

CASE-CLOSED, CASE-MANAGER-BROWN

**U.S. District Court  
Middle District of Tennessee (Nashville)  
CIVIL DOCKET FOR CASE #: 3:04-cv-00841**

EEOC v. Cone Solvents, Inc.  
Assigned to: Senior Judge John T. Nixon  
Demand: \$0  
Cause: 42:2000e Job Discrimination (Employment)

Date Filed: 09/17/2004  
Jury Demand: Both  
Nature of Suit: 442 Civil Rights: Jobs  
Jurisdiction: U.S. Government Plaintiff

**Plaintiff**

**Equal Employment Opportunity  
Commission**

represented by **Deidre Smith**  
Equal Employment Opportunity  
Commission  
1407 Union Avenue  
Suite 621  
Memphis, TN 38104  
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Email: [deidre.smith@eeoc.gov](mailto:deidre.smith@eeoc.gov)  
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**ATTORNEY TO BE NOTICED**

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**TERMINATED: 03/29/2006**

**Matthew C. Lonergan**

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**ATTORNEY TO BE NOTICED**

V.

**Intervenor Plaintiff**

**Sheena Smith**

represented by **Wade Bonham Cowan**

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US

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**LEAD ATTORNEY**

**ATTORNEY TO BE NOTICED**

**Matthew C. Lonergan**

(See above for address)

**ATTORNEY TO BE NOTICED**

V.

**Defendant**

**Cone Oil Company**

*an affiliate of Cone Solvents, Inc.*

**TERMINATED: 01/04/2006**

represented by **George Edward Barrett**

Barrett, Johnston & Parsley

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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Cone Solvents, Inc.**

represented by **George Edward Barrett**  
 (See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Matthew C. Lonergan**  
 (See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

| <b>Date Filed</b> | <b>#</b> | <b>Docket Text</b>                                                                                                                                                                                                                                                                                                                                          |
|-------------------|----------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 09/17/2004        | 1        | COMPLAINT by EEOC; no summons issued, waivers to be executed. (hv) (Entered: 09/21/2004)                                                                                                                                                                                                                                                                    |
| 09/17/2004        | 2        | NOTICE of Initial Case Management Conference : ICMC set for 11:30 11/15/04 before Magistrate Brown ; Case referred to Magistrate Judge Joe B. Brown (hv) (Entered: 09/21/2004)                                                                                                                                                                              |
| 10/07/2004        | 3        | WAIVER OF SERVICE mailed upon deft Cone Oil Company; signed by Tom F. Cone, President of Cone Oil Co Inc, on 9/28/04 (hv) (Entered: 10/08/2004)                                                                                                                                                                                                             |
| 11/09/2004        |          | PROPOSED ICMC Order (hv) (Entered: 11/10/2004)                                                                                                                                                                                                                                                                                                              |
| 11/15/2004        | 4        | CLERK'S RESUME ; Case Management Conference held 11/15/04 ; ICM order to enter. C/R : Taped Nos: 1024-1025 (hv) (Entered: 11/15/2004)                                                                                                                                                                                                                       |
| 11/22/2004        | 5        | ICM ORDER by Magistrate Judge Joe B. Brown: Motions to amend pleadings ddl 1/26/05; Discovery deadline 5/16/05 ; Motion filing deadline 9/15/05 ;pretrial conference set 10:00 1/20/06 ; Jury trial set for 9:00 2/6/06 estimated to last 4 days ; Case Management Conference set for 9:30 5/9/05 (cc: all counsel) EOD 11/22/04 (hv) (Entered: 11/22/2004) |
| 11/22/2004        | 6        | NOTICE by Attys Matthew C. Lonergan, Karyn C. Bryant, and Rick Humbracht for deft Cone Oil Company of change of address to: 1600 Division St, STe 700, PO Box 340025 Nashville TN 37203 (hv) (Entered: 11/23/2004)                                                                                                                                          |
| 11/29/2004        | 7        | JOINT MOTION by pltf, deft for leave to extend the deadline for providing initial disclosures with proposed order (hv) (Entered: 11/29/2004)                                                                                                                                                                                                                |
| 11/30/2004        | 8        | ORDER by Magistrate Judge Joe B. Brown GRANTING joint motion for leave to extend the deadline for providing initial disclosures [7-1]; deadline extended to 12/16/04. (cc: all counsel) EOD 11/30/04 (hv) (Entered: 11/30/2004)                                                                                                                             |
| 12/06/2004        | 9        | ANSWER by deft Cone Oil Company to [1-1] (hv) (Entered: 12/06/2004)                                                                                                                                                                                                                                                                                         |
| 01/14/2005        | 10       | MOTION by intervenor pltf Sheena Smith to intervene (with attached intervenor complaint) (hv) (Entered: 01/14/2005)                                                                                                                                                                                                                                         |

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| 01/14/2005 | 11                 | MEMORANDUM by intervenor pltf Sheena Smith in support of motion to intervene [10-1] (hv) (Entered: 01/14/2005)                                                                                                                                                                                                                                                                                                        |
| 01/18/2005 | 12                 | MOTION by pltf EEOC for leave to file an amended complaint (with attached amended complaint with original signature) (hv) Modified on 01/19/2005 (Entered: 01/19/2005)                                                                                                                                                                                                                                                |
| 01/18/2005 | 13                 | MEMORANDUM by pltf EEOC in support of motion for leave to file an amended complaint [12-1] (hv) (Entered: 01/19/2005)                                                                                                                                                                                                                                                                                                 |
| 01/18/2005 |                    | PROPOSED Order allowing amended complaint (hv) (Entered: 01/19/2005)                                                                                                                                                                                                                                                                                                                                                  |
| 01/19/2005 | 14                 | ORDER by Magistrate Judge Joe B. Brown GRANTING motion for Sheena Smith to intervene [10-1] (cc: all counsel) EOD 1/19/05 (hv) (Entered: 01/19/2005)                                                                                                                                                                                                                                                                  |
| 01/19/2005 | 15                 | INTERVENOR'S COMPLAINT by intervenor pltf Sheena Smith (hv) (Entered: 01/19/2005)                                                                                                                                                                                                                                                                                                                                     |
| 01/20/2005 | 16                 | ORDER by Magistrate Judge Joe B. Brown GRANTING motion for leave to file an amended complaint [12-1]; attached amended complaint filed. (cc: all counsel) EOD 1/20/05 (hv) (Entered: 01/20/2005)                                                                                                                                                                                                                      |
| 01/20/2005 | 17                 | AMENDED COMPLAINT [1-1] by pltf EEOC; jury demand (hv) (Entered: 01/20/2005)                                                                                                                                                                                                                                                                                                                                          |
| 01/26/2005 | 18                 | ANSWER by deft Cone Oil Company to [17-1]; jury demand (hv) (Entered: 01/26/2005)                                                                                                                                                                                                                                                                                                                                     |
| 02/14/2005 | 19                 | ANSWER by deft Cone Oil Company to Intervenor Complaint [15-1]; jury demand (hv) (Entered: 02/14/2005)                                                                                                                                                                                                                                                                                                                |
| 05/10/2005 | 20                 | ORDER by Magistrate Judge Joe B. Brown: Case Management Conference held 5/9/05; Parties have secured a new trial date of 4/18/06, from Judge Nixon; final pretrial conference set for 10:00 on 4/7/06 before Judge Nixon; All discovery shall close on 11/4/05; Dispositive mtns filing deadline set for 12/1/05, response ddl 1/6/06 and replies 1/18/06. (EOD 5/10/05) (cc: all counsel) (km) (Entered: 05/10/2005) |
| 09/13/2005 | <a href="#">21</a> | MOTION for Leave to Modify the Intial Case Management Order re [5] Order,,, by Equal Employment Opportunity Commission. Responses due by 9/30/2005 (Attachments: # <a href="#">1</a> Proposed Order Granting the Equal Employment Opportunity Commission's Unopposed Motion for Leave to Modify the Initial Case Management Order)(Smith, Deidre) (Entered: 09/13/2005)                                               |
| 09/13/2005 | <a href="#">22</a> | MEMORANDUM in Support of <a href="#">21</a> MOTION for Leave to Modify the Intial Case Management Order re [5] Order,,, filed by Equal Employment Opportunity Commission. (Smith, Deidre) (Entered: 09/13/2005)                                                                                                                                                                                                       |
| 09/16/2005 | <a href="#">23</a> | ORDER Telephone Status Conference set for 9/22/2005 02:00 PM before Magistrate Judge Joe Brown. Signed by Judge Joe Brown on 9/16/05. (hv) (Entered: 09/16/2005)                                                                                                                                                                                                                                                      |
| 09/22/2005 | <a href="#">25</a> | Minute Entry for proceedings held before Judge Joe Brown : Status Conference held on 9/22/2005. Order to enter. (Court Reporter none.) (hv) (Entered: 09/23/2005)                                                                                                                                                                                                                                                     |

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| 09/23/2005 | <a href="#"><u>24</u></a> | ORDER following 9/22/05 telephone conference: granting (#21) Motion to Modify Case Mgt Order. Fact Discovery is extended to 11/11/2005. Discovery related to experts is extended to 1/13/06. Signed by Judge Joe Brown on 9/23/05. (hv) Modified text on 9/23/2005 (hv). (Entered: 09/23/2005)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 11/14/2005 | <a href="#"><u>26</u></a> | STIPULATION <i>and Protective Order</i> by Equal Employment Opportunity Commission. (Smith, Deidre) (Entered: 11/14/2005)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 11/16/2005 | <a href="#"><u>27</u></a> | STIPULATED PROTECTIVE ORDER signed by Judge Joe Brown on 11/16/05. (hv) (Entered: 11/16/2005)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 12/01/2005 | <a href="#"><u>28</u></a> | MOTION for Summary Judgment by Cone Oil Company. Responses due by 12/27/2005 (Attachments: # <a href="#"><u>1</u></a> Exhibit Excerpts from Deposition of Thomas Cone# <a href="#"><u>2</u></a> Exhibit Deposition of Alisha Haggard# <a href="#"><u>3</u></a> Exhibit Photograph of Haggard and Cone# <a href="#"><u>4</u></a> Exhibit Excerpts from Deposition of Don Gadd# <a href="#"><u>5</u></a> Exhibit Deposition of Kristene Newton# <a href="#"><u>6</u></a> Exhibit Reprimand of Kristene Newton# <a href="#"><u>7</u></a> Exhibit Deposition of Sheena Smith# <a href="#"><u>8</u></a> Exhibit Statement of Caroline Meyer# <a href="#"><u>9</u></a> Exhibit Ms. Smith's EEOC Charge# <a href="#"><u>10</u></a> Exhibit EEOC Determination# <a href="#"><u>11</u></a> Exhibit EEOC Conciliation Agreement# <a href="#"><u>12</u></a> Exhibit EEOC v. Warshawsky & Co# <a href="#"><u>13</u></a> Exhibit Plaintiff's Respo to Def's Discovery)(Lonergan, Matthew) (Entered: 12/01/2005)                                                                                                                                                                                                                                                                                                      |
| 12/01/2005 | <a href="#"><u>29</u></a> | MEMORANDUM in Support of <a href="#"><u>28</u></a> MOTION for Summary Judgment filed by Cone Oil Company. (Lonergan, Matthew) (Entered: 12/01/2005)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 12/01/2005 | <a href="#"><u>30</u></a> | STATEMENT of facts filed by Cone Oil Company in support of <a href="#"><u>28</u></a> Motion for Summary Judgment,,. (Lonergan, Matthew) (Entered: 12/01/2005)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 12/01/2005 | <a href="#"><u>31</u></a> | MOTION for Hearing re <a href="#"><u>28</u></a> MOTION for Summary Judgment by Cone Oil Company. Responses due by 12/19/2005 (Lonergan, Matthew) (Entered: 12/01/2005)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 01/05/2006 | <a href="#"><u>32</u></a> | RESPONSE in Opposition re <a href="#"><u>28</u></a> MOTION for Summary Judgment filed by Equal Employment Opportunity Commission. (Smith, Deidre) (Entered: 01/05/2006)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 01/05/2006 | <a href="#"><u>33</u></a> | MEMORANDUM in Support of <a href="#"><u>32</u></a> Response in Opposition to Motion filed by Equal Employment Opportunity Commission. (Attachments: # <a href="#"><u>1</u></a> Exhibit No. 1 - Tom Cone, Sr. depo# <a href="#"><u>2</u></a> Exhibit No. 2 - Alisha Haggard depo# <a href="#"><u>3</u></a> Exhibit No. 3 - Kristene Newton depo# <a href="#"><u>4</u></a> Exhibit No. 4 - Sheena Smith depo# <a href="#"><u>5</u></a> Exhibit No. 5 - Smith Verification Form# <a href="#"><u>6</u></a> Exhibit No. 6 - Charge of Discrimination# <a href="#"><u>7</u></a> Exhibit No. 7 - Letter of Determination# <a href="#"><u>8</u></a> Exhibit No. 8 - Dickerson letter# <a href="#"><u>9</u></a> Exhibit No. 9 - Conciliation Agreement# <a href="#"><u>10</u></a> Exhibit No. 10 - Lonergan letter# <a href="#"><u>11</u></a> Exhibit No. 11 - Lonergan email# <a href="#"><u>12</u></a> Exhibit No. 12 - Notice of Conciliation Failure# <a href="#"><u>13</u></a> Exhibit No. 13 - Plaintiff's Response to Interrogatories# <a href="#"><u>14</u></a> Exhibit No. 14 - Smith letter# <a href="#"><u>15</u></a> Exhibit No. 16 (Collective Exhibit) - Verification Forms and Newton Application# <a href="#"><u>16</u></a> Exhibit No. 17 - Don Gadd depo)(Smith, Deidre) (Entered: 01/05/2006) |
| 01/05/2006 | <a href="#"><u>34</u></a> | DECLARATION of Angela Holly filed by Equal Employment Opportunity Commission. (Smith, Deidre) (Entered: 01/05/2006)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 01/05/2006 | <a href="#"><u>35</u></a> | DECLARATION of Dee Summers filed by Equal Employment Opportunity Commission. (Smith, Deidre) (Entered: 01/05/2006)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |

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| 01/05/2006 | <a href="#"><u>36</u></a> | AFFIDAVIT ( <i>EEOC</i> ) of Kristene Newton by Equal Employment Opportunity Commission. (Smith, Deidre) (Entered: 01/05/2006)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 01/05/2006 | <a href="#"><u>37</u></a> | RESPONSE filed by Equal Employment Opportunity Commission re <a href="#"><u>30</u></a> Statement filed by Cone Oil Company,. (Smith, Deidre) (Entered: 01/05/2006)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 01/06/2006 | <a href="#"><u>38</u></a> | APPENDIX filed by Equal Employment Opportunity Commission re <a href="#"><u>33</u></a> Memorandum in Support,,,. (Attachments: # <a href="#"><u>1</u></a> Exhibit (Collective) No. 15 - EEOC v. Norvell & Wallace# <a href="#"><u>2</u></a> Exhibit (Collective) No. 15 - EEOC v. Mike Fink Corp# <a href="#"><u>3</u></a> Exhibit (Collective) No. 15 - EEOC v. Kaiser Foundation Health Plan# <a href="#"><u>4</u></a> Errata (Collective) No. 15 - EEOC v. Applegate Holdings# <a href="#"><u>5</u></a> Exhibit (Collective) No. 15 - EEOC v. Berts, part 1# <a href="#"><u>6</u></a> Exhibit (Collective) No. 15 - EEOC v. Berts, part 2# <a href="#"><u>7</u></a> Exhibit (Collective) No. 15 - EEOC v. Berts, part 3)(Smith, Deidre) (Entered: 01/06/2006) |
| 01/06/2006 | <a href="#"><u>39</u></a> | NOTICE of Filing by Equal Employment Opportunity Commission re <a href="#"><u>33</u></a> Memorandum in Support,, <i>Amended filing of Exhibit 4 - Sheena Smith deposition excerpts</i> (Smith, Deidre) (Entered: 01/06/2006)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 01/06/2006 | <a href="#"><u>40</u></a> | NOTICE of Filing by Equal Employment Opportunity Commission re <a href="#"><u>38</u></a> Appendix,, <i>Collective Exhibit 15 - EEOC v. David Lerner Associates</i> (Smith, Deidre) (Entered: 01/06/2006)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 01/06/2006 | <a href="#"><u>41</u></a> | NOTICE of Filing by Equal Employment Opportunity Commission re <a href="#"><u>38</u></a> Appendix,, <i>Collective Exhibit 15 - EEOC v. Warshawsky &amp; Co</i> (Smith, Deidre) (Entered: 01/06/2006)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 01/06/2006 |                           | NOTE TO FILERS: The Notices of Filing (#39-41) should have an actual document captioned Notice of Filing, exhibits should then be attachments to that Notice. The documents do NOT need to be re-filed. (hv) (Entered: 01/06/2006)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 01/06/2006 | <a href="#"><u>42</u></a> | RESPONSE in Opposition re <a href="#"><u>28</u></a> MOTION for Summary Judgment filed by Sheena Smith. (Cowan, Wade) (Entered: 01/06/2006)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 01/06/2006 | <a href="#"><u>43</u></a> | RESPONSE filed by Sheena Smith re <a href="#"><u>30</u></a> Statement filed by Cone Oil Company, <i>Response to Statement of Undisputed Facts</i> . (Cowan, Wade) (Entered: 01/06/2006)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 01/18/2006 | <a href="#"><u>44</u></a> | REPLY to Response to Motion re <a href="#"><u>28</u></a> MOTION for Summary Judgment filed by Cone Solvents, Inc., Cone Oil Company. (Lonergan, Matthew) (Entered: 01/18/2006)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 01/18/2006 | <a href="#"><u>45</u></a> | REPLY to Response to Motion re <a href="#"><u>28</u></a> MOTION for Summary Judgment filed by Cone Solvents, Inc.. (Lonergan, Matthew) (Entered: 01/18/2006)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 01/18/2006 | <a href="#"><u>46</u></a> | REPLY filed by Cone Solvents, Inc. re <a href="#"><u>37</u></a> Response (Non-Motion) filed by Equal Employment Opportunity Commission,. (Lonergan, Matthew) (Entered: 01/18/2006)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 03/15/2006 | <a href="#"><u>47</u></a> | ORDER granting <a href="#"><u>31</u></a> MOTION for Hearing re <a href="#"><u>28</u></a> MOTION for Summary Judgment filed by Cone Oil Company; Oral Argument scheduled for 10:00 am on 4/18/06. Pending resolution of the motion for summary judgment, the pretrial conference & trial dates are continued. Signed by Judge John T. Nixon on 3/15/06. (hv) (Entered: 03/15/2006)                                                                                                                                                                                                                                                                                                                                                                                |

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| 03/15/2006 |                    | Set/Reset Deadlines as to <a href="#">28</a> MOTION for Summary Judgment. Motion Hearing set for 4/18/2006 10:00 AM in Courtroom 774 before Senior Judge John T. Nixon. (hv) (Entered: 03/15/2006)                                                                                                                                                                                                                                                                                         |
| 03/22/2006 | <a href="#">48</a> | ORDER: the Oral Argument on Motion for Summary Judgment has been rescheduled to 4/19/06 at 10:00 am; pending resolution of dispositive motion, the pretrial conference & trial are continued. Signed by Judge John T. Nixon on 3/22/06. (hv) (Entered: 03/23/2006)                                                                                                                                                                                                                         |
| 03/29/2006 | <a href="#">49</a> | MOTION to Substitute Attorney by Equal Employment Opportunity Commission. Responses due by 4/17/2006 (Attachments: # <a href="#">1</a> Proposed Order)(Rapport, Adele) (Entered: 03/29/2006)                                                                                                                                                                                                                                                                                               |
| 03/29/2006 | <a href="#">50</a> | ORDER granting <a href="#">49</a> Motion to Substitute Attorney. Added attorney Adele Rapport for Equal Employment Opportunity Commission. Attorney Katharine W. Kores terminated. Signed by Judge Joe Brown on 3/29/06. (dt) (Entered: 03/30/2006)                                                                                                                                                                                                                                        |
| 03/30/2006 | <a href="#">51</a> | RESPONSE to Motion re <a href="#">49</a> MOTION to Substitute Attorney filed by Cone Solvents, Inc.. (Lonergan, Matthew) (Entered: 03/30/2006)                                                                                                                                                                                                                                                                                                                                             |
| 04/06/2006 | <a href="#">52</a> | ORDER: Deft's Motion for Oral Argument <a href="#">31</a> is granted. The Court previously scheduled a hearing on the Motion for Summary Judgment <a href="#">28</a> on 4/18/06, and rescheduled the hearing to 4/19/06. Again at the parties' request, the hearing is rescheduled for 4/26/06 at 10:00 AM. The PTC and Trial are continued to be rescheduled subsequent to the Court's ruling on the pending motions. Signed by Judge John T. Nixon on 4/5/06. (jb) (Entered: 04/06/2006) |
| 04/21/2006 | <a href="#">53</a> | MEMORANDUM ORDER denying <a href="#">28</a> Motion for Summary Judgment in its entirety. Signed by Judge John T. Nixon on 4/21/06. (hv) (Entered: 04/24/2006)                                                                                                                                                                                                                                                                                                                              |
| 04/24/2006 | <a href="#">54</a> | ORDER: the Motion Hearing scheduled on 4/26/06 is CANCELLED. Jury Trial set for 5/23/2006 09:00 AM in Courtroom 774 before Senior Judge John T. Nixon. Final Pretrial Conference set for 5/12/2006 10:00 AM in Courtroom 774 before Senior Judge John T. Nixon. Signed by Judge John T. Nixon on 4/24/06. (hv) (Entered: 04/24/2006)                                                                                                                                                       |
| 04/26/2006 | <a href="#">55</a> | ORDER: all the deadlines have passed in this matter and the Magistrate Judge certifies this case is ready for trial. There will be no further proceedings before the Magistrate Judge. Signed by Judge Joe Brown on 4/26/06. (hv) (Entered: 04/26/2006)                                                                                                                                                                                                                                    |
| 05/02/2006 | <a href="#">56</a> | Joint MOTION to Continue /Reschedule Trial by Cone Solvents, Inc., Equal Employment Opportunity Commission, Cone Oil Company, Sheena Smith. Responses due by 5/19/2006 (Attachments: # <a href="#">1</a> Proposed Order Joint Agreed Order)(Lonergan, Matthew) (Entered: 05/02/2006)                                                                                                                                                                                                       |
| 05/05/2006 | <a href="#">57</a> | ORDER granting <a href="#">56</a> Joint MOTION to Continue /Reschedule Trial filed by Equal Employment Opportunity Commission, Cone Oil Company, Sheena Smith, Cone Solvents, Inc. Jury Trial RESCHEDULED for 8/29/2006 09:00 AM in Courtroom 774 before Senior Judge John T. Nixon. Signed by Judge John T. Nixon on 5/5/06. (hv) (Entered: 05/05/2006)                                                                                                                                   |

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| 05/24/2006 | <a href="#">58</a> | ORDER REFERRING CASE to Magistrate Judge Joe Brown for Settlement Conference. Signed by Judge John T. Nixon on 5/24/06. (hv) (Entered: 05/24/2006)                                                                                                                                                                                                    |
| 05/31/2006 | <a href="#">59</a> | ORDER: Settlement Conference set for 7/12/2006 10:00 AM in Courtroom 776 before Magistrate Judge Joe Brown. Signed by Judge Joe Brown on 5/31/06. (hv) (Entered: 05/31/2006)                                                                                                                                                                          |
| 07/05/2006 | <a href="#">60</a> | NOTICE of Change of Address by Wade Bonham Cowan (Cowan, Wade) (Entered: 07/05/2006)                                                                                                                                                                                                                                                                  |
| 07/12/2006 | <a href="#">61</a> | ORDER: the settlement conference held on 7/12/06 was successful; the parties will submit appropriate documents to Judge Nixon for entry of consent decree within 60 days. The file shall be returned to Judge Nixon, as there is nothing further to be done by the Magistrate Judge. Signed by Judge Joe Brown on 7/12/06. (hv) (Entered: 07/12/2006) |
| 07/12/2006 |                    | Minute Entry for proceedings held before Magistrate Judge Joe Brown: Settlement Conference held on 7/12/2006; the parties reached an agreement. (tm) (Entered: 07/13/2006)                                                                                                                                                                            |
| 08/15/2006 | <a href="#">62</a> | ***DISREGARD ENTRY - INCORRECTLY FILED - ATTY RE-FILED AT #63*** MOTION for Settlement <i>Joint Motion to Enter Consent Decree</i> by Equal Employment Opportunity Commission. Responses due by 9/1/2006 (Attachments: # <a href="#">1</a> )(Smith, Deidre) Modified on 8/16/2006 (hv). (Entered: 08/15/2006)                                         |
| 08/15/2006 | <a href="#">63</a> | MOTION for Settlement <i>Joint Motion to Enter Consent Decree</i> by Equal Employment Opportunity Commission. Responses due by 9/1/2006 (Attachments: # <a href="#">1</a> )(Smith, Deidre) (Entered: 08/15/2006)                                                                                                                                      |
| 08/16/2006 |                    | NOTE: The Motion for Settlement (#62) was incorrectly filed and was RE-FILED at #63. Docket entry no. 62 was terminated as duplicate. (hv) (Entered: 08/16/2006)                                                                                                                                                                                      |
| 08/16/2006 | <a href="#">64</a> | NOTICE of Filing by Equal Employment Opportunity Commission re <a href="#">63</a> MOTION for Settlement <i>Joint Motion to Enter Consent Decree</i> (Attachments: # <a href="#">1</a> Exhibit Notice)(Smith, Deidre) (Entered: 08/16/2006)                                                                                                            |
| 08/24/2006 | <a href="#">65</a> | CONSENT DECREE: Cone Solvents will pay a total of \$50,000.00 in compensatory damage, as directed by the Commission; the Commission & Cone Solvents will each bear their own atty's fees & costs. Signed by Judge John T. Nixon on 8/24/06. (hv) (Entered: 08/25/2006)                                                                                |
| 08/24/2006 | 66                 | Docket entry no. 65 was entered on the docket in compliance with Rule 58 and/or Rule 79(a) FRCP, on 8/25/06 by hv. (hv) (Entered: 08/25/2006)                                                                                                                                                                                                         |

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