

CASE-CLOSED, REPORT-AND-RECOMMENDATION

**U.S. District Court
Middle District of Tennessee (Columbia)
CIVIL DOCKET FOR CASE #: 1:93-cv-00211**

Lintemuth, et al v. Saturn Corporation
Assigned to: Senior Judge Thomas A. Higgins
Demand: \$0
Cause: 42:12101 Americans with Disabilities Act

Date Filed: 12/09/1993
Date Terminated: 09/21/1994
Jury Demand: Both
Nature of Suit: 440 Civil Rights:
Other
Jurisdiction: Federal Question

Plaintiff

Janet Lintemuth
*on behalf of herself and all others
similarly situated*

represented by **H. Michael Bennett**
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Plaintiff

Robert Millage
*on behalf of himself and all others
similarly situated*

represented by **H. Michael Bennett**
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J. Anthony Arena
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Plaintiff

Carole Simpson

*on behalf of herself and all others
similarly situated*

represented by **H. Michael Bennett**
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*LEAD ATTORNEY
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J. Anthony Arena

(See above for address)

*LEAD ATTORNEY
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Plaintiff

Pamela Cameron

*on behalf of herself and all others
similarly situated*

represented by **H. Michael Bennett**
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J. Anthony Arena

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*LEAD ATTORNEY
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Plaintiff

Melinda Bradberry

*on behalf of herself and all others
similarly situated*

represented by **H. Michael Bennett**
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*LEAD ATTORNEY
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J. Anthony Arena

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*LEAD ATTORNEY
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Plaintiff

Margery Palmer

*on behalf of herself and all others
similarly situated*

represented by **H. Michael Bennett**
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J. Anthony Arena

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LEAD ATTORNEY
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Plaintiff

Darla Farmiole
on behalf of herself and all others
similarly situated

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J. Anthony Arena
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V.

Defendant

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Date Filed	#	Docket Text
12/09/1993	1	COMPLAINT w/ att'd exhibits A-G (Summons(es) issued) Filing fee paid in the amount of : \$120 Receipt # 43279 (as) (Entered: 12/09/1993)
12/14/1993		RETURN OF SERVICE executed upon defendant Saturn Corporation on 12/10/93: Left w/agent for Saturn, CT Corporation in the hand of Debra Patterson (pb) (Entered: 12/15/1993)
12/15/1993	2	ATTORNEY APPEARANCE for defendant Saturn Corporation by Robert Earl Boston and Waverly David Crenshaw Jr. (pb) (Entered: 12/16/1993)
12/30/1993		PROPOSED Agreed Order for extension of time (pb) (Entered: 12/30/1993)
01/05/1994	3	AGREED ORDER approved by Judge Thomas A. Higgins:

		Joint scheduling order shall be submitted within 20 days from date of entry of this order on the docket (see document in file for details) (cc: all counsel) EOD 1/5/94 (pb) (Entered: 01/05/1994)
01/05/1994		REMARK: Copied order and sent to all counsel (dm) (Entered: 01/05/1994)
01/11/1994	4	MOTION by defendant Saturn Corporation for attorney C. Geoffrey Weirich to appear pro hac vice (pb) (Entered: 01/13/1994)
01/11/1994	5	CERTIFICATE of Good Standing filed by C. GEOFFREY WEIRICH on behalf of defendant Saturn Corporation (pb) (Entered: 01/13/1994)
01/14/1994	6	ORDER by Judge Thomas A. Higgins granting motion for attorney C. Geoffrey Weirich to appear pro hac vice [4-1] defendant Saturn Corporation (cc: all counsel) EOD 1/14/94 (pb) (Entered: 01/14/1994)
01/27/1994		PROPOSED Scheduling Order (pb) (Entered: 01/28/1994)
01/31/1994	7	ANSWER by defendant Saturn Corporation to [1-1] complaint; jury demand (pb) (Entered: 02/01/1994)
02/04/1994	8	MOTION by Saturn Corporation for attorney Daniel G. Galant to appear pro hac vice (pb) (Entered: 02/08/1994)
02/04/1994	9	CERTIFICATE of Good Standing filed by Daniel G. Galant on behalf of Saturn Corporation (pb) (Entered: 02/08/1994)
02/09/1994	10	SCHEDULING ORDER approved by Judge Thomas A. Higgins: motion filing ddl set for 6/17/94; discovery ddl set for 6/3/94; proposed pre-trial order due on 9/12/94; pretrial conference set for 1:00 on 9/12/94 in Nashville; jury trial set for 10:00 on 10/17/94 in Columbia (cc: all counsel) (pb) (Entered: 02/09/1994)
02/09/1994	11	ORDER by Judge Thomas A. Higgins: This action is set for jury trial on 10/17/94. If settled, notify courtroom deputy by noon, 10/13/94, or costs of summoning jurors may be taxed to the parties (cc: all counsel) EOD 2/9/94 (pb) (Entered: 02/09/1994)
02/10/1994	12	ORDER by Judge Thomas A. Higgins granting motion for attorney Daniel G. Galant to appear pro hac vice [8-1] for defendant Saturn Corporation (cc: all counsel) EOD 2/10/94 (pb) (Entered: 02/10/1994)

02/22/1994		PROPOSED Agreed Protective Order (pb) (Entered: 02/22/1994)
02/22/1994	13	MOTION by defendant Saturn Corporation for attorney David A. Collins to appear pro hac vice (pb) (Entered: 02/23/1994)
02/22/1994	14	CERTIFICATE of Good Standing filed by David A. Collins USDC/EDMI on behalf of defendant Saturn Corporation (pb) (Entered: 02/23/1994)
02/24/1994	15	AGREED PROTECTIVE ORDER approved by Judge Thomas A. Higgins : Items 1-5 adopted (EOD 2/24/94) (cc: all counsel) (pb) (Entered: 02/24/1994)
02/24/1994		MAIL Returned [12-1] addressed to C. Geoffrey Weirich on behalf of defendant (pb) (Entered: 02/25/1994)
02/25/1994	16	ORDER by Judge Thomas A. Higgins granting motion for attorney David A. Collins to appear pro hac vice [13-1] by defendant Saturn Corporation (cc: all counsel) EOD 2/25/94 (pb) (Entered: 02/25/1994)
02/28/1994	17	RESPONSE OF THE PARTIES: All parties do not consent to have U.S. Magistrate conduct any and all further proceedings (pb) (Entered: 03/01/1994)
03/08/1994	18	MOTION by plaintiffs to certify class action (pb) (Entered: 03/09/1994)
03/08/1994	19	AFFIDAVIT of Janet Lintemuth re [18-1] (Exh. A) (pb) (Entered: 03/09/1994)
03/08/1994	20	AFFIDAVIT of Robert Millage re [18-1] (Exh. B) (pb) (Entered: 03/09/1994)
03/08/1994	21	AFFIDAVIT of Carole Simpson re [18-1] (Exh. C) (pb) (Entered: 03/09/1994)
03/08/1994	22	AFFIDAVIT of Pamela Cameron re [18-1] (Exh. D) (pb) (Entered: 03/09/1994)
03/08/1994	23	AFFIDAVIT of Melinda Bradberry re [18-1] (Exh. E) (pb) (Entered: 03/09/1994)
03/08/1994	24	AFFIDAVIT of Margery H. Palmer re [18-1] (Exh. F) (pb) (Entered: 03/09/1994)
03/08/1994	25	AFFIDAVIT of Gail Farmiloe re [18-1] (Exh. G) (pb) (Entered: 03/09/1994)
03/08/1994	26	MEMORANDUM by plaintiffs in support of motion to certify

		class action [18-1] (pb) (Entered: 03/09/1994)
03/08/1994	27	MOTION by plaintiffs for oral argument on motion for class certification (pb) (Entered: 03/09/1994)
03/14/1994		MAIL Returned [16-1] addressed to C. Geoffrey Weirich on behalf of defendant Saturn Corporation (pb) (Entered: 03/15/1994)
03/14/1994		MAIL Returned [15-1] addressed to defendant Saturn Corporation (pb) (Entered: 03/15/1994)
03/22/1994	28	MOTION by defendant Saturn Corporation to postpone determination of class certification, to schedule an evidentiary hearing, for leave to allow supplemental briefs and affidavits to be filed on the class question, and to schedule a FRCP 16 pretrial conference (pb) (Entered: 03/23/1994)
03/22/1994	29	MEMORANDUM by defendant Saturn Corporation in support of motion to postpone determination of class certification, to schedule an evidentiary hearing, for leave to allow supplemental briefs and affidavits to be filed on the class question, and to schedule a FRCP 16 pretrial conference [28-1] (pb) (Entered: 03/23/1994)
03/22/1994	30	AFFIDAVIT of Robert E. Boston re [28-1] w/attachments 1 & 2 (pb) (Entered: 03/23/1994)
03/22/1994	31	AFFIDAVIT of R. Timothy Epps re [28-1] w/attached Exh. 1 (pb) (Entered: 03/23/1994)
03/22/1994	32	RESPONSE by defendant Saturn Corporation in opposition to motion to certify class action [18-1] w/attachments 1-3 (pb) (Entered: 03/23/1994)
04/05/1994	33	RESPONSE by plaintiffs to motion to postpone determination of class certification, to schedule an evidentiary hearing, for leave to allow supplemental briefs and affidavits to be filed on the class question, and to schedule a FRCP 16 pretrial conference [28-1] (ks) (Entered: 04/06/1994)
04/26/1994	34	LETTER from Waverly Crenshaw to courtroom deputy re. status conference on 5/3/94 at 4:00 (pb) (Entered: 04/28/1994)
05/03/1994	35	CLERK'S RESUME Status conference held 5/3/94. Defendant may supplement class certification opposition by 6/3/94; plaintiffs given to 6/13/94 to reply. C/R : Jim Spence (pb) (Entered: 05/04/1994)
05/06/1994	36	ORDER by Judge Thomas A. Higgins: As determinated at the

		hearing held 5/3/94, the defendant's motion [28-1] is granted in part and denied in part in the following respects: 1. The motion to postpone determination of class certification is DENIED. 2. The motion to schedule an evidentiary hearing to determine class certification is denied. 3. The motion to allow supplemental briefs and affidavits to be filed on the class certification question is granted. Defendant shall supplement its papers in opposition by close of business on 6/3/94. Plaintiffs' supplemental reply papers shall be filed by 6/13/94 at which time the record will be deemed closed. Denying motion for oral argument on motion for class certification [27-1]. (EOD 5/6/94) (cc: all counsel) (ks) (Entered: 05/06/1994)
05/19/1994		MAIL Returned [36-1] addressed to defendant Saturn Corporation's counsel C. Geoffrey Weirich marked, "attempted, not known" (ks) (Entered: 05/20/1994)
05/23/1994	37	TRANSCRIPT filed of status conference on 5/3/94. (bbj) (Entered: 05/23/1994)
06/03/1994	38	SUPPLEMENTAL MEMORANDUM by defendant in opposition to plaintiffs' motion to certify class action [18-1] (gi) (Entered: 06/06/1994)
06/03/1994	39	APPENDIX filed by defendant re [38-1] (gi) (Entered: 06/06/1994)
06/07/1994	40	JOINT MOTION to extend the deadline for non-expert discovery (gi) (Entered: 06/07/1994)
06/09/1994	41	ORDER by Judge Thomas A. Higgins granting motion to extend the deadline for non-expert discovery [40-1]. The time is so extended through 6/10/94. EOD 6/9/94 (cc: all counsel) (gi) (Entered: 06/09/1994)
06/10/1994	42	ORDER by Judge Thomas A. Higgins referring to Magistrate Judge Kent Sandidge III the motion to certify class action [18-1] for submission of recommendation for disposition. EOD 6/10/94 (cc: all counsel) (gi) (Entered: 06/10/1994)
06/10/1994		REMARK: Motion of plaintiffs to certify class action referred to Magistrate Judge Sandidge (gi) (Entered: 06/10/1994)
06/13/1994	43	RESPONSE by plaintiffs to defendant's supplemental memorandum in opposition of motion for class certification [38-1] with attachment (gi) Modified on 06/14/1994 (Entered: 06/14/1994)
06/14/1994	44	ORDER by Magistrate Judge Kent Sandidge III that oral

		argument on motion to certify class action [18-1] shall be heard at 10:00 on 6/21/94 in Courtroom 764. EOD 6/14/94 (cc: all counsel) (gi) (Entered: 06/14/1994)
06/16/1994	45	ORDER by Magistrate Judge Kent Sandidge III resetting oral argument on motion to certify class action [18-1] for 10:00 on 6/24/94 in courtroom 764 (cc: all counsel)EOD 6/16/94 (gi) (Entered: 06/16/1994)
06/17/1994		PROPOSED Agreed Order to reschedule oral argument for 7/12/94 (forwarded to 50AE) (gi) (Entered: 06/20/1994)
06/21/1994	46	ORDER by Magistrate Judge Kent Sandidge III: Oral argument on plaintiff's motion for class certification is reset at 2:00 on 7/12/94 (cc: all counsel) (EOD 6/21/94) (gi) Modified on 07/22/1994 (Entered: 06/21/1994)
07/21/1994	47	JOINT MOTION to extend the deadline to file motions relating to expert discovery from 7/22/94 to 8/22/94 with proposed agreed order (gi) (Entered: 07/22/1994)
07/26/1994	48	ORDER by Judge Thomas A. Higgins granting motion to extend the deadline to file motions relating to expert discovery from 7/22/94 to 8/22/94 [47-1], but no other deadline is extended. (cc: all counsel) EOD 7/26/94 (gi) (Entered: 07/26/1994)
08/12/1994	49	MOTION by plaintiffs to schedule a settlement conference (gi) (Entered: 08/15/1994)
08/12/1994		PROPOSED Order setting a settlement conference (gi) (Entered: 08/15/1994)
08/12/1994	50	MOTION by plaintiffs to compel discovery (with attachments) (gi) (Entered: 08/15/1994)
08/12/1994		PROPOSED Order for defendant to respond to discovery (gi) (Entered: 08/15/1994)
08/26/1994	51	RESPONSE by defendant to motion to schedule a settlement conference [49-1] (gi) (Entered: 08/29/1994)
08/29/1994	52	REPORT AND RECOMMENDATION by Magistrate Judge Kent Sandidge III recommending that plaintiffs' motion for class certification be denied. (cc: all counsel) EOD 8/29/94 (gi) (Entered: 08/29/1994)
08/31/1994	53	ORDER by Judge Thomas A. Higgins granting motion to schedule a settlement conference [49-1]. Settlement conference shall be held before Magistrate Judge Kent Sandidge III, at 2:00

		on 9/21/94. Before COB on 9/20/94 parties shall deliver under seal directly to courtroom deputy for Magistrate Judge Sandidge ex parte separate settlement conference statements. (cc: all counsel) EOD 8/31/94 (gi) (Entered: 08/31/1994)
09/07/1994	54	ORDER by Judge Thomas A. Higgins granting motion to compel discovery [50-1]: Defendant shall comply fully and completely without evasion to the discovery requests within 14 days of entry of this order (cc: all counsel) EOD 9/7/94 (pl) (Entered: 09/07/1994)
09/08/1994	55	ORDER by Magistrate Judge Kent Sandidge III: Settlement conference is continued and reset at 2:00 on 9/19/94 (cc: all counsel) EOD 9/8/94 (pl) (Entered: 09/08/1994)
09/12/1994		REMARK: Designated R. Boston for Saturn/H. Bennett for Lintemuth (labels only) (pl) (Entered: 09/12/1994)
09/12/1994	56	CLERK'S RESUME Pretrial conference held. Parties to pare down witness lists; submit proposed verdict form (interrogatories). Disability claim may be separated C/R : Jim Spence (pl) (Entered: 09/14/1994)
09/15/1994	57	PRE-TRIAL ORDER approved by Judge Thomas A. Higgins : (cc: all counsel) EOD 9/15/94 (gi) (Entered: 09/15/1994)
09/21/1994	58	ORDER by Judge Thomas A. Higgins: The Court has been advised by the attorneys for the parties that all matters and things in controversy in this action has been compromised and settled. Accordingly, this action is dismissed with prejudice. (EOD 9/21/94) (cc: all counsel) (ks) (Entered: 09/21/1994)
10/27/1994		PROPOSED Agreed Final Order (pl) (Entered: 10/27/1994)
10/31/1994	59	AGREED FINAL ORDER approved by Judge Thomas A. Higgins (cc: all counsel) EOD 10/31/94 (pl) (Entered: 10/31/1994)

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