

MAHONEY, PROTO, TERMED

**United States District Court
Northern District of Illinois - CM/ECF LIVE, Ver 3.1.3 (Rockford)
CIVIL DOCKET FOR CASE #: 3:04-cv-50375**

EEOC, et al v. Bloomin' Apple Rkfd, et al
Assigned to: Honorable Philip G. Reinhard
Referred to: Honorable P. Michael Mahoney
Demand: \$0
Cause: 42:2000e Job Discrimination (Employment)

Date Filed: 09/09/2004
Date Terminated: 05/29/2007
Jury Demand: Both
Nature of Suit: 442 Civil Rights: Jobs
Jurisdiction: U.S. Government Plaintiff

Plaintiff

**- U.S. Equal Employment Opportunity
Commission**

represented by **Diane Ilene Smason**
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Opportunity Commission
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TERMINATED: 12/09/2004

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V.

Petitioner

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Petitioner

Erin Foster

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Ryan M Holmes
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Petitioner

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Petitioner

Vickie Miner

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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Ryan M Holmes
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Petitioner

Tracy Rangel

represented by **Rene Hernandez**
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Ryan M Holmes
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V.

Defendant

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TERMINATED: 06/06/2005

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ATTORNEY TO BE NOTICED

Defendant

Bloomin' Apple LLC

represented by **Thomas Michael Wilde**
(See above for address)
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Alison J Maki
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ATTORNEY TO BE NOTICED

Mary Claire O'Neil
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TERMINATED: 06/06/2005

Thomas G. Abram
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ATTORNEY TO BE NOTICED

Defendant

Heartland Apple Inc

represented by **Thomas Michael Wilde**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Alison J Maki
(See above for address)
ATTORNEY TO BE NOTICED

Mary Claire O'Neil
(See above for address)
TERMINATED: 06/06/2005

Thomas G. Abram

(See above for address)

ATTORNEY TO BE NOTICED

| Date Filed | # | Docket Text |
|-------------------|-----------|--|
| 09/09/2004 | <u>1</u> | COMPLAINT; jury demand - Civil cover sheet - Appearance(s) of John C. Hendrickson, Gregory M. Gochanour, Laurie S. Elkin as attorney(s) for plaintiff (0 summons(es) issued.) (Documents: 1-1 through 1-3) (clb) (Entered: 09/10/2004) |
| 09/09/2004 | | THIS matter is referred to the Hon. P. Michael Mahoney pursuant to Internal Operating Procedure 11(d). (clb) (Entered: 09/10/2004) |
| 09/22/2004 | <u>2</u> | ATTORNEY APPEARANCE for Susan Brennecka, Erin Foster, Christina Javid, Vickie Miner, Tracy Rangel by Rene Hernandez, Ryan M Holmes (jat) (Entered: 09/22/2004) |
| 09/22/2004 | <u>3</u> | MOTION by Susan Brennecka to intervene ; notice of motion (jat) (Entered: 09/22/2004) |
| 09/22/2004 | <u>4</u> | MOTION by Erin Foster to intervene ; notice of motion (jat) (Entered: 09/22/2004) |
| 09/22/2004 | <u>5</u> | MOTION by Christina Javid to intervene ; notice of motion (jat) (Entered: 09/22/2004) |
| 09/22/2004 | <u>6</u> | MOTION by Vickie Miner to intervene ; notice of motion (jat) (Entered: 09/22/2004) |
| 09/22/2004 | <u>7</u> | MOTION by Tracy Rangel to intervene ; notice of motion (jat) (Entered: 09/22/2004) |
| 09/24/2004 | <u>8</u> | Amended notice of motion by Susan Brennecka, Erin Foster, Christina Javid, Vickie Miner, Tracy Rangel (jat) (Entered: 09/24/2004) |
| 10/18/2004 | <u>9</u> | WAIVER of service of summons as to Bloomin' Apple Rkfd, Bloomin' Apple LLC, Heartland Apple Inc sent on 9/14/04 (jmm (Entered: 10/18/2004) |
| 11/12/2004 | <u>10</u> | MINUTE ORDER of 11/12/04 by Hon. P. Michael Mahoney : Status hearing set for 11/17/04 at 1:30pm. Enter order nunc pro tunc October 6, 2004: Petition/motions to intervene are granted [7-1], [6-1], [5-1], [4-1], [3-1]. no notices required (jat) (Entered: 11/15/2004) |
| 11/15/2004 | <u>11</u> | ATTORNEY APPEARANCE for Bloomin' Apple Rkfd, Bloomin' Apple LLC, Heartland Apple Inc by Thomas Michael Wilde, Thomas G. Abram, Mary Claire O'Neil (jat) (Entered: 11/15/2004) |
| 11/15/2004 | <u>12</u> | ANSWER by Bloomin' Apple Rkfd, Bloomin' Apple LLC, Heartland Apple Inc complaint [1-1]; notice of filing (jat) (Entered: 11/15/2004) |
| 11/17/2004 | | SCHEDULE set on 11/17/04 by Hon. P. Michael Mahoney : Status hearing held. Parties to hold FRCP 26(f) conference. Case management order to be submitted |

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| | | on 12/14/04. Initial Pretrial conference set to 1:30 12/15/04 No notice (glg) (Entered: 11/17/2004) |
| 12/06/2004 | <u>13</u> | agreed MOTION by - EEOC to substitute attorney ; notice of filing (jat) (Entered: 12/07/2004) |
| 12/09/2004 | <u>14</u> | MINUTE ORDER of 12/9/04 by Hon. P. Michael Mahoney : Plaintiff's agreed motion to substitute counsel is granted [13-1]. Gregory Gochanour given leave to withdraw and Diane Smason and Deborah Hamilton given leave to file their appearance. mailed notice (jat) (Entered: 12/10/2004) |
| 12/15/2004 | | SCHEDULE set on 12/15/04 by Hon. P. Michael Mahoney : Initial Pretrial conference held. Case management order approved. FRCP 26(a)(1) disclosure due 1/17/05. Amendment of pleadings due 2/15/05. Fact Discovery ordered closed on 8/30/05. Dispositive motions due 9/30/05. FRCP 26(a)(2) reserved. Parties to get one deposition each at 6 hours. Discovery conference to set mediation set for 1:30 4/15/05 . No notice (glg) (Entered: 12/15/2004) |
| 12/15/2004 | <u>15</u> | Parties proposed case management order by plaintiff, defendant, petitioner (jat) (Entered: 12/16/2004) |
| 02/15/2005 | <u>16</u> | MOTION by Plaintiff - U.S. Equal Employment Opportunity Commission for leave to file first amended complaint instanter (jat,) (Entered: 02/15/2005) |
| 02/15/2005 | <u>17</u> | NOTICE by U.S. Equal Employment Opportunity Commission for presentment of motion to file instanter <u>16</u> before Honorable P. Michael Mahoney on 3/2/2005 at 01:30 PM. (jat,) (Entered: 02/15/2005) |
| 03/02/2005 | <u>18</u> | MINUTE entry before Judge P. Michael Mahoney : Motion to file amended complaint instanter <u>16</u> is granted. Response due 3/23/05. No notice (glg,) (Entered: 03/02/2005) |
| 03/02/2005 | <u>19</u> | first AMENDED complaint by U.S. Equal Employment Opportunity Commission against The Bloomin' Apple Rockford I LLC, Bloomin' Apple LLC, Heartland Apple Inc ; Jury Demand(jat,) (Entered: 03/02/2005) |
| 03/16/2005 | <u>20</u> | ANSWER to first amended complaint by The Bloomin' Apple Rockford I, LLC, Bloomin' Apple LLC, Heartland Apple Inc; notice of filing(jat,) (Entered: 03/16/2005) |
| 03/29/2005 | <u>21</u> | MINUTE entry before Judge P. Michael Mahoney : Pursuant to request of counsel, Discovery Hearing reset for 4/29/2005 at 01:30 PM. Telephoned notice (glg,) (Entered: 03/29/2005) |
| 04/29/2005 | <u>22</u> | MINUTE entry before Judge P. Michael Mahoney : Discovery hearing held on 4/29/2005. Discovery Hearing set for 6/29/2005 at 01:30 PM. No notice (glg,) (Entered: 04/29/2005) |
| 05/11/2005 | <u>23</u> | MOTION by Defendants The Bloomin' Apple Rockford I, LLC, Bloomin' Apple LLC, Heartland Apple Inc to substitute appearance of counsel (jat,) (Entered: 05/11/2005) |
| 06/06/2005 | <u>24</u> | MINUTE entry Defendant's motion to substitute appearance of Alison J. Maki for Mary C. O'Neil <u>23</u> is granted. docketing mailed notice (jat,) (Entered: 06/06/2005) |

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| 06/16/2005 | <u>25</u> | MOTION by Defendants The Bloomin' Apple Rockford I, LLC, Bloomin' Apple LLC, Heartland Apple Inc to compel Tracey Rangel's written discovery responses (jat,) (Entered: 06/16/2005) |
| 06/16/2005 | <u>26</u> | NOTICE by all defendants for presentment of motion to compel <u>25</u> before Honorable P. Michael Mahoney on 6/29/2005 at 01:30 PM. (jat,) (Entered: 06/16/2005) |
| 06/29/2005 | <u>27</u> | MINUTE entry before Judge P. Michael Mahoney : Defendant's Motion to compel <u>25</u> is withdrawn. Discovery hearing held on 6/29/2005. Discovery Hearing set for 7/27/2005 at 01:30 PM. Judge's staff mailed notice (glg,) (Entered: 06/29/2005) |
| 07/19/2005 | <u>28</u> | agreed MOTION by Defendants The Bloomin' Apple Rockford I, LLC, Bloomin' Apple LLC, Heartland Apple Inc for entry of protective order (jat,) (Entered: 07/19/2005) |
| 07/19/2005 | <u>29</u> | NOTICE by The Bloomin' Apple Rockford I, LLC, Bloomin' Apple LLC, Heartland Apple Inc for presentment of motion for protective order <u>28</u> before Honorable P. Michael Mahoney on 7/27/2005 at 01:30 PM. (jat,) (Entered: 07/19/2005) |
| 07/20/2005 | <u>31</u> | agreed PROTECTIVE Order Signed by Judge P. Michael Mahoney on 7/20/2005:(jat,) (Entered: 07/21/2005) |
| 07/21/2005 | <u>30</u> | MINUTE entry before Judge P. Michael Mahoney : Agreed motion for entry of protective order <u>28</u> is granted. Enter Protective Order. Telephonic discovery conference set for 7/27/2005 at 11:30 AM. judge's staff mailed notice (jat,) (Entered: 07/21/2005) |
| 07/27/2005 | <u>32</u> | MINUTE entry before Judge P. Michael Mahoney : Telephonic Discovery hearing held on 7/27/2005. Fact Discovery ordered closed by 10/31/2005. Dispositive Motions due by 12/1/2005. Telephonic Discovery Hearing set for 10/24/2005 at 09:30 AM. Telephoned notice (glg,) (Entered: 07/27/2005) |
| 10/03/2005 | <u>33</u> | MOTION by Defendants The Bloomin' Apple Rockford I, LLC, Heartland Apple Inc, Bloomin' Apple LLC to compel <i>production of plaintiffs-interveners' missing documents</i> (Attachments: # <u>1</u> Exhibit 1# <u>2</u> Exhibit 2# <u>3</u> Exhibit 3# <u>4</u> Exhibit 4# <u>5</u> Exhibit 5# <u>6</u> Exhibit 6# <u>7</u> Exhibit 7)(Maki, Alison) Modified on 10/4/2005 (jat,). (Entered: 10/03/2005) |
| 10/03/2005 | <u>34</u> | NOTICE of Motion by Alison J Maki for presentment of motion to compel, <u>33</u> before Honorable P. Michael Mahoney on 10/14/2005 at 01:30 PM. (Maki, Alison) Modified on 10/4/2005 (jat,). (Entered: 10/03/2005) |
| 10/06/2005 | <u>35</u> | <i>Defendant's Amended</i> NOTICE of Motion by Alison J Maki for presentment of motion to compel, <u>33</u> before Honorable P. Michael Mahoney on 10/26/2005 at 01:30 PM. (Maki, Alison) (Entered: 10/06/2005) |
| 10/06/2005 | <u>36</u> | MINUTE entry before Judge P. Michael Mahoney : Due to the court's schedule, Noticed motion and Discovery Hearing reset for 10/26/2005 at 01:30 PM. Mailed notice (glg,) (Entered: 10/06/2005) |

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| 10/17/2005 | <u>37</u> | MOTION by Defendants The Bloomin' Apple Rockford I, LLC, Bloomin' Apple LLC, Heartland Apple Inc to compel <i>Plaintiffs-Intervenors' responses to Defendants' second set of discovery requests</i> . (Attachments: # <u>1</u> Exhibit 1 - 6)(Maki, Alison) (Entered: 10/17/2005) |
| 10/17/2005 | <u>38</u> | NOTICE of Motion by Alison J Maki for presentment of motion to compel, <u>37</u> before Honorable P. Michael Mahoney on 10/26/2005 at 01:30 PM. (Maki, Alison) (Entered: 10/17/2005) |
| 10/26/2005 | <u>39</u> | MINUTE entry before Judge P. Michael Mahoney : Defendant's Motion to compel <u>33</u> is granted. Affidavit and resposne due 11/2/05. Defendant's Motion to compel <u>37</u> is granted. Verifications to be provided by 11/9/05. Plaintiff given to 11/9/05 to respond to outstanding discovery or the court may entertain a motion to dismiss. Discovery hearing held on 10/26/2005. Fact Discovery ordered closed by 12/30/2005. Discovery Hearing to set dispositive motions set for 1/4/2006 at 01:30 PM. No notice (glg,) (Entered: 10/26/2005) |
| 11/17/2005 | <u>40</u> | MOTION by Plaintiff - U.S. Equal Employment Opportunity Commission to compel (Hamilton, Deborah) (Entered: 11/17/2005) |
| 11/17/2005 | <u>41</u> | NOTICE of Motion by Deborah Lois Hamilton for presentment of motion <u>40</u> before Honorable P. Michael Mahoney on 11/25/2005 at 01:30 PM. (Hamilton, Deborah) Text Modified on 11/18/2005 (jat,). (Entered: 11/17/2005) |
| 11/22/2005 | <u>42</u> | <i>Re-Notice of Motion to Compel</i> NOTICE of Motion by Deborah Lois Hamilton for presentment of motion to compel <u>40</u> before Honorable P. Michael Mahoney on 11/30/2005 at 01:30 PM. (Hamilton, Deborah) (Entered: 11/22/2005) |
| 11/30/2005 | <u>43</u> | MINUTE entry before Judge P. Michael Mahoney :Defendant's Motion to compel <u>40</u> is taken under advisement. Set deadlines as to motion to compel <u>40</u> : Responses due by 12/21/2005 Replies due by 1/11/2006. If a party is not going to file a brief in response or reply, it is that party's obligation, within the time frame established by this order, to so notify the court in writing. Discovery conference reset to 2/8/06 at 1:30 pm. Mailed notice (glg,) (Entered: 11/30/2005) |
| 11/30/2005 | | Set/Reset Hearings Discovery Hearing reset for 2/8/2006 at 01:30 PM. (glg,) (Entered: 11/30/2005) |
| 12/21/2005 | <u>44</u> | RESPONSE by The Bloomin' Apple Rockford I, LLC, Bloomin' Apple LLC, Heartland Apple Inc in Opposition to MOTION by Plaintiff - U.S. Equal Employment Opportunity Commission to compel <u>40</u> (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B)(Maki, Alison) (Entered: 12/21/2005) |
| 12/30/2005 | <u>45</u> | MOTION by Defendants The Bloomin' Apple Rockford I, LLC, Bloomin' Apple LLC, Heartland Apple Inc to compel <i>production of McAfoos Day Planners</i> (Attachments: # <u>1</u> Exhibit 1 - 2# <u>2</u> Exhibit 3 - 8)(Maki, Alison) (Entered: 12/30/2005) |
| 12/30/2005 | <u>46</u> | NOTICE of Motion by Alison J Maki for presentment of motion to compel <u>45</u> before Honorable P. Michael Mahoney on 1/13/2006 at 01:30 PM. (Maki, Alison) Hearing Date (year) Modified on 1/3/2006 (jat,). (Entered: 12/30/2005) |
| 01/09/2006 | <u>47</u> | <i>Amended</i> NOTICE of Motion by Alison J Maki for presentment of motion to compel <u>45</u> before Honorable P. Michael Mahoney on 1/18/2006 at 01:30 PM. |

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| | | (Maki, Alison) (Entered: 01/09/2006) |
| 01/11/2006 | <u>48</u> | REPLY by - U.S. Equal Employment Opportunity Commission in Support of MOTION by Plaintiff - U.S. Equal Employment Opportunity Commission to compel <u>40</u> (Attachments: # <u>1</u> Exhibit exhibits1-3# <u>2</u> Exhibit exhibits4-6)(Hamilton, Deborah) (Entered: 01/11/2006) |
| 01/18/2006 | <u>49</u> | MINUTE entry before Judge P. Michael Mahoney : Defendant's Motion to compel <u>45</u> is granted in part. Day planners to be produced for attorneys' eyes only. Counsel to mark pages to be shown. If there is a disagreement, the court will make an in camera inspection. Legible copies to be produced. (glg,) (Entered: 01/18/2006) |
| 01/20/2006 | <u>50</u> | MOTION by Defendants The Bloomin' Apple Rockford I, LLC, Bloomin' Apple LLC, Heartland Apple Inc for leave to file <i>surreply instanter</i> . (Maki, Alison) (Entered: 01/20/2006) |
| 01/20/2006 | <u>51</u> | NOTICE of Motion by Alison J Maki for presentment of motion for leave to file <u>50</u> before Honorable P. Michael Mahoney on 1/25/2006 at 01:30 PM. (Maki, Alison) (Entered: 01/20/2006) |
| 01/24/2006 | <u>52</u> | MINUTE entry before Judge P. Michael Mahoney : Defendants' 1/20/06 Motion for leave to file surreply <u>50</u> is considered presented and denied. The court strikes the hearing for presentment of Motion set 1/25/06 at 1:30pm. judge's staff mailed notice (jat,) (Entered: 01/24/2006) |
| 01/24/2006 | <u>53</u> | MEMORANDUM Opinion and Order Signed by Judge P. Michael Mahoney on 1/24/2006: For the reasons stated in the attached Memorandum Opinion and Order, EEOC's 11/17/05 Motion to compel production of documents and interrogatory responses <u>40</u> is continued until the court can hold a discovery hearing set for 2:30pm, 2/8/06. Plaintiff is to file a copy of remaining unresolved document requests, interrogatories, and responses by 2/7/06. [For further detail see separate order]judge's staff mailed notice (Attachments: # <u>1</u> MEMORANDUM OPINION & ORDER)(jat,) (Entered: 01/25/2006) |
| 02/02/2006 | <u>54</u> | MOTION by Plaintiff - U.S. Equal Employment Opportunity Commission to compel <i>Responses To Plaintiff EEOC's Third Set of Requests for Admission</i> (Attachments: # <u>1</u> Exhibit Exhibit 1# <u>2</u> Exhibit Exhibits2&4# <u>3</u> Exhibit Exhibit3)(Hamilton, Deborah) (Entered: 02/02/2006) |
| 02/02/2006 | <u>55</u> | NOTICE of Motion by Deborah Lois Hamilton for presentment of motion to compel, <u>54</u> before Honorable P. Michael Mahoney on 2/8/2006 at 01:30 PM. (Hamilton, Deborah) [attached document states 2/8/05] Modified on 2/2/2006 (jat,). (Entered: 02/02/2006) |
| 02/06/2006 | <u>56</u> | STATEMENT by Plaintiff - U.S. Equal Employment Opportunity Commission order on motion to compel, memorandum opinion and order,,,, <u>53</u> <i>Plaintiff EEOC's List of Unresolved Document Production Requests Filed In Accord With Judge Mahoney's January 24, 2006 Order</i> (Attachments: # <u>1</u> # <u>2</u>)(Hamilton, Deborah) (Entered: 02/06/2006) |
| 02/07/2006 | <u>57</u> | RESPONSE by The Bloomin' Apple Rockford I, LLC, Bloomin' Apple LLC, Heartland Apple Inc in Opposition to MOTION by Plaintiff - U.S. Equal Employment Opportunity Commission to compel <i>Responses To Plaintiff EEOC's</i> |

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| | | <i>Third Set of Requests for Admission 54</i> (Attachments: # <u>1</u> Exhibit A)(Maki, Alison) (Entered: 02/07/2006) |
| 02/08/2006 | <u>58</u> | MINUTE entry before Judge P. Michael Mahoney : Discovery hearing held on 2/8/2006. FRCP 26(a)(2) closed. Discovery /Settlement Conference set for 4/3/2006 at 10:00 AM. Real parties in interest to be present. (glg,) (Entered: 02/08/2006) |
| 02/08/2006 | <u>59</u> | MINUTE entry before Judge P. Michael Mahoney : EEOC's 11/17/05 Motion to compel <u>40</u> is granted in part and denied in part as stated in open court. Defendants given until 3/2/06 to produce documents agreed upon by counsels in LR 37.2 conference, until 2/23/06 to produce under Second Request for Production, Nos. 8-9 (Heartland, Inc documents), and until 2/23/06 to supplement Interrogatory #3 at least with regard to the Area Director and with regard to any other updates needed to comply with Rule 26 obligations. EEOC's 2/2/06 Motion to compel responses <u>54</u> is taken under advisement. Magistrate Judge will rule. judge's staff mailed notice (jat,) (Entered: 02/08/2006) |
| 02/10/2006 | <u>60</u> | MEMORANDUM Opinion and Order, Signed by Judge P. Michael Mahoney on 2/10/2006: For the reasons stated on the attached Memorandum Opinion and Order, EEOC's 2/2/06 Motion to compel responses to plaintiff's third set of request for admissions <u>54</u> is denied. [For further detail see separate order.]judge's staff mailed notice (Attachments: # <u>1</u> MEMORANDUM OPINION & ORDER)(jat,) (Entered: 02/10/2006) |
| 03/07/2006 | <u>61</u> | MOTION by Defendants The Bloomin' Apple Rockford I, LLC, Bloomin' Apple LLC, Heartland Apple Inc to exclude putative class member (Attachments: # <u>1</u> Exhibit 1)(Maki, Alison) (Entered: 03/07/2006) |
| 03/07/2006 | <u>62</u> | NOTICE of Motion by Alison J Maki for presentment of motion for miscellaneous relief <u>61</u> before Honorable P. Michael Mahoney on 3/15/2006 at 01:30 PM. (Maki, Alison) (Entered: 03/07/2006) |
| 03/15/2006 | <u>63</u> | MINUTE entry before Judge P. Michael Mahoney : Defendant's Motion to exclude <u>61</u> is denied in part. Because of the failure of person to show up at her deposition, she is precluded from offering testimony. Parties to submit 3 page settlement document to chamber for settlement conference by 3/31/06. (glg,) (Entered: 03/15/2006) |
| 04/03/2006 | <u>64</u> | MINUTE entry before Judge P. Michael Mahoney : Settlement conference held on 4/3/2006. Dispositive Motions due by 5/31/2006. Telephonic Discovery Hearing set for 6/2/2006 at 09:45 AM. (glg,) (Entered: 04/04/2006) |
| 05/30/2006 | <u>65</u> | MOTION by Defendants The Bloomin' Apple Rockford I, LLC, Bloomin' Apple LLC, Heartland Apple Inc for extension of time <i>to file Dispositive Motions (Unopposed)</i> (Maki, Alison) (Entered: 05/30/2006) |
| 06/02/2006 | <u>66</u> | MINUTE entry before Judge P. Michael Mahoney : Defendant's Motion for extension of time <u>65</u> is granted. Telephonic Discovery hearing held on 6/2/2006. Dispositive Motions due by 6/7/2006. Telephonic Discovery Hearing set for 6/12/2006 at 09:45 AM. Telephoned notice (glg,) (Entered: 06/02/2006) |
| 06/07/2006 | <u>67</u> | MOTION by Defendant Heartland Apple Inc for summary judgment (Maki, Alison) (Entered: 06/07/2006) |

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| 06/07/2006 | <u>68</u> | NOTICE of Motion by Alison J Maki for presentment of motion for summary judgment <u>67</u> before Honorable P. Michael Mahoney on 6/12/2006 at 09:45 AM. (Maki, Alison) (Entered: 06/07/2006) |
| 06/07/2006 | <u>69</u> | MEMORANDUM by Heartland Apple Inc in Support of motion for summary judgment <u>67</u> (Maki, Alison) (Entered: 06/07/2006) |
| 06/07/2006 | <u>70</u> | RULE 56.1 Statement by Heartland Apple Inc regarding motion for summary judgment <u>67</u> (Maki, Alison) (Entered: 06/07/2006) |
| 06/07/2006 | <u>71</u> | APPENDIX motion for summary judgment <u>67</u> by Heartland Apple Inc (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B1# <u>3</u> Exhibit B2# <u>4</u> Exhibit C1# <u>5</u> Exhibit C2# <u>6</u> Exhibit D1# <u>7</u> Exhibit D2)(Maki, Alison) (Entered: 06/07/2006) |
| 06/07/2006 | <u>72</u> | MOTION by Defendant Bloomin' Apple LLC for summary judgment (Maki, Alison) (Entered: 06/07/2006) |
| 06/07/2006 | <u>73</u> | NOTICE of Motion by Alison J Maki for presentment of motion for summary judgment <u>72</u> before Honorable P. Michael Mahoney on 6/12/2006 at 09:45 AM. (Maki, Alison) (Entered: 06/07/2006) |
| 06/07/2006 | <u>74</u> | MEMORANDUM by Bloomin' Apple LLC in Support of motion for summary judgment <u>72</u> (Maki, Alison) (Entered: 06/07/2006) |
| 06/07/2006 | <u>75</u> | RULE 56.1 Statement by Bloomin' Apple LLC regarding motion for summary judgment <u>72</u> (Maki, Alison) (Entered: 06/07/2006) |
| 06/07/2006 | <u>76</u> | APPENDIX motion for summary judgment <u>72</u> by Bloomin' Apple LLC (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B1# <u>3</u> Exhibit B2# <u>4</u> Exhibit C1# <u>5</u> Exhibit C2# <u>6</u> Exhibit D)(Maki, Alison) (Entered: 06/07/2006) |
| 06/07/2006 | <u>77</u> | MOTION by Defendant The Bloomin' Apple Rockford I, LLC for partial summary judgment (Maki, Alison) (Entered: 06/07/2006) |
| 06/07/2006 | <u>78</u> | NOTICE of Motion by Alison J Maki for presentment of motion for partial summary judgment <u>77</u> before Honorable P. Michael Mahoney on 6/12/2006 at 09:45 AM. (Maki, Alison) (Entered: 06/07/2006) |
| 06/07/2006 | <u>79</u> | MEMORANDUM by The Bloomin' Apple Rockford I, LLC in Support of motion for partial summary judgment <u>77</u> (Maki, Alison) (Entered: 06/07/2006) |
| 06/07/2006 | <u>80</u> | RULE 56.1 Statement by The Bloomin' Apple Rockford I, LLC regarding motion for partial summary judgment <u>77</u> (Maki, Alison) (Entered: 06/07/2006) |
| 06/08/2006 | <u>81</u> | Notice of Paper Filing by The Bloomin' Apple Rockford I, LLC (Maki, Alison) (Entered: 06/08/2006) |
| 06/12/2006 | <u>82</u> | MINUTE entry before Judge P. Michael Mahoney : Defendant's MOTIONS for summary judgment <u>67</u> <u>72</u> are taken under advisement. Set deadlines as to motions for partial summary judgment <u>77</u> , <u>72</u> , <u>67</u> : Responses due by 7/24/2006 Replies due by 8/14/2006. If a party is not going to file a brief in response or reply, it is that party's obligation, within the time frame established by this order, to so notify the court in writing. Mailed notice (glg,) (Entered: 06/12/2006) |
| 06/12/2006 | <u>83</u> | MINUTE entry before Judge P. Michael Mahoney : Telephonic Discovery hearing held on 6/12/2006. Telephonic Discovery Hearing set for 10/12/2006 at 09:45 |

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| | | AM. Telephoned notice (glg,) (Entered: 06/12/2006) |
| 06/12/2006 | <u>84</u> | APPENDIX (VOLUME 1) motion for partial summary judgment <u>77</u> by The Bloomin' Apple Rockford I, LLC (jat,) (Entered: 06/12/2006) |
| 06/12/2006 | <u>85</u> | APPENDIX (VOLUME 2) motion for partial summary judgment <u>77</u> by The Bloomin' Apple Rockford I, LLC (jat,) (Entered: 06/12/2006) |
| 06/12/2006 | <u>86</u> | APPENDIX (VOLUME 3) motion for partial summary judgment <u>77</u> by The Bloomin' Apple Rockford I, LLC (jat,) (Entered: 06/12/2006) |
| 07/21/2006 | <u>87</u> | RESPONSE by U.S. Equal Employment Opportunity Commission in Opposition <u>70 to Heartland Apple Inc's Local Rule 56.1 Statement of Undisputed Material Facts</u> (Hamilton, Deborah) Modified on 7/24/2006 (jmm-r,). (Entered: 07/21/2006) |
| 07/21/2006 | <u>88</u> | RESPONSE by U.S. Equal Employment Opportunity Commission to Bloomin Apple's Local Rule 56 statement <u>75</u> (Attachments: # <u>1</u> Exhibit)(Hamilton, Deborah) Modified on 7/24/2006 (jmm-r,). (Entered: 07/21/2006) |
| 07/21/2006 | <u>89</u> | MEMORANDUM by - U.S. Equal Employment Opportunity Commission in Opposition to motion for summary judgment <u>72</u> , motion for summary judgment <u>67 Plaintiffs' Joint Memorandum in Opposition to Summary Judgment</u> (Hamilton, Deborah) (Entered: 07/21/2006) |
| 07/21/2006 | <u>90</u> | JOINT STATEMENT by U.S. Equal Employment Opportunity Commission of additional facts in support of memorandum in opposition to motion <u>89</u> (Attachments: # <u>1</u>)(Hamilton, Deborah) Modified on 7/24/2006 (jmm-r,). (Entered: 07/21/2006) |
| 07/24/2006 | <u>91</u> | MOTION by Petitioners Susan Brennecka, Erin Foster, Christina Javid, Vickie Miner, Tracy Rangel for extension of time to file response/reply <i>to Defendant's Summary Judgment Motions <u>67</u> , <u>72</u> , <u>77</u></i> (Hernandez, Rene) Modified on 7/25/2006 (jmm-r,). (Entered: 07/24/2006) |
| 07/24/2006 | <u>92</u> | NOTICE of Motion by Rene Hernandez <i>for presentment of motion for extension of time <u>91</u></i> set before Honorable P. Michael Mahoney on 8/2/2006 at 1:30 PM. (Hernandez, Rene) Modified on 7/25/2006 (jmm-r,). (Entered: 07/24/2006) |
| 08/02/2006 | <u>93</u> | MINUTE entry before Judge P. Michael Mahoney : Plaintiffs' Motion for extension of time to file response regarding MOTIONS for summary judgment <u>77</u> <u>72</u> <u>67</u> is granted. Responses due by 8/23/2006 Replies due by 9/18/2006. Telephoned notice (glg,) (Entered: 08/02/2006) |
| 08/24/2006 | <u>94</u> | MOTION by Petitioners Susan Brennecka, Erin Foster, Christina Javid, Vickie Miner, Tracy Rangel for extension of time to file response/reply as to Rule 56 statement <u>75</u> , motion for partial summary judgment <u>77 Intervener's Unopposed Motion for Extension of Time to File a Response to Defendant's Motion for Summary Judgment</u> (Hernandez, Rene) (Entered: 08/24/2006) |
| 08/24/2006 | <u>95</u> | NOTICE by Susan Brennecka, Erin Foster, Christina Javid, Vickie Miner, Tracy Rangel re <u>94 Notice of Filing Intervener's Unopposed Motion for Extension of Time to File a Response to Defendant's Motion for Summary Judgment</u> (Hernandez, Rene) Document Linking Modified on 8/25/2006 (jat,). (Entered: 08/24/2006) |

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| 09/05/2006 | <u>96</u> | MINUTE entry before Judge P. Michael Mahoney : Plaintiff's Motion for extension of time to file response regarding MOTION by Defendant The Bloomin' Apple Rockford I, LLC for partial summary judgment <u>77</u> , MOTION by Defendant Bloomin' Apple LLC for summary judgment <u>72</u> , MOTION by Defendant Heartland Apple Inc for summary judgment <u>67</u> <u>94</u> is granted. Responses due by 9/13/2006 Replies due by 10/20/2006. Mailed notice (glg,) (Entered: 09/05/2006) |
| 09/13/2006 | <u>97</u> | RULE 56 56.3 Statement Statement by Susan Brennecka, Erin Foster, Christina Javid, Vickie Miner, Tracy Rangel regarding motion for partial summary judgment <u>77</u> <i>Plaintiff/Intervener 56.3 Statement in Response to Defendant's 56.1 Statement</i> (Attachments: # <u>1</u> Affidavit Christina Javid Affidavit# <u>2</u> Affidavit Susan Brennecka Affidavit# <u>3</u> Affidavit Vicki Miner Affidavit)(Hernandez, Rene) (Entered: 09/13/2006) |
| 09/13/2006 | <u>98</u> | MEMORANDUM by Susan Brennecka, Erin Foster, Christina Javid, Vickie Miner, Tracy Rangel in Opposition to motion for partial summary judgment <u>77</u> <i>Plaintiff/Intervener's Memorandum in Opposition to Defendant's Summary Judgment Motion</i> (Hernandez, Rene) (Entered: 09/13/2006) |
| 09/13/2006 | <u>99</u> | NOTICE by Susan Brennecka, Erin Foster, Christina Javid, Vickie Miner, Tracy Rangel re Responses <u>97</u> , <u>98</u> (Hernandez, Rene) Documents Linked Modified on 9/14/2006 (jat,). (Entered: 09/13/2006) |
| 10/12/2006 | <u>100</u> | MINUTE entry before Judge P. Michael Mahoney : Telephonic Discovery hearing held on 10/12/2006. Telephonic Discovery Hearing set for 2/7/2007 at 09:45 AM. Telephoned notice (glg,) (Entered: 10/12/2006) |
| 10/20/2006 | <u>101</u> | MEMORANDUM by Bloomin' Apple LLC in Support of motion for summary judgment <u>72</u> (Maki, Alison) (Entered: 10/20/2006) |
| 10/20/2006 | <u>102</u> | REPLY by Defendant Heartland Apple Inc to motion for summary judgment <u>67</u> <i>Reply Memorandum In Support of Defendant Heartland Apple, Inc's Motion for Summary Judgment</i> (Maki, Alison) (Entered: 10/20/2006) |
| 10/20/2006 | <u>103</u> | RESPONSE by Defendants Bloomin' Apple LLC, Heartland Apple Inc to Response <u>90</u> (Maki, Alison) (Entered: 10/20/2006) |
| 10/20/2006 | <u>104</u> | MEMORANDUM by The Bloomin' Apple Rockford I, LLC in Support of motion for partial summary judgment <u>77</u> (Maki, Alison) (Entered: 10/20/2006) |
| 10/20/2006 | <u>105</u> | RESPONSE by Defendant The Bloomin' Apple Rockford I, LLC to Rule 56 Statement <u>97</u> (Maki, Alison) Document linking modified on 10/20/2006 (jat,). (Entered: 10/20/2006) |
| 10/20/2006 | <u>106</u> | MOTION by Defendant The Bloomin' Apple Rockford I, LLC to strike Rule 56 statement, <u>97</u> (<i>Portions of Attached Affidavits</i>) (Maki, Alison) (Entered: 10/20/2006) |
| 10/20/2006 | <u>107</u> | NOTICE of Motion by Alison J Maki for presentment of motion to strike, motion for relief <u>106</u> before Honorable P. Michael Mahoney on 10/27/2006 at 01:30 PM. (Maki, Alison) (Entered: 10/20/2006) |

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| 10/27/2006 | <u>108</u> | MINUTE entry before Judge P. Michael Mahoney : Defendant's Motion to strike <u>106</u> is taken under advisement. Set deadlines as to motion to strike, motion for relief <u>106</u> : Responses due by 11/13/2007. Motion is transferred to Judge Reinhard for ruling with the motion for summary judgment. Mailed notice (glg,) (Entered: 10/27/2006) |
| 12/21/2006 | <u>109</u> | MINUTE entry before Judge Philip G. Reinhard :Defendants, Bloomin Apple, LLC and Heartland Apple, Inc, and plaintiff, EEOC, are to each submit a memorandum to the court addressing the issue of the applicability of Papa v. Katy Industries, Inc., 166 F. 3d 937 (7th Cir. 1999), to the issue of what constitutes an employer under Title VII in a context outside the narrow one involving the number of employees of a particular defendant as discussed in Papa (unlike the factual context here where the direct employer has the requisite number of employees). The memoranda are to be filed on or before 1/5/2007. electronic notice (jat,) (Entered: 12/21/2006) |
| 01/03/2007 | <u>110</u> | MINUTE entry before Judge Philip G. Reinhard : For the reasons stated below, the court grants defendant's motion to strike the affidavits of Brenneka, Javid, and Miner, and the corresponding factual assertions in plaintiffs' LR 56.1 statement. <u>106</u> [For further details see text below.] electronic notice (jat,) (Entered: 01/04/2007) |
| 01/05/2007 | <u>111</u> | MEMORANDUM by - U.S. Equal Employment Opportunity Commission <i>PLAINTIFF EEOC'S MEMORANDUM ADDRESSING APPLICABILITY OF PAPA V. KATY TO ISSUE OF WHAT CONSTITUTES AN EMPLOYER UNDER TITLE VII IN CONTEXT OTHER THAN ONE INVOLVING NUMBER OF EMPLOYEES OF A PARTICULAR DEFENDANT</i> (Hamilton, Deborah) (Entered: 01/05/2007) |
| 01/05/2007 | <u>112</u> | NOTICE by - U.S. Equal Employment Opportunity Commission <i>Notice of Filing</i> (Hamilton, Deborah) (Entered: 01/05/2007) |
| 01/05/2007 | <u>113</u> | MEMORANDUM text entry,, <u>109</u> by Bloomin' Apple LLC, Heartland Apple Inc (<i>JOINT SUPPLEMENTAL MEMORANDUM OF LAW</i>) (Maki, Alison) (Entered: 01/05/2007) |
| 01/08/2007 | <u>114</u> | MINUTE entry before Judge Philip G. Reinhard :For the reasons stated below, the court grants defendants' motion for partial summary judgment # <u>77</u> .[For further details see text below.] electronic notice (jat,) (Entered: 01/09/2007) |
| 01/17/2007 | <u>115</u> | MINUTE entry before Judge Philip G. Reinhard : For the reasons stated below, the court grants defendants, The Bloomin' Apple, LLC and Heartland Apple, Inc's motions for summary judgment <u>67</u> <u>72</u> . For further details see order. Electronic notice. (las,) (Entered: 01/17/2007) |
| 02/06/2007 | <u>116</u> | BILL of Costs by The Bloomin' Apple Rockford I, LLC, Bloomin' Apple LLC, Heartland Apple Inc (Attachments: # <u>1</u> Exhibit Schedules to Defendants' Bill of Costs# <u>2</u> Exhibit B, of Schedules to Defendants' Bill of Costs# <u>3</u> Exhibit C, of Schedules to Defendants' Bill of Costs)(Maki, Alison) (Entered: 02/06/2007) |
| 02/07/2007 | <u>117</u> | MINUTE entry before Judge P. Michael Mahoney : Telephonic Discovery hearing held on 2/7/2007. Final Pretrial Order due by 5/2/2007. Telephonic Discovery Hearing set for 3/7/2007 at 09:45 AM. Final Pretrial Conference set for 5/2/2007 |

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| | | at 02:00 PM. Telephoned notice (glg,) (Entered: 02/07/2007) |
| 02/22/2007 | <u>118</u> | MINUTE entry before Judge Philip G. Reinhard : Defendant submitted a bill of costs. The court strikes the bill of costs as premature. The case is still pending against one of the defendants. No costs shall be considered prior to the entry of a final judgment disposing of all claims and all parties in this case. mailed notice (jat,) (Entered: 02/22/2007) |
| 03/07/2007 | <u>119</u> | MINUTE entry before Judge P. Michael Mahoney : Telephonic Discovery hearing held on 3/7/2007. Telephonic Discovery Hearing set for 3/28/2007 at 09:45 AM. Settlement Conference set for 4/12/2007 at 01:30 PM. Telephoned notice (glg,) (Entered: 03/07/2007) |
| 03/28/2007 | <u>120</u> | MINUTE entry before Judge P. Michael Mahoney : Telephonic Discovery hearing held on 3/28/2007. Settlement Conference reset for 4/19/2007 at 01:30 PM. Telephoned notice (glg,) (Entered: 03/28/2007) |
| 04/19/2007 | <u>121</u> | MINUTE entry before Judge P. Michael Mahoney : Settlement conference held on 4/19/2007. Parties report cause settled as stated in open court. Parties to file consent decree by 5/21/07. Mailed notice (glg,) (Entered: 04/19/2007) |
| 04/25/2007 | <u>122</u> | MINUTE entry before Judge Philip G. Reinhard : This case has been settled in its entirety. The parties are directed to file a stipulation to dismiss with the court by May 21, 2007. If the parties fail to file the required stipulation to dismiss and this court does not extend the period of time for filing the stipulation to dismiss, the Clerk's Office is directed to enter an order of dismissal with prejudice and judgment. Each party shall bear its own costs, unless otherwise provided in the settlement documents. Due to the settlement of this case, any pending motions are now moot. Notices mailed by judge's staff. (jat,) (Entered: 04/25/2007) |
| 05/21/2007 | <u>123</u> | MOTION by Plaintiff - U.S. Equal Employment Opportunity Commission for extension of time to file <i>stipulation to dismiss and motion for entry of consent decree</i> (Smason, Diane) (Entered: 05/21/2007) |
| 05/21/2007 | <u>124</u> | NOTICE of Motion by Diane Ilene Smason for presentment of motion for extension of time to file <u>123</u> before Honorable P. Michael Mahoney on 5/23/2007 at 01:30 PM. (Smason, Diane) (Entered: 05/21/2007) |
| 05/22/2007 | <u>125</u> | MOTION by Plaintiff - U.S. Equal Employment Opportunity Commission to approve consent judgment <i>Agreed Motion for Entry of Consent Decree</i> (Smason, Diane) (Entered: 05/22/2007) |
| 05/22/2007 | <u>126</u> | MINUTE entry before Judge P. Michael Mahoney : Plaintiff's Motion for extension of time to file stipulation to dismiss <u>123</u> is moot. Mailed notice (glg,) (Entered: 05/22/2007) |
| 05/29/2007 | <u>127</u> | MINUTE entry before Judge Philip G. Reinhard : Parties' agreed motion for entry of Consent Decree is granted <u>125</u> . Enter Consent Decree. This case is dismissed. Civil case terminated. Notices mailed by judicial staff. (las,) (Entered: 05/29/2007) |
| 05/29/2007 | <u>128</u> | CONSENT Decree Signed by Judge Philip G. Reinhard on 5/29/2007(las,) (Entered: 05/29/2007) |

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