

15, CLOSED, REFER

U.S. District Court
United States District Court for the Central District of Illinois (Peoria)
CIVIL DOCKET FOR CASE #: 1:01-cv-01425-JBM-JAG

Equal Employment Opp v. International Pro, et al
Assigned to: Chief Judge Joe Billy McDade
Referred to: Mag. Judge John A. Gorman
Demand: \$0
Case in other court: NDIL, 01-04428
Cause: 42:2000 Job Discrimination (Sex)

Date Filed: 10/26/2001
Date Terminated: 05/19/2003
Jury Demand: Both
Nature of Suit: 442 Civil Rights: Jobs
Jurisdiction: U.S. Government Plaintiff

Plaintiff

Equal Employment Opp

represented by **Diane I Smason**

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TERMINATED: 09/23/2002

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Defendant

Gary M Dickhaus

TERMINATED: 09/23/2002

Date Filed	#	Docket Text
06/12/2001	1	COMPLAINT (summons(es) issued) case referred to Mag. Judge John A. Gorman (CAD, ilcd) (Entered: 10/26/2001)
08/13/2001	8	ANSWER TO COMPLAINT by defendant Arnold & Sons Plumb; jury demand (CAD, ilcd) (Entered: 10/26/2001)
08/14/2001	11	ANSWER/AFFIRMATIVE DEFENSES by defendant International Pro; jury demand (CAD, ilcd) (Entered: 10/26/2001)
08/16/2001	15	FIRST AMENDED COMPLAINT by plaintiff Equal Employment Opp; jury demand [1-1] (CAD, ilcd) (Entered: 10/26/2001)

10/26/2001	20	ORIGINAL FILE, certified copy of transfer order, and docket sheet received from NDIL; documents 1 through 19 received; letter mailed to all counsel advising of new case number in the Peoria Division is 01-1425. Case referred to Mag. Judge John A. Gorman. (CAD, ilcd) (Entered: 10/26/2001)
10/26/2001	21	LETTER to all counsel advising of new case number in Peoria Division 01-1425. (CAD, ilcd) (Entered: 10/26/2001)
10/29/2001		MINUTE-ENTRY: by Mag. Judge John A. Gorman: Initial pretrial/ Rule 16 conference set at 10:00 a.m. on Tuesday, 11/27/01 in person. Rule 16 notice enclosed. Plaintiff to notify the defendant of hearing. (cc: all counsel) (CAD, ilcd) (Entered: 10/29/2001)
11/05/2001	22	AGREED MOTION by plaintiff, intervenor-plaintiff, defendants for protective order (CL, ilcd) (Entered: 11/06/2001)
11/05/2001	23	STIPULATED PROTECTIVE ORDER by Mag. Judge John A. Gorman : granting motion for protective order [22-1]. (cc: all counsel) (CL, ilcd) (Entered: 11/06/2001)
11/14/2001		MINUTE-ENTRY: by Mag. Judge John A. Gorman: At the request of all parties the Rule 16 conference previously set at 10:00 a.m. on 11/27/01 is reset to 1:30 p.m. on Thursday, 12/6/01 by phone. Court to set up the call. (cc: all counsel) (CAD, ilcd) (Entered: 11/14/2001)
11/16/2001	24	MOTION by plaintiff Equal Employment Opp to compel (CAD, ilcd) (Entered: 11/16/2001)
12/03/2001	26	RESPONSE by defendant Arnold & Sons Plumb to EEOC'S motion to compel [24-1] (CAD, ilcd) (Entered: 12/05/2001)
12/04/2001	25	NOTICE of service of discovery documents by defendant Arnold & Sons Plumb (HK, ilcd) (Entered: 12/05/2001)
12/05/2001	27	PROPOSED SCHEDULING ORDER AND DISCOVERY PLAN filed by plaintiff Equal Employment Opp, intervenor-plaintiff Lynn Zachman, defendants International Pro, Arnold & Sons Plumb (CAD, ilcd) (Entered: 12/06/2001)
12/06/2001		MINUTE-ENTRY: by Mag. Judge John A. Gorman. Attys Smason and Szromba/Ryan/Smith/Cherry for Rule 16 hearing at 1:30 on Thursday, 12/6/01. Discussion held re: motion to compel #24. Motion to compel #24 is moot. Case set for discovery ddl 8/12/02, motion filing ddl 9/16/02, final pretrial conference at 2:30 on Thursday, 12/19/02 (meet with the law clerk at 1:30 for jury instruction conferene); jury trial set for 9:00 on 1/13/03 both in person in Peoria before Chief Judge McDade. Proposed discovery plan approved with changes. (cc: all counsel) (KB, ilcd) Modified on 12/07/2001 (Entered: 12/07/2001)
12/12/2001	28	MOTION by defendant International Pro for summary judgment (CAD, ilcd) (Entered: 12/14/2001)
12/17/2001	29	MOTION by defendant Arnold & Sons Plumb to withdraw attorney Daniel K Ryan (CAD, ilcd) (Entered: 12/19/2001)
12/19/2001	30	ORDER by Chief Judge Joe B. McDade granting motion to withdraw attorney Daniel K Ryan [29-1]; terminating attorney Daniel K Ryan for Arnold & Sons

		Plumb (cc: all counsel) (SH, ilcd) (Entered: 12/20/2001)
01/03/2002	31	JOINT RESPONSE by plaintiff Equal Employment Opp, and intervenor-plaintiff Lynn Zachman to Defendant International Profit Associates, Inc.'s Motion for Summary Judgment [28-1](CAD, ilcd) Modified on 01/04/2002 (Entered: 01/04/2002)
01/03/2002	32	NOTICE of Filing by plaintiff Equal Employment Opp, and intervenor-plaintiff Lynn Zachman in re: Joint Response to Defendant International Profit Associates, Inc.'s Motion for Summary Judgment (CAD, ilcd) (Entered: 01/04/2002)
01/09/2002	33	LETTER to Clerk from Kingery Duree Wakeman and Ryan, Assoc. dated 1/9/02 with original affidavit of Lynn Zachman. (CAD, ilcd) Modified on 01/14/2002 (Entered: 01/11/2002)
01/14/2002	34	REPLY by defendant International Pro in support of its motion for summary judgment [28-1] (CAD, ilcd) (Entered: 01/16/2002)
01/22/2002	35	CERTIFICATE OF COMPLIANCE WITH FEDERAL RULE OF CIVIL PROCEDURE 26(a) by plaintiff Equal Employment Opp (CAD, ilcd) (Entered: 01/23/2002)
01/24/2002	36	CERTIFICATE OF COMPLIANCE WITH FEDERAL RULE OF CIVIL PROCEDURE 26(a) by intervenor-plaintiff Lynn Zachman (CAD, ilcd) (Entered: 01/24/2002)
03/06/2002	37	MOTION by defendant Arnold & Sons Plumb to compel (CAD, ilcd) (Entered: 03/07/2002)
03/25/2002	38	NOTICE OF SERVICE OF DISCOVERY DOCUMENTS by intervenor-plaintiff Lynn Zachman (CAD, ilcd) (Entered: 03/25/2002)
04/05/2002	39	MOTION by defendant International Pro to stay discovery and to extend the fact discovery cutoff date (HK, ilcd) (Entered: 04/08/2002)
04/05/2002	40	RESPONSE by defendant Arnold & Sons Plumb to IPA's motion to stay discovery [39-1], motion to extend the fact discovery date [39-2] (HK, ilcd) (Entered: 04/08/2002)
04/18/2002	41	ORDER by Chief Judge Joe B. McDade: Before the Court is Defendant International Profit Associates, Inc.'s Motion to Stay Discovery and Extend the Fact Discovery Cutoff Date [39-1,2]. The Court will stay discovery until it has ruled on Defendant International Profit Associates, Inc.'s Motion for Summary Judgment [28-1] and extend that fact discovery date to a date 90 days after the disposition of the Motion for Summary Judgment. Accordingly, the original fact discovery deadline of July 31, 2002 is vacated . (cc: all counsel) (CAD, ilcd) (Entered: 04/18/2002)
05/10/2002	42	ORDER by Chief Judge Joe B. McDade: IT IS THEREFORE ORDERED that Defendant IPA's Motion for Summary Judgment [28-1] is GRANTED. IT IS FURTHER ORDERED that Defendant IPA is dismissed as a party to this case and that the stay on discovery ordered in the Court's Order of April 18, 2002 [41-1] is hereby vacated. Discovery is to be extended to 90 days after the entry of this Order. Discovery ddl set 8/8/02 . This case is referred back to Mag. Judge

		John A. Gorman for further proceedings. (cc: all counsel) (CAD, ilcd) (Entered: 05/13/2002)
05/16/2002	43	ORDER by Mag. Judge John A. Gorman: The supplemental scheduling conference and a hearing on the motion to compel [37-1] is set for Tuesday, June 4, 2002, at 2:30 p.m. by telephone. The court will place the call. If plaintiffs intend to respond to the motion to compel, their response is to be filed on or before May 27, 2002. (cc: all counsel) (CAD, ilcd) (Entered: 05/16/2002)
05/23/2002	44	RESPONSE by intervenor-plaintiff Lynn Zachman to motion to compel [37-1] (RK, ilcd) Modified on 06/06/2002 (Entered: 05/23/2002)
05/23/2002	44	MOTION by intervenor-plaintiff Lynn Zachman to stay discovery (CAD, ilcd) (Entered: 06/06/2002)
05/31/2002	45	ATTORNEY APPEARANCE by Lee Smith, Stephen Morris and Kathy Murphy for defendant Arnold & Sons Plumb (RK, ilcd) (Entered: 05/31/2002)
05/31/2002	46	RESPONSE by defendant Arnold & Sons Plumb to motion to stay discovery [44-1] and Reply to Response to Motion to Compel (RK, ilcd) Modified on 06/06/2002 (Entered: 05/31/2002)
05/31/2002	46	REPLY by defendant Arnold & Sons Plumb to Response to Motion to Compel [44-1] (RK, ilcd) (Entered: 05/31/2002)
06/04/2002		MINUTE-ENTRY: by Mag. Judge John A. Gorman: Parties present via phone by attorneys Smason/Szromba/Ryan/Smith for motion hearing held at 2:30 p.m. on Tuesday, 6/4/02. Motion to compel [37-1] is granted. Motion to stay discovery [44-1] is deferred until telephone status conference set at 1:30 p.m. on Friday, 7/12/02 , at which time the status of the appeal deadline and a supplemental discovery conference will be discussed. All current discovery deadlines are vacated until further order. (cc: all counsel) (CAD, ilcd) (Entered: 06/06/2002)
07/12/2002		MINUTE-ENTRY: by Mag. Judge John A. Gorman. Parties present by phone by Attys Smason/Ryan/Smith for Telephone Status conference held at 1:30 p.m. on 7/12/02 . Same held. Oral motion by plaintiff for leave to amend pleading, GRANTED. Plaintiff to file amend pleading on or before 7/31/02 . Upon filing of answer or responsive pleading, Court will set Rule 16 and other necessary deadlines. (cc: all counsel) (RK, ilcd) (Entered: 07/12/2002)
07/30/2002	47	AMENDED COMPLAINT by intervenor-plaintiff Lynn Zachman; jury demand [15-1], [1-1]; adding Gary M Dickhaus (SH, ilcd) (Entered: 07/31/2002)
07/31/2002	48	NOTICE OF LAWSUIT ; Waiver(s) of Service due on 8/30/02 for Gary M Dickhaus (SH, ilcd) (Entered: 07/31/2002)
08/15/2002		MINUTE-ENTRY: by Mag. Judge John A. Gorman finding the motion to stay discovery [44-1] moot. (cc: all counsel) (HK, ilcd) (Entered: 08/15/2002)
08/19/2002	49	MOTION by defendant International Pro, defendant Gary M Dickhaus to dismiss plaintiff's amended complaint and supporting memorandum (SH, ilcd) (Entered: 08/19/2002)
09/23/2002	50	ORDER by Chief Judge Joe B. McDade: IT IS THEREFORE ORDERED that Defendant International Profit Associates, Inc.'s Motion to Dismiss Plaintiff's

		Amended Complaint [49-1] is GRANTED. Counts II and III of Plaintiff's Amended Complaint are dismissed. This case is referred back to Mag. Judge John A. Gorman for a Rule 16 hearing and further proceedings. (cc: all counsel) (CAD, ilcd) (Entered: 09/24/2002)
10/30/2002		MINUTE-ENTRY: by Mag. Judge John A. Gorman. Case set for R16 hearing at 2:00 on Friday, 11/22/02 in person in Peoria. (cc: all counsel) (KB, ilcd) (Entered: 10/30/2002)
11/12/2002	51	MOTION by intervenor-plaintiff Lynn Zachman to withdraw attorney Christopher P Ryan (SH, ilcd) (Entered: 11/13/2002)
11/21/2002	52	PROPOSED Scheduling Order and DISCOVERY PLAN filed by Equal Employment Opp, Arnold & Sons Plumb (SH, ilcd) (Entered: 11/21/2002)
11/22/2002		MINUTE-ENTRY: by Mag. Judge John A. Gorman. Attys Smason/Ryan Morris/Smith present via phone for R16 hearing at 2:00 on 11/22/02 - same held. Motion to withdraw by Atty Ryan is granted. EEOC will represent Lynn Zachman, intervenor-plaintiff. The court approves the proposed scheduling order and discovery plan: Disc ddl 5/30/03 , motion filing ddl 6/30/03 , final pretrial conference at 2:00 on 10/16/03 (meet with law clerk for jury instruction conference at 1:00), and jury trial at 9:00 on 11/18/03 both in person in Peoria before Chief Judge McDade. (cc: all counsel) (KB, ilcd) Modified on 01/14/2003 (Entered: 11/25/2002)
12/10/2002	53	MOTION by defendant to compel (SH, ilcd) (Entered: 12/10/2002)
12/10/2002	54	MOTION by defendant for leave to file under seal its memorandum in support of defendant's motion to compel (SH, ilcd) (Entered: 12/10/2002)
12/10/2002	55	MEMORANDUM IN SUPPORT of motion to compel [53-1] by defendant (FILED UNDER SEAL) (SH, ilcd) Modified on 12/13/2002 Additional attachment(s) added on 4/18/2007 (CL, ilcd). (Entered: 12/10/2002)
12/12/2002		MINUTE-ENTRY: by Mag. Judge John A. Gorman granting motion for leave to file under seal its memorandum in support of defendant's motion to compel [54-1] (cc: all counsel) (SH, ilcd) (Entered: 12/13/2002)
12/20/2002	56	RESPONSE by plaintiff Equal Employment Opp Defendant's to motion to compel [53-1] (RK, ilcd) (Entered: 12/23/2002)
01/03/2003		MINUTE-ENTRY: by Mag. Judge John A. Gorman. Defendant's motion to compel [53-1] is hereby denied, for the following reasons. Plaintiff has expressly limited the type of emotional distress damages to "garden variety" damages. She does not intend to offer any expert testimony about psychiatric harm, physician's advise, or resulting need for medical/psychiatric treatment. Her evidence will be limited to the negative emotions that she experienced. As such, her psychiatric records are not relevant and are not likely to lead to discoverable information. The fact that plaintiff may have had other stressors in her life is a fact that defendant may certainly explore, but that fact does not make psychiatric records discoverable. See, Santelli v. Electro-Motive, 188 F.R.D. 306, 308-09 (N.D.Ill. 1999); Drocka v. City of Chicago, 193 F.R.D. 542, 544 (N.D.Ill. 2000); Hucko v. City of Oak Forest, 195 F.R.D. 526, 529-31 (N.D.Ill. 1999). As such, the psychiatrist's summary of those records does not constitute a waiver of privilege.

		Hucko, 195 F.R.D. at 530. (cc: all counsel) (SH, ilcd) (Entered: 01/03/2003)
05/19/2003	57	ORDER by Chief Judge Joe B. McDade: IT IS ORDERED that the action is dismissed without prejudice subject to dismissal with prejudice pursuant to the settlement terms. IT IS FURTHER ORDERED that the Final Pretrial Conference set for October 16, 2003 and the Jury Trial set for November 18, 2003, are CANCELLED. IT IS FURTHER ORDERED tht the Clerk forthwith serve copies of this order by United States mail upon the attorneys for the parties appearing in this action. Case dismissed. (cc: all counsel) (CAD, ilcd) (Entered: 05/20/2003)
06/24/2003		Remark: Consent Decree received from parties on 6/24/03, forwarded to Judge McDade for approval. (CAD, ilcd) (Entered: 06/26/2003)
07/01/2003	58	Consent Decree/ORDER by Chief Judge Joe B. McDade. See written Consent Decree attached. (cc: all counsel) (RK, ilcd) (Entered: 07/02/2003)

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