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**U.S. District Court
DISTRICT OF ARIZONA (Phoenix Division)
CIVIL DOCKET FOR CASE #: 2:03-cv-01903-MHM**

EEOC v. Tucker Plumbing Inc
Assigned to: Judge Mary H Murguia
Demand: \$0

Cause: 42:1983 Civil Rights (Employment Discrimination)

Date Filed: 09/29/2003

Date Terminated: 11/29/2004

Jury Demand: Plaintiff

Nature of Suit: 440 Civil Rights: Other
Jurisdiction: U.S. Government Plaintiff

Plaintiff

**Equal Employment Opportunity
Commission**

represented by **C Emanuel Smith**

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Phoenix, AZ 85012-1848
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V.

Defendant**Tucker Plumbing Inc**

represented by **Carolann Elizabeth Cervetti**
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Darla J Smith
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TERMINATED: 07/15/2004
LEAD ATTORNEY
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Intervenor Plaintiff**Roger A Bittner**

represented by **Phillip Antonio Austin**
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V.

Intervenor Defendant**Tucker Plumbing Inc**
an Arizona corporation

represented by **Carolann Elizabeth Cervetti**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Darla J Smith
(See above for address)
TERMINATED: 07/15/2004
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text

09/29/2003	1	COMPLAINT FILED (MRB) (Entered: 09/30/2003)
10/07/2003	2	RETURN OF SERVICE EXECUTED summons/complaint upon dft Tucker Plumbing Inc by service upon Pauly Mousel, Office Manager, in Phoenix, AZ on 10/2/03 (LAD) (Entered: 10/08/2003)
10/20/2003	3	CORPORATE DISCLOSURE STATEMENT by dft Tucker Plumbing Inc (LAD) (Entered: 10/22/2003)
10/20/2003	4	ANSWER to complaint [1-1] by dft Tucker Plumbing Inc (LAD) (Entered: 10/22/2003)
10/24/2003	5	ORDER by Judge Mary H. Murguia scheduling conf set for 4:30 1/12/04 ; counsel who will be responsible for trial shall personally appear and participate in the scheduling conference if they office in Maricopa County; FURTHER ORDRED that the Clerk of Court send copies of this order to all counsel of record and to all parties if any appearing in propria persona (cc: all counsel) (LAD) (Entered: 10/24/2003)
10/24/2003	6	MOTION to intervene as intervening pla by Roger Bittner [6-1] (UNSIGNED proposed complaint attached) (LAD) Modified on 10/29/2003 (Entered: 10/29/2003)
11/06/2003	7	RESPONSE by dft to motion to intervene as intervening pla by Roger Bittner [6-1] (UNSIGNED proposed complaint attached) (DMT) (Entered: 11/07/2003)
11/17/2003	8	REPLY by intervenor-plaintiff Roger Bittner to response to motion to intervene as intervening pla by Roger Bittner [6-1] (UNSIGNED proposed complaint attached) (DMT) (Entered: 11/21/2003)
12/30/2003	9	JOINT PROPOSED CASE MGT PLAN/REPORT: discovery cutoff 10/8/04; dispositive motions filing ddl is 11/30/04 (LAD) (Entered: 01/07/2004)
01/05/2004	10	NUMBER NOT USED (LAD) Modified on 02/25/2004 (Entered: 01/09/2004)
01/12/2004	11	MINUTE ORDER prel scheduling conf set for 1/12/04 is vacated and reset to 4:00 p.m.,1/27/04 (cc: all counsel) [11] (former emp) (Entered: 01/12/2004)
01/14/2004	12	NOTICE of compliance of initial disclosure statement pursuant to FRCivP 26(a) by dft Tucker Plumbing Inc (LAD) (Entered: 01/16/2004)
01/16/2004	13	NOTICE of compliance of initial disclosure statement pursuant to FRCivP 26(a) by pla EEOC (LAD) (Entered: 01/21/2004)
01/27/2004	14	MINUTE ENTRY before Judge Mary H. Murguia . Crt Rptr: Marilyn Sanchez. Present: Katherine Kruse for pla; Darla Smith and Charles CHester for dft; Phillip Austin for intpla. ORDERED granting motion to intervene as intervening pla by Roger Bittner [6]; intpla to file and serve complaint in 20 days; dft to answer or otherwise respond in 20 days. Prel scheduling conf held; court approves case mgmt plan; pla counsel to

		submit order. ORDERED setting status hearing re settlement status for 3:30 p.m., 8/16/04 [cc: all cns] [14] (former emp) (Entered: 01/28/2004)
01/28/2004	15	INTERVENING PLA'S COMPLAINT FILED (LAD) (Entered: 01/29/2004)
01/28/2004	15	DEMAND for jury trial by intervenor-plaintiff Roger Bittner (LAD) (Entered: 01/29/2004)
01/30/2004	16	AMENDED INTERVENING COMPLAINT by intervening pla Roger A Bittner; jury demand (LAD) (Entered: 02/04/2004)
01/30/2004	17	NOTICE by pla EEOC of lodging proposed scheduling order (LAD) (Entered: 02/04/2004)
02/02/2004	18	NOTICE of service of discovery by pla EEOC (LAD) (Entered: 02/04/2004)
02/04/2004	19	ORDER by Judge Mary H. Murguia granting motion to intervene as intervening pla by Roger Bittner [6-1] (UNSIGNED proposed complaint attached); FURTHER ORDERED intervening pla Roger A Bittner shall file and serve his complaint in intervention within 20 days of the Court's ruling on 1/27/04; FURTHER ORDERED that dft shall answer or otherwise respond within 20 days of the service of the complaint in intervention (cc: all counsel) (LAD) (Entered: 02/04/2004)
02/04/2004	20	SCHEDULING ORDER by Judge Mary H. Murguia ; discovery due 10/8/04 ; dispositive motions due 11/30/04 (cc: all counsel) re: order (scheduling) [20-1] (LAD) (Entered: 02/04/2004)
02/04/2004	21	NOTICE by dft Tucker Plumbing Inc OF TAKING DEPO OF Custodian of Records, Social Security Administration, on the following date(s): 2/23/04 at 1 pm (LAD) (Entered: 02/09/2004)
02/09/2004	22	NOTICE of Service of Initial Disclosure Statement pursuant to FRCivP 26(a) by intervenor-plaintiff Roger A Bittner (SAT) (Entered: 02/11/2004)
02/13/2004	23	ANSWER to Amended Intervening Plaintiff's Complaint [16-1] by dft Tucker Plumbing Inc (SAT) (Entered: 02/20/2004)
03/11/2004	24	NOTICE of service of discovery by pla EEOC (LAD) (Entered: 03/12/2004)
03/29/2004	25	STIPULATION to extend dft's deadline to respond to pla EEOC's 1st request for production of documents (until 4/26/04) by pla EEOC, dft Tucker Plumbing Inc (LAD) (Entered: 03/30/2004)
04/02/2004	26	ORDER by Judge Mary H. Murguia granting stipulation to extend dft's deadline to respond to pla EEOC's 1st request for production of documents (until 4/26/04) by pla EEOC, dft Tucker Plumbing Inc (cc: all counsel) (LAD) (Entered: 04/02/2004)
04/22/2004	27	NOTICE of service of discovery by dft Tucker Plumbing Inc (LAD) (Entered: 04/26/2004)

05/04/2004	28	NOTICE of service of discovery by dft Tucker Plumbing Inc (LAD) (Entered: 05/06/2004)
05/21/2004	29	NOTICE of service of discovery by pla EEOC (LAD) (Entered: 05/24/2004)
06/04/2004	30	STIPULATION to extend deadline to respond to dft's discovery requests (to 6/11/04) by pla EEOC, dft Tucker Plumbing Inc, intervenor-plaintiff Roger A Bittner (no proposed documents) and STIPULATION to extend status hearing date (to 9/13/04) by pla EEOC, dft Tucker Plumbing Inc, intervenor-plaintiff Roger A Bittner (LAD) (Entered: 06/07/2004)
06/16/2004	31	NOTICE of service of discovery by intervenor-plaintiff Roger A Bittner (LAD) (Entered: 06/17/2004)
06/16/2004	32	NOTICE of service of discovery by intervenor-plaintiff Roger A Bittner (LAD) (Entered: 06/17/2004)
06/16/2004	33	NOTICE of service of discovery by pla EEOC (LAD) (Entered: 06/17/2004)
06/18/2004	34	ORDER by Judge Mary H. Murguia granting stipulation to extend deadline to respond to dft's discovery requests (to 6/11/04) by pla EEOC, dft Tucker Plumbing Inc, intervenor-plaintiff Roger A Bittner (no proposed documents), granting stipulation to extend status hearing date (to 9/13/04) by pla EEOC, dft Tucker Plumbing Inc, intervenor-plaintiff Roger A Bittner status hearing reset for 3:00 9/13/04 (cc: all counsel) (LAD) (Entered: 06/18/2004)
06/22/2004	35	STIPULATION to extend dft's deadline to respond to 1st set of interrogatories and 2nd request for production of documents by pla EEOC, dft Tucker Plumbing Inc (LAD) (Entered: 06/24/2004)
06/25/2004	36	ORDER by Judge Mary H. Murguia granting stipulation to extend dft's deadline to respond to 1st set of interrogatories and 2nd request for production of documents by pla EEOC, dft Tucker Plumbing Inc; the deadline is extended through and including 7/1/04 (cc: all counsel) (LAD) (Entered: 06/25/2004)
06/28/2004	37	NOTICE of service of discovery by pla EEOC (LAD) (Entered: 06/29/2004)
07/01/2004	38	NOTICE of service of discovery by dft Tucker Plumbing Inc (LAD) (Entered: 07/02/2004)
07/07/2004	39	NOTICE of service of discovery by dft Tucker Plumbing Inc . (LAD) (Entered: 07/08/2004)
07/09/2004	40	STIPULATION to extend deadlines (re expert witnesses, reports, discovery and dispositive motions) by pla EEOC, dft Tucker Plumbing Inc, intervenor-plaintiff Roger A Bittner (LAD) (Entered: 07/12/2004)
07/15/2004	41	ATTORNEY SUBSTITUTION: terminating attorney Darla J Smith for Tucker Plumbing Inc, attorney Darla J Smith for Tucker Plumbing Inc;

		Carolann E Cervetti and Andrea G Lisenbee will be continuing in representation (LAD) (Entered: 07/16/2004)
07/19/2004	42	NOTICE of service of discovery by dft Tucker Plumbing Inc (LAD) (Entered: 07/20/2004)
07/30/2004	43	MINUTE ORDER Pursuant to request of parties, status hearing set for 9/13/04 is vacated. (cc: all counsel) [43] (former emp) (Entered: 07/30/2004)
07/30/2004	44	SCHEDULING ORDER by Judge Mary H. Murguia; discovery reset to 12/3/04; dispositive motions reset to 1/14/05; deadline for stip to extend deadlines for pla and pla intervensor to disclose expert witnesses and reports no later than 9/3/04; FURTHER ORDERED that the deadline for dft to disclose its expert witnesses and reports no later than 10/1/04, that rebuttal experts be disclosed no later than 11/5/04; granting stipulation to extend deadlines (re expert witnesses, reports, discovery and dispositive motions) by pla EEOC, Tucker Plumbing Inc, intervenor-plaintiff Roger A Bittner (cc: all counsel) (LAD) (Entered: 07/30/2004)
08/23/2004	45	MINUTE ORDER IT IS ORDERED referring this matter to a Magistrate Judge for the purpose of a settlement conference. The Clerk by random lot draws and assigns this case to Mag/Judge David K. Duncan; that court to set date and time of conference. (cc: all counsel) [45] re: order (minute) [45-1] (former emp) (Entered: 08/23/2004)
08/30/2004	46	NOTICE of service of discovery by dft Tucker Plumbing Inc . (LAD) (Entered: 09/01/2004)
09/03/2004	47	STIPULATION to extend deadlines by pla EEOC, dft Tucker Plumbing Inc, intervenor-plaintiff Roger A Bittner (LAD) (Entered: 09/09/2004)
09/09/2004	48	SCHEDULING ORDER by Judge Mary H. Murguia; discovery ddl reset to 2/4/05; dispositive motions ddl reset to 3/4/05 granting stipulation to extend deadlines by pla EEOC, dft Tucker Plumbing Inc, intervenor-plaintiff Roger A Bittner (cc: all counsel) (LAD) (Entered: 09/09/2004)
09/13/2004	49	ORDER by Magistrate Judge David K. Duncan settlement conference set for 9:00 11/3/04 , before Magistrate Judge David K. Duncan ; the parties shall exchange written correspondence regarding settlement; pla's demand shall be delivered to defense counsel, the insurers' and corporate representatives not less than 30 days before the settlement conference memoranda are due; dfts' responses to the demand shall be delivered to pla's counsel not less than 14 days before the settlement conference memoranda are due; all settlement conference memoranda are to be exchanged between counsel no later than 5 business days prior to the settlement conference; each party shall provide the Court with that party's settlement conference memorandum at least 5 business days before the settlement conference; the settlement conference memoranda shall NOT be filed with the Clerk; if the settlement conference is held, the Court will assume that the parties have agreed to separate meetings (caucuses) with the settlement judge; objection is filed not less than 3 business days before the settlement conference; counsel and any party, if unrepresented

		by counsel, shall notify the Court in writing at least 10 business days before the settlement conference if an attorney or unrepresented party believes that the settlement conference would be a futile act (cc: all counsel/MHM) (LAD) (Entered: 09/13/2004)
11/03/2004	50	MINUTE ENTRY before Magistrate Judge David K. Duncan settlement conference held ; final settlement agreement to be prepared by parties and all parties agree to be bound by the terms of the agreement as indicated on the record; consent decree to be submitted to Judge Murguia within 1 week from today's date [50-2] (LAD) (Entered: 11/04/2004)
11/03/2004	51	NOTICE of service of discovery by pla EEOC . (LAD) (Entered: 11/04/2004)
11/10/2004	52	JOINT MOTION for entry of consent decree by pla EEOC, dft Tucker Plumbing Inc, intervenor-plaintiff Roger A Bittner [52-1] (LAD) (Entered: 11/16/2004)
11/29/2004	53	CONSENT JUDGMENT by Judge Mary H. Murguia : granting motion for entry of consent decree by pla EEOC, dft Tucker Plumbing Inc, intervenor-plaintiff Roger A Bittner [52-1] to dismiss case ; judgment is entered in favor of the Commission for the agreed settlement amount of \$112,500; within 20 days of the effective date of this decree (ie the date it is filed by the Court), the company shall expunge from the personnel file of Mr Bittner all documents containing any reference to the charge of discrimination filed by Mr Bittner against the company; once a year for 3 yrs from the effective date of this decree, the company shall retain a trainer who shall train all company employees including managers, officers and directors, on disability discrimination and retaliation; each party shall bear its own costs and attorneys' fees incurred as a result of this action through the filing of this decree; absent extension, this decree shall expire by its own terms at the end of the 36 mo after its entry without further notice by the parties (cc: all counsel/jgm drawer) (LAD) (Entered: 11/29/2004)
12/30/2004	54	STIPULATION For Dismissal With Prejudice by pla EEOC, and dft Tucker Plumbing Inc (KMG) (Entered: 01/06/2005)
01/07/2005	55	ORDER by Judge Mary H. Murguia granting stipulation For Dismissal With Prejudice by pla EEOC, and dft Tucker Plumbing Inc, each party to bear his or its own costs and attorney's fees (cc: all counsel/order book) (LAD) (Entered: 01/07/2005)

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