

CASE-CLOSED, CASE-MANAGER-BROWN

**U.S. District Court**  
**Middle District of Tennessee (Nashville)**  
**CIVIL DOCKET FOR CASE #: 3:02-cv-00737**

EEOC v. Hendrickson Trailer, et al  
Assigned to: Chief Judge Todd J. Campbell  
Demand: \$0  
Cause: 42:2000e Job Discrimination (Employment)

Date Filed: 07/31/2002  
Jury Demand: Both  
Nature of Suit: 442 Civil Rights: Jobs  
Jurisdiction: U.S. Government Plaintiff

**Plaintiff****Equal Employment Opportunity  
Commission**

represented by **Celia S. Liner**  
Equal Employment Opportunity  
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V.

**Defendant****Hendrickson International Operations  
of the Boler Company***TERMINATED: 08/27/2003**doing business as***Hendrickson Trailer Suspension Systems**

represented by **H. Rowan Leathers, III**  
Miller & Martin, PLLC  
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*TERMINATED: 08/27/2003*  
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(330) 867-9998  
*TERMINATED: 08/27/2003*  
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**Defendant****Hendrickson Trailer Suspension  
Systems***a division of The Boler Company*

represented by **H. Rowan Leathers, III**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Harley M. Kastner**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**John W. McKenzie**  
(See above for address)  
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**Intervenor Plaintiff**

**Patricia Balbas**represented by **Wanda G. Sobieski**

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**LEAD ATTORNEY****ATTORNEY TO BE NOTICED**

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
07/31/2002	1	COMPLAINT (rls) (Entered: 08/06/2002)
07/31/2002	2	NOTICE of Initial Case Management Conference: The Initial Case Management Conference is hereby set for 10:30 on 10/21/02 before Magistrate Judge Joe B. Brown. Case referred to Magistrate Judge Joe B. Brown for customized case management. (rls) (Entered: 08/06/2002)
08/12/2002	3	ORDER by Judge Todd J. Campbell: This case is referred to Magistrate Judge Joe B. Brown for customized case management. Discovery is not stayed absent further order of the Court. The case shall not be stayed except upon order of the District Judge. (cc: all counsel) (EOD 8/12/02) (rls) (Entered: 08/12/2002)
08/22/2002	4	LETTER (copy) from pltf to Supervisor of Process, CT Corp, Knoxville, TN returning complaint and ntc of lawsuit and request for waiver of service of process for handling which they were mistakenly returned to EEOC (gi) (Entered: 08/23/2002)
09/10/2002	5	WAIVER OF SERVICE mailed upon deft Hendrickson Intl Op on 8/8/02 (km) (Entered: 09/11/2002)
09/17/2002	6	MOTION for permission by deft Hendrickson Intl Op for attorney Harley M. Kastner to appear pro hac vice and for attorney John W. McKenzie to appear pro hac vice (w/att'd Exh A) (km) Modified on 09/18/2002 (Entered: 09/18/2002)
09/17/2002	7	CERTIFICATE of Good Standing for Harley M. Kastner from USDC, ND/OH filed by defts (km) (Entered: 09/18/2002)
09/17/2002	8	CERTIFICATE of Good Standing for John W. McKenzie from USDC, ND/OH filed by defts (km) (Entered: 09/18/2002)
09/20/2002	9	ORDER by Magistrate Judge Joe B. Brown granting motion for attorneys Harley M. Kastner [6-1] and John W. McKenzie to appear pro hac vice [6-2] by deft Hendrickson International Operations. EOD 9/23/02 (cc: all counsel) (gi) (Entered: 09/23/2002)
10/04/2002	10	ANSWER by deft Hendrickson Intl Op to [1-1]; jury demand (dlt) (Entered: 10/07/2002)
10/16/2002		PROPOSED PLAINTIFF'S INITIAL CASE MANAGEMENT ORDER (km) (Entered: 10/17/2002)
10/17/2002		PROPOSED Initial Joint Case Management Order (dlt) (Entered: 10/18/2002)

10/17/2002	11	MOTION by Patricia Balbas to intervene as pltf . (w/ att'd proposed complaint in intervention) (dlt) (Entered: 10/21/2002)
10/21/2002	12	CLERK'S RESUME: Case Management Conference held 10/21/02. Motion to intervene [11-1] granted; discovery ddl 4/30/03; dispositive mtns ddl 8/1/03; T/C set for 3/25/03 at 9:30; ICM order to enter. C/R : Taped No. 751 (km) (Entered: 10/22/2002)
10/21/2002	13	INITIAL JOINT CASE MANAGEMENT ORDER by Magistrate Judge Joe B. Brown: Trial to be on or after 1/15/04; Discovery ddl set for 4/30/03; Motion filing ddl 8/1/03; Case Management Conference by phone set for 3/25/03 started by pltf at 9:30 a.m. . (EOD 10/22/02) (cc: all counsel) (km) (Entered: 10/22/2002)
10/21/2002	14	ORDER by Magistrate Judge Joe B. Brown granting motion to intervene as pltf [11-1]. (EOD 10/22/02) (cc: all counsel) (km) (Entered: 10/22/2002)
10/22/2002	15	COMPLAINT in Intervention by intevenor pltf Patricia Balbas(km) Modified on 10/22/2002 (Entered: 10/22/2002)
11/12/2002	16	ANSWER by deft Hendrickson Intl Op to [15-1]; jury demand (dlt) (Entered: 11/13/2002)
11/12/2002	17	MOTION by deft Hendrickson Intl Op to limit scope of intervention . (w/ att'd exhibit A) (dlt) (Entered: 11/13/2002)
11/20/2002	18	ORDER by Judge Todd J. Campbell: Jury trial set for 9:00 on 2/17/04; pretrial conference set 10:30 on 2/9/04; pretrial order ddl 2/4/04; joint proposed jury instructions and verdict forms, witness/exhibit lists and stipulations to be filed by 2/4/04. (EOD 11/21/02) (cc: all counsel) (km) Modified on 11/21/2002 (Entered: 11/21/2002)
11/27/2002	19	OPPOSITION by intevenor pltf Patricia Balbas to motion to limit scope of intervention [17-1] (w/att'd exhibits 1-3) (vh) (Entered: 12/02/2002)
12/05/2002	20	ORDER by Magistrate Judge Joe B. Brown denying motion to limit scope of intervention [17-1]. EOD 12/6/02 (cc: all counsel) (gi) (Entered: 12/06/2002)
01/03/2003	21	NOTICE OF SUBSTITUTION by Celia S. Liner, for Lawrence Kenyon and ATTORNEY APPEARANCE by Celia S. Liner for pltf; Sally Ramsey will remain counsel of record on this case. (km) (Entered: 01/07/2003)
03/26/2003	22	ORDER by Magistrate Judge Joe B. Brown: Telephone conference was held 3/25/03 ; The parties advised they are generally on schedule with the discovery order, although it is possible they will need a brief extension to complete certain depositions and their expert discovery. The parties advised that it was still early to consider serious settlement discussions. The parties are advised that should at any time they believe a settlement conference or other alternate dispute resolution measures would be appropriate, they should contact the Magistrate Judge for such assistance as may be properly provided. (EOD 3/27/03) (cc: all counsel) (km) (Entered: 03/27/2003)
04/18/2003	23	JOINT MOTION by pltf, deft and intevenor pltf to modify scheduling order (w/attached proposed order) (km) (Entered: 04/18/2003)

04/21/2003	24	ORDER by Magistrate Judge Joe B. Brown granting motion to modify scheduling order [23-1]. The deposition ddl is 8/29/03. Dispositive Motion filing ddl is set for 10/1/03. Response to Dispositive Motions will be filed by 10/31/03. Reply to Response to Dispositive Motions will be filed by 11/14/03. (cc: all counsel) (EOD 4/21/03) (jb) (Entered: 04/21/2003)
08/26/2003	25	MOTION by pltf EEOC for leave to file amended complaint and Motion by intervenor pltf Patricia Balbas for leave to file amended complaint of intervention (w/attached proposed order and original amended complaint and amended complaint of intervention) (km) (Entered: 08/26/2003)
08/26/2003	26	MEMORANDUM by pltf EEOC and intervenor pltf Patricia Balbas in support of motion for leave to file amended complaint [25-1] and for leave to file amended complaint of intervention [25-2] (km) (Entered: 08/26/2003)
08/27/2003	27	ORDER by Magistrate Judge Joe B. Brown granting motion for leave to file amended complaint [25-1] and to file amended complaint of intervention [25-2]. Clerk will file the amended complaints. (EOD 8/27/03) (cc: all counsel) (km) (Entered: 08/27/2003)
08/27/2003	28	AMENDED COMPLAINT [1-1] by pltf EEOC terminating deft Hendrickson Intl Op; adding Hendrickson Trailer; jury demand (km) (Entered: 08/27/2003)
08/27/2003	29	AMENDED COMPLAINT IN INTERVENTION [15-1]; jury demand (km) (Entered: 08/27/2003)
09/11/2003	30	MOTION by deft Hendrickson Trailer to amend scheduling order (w/attached proposed order) (km) (Entered: 09/12/2003)
09/15/2003	31	ORDER by Magistrate Judge Joe B. Brown: Dispositive mtn filing deadline reset to 10/31/03, response due 11/26/03, there will be no reply absent a request of the court. (EOD 9/15/03) (cc: all counsel) (km) (Entered: 09/15/2003)
09/26/2003	32	JOINT MOTION by parties for judicial settlement conference (km) (Entered: 09/29/2003)
10/02/2003	33	ORDER by Magistrate Judge Joe B. Brown granting motion for judicial settlement conference [32-1]. The Clerk is directed to forward this file to Magistrate Judge Knowles for the scheduling of the settlement conference. (EOD 10/2/03) (cc: all counsel) (km) (Entered: 10/02/2003)
10/14/2003	34	ORDER by Magistrate Judge E. C. Knowles: Settlement conference is set for 9:30 on 11/19/03. Parties shall deliver under seal, directly to the Courtroom Deputy, ex parte, separate settlement conference stmts. (EOD 10/15/03) (cc: all counsel) (km) (Entered: 10/15/2003)
10/31/2003	35	MOTION by deft Hendrickson Trailer for summary judgment (gi) (Entered: 11/03/2003)
10/31/2003	36	MEMORANDUM by deft Hendrickson Trailer in support of motion for summary judgment [35-1] (gi) (Entered: 11/03/2003)
10/31/2003	37	STATEMENT of undisputed material facts by deft Hendrickson Trailer in support of [35-1] (gi) (Entered: 11/03/2003)

10/31/2003	38	NOTICE by deft Hendrickson Trailer of filing transcripts from depositions of Patricia Balbas (original), Daniel Holbert, Brian Beheydt, Kenneth Hedgespeth, Kirk Steer and William Erwin (copies), afdt of Matthew Caudill and Appendix, Volumes I and II (gi) (Entered: 11/03/2003)
10/31/2003	39	DEPOSITION of Patricia Balbas taken on the following date(s): 6/25/03 (gi) (Entered: 11/03/2003)
10/31/2003	40	AFFIDAVIT of Matthew Caudill re [35-1] (gi) (Entered: 11/03/2003)
11/19/2003	41	CLERK'S RESUME: Settlement conference held 11/19/03 ; The parties reached a settlement in this action. Parties will submit a consent order within the next few days. (km) (Entered: 11/20/2003)
12/02/2003	42	ORDER by Judge Todd J. Campbell: This action is dismissed, without prejudice. Motion for summary judgment [35-1] is denied as moot. terminating case. (EOD 12/3/03) (cc: all counsel) (km) (Entered: 12/03/2003)
12/17/2003		PROPOSED Consent Decree Order (km) (Entered: 12/17/2003)
12/23/2003	43	CONSENT DECREE approved by Judge Todd J. Campbell: This Consent Decree resolves all claims and issues arising out of Charge No. 253-AO-1289, the Commission's complaint and Intervenor Patricia Balbas' complaint in this cause alleging unlawful employment discrimination by deft. The ptys shall bear their own costs, including any attys' fees in this action. (cc: all counsel) (EOD 12/23/03) (jb) (Entered: 12/23/2003)

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