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**U.S. District Court
DISTRICT OF ARIZONA (Prescott Division)
CIVIL DOCKET FOR CASE #: 3:02-cv-01911-SMM**

EEOC v. Kidman, et al
Assigned to: Judge Stephen M McNamee
Demand: \$0
Cause: 42:2000e Job Discrimination (Employment)

Date Filed: 09/27/2002
Date Terminated: 09/14/2004
Jury Demand: Plaintiff
Nature of Suit: 442 Civil Rights: Jobs
Jurisdiction: U.S. Government Plaintiff

Plaintiff

**Equal Employment Opportunity
Commission**

represented by **Mary Joleen O'Neill**
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V.

Defendant

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Defendant

Steve Kidman
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LEAD ATTORNEY
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Jo Ann M Sakato
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Defendant

Shauna Kidman
doing business as
RD's Drive In/Exxon

represented by **David A Selden**
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Intervenor Plaintiff

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Intervenor Plaintiff**Roxanne Cahoon**

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Intervenor Plaintiff**Freda Douglas**

represented by **Franklin James Hoover**
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Intervenor Plaintiff**Elva Josley Begay**

represented by **Franklin James Hoover**
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Date Filed	#	Docket Text
09/27/2002	1	COMPLAINT FILED (Entered: 09/30/2002)
10/17/2002	2	RETURN OF SERVICE EXECUTED summons/complaint (personal) upon dft Steve Kidman on 10/7/02 (MAP) (Entered: 10/18/2002)
10/17/2002	3	RETURN OF SERVICE EXECUTED summons/complaint (personal) upon dft Richard O Kidman on 10/17/02 (MAP) (Entered: 10/18/2002)
10/17/2002	4	RETURN OF SERVICE EXECUTED summons/complaint (personal) upon dft Shauna Kidman on 10/7/02 (MAP) (Entered: 10/18/2002)
10/28/2002	5	ANSWER to complaint [1-1] by dft Richard O Kidman, dft Shauna Kidman (MAP) (Entered: 10/30/2002)
10/28/2002	6	MOTION to dismiss as to dft Steve Kidman by dfts [6-1] (MAP) (Entered: 10/30/2002)

10/28/2002	7	STATEMENT OF FACTS by dfts in support of motion to dismiss as to dft Steve Kidman by dfts [6-1] (MAP) (Entered: 10/30/2002)
10/28/2002	8	Party elects assignment of case to district judge ; mag election form ddl satisfied 10/28/02 (MAP) (Entered: 10/30/2002)
10/30/2002	9	MINUTE ORDER that pursuant to Local Rule 1.2(e), a request has been received for a random reassignment of this case to a District Judge FURTHER ORDERED Case reassigned by random draw to Judge Stephen M. McNamee All further papers/pleadings should now list the following COMPLETE case number: CIV-02-1911-PCT-SMM (cc: all counsel/SMM/LOA) [9-2] (MAP) (Entered: 10/30/2002)
10/31/2002	10	AMENDED answer to pla's complaint [5-1] by dft Shauna Kidman, Richard Kidman (former emp) (Entered: 11/04/2002)
11/04/2002	11	DECLARATION of Richard Kidman & Steven Kidman re statement of facts in support of motion to dismiss dft Steven Kidman on 10/28/02 [7-1] by dfts (former emp) (Entered: 11/06/2002)
11/22/2002	12	MOTION for partial summary judgment pursuant to Fed.R.Civ.P. 56 by dfts [12-1] (former emp) (Entered: 11/25/2002)
11/22/2002	13	STATEMENT OF FACTS by dfts for motion for partial summary judgment pursuant to Fed.R.Civ.P. 56 by dfts [12-1] (former emp) (Entered: 11/25/2002)
12/02/2002	14	STIPULATION by all parties to dismiss the claims against dft Steven Kidman without prejudice (former emp) (Entered: 12/03/2002)
12/10/2002	<u>15</u>	ORDER by Judge Stephen M. McNamee granting stipulation by all parties to dismiss the claims against dft Steven Kidman without prejudice (cc: all counsel) (former emp) (ADI-ICMS,). (Entered: 12/10/2002)
12/20/2002	16	JOINT NOTIFICATION by pla EEOC, dft Richard O Kidman, dft Shauna Kidman of preparedness for scheduling of a Rule 16 Conference (former emp) (Entered: 12/23/2002)
12/20/2002	17	STIPULATION and request by all parties to extend time until 1/27/03 for pla EEOC to file a response to dft's motion for partial summary judgment (former emp) (Entered: 12/23/2002)
12/31/2002	<u>18</u>	ORDER by Judge Stephen M. McNamee granting stipulation and request by all parties to extend time until 1/27/03 for pla EEOC to file a response to dft's motion for partial summary judgment (cc: all counsel) (DMT) (ADI-ICMS,). (Entered: 12/31/2002)
01/10/2003	19	ORDER by Judge Stephen M. McNamee ; prel scheduling conf set for 4:00 3/26/03 ; Counsel who will be responsible for trial shall personally appear and participate in the Preliminary Pretrial Conference. Parties are directed to meet at least 14 days before the Conference. To satisfy the requirements of Fed.R.Civ.P. 26(a) the parties shall file with the Clerk of the Court a notice of initial disclosure. All counsel shall jointly file their Proposed Case Management Plan with the Clerk of the Court not less than 5 business days before the Preliminary Pretrial Conference. Clerk of the Court send copies of this order to all counsel of record and to all parties, if any, appearing propria persona (cc: all counsel) (former emp) Modified on 01/10/2003 (Entered: 01/10/2003)
01/27/2003	20	STIPULATION and request by all parties to extend time until 2/18/03 for pla EEOC to file a response to dft's motion for partial summary judgment (former emp) (Entered: 01/28/2003)
01/29/2003	21	MOTION for sanctions (re violation of conciliation mandate against EEOC by dfts [21-1] (former emp) Modified on 02/03/2003 (Entered: 02/03/2003)
02/04/2003	<u>22</u>	ORDER by Judge Stephen M. McNamee granting stipulation and request by all parties to extend time until 2/18/03 for pla EEOC to file a response to dft's motion for partial summary judgment (cc: all counsel) (former emp) (ADI-ICMS,). (Entered: 02/04/2003)
02/04/2003	23	FIRST NOTICE by pla EEOC OF TAKING VIDEO DEPO OF Steven Kidman on the following date(s): 2/25/03 (former emp) (Entered: 02/05/2003)

02/04/2003	24	FIRST NOTICE by pla EEOC OF TAKING VIDIO DEPO OF Richard Kidman on the following date(s): 2/24/03 (former emp) (Entered: 02/05/2003)
02/04/2003	25	NOTICE of service of discovery (EEOC's first set of request admissions, request for production of documents and non-uniform interrogatories) by pla EEOC . (former emp) (Entered: 02/05/2003)
02/10/2003	27	REQUEST (MOTION) for Rule 16 settlement conference by pla EEOC [27-1] (former emp) (Entered: 02/11/2003)
02/11/2003	26	MOTION to intervene as plaintiffs by Doretta Benally, Roxanne Cahoon, Freda Douglas, Elva Begay Josley [26-1] (former emp) (Entered: 02/11/2003)
02/14/2003	<u>28</u>	ORDER by Judge Stephen M. McNamee granting motion for Rule 16 settlement conference by pla EEOC [27-1]; this matter is referred to Magistrate Judge Morton Sitver for a settlement conference; parties are directed to contact Judge Sitver's Office (cc: all counsel/MS) (former emp) (ADI-ICMS,). (Entered: 02/14/2003)
02/14/2003	29	NOTICE by pla OF TAKING DEPO OF Custodian of Records, Pnillips and Partners on the following date(s): 2/27/03 at 9:30 am (CMM) (Entered: 02/19/2003)
02/18/2003	30	STIPULATION AN REQUEST to extend time for pla to file a response to motion for sanctions (re violation of conciliation mandate against EEOC by dfts [21-1] (to 2/25/03) by pla, dfts (proposed response not provided) (1st request) (LAD) (Entered: 02/21/2003)
02/18/2003	31	OBJECTIONS by pla EEOC to statement of facts for motion for partial summary judgment [13-1] (LAD) (Entered: 02/21/2003)
02/18/2003	31	MOTION to strike portions of dfts' statement of facts for motion for partial summary judgment by pla EEOC [31-1] (LAD) (Entered: 02/21/2003)
02/18/2003	32	MOTION for leave to conduct discovery pursuant to Federal Rule of Civil Procedure 56(f) by pla EEOC [32-1] (LAD) Modified on 05/28/2003 (Entered: 02/21/2003)
02/18/2003	33	MEMORANDUM IN SUPPORT by pla EEOC of motion for leave to conduct discovery pursuant to Federal Rule of Civil Procedure 56(f) by pla EEOC [32-1] (LAD) (Entered: 02/21/2003)
02/18/2003	34	RESPONSE by pla EEOC to motion for partial summary judgment pursuant to Fed.R.Civ.P. 56 by dfts [12-1] (LAD) (Entered: 02/21/2003)
02/18/2003	35	STATEMENT OF FACTS by pla EEOC in support of response to motion for partial summary judgment pursuant to Fed.R.Civ.P. 56 by dfts [12-1] (LAD) (Entered: 02/21/2003)
02/21/2003	36	SEALED Motion TO SEAL response in opposition to dfts' motion for partial summary judgment (doc #34) and statement of facts in support of response in opposition to dfts' motion for partial summary judgment (doc #35) by dfts [36-1] (LAD) (Entered: 02/24/2003)
02/21/2003	37	NOTICE by pla EEOC of intent to substitute signed declarations for unsigned declarations (re Doretta Benally, Freda Douglas, Elva Begay and Freda Douglas - signed declarations not provided with this notice) (LAD) (Entered: 02/24/2003)
02/24/2003	<u>38</u>	ORDER by Judge Stephen M. McNamee granting stipulation to extend time for pla to file a response to motion for sanctions (re violation of conciliation mandate against EEOC by dfts [21-1] (to 2/25/03) by pla, dfts (proposed response not provided) (cc: all counsel) (LAD) (ADI-ICMS,). (Entered: 02/24/2003)
02/25/2003	39	RESPONSE by pla EEOC to motion for sanctions re violation of conciliation mandate against EEOC by dfts [21-1] (and incorporates by reference the response to dft's motion for partial summary judgment pursuant to Fed.R.Civ.P. 56 by dfts [12-1]) (former emp) (Entered: 02/26/2003)
02/25/2003	40	NOTICE of compliance of initial disclosure statement pursuant to FRCivP 26(a) by dft (former emp) (Entered: 02/26/2003)
02/26/2003	41	NOTICE of service of initial disclosure statement pursuant to FRCivP 26(a) by pla EEOC (former emp) (Entered: 02/27/2003)

02/26/2003	42	SEALED Motion TO SEAL two pages by dft Richard O Kidman, dft Shauna Kidman [42-1] (former emp) (Entered: 02/27/2003)
02/28/2003	43	STIPULATION by all parties to extend time until 3/28/03 for submission of dfts' reply to pla's response in opposition to dft's motion for partial summary judgment; dfts' ... by pla, dft (former emp) (Entered: 03/03/2003)
03/06/2003	44	STIPULATION by all parties for an extension of time until 3/20/03 for submission of the dfts's answers to pla' first request for admissions... (former emp) (Entered: 03/07/2003)
03/07/2003	<u>45</u>	ORDER by Judge Stephen M. McNamee granting stipulation by all parties that dfts' shall have until 3/28/03 to submit their reply to pla EEOC's response in opposition to dft's motion for partial summary judgment, dfts response to pla EEOC's motion objections to and motion to strike portions of dfts' statement of facts for motion for partial summary judgment and dfts' response to pla EEOC's motion for leave to conduct discovery pursuant to Fed.R.Civ.P. 56(f) (cc: all counsel) (former emp) (ADI-ICMS,). (Entered: 03/07/2003)
03/07/2003	<u>46</u>	NOTICE OF SETTLEMENT CONFERENCE AND SETTLEMENT CONFERENCE STATEMENT ORDER by Mag Judge Morton Sitver ; settlement conference set for 1:30 4/4/04 , before Mag Judge Morton Sitver ; counsel shall appear with the parties or with the person(s) having full authority to settle the case; at least 5 days before the conference parties shall lodge a settlement conference statement (cc: all counsel/SMM) (former emp) Modified on 03/10/2003 (ADI-ICMS,). (Entered: 03/07/2003)
03/07/2003	47	STIPULATION by all parties that dfts may have until 3/10/03 to file their reply in support of dfts' motion for sanctions (former emp) (Entered: 03/10/2003)
03/10/2003	<u>48</u>	ORDER by Judge Stephen M. McNamee granting stipulation by all parties for an extension of time until 3/20/03 for submission of the dfts's answers to pla' first request for admissions, first set of non-uniform interrogatories and first request for production of documents (cc: all counsel) (former emp) (ADI-ICMS,). (Entered: 03/10/2003)
03/10/2003	49	MOTION to exceed page limitation for doc(s) Reply in support of dfts' motion for sanctions by dfts [49-1] (former emp) Modified on 03/12/2003 (Entered: 03/11/2003)
03/10/2003		LODGED Reply in support of dfts' motion for sanctions (Lodged at clerk's desk... see doc #49) (former emp) (Entered: 03/11/2003)
03/12/2003	<u>50</u>	MINUTE ORDER the order issued 3/7/03 contained a clerical error; [46-3] ; settlement conference reset for 1:30 4/4/03 , before Mag Judge Morton Sitver (cc: all counsel) (former emp) (ADI-ICMS,). (Entered: 03/12/2003)
03/12/2003	<u>51</u>	ORDER by Judge Stephen M. McNamee granting motion to exceed page limitation for doc(s) Reply in support of dfts' motion for sanctions by dfts [49-1] vacating [0-0] lodged document (cc: all counsel) (former emp) (ADI-ICMS,). (Entered: 03/12/2003)
03/12/2003	52	REPLY by dft Richard O Kidman, dft Shauna Kidman in support of motion for sanctions (re violation of conciliation mandate against EEOC by dfts) [21-1] (former emp) (Entered: 03/12/2003)
03/12/2003	53	RESPONSE in opposition by pla EEOC to motion TO SEAL two pages by dft Richard O Kidman, dft Shauna Kidman [42-1], AND motion TO SEAL response in opposition to dfts' motion for partial summary judgment (doc #34) and statement of facts in support of response in opposition to dfts' motion for partial summary judgment (doc #35) by dfts [36-1] (former emp) (Entered: 03/13/2003)
03/13/2003	54	NOTICE by pla EEOC OF TAKING of Video DEPO OF Steven Kidman on the following date(s): 4/16/03 (former emp) (Entered: 03/17/2003)
03/13/2003	55	NOTICE by pla EEOC OF TAKING VIDEO DEPO OF Richard Kidman on the following date(s): 4/15/03 (former emp) (Entered: 03/17/2003)
03/14/2003	56	MOTION for permission to file portion of response UNDER SEAL by pla EEOC [56-1] (former emp) Modified on 03/18/2003 (Entered: 03/17/2003)

03/17/2003	60	NOTICE OF ERRATA by pla EEOC to response to motion for partial summary judgment (requests citations be substituted) [34-1] (former emp) (Entered: 03/19/2003)
03/18/2003	<u>57</u>	ORDER by Judge Stephen M. McNamee granting motion for permission to file portion of response UNDER SEAL by pla EEOC [56-1] (cc: all counsel) (former emp) (ADI-ICMS,). (Entered: 03/18/2003)
03/18/2003	<u>58</u>	ORDER by Judge Stephen M. McNamee granting stipulation by all parties that dfts may have until 3/10/03 to file their reply in support of dfts' motion for sanctions (cc: all counsel) (former emp) (ADI-ICMS,). (Entered: 03/18/2003)
03/18/2003	59	CROSS-MOTION TO SEAL pages 5 & 6 of pla's response in opposition to dfts' motion to seal by pla EEOC [59-1] (page 5 & 6 filed under seal) and RESPONSE to dfts' motion TO SEAL two pages by dft Richard O Kidman, dft Kidman [42-1]; motion TO SEAL response in opposition to dfts' motion for partial summary judgment (doc #34) and statement of facts in support of response in opposition to dfts' motion for partial summary judgment (doc #35) by dfts [36-1] by pla EEOC (former emp) (Entered: 03/18/2003)
03/19/2003	61	STIPULATION by all parties for 2-Day extension of time to submit proposed case management plan (former emp) (Entered: 03/21/2003)
03/20/2003	62	NOTICE of service of discovery by dft Richard O Kidman, Steven Kidman and dft Shauna Kidman . (former emp) (Entered: 03/21/2003)
03/21/2003	63	PROPOSED CASE MGT PLAN: discovery cutoff 1/23/04; dispositive motions filing ddl is 4/9/04 (former emp) (Entered: 03/24/2003)
03/24/2003	<u>64</u>	ORDER by Judge Stephen M. McNamee granting stipulation by all parties to submit proposed case management plan; parties may have until 3/21/03 to file their proposed case management plan (cc: all counsel) (former emp) (ADI-ICMS,). (Entered: 03/24/2003)
03/24/2003	65	THIRD MOTION TO SEAL one page of an exhibit that was attached without being sealed to dfts' motion for sanctions filed on 1/29/03 by dft Richard O Kidman, dft Shauna Kidman [65-1] (former emp) (Entered: 03/25/2003)
03/24/2003	66	MOTION for permission to file portion of reply under SEAL (LODGED at Clerk's Desk) by dft Richard O Kidman, dft Shauna Kidman [66-1] (former emp) (Entered: 03/25/2003)
03/24/2003		LODGED SEALED dfts' notice of filing under seal portion of dfts' reply in support of motion to seal and second motion to seal see doc #66 file 3/24/03 (former emp) Modified on 03/26/2003 (Entered: 03/25/2003)
03/24/2003	67	REPLY by dft Richard O Kidman, dft Shauna Kidman in support of motion to seal and second motion to seal [66-1], [65-1], [59-1] [42-1] (former emp) (Entered: 03/26/2003)
03/27/2003	<u>68</u>	ORDER by Judge Stephen M. McNamee granting motion to intervene as plaintiffs by Doretta Benally, Roxanne Cahoon, Freda Douglas, Elva Begay [26-1]; the parties having no objection to resetting the Rule 16 Scheduling Conference ; prel scheduling conf reset for 4:00 6/17/03 ; parties have any addenda to the joint proposed case management plan, they shall file such addenda on or before 6/10/03 (cc: all counsel) (former emp) (ADI-ICMS,). (Entered: 03/27/2003)
03/28/2003	69	STIPULATION by all parties to extend time until 5/2/03 for dfts to file their reply to dfts' motion for partial summary judgment, response to EEOC's motion to strike, and response to motion for leave to conduct discovery (former emp) Modified on 04/01/2003 (Entered: 03/31/2003)
04/02/2003	<u>70</u>	ORDER by Judge Stephen M. McNamee granting stipulation by all parties to extend time until 5/2/03 for dfts to file their reply to dfts' motion for partial summary judgment, response to EEOC's motion to strike, and response to motion for leave to conduct discovery (cc: all counsel) (former emp) (ADI-ICMS,). (Entered: 04/02/2003)

04/04/2003	<u>73</u>	MINUTE ENTRY before Mag Judge Morton Sitver . . ; settlement conference held ; case did not settle] [73-2] cc: all cnsl/smm (former emp) Modified on 04/08/2003 (ADI-ICMS,). (Entered: 04/08/2003)
04/07/2003	71	MOTION to accelerate ruling on motion for permission to file portion of reply under SEAL (LODGED at Clerk's Desk) by dft Richard O Kidman, dft Shauna Kidman [66-1], motion TO SEAL one page of an exhibit that was attached without being sealed to dfts' motion for sanctions filed on 1/29/03 by dft Richard O Kidman, dft Shauna Kidman [65-1], motion TO SEAL two pages by dft Richard O Kidman, dft Shauna Kidman [42-1], motion TO SEAL response in opposition to dfts' motion for partial summary judgment (doc #34) and statement of facts in support of response in opposition to dfts' motion for partial summary judgment (doc #35) by dfts [36-1] by Kidman dfts [71-1] (former emp) (Entered: 04/08/2003)
04/07/2003	72	RESPONSE by pla EEOC to motion for permission to file portion of reply under SEAL (LODGED at Clerk's Desk) by dft Richard O Kidman, dft Shauna Kidman [66-1], motion TO SEAL one page of an exhibit that was attached without being sealed to dfts' motion for sanctions filed on 1/29/03 by dft Richard O Kidman, dft Shauna Kidman [65-1] (former emp) (Entered: 04/08/2003)
04/16/2003	74	REPLY by dft Richard O Kidman, dft Shauna Kidman in support of THIRD MOTION TO SEAL one page of an exhibit that was attached without being sealed to dfts' motion for sanctions filed on 1/29/03 by dft Richard O Kidman, dft Shauna Kidman [65-1] (former emp) (Entered: 04/17/2003)
04/17/2003	<u>75</u>	ORDER by Judge Stephen M. McNamee that Kidmans' Motion to accelerate ruling on motion for permission to file portion of reply under SEAL (doc.#71) is hereby Granted. FURTHER ORDERED that the Kidmans' Motion to Seal Response in Opposition to the Kidmans' Motion for Partial Summary Judgment and SOF in Support of Response in Opposition to the Kidmans' Motion for Partial Summary Judgment (doc.#36) is Denied. FURTHER ORDERED that the Kidmans' (Second) TO SEAL (doc.#42) is Denied. FURTHER ORDERED that the EEOC's Motion to Seal pages 5 and 6 of its Response (doc.#59) is Granted. FURTHER ORDERED that the Kidmans' (Third) Motion to Seal [Doc.#65] is Denied. FURTHER ORDERED that the Kidmans' Motion for permission to file portion of reply under SEAL [66-1] is Granted. (cc: all counsel) (KMG) (ADI-ICMS,). (Entered: 04/17/2003)
04/17/2003	76	SEALED Doc. Portion of Reply re: In Support of Motion to Seal and Second Motion to Seal by dfts Richard O Kidman, and Shauna Kidman (KMG) (Entered: 04/17/2003)
04/17/2003	<u>77</u>	ORDER by Judge Stephen M. McNamee setting a hearing on dfts' Motion for sanctions (re violation of conciliation mandate against by dfts [21-1] at 10:00 7/14/03, AND setting hearing on dfts' motion for partial summary judgment pursuant to Fed.R.Civ.P. 56 by dfts [12-1] at 10:00 7/14/03 (cc: all counsel) (KMG) (ADI-ICMS,). (Entered: 04/17/2003)
04/21/2003	78	SECOND AMENDED NOTICE by pla EEOC OF TAKING VIDEO DEPO OF Richard Kidman on the following date(s): 6/4/03 (former emp) (Entered: 04/22/2003)
04/21/2003	79	SECOND AMENDED NOTICE by pla EEOC OF TAKING VIDEO DEPO OF Steven Kidman on the following date(s): 6/3/03 (former emp) (Entered: 04/22/2003)
04/23/2003	80	NOTICE of service of discovery by pla EEOC . (former emp) (Entered: 04/24/2003)
04/25/2003	81	NOTICE of compliance of initial disclosure statement pursuant to FRCivP 26(a) by intervenor-plaintiff Doretta Benally, intervenor-plaintiff Roxanne Cahoon, intervenor-plaintiff Freda Douglas, intervenor Josley (Begay) (former emp) Modified on 04/28/2003 (Entered: 04/28/2003)
04/25/2003	82	DECLARATION of Doretta Benally, Freda Douglas, Elva Begay Josley, and Roxanne Cahoon to statement of facts in support of its response in opposition to dfts' motion for partial summary judgment [35-1] by pla EEOC (former emp) (Entered: 04/28/2003)
04/28/2003	<u>83</u>	ORDER by Judge Stephen M. McNamee: the Court will conduct a telephonic hearing on parties discovery dispute on 5/12/03 at 2:30; parties shall establish a conference call (cc: all counsel) (former emp) Modified on 05/08/2003 (ADI-ICMS,). (Entered: 04/28/2003)

05/01/2003	84	STIPULATION to Extend Time until 5/23/03 for Defendants to file their Reply to Motion for partial summary judgment pursuant to Fed.R.Civ.P. 56 by dfts [12-1] AND Response to motion to strike portions of dfts' statement of facts for motion for partial summary judgment by pla EEOC [31-1] AND Response to motion for leave to conduct discovery pursuant to Federal Rule of Civil Procedure 56(f) by pla EEOC [32-1] by pla, dfts, intervenor-plaintiffs (third request) (SAT) Modified on 05/02/2003 (Entered: 05/02/2003)
05/05/2003	<u>85</u>	ORDER by Judge Stephen M. McNamee granting stipulation to Extend Time until 5/23/03 for Defendants to file their Reply to Motion for partial summary judgment pursuant to Fed.R.Civ.P. 56 by dfts [12-1] AND Response to motion to strike portions of dfts' statement of facts for motion for partial summary judgment by pla EEOC [31-1] AND Response to motion for leave to conduct discovery pursuant to Federal Rule of Civil Procedure 56(f) by pla EEOC [32-1] by pla, dfts, intervenor-plaintiffs (cc: all counsel) (DMT) (ADI-ICMS,). (Entered: 05/05/2003)
05/13/2003	94	MINUTE ENTRY before Judge Stephen M. McNamee . Crt Rptr: Gary Moll. APPEARING TELEPHONICALLY: David Lopez for plaintiff. Franklin James Hoover for interpleader plaintiffs and David Selden for defendants. Discovery dispute hearing held regarding the sufficiency of defendant's initial disclosures under Rule 26(a) as well as the sufficiency of several interrogatory responses and requests for production. IT IS ORDERED directing the defendants to provide the information under Rule 26(a) within 10 working days and the answers to interrogatories and requests for admissions are due within 20 working days. IT IS FURTHER ORDERED that the defendants are entitled to the taking of the depositions of the plaintiffs. The deposition of the compliance officer shall be taken first prior to going forward with the other discovery. IT IS FURTHER ORDERED directing the defendants to respond to the requests for production within 20 working days. IT IS FURTHER ORDERED directing the parties to meet and confer to resolve the on-going discovery issues including production of the privilege log. [cc: all counsel/SMM] [94-1] re: minute entry [94-1] (ALL) (Entered: 06/09/2003)
05/23/2003	86	RESPONSE by dft Richard O Kidman, dft Shauna Kidman to motion to strike portions of dfts' statement of facts for motion for partial summary judgment by pla EEOC [31-1] (former emp) (Entered: 05/28/2003)
05/23/2003	87	RESPONSE by dft Richard O Kidman, dft Shauna Kidman to motion for leave to conduct discovery pursuant to Federal Rule of Civil Procedure 56(f) by pla EEOC [32-1] (former emp) (Entered: 05/28/2003)
05/23/2003	88	MOTION to exceed the page limit by one page to file dfts' reply in support of motion for partial summary judgment by dfts [88-1] (former emp) (Entered: 05/28/2003)
05/28/2003	<u>89</u>	ORDER by Judge Stephen M. McNamee granting motion to exceed the page limit by one page to file dfts' reply in support of motion for partial summary judgment by dfts [88-1] (cc: all counsel) (former emp) (ADI-ICMS,). (Entered: 05/28/2003)
05/28/2003	90	REPLY by dft Richard O Kidman, dft Shauna Kidman in support of motion for partial summary judgment pursuant to Fed.R.Civ.P. 56 by dfts [12-1] (former emp) (Entered: 05/28/2003)
05/30/2003	91	NOTICE OF FILING ORIGINAL DECLARATION of Richard Kidman (unsigned copy was attached to dfts' reply in support of dfts' motion for partial summary judgment) [90-1] (former emp) (Entered: 06/02/2003)
06/03/2003	92	STIPULATION by all parties to extend time for pla to file its reply in support of motion for leave to conduct discovery... (former emp) (Entered: 06/04/2003)
06/05/2003	<u>93</u>	ORDER by Judge Stephen M. McNamee granting stipulation by all parties to extend time for pla to file its reply in support of motion for leave to conduct discovery; EEOC may have until 6/20/03 to file its reply in support of motion for leave to conduct discovery and reply in support of motion to strike; dfts may have until 6/13/03 to serve their supplemental responses to the discovery requests of pla EEOC (cc: all counsel) (former emp) (ADI-ICMS,). (Entered: 06/05/2003)
06/16/2003	95	NOTICE of service of discovery by pla, EEOC and intervenor-plaintiffs. (former emp) (Entered: 06/17/2003)

06/17/2003	96	Transcript Designation and Ordering Form re hearing on discovery dispute dated 5/13/03 (former emp) (Entered: 06/18/2003)
06/17/2003	98	MINUTE ENTRY before Judge Stephen M. McNamee. Crt Rptr: Gary Moll. PRESENT: Mary Joleen O'Neill and David Lopez for Plaintiff. Interpleader Plaintiffs Doretta Benally and Elva Josley Begay. APPEARING TELEPHONICALLY: Interpleader Plaintiffs Roxanne Cahoon and Freda Douglas. ALSO PRESENT: Franklin James Hoover for Interpleader Plaintiffs and David A Selden for Defendants. Defendants Richard O. and Shauna Kidman. The parties stipulate to having a settlement conference scheduled before Magistrate Judge Verkamp on or before September 5, 2003. Therefore, the Rule 16 preliminary scheduling conference is vacated. IT IS ORDERED directing the parties to notify Magistrate Judge Verkamp's office for the purpose of coordinating a date and time for the settlement conference. IT IS FURTHER ORDERED denying without prejudice, with leave to re-notice, the following motions: 1) Plaintiff EEOC's Motion for Leave to Conduct Discovery Pursuant to Federal Rule of Procedure 56(f), [32-1], 2) Plaintiff EEOC's Motion to Strike Portions of Defendants' Statement of Facts in Support of Motion for Partial Summary Judgment by [31-1], 3) Defendants' Motion for Sanctions [21-1], and 4) Defendants' Motion for Partial Summary Judgment Pursuant to Fed. R. Civ. P. 56 [12-1]. Therefore, IT IS ORDERED that Oral Argument scheduled for July 14, 2003, is vacated. IT IS FURTHER ORDERED setting this matter for a status hearing for Monday, September 15, 2003, at 11:15 a.m. before Chief Judge Stephen M. McNamee. [cc: all counsel/SMM] [98-2] (ALL) (Entered: 06/19/2003)
06/18/2003	97	TRANSCRIPT of Discovery Dispute by Court Reporter: GMoll for the following date(s): 5/13/03 (former emp) (Entered: 06/18/2003)
06/23/2003	<u>99</u>	ORDER by Judge Stephen M. McNamee: referring this matter to Magistrate Judge Verkamp for a settlement conference; parties are directed to call Judge Verkamp's office to schedule a date for the settlement conference (cc: all counsel/slv) re: order filed [99-1] (former emp) (ADI-ICMS,). (Entered: 06/23/2003)
07/09/2003	<u>100</u>	ORDER by Mag Judge Stephen L. Verkamp settlement conference set for 10:00 9/3/03 in Flagstaff, AZ , before Mag Judge Stephen L. Verkamp ; at least 5 days before the Conference, the parties shall lodge directly with the Magistrate Judge a settlement conference statement (cc: all counsel/SMM) (former emp) (ADI-ICMS,). (Entered: 07/09/2003)
07/30/2003	101	Transcript Designation and Ordering Form re scheduling conference held 6/17/03 (former emp) (Entered: 07/31/2003)
08/22/2003	102	STIPULATION by all parties to reschedule the status conference set for 9/15/03 (former emp) (Entered: 08/25/2003)
08/27/2003	104	TRANSCRIPT of Rule 16 Scheduling Conference by Court Reporter: GMoll for the following date(s): 6/17/03 (former emp) (Entered: 08/28/2003)
08/28/2003	<u>103</u>	ORDER by Judge Stephen M. McNamee granting stipulation by all parties to reschedule the status conference set for 9/15/03 ; status hearing reset for 9:00 9/22/03 (cc: all counsel) (former emp) (ADI-ICMS,). (Entered: 08/28/2003)
09/04/2003	105	NOTICE of first supplemental disclosure statement pursuant to FRCivP 26(a) by pla EEOC (former emp) (Entered: 09/05/2003)
09/05/2003	<u>106</u>	ORDER by Mag Judge Stephen L. Verkamp ; settlement conference held ; settlement reached (cc: all counsel/SMM) (former emp) (ADI-ICMS,). (Entered: 09/05/2003)
09/05/2003	107	Transcript Designation and Ordering Form by dft Richard O Kidman, dft Steve Kidman, dft Shauna Kidman; ordering transcripts for hearings of 6/17/03 (REW) (Entered: 09/08/2003)
09/17/2003	108	MOTION to appear telephonically at status conference by intervenor-plaintiffs [108-1] (former emp) (Entered: 09/17/2003)
09/19/2003	<u>109</u>	ORDER by Judge Stephen M. McNamee granting motion to appear telephonically at status conference on 9/22/03 at 9:00 by intervenor-plaintiffs [108-1] (cc: all counsel) (former emp) (ADI-ICMS,). (Entered: 09/19/2003)

09/22/2003	110	MINUTE ENTRY before Judge Stephen M. McNamee. Crt Rptr: Gary Moll. Mary oleen O'Neill and Patrick David Lopez for plaintiff. David A Selden for defendants. APPEARING TELEPHONICALLY: Franklin James Hoover for interpleador plaintiffs. The parties inform the Court that the settlement process is expected to be completed within the next two weeks. IT IS ORDERED setting a further status hearing for Monday, October 20, 2003 at 11:45 a.m. before Chief Judge Stephen M. McNamee in courtroom #605. [cc: all counsel/SMM] [110-2] (ALL) (Entered: 09/22/2003)
10/14/2003	<u>111</u>	ORDER by Mag Judge Stephen L. Verkamp ; status hearing set for 2:30 10/22/03 , before Mag Judge Stephen L. Verkamp (cc: all counsel) (former emp) (ADI-ICMS,). (Entered: 10/14/2003)
10/16/2003	112	MOTION for admission pro hac vice as to J Scott Detamore , atty for dft Richard O Kidman, dft Shauna Kidman [112-1] (former emp) Modified on 10/21/2003 (Entered: 10/20/2003)
10/16/2003	113	MOTION for admission pro hac vice as to William Perry Pendley , atty for dft Richard O Kidman, dft Shauna Kidman [113-1] (former emp) (Entered: 10/20/2003)
10/16/2003	114	MOTION for admission pro hac vice as to Joseph F Becker , atty for dft Richard O Kidman, dft Shauna Kidman [114-1] (former emp) (Entered: 10/20/2003)
10/17/2003	115	MOTION to appear telephonically at status conference scheduled for Monday, 10/20/03 by intervenor-plaintiffs [115-1] (former emp) (Entered: 10/20/2003)
10/20/2003	120	MINUTE ENTRY before Judge Stephen M. McNamee . Crt Rptr: Gary Moll. PRESENT: Mary Joleen and David Lopez for plaintiff. Joseph Becker and David A Selden for defendants. APPEARING TELEPHONICALLY: Franklin James Hoover for defendants. Status hearing held. The Court finds that settlement has not been reached. The parties stipulate to having Magistrate Judge Verkamp conduct a settlement conference in this matter regarding new issues which have developed. The Court finds that a continuation in the break-down on the settlement process will require this Court to set an evidentiary hearing in this matter and upon the conclusion of the evidentiary hearing sanctions may be imposed. [cc: all counsel/SMM] [120-1] re: minute entry [120-1] (ALL) (Entered: 10/21/2003)
10/21/2003		Pro Hac Vice \$25 Fee Paid as to J Scott Detamore (BAS) Modified on 10/21/2003 (Entered: 10/21/2003)
10/21/2003		Pro Hac Vice \$25 Fee Paid as to William Perry Pendley (BAS) (Entered: 10/21/2003)
10/21/2003		Pro Hac Vice \$25 Fee Paid as to Joseph F Becker (BAS) (Entered: 10/21/2003)
10/21/2003	<u>116</u>	ORDER by Judge Stephen M. McNamee granting motion for admission pro hac vice as to Joseph F Becker , atty for dft Richard O Kidman, dft Shauna Kidman [114-1] (cc: all counsel) (former emp) (ADI-ICMS,). (Entered: 10/21/2003)
10/21/2003	<u>117</u>	ORDER by Judge Stephen M. McNamee granting motion for admission pro hac vice as to William Perry Pendley , atty for dft Richard O Kidman, dft Shauna Kidman [113-1] (cc: all counsel) (former emp) (ADI-ICMS,). (Entered: 10/21/2003)
10/21/2003	<u>118</u>	ORDER by Judge Stephen M. McNamee granting motion for admission pro hac vice as to J Scott Detamore, atty for dft Richard O Kidman, dft Shauna Kidman [112-1] (cc: all counsel) (former emp) (ADI-ICMS,). (Entered: 10/21/2003)
10/21/2003	<u>119</u>	ORDER by Judge Stephen M. McNamee granting motion to appear telephonically at status conference scheduled for Monday, 10/20/03 at 11:45 am by intervenor-plaintiffs [115-1] (cc: all counsel) (former emp) (ADI-ICMS,). (Entered: 10/21/2003)
10/29/2003	<u>121</u>	MINUTE ENTRY (ORDER); counsel for EEOC requested that this Court schedule another face-to-face meeting with the parties present; the only purpose I believe would be for me to browbeat Mr Kidman into settling; I feel I am being asked to advocate the EEOC's position, which I feel is inappropriate and beyond what a judicial officer should be doing; if Judge McNamee wishes me to make another attempt at settlement, I will reply with his request; in the absence of direction, this matter is returned to Judge McNamee for further proceedings (cc: all counsel/SMN) [121-1] re: order (minute) [121-1] (former emp) (ADI-ICMS,). (Entered: 10/29/2003)

11/17/2003	122	Transcript Designation and Ordering Form re hearing held 10/20/03 (former emp) (Entered: 11/18/2003)
11/18/2003	123	Transcript Designation and Ordering Form re hearing held 9/22/03 (former emp) (Entered: 11/19/2003)
11/21/2003	124	TRANSCRIPT of Status Hearing by Court Reporter: GMoll for the following date(s): 9/22/03 (former emp) (Entered: 11/25/2003)
11/21/2003	125	TRANSCRIPT of Status Hearing by Court Reporter: GMoll for the following date(s): 10/20/03 (former emp) (Entered: 11/25/2003)
12/01/2003	126	MINUTE ORDER: IT IS ORDERED setting this matter for a status hearing for Monday, December 22, 2003 at 3:45 p.m. before Chief Judge Stephen M. McNamee in courtroom #605. (cc: all counsel/SMM) [126-2] (ALL) (Entered: 12/01/2003)
12/04/2003	127	Transcript Designation and Ordering Form re Hearing held 9/22/03 and 10/20/03 (former emp) (Entered: 12/08/2003)
12/09/2003	128	MOTION to Continue Status Conference by dfts Richard O Kidman, and Shauna Kidman [128-1] (KMG) (Entered: 12/15/2003)
12/22/2003	<u>129</u>	ORDER by Judge Stephen M. McNamee granting motion to Continue Status Conference by dfts Richard O Kidman, and Shauna Kidman [128-1] ; status hearing reset for 3:30 1/12/04 (cc: all counsel) (former emp) (ADI-ICMS,). (Entered: 12/22/2003)
01/09/2004	130	MOTION to enforce settlement agreement and memorandum of points and authorities by pla EEOC, intervenor-plaintiff Doretta Benally, intervenor-plaintiff Roxanne Cahoon, intervenor-plaintiff Freda Douglas, intervenor-plaintiff Elva Josley Begay [130-1] (former emp) Modified on 01/15/2004 (Entered: 01/13/2004)
01/12/2004	131	MINUTE ENTRY before Judge Stephen M. McNamee. Crt Rptr: Gary Moll. PRESENT: Mary Joleen O'Neill for plaintiff. Franklin James Hoover, Joseph F. Becker and David A. Selden for defendants. Defendants Doretta Benally and Richard O. Kidman. Status hearing held. IT IS ORDERED directing the parties to file their response and reply to the motion to enforce settlement agreement [130-1] within the time frames set forth in the Local Rules. The Court will hold the Motion for Sanctions in abeyance and will determine if an evidentiary hearing is necessary. [cc: all counsel/SMM] [131-2] (ALL) (Entered: 01/14/2004)
01/29/2004	132	Notice of filing original DECLARATIONs of David A Selden and Christine A Bailey (attached to dfts' opposition to motion to enforce settlement agreement by Richard Kidman, dft Shauna Kidman (former emp) (Entered: 02/03/2004)
01/29/2004	133	DECLARATION of David A Selden (re settlement agreement) by dft Richard O Kidman, dft Shauna Kidman (former emp) (Entered: 02/03/2004)
01/29/2004	134	DECLARATION of Christine A Bailey (re settlement agreement) by dft Richard O Kidman, dft Shauna Kidman (former emp) (Entered: 02/03/2004)
01/29/2004	135	OPPOSITION (RESPONSE) by dft Richard O Kidman, dft Shauna Kidman to motion to enforce settlement agreement and memorandum of points and authorities by pla EEOC, intervenor-plaintiff Doretta Benally, intervenor-plaintiff Roxanne Cahoon, intervenor-plaintiff Freda Douglas, intervenor-plaintiff Elva Josley Begay [130-1] (former emp) (Entered: 02/03/2004)
02/09/2004	136	MOTION to exceed the page limit for doc(s) pla and intervenors' reply to enforce settlement agreement and memorandum of points and authorities by pla EEOC (LODGED and placed left of file) [136-1] (former emp) Modified on 05/26/2004 (Entered: 02/10/2004)
02/09/2004		LODGED rply to enforce settlement agreement and memorandum of points and authorities ... see doc 136 filed 2/9/04 (PLACED LEFT OF FILE) (former emp) Modified on 06/01/2004 (Entered: 02/10/2004)
02/13/2004	137	NOTICE OF FILING ORIGINAL DECLARATION of Franklin D Hoover and Elva Begay Josley to motion to reply to enforce settlement agreement and memorandum of points and authorities filed 2/9/04 (reply was lodged at Clerk's desk on 2/17/04)

		[136-1] [136-1] by pla EEOC (former emp) (Entered: 02/17/2004)
06/10/2004	<u>138</u>	ORDER by Judge Stephen M. McNamee granting motion to exceed the page limit for doc(s) pla and intervenors' reply to enforce settlement agreement and memorandum of points and authorities by pla EEOC (LODGED and placed left of file) [136-1] lodged document [0-0] terminated (cc: all counsel) (LAD) (ADI-ICMS,). (Entered: 06/10/2004)
06/10/2004	139	REPLY by pla, intervenor-plaintiffs to response to motion to enforce settlement agreement and memorandum of points and authorities by pla EEOC, intervenor-plaintiff Doretta Benally, intervenor-plaintiff Roxanne Cahoon, intervenor-plaintiff Freda Douglas, intervenor-plaintiff Elva Josley Begay [130-1] (OK to file per order #138 6/10/04) (LAD) (Entered: 06/10/2004)
06/29/2004	<u>140</u>	ORDER by Judge Stephen M. McNamee setting motion to enforce settlement agreement and memorandum of points and authorities by pla EEOC, intervenor-plaintiff Doretta Benally, intervenor-plaintiff Roxanne Cahoon, intervenor-plaintiff Freda Douglas, intervenor-plaintiff Elva Josley Begay [130-1] at 9:00 7/30/04 (cc: all counsel) (DMT) (ADI-ICMS,). (Entered: 06/29/2004)
07/30/2004	141	MINUTE ENTRY before Judge Stephen M. McNamee . Crt Rptr: Gary Moll. PRESENT: Sally Shanley and Emmanuel Smith for EEOC. Michael Hinson for the plaintiffs intervenors. Joe Becker, Scott Detamore, and David Selden for defendants. The plaintiff invokes the rule governing witnesses. The parties stipulate to the admission of exhibits 1-21, 24, 26-36, 38-40, 42-52. IT IS ORDERED granting the stipulation. Plaintiff's witness, Mary O'Neill sworn and examined. Exhibit 25 marked and admitted. 10:33 a.m.: Court in recess. 10:50 a.m.: Court resumes 11:18 a.m.: Plaintiff's witness, Elva Begay Gosley sworn and examined. 12:03 p.m.: Court in recess until 1:10 p.m. 1:10 p.m.: Court resumes. The parties request additional time to resolve this matter and ask for a brief recess. 1:12 p.m.: Court in recess until 1:45 p.m. 3:00 p.m.: Settlement could not be reached. Proceedings continue. 4:20 p.m.: Court in recess. 4:27 p.m.: Court resumes. Plaintiff's witness, Shauna Kidman sworn and examined. The continuation of the hearing on the motion to enforce settlement agreement [130-1] is continued to Friday, August 6, 2004 at 1:00 p.m. before Chief Judge Stephen M. McNamee in courtroom #605. [cc: all counsel/SMM] [141-1] (ALL) (Entered: 08/03/2004)
08/02/2004	142	Transcript Designation and Ordering Form by pla EEOC re 7/30/04 hearing (LAD) (Entered: 08/04/2004)
08/04/2004	143	TRANSCRIPT of Motion to Enforce Settlement Agreement by Court Reporter: Gary Moll for the following date(s): 7/30/04 (LSP) (Entered: 08/05/2004)
08/06/2004	144	MINUTE ENTRY before Judge Stephen M. McNamee. Crt Rptr: Gary Moll. MINUTE ENTRY before Judge Stephen M. McNamee. Crt Rptr: Gary Moll. PRESENT: Sally Shanley and Emmanuel Smith for EEOC. Michael Hinson for the plaintiffs intervenors. David Selden for defendants. Plaintiff's witness, Richard Kidman sworn and examined. 2:03 p.m. Plaintiff's witness, Patrick David Lopez sworn and examined. 2:45 p.m. Plaintiff's witness, Franklin Hoover sworn and examined 3:09 p.m. Plaintiff rests. 3:10 p.m. Closing summations begin and conclude. This matter is deemed submitted and is taken under advisement. [cc: all counsel/SMM] [144-1] re: minute entry [144-1] (ALL) (Entered: 08/09/2004)
08/06/2004	145	EXHIBIT LIST submitted by pla EEOC (LAD) (Entered: 08/10/2004)
08/06/2004	146	WITNESS LIST by pla EEOC (LAD) (Entered: 08/10/2004)
08/06/2004	<u>147</u>	ORDER re exhibits by Judge Stephen M. McNamee that the exhibits marked and/or admitted in the above-entitled case at the time of the trial/hearing are returned to respective counsel; counsel/agents are directed to retain custody of the exhibits until the case has been completely terminated, including all appeals (distributed by Courtroom Deputy) re: order filed [147-1] (LAD) (ADI-ICMS,). (Entered: 08/10/2004)
08/11/2004	148	Transcript Designation and Ordering Form by dfts Richard O Kidman, Shauna Kidman re 7/30/04 Motion to Enforce Settlement Agreement (LSP) (Entered: 08/12/2004)

08/12/2004	149	Transcript Designation and Ordering Form by pla re Hearing held 8/6/04 on Motion to Enforce Settlement Agreement (SAT) (Entered: 08/16/2004)
08/16/2004	150	TRANSCRIPT of Proceedings (Motion to Enforce Settlement Agreement) by Court Reporter: Gary Moll for the following date(s): 8/6/04 (SAT) (Entered: 08/16/2004)
08/27/2004	151	Transcript Designation and Ordering Form by dft Richard O Kidman, dft Shauna Kidman re 8/6/04 Hearing on motion to enforce settlement agreement (LSP) (Entered: 08/31/2004)
09/14/2004	<u>152</u>	MEMORANDUM OF DECISION AND ORDER by Judge Stephen M. McNamee : granting motion to enforce settlement agreement and memorandum of points and authorities by pla EEOC, intervenor–plaintiff Doretta Benally, intervenor–plaintiff Roxanne Cahoon, intervenor–plaintiff Freda Douglas, intervenor–plaintiff Elva Josley Begay [130–1]. IT IS FURTHER ORDERED that: The matter shall resolve with a settlement agreement filed with this Court. Defendants shall pay intervenors \$7400 over a period of 16 months. How the payments are denominated is in the purview of the Defendants. Defendants are generally enjoined from engaging in discrimination or retaliation. Defendants shall rescind their current English Language policy. The parties shall organize and participate in a community symposium within nine months of entry of this decree. The parties shall sign a "joint statement" concerning resolution. Each pary shall bear their own attorneys' fees. Defendants shall post a notice at RD's Drive In concerning discrimination and retaliation. Defendants shall conduct quarterly staff meetings to discuss issues, problems, policies and employee concerns. IT IS FURTHER ORDERED that counsel appear before this Court at the; status conference set for 4:00 10/8/04 . (cc: all counsel) (LSP) (ADI–ICMS,). (Entered: 09/14/2004)
10/01/2004	153	NOTICE OF APPEAL by dft Richard O Kidman, dft Shauna Kidman from District Court memorandum of decision and order [152–2] (cc: 9CCA/All Counsel/judge) (REW) (Entered: 10/06/2004)
10/01/2004		Received \$255.00 appeal fee re NOTICE OF APPEAL [153–1] (REW) (Entered: 10/06/2004)
10/06/2004		Civil Appeals Docketing Statement forwarded to 9th Circuit re NOTICE OF APPEAL [153–1] (REW) (Entered: 10/06/2004)
10/06/2004		APPEAL PACKET forwarded to all parties and 9th Circuit re: NOTICE OF APPEAL [153–1] (REW) (Entered: 10/06/2004)
10/08/2004	154	MINUTE ENTRY before Judge Stephen M. McNamee . Crt Rptr: Gary Moll. PRESENT: Mary Joleen O'Neill, Franklin James Hoover, Sally Shanley, David Lopez, Emanuel Smity, and Joseph Baker. Status hearing held. The Court will grant the stay pending appeal. IT IS ORDERED directing the Clerk of the Court to enter a judgment in this matter that in accordance with the terms of the order granting the stay pending appeal, the Court will retain jurisdiction to enforce or clarify any provisions of the injunctive relief to the extent that it exists in this case for three years following the appeal. [cc: all counsel/SMM] [154–2] (ALL) (Entered: 10/08/2004)
10/13/2004	<u>155</u>	JUDGMENT: pursuant to the Court's Memorandum of Decision and Order of September 14, 2004, and the Minute Entry of October 8, 2004, judgment is hereby entered as follows: 1) The matter shall resolve with a settlement agreement filed with this Court; 2) Defendants shall pay intervenors \$7400.00 over a period of sixteen (16) months. How the payments are denominated is in the purview of the Defendants; 3) Defendants are generally enjoined from engaging in discrimination or retaliation; 4) Defendants shall rescind their current English Language policy; 5) The parties shall organize and participate in a community symposium within nine months of entry of this decree; 6) The parties shall sign a "joint statement" concerning resolution; 7) Each party shall bear their own attorneys' fees; 8) Defendants shall post a notice at RD's Drive In concerning discrimination and retaliation; 9) Defendants shall conduct quarterly staff meetings to discuss issues, problems, policies and employee concerns. This action is hereby terminated, re: minute entry [154–2], re: memorandum and order [152–2] (cc: all counsel/jdgmt drwr/9CCA) (REW) (ADI–ICMS,). (Entered: 10/13/2004)
10/14/2004	<u>156</u>	SUPPLEMENTAL ORDER by Judge Stephen M. McNamee; clerk directed to enter judgment pursuant to the court's order to allow parties to take their appeal to the Ninth Circuit; the memorandum of decision and order of 9/10/04 (#152), enforcing

		provisions of the settlement agreement between the parties, is stayed pending appeal to the Ninth Circuit; this court retains jurisdiction to enforce or clarify the provisions of injunctive relief in this case for 3 years following the date on which the Ninth Circuit issues an opinion in this case, if the Ninth Circuit affirms the court's memorandum of decision and order, re: judgment [155-1], re: minute entry [154-2], re: memorandum and order [152-2] (cc: all counsel/9CCA) (REW) (ADI-ICMS,). (Entered: 10/14/2004)
10/22/2004		Notification by 9th Circuit of Appellate Docket Number 04-17005 re NOTICE OF APPEAL [153-1] (REW) (Entered: 10/22/2004)
11/01/2004	157	Transcript Designation and Ordering Form by dft Richard O Kidman, dft Shauna Kidman re NOTICE OF APPEAL [153-1]; ordering transcripts for hearings of 6/17/03, 9/22/03, 10/20/03, 7/30/04, 8/6/04 and 10/8/04 (REW) (Entered: 11/01/2004)
11/12/2004	158	Court Reporter's Transcript of Proceedings of Status Hearing; by Court Reporter: Gary Moll; for the following date(s): 10/8/04 re NOTICE OF APPEAL [153-1] (REW) (Entered: 11/17/2004)
11/12/2004		Certificate of Record Transmitted to 9th Circuit NOTICE OF APPEAL [153-1] (REW) (Entered: 11/17/2004)
12/09/2004	159	NOTICE OF CROSS-APPEAL by pla EEOC from District Court judgment [155-1], order [156-1], memorandum of decision and order [152-2] (cc: 9CCA/All Counsel/judge) (REW) (Entered: 12/14/2004)
12/14/2004		APPEAL PACKET forwarded to all parties and 9th Circuit re: NOTICE OF CROSS-APPEAL [159-1] (REW) (Entered: 12/14/2004)
12/28/2004		Notification by 9th Circuit of Appellate Docket Number 04-17489 re NOTICE OF CROSS-APPEAL [159-1] (REW) (Entered: 12/28/2004)
01/19/2005	160	Transcript Designation and Ordering Form by pla EEOC re NOTICE OF CROSS-APPEAL [159-1]; ordering transcript for hearing of 10/8/04 (REW) (Entered: 01/20/2005)
08/28/2007	<u>161</u>	MANDATE of 9th Circuit (Certified Copy) - Ordered and Adjudged by this Court that the judgment of the District Court is AFFIRMED, re: case numbers 04-17005, 04-17489. (SAT) (Entered: 08/28/2007)