

CLOSED

**U.S. District Court
District of South Dakota (Southern Division)
CIVIL DOCKET FOR CASE #: 4:03-cv-04222-KES**

Equal Employment Opportunity Commission v. Mitchell
Temporary et al
Assigned to: Chief Judge Karen E. Schreier
Cause: 28:451 Employment Discrimination

Date Filed: 09/29/2003
Date Terminated: 08/27/2004
Jury Demand: Both
Nature of Suit: 442 Civil Rights: Jobs
Jurisdiction: U.S. Government Plaintiff

Plaintiff

**Equal Employment Opportunity
Commission**

represented by **Ann L. Fuller**
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Intervenor Plaintiff

Varla Kryger

TERMINATED: 08/27/2004

represented by **Varla Kryger**
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TERMINATED: 08/27/2004

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V.

Defendant

Mitchell Temporary

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Defendant

Dakota Pork Industries, Inc.

represented by **George N. Manolis**
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Cross Claimant

Mitchell Temporary

represented by **John S. Theeler**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Cross Defendant

Dakota Pork Industries, Inc.

represented by **George N. Manolis**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Terry E. Schraeder
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Cross Claimant

Mitchell Temporary

V.

Cross Defendant

Dakota Pork Industries, Inc.

represented by **George N. Manolis**
 (See above for address)

Terry E. Schraeder
 (See above for address)

Date Filed	#	Docket Text
09/29/2003	1	COMPLAINT with Jury Demand, filed by Equal Employment Opportunity Commission.(SKM) (Entered: 09/29/2003)
09/29/2003	2	CIVIL COVER SHEET (SKM) (Entered: 10/22/2003)

11/05/2003	3	NOTICE of Appearance by George N. Manolis on behalf of Dakota Pork Industries, Inc. (CLM,) (Entered: 11/05/2003)
11/05/2003		PRO HAC VICE fee paid by Terry E. Schraeder (CLM,) (Entered: 11/05/2003)
11/05/2003	4	MOTION for attorney Terry Schraeder to Appear Pro Hac Vice by Dakota Pork Industries, Inc. (CLM,) (Entered: 11/05/2003)
11/05/2003	5	ORDER granting 4 Motion for Attorney Terry E. Schraeder to appear Pro Hac Vice; further Ordered that Terry E. Schraeder shall file a return and pay state sales tax pursuant to the laws of the state of South Dakota Signed by Judge Karen E. Schreier on 11/5/03. (CLM,) (Entered: 11/06/2003)
12/01/2003	6	NOTICE of Waiver of Service of Summons by Dakota Pork Industries, Inc. (SLL,) (Entered: 12/02/2003)
12/01/2003	7	NOTICE of Waiver of Service of Summons by Denise K. Arend, Agent for Mitchell Temporary (SLL,) (Entered: 12/02/2003)
12/01/2003	8	NOTICE of Waiver of Service of Summons by Lynette G. Vermeulen, Agent for Mitchell Temporary (SLL,) (Entered: 12/02/2003)
12/24/2003	9	ANSWER to Complaint by Dakota Pork Industries, Inc..(JMM,) (Entered: 12/24/2003)
12/24/2003	10	MOTION to Sever by Dakota Pork Industries, Inc.. (JMM,) (Entered: 12/24/2003)
12/24/2003	11	MEMORANDUM in Support re 10 MOTION to Sever filed by Dakota Pork Industries, Inc.. (JMM,) (Entered: 12/24/2003)
12/24/2003	12	CERTIFICATE of Interested Parties by Dakota Pork Industries, Inc.. (JMM,) (Entered: 01/02/2004)
12/30/2003	13	ANSWER to Complaint with Jury Demand, CROSSCLAIM against Dakota Pork Industries, Inc. by Mitchell Temporary.(JMM,) (Entered: 12/30/2003)
12/30/2003	14	CERTIFICATE OF SERVICE by Mitchell Temporary re 12 Answer to Complaint, Crossclaim (JMM,) (Entered: 12/30/2003)
01/14/2004	15	RESPONSE/Resistance to Motion re 10 MOTION to Sever defendant Mitchell Temporary filed by Mitchell Temporary. (SLL,) (Entered: 01/14/2004)
01/14/2004	16	BRIEF by Defendant Mitchell Temporary 15 in Support of its Resistance/Response to Motion to sever defenfant Mitchell Temporary. (SLL,) (Entered: 01/14/2004)
01/14/2004	17	CERTIFICATE OF SERVICE by Mitchell Temporary (SLL,) (Entered: 01/14/2004)
01/14/2004	18	MOTION to Extend Time to Respond to Motion to Sever 10 by Equal Employment Opportunity Commission. (RCL,) (Entered: 01/14/2004)
01/15/2004	19	ORDER granting 18 Motion to Extend . Signed by Judge Karen E. Schreier on 01/15/04. (KC,) (Entered: 01/15/2004)
01/15/2004	20	Confirmation of mailing NOE to non-ecf counsel (MWT,) (Entered: 01/15/2004)

01/23/2004	21	RESPONSE to Motion re 10 MOTION to Sever filed by Equal Employment Opportunity Commission. (Attachments: # 1 Exhibit A)(CLM,) (Entered: 01/23/2004)
02/06/2004	22	REPLY to Motion Reponse re 10 MOTION to Sever filed by Dakota Pork Industries, Inc.. (SKM) (Entered: 02/06/2004)
03/03/2004	23	First MOTION to Intervene <i>as a Matter of Right</i> by Varla Kryger. (Attachments: # 1 Exhibit Complaint of Varla Kryger)(Knudsen, Donald) (Entered: 03/03/2004)
03/03/2004	24	MEMORANDUM in Support re 23 First MOTION to Intervene <i>as a Matter of Right</i> filed by Varla Kryger. (Knudsen, Donald) (Entered: 03/03/2004)
03/11/2004	25	REPORT of Rule 26(f) Planning Meeting. (SKM) (Entered: 03/11/2004)
03/15/2004	26	RULE 26 Disclosures by Dakota Pork Industries, Inc., Mitchell Temporary. (Attachments: # 1 , application for employment; # 2 welcome to Dakota Pork; # 3 job analysis; # 4 ham packer)(JMM,) (Entered: 03/15/2004)
03/16/2004	27	RULE 26 Initial Disclosures by Mitchell Temporary. (SLL,) (Entered: 03/16/2004)
03/16/2004	28	CERTIFICATE OF SERVICE by Mitchell Temporary (SLL,) (Entered: 03/16/2004)
04/01/2004	29	ORDER granting 23 Motion to Intervene. Signed by Judge Karen E. Schreier on 04/01/04. (KC,) (Entered: 04/01/2004)
04/01/2004	31	INTERVENOR COMPLAINT , filed by Varla Kryger.(RCL,) (Entered: 04/02/2004)
04/01/2004	32	Summons Issued for Intervenor Complaint as to Mitchell Temporary (one summons %Denise Arend, one summons %Lynette Vermeulen). Summons hand delivered to Intervenor Plaintiff's attorney. (RCL,) (Entered: 04/02/2004)
04/01/2004	33	Summons Issued for Intervenor Complaint as to Dakota Pork Industries, Inc.. Summons hand delivered to Intervenor Plaintiff's attorney. (RCL,) (Entered: 04/02/2004)
04/16/2004	34	CERTIFICATE OF SERVICE by Mitchell Temporary (SLL,) (Entered: 04/16/2004)
04/22/2004	35	ANSWER to Intervenor Complaint by Dakota Pork Industries, Inc..(SLL,) (Entered: 04/22/2004)
04/23/2004	36	SCHEDULING ORDER: Discovery due by 12/31/2004. Motions due by 1/28/2005. Signed by Judge Karen E. Schreier on 04/23/04. (KC,) (Entered: 04/23/2004)
04/26/2004	37	RETURN OF SERVICE Executed upon Defendant Dakota Pork Industries, Inc., served on CT Corporation System as Registered Agent for Dakota Pork Industries (BBH,) (Entered: 04/26/2004)
04/26/2004	38	RETURN OF SERVICE Executed upon Defendant Mitchell Temporary, served on Lynette Vermeulen (BBH,) (Entered: 04/26/2004)

04/29/2004	40	RETURN OF SERVICE Executed upon Defendant Mitchell Temporary, served on Denise Arend (BBH,) (Entered: 04/30/2004)
05/13/2004	41	ANSWER to Intervenor Complaint 31 , CROSSCLAIM against Dakota Pork Industries, Inc. and Jur Demand by Mitchell Temporary(DJP) (Entered: 05/13/2004)
05/13/2004	42	CERTIFICATE OF SERVICE by Mitchell Temporary (DJP) (Entered: 05/13/2004)
06/18/2004	43	ORDER denying 10 Motion to Sever Signed by Judge Karen E. Schreier on 6/18/04. (CLM,) (Entered: 06/18/2004)
06/22/2004	45	MOTION for Summary Judgment and alternative MOTION for Partial Summary Judgment on Mitchell Temporary Services Cross Claims by Dakota Pork Industries, Inc.. (Attachments: # 1 Exhibit Exhibit A - Mitchell Temporary Services Contract# 2 Exhibit Exhibit B - Affidavit of Dan Jarabek)(SLL,) (Entered: 06/22/2004)
06/22/2004	46	MEMORANDUM in Support re 45 MOTION for Summary Judgment and alternative MOTION for Partial Summary Judgment on Mitchell Temporary Services Cross Claims filed by Dakota Pork Industries, Inc.. (Attachments: # 1 Exhibit Exhibit A - Mitchell Temporary Services Contract# 2 Exhibit Exhibit B - Affidavit of Dan Jarabek)(SLL,) (Entered: 06/22/2004)
07/06/2004	47	APPLICATION AND AFFIDAVIT for Default Judgment by Defendant Mitchell Temporary. (SKM) (Entered: 07/06/2004)
07/06/2004	48	MEMORANDUM of Law in support by Defendant Mitchell Temporary 47 Application for Default Judgment. (SKM) (Entered: 07/06/2004)
07/06/2004	49	NOTICE of Hearing by Mitchell Temporary of Application for Default Judgment (SKM) (Entered: 07/06/2004)
07/06/2004	50	CERTIFICATE OF SERVICE by Mitchell Temporary (SKM) (Entered: 07/06/2004)
07/08/2004		NOTICE of filing error - Dakota Pork Industries Motion For Leave was deleted as Local Counsel had not signed pleadings. (CLM,) (Entered: 07/08/2004)
07/08/2004	51	RESPONSE/RESISTANCE to Motion re 45 MOTION for Partial Summary Judgment MOTION for Summary Judgment filed by Mitchell Temporary. (Attachments: # 1 Affidavit of Denise Arend; # 2 Affidavit of Lynette Vermeulen)(JMM,) (Entered: 07/08/2004)
07/08/2004	52	MEMORANDUM in Opposition re 45 MOTION for Partial Summary Judgment MOTION for Summary Judgment MOTION for Summary Judgment filed by Mitchell Temporary. (Attachments: # 1 Affidavit of Denise Arend; # 2 Affidavit of Lynette Vermeulen; # 3 Mitchell Temporary contract)(JMM,) (Entered: 07/08/2004)
07/08/2004	53	STATEMENT OF MATERIAL FACTS re 51 Response to Motion, 52 Memorandum in Opposition to Motion, by Defendant Mitchell Temporary, Cross Claimants Mitchell Temporary, Mitchell Temporary. (JMM,) (Entered: 07/08/2004)

07/08/2004	54	CERTIFICATE OF SERVICE by Mitchell Temporary re 51 Response to Motion, 52 Memorandum in Opposition to Motion,, 53 Statement of Material Facts (JMM,) (Entered: 07/08/2004)
07/13/2004	55	MOTION for Leave to file its Answer to All Cross Claims Asserted by Defendant Mitchell Temporary by Dakota Pork Industries, Inc.. (Attachments: # 1 Proposed Order for Leave to file Answer to All Cross Claims Asserted by Defendant Mitchell Temporary# 2 Affidavit Terry E. Schraeder# 3 Exhibit A - Complaint and Jury Trial Demand# 4 Exhibit B - Defendant Dakota Pork Industries' Answer to Plaintiff's Complaint# 5 Exhibit C - Intervenor's Complaint# 6 Exhibit D - Defendant Dakota Port Industries' Original Answer to Intervenor's Complaint# 7 Exhibit E - Defendant Dakota Pork Industries' Original Anser to all Cross-Claims Asserted by Third Party Plaintiff Mitchell Temporary# 8 Exhibit F - Dakota Pork Industries' Motion for Summary Judgment and Alternative Motion for Partial Summary Judgment on Mitchell Temporary Services Cross Claims)(CLM,) (Entered: 07/13/2004)
07/13/2004	56	RESPONSE to Application to Set Aside Entry of Default 47 Request filed by Dakota Pork Industries, Inc.. (Attachments: # 1 Proposed Order granting Dakota Pork Industries' Motion to Set Aside Entry of Default# 2 Exhibit B - Dakota Pork Industries' Motion for Summary Judgment and Alternative Motion for Partial Summary Judgment on Mitchell Temporary Services Cross Claims# 3 Exhibit C - Defendant Pork Industries' Original Answer to all Cross-Claims Asserted by Third Party Plaintiff Mitchell Temporary# 4 Exhibit C - Letter dated 6/7/04 from Theeler to Counsel Re: Mediation# 5 Affidavit Terry E. Schraeder# 6 Exhibit E - Defendant Dakota Pork Industries' Motion to Sever Defendant Mitchell Temporary# 7 Exhibit F - Letter dated 3/10/03 from Ward to Office of the Clerk Re: Joint Discovery/Case Mangement Plan Under Rule 26(f) of the Federal Rules of Civil Procedure# 8 Exhibit G - Defendant Dakota Pork Industries' Answers to Mitchell Temporary's First Set of Interrogatories and Response to First Request for Production# 9 Exhibit H - Letter dated 2/19/04 Ward to Counsel Re: Joint Case Management Plan# 10 Exhibit I - Letter dated 6/16/04 from Magistrate Judge Simko to Counsel re: Mediation)(CLM,) (Entered: 07/13/2004)
07/16/2004	57	REPLY to Motion Reponse re 45 MOTION for Partial Summary Judgment MOTION for Summary Judgment MOTION for Summary Judgment filed by Dakota Pork Industries, Inc.. (RCL,) (Entered: 07/16/2004)
07/16/2004	58	ANSWER to Crossclaim by Dakota Pork Industries, Inc..(RCL,) (Entered: 07/16/2004)
07/16/2004	59	MOTION to Extend <i>Expert Witness Deadlines</i> by Equal Employment Opportunity Commission. (Kittle, Rita) (Entered: 07/16/2004)
07/19/2004	60	ORDER granting 59 Motion to Extend expert deadlines. Signed by Judge Karen E. Schreier on 07/19/04. (KC,) (Entered: 07/19/2004)
08/27/2004	62	MOTION (STIPULATION) to Dismiss claims pending against Dakota Pork Industries and Mitchell Temporary brought by Intervenor Varla Kryger. Filed by Dakota Pork Industries, Inc., Varla Kryger, Mitchell Temporary. (RCL,) (Entered: 08/27/2004)

08/27/2004	63	CONSENT DECREE (Dakota Pork) re 62 MOTION to Dismiss filed by Dakota Pork Industries, Inc., Mitchell Temporary, Varla Kryger. Signed by Judge Karen E. Schreier on 8/27/04. (RCL,) (Entered: 08/27/2004)
08/27/2004	64	CONSENT DECREE (Mitchell Temporary) re 62 MOTION to Dismiss filed by Dakota Pork Industries, Inc., Mitchell Temporary, Varla Kryger. Signed by Judge Karen E. Schreier on 8/27/04. (RCL,) (Entered: 08/27/2004)
08/27/2004	65	ORDER granting 62 Motion (Stipulation) to Dismiss . Signed by Judge Karen E. Schreier on 8/27/04. (RCL,) (Entered: 08/27/2004)
09/12/2005		MAILING Original File to Clerk's Office in Sioux Falls, SD (JLH,) (Entered: 09/12/2005)

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