

CLOSED, REOPEN

**U.S. District Court
Eastern District of Oklahoma (Muskogee)
CIVIL DOCKET FOR CASE #: 6:03-cv-00534-RAW**

EEOC, et al v. Heartway Corporation
Assigned to: Judge Ronald A. White
Referred to: Mag. Judge Kimberly E. West (Settlement)
Demand: \$100,000
Case in other court:
Cause: 42:2000e Job Discrimination (Employment)

Date Filed: 12/20/2006
Jury Demand: Plaintiff
Nature of Suit: 442 Civil Rights: Jobs
Jurisdiction: U.S. Government Plaintiff

Plaintiff

**Equal Employment Opportunity
Commission**

represented by **Holly Waldron Cole**
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V.

Defendant

Heartway Corporation
doing business as
York Manor Nursing Center

represented by **Howard Marc Spector**
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Date Filed	#	Docket Text
09/29/2003	1	COMPLAINT with jury trial demanded (acg, Deputy Clerk) (Entered: 09/29/2003)
09/29/2003	2	PRAECIPE and issuing one summons: by plaintiff (acg, Deputy Clerk) (Entered: 09/29/2003)

09/29/2003		MAGISTRATE'S CONSENT FORM furnished to plaintiff's counsel. (acg, Deputy Clerk) (Entered: 09/29/2003)
09/30/2003	3	MINUTE ORDER: In accordance with Misc. Order No. 03-06 which became effective for cases filed after 9/1/03, this case has been assigned to United States Magistrate Judge Steven P. Shreder for all purposes, including final disposition, subject to the consent of the parties to this action. As a result, it is ordered that: (1) Pursuant to Rule 26(f) of the Federal Rules of Civil Procedure, the parties are to meet as soon as practicable but not later than 14 days prior to the Status and Scheduling Conference to discuss the nature and basis of claims and defenses. The parties are directed to file with the Clerk of the Court a written report of such meeting at least four (4) days prior to the Status and Scheduling Conference. The attached form, if completed and filed, satisfies this requirement. (2) Prior to the Status and Scheduling Conference, counsel must consult with their respective client(s) concerning the possibility of early settlement and be prepared to discuss the status of settlement at the Conference. (3) A Status and Scheduling Conference shall be conducted in this case on 10/24/03 at 11:20 a.m., before United States Magistrate Judge Steven P. Shreder, Third Floor Hearing Room, U.S. Courthouse, Fifth & Okmulgee Streets, Muskogee, Oklahoma. (4) The parties are required to file the consent election form within twenty (20) days after service. Counsel shall be prepared to discuss the status of this election at the Status and Scheduling Conference. Should the parties choose not to consent to proceed before the United States Magistrate Judge, the case will immediately be returned to the case draw for the random assignment of a United States District Judge. However, even if the parties do not consent to proceed before the United States Magistrate Judge, the Status and Scheduling Conference shall be conducted as noticed before the United States Magistrate Judge utilizing the Scheduling Order of the assigned United States District Judge. AS A RESULT, A REQUEST FOR CONTINUANCE OF THE STATUS AND SCHEDULING CONFERENCE SET BEFORE THE UNITED STATES MAGISTRATE JUDGE WILL NOT BE ENTERTAINED IF IT IS BASED SOLELY UPON THE FACT THAT THE PARTIES DO NOT CONSENT TO PROCEED BEFORE THE UNITED STATES MAGISTRATE JUDGE. (SPS) (cc: all counsel) (cjt, Deputy Clerk) (Entered: 09/30/2003)
10/15/2003	4	CONSENT TO JURISDICTION by U.S. Magistrate Judge by plaintiff with certificate of service thereon (cjt, Deputy Clerk) (Entered: 10/15/2003)
10/21/2003	5	MOTION by defendant for attorney Jeffrey C. Tasker to appear pro hac vice ; response deadline 11/5/03 (cjt, Deputy Clerk) (Entered: 10/21/2003)
10/21/2003	6	REQUEST by defendant for automatic extension of time to answer or otherwise plead ; response deadline 11/5/03 (cjt, Deputy Clerk) (Entered: 10/21/2003)
10/21/2003	7	MINUTE ORDER: granting defendant's request for automatic extension of time to answer or otherwise plead [6-1]. Defendant is granted until 11/7/03 in which to answer or otherwise plead. (CLERK) (cc: all counsel) (cjt, Deputy Clerk) (Entered: 10/21/2003)
10/21/2003	8	DISTRICT JUDGE OPTION by defendant Heartway Corporation with certificate of service thereon (cjt, Deputy Clerk) (Entered: 10/21/2003)

10/21/2003	9	MINUTE ORDER: Directing the Clerk to comply with Misc. Order 03-08 for the reassignment of this case. (JHP) (cc: all counsel) (cjt, Deputy Clerk) (Entered: 10/21/2003)
10/21/2003	10	MINUTE ORDER: REASSIGNING this case to District Judge Ronald A. White. All documents filed in this case in the future shall reflect the assignment to U.S. District Judge Ronald A. White (e.g. CIV-03-534-WH). (CLERK) (cc: all counsel) (cjt, Deputy Clerk) (Entered: 10/21/2003)
10/21/2003		PRO HAC VICE FEE PAID. Filed by defendant Heartway Corporation , for counsel Jeffrey C. Tasker in the amount of \$50.00, receipt # 141151. (cjt, Deputy Clerk) (Entered: 10/21/2003)
10/22/2003		NOTICE: Pursuant to the Order entered 10/21/03 reassigning this case to District Judge Ronald A. White, the Status and Scheduling Conference is RESET to 10/24/03 at 11:00 a.m. before Judge Ronald A. White at the U.S. Courthouse, 5th and Okmulgee Streets, Muskogee, OK (cc: all counsel) (cjt, Deputy Clerk) (Entered: 10/22/2003)
10/23/2003		CD # 2 deposited on 10/23/03 in the amount of \$ 50.00 (smg, Deputy Clerk) (Entered: 10/28/2003)
10/24/2003		STATUS AND SCHEDULING CONFERENCE before the Honorable Ronald A. White. Plaintiff present by counsel Holly Waldron Cole. Defendant present by counsel Ronald E. Goins. Courtroom deputy: lw. No court reporter present. Counsel advised Court of facts and circumstances as well as legal issues surrounding case. (SEE SCHEDULING ORDER ENTERED BELOW. Additionally counsel requested settlement conference be set during the first two weeks of March, 2004.) (law, Deputy Clerk) (Entered: 10/27/2003)
10/24/2003	11	SCHEDULING ORDER by Judge Ronald A. White ; Joinder of Additional Parties or Amendments to the Pleadings 1/02/04; Exchange and File Witness and Exhibit Lists By 5/04/04; Discovery Completed By 6/18/04; All Dispositive Motions Filed By 6/11/04; Motions in Limine and Daubert Issues Filed By 7/01/04; Written Settlement Report Filed By 6/25/04; Exchange Premarked Trial Exhibits By 7/08/04; Exchange all Demonstrative Aids By 7/08/04; Disputed Deposition/Videotape/Interrogatory Designations By 7/10/04; Counter-Designations By 7/08/04; Parties to Exchange Requested Jury Instructions By 7/01/04; Agreed Jury Instructions, Proposed Findings of Fact and Conclusions of Law (Non-Jury), Disputed Jury Instructions issues to be addressed in trial briefs and Trial Briefs Filed By 7/08/04; Agreed Pretrial Order due 7/08/04; Pretrial Conference 7/15/04; Jury Trial Date 8/02/04. Estimated length of trial 3 days. Additionally counsel requested settlement conference be set during the first two weeks of March, 2004. (RAW) (law, Deputy Clerk) Modified on 12/16/2003 (Entered: 10/27/2003)
10/24/2003	12	REPORT OF RULE 26 MEETING (law, Deputy Clerk) (Entered: 10/27/2003)
10/27/2003	13	PRAECIPE: filed by plaintiff and issuing one summons (law, Deputy Clerk) (Entered: 10/27/2003)
10/28/2003		NOTICE setting Pretrial Conference for 7/15/04 at 10:00 a.m. (Pretrial Order ddl 7/8/04) and Jury Trial for 8/2/04 at 9:00 a.m. before Judge Ronald A. White at the

		U.S. Courthouse, 5th and Okmulgee Streets, Muskogee, OK (cc: all counsel) (law, Deputy Clerk) (Entered: 10/28/2003)
10/28/2003	14	MINUTE ORDER: Defendant's Motion for Admission for Pro Hac Vice for attorney Jeffrey C. Tasker filed 10/21/03 [5-1] is hereby GRANTED. (RAW) (cc: all counsel) (law, Deputy Clerk) (Entered: 10/28/2003)
10/31/2003	15	SETTLEMENT CONFERENCE ORDER setting case for Settlement Conference before Mag Judge Kimberly E. West at 9:00 a.m. on 3/8/04; Settlement Statements due 2/23/04 (cc:all counsel) sjw, Deputy Clerk) (Entered: 10/31/2003)
11/10/2003	16	ANSWER by defendant to plaintiff's complaint [1-1] (law, Deputy Clerk) (Entered: 11/10/2003)
12/15/2003	17	UNOPPOSED MOTION by plaintiff to extend deadline for joinder or amendment ; response deadline 12/30/03 (dma, Deputy Clerk) (Entered: 12/15/2003)
12/15/2003	18	UNOPPOSED MOTION by plaintiff to reschedule settlement conference ; response deadline 12/30/03 (dma, Deputy Clerk) (Entered: 12/15/2003)
12/15/2003	19	ORDER by Judge Ronald A. White granting plaintiff's unopposed motion to extend deadline for joinder or amendment [17-1]. Accordingly, the joinder or amendment deadline is moved from 1/2/04 to 2/2/04. (cc: all counsel) (dma, Deputy Clerk) (Entered: 12/16/2003)
12/19/2003	20	MINUTE ORDER: granting motion of plaintiff to reschedule settlement conference [18-1] ; Settlement conference RESET to 3/18/04 at 9:00 a.m. KEW (cc: all counsel) sjw, Deputy Clerk) (Entered: 12/19/2003)
03/18/2004		MINUTES: SETTLEMENT CONF. held by Mag. Judge Kimberly West. Plaintiff Janet Edwards was present with her mother Erline Edwards and was represented by counsel Toby Costas and Holly Cole. Defendant was present by Representative C.J. Prater and was represented by counsel Jeffrey Tasker. Conference concluded WITHOUT settlement. sjw, Deputy Clerk) (Entered: 03/22/2004)
05/03/2004	21	EXHIBIT list submitted by defendant (dma, Deputy Clerk) (Entered: 05/03/2004)
05/03/2004	22	WITNESS list submitted by defendant (dma, Deputy Clerk) (Entered: 05/03/2004)
05/10/2004	23	WITNESS and exhibit lists submitted by plaintiff (law, Deputy Clerk) (Entered: 05/10/2004)
06/09/2004	24	MOTION by plaintiff Equal Employment Opportunity Commission to amend the complaint to add defendants and brief in support ; response deadline 6/24/04 (law, Deputy Clerk) (Entered: 06/09/2004)
06/14/2004	25	MOTION by plaintiff for summary judgment ; response deadline 6/29/04 and BRIEF in support of same (trl, Deputy Clerk) (Entered: 06/14/2004)
06/14/2004	26	MOTION by defendant Heartway Corporation for summary judgment ; response deadline 6/29/04 (law, Deputy Clerk) (Entered: 06/14/2004)
06/14/2004	27	APPENDIX filed by defendant Heartway Corporation in support of motion for summary judgment (law, Deputy Clerk) (Entered: 06/14/2004)

06/18/2004	28	MOTION by plaintiff Equal Employment Opportunity Commission to extend discovery deadline ; response deadline 7/6/04 (law, Deputy Clerk) (Entered: 06/18/2004)
06/18/2004	29	MOTION by plaintiff Equal Employment Opportunity Commission to compel ; response deadline 7/6/04 (law, Deputy Clerk) (Entered: 06/18/2004)
06/18/2004	30	MINUTE ORDER: ENTERING ORDER directing defendant file an EXPEDITED response to plaintiff's motion to extend discovery deadline filed 6/18/04 [28-1] no later than 6/24/04. (RAW) (cc: all counsel) (law, Deputy Clerk) (Entered: 06/18/2004)
06/25/2004	31	SETTLEMENT REPORT by defendant Heartway Corporation (law, Deputy Clerk) (Entered: 06/25/2004)
06/25/2004	32	EXPEDITED RESPONSE and objection by defendant to plaintiff Equal Employment Opportunity Commission's motion to extend discovery deadline [28-1] ; reply deadline 7/6/04 (law, Deputy Clerk) (Entered: 06/25/2004)
06/25/2004	33	RESPONSE by defendant Heartway Corporation in opposition to EEOC's motion to amend complaint and add defendants [24-1] ; reply deadline 7/6/04 (law, Deputy Clerk) (Entered: 06/25/2004)
06/25/2004	34	MINUTE ORDER: ENTERING ORDER directing defendant file an EXPEDITED response to plaintiff's motion to compel [29-1] no later than 7/2/04. In addition, counsel is directed to submit to the Court for in camera review the personnel file of Mitchell Townsend by 7/2/04. (RAW) (cc: all counsel) (law, Deputy Clerk) (Entered: 06/25/2004)
06/28/2004	35	SUBMISSION OF ORIGINAL AFFIDAVIT of Ronald Goins (law, Deputy Clerk) (Entered: 06/28/2004)
06/29/2004	36	SETTLEMENT REPORT by plaintiff EEOC (dma, Deputy Clerk) (Entered: 06/29/2004)
06/29/2004	37	RESPONSE and OBJECTION by plaintiff to defendant's motion for summary judgment [26-1]; reply deadline 7/12/04 (dma, Deputy Clerk) (Entered: 06/29/2004)
06/30/2004	38	SUBMISSION OF ORIGINAL AFFIDAVIT of Clarence Prater, Jr. (law, Deputy Clerk) (Entered: 06/30/2004)
06/30/2004	39	SUBMISSION OF ORIGINAL AFFIDAVIT of Kenneth B. Ross (law, Deputy Clerk) (Entered: 06/30/2004)
06/30/2004	40	RESPONSE BRIEF by defendant Heartway Corporation in opposition to plaintiff Equal Employment Opportunity Commission's motion for summary judgment [25-1] ; reply deadline 7/12/04 (law, Deputy Clerk) (Entered: 06/30/2004)
06/30/2004	41	UNOPPOSED MOTION by plaintiff for protective order ; response deadline 7/15/04 (law, Deputy Clerk) (Entered: 06/30/2004)
06/30/2004	42	MOTION by plaintiff EEOC to withdraw motion to compel ; response deadline 7/15/04 (law, Deputy Clerk) (Entered: 06/30/2004)

06/30/2004	43	MOTION by plaintiff Equal Employment Opportunity Commission in limine re: how Janet Edwards contracted Hepatitis C ; response deadline 7/15/04 (law, Deputy Clerk) (Entered: 06/30/2004)
06/30/2004	44	DEPOSITION DESIGNATIONS by plaintiff EEOC (law, Deputy Clerk) (Entered: 06/30/2004)
06/30/2004	45	AGREED PROTECTIVE ORDER by Judge Ronald A. White [41-1] (cc: all counsel) (law, Deputy Clerk) (Entered: 07/01/2004)
06/30/2004	46	MINUTE ORDER: ENTERING ORDER granting plaintiff's motion to withdraw motion to compel [42-1]. Accordingly, plaintiff's motion to compel filed 6/18/04 [29-1] is hereby deemed WITHDRAWN. (RAW) (cc: all counsel) (law, Deputy Clerk) (Entered: 07/01/2004)
07/01/2004	47	MOTION by defendant to exclude testimony of plaintiff's expert witnesses, Elvira Sisolak and Miriam Alter , and MOTION in limine ; response deadline 7/16/04 (nrh, Deputy Clerk) (Entered: 07/01/2004)
07/02/2004	48	RESPONSE by defendant Heartway Corporation to plaintiff Equal Employment Opportunity Commission's motion in limine [43-1] ; reply deadline 7/13/04 (law, Deputy Clerk) (Entered: 07/05/2004)
07/08/2004	49	ORDER by Judge Ronald A. White that the Plaintiff Equal Employment Opportunity Commission's motion to amend the complaint and add defendants is DENIED on the grounds that the motion was untimely and without good cause. [24-1] (cc: all counsel) (acg, Deputy Clerk) Modified on 07/15/2004 (Entered: 07/08/2004)
07/08/2004	50	ORDER by Judge Ronald A. White denying motion to extend discovery deadline [28-1] (cc: all counsel) (acg, Deputy Clerk) (Entered: 07/08/2004)
07/08/2004	51	DEPOSITION DESIGNATIONS of defendant Heartway Corporation. (pyb, Deputy Clerk) Modified on 07/09/2004 (Entered: 07/09/2004)
07/08/2004	52	TRIAL brief submitted by defendant Heartway Corporation (pyb, Deputy Clerk) (Entered: 07/09/2004)
07/08/2004	53	PROPOSED JURY INSTRUCTIONS AND VERDICT FORM submitted by plaintiff EEOC (pyb, Deputy Clerk) (Entered: 07/09/2004)
07/08/2004	54	PROPOSED JURY INSTRUCTIONS submitted by defendant Heartway Corporation (pyb, Deputy Clerk) (Entered: 07/09/2004)
07/08/2004	55	AGREED PROPOSED JURY INSTRUCTIONS AND VERDICT FORM submitted by plaintiff and defendant (pyb, Deputy Clerk) (Entered: 07/09/2004)
07/09/2004	56	REPLY by defendant Heartway Corporation to response to motion for summary judgment [26-1] (pyb, Deputy Clerk) (Entered: 07/09/2004)
07/12/2004	57	OBJECTION by defendant Heartway Corporation to plaintiff's designations of the deposition of C.J. Prater and counter-deposition designations (law, Deputy Clerk) (Entered: 07/12/2004)
07/12/2004	58	OBJECTION by defendant Heartway Corporation to plaintiff designations of the deposition of Miriam Alter and counter-deposition designations (law, Deputy Clerk) (Entered: 07/12/2004)

		Clerk) (Entered: 07/12/2004)
07/12/2004	59	REPLY by plaintiff Equal Employment Opportunity Commission to defendant Heartway Corporation's response to EEOC's motion for summary judgment and appendix thereto [25-1] (law, Deputy Clerk) (Entered: 07/13/2004)
07/12/2004	60	APPENDIX filed by plaintiff Equal Employment Opportunity Commission to its reply to defendant Heartway Corporation's response to EEOC's motion for summary judgment (law, Deputy Clerk) (Entered: 07/13/2004)
07/15/2004	61	RESPONSE by plaintiff Equal Employment Opportunity Commission to defendant's motion to exclude testimony of plaintiff's expert witnesses Elvira Sisolak and Miriam Alter [47-1] and motion in limine [47-2] ; reply deadline 7/26/04 (law, Deputy Clerk) (Entered: 07/15/2004)
07/15/2004		PRETRIAL CONFERENCE before Judge Ronald A. White. Plaintiff present by counsel Toby W. Costas and Holly Waldron Cole. Defendant present by counsel Jeffrey C. Tasker and Ronald E. Goins. Courtroom deputy: lw. No court reporter present. Court addressed trial schedule and inquired of counsel if they would consent to a magistrate judge conducting jury selection on 8/2/04. Counsel for plaintiff advised they wished to waive jury trial. Counsel for defendant would not agree to waiver of jury trial. Both parties had no objection to jury selection by a magistrate judge. Counsel anticipates 2-3 days to try the case. Court will set jury trial for 8/16/04 at 9:00 a.m. Court advised counsel they will receive further notice regarding jury selection. Court addressed pending motions for summary judgment. ENTERING ORDER DENYING plaintiff's motion for summary judgment and DENYING defendant's motion for summary judgment. Plaintiff's counsel directed to draft proposed order reflecting court's findings and submit to the Court by 8/9/04. (RAW) Court addressed proposed pretrial order and revisions. Court addressed plaintiff's pending motion in limine. ENTERING ORDER granting in part and denying in part plaintiff's motion in limine as follows: (1) granted as to how Janet Edwards contracted Hepatitis C; (2) provisionally denied as to any arrest or alleged criminal record of Janet Edwards; (3) provisionally denied as to the circumstances of Mitzi Edwards' employment with defendant and other work history; and (4) granted as to Mitzi Edwards' workers compensation claim and arrests. (RAW) Court addressed deposition designations and directed counsel to revise and resubmit to the Court with color-coding and objections reflected in the margins by 8/3/04. Court further advised if there are too many objections for the Court to review counsel will be required to make their objections to the deposition in open court while the deposition is being read into the record. Court further addressed defendant's pending motions in limine. Court will not enter an order regarding this until these motions are at issue. Court addressed plaintiff's request for injunctive relief. Plaintiff directed to brief this issue by 8/3/04. Defendant may respond by 8/9/04. Court further addressed pretrial order revisions and trial exhibits and directed counsel to submit their revised pretrial order and the parties exhibits by 8/9/04. Plaintiff's counsel advised they would be able to present Elvira Sisolak for Daubert hearing if the Court would so desire. Court will advise. (RAW) (law, Deputy Clerk) (Entered: 07/16/2004)
07/15/2004	62	MINUTE ORDER: ENTERING ORDER denying plaintiff's motion for summary judgment [26-1] and denying defendant's motion for summary judgment [25-1]. Plaintiff's counsel is directed to draft a proposed order reflecting the Court's

		findings at the pretrial conference and submit the proposed order to the Court by 8/9/04. (RAW) (cc: all counsel) (law, Deputy Clerk) (Entered: 07/16/2004)
07/15/2004	63	MINUTE ORDER: ENTERING ORDER granting in part and denying in part plaintiff's motion in limine as follows: (1) granted as to how Janet Edwards contracted Hepatitis C; (2) provisionally denied as to any arrest or alleged criminal record of Janet Edwards; (3) provisionally denied as to the circumstances of Mitzi Edwards' employment with defendant and other work history; and (4) granted as to Mitzi Edwards' workers compensation claim and arrests. [43-1] (RAW) (cc: all counsel) (law, Deputy Clerk) (Entered: 07/16/2004)
07/15/2004		NOTICE: Jury selection ONLY will be conducted on 8/3/04 at 10:00 a.m. before Judge Steven P. Shreder and jury trial will commence on 8/16/04 at 9:00 a.m. before Judge Ronald A. White at the U.S. Courthouse, 5th and Okmulgee Streets, Muskogee, OK. (cc: all counsel) (law, Deputy Clerk) (Entered: 07/16/2004)
07/27/2004	64	REPLY BRIEF by defendants in support of motion to exclude testimony of plaintiff's expert witnesses, Elvira Sisolak and Miriam Alter [47-1], and motion in limine [47-2] (law, Deputy Clerk) (Entered: 07/27/2004)
07/30/2004	65	UNOPPOSED MOTION by plaintiff Equal Employment Opportunity Commission for continuance of trial ; response deadline 8/16/04 (law, Deputy Clerk) (Entered: 07/30/2004)
08/03/2004	66	MINUTE ORDER: ENTERING ORDER denying plaintiff Equal Employment Opportunity Commission's unopposed motion for continuance of trial filed 7/30/04 [65-1]. (RAW) (cc: all counsel) (law, Deputy Clerk) (Entered: 08/03/2004)
08/03/2004	67	BRIEF by plaintiff Equal Employment Opportunity Commission regarding equitable relief (law, Deputy Clerk) (Entered: 08/03/2004)
08/03/2004		JURY TRIAL MINUTES before U.S. Magistrate Judge Steven P. Shreder. Plaintiff present in person and by counsel Holly Waldron Cole and Toby W. Costas. Defendant present by counsel Jeffrey Tasker and Ronald Goins. Legal Assistant Shannon Brasseaux also present. Court Reporter: mb. Courtroom Deputy: ct. Parties announce ready. Court advised jury selection only today, with jury trial to start before Honorable Ronald A. White on 8/16/04 at 9:00 a.m. 20 jurors present and sworn. Preliminary instructions and general voir dire by the Court. Plaintiff's and defendant's voir dire. 8 jurors chosen. Jurors excused and told to report back at 8:45 a.m. on 8/16/04. (SPS) (cjt, Deputy Clerk) (Entered: 08/05/2004)
08/04/2004	68	ORDER by Judge Ronald A. White granting in part and denying in part defendant's motion to exclude testimony of plaintiff's expert witnesses Elvira Sisolak and Miriam Alter [47-1], [47-2] (cc: all counsel) (law, Deputy Clerk) (Entered: 08/04/2004)
08/04/2004	69	Submission of Deposition Designations (law, Deputy Clerk) (Entered: 08/04/2004)
08/06/2004	70	UNOPPOSED MOTION by plaintiff Equal Employment Opportunity Commission for reconsideration of denial of continuance ; response deadline 8/23/04 (law, Deputy Clerk) (Entered: 08/06/2004)

08/09/2004	71	RESPONSE by defendant Heartway Corporation d/b/a York Manor Nursing Center to plaintiff Equal Employment Opportunity Commission's brief regarding equitable relief [67-1] (law, Deputy Clerk) (Entered: 08/09/2004)
08/09/2004	72	ORDER by Judge Ronald A. White denying plaintiff's unopposed motion for reconsideration of denial of continuance [70-1] (cc: all counsel) (dma, Deputy Clerk) (Entered: 08/10/2004)
08/10/2004	73	ORDER by Judge Ronald A. White denying plaintiff's motion for summary judgment [26-1] and denying defendant's motion for summary judgment [25-1] (cc: all counsel) (law, Deputy Clerk) (Entered: 08/10/2004)
08/11/2004	74	MOTION by plaintiff for leave to list witness and submit deposition designations ; response deadline 8/26/04 (law, Deputy Clerk) (Entered: 08/11/2004)
08/11/2004	75	MINUTE ORDER: ENTERING ORDER granting plaintiff's motion to submit deposition designations for Charles Morton out of time and granting motion to add a records custodian witness. Defendant is ordered to submit counter-designations of Morton's deposition and objections by 8/13/04 at 12:00 Noon. Defendant is also granted leave to depose the custodian of records. (RAW) (cc: all counsel) (law, Deputy Clerk) (Entered: 08/11/2004)
08/11/2004	76	Plaintiff EEOC's Deposition Designations (law, Deputy Clerk) (Entered: 08/11/2004)
08/11/2004	77	ORDER by Judge Ronald A. White directing plaintiff submit a revised pretrial order with the required information for the other categories of damages by 8/13/04 at 12:00 Noon (cc: all counsel) (law, Deputy Clerk) (Entered: 08/11/2004)
08/13/2004	78	Submission of Deposition Designations by defendant (law, Deputy Clerk) (Entered: 08/13/2004)
08/16/2004	79	PRE-TRIAL ORDER by Judge Ronald A. White (cc: all counsel) (law, Deputy Clerk) (Entered: 08/16/2004)
08/16/2004	80	Plaintiff's Objections to Defendant's Counter-Designations of Charles Morton's Deposition (law, Deputy Clerk) (Entered: 08/16/2004)
08/16/2004		FURTHER JURY TRIAL before the Honorable Ronald A. White. Plaintiff present by counsel Toby W. Costas and Holly Waldron Cole. Defendant present by counsel Jeffrey C. Tasker and Ronald E. Goins. Courtroom deputy: lw. Court reporter: km. Court addressed with counsel the pretrial order, the stipulated facts, the parties' exhibits, deposition designations and the Court's rulings as to the parties' objections to the deposition designations and proposed jury instructions. Plaintiff requested rule of sequestration be invoked. GRANTED. (RAW)(JURY IN) Jury sworn. Court gave preliminary instructions to jury. Opening statements by counsel. Plaintiff's evidence. (JURY OUT) Court addressed remaining schedule with counsel. ENTERING ORDER continuing said cause until 8/17/04 at 8:45 a.m. (RAW) (law, Deputy Clerk) (Entered: 08/16/2004)
08/17/2004		FURTHER JURY TRIAL before the Honorable Ronald A. White. Plaintiff present by counsel Toby W. Costas and Holly Waldron Cole. Defendant present by counsel Jeffrey C. Tasker and Ronald E. Goins. Courtroom deputy: lw. Court

		reporter: km. Plaintiff submits offer of proof of evidence. ENTERING ORDER finding plaintiff's offer of proof of evidence outside the scope. (RAW) (JURY IN) Plaintiff's evidence continues. Plaintiff rests. (JURY OUT) Defendant moves for judgment as a matter of law pursuant to Rule 50 of the Federal Rules of Civil Procedure. Plaintiff responds. ENTERING ORDER denying defendant's motion for judgment as a matter of law except as to the issue of punitive issues. That portion of defendant's motion is granted. (RAW) Court reviews jury instructions with counsel. (JURY IN) Defendant rests. Defendant renews previous motion made out of presence of jury. Motion overruled. (RAW) Court reads instructions to jurors. Closing arguments by counsel. Jurors retire to deliberate in charge of sworn bailiff at 11:35 a.m. (JURYOUT) Court reviews the parties' exhibits prior to submission to the jury. Jury returns into open court at 1:24 p.m. VERDICT: (1) finding by a preponderance of evidence that defendant discriminated against Janet Edwards due to perceived disability; (2) directing \$30,000.00 be awarded to Janet Edwards for lost back pay; (3) finding by a preponderance of the evidence that Janet Edwards is entitled to an award of compensatory damages; (4) directing \$20,000.00 be awarded to Janet Edwards to compensate her as a result of the damages she suffered and/or will suffer in the future. (SEE VERDICT FORM FILED THIS DATE.) Jury polled by the Court. Jury excused. Both counsel for defendant and plaintiff advised the Court of post-judgment motions they anticipate filing. (RAW) (law, Deputy Clerk) (Entered: 08/17/2004)
08/17/2004	81	JURY INSTRUCTIONS by the Court (law, Deputy Clerk) (Entered: 08/17/2004)
08/17/2004	82	VERDICT for plaintiff against defendant (law, Deputy Clerk) (Entered: 08/17/2004)
08/17/2004	83	MINUTE ORDER: ENTERING ORDER directing the parties withdraw their respective trial exhibits. (RAW) (cc: all counsel) (law, Deputy Clerk) (Entered: 08/17/2004)
08/26/2004		TRANSCRIPT filed of jury trial (Volume I of II) (law, Deputy Clerk) (Entered: 08/26/2004)
08/27/2004	84	POST-TRIAL BRIEF by defendant Heartway Corporation d/b/a York Manor Nursing Center regarding equitable relief (law, Deputy Clerk) (Entered: 08/28/2004)
08/31/2004	85	MOTION by plaintiff for entry of judgment for injunctive relief ; response deadline 9/15/04 (dma, Deputy Clerk) (Entered: 08/31/2004)
09/15/2004	86	RESPONSE by defendant Heartway Corporation to plaintiff Equal Employment Opportunity Commission's motion for entry of judgment for injunctive relief [85-1] ; reply deadline 9/27/04 (law, Deputy Clerk) (Entered: 09/15/2004)
10/19/2004	87	ORDER by Judge Ronald A. White directing defendant pay \$20,000.00 in compensatory damages as determined by the jury, directing defendant pay \$1,240.00 in back pay to Ms. Edwards, denying plaintiff's motion for permanent injunction [85-1] and denying plaintiff's request for front pay (cc: all counsel) (law, Deputy Clerk) (Entered: 10/19/2004)
10/19/2004	88	JUDGMENT: by Judge Ronald A. White as follows: (1) Plaintiff have judgment against the Defendant for compensatory damages in the amount of \$20,000.00

		together with post-judgment interest at the prescribed rate; (2) Plaintiff have judgment against Defendant for back pay in the amount of \$1,240.00 without interest; (3) Plaintiff take nothing against Defendant for front pay; and (4) Plaintiff's request for injunctive relief is denied. (cc: all counsel) (law, Deputy Clerk) (Entered: 10/19/2004)
10/29/2004	89	MOTION by plaintiff to amend judgment ; response deadline 11/15/04 (dma, Deputy Clerk) (Entered: 10/29/2004)
11/02/2004	90	MOTION by defendant for judgment notwithstanding the verdict pursuant to Federal Rule of Civil Procedure 50(b) ; response deadline 11/17/04 (dma, Deputy Clerk) (Entered: 11/03/2004)
11/15/2004	91	RESPONSE by defendant to plaintiff EEOC's motion to amend judgment [89-1] ; reply deadline 11/26/04 (law, Deputy Clerk) (Entered: 11/15/2004)
11/17/2004	92	RESPONSE and objection by plaintiff EEOC to defendant's motion for judgment notwithstanding the verdict [90-1] ; reply deadline 11/29/04 (law, Deputy Clerk) (Entered: 11/17/2004)
11/29/2004	93	ORDER by Judge Ronald A. White denying defendant's motion for judgment notwithstanding the verdict pursuant to Federal Rule of Civil Procedure 50(b) [90-1] (cc: all counsel) (dma, Deputy Clerk) (Entered: 11/29/2004)
12/10/2004	94	ORDER by Judge Ronald A. White denying plaintiff's motion to amend judgment [89-1] (cc: all counsel) (law, Deputy Clerk) (Entered: 12/11/2004)
02/07/2005	95	NOTICE OF APPEAL by plaintiff EEOC from Dist. Court decision denying EEOC's Motion to amend Judgment [94-1], [88-2] (cc: all counsel) (Preliminary record mailed to 10th) (trl, Deputy Clerk) (Entered: 02/08/2005)
02/14/2005		NOTIFICATION by Appellate Court of Docket Number 05-7011 (law, Deputy Clerk) (Entered: 02/14/2005)
02/15/2005	97	TRANSCRIPT ORDER FORM advising the necessary transcript is already on file in district court [95-1] (law, Deputy Clerk) (Entered: 03/02/2005)
02/18/2005	96	NOTICE OF APPEAL by defendant from Dist. Court decision [93-1] (cc: all counsel) (Preliminary record mailed to 10th) (law, Deputy Clerk) (Entered: 02/18/2005)
02/22/2005		RECEIVED re [96-1] fee in amount of \$ 255.00 (Receipt # 2179) (law, Deputy Clerk) (Entered: 02/22/2005)
02/28/2005		CD # 23 deposited on 2/28/05 in the amount of \$ 255.00 (smg, Deputy Clerk) (Entered: 03/10/2005)
03/02/2005		TRANSCRIPT filed by court reporter Karla McWhorter of pretrial hearing conducted on 8/16/04 (law, Deputy Clerk) (Entered: 03/02/2005)
03/02/2005		TRANSCRIPT of jury trial filed by court reporter Karla McWhorter - Volume II of II (law, Deputy Clerk) (Entered: 03/02/2005)
03/02/2005		LETTER to Tenth Circuit advising the record is complete in Appeal No. 05-7011 (law, Deputy Clerk) (Entered: 03/02/2005)

03/03/2005		NOTIFICATION by Appellate Court of Docket Number 05-7016 (law, Deputy Clerk) (Entered: 03/03/2005)
03/21/2005		Copy of letter from the Tenth Circuit stating appellant must file transcript order form within ten (10) days after filing notice of appeal, re: Appeal No. 05-7016 (dma, Deputy Clerk) (Entered: 03/21/2005)
03/30/2005	98	TRANSCRIPT ORDER FORM advising the necessary transcript is already on file in district court [96-1], re: Appeal 05-7016 (dma, Deputy Clerk) (Entered: 04/04/2005)
04/04/2005		LETTER to Tenth Circuit advising the record is complete in Appeal No. 05-7016 (dma, Deputy Clerk) (Entered: 04/04/2005)
11/09/2006	99	BILL OF COSTS (Re: [88] Judgment,,) by Equal Employment Opportunity Commission (trl, Chambers) (Entered: 11/09/2006)
12/20/2006	100	DECISION from Circuit Court affirming in part and reversing in part and remanding for further proceedings (Re: [95] Notice of Appeal to Circuit Court, [96] Notice of Appeal to Circuit Court) (law, Deputy Clerk) Modified on 1/3/2007 to add complete PDF (law, Deputy Clerk). (Entered: 12/20/2006)
12/20/2006	101	ORDER from Circuit Court awarding costs to the EEOC in the amount of \$237.00 (Re: [95] Notice of Appeal to Circuit Court, [96] Notice of Appeal to Circuit Court) (law, Deputy Clerk) (Entered: 12/20/2006)
12/20/2006	102	MINUTE ORDER by Judge Ronald A. White: In light of the mandate issued and filed of record with this court this date, this case is hereby REOPENED. A Proposed Pretrial Order is due by 1/11/2007 with a Pretrial Conference set for 1/18/2007 at 09:30 AM in Chambers, Room 227, US Courthouse, 5th & Okmulgee, Muskogee, OK before Judge Ronald A. White. Jury Trial is set for 2/5/2007 at 09:00 AM in Courtroom 2, Room 224, US Courthouse, 5th & Okmulgee, Muskogee, OK before Judge Ronald A. White. (law, Deputy Clerk) (Entered: 12/20/2006)
12/21/2006	103	SETTLEMENT CONFERENCE ORDER: Settlement Conference set for 1/12/2007 at 09:00 AM in Chambers, Room 430, US Courthouse, 5th & Okmulgee, Muskogee, OK before Mag. Judge Kimberly E. West. Settlement Conference Statements are due 1/5/07. (sjw, Chambers) (Entered: 12/21/2006)
12/22/2006	104	ORDER Taxing Costs by Court Clerk in amount of \$195.00 in favor of plaintiff Equal Employment Opportunity Commission against defendant Heartway Corporation (neh, Deputy Clerk) (Entered: 12/26/2006)
12/26/2006	105	MOTION to Withdraw Attorney(s) Kane Russell Coleman & Logan PC and Jeffrey C. Tasker by defendant Heartway Corporation (law, Deputy Clerk) (Entered: 12/26/2006)
12/26/2006	106	MINUTE ORDER by Judge Ronald A. White denying without prejudice defendant's motion to withdraw Kane Russell Coleman & Logan PC and Jeffrey C. Tasker as attorneys for defendant (105 Motion to Withdraw Attorney(s)) for violation of LCvR 7.1(g). (law, Deputy Clerk) (Entered: 12/26/2006)

01/03/2007	107	MOTION to Accelerate/Extend/Reset Hearing(s)/Deadline(s) by Equal Employment Opportunity Commission (Costas, Toby) (Entered: 01/03/2007)
01/03/2007	108	NOTICE of Docket Entry Modification; Error: Original PDF missing last page of opinion; Correction: Attached new PDF containing all pages (Re: 100 Decision from Circuit Court,) (law, Deputy Clerk) (Entered: 01/03/2007)
01/05/2007	109	FIRST AMENDED MOTION to Withdraw Attorneys Kane Russell Coleman & Logan PC and Jeffrey C. Tasker by Heartway Corporation (dma, Deputy Clerk) (Entered: 01/05/2007)
01/05/2007	110	MINUTE ORDER by Judge Ronald A. White granting first amended motion to withdraw Kane Russell Coleman & Logan PC and Jeffrey C. Tasker as attorneys for defendant (109 Motion to Withdraw Attorney(s)). (law, Deputy Clerk) (Entered: 01/05/2007)
01/10/2007	111	MINUTE ORDER by Magistrate Judge Kimberly E. West, denying 107 Motion to Continue settlement conference. (sjw, Chambers) (Entered: 01/10/2007)
01/12/2007	112	MINUTES of Proceedings - held before Magistrate Judge Kimberly E. West : Said cause came on for Settlement Conference on 1/12/2007. Plaintiff's counsel, Toby W. Costas appeared by telephone. Defendant Heartway Corporation appeared not, nor by counsel. Settlement Conference concluded WITHOUT settlement. (neh, Deputy Clerk) (Entered: 01/12/2007)
01/12/2007	113	MOTION to Withdraw Attorney(s) <i>Tomlins & Goins, Neal Tomlins & Ronald E. Goins</i> by Heartway Corporation (With attachments) (Tomlins, Neal) (Entered: 01/12/2007)
01/16/2007	114	MINUTE ORDER by Judge Ronald A. White granting unopposed motion to withdraw Neal Tomlins and Ronald E. Goins as counsel for defendant filed 1/12/07 (113 Motion to Withdraw Attorney(s)) (law, Deputy Clerk) (Entered: 01/16/2007)
01/16/2007	115	MOTION to Continue Hearing(s) by Equal Employment Opportunity Commission (Costas, Toby) (Entered: 01/16/2007)
01/17/2007	116	MINUTE ORDER by Judge Ronald A. White granting plaintiff's motion to allow pretrial conference by telephone due to anticipated non-appearance by defendant and request for expedited ruling on this motion filed 1/16/07 (115 Motion to Continue Hearing(s)). Plaintiff's alternative motion for continuance of pretrial conference is denied. (law, Deputy Clerk) (Entered: 01/17/2007)
01/18/2007	117	MINUTES of Proceedings - held before Judge Ronald A. White : Pretrial Conference held on 1/18/2007 (Court Reporter: ks) (law, Deputy Clerk) (Entered: 01/18/2007)
01/22/2007	118	MOTION for Entry of Default by Clerk against Heartway Corporation dba York Manor Nursing Center by Equal Employment Opportunity Commission (Costas, Toby) (Entered: 01/22/2007)
01/24/2007	119	ORDER by Judge Ronald A. White granting in part plaintiff's motion for entry of default by Court Clerk (118 Motion for Entry of Default by Clerk), entering default judgment in favor of plaintiff and against defendant as to defendant's

		liability for punitive damages and setting evidentiary hearing on the amount of punitive damages for 2/1/2007 09:00 AM in Courtroom 2, Room 224, US Courthouse, 5th & Okmulgee, Muskogee, OK before Judge Ronald A. White. (law, Deputy Clerk) (Entered: 01/24/2007)
01/25/2007	120	JURY DEMAND by Equal Employment Opportunity Commission (Costas, Toby) (Entered: 01/25/2007)
01/29/2007	121	CERTIFICATE of Service (Re: 120 Jury Demand) by Equal Employment Opportunity Commission (Costas, Toby) (Entered: 01/29/2007)
01/29/2007	122	ORDER by Judge Ronald A. White denying plaintiff's request for jury trial (Re: 120 Jury Demand) (law, Deputy Clerk) (Entered: 01/29/2007)
01/29/2007	123	MOTION to Dismiss by Equal Employment Opportunity Commission (Costas, Toby) (Entered: 01/29/2007)
01/30/2007	124	MINUTE ORDER by Judge Ronald A. White granting plaintiff's motion for voluntary dismissal (123 Motion to Dismiss) and dismissing/terminating case (terminates case) (law, Deputy Clerk) (Entered: 01/30/2007)
01/30/2007		***Civil Case Terminated (see document number [124]) (law, Deputy Clerk) (Entered: 01/30/2007)
02/13/2007	125	MOTION for Costs <i>And Incorporated Brief</i> by Equal Employment Opportunity Commission (With attachments) (Costas, Toby) (Entered: 02/13/2007)
04/04/2007	126	NOTICE of Filing Bankruptcy by Heartway Corporation (law, Deputy Clerk) Modified on 6/26/2007 to correct filer (eje, Deputy Clerk). (Entered: 04/04/2007)
06/05/2007	127	MOTION for Final Judgment by Equal Employment Opportunity Commission (Costas, Toby) Modified on 6/6/2007 to change text (dma, Deputy Clerk). (Entered: 06/05/2007)
06/25/2007	128	Plaintiff's Objection to Defendant's Claim that a Lawsuit Brought by the EEOC is Stayed (Re: 127 Final MOTION for Judgment, 126 Notice of Bankruptcy) by Equal Employment Opportunity Commission ; (Costas, Toby) Modified on 6/26/2007 to correct docket text and link to 126 (eje, Deputy Clerk). (Entered: 06/25/2007)
06/25/2007	129	Plaintiff's RENEWAL OF MOTION FOR FINAL JUDGMENT by Equal Employment Opportunity Commission (Costas, Toby) Modified on 6/26/2007 to correct docket text (eje, Deputy Clerk). (Entered: 06/25/2007)
07/18/2007	130	ORDER AND FINAL JUDGMENT by Judge Ronald A. White granting 127 Motion for Judgment and 129 Plaintiff's Renewal of Motion for Final Judgment (eje, Deputy Clerk) (Entered: 07/18/2007)

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