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US Court of Appeals for the Fifth Circuit

Court of Appeals Docket #: 03-20292

Filed: 3/19/03

Nsuit: 1442 Civil Rights: Jobs

EEOC v. Dunbar Diagnostic, et al

Appeal from: Southern District of Texas, Houston

Lower court information:

District: 0541-4 : H-02-CV-555

Trial Judge: Lynn N Hughes, US District Judge

Court Reporter: Anita G Manley, US Court Reporter

Date Filed: 2/13/02

Date order/judgment: 1/13/03

Date NOA filed: 3/10/03

Fee status: United States Appeal

Prior cases:

None

Current cases:

	Lead	Member	Start	End
Consolidated:				
	03-20292	03-20500	5/27/03	
Related:				
	03-20292	03-20500	5/19/03	5/27/03

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EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION

Plaintiff - Appellant

John Foster Suhre
FAX 202-663-7090
202-663-4716
Room 7040
[COR LD NTC gvt]
Equal Employment Opportunity
Commission
1801 L Street NW
Washington, DC 20507

v.

DUNBAR DIAGNOSTIC SERVICES INC
Defendant - Appellee

Stewart Edmond Hoffer
FAX 713-651-0776
713-651-0773
Suite 2200
[COR LD NTC ret]
Schmidt & Hoffer
1111 Bagby
Houston, TX 77002-2553

VILLAGE ULTRASOUND CLINIC INC
Defendant - Appellee

Stewart Edmond Hoffer
(See above)
[NTC ret]

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consolidated with
03-20500

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Plaintiff - Appellant

v.

DUNBAR DIAGNOSTIC SERVICES INC; VILLAGE ULTRASOUND CLINIC INC

Defendants - Appellees

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3/19/03 Civil rights case docketed. NOA filed by Appellant EEOC. [03-20292] (rjd) [03-20292]

3/21/03 Notice received from Appellant EEOC that transcript is unnecessary, as it is already on file. [03-20292] Transcript Order ddl satisfied. ROA due on 4/7/03. (cac) [03-20292]

3/27/03 Appearance form filed by Stewart Edmond Hoffer for Appellee Dunbar Diagnostic. [03-20292] (sdh) [03-20292]

3/31/03 Appearance form filed by John Foster Suhre for Appellant EEOC. [03-20292] (sdh) [03-20292]

4/4/03 Transcript of the 1/7/03 - 1/10/03 trial was filed in district court by Court Reporter Anita Manley on 4/2/03. [03-20292] ROA due on 4/17/03. (cac) [03-20292]

4/25/03 Record on appeal filed. Vol(s) of Pleadings: 10 Vol(s) of Transcripts: 6. [03-20292] ROA ddl satisfied. (ALSO FILED IN CASE 03-20500). (ddv) [03-20292]

4/30/03 Briefing notice issued. [03-20292] A/Pet's Brief due on 6/9/03 for EEOC. (ddv) [03-20292]

5/27/03 Unopposed motion filed by Appellant EEOC to consolidate case 03-20292 with 03-20500 for purposes of briefing. [4203289-1] Date of COS: 5/20/03 Sufficient [Y/N]: y [03-20292] (sdh) [03-20292]

5/27/03 CLERK Order filed granting appellant's unopposed motion to consolidate case [4203289-1] Copies to all counsel. [03-20292] (jtr) [03-20292]

5/27/03 Briefing notice dated 4/30/03 suspended. [03-20292] A/Pet's Brief ddl canceled. (jtr) [03-20292]

6/11/03 Transcript filed in district court by Court Reporter Tape - SR in 03-20500 on 6/5/03. [03-20500, 03-20292] Transcript ddl satisfied. Ct. Reporter Discount Date canceled. ROA due on 6/20/03 in 03-20500. (cac) [03-20292 03-20500]

6/26/03 Supplemental record on appeal filed. Supplement #: 1 Vol(s) of Pleadings: 1 Vol(s) of Transcripts: 1 [03-20292, 03-20500] ROA ddl satisfied. (cpd) [03-20292 03-20500]

7/2/03 Briefing notice resumed. [03-20292] A/Pet's Brief due on 8/11/03 for EEOC. (cac) [03-20292]

7/25/03 Letter filed by Appellant EEOC in 03-20292, Appellant EEOC in 03-20500 advising that the appeal is against Village Ultrasound Clinic Inc as well as Dunbar Diagnostics Svcs. (SEND TO COURT) [4261936-1] [03-20292, 03-20500] (cac) [03-20292 03-20500]

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8/14/03 Appellant's Brief filed by Appellant EEOC in 03-20292, Appellant EEOC in 03-20500. Copies of Brief: 7 # of pages: 40 Word count: 9,203 Date of COS: 8/8/03 Hand Delivered [Y/N]: N Disk Provided [Y/N]: Y Sufficient [Y/N]: Y. [4282741-1] [03-20292, 03-20500] A/Pet's Brief ddl satisfied. E/Res's Brief due on 9/15/03 for Village Ultrasound in 03-20292, for Dunbar Diagnostic in 03-20292, for Village Ultrasound in 03-20500, for Dunbar Diagnostic in 03-20500. (mts) [03-20292 03-20500]

8/14/03 Record excerpts filed by Appellant EEOC in 03-20292, Appellant EEOC in 03-20500 # of copies: 4 Sufficient [Y/N]: Y. [03-20292, 03-20500] (mts) [03-20292 03-20500]

8/14/03 The attorney Timothy M Bowne for EEOC in 03-20292 not participating in case. [03-20292, 03-20500] (mts) [03-20292 03-20500]

9/11/03 Appellee's Brief filed by Appellee Dunbar Diagnostic in 03-20292, Appellee Village Ultrasound in 03-20292, Appellee Dunbar Diagnostic in 03-20500, Appellee Village Ultrasound in 03-20500. Copies of Brief: 7 # of pages: 52 Word count: 13,427 Date of COS: 9/10/03 Hand Delivered [Y/N]: N Disk Provided [Y/N]: Y Sufficient [Y/N]: Y. [4610624-1] [03-20292, 03-20500] E/Res's Brief ddl satisfied. Reply Brief due on 9/25/03 for EEOC in 03-20292, for EEOC in 03-20500. (mts) [03-20292 03-20500]

9/11/03 Record excerpts filed by Appellee Dunbar Diagnostic in 03-20292, Appellee Village Ultrasound in 03-20292, Appellee Dunbar Diagnostic in 03-20500, Appellee Village Ultrasound in 03-20500 # of copies: 4 Sufficient [Y/N]: N OPTIONAL CONTENTS EXCEED 40 PAGES. [03-20292, 03-20500] Sufficient Record Excerpts due on 9/26/03 for Village Ultrasound in 03-20292, for Dunbar Diagnostic in 03-20292, for Village Ultrasound in 03-20500, for Dunbar Diagnostic in 03-20500. (mts) [03-20292 03-20500]

9/22/03 Joint and agreed motion filed by parties to supplement the record on appeal with all trial exhibits contained in appellant's and appellees' record excerpts [4616468-1], to file appellees' record excerpts in excess pages [4616468-2], to supplement the record on appeal with all exhibits admitted at trial. [4616468-3] Sufficient [Y/N]: Y. [03-20500, 03-20292] (jmw) [03-20292 03-20500]

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9/24/03 CLERK Order filed granting joint and agreed motion of parties to supplement the record with all trial exhibits contained in Appellant's and Appellees' record excerpts [4616468-1] in 03-20292, 03-20500, granting motion to file Appellees' Record Excerpts in excess of optional contents page limit. [4616468-2] The clerk is granting your

unopposed motion for the Court subject to possible reconsideration by the merit panel at a later date. (SEND MOTION, LETTER, AND EXCERPTS TO SCREENING JUDGE AND PANEL) in 03-20292, 03-20500, mooted motion to supplement the record with all exhibits admitted at trial [4616468-3] in 03-20292, 03-20500 Copies to all counsel. [03-20292, 03-20500] (jtt) [03-20292 03-20500]

9/24/03 Record on appeal filed. Exhibits: 1 env. [03-20292, 03-20500] (mts) [03-20292 03-20500]

9/24/03 Record Excerpts made sufficient by Appellee Dunbar Diagnostic in 03-20292, Appellee Village Ultrasound in 03-20292, Appellee Dunbar Diagnostic in 03-20500, Appellee Village Ultrasound in 03-20500 [03-20292, 03-20500] Sufficient Record Excerpts ddl satisfied. (jtt) [03-20292 03-20500]

9/29/03 Unopposed motion filed by Appellant EEOC in 03-20292, Appellant EEOC in 03-20500 to extend time to file reply brief until 10/7/03 [4622852-1] Date of COS: 9/23/03 Sufficient [Y/N]: y [03-20292, 03-20500] (sdh) [03-20292 03-20500]

9/29/03 CLERK Order filed granting appellant's unopposed motion to extend time to file Reply Brief [4622852-1] Reply Brief ddl updated to 10/7/03 for EEOC in 03-20292, for EEOC in 03-20500. Copies to all counsel. [03-20292, 03-20500] (sdh) [03-20292 03-20500]

10/13/03 Reply brief filed by Appellant EEOC in 03-20292, Appellant EEOC in 03-20500. Copies of Brief: 7 # of pages: 26 Word count: 5,667 Date of COS: 10/7/03 Disk Provided [Y/N]: Y Sufficient [Y/N]: Y. [4635624-1] [03-20292, 03-20500] Reply Brief ddl satisfied. (mts) [03-20292 03-20500]

10/17/03 The attorney Timothy M Bowne for EEOC in 03-20500 not participating in case. [03-20500] (cb) [03-20500]

11/13/03 Case tentatively calendared for oral argument Week of: 01/05/04. [03-20292, 03-20500] (vlb) [03-20292 03-20500]

11/20/03 Case calendared for oral argument. [03-20292, 03-20500] (sme) [03-20292 03-20500]

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1/5/04 Oral argument heard. Case argued by Stewart Edmond Hoffer for Appellee Village Ultrasound, Appellee Dunbar Diagnostic in 03-20292, John Foster Suhre for Appellant EEOC in 03-20292 [03-20292, 03-20500] (sme) [03-20292 03-20500]

2/19/04 Opinion filed. Mandate pull date is 4/12/04 in 03-20292, in 03-20500. [03-20292, 03-20500] (kgc) [03-20292 03-20500]

2/19/04 Judgment entered and filed. [03-20292, 03-20500] (kgc) [03-20292 03-20500]

2/19/04 Costs taxed against appellees. Copies to counsel. [4756657-1] [03-20292, 03-20500] (kgc) [03-20292 03-20500]

3/4/04 Motion filed by Appellant EEOC in 03-20292, Appellant EEOC in 03-20500 to publish opinion [4769321-1] Date of COS: 3/1/04 [03-20292, 03-20500] (jma) [03-20292 03-20500]

3/8/04 Untimely bill of costs received from Appellant EEOC in

03-20292, Appellant EEOC in 03-20500 [4771697-1]. (also insufficient as it is not signed by attorney of record) [03-20292, 03-20500] (rjd) [03-20292 03-20500]

3/29/04 Motion filed by Appellant EEOC in 03-20292, Appellant EEOC in 03-20500 to file bill of cost out of time [4791028-1] Response/Opposition due on 4/5/04 in 03-20292, in 03-20500. Date of COS: 3/23/04. Sufficient [Y/N]: Y [03-20292, 03-20500] (cb) [03-20292 03-20500]

4/6/04 CLERK Order filed granting appellant's motion to file Bill of Costs out of time [4791028-1] in 03-20292, 03-20500 Copies to all counsel. [03-20292, 03-20500] (rjd) [03-20292 03-20500]

4/6/04 Insufficient bill of costs filed by Appellant EEOC in 03-20292, Appellant EEOC in 03-20500. (Insufficiency: not signed by attorney of record) [03-20292, 03-20500] Bill of Costs Follow-up due on 4/13/04 for EEOC in 03-20292, for EEOC in 03-20500. (rjd) [03-20292 03-20500]

4/13/04 Mandate issued. Approved BOC Issued (Y/N)?: n [03-20292, 03-20500] Mandate pull date satisfied. (rf) [03-20292 03-20500]

4/13/04 Record on appeal returned to USDC. Volumes: 16 Supplemental Volumes: 2 Exhibits: 1 env. [03-20292, 03-20500] (rf) [03-20292 03-20500]

4/26/04 Bill of Costs made sufficient by Appellant EEOC in 03-20292, Appellant EEOC in 03-20500. How?: signed by atty of record. [03-20292, 03-20500] (rjd) [03-20292 03-20500]

5/24/04 Approved bill of costs issued to USDC. Copies to all counsel. [03-20292, 03-20500] (rjd) [03-20292 03-20500]

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PACER Service Center			
Transaction Receipt			
05/30/2007 09:49:34			
PACER Login:	hs0328	Client Code:	eeoc
Description:	dkt report	Case Number:	03-20292
Billable Pages:	8	Cost:	0.64

Note: The 'as of' date shown is the date of the last public or private docket entry. The docket does, however, show all entries as of today's date.