

ADR, CLOSED, PROTO, TRCK2

U.S. District Court
Eastern District of Missouri (LIVE) (St. Louis)
CIVIL DOCKET FOR CASE #: 4:04-cv-00443-CAS

EEOC v. Apria Healthcare Group, Inc.
Assigned to: Honorable Charles A. Shaw
Cause: 42:12101 Americans with Disabilities Act

Date Filed: 04/14/2004
Jury Demand: Plaintiff
Nature of Suit: 442 Civil Rights: Jobs
Jurisdiction: U.S. Government Plaintiff

Plaintiff

**Equal Employment Opportunity
Commission**

represented by **Barbara A. Seely**
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V.

Defendant

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Date Filed	#	Docket Text
04/14/2004	<u>1</u>	COMPLAINT against defendant Apria Healthcare Group, Inc. Waivers issued 1, Consents issued 2, Disclosure of Corporate Interest issued to deft, Jury Demand,, filed by Equal Employment Opportunity Commission. (Attachments: # <u>1</u> Civil Cover Sheet # <u>2</u> Original Filing Form)(SAJ,) (Entered: 04/14/2004)
05/14/2004	<u>2</u>	MOTION for Leave to Appear Pro Hac Vice Paul Patten by Defendant Apria Healthcare Group, Inc. (GLF) Receipt S2004-7014 for \$25.00 filing fee. (Entered: 05/14/2004)
05/14/2004	<u>3</u>	MOTION for Leave to Appear Pro Hac Vice Robert Arroyo by Defendant Apria Healthcare Group, Inc. Receipt #S2004-007014 for \$25.00 filing fee.(GLF) (Entered: 05/14/2004)
05/14/2004		Receipt # S2004-007014 in the amount of \$50.00 for ATTORNEY ADM. FEE - PHV Paul A. Patten, ATTORNEY ADM. FEE - PHVRobert E. Arroyo on behalf of PATTEN, PAUL A.. (CSW,) (Entered: 05/14/2004)

05/17/2004		Docket Text ORDER re 2 MOTION for Leave to Appear Pro Hac Vice Paul Patten filed by Apria Healthcare Group, Inc., 3 MOTION for Leave to Appear Pro Hac Vice Robert Arroyo filed by Apria Healthcare Group, Inc. ; ORDERED GRANTED. Signed by Judge Audrey G. Fleissig on May 17, 2004. (MLR,) (Entered: 05/17/2004)
06/02/2004	4	DISCLOSURE OF CORPORATION INTERESTS CERTIFICATE by Defendant Apria Healthcare Group, Inc. Parent companies: None, Subsidiaries: None, Publicly held company: Yes., (Patten, Paul) (Entered: 06/02/2004)
06/03/2004	5	CJRA ORDER (jgw). Judge Audrey G. Fleissig termed. Case reassigned to Judge Charles A. Shaw for all further proceedings (MCB) (Entered: 06/03/2004)
06/14/2004	6	MOTION to Dismiss Case by Defendant Apria Healthcare Group, Inc.. (Patten, Paul) (Entered: 06/14/2004)
06/14/2004	7	MEMORANDUM in Support of Motion re 6 MOTION to Dismiss Case filed by Defendant Apria Healthcare Group, Inc.. (Attachments: # 1 Exhibit Ex. 1 Charge of Discrim.# 2 Exhibit Ex. 2 Ayers Ch. 13 Petition# 3 Exhibit Ex. 3 Ayers Statement of Fin. Int.)(Patten, Paul) (Entered: 06/14/2004)
06/14/2004	8	NOTICE of Filing Exhibit with the Clerk's Office in paper format by Defendant Apria Healthcare Group, Inc. re 7 Memorandum in Support of Motion, (Patten, Paul) (Entered: 06/14/2004)
06/14/2004	9	NOTICE of Filing Exhibit with the Clerk's Office in paper format by Defendant Apria Healthcare Group, Inc. re 7 Memorandum in Support of Motion, (Patten, Paul) (Entered: 06/14/2004)
06/14/2004	10	NOTICE of Filing Exhibit with the Clerk's Office in paper format by Defendant Apria Healthcare Group, Inc. re 7 Memorandum in Support of Motion, (Patten, Paul) (Entered: 06/14/2004)
06/16/2004	11	RULE 16 ORDER This case is assigned to Track: 2 Joint Scheduling Plan due by 7/21/2004. Telephonic Rule 16 Conference set for 8/5/2004 at 10:30 AM. Signed by Judge Charles A. Shaw on 6/16/04. (KXS,) Modified on 6/17/2004 (KXS,). (Entered: 06/16/2004)
06/21/2004	12	MEMORANDUM in Opposition re 6 MOTION to Dismiss Case filed by Plaintiff Equal Employment Opportunity Commission. (Harper, Donna) (Entered: 06/21/2004)
07/01/2004	13	REPLY to Response to Motion re 6 MOTION to Dismiss Case filed by Defendant Apria Healthcare Group, Inc.. (Attachments: # 1 Exhibit Lexis Case)(Patten, Paul) (Entered: 07/01/2004)
07/01/2004	14	AMENDED DOCUMENT by Defendant Apria Healthcare Group, Inc.. Amendment to 13 Reply to Response to Motion. (Attachments: # 1 Exhibit Lexis Case# 2 Exhibit Lexis Case)(Patten, Paul) (Entered: 07/01/2004)
07/16/2004	15	MEMORANDUM <i>Memorandum For The Court</i> by Plaintiff Equal Employment Opportunity Commission. (Attachments: # 1 Bankruptcy Court Docket #40# 2 Statement of Financial Affairs Amended)(Harper, Donna) (Entered: 07/16/2004)

07/16/2004	16	MOTION to Amend/Correct <i>Joint Motion To Amend Order Setting Rule 16 Conference</i> by Plaintiff Equal Employment Opportunity Commission. (Harper, Donna) (Entered: 07/16/2004)
07/16/2004	17	JOINT SCHEDULING PLAN by Plaintiff Equal Employment Opportunity Commission. <i>Joint Proposed Scheduling Plan</i> . (Harper, Donna) (Entered: 07/16/2004)
07/19/2004	18	MOTION for Leave to File Response Memorandum by Defendant Apria Healthcare Group, Inc.. (Attachments: # 1 Exhibit Response to EEOC Memo# 2 Notice of Exhibit Filing)(Patten, Paul) (Entered: 07/19/2004)
07/20/2004		Docket Text ORDER re: [Doc. 18], MOTION for Leave to File Response to Plaintiff EEOC's Memorandum, filed by Apria Healthcare Group, Inc.; ORDERED GRANTED. The Clerk of the Court shall file Apria's response, which is attached as an exhibit to the instant motion for leave. Signed by Judge Charles A. Shaw on July 20, 2004. (SMH) (Entered: 07/20/2004)
07/20/2004	19	RESPONSE TO Plaintiff's Memorandum of Law re 15 Memorandum by Defendant Apria Healthcare Group, Inc.. (MRC,) (Entered: 07/21/2004)
07/20/2004	20	NOTICE of Filing Exhibit with the Clerk's Office in paper format by Defendant Apria Healthcare Group, Inc. with attached exhibit 1(JWJ,) (Entered: 07/23/2004)
07/21/2004		Docket Text ORDER re: [Doc. 16], MOTION to Amend Order Setting Rule 16 Conference filed by EEOC; ORDERED GRANTED. The Rule 16 telephone conference is rescheduled for Thursday, September 2, 2004 at 10:30 a.m. The Order Setting Rule 16 Conference otherwise remains in full force and effect. Signed by Judge Charles A. Shaw on July 21, 2004. (SMH) (Entered: 07/21/2004)
07/28/2004	21	MEMORANDUM AND ORDER IT IS HEREBY ORDERED that deft Apria Healthcase Group, Inc.'s mtn to dismiss is DENIED (#6). Deft shall file its answer to the complaint within the time allowed by Rule 12(a)(4)(A), Fed. R. Civ. P. Signed by Judge Charles A. Shaw on 7/28/04. (KXS,) (Entered: 07/28/2004)
08/11/2004	22	ANSWER to Complaint by Apria Healthcare Group, Inc..(Arroyo, Robert) (Entered: 08/11/2004)
09/08/2004	23	CASE MANAGEMENT ORDER This case is assigned to Track: 2 Motion to Join Parties due by 9/30/2004. Discovery Completion due by 5/31/2005. ADR Future Reference 12/9/2004. Dispositive Motions due by 6/29/2005. Jury Trial set for 10/11/2005 09:00 AM in Courtroom 12N before Honorable Charles A. Shaw. Pretrial Conference set for 10/6/2005 02:00 PM in Courtroom 12N before Honorable Charles A. Shaw. Pretrial Compliance due by 9/21/2005.Signed by Judge Charles A. Shaw on 9/8/04. (KXS,) (Entered: 09/08/2004)
09/22/2004	24	MOTION for Protective Order <i>Agreed Motion For Protective Order</i> by Plaintiff Equal Employment Opportunity Commission. (Attachments: # 1 Text of Proposed Order Stipulated Protective Order# 2 Exhibit #1 Undertaking Concerning Confidential Material)(Harper, Donna) (Entered: 09/22/2004)

09/30/2004	25	STIPULATED PROTECTIVE ORDER re: 24 MOTION for Protective Order <i>Agreed Motion For Protective Order</i> filed by Equal Employment Opportunity Commission. Signed by Judge Charles A. Shaw on 9/30/04. (KXS,) (Entered: 09/30/2004)
11/13/2004	26	MOTION for Psychiatric Examination by Defendant Apria Healthcare Group, Inc.. (Attachments: # 1)(Patten, Paul) (Entered: 11/13/2004)
11/15/2004	27	MOTION to file documents under seal by Defendant Apria Healthcare Group, Inc.. (KXS,) (Entered: 11/16/2004)
11/17/2004		Docket Text ORDER re 27 MOTION to file documents under seal filed by Apria Healthcare Group, Inc. ; ORDERED GRANTED. Signed by Judge Charles A. Shaw on 11/17/04. (KXS,) (Entered: 11/18/2004)
11/18/2004	28	MEMORANDUM in Support of 26 MOTION for Rule 35 Examination filed by Defendant Apria Healthcare Group, Inc. (FILED UNDER SEAL). (KXS,) (Entered: 11/18/2004)
11/24/2004	29	MEMORANDUM in Opposition re 26 MOTION for Psychiatric Examination filed by Plaintiff Equal Employment Opportunity Commission. (Attachments: # 1)(Harper, Donna) (Entered: 11/24/2004)
12/03/2004	30	REPLY to Response to Motion re 26 MOTION for Psychiatric Examination filed by Defendant Apria Healthcare Group, Inc.. (Attachments: # 1 Exhibit Exh. 1# 2 Exhibit Exh. 2# 3 Exhibit Exh. 3# 4 Exhibit Exh. 4# 5 Exhibit Exh. 5# 6 Exhibit Exh. 6# 7 Exhibit Exh. 7# 8 Notice of Exhibit Filing)(Patten, Paul) (Entered: 12/03/2004)
12/09/2004	31	ORDER REFERRING CASE to Alternative Dispute Resolution. This case is referred to: mediation Designation of Lead Counsel: Barbara A. Seely ADR Completion Deadline due by 2/7/2005. Designation of Neutral due by 12/19/2004.. Signed by Judge Charles A. Shaw on 12/9/04. (JWJ,) (Entered: 12/09/2004)
12/13/2004	32	ENTRY of Appearance by James M. Paul Defendant Apria Healthcare Group, Inc.. (Paul, James) (Entered: 12/13/2004)
12/15/2004	33	NOTICE by Defendant Apria Healthcare Group, Inc. re 29 Memorandum in Opposition to Motion, 30 Reply to Response to Motion,, 26 MOTION for Psychiatric Examination <i>December 28, 2004</i> Hearing on Motion for Rule 35 Examination: (Patten, Paul) (Entered: 12/15/2004)
12/20/2004	34	Designation of Neutral by parties and ADR Conference Report by Plaintiff Equal Employment Opportunity Commission Neutral: Charles Elbert Date of Conference: February 4, 2005 time: 9:30 a.m. Location: Kohn Elbert Gianoulakis & Gilijum, LLP; One U.S. Bank Plaza, St. Louis, MO(Seely, Barbara) (Entered: 12/20/2004)
01/11/2005	35	ORDER IT IS HEREBY ORDERED that Apria's Motion for Rule 35 Examination is DENIED.[Doc. 26]IT IS FURTHER ORDERED that at trial, the EEOC's evidence about Ms. Ayers'compensatory damages shall be limited to non-expert testimony of "garden variety emotional distress"which will not seek to establish that Apria caused Ms. Ayers psychiatric, psychological or physicalillness or injury.IT IS FURTHER ORDERED that at trial, the EEOC

		shall not present evidence, argue or comment in the presence of the jury that Dr. Pribor has not met with, examined or consulted Ms. Ayers, unless Apria "opens the door" for such disclosure. Signed by Judge Charles A. Shaw on 1/11/05. (KXS,) (Entered: 01/11/2005)
01/12/2005	36	NOTICE of Appointment of Neutral Neutral name: Charles Elbert, Neutral selected by parties, notice of appointment and order of referral mailed to neutral Elbert.(SAC,) (Entered: 01/12/2005)
02/23/2005	37	ADR COMPLIANCE REPORT by Neutral: Charles Elbert, Date of Conference: February 4, 2005, participated in good faith: yes, the parties DID achieve a settlement.(SAC,) (Entered: 02/28/2005)
03/03/2005	38	ORDER IT IS HEREBY ORDERED that the 10/11/05 trial setting is vacated and pending motions are denied without prejudice. IT IS FURTHER ORDERED that counsel shall file within 30 days of the date of this order a stipulation for dismissal, a motion for leave to voluntarily dismiss or a proposed consent judgment. Dismissal Paper(s) due by 4/1/2005.. Signed by Judge Charles A. Shaw on 3/3/05. (JWJ,) (Entered: 03/03/2005)
03/24/2005	39	MOTION for Settlement <i>MEMORANDUM FOR THE COURT</i> by Plaintiff Equal Employment Opportunity Commission. (Attachments: # 1 Consent Decree)(Harper, Donna) (Entered: 03/24/2005)
03/31/2005	40	CONSENT DECREE - SO ORDERED (CAS), Terminate Case. Signed by Judge Charles A. Shaw on 3/31/2005. (MRC,) (Entered: 03/31/2005)

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