:Tony Tijerina), filed.(smartinez, ) (Entered: 12/15/2008)
12/17/2008		NOTICE of Setting. Parties telephonically notified. Telephone Conference RE: Mediation scheduling set for 12/18/2008 at 04:00 PM before Magistrate Judge Peter E. Ormsby. Defense counsel to initiate call, filed. (ndavila, ) (Entered: 12/17/2008)
12/18/2008		Minute Entry for proceedings held before Magistrate Judge Peter E. Ormsby. TELEPHONE CONFERENCE (not recorded)re: Mediation scheduling held on *12/18/2008. Mediation set for 1/09/2009 at 10:00 A.M before Magistrate Judge Peter E. Ormsby. Appearances: Clive B. Hilgert, Plaintiff; Dennis Alexander Clifford f/Deft., filed.(caramirez, ) Modified on 1/12/2009 [*corrected hearing date] (ndavila, ). (Entered: 01/09/2009)
12/19/2008	<u>52</u>	ORDER SETTING MEDIATION. Mediation will be held before the undersigned on 1/09/2008 at 10:00 a.m.(Signed by Magistrate Judge Peter E. Ormsby) Parties notified.(mzamarripa, ) (Entered: 12/22/2008)
12/24/2008		Document(s) Sent by certified mail to Clive B. Hilgert; Tracking Number 7004 2510 0004 3293 9030 re: <u>52</u> Order, filed. (mzamarripa, ) (Entered: 12/24/2008)
12/31/2008	<u>53</u>	Certified Mail Receipt Returned as to Clive B. Hilgert, executed on 12/27/2008 re: Document Entry #52 sent., filed. (mzamarripa, ) (Entered: 01/07/2009)
01/09/2009		Minute Entry for proceedings held before Magistrate Judge Peter E. Ormsby. MEDIATION held on 1/9/2009. At the request of the parties and with the approval of the District Court, Magistrate Judge Ormsby conducted a mediation with the parties. No settlement was reached at this time. Appearances: Clive B. Hilgert, Plaintiff, Pro Se; Dennis Alexander Clifford, Defendant., filed.(caramirez, ) (Entered: 01/12/2009)
06/11/2009	<u>54</u>	NOTICE of Setting. Parties notified. Status Conference set for 8/6/2009 at 02:30 PM before Judge Ricardo H. Hinojosa, filed. (bgarces, ) (Entered: 06/12/2009)
07/21/2009	<u>55</u>	Unopposed MOTION to Consolidate Lead Case No. 7:07-cv-00094 and Member Case No. 7:09-cv-00154 by George S. May International Company, filed. Motion Docket Date 8/10/2009. (Attachments: # <u>1</u> Proposed Order)(Clifford, Dennis) (Entered: 07/21/2009)
08/06/2009		Minute Entry for proceedings held before Judge Ricardo H. Hinojosa. PRETRIAL CONFERENCE held on 8/6/2009. All parties present. The Court notes that a new case was filed by Mr. Hilgert (M-09-154) and a Motion to Consolidate the instant case with the new case was filed which the Court will grant. The Court will also DENY the Motion in Limine without prejudice to refileing. Mr. Clifford states he will be filing an answer and a rule 12b6/motion for summary judgment. If the Deft. will be filing such motion a hearing will be set for 10/9/09 at 2:30 p.m.Appearances:Clive Hilgert. Dennis Alexander Clifford.(ERO:Tony Tijerina), filed.(smartinez, ) (Entered: 08/09/2009)
08/06/2009		ORAL ORDER Motion Hearing set for 10/9/2009 at 02:30 PM before Judge Ricardo H. Hinojosa.(by Judge Ricardo H. Hinojosa) Parties notified.(smartinez, ) (Entered: 08/09/2009)
09/02/2009	<u>56</u>	MOTION to Dismiss <i>Per Rule 12(b)(6) and Motion for Summary Judgment</i> by George S. May International Company, filed. Motion Docket Date 9/25/2009. (Attachments: # <u>1</u> Exhibit A through D, # <u>2</u> Proposed Order)(Clifford, Dennis) (Entered: 09/02/2009)
09/22/2009	<u>57</u>	Plaintiff's Cross MOTION for Summary Judgment and Opposition to Defendant's Motion for Summary Judgment and Defendant's Rule 12(b)(6) motion. by Clive B. Hilgert, filed. Motion Docket Date 10/13/2009. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Proposed Order)(mzamarripa, ) (Entered: 09/24/2009)

10/05/2009	<u>58</u>	RESPONSE in Opposition to <u>57</u> MOTION for Summary Judgment, filed by George S. May International Company. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2 through 11, # <u>3</u> Proposed Order)(Clifford, Dennis) (Entered: 10/05/2009)
10/07/2009	<u>59</u>	ORDER TO CONSOLIDATE CASES; granting <u>55</u> Unopposed MOTION to Consolidate Lead Case No. 7:07-cv-00094 and Member Case No. 7:09-cv-00154.(Signed by Judge Ricardo H. Hinojosa) Parties notified.(bgarces, ) (Entered: 10/08/2009)
10/08/2009		Document(s) Sent by regular mail to Clive B. Hilgert re: <u>59</u> Order to Consolidate Cases (bgarces, ) (Entered: 10/08/2009)
10/09/2009		Minute Entry for proceedings held before Judge Ricardo H. Hinojosa. MOTION HEARING held on 10/9/2009. All parties present. The Court addresses Def't.'s Motion to Dismiss and/or Motion for Summary Judgment and makes the following rulings: the Court GRANTS the motion for summary judgment as to the Title VII Retaliation claim; as to the Sabine Pilot claim, which Def't. states he addressed this as public policy claim, the Plaintiff states he did not allege this claim therefore the Court will GRANT the motion as to this claim as well as to the hostile work environment claim. As to the issue of age discrimination claim, the Court will allow discovery only on this issue and this is to be completed by 11/23/09. If anything further will be filed on the age discrimination issue, it is to be filed by 11/30/09 and the Court will continue with this hearing on 12/10/2009 at 02:30 PM before Judge Ricardo H. Hinojosa Appearances:Clive Hilgert, Dennis Alexander Clifford.(ERO:Tony Tijerina), filed.(smartinez, ) (Entered: 10/20/2009)
10/19/2009	<u>60</u>	Plaintiff's MOTION to Reconsider the Court's Granting Summary Judgment by Clive B. Hilgert, filed. Motion Docket Date 11/9/2009. (mzamarripa, ) (Entered: 10/19/2009)
10/22/2009	<u>61</u>	RESPONSE in Opposition to <u>60</u> MOTION for Reconsideration, filed by George S. May International Company. (Attachments: # <u>1</u> Exhibit Tab 1, # <u>2</u> Proposed Order)(Clifford, Dennis) (Entered: 10/22/2009)
10/23/2009	<u>62</u>	NOTICE OF STARTING OF THE DISCOVERY PROCESS ON THE CLAIM OF AGE DISCRIMINATION by Clive B. Hilgert, filed. (mzamarripa, ) (Entered: 10/27/2009)
11/02/2009	<u>64</u>	PLAINTIFF'S MEMORANDUM OF LAW in Support re: <u>60</u> MOTION for Reconsideration by Clive B. Hilgert, filed.(szellers, ) (Entered: 11/06/2009)
11/05/2009	<u>63</u>	TRANSCRIPT re: Hearing on Motion to Dismiss and/or Motion for Summary Judgment held on 10/9/09 before Judge Ricardo H. Hinojosa. Court Reporter/Transcriber Exceptional Reporting. Release of Transcript Restriction set for 2/3/2010., filed. (thudson, ) (Entered: 11/05/2009)
11/05/2009	<u>65</u>	Notice of Filing of Official Transcript as to <u>63</u> Transcript,. Party notified, filed. (atijerina, ) (Entered: 11/10/2009)
11/30/2009	<u>66</u>	NOTICE by Clive B. Hilgert, filed. (bgarces, ) (Entered: 12/14/2009)
12/10/2009		Minute Entry for proceedings held before Chief Judge Ricardo H. Hinojosa. MOTION HEARING held on 12/10/2009. All parties present. The Court notes that Mr. Hilgert has filed his motion to reconsider. Mr. Hilgert announces that he also filed a notice with the Court on November 30 on the age discrimination issue and tenders his filed stamp copy to the Court. Arguments heard. Since the Court has not seen Mr. Hilgerts last filing, the Court needs time to review it more closely and will set this case up for a Telephone Conference for 2/5/2010 at 03:30 PM on the age discrimination issue and their motion for summary judgment. Mr. Hilgert will attend in person. Appearances:Clive B. Hilgert, pro se. Dennis Alexander Clifford.(ERO:Tony Tijerina), filed.(mzamarripa, ) (Entered: 12/18/2009)
12/24/2009		Document(s) Sent by regular mail to Clive B. Hilgert re: Telephonic Conference notice set for 2/5/2010 at 3:30 p.m. (mzamarripa, ) (Entered: 12/24/2009)
02/05/2010		Minute Entry for proceedings held before Chief Judge Ricardo H. Hinojosa. MOTION HEARING held on 2/5/2010. Mr. Clifford is attending telephonically. Mr. Hilgert, proceeding pro se, is present in the courtroom. Pending before the

		Court is Deft.'s Motion for Summary Judgment on the age discrimination issue. The Court has reviewed the filings and DENIES the motion on the age discrimination claim. The Court will issue a docket control order for 60 days. Appearances:Clive Hilgert, pro se; Dennis Alexander Clifford f/deft(ERO:Tony Tijerina), filed.(smartinez, ) (Entered: 02/16/2010)
02/07/2010	<u>67</u>	SCHEDULING ORDER. Joinder of Parties due by 4/16/2010 Discovery due by 4/6/2010; Motions for extension of time to complete discovery 3/7/2010; Dispositive Motion Filing due by 4/16/2010 Non-Dispositive Motion Filing due by 4/16/2010 Joint Pretrial Order due by 5/6/2010 Pretrial Conference set for 5/12/2010 at 02:30 PM before Chief Judge Ricardo H. Hinojosa.(Signed by Chief Judge Ricardo H. Hinojosa) Parties notified.(bgarces, ) (Entered: 02/08/2010)
02/08/2010		Document(s) Sent by regular mail to Clive B. Hilgert re: <u>67</u> Scheduling Order, (bgarces, ) (Entered: 02/08/2010)
04/06/2010	<u>68</u>	MOTION to Compel Production of Documents or in the alternative for an In Camera Inspection( Motion Docket Date 4/27/2010.) by Clive B. Hilgert, filed. (bgarces, ) (Entered: 04/06/2010)
04/16/2010	<u>69</u>	MOTION for Default Judgment against George S. May International Company by Clive B. Hilgert, filed. Motion Docket Date 5/7/2010. (bgarces, ) (Entered: 04/20/2010)
04/16/2010	<u>70</u>	AFFIDAVIT of Clive Hilgert in Support of Request for Entry of Default against George S. May International Company, filed.(bgarces, ) (Entered: 04/20/2010)
04/20/2010	<u>71</u>	ORDER striking <u>69</u> Motion for Default Judgment.(Signed by Chief Judge Ricardo H. Hinojosa) Parties notified.(bgarces, ) (Entered: 04/23/2010)
04/23/2010		Document(s) Sent by regular mail to Clive B. Hilgert re: <u>71</u> Order on Motion for Default Judgment (bgarces, ) (Entered: 04/23/2010)
04/23/2010	<u>72</u>	Opposed MOTION for Leave to File Defendant's Opposed Motion for Leave to File Answer to Plaintiff's June 4, 2009 Complaint by George S. May International Company, filed. Motion Docket Date 5/14/2010. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Proposed Order)(Collins, John) (Entered: 04/23/2010)
04/23/2010	<u>73</u>	RESPONSE to <u>68</u> MOTION to Compel Production of Documents MOTION For an In Camera Inspection filed by George S. May International Company. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Proposed Order)(Collins, John) (Entered: 04/23/2010)
04/30/2010	<u>74</u>	MOTION for Entry of Default against George S. May International Company by Clive B. Hilgert, filed. Motion Docket Date 5/21/2010. (bgarces, ) (Entered: 05/03/2010)
04/30/2010	<u>75</u>	AFFIDAVIT in Support of <u>74</u> MOTION for Entry of Default against George S. May International Company, filed.(bgarces, ) (Entered: 05/03/2010)
04/30/2010	<u>76</u>	MEMORANDUM in support of <u>74</u> MOTION for Entry of Default against George S. May International Company by Clive B. Hilgert, filed.(bgarces, ) (Entered: 05/03/2010)
05/06/2010	<u>77</u>	Amended Proposed Pretrial Order by George S. May International Company, filed. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D)(Collins, John) (Entered: 05/06/2010)
05/06/2010	<u>78</u>	MOTION In Limine <i>Defendant's First Amended Motion in Limine</i> by George S. May International Company, filed. Motion Docket Date 5/27/2010. (Collins, John) (Entered: 05/06/2010)
05/06/2010	<u>79</u>	Proposed Pretrial Order by Clive B. Hilgert, filed.(bgarces, ) (Entered: 05/07/2010)
05/10/2010	<u>80</u>	RESPONSE to <u>74</u> MOTION for Entry of Default against George S. May International Company <i>Defendant's Response to Plaintiff's Motion for Entry of Default and Default Judgment</i> , filed by George S. May International Company. (Attachments: # <u>1</u> Proposed Order)(Collins, John) (Entered: 05/10/2010)



05/12/2010		Minute Entry for proceedings held before Chief Judge Ricardo H. Hinojosa. PRETRIAL CONFERENCE held on 5/12/2010. All parties present. Mr. Hilgert advises the Court that he has not received the Motion for Leave to File Answer, the Response to the Motion to Compel or the Response to the Motion for Entry of Default nor the Motion in Limine. The Court DENIES the <u>78</u> MOTION In Limine without prejudice to re-urging before the start of the trial. The Court instructs Defense counsel to make sure Mr. Hilgert is served with copies of these documents. Mr. Shardonofsky also advises the Court that since Mr. Hilgert has named his son as a possible witness he would like to take the deposition of Mr. Hilgert's son. The Court will allow this and this is to be done within the next thirty days. The Court sets a Telephone Conference for 6/11/2010 at 02:30 PM before Chief Judge Ricardo H. Hinojosa. Mr. Hilgert will attend personally in the courtroom. The Court will initiate the call. Appearances: Steve Shardonofsky, Clive Hilgert.(ERO:Tony Tijerina), filed.(smartinez, ) (Entered: 05/24/2010)
05/28/2010	<u>81</u>	AFFIDAVIT by Clive B. Hilgert, filed.(bgarces, ) (Entered: 06/01/2010)
05/28/2010	<u>82</u>	NOTICE OF WITHDRAWAL OF WITNESS CLIVE B. HILGERT II by Clive B. Hilgert, filed. (mzamarripa, ) (Entered: 06/01/2010)
05/28/2010	<u>83</u>	Plaintiff's RESPONSE to <u>72</u> Opposed MOTION for Leave to File Defendant's Opposed Motion for Leave to File Answer to Plaintiff's June 4, 2009 Complaint filed by Clive B. Hilgert. (mzamarripa, ) (Entered: 06/01/2010)
05/28/2010	<u>84</u>	Plaintiff's RESPONSE to Defendant's Response to Plaintiff's Motion for Entry of Default and Default Judgment filed by Clive B. Hilgert. (mzamarripa, ) (Entered: 06/01/2010)
05/28/2010	<u>85</u>	Plaintiff's MOTION to Strike Defendant's Amended Proposed Pretrial Order with Prejudice by Clive B. Hilgert, filed. Motion Docket Date 6/18/2010. (mzamarripa, ) (Entered: 06/01/2010)
05/28/2010	<u>86</u>	MOTION to Strike with Prejudice Defendant's Response to Plaintiff's Motion to Compel, or in the alternative Plaintiff's Reply to said Response by Clive B. Hilgert, filed. Motion Docket Date 6/18/2010. (mzamarripa, ) (Entered: 06/01/2010)
06/10/2010		ORAL ORDER by Chief Judge Ricardo H. Hinojosa: Pretrial Conference reset for 7/20/2010 at 04:00 PM before Chief Judge Ricardo H. Hinojosa.(previously set for 6/11/10) Parties notified. (Plaintiff telephonically notified)(bgarces, ) (Entered: 06/10/2010)
07/07/2010		ORAL ORDER by Chief Judge Ricardo H. Hinojosa: Pretrial Conference reset for 7/20/2010 at 02:30 PM before Chief Judge Ricardo H. Hinojosa. (previously set for 4:00pm ) Parties notified (Plaintiff notified telephonically).(bgarces, ) (Entered: 07/07/2010)
07/20/2010		Minute Entry for proceedings held before Chief Judge Ricardo H. Hinojosa. PRETRIAL CONFERENCE held on 7/20/2010. All parties present. Mr. Hilgert is proceeding pro se. The Court grants the Motion for Leave to Amend Answer. The Court denies the Motion to Enter Default #74. As to Plt's Motion to Compel after some discussion the Court instructs Mr. Shardonofsky to provide the privileged e-mails under seal for the Court's review so that the Court can determine if any need to be turned over to Plaintiff. This is to be done within ten days from today. To this extent the Motion to Compel is granted otherwise it is denied. The Court finds that docket no. 85 – Motion to Strike Deft.'s Amended proposed pretrial order is MOOT as the Court needs a joint pretrial order to be filed and this is to be filed by 8/31/10. The Court sets a Pretrial Conference for 9/10/2010 at 02:30 PM before Chief Judge Ricardo H. Hinojosa Appearances: Clive Hilgert, Esteban Shardonofsky.(ERO:Tony Tijerina ((3:16–3:30), filed.(smartinez, ) (Entered: 07/26/2010)
07/21/2010	<u>87</u>	ANSWER to Complaint by George S. May International Company, filed.(Collins, John) (Entered: 07/21/2010)
08/04/2010	<u>88</u>	NOTICE <i>Regarding In Camera Inspection</i> by George S. May International Company, filed. (Collins, John) (Entered: 08/04/2010)

08/31/2010	<u>89</u>	Joint Proposed Pretrial Order by George S. May International Company, Clive B. Hilgert, filed. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G, # <u>8</u> Exhibit H)(Collins, John) (Entered: 08/31/2010)
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