

ARGO,CLOSED,MTNDDL,_JT

**U.S. District Court
Western District of Oklahoma[LIVE] (Oklahoma City)
CIVIL DOCKET FOR CASE #: 5:02-cv-01188-HE**

Ledesma, et al v. Res-Care Oklahoma

Assigned to: Honorable Joe Heaton

Referred to: Mediator

Demand: \$0

Case in other court: Pottawatomie Cnty, CJ02-714

Cause: 28:1441 Petition for Removal – Employment Discrim

Date Filed: 08/26/2002

Date Terminated: 08/04/2003

Jury Demand: Defendant

Nature of Suit: 442 Civil Rights: Jobs

Jurisdiction: Federal Question

Plaintiff

Richard Ledesma

represented by **J David Cawthon**
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ATTORNEY TO BE NOTICED

Plaintiff

Paul DeJulius

represented by **J David Cawthon**
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

Jeff Miller

represented by **J David Cawthon**
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

Karen Pedersen

*individually, and on behalf of all others
similarly situated*

represented by **Karen Pedersen**
17507 S Rockcreek Rd
Shawnee, OK 74801
PRO SE

J David Cawthon
(See above for address)
TERMINATED: 06/18/2003
ATTORNEY TO BE NOTICED

V.

Defendant

Res-Care Oklahoma Inc

a Delaware corporation

represented by **Adam W Childers**
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Date Filed	#	Docket Text
08/26/2002	1	NOTICE OF REMOVAL from Pottawatomie Cnty Dist Ct Case Number: CJ 02-714 by Defendant (nm) (Entered: 08/27/2002)
08/26/2002		RECEIPT For Money Received in the amount of \$ 150.00, receipt # 092619 by Crowe Dunlevy (nm) (Entered: 08/27/2002)
08/26/2002	2	NOTICE of Filing of Notice of Removal by defendant Res-Care Oklahoma (nm) (Entered: 08/27/2002)
08/26/2002	3	ATTORNEY APPEARANCE for defendant Res-Care Oklahoma by Adam W Childers (nm) (Entered: 08/27/2002)
08/26/2002	4	APPLICATION/MOTION of defendant Res-Care Oklahoma for an extension of time to respond to Complaint (nm) (Entered: 08/27/2002)
08/28/2002	5	CERTIFICATE from Cecil Dunlap, Ct Clk of Pottawatomie Cnty, State Ct Caus No. C-02-714 re Notice of Removal to US Dist Ct. WD of OK (fp) (Entered: 08/29/2002)
08/29/2002	<u>6</u>	ORDER by Honorable Joe Heaton granting motion for an extension of time to respond to Complaint [4-1] Res-Care OK Inc., Shl hv until September 9, 2002, to answer, file a mtn and/or otherwise respond to Plfs' Cmp herein (cc: all counsel) [EOD Date 8/29/02] (fp) (Entered: 08/29/2002)
09/05/2002	7	ATTORNEY APPEARANCE for defendant Res-Care Oklahoma by Gayle L Barrett (cjs) (Entered: 09/05/2002)
09/06/2002	8	ATTORNEY APPEARANCE for defendant Res-Care Oklahoma by Lynne F Saunders (nm) (Entered: 09/06/2002)
09/09/2002	9	ANSWER by defendant Res-Care Oklahoma (fp) (Entered: 09/11/2002)
09/12/2002	10	AMENDMENT by defendant Res-Care Oklahoma to answer [9-1] (fp) (Entered: 09/13/2002)
09/16/2002	11	DISCLOSURE Statement filed by defendant Res-Care Oklahoma Inc. no parent corporation (fp) (Entered: 09/17/2002)
09/17/2002		DOCKET STATUS CONF ; status scheduling conf set for 10:20 11/5/02 (fp) (Entered: 09/17/2002)
10/21/2002	12	JOINT DISCOVERY PLAN by plaintiff Richard Ledesma, plaintiff Paul DeJulius, plaintiff Jeff Miller, plaintiff Karen Pedersen, defendant Res-Care Oklahoma (fp) (Entered: 10/22/2002)
10/30/2002	13	STATUS REPORT by plaintiff Richard Ledesma, plaintiff Paul DeJulius, plaintiff Jeff Miller, plaintiff Karen Pedersen, defendant Res-Care Oklahoma; jury trial demanded; est trial time 2 days liab and 2 days damages; bif req - no; possibility of settlement - fair; ptys consent to trial by magistrate judge - no (cjs) (Entered: 10/31/2002)

11/06/2002	<u>14</u>	SCHEDULING ORDER Honorable Joe Heaton ; jury trial set for 9:00 9/1/03 ; Discovery set for 6/1/03 ; mtn filing ddl set for <date not set> ; pretrial report due 8/15/03 ; status scheduling conference held on 10:20 11/5/02 mtns to join due: 30 days fm 11/5/02 mtns to amend due: 30 days fm 11/5/02 pla's wit lst due: 5/1/03 pla's exh lst due: 5/1/03 dft's wit lst due: w/i 10 days t/a dft's exh lst due: w/i 10 days t/a mtns in limine due: 8/15/03 jury instr due: 9/1/03 voir dire requests due: 9/1/03 trial briefs due : 9/1/03 PFofFact &Concl due: 9/1/03 ADR Session Held by Date: 2/1/03 (cc: all counsel), referral to ADR referring matter to Mediator Selection Order Due 11/16/02 (fp) Modified on 02/05/2003 (Entered: 11/06/2002)
11/07/2002	15	MOTION by defendant Res-Care Oklahoma for leave to file Second Amended Answer (fp) (Entered: 11/08/2002)
11/08/2002	<u>16</u>	ORDER by Honorable Joe Heaton; GRANTS motion for leave to file Second Amended Answer [15-1] Dft Res Care OK, Inc. shl file its second amended ans w/i (5) days of the date of this Order (cc: all counsel) [EOD Date 11/8/02] (fp) (Entered: 11/08/2002)
11/08/2002	17	AMENDED ANSWER [9-1] by defendant Res-Care Oklahoma (fp) (Entered: 11/12/2002)
11/14/2002	18	MOTION by plaintiff Richard Ledesma, Paul DeJulius, Jeff Miller, Karen Pedersen and defendant Res-Care Oklahoma for an agreed protective order (nm) (Entered: 11/15/2002)
11/15/2002	<u>19</u>	AGREED PROTECTIVE ORDER by Honorable Joe Heaton; granting ptys' motion for an agreed protective order [18-1] (cc: all counsel) (ap) (Entered: 11/15/2002)
11/15/2002	20	NOTICE OF CONSENT to become a party plf by Chris Downing (fp) (Entered: 11/18/2002)
01/23/2003	21	NOTICE of Consent to Becoma a Party by Catina Roquemore (fp) (Entered: 01/23/2003)
01/30/2003	22	NOTICE by Frederick Shaw's Consent to Become a Party (fp) (Entered: 01/31/2003)
01/31/2003	23	MOTION by plaintiff Richard Ledesma, plaintiff Paul DeJulius, plaintiff Jeff Miller, plaintiff Karen Pedersen for relief from the scheduling order (eh) (Entered: 02/03/2003)
02/05/2003	<u>24</u>	ORDER by Honorable Joe Heaton; GRANTS plf's motion for relief from the scheduling order [23-1] The scheduling order herein be amended to reflect that the deadline for mediation as contemplated in thie order be ext until the 1st day of April, 2003 (cc: all counsel) [EOD Date 2/5/03] (fp) (Entered: 02/05/2003)
04/09/2003	<u>25</u>	ORDER by Honorable Joe Heaton; By its Feb 5, 2003 re [24-1] , Order, the Ct allowed the deadline for mediation to be ext until April 1, 2003. Rpts reflecting the results of such mediation hv not been filed. The parties are ordered to file, by April 15, 2003, a rpt indicating the date upon which the mediation was hld and the out come (whether the cs did or did not settle). (cc: all counsel) [EOD Date 4/9/03] (fp) (Entered: 04/09/2003)
04/14/2003	26	NOTICE OF MEDIATION REPORT by plaintiffs' Richard Ledesma, Paul DeJulius, Jeff Miller, Karen Pedersen, and defendant Res-Care Oklahoma (fp) (Entered: 04/15/2003)
04/16/2003	<u>27</u>	ORDER by Honorable Joe Heaton, Administrative Closing: That Clerk administratively terminate this action without prejudice to the rights of the parties to reopen for entry of any stipulation or order; if parties have not reopened within 30 days to obtain final determination, action will be deemed dismissed with prejudice (cc: all counsel) [EOD Date 4/16/03] (fp) (Entered: 04/16/2003)
05/15/2003	28	MOTION by plaintiff Karen Pedersen for order for determination to be held in federal court (fp) (Entered: 05/15/2003)
05/16/2003	29	MOTION by plaintiff Richard Ledesma, plaintiff Paul DeJulius, plaintiff Jeff Miller, plaintiff Karen Pedersen for extension of deadline (fp) (Entered: 05/16/2003)

		05/16/2003)
05/19/2003	<u>30</u>	ENTER ORDER by Honorable Joe Heaton GRANTING motion for extension of deadline [29-1] The April 16, 2003, administrative closure deadline is extended until June 20, 2003 re [27-2] (cc: all counsel) [EOD Date 5/19/03] (fp) (Entered: 05/19/2003)
06/12/2003	31	STIPULATION by Plfs' Richard Ledesma, Paul DeJulius, Jeff Miller stipulate w/the dft Res-Care OK, Inc., that this action shl be dismissed w/prejudice. Each pty is to bear its own costs and atty fees. The clm of plf Karen Pedersen is not pt of or affectedd by this stipulation. (fp) (Entered: 06/13/2003)
06/16/2003	32	MOTION by J. David Cawthon to withdraw as attorney of record for the plf Karen Pedersen (fp) (Entered: 06/16/2003)
06/18/2003	<u>33</u>	ORDER by Honorable Joe Heaton that this cs will be reopened for resolution of any claims remaining as to Ms. Pedersen reopening the case GRANTING motion by Mr. Cawthon to withdraw as of record for the plf Karen Pedersen. [32-1] Mr. Cawthon is ordered to provide a cpy of this order to plf Kareh Pedersen by regular and certified mail. The "mtn for determination" is STRICKEN [28-1] (cc: all counsel) (fp) Modified on 06/18/2003 (Entered: 06/18/2003)
06/18/2003	<u>34</u>	ORDER by Honorable Joe Heaton granting motion by J. David Cawthon to withdraw as attorney of record for the plf Karen Pedersen [32-1] attorney J David Cawthon for Karen Pedersen Fur that Atty Cawthon provide a cpy of this Order to plf Pedersen by regular mail and by certified mail. Fur Ordered that the plf Pedersen has (20) days fm the date of this Order to enter an appr by substitute cnsl or enter a pro se appr. Failure by the plf Pedersen to enter an appr in compliance w/this Order will result in this cs being dismissed w/without prejudice. (cc: all counsel) [EOD Date 6/18/03] (fp) (Entered: 06/18/2003)
06/20/2003	35	CERTIFICATE of Compliance by all plaintiff purs to Ct's Order of June 18, 2003 (fp) (Entered: 06/23/2003)
07/08/2003	36	MOTION by plaintiff Karen Pedersen for order to Appeal (fp) Modified on 07/22/2003 (Entered: 07/09/2003)
07/10/2003		DOCKET JURY ; jury trial set for 9:30 9/8/03 (fp) Modified on 07/11/2003 (Entered: 07/11/2003)
07/15/2003	<u>37</u>	ORDER by Honorable Joe Heaton; Plf Karen Pederson has filed her "Mtn to Appeal" re [36-1], to which dft need not respond. The mtn apprs to address the question of whether she has signed, or could be forced to sign, a particular settlement agreement. Plf is under no obligation to enter into any particular settlement agreement. The Ct assumes no settlement has been agreed to by Ms. Pedersen. The Cs therefore remains set for trl on the Ct's Sept., 2003 trial dkt. Plf Pedersen is urged to secure cnsl if possible. If not, Ms. Pederson needs to familiarize herself w/the applicable the rules as well as the scheduling order in this cs. The Ct encourages the parties to confer as to resolution of the remaining clms and issues. Absent such resolution, the cs will be set for judicial settlement conf in ordinary course and for trial as indicated. (cc: all counsel) [EOD Date 7/15/03] (fp) Modified on 07/22/2003 (Entered: 07/15/2003)
07/18/2003	<u>38</u>	ORDER by Honorable Joe Heaton, ; Settlement conf August 4, 2003 at 1:30 p.m. bf Magistrate Judge Gary Purcell (cc: all counsel) [EOD Date 7/18/03] (fp) (Entered: 07/18/2003)
07/30/2003	39	REVISED STATEMENT ON SETTLEMENT CONFERENCE/NOTICE by plaintiff Richard Ledesma, plaintiff Paul DeJulius, plaintiff Jeff Miller, plaintiff Karen Pedersen (cjs) (Entered: 07/30/2003)
08/04/2003	<u>40</u>	ORDER by Honorable Joe Heaton, Administrative Closing: That Clerk administratively terminate this action without prejudice to the rights of the parties to reopen for entry of any stipulation or order; if parties have not reopened within 30 days to obtain final determination, action will be deemed dismissed with prejudice (cc: all counsel) [EOD Date 8/4/03] (fp) (Entered: 08/04/2003)

08/04/2003	<u>41</u>	ENTER ORDER by Magistrate Judge Gary M. Purcell: ptys announced cs has settled; settlement conf set for 8/4/03 @ 1:30 pm is stricken (cc: all counsel) [EOD Date 8/4/03] (dm) (Entered: 08/04/2003)
08/04/2003	<u>42</u>	STIPULATION OF DISMISSAL by plaintiff Richard Ledesma, defendant Res-Care Oklahoma that this action shl be dismissed with prejudice. Each party is to bear its own costs and atty fees. (fp) (Entered: 08/05/2003)