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U.S. District Court
MIDDLE DISTRICT OF TENNESSEE (Nashville)

CIVIL DOCKET FOR CASE #: 91-CV-346

McKennon v. Nashville Banner
Assigned to: Judge Thomas A. Higgins
Demand: \$0,000
Lead Docket: None
Dkt# in other court: None

Filed: 05/06/91
Jury demand: Plaintiff
Nature of Suit: 442
Jurisdiction: Federal Question

Cause: 29:621 Job Discrimination (Age)

CHRISTINE MCKENNON
ptf

Clinton W. Watkins
[COR LD NTC]
5214 Maryland Way
Suite 402
Brentwood, TN 37027
(615) 376-7000

Michael E. Terry
[COR LD NTC]
209 Tenth Avenue, S
Suite 310-Cummins Station
Nashville, TN 37203
(615) 256-5555

v.

NASHVILLE BANNER PUBLISHING
COMPANY, INC.
deft

R. Eddie Wayland
[COR LD NTC]
M. Kim Vance
[COR LD NTC]
King & Ballow
315 Union Street
1100 Union Street Plaza
Nashville, TN 37201
(615) 259-3456

Elizabeth B. Marney
[COR LD NTC]
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- 5/6/91 1 COMPLAINT (Summons(es) issued) Filing fee paid in the amount of : \$120 Receipt # 32286 (ks) [Entry date 09/11/91]
- 6/17/91 2 ANSWER by defendant Nashville Banner to [1-1] (ks) [Entry date 09/11/91]
- 7/23/91 3 RESPONSE OF THE PARTIES: All parties do not consent to have a Magistrate conduct any and all further proceedings. (ks) [Entry date 09/11/91]
- 12/13/91 4 SCHEDULING ORDER Judge Thomas A. Higgins ; motion filing ddl set for 2/4/92 ; Discovery set for 1/20/92 ; proposed pre-trial order due on 4/9/92 ; pretrial conference set for 1:00 4/9/92 ; jury trial set for 9:00 4/28/92. Est. trial time is 2 days. (cc: all counsel) (ks) [Entry date 12/16/91]
- 12/16/91 5 ORDER by Judge Thomas A. Higgins: If action is to be settled, the Courtroom Deputy shall be so notified by noon 4/24/92. If settlement is reached thereafter resulting in the nonutilization of jurors, the costs of summoning jurors may be taxed to the parties dependent upon the circumstances. (cc: all counsel) (ks)
- 12/20/91 6 AGREED PROTECTIVE ORDER by Judge Thomas A. Higgins: See order for details. (cc: all counsel) (ks) [Entry date 12/23/91]
- 1/7/92 7 MOTION by defendant for summary judgment (ks) [Entry date 01/08/92]
- 1/7/92 8 MEMORANDUM by defendant in support of motion for summary judgment [7-1] with Appendix A of exhibits attached. (ks) [Entry date 01/08/92]
- 1/7/92 9 STATEMENT of facts by defendant in support of motion for summary judgment [7-1] (ks) [Entry date 01/08/92]
- 1/22/92 10 MOTION by plaintiff to extend time to respond to defendant's motion for summary judgment (ks) [Entry date 01/23/92]
- 1/22/92 11 MOTION by plaintiff to continue trial (ks) [Entry date 01/23/92]
- 1/23/92 12 ORDER by Judge Thomas A. Higgins granting plaintiff's motion to extend time to respond to defendant's motion for summary judgment [10-1]. The time is extended through 3/15/92 for plaintiff to respond to defendant's motion for summary judgment [7-1]. (cc: all counsel) (ks) [Entry date 01/24/92]

- 2/5/92 13 ORDER by Judge Thomas A. Higgins denying plaintiff's motion to continue trial [11-1] as premature at this time. The parties were directed to proceed with the preparation of this case and be ready for trial in the event the criminal case does not go to trial. (EOD 2/5/92) (cc: all counsel) (ks)
- 2/28/92 14 MOTION by defendant for protective order (ks) [Entry date 03/02/92]
- 2/28/92 15 MEMORANDUM by defendant in support of motion for protective order [14-1] (ks) [Entry date 03/02/92]
- 2/28/92 16 MOTION by defendant for expedited hearing, and ruling on motion for protective order (ks) [Entry date 03/02/92]
- 3/3/92 17 SUPPLEMENTAL AUTHORITY by defendant in support of motion for summary judgment [7-1] with attachments. (ks)
- 3/5/92 18 MOTION by defendant Nashville Banner for limited stay of depositions pending ruling on defendant's motion for protective order (ag) [Entry date 03/06/92]
- 3/6/92 19 ORDER by Judge Thomas A. Higgins: Motion by defendant Nashville Banner for limited stay of depositions pending ruling on defendant's motion for protective order [18-1] GRANTED to the extent that all inquiries into the personal financial information of the defendant's officer, directors and management are precluded. Inquiries of a relevant nature may be made as to the defendant's financial condition and the same will be deemed covered by an appropriate protective order. (EOD 3-6-92) (cc: all counsel) (ag)
- 3/10/92 20 NOTICE by defendant of filing original affidavits of Elise D. McMillan, Irby C. Simpkins, Jr., Edward F. Jones and Imogene L. Stoneking in support of defendant's motion for summary judgment. (ks)
- 3/10/92 21 AFFIDAVIT of Irby C. Simpkins, Jr. in support of defendant's motion for summary judgment [7-1] (ks)
- 3/10/92 22 AFFIDAVIT of Edward F. Jones in support of defendant's motion for summary judgment [7-1] (ks)
- 3/10/92 23 AFFIDAVIT of Elise D. McMillan in support of defendant's motion for summary judgment [7-1] (ks)
- 3/10/92 24 AFFIDAVIT of Imogene L. Stoneking in support of defendant's motion for summary judgment [7-1] (ks)
- 3/16/92 25 RESPONSE by plaintiff to defendant's motion for summary judgment [7-1] with Exhibit A attached. (ks) [Entry date 03/17/92]

- 3/16/92 26 NOTICE by plaintiff of filing affidavits in support of response to defendant's motion for summary judgment. (ks) [Entry date 03/17/92]
- 3/16/92 27 AFFIDAVIT of Gene McKennon in support of plaintiff's response [25-1] to defendant's motion for summary judgment (ks) [Entry date 03/17/92]
- 3/16/92 28 AFFIDAVIT of Christine McKennon in support of plaintiff's response [25-1] to defendant's motion for summary judgment. (ks) [Entry date 03/17/92]
- 3/20/92 29 REPLY by defendant Nashville Banner to plaintiff's response to motion for summary judgment [7-1] with Exhibits A-G attached. (ks) [Entry date 03/23/92]
- 3/20/92 30 MOTION by defendant for oral argument on motion for summary judgment (ks) [Entry date 03/23/92]
- 4/3/92 31 ORDER by Judge Thomas A. Higgins granting motion for oral argument on motion for summary judgment [30-1]. Setting hearing on motion for summary judgment [7-1] for 1:00 on 4/9/92. (cc: all counsel) (ks) [Entry date 04/05/92]
- 4/8/92 32 MOTION by defendant to suppress revisions of plaintiff's deposition with Exhibits A-D attached. (ks)
- 4/8/92 33 DECLARATION by Teri Campbell in support of defendant's motion to suppress [32-1]. Declaration is Exhibit C to motion. (ks)
- 4/8/92 34 MEMORANDUM by defendant Nashville Banner in support of motion to suppress revisions of plaintiff's deposition [32-1] (lh)
- 4/8/92 35 MOTION by plaintiff to continue trial (ks) [Entry date 04/09/92]
- 4/9/92 36 CLERK'S RESUME: Pretrial conference held 4/9/92 C/R : Jim Spence (ks) [Entry date 04/10/92]
- 4/10/92 37 SUPPLEMENTAL CITATION OF AUTHORITY by defendant in support of motion for summary judgment [7-1] (ks) [Entry date 04/12/92]
- 4/10/92 38 NOTICE by defendant of filing original deposition and copies of excerpts of depositions. (ks) [Entry date 04/12/92]
- 4/10/92 39 DEPOSITION of Christine McKennon taken on the following date(s): 12/17/91 and 12/18/91. Two volumes. (ks) [Entry date 04/12/92]

- 4/10/92 40 ORDER by Judge Thomas A. Higgins granting plaintiff's motion to continue trial [35-1]. Jury trial is continued. (cc: all counsel) (ks) [Entry date 04/12/92]
- 4/14/92 41 SUPPLEMENT by plaintiff to motion response [25-1] to defendant's motion for summary judgment. (ks) [Entry date 04/20/92]
- 4/14/92 42 NOTICE by plaintiff of filing documents to supplement response to defendant's motion for summary judgment with documents attached. (This pleading was submitted under seal, no order has been entered allowing filing under seal.) (ks) [Entry date 04/20/92]
- 4/17/92 43 SECOND SUPPLEMENTAL AUTHORITY by defendant in support of motion for summary judgment [7-1] with attachment. (ks) [Entry date 04/20/92]
- 4/21/92 44 RESPONSE by plaintiff to defendant's motion to suppress revisions of plaintiff's deposition [32-1] with Exhibits 1 and 2 attached. (ks) [Entry date 04/22/92]
- 4/27/92 45 REPLY by defendant to plaintiff's response to motion to suppress revisions of plaintiff's deposition [32-1] (ks) [Entry date 04/28/92]
- 6/3/92 46 MEMORANDUM OF THE COURT (cc: all counsel) (ks) [Entry date 06/04/92]
- 6/3/92 47 ORDER by Judge Thomas A. Higgins: In accordance with memorandum, defendant's motion for summary judgment [7-1] is granted. Dismissing case with prejudice. The entry of this order shall constitute the judgment in this action. (cc: all counsel) (ks) [Entry date 06/04/92]
- 6/26/92 48 NOTICE OF APPEAL by plaintiff Christine McKennon from Dist. Court decision, [47-2] (mg) [Entry date 07/01/92]
- 7/6/92 49 MOTION by defendant Nashville Banner for sanctions (mg) [Entry date 07/08/92]
- 7/6/92 50 MEMORANDUM by defendant Nashville Banner in support of motion for sanctions [49-1] (mg) [Entry date 07/08/92]
- 7/6/92 51 AFFIDAVIT of R. Eddie Wayland (mg) [Entry date 07/08/92]
- 7/6/92 52 BILL OF COSTS submitted by defendant Nashville Banner (mg) [Entry date 07/08/92]
- 7/6/92 53 DECLARATION re Bill of Costs [52-1] (mg) [Entry date 07/08/92]
- 7/8/92 -- REMARK: Copy of NOA sent to attys of record (mg) [Entry date 07/09/92]

7/13/92 54 OBJECTIONS to bill of costs submitted by King & Ballow [52-1] by Michael Terry (pb)

7/13/92 -- Short Record on Appeal sent to 6th CCA re [48-1] (mg)

7/20/92 55 RESPONSE to objs to Bill of Costs filed by Attorney Michael Terry [54-1] (Response/letter given to Juliet) (mg)

7/23/92 56 RESPONSE by plaintiff Christine McKennon to m for sanctions and fees [49-1] (mg) [Entry date 07/24/92]

7/27/92 -- NOTIFICATION by 6th CCA of Appellate Docket Number 92-5917 (mg) [Entry date 07/29/92]

7/29/92 57 ORDER by Judge Thomas A. Higgins denying motion for sanctions and fees [49-1] (cc: all counsel) (mg)

8/4/92 58 MOTION by defendant Nashville Banner to supplement the record (mg)

8/4/92 59 AFFIDAVIT of R. Eddie Wayland re [58-1] (mg)

8/4/92 -- TRANSCRIPT Order Form for dates: Transcript is unnecessary re [48-1] (mg) [Entry date 08/05/92]

8/4/92 -- RECEIVED filing fee and forwarded to 6th CCA (mg) [Entry date 08/05/92]

8/11/92 60 TRANSCRIPT filed: Oral Motion for Summary Judgment 4/9/92 before Judge Higgins James Spence CtRptr (mg)

8/11/92 61 OBJECTIONS by plaintiff to bill of costs [52-1] (ks) [Entry date 08/13/92]

8/12/92 -- TRANSCRIPT Order Form for dates: 4/9/92 re [48-1] re transcript [60-1] (ks) [Entry date 08/13/92]

8/17/92 -- REMARK: Copy of appeal fee receipt received at 6CCA 8/10/92 (mg) [Entry date 08/26/92] [Edit date 08/26/92]

8/18/92 62 RESPONSE by defendant Nashville Banner to objs to bill of costs [61-1] (mg) [Entry date 08/24/92]

4/7/93 63 ORDER by Judge Thomas A. Higgins granting motion to supplement the record [58-1] on appeal by including the afdt of Mr. R. Eddie Wayland as a part of the record (cc: all counsel) EOD 4/7/93 (mg)

11/17/93 -- INFORMATION COPY from 6th CCA: Decision decided and filed 11/15/93 affirming the district court's grant of summary judgment for the defendant. (pb) [Entry date 11/18/93]

- 12/13/93 64 MANDATE from 6th CCA Judgement entered 12/9/93: Affirming the decision of the District Court [48-1] - Costs: \$199.50 (pb) [Entry date 12/14/93]
- 6/17/94 65 MOTION by defendant for leave to take deposition of Edward Faucett Jones (gi) [Entry date 06/20/94]
- 6/17/94 66 MEMORANDUM by defendant in support of motion for leave to take deposition of Edward Faucett Jones [65-1] (gi) [Entry date 06/20/94]
- 7/12/94 67 ORDER by Judge Thomas A. Higgins granting motion for leave to take deposition of Edward Faucett Jones [65-1] (cc: all counsel) EOD 7/12/94 (gi)
- 8/22/94 68 MOTION by plaintiff to compel defendant to answer discovery (gi) [Entry date 08/23/94]
- 8/22/94 69 MOTION by plaintiff to continue evidentiary deposition for 90 days (with attachments-Exhibits 1 & 2) (gi) [Entry date 08/23/94]
- 8/25/94 70 ORDER by Judge Thomas A. Higgins denying motion to compel defendant to answer discovery [68-1]. Case is on appeal-discovery is over. (cc: all counsel) EOD 8/25/94 (gi)
- 8/25/94 71 ORDER by Judge Thomas A. Higgins denying motion to continue evidentiary deposition for 90 days [69-1]. The Court authorized the taking of Mr. Jones' deposition for the purpose of preserving his testimony because of his age-not for discovery. (cc: all counsel) EOD 8/25/94 (gi)
- 10/18/94 -- Certified Record on Appeal sent to Supreme Court. Record requested by Karen Rhein at 6CCA. (ks)
- 1/27/95 -- REMARK-Copy from Supreme Court of the United States-Opinion Announced-The judgment is reversed and the case is remanded to the Court of Appeals for the Sixth Circuit for further proceedings consistent with this opinion. (gi) [Entry date 01/31/95]
- 3/2/95 -- REMARK-Copy of the judgment entered by the Supreme Court of the United States dated 1/23/95. Judgment is reversed with costs and the cause is remanded to the US Court of Appeals for the Sixth Circuit. It is ordered that petitioner recover from Nashville Banner Publishing Co \$1,126.50 for her costs herein expended. (gi) [Entry date 03/06/95]
- 3/10/95 72 Information Copy from 6CCA-Pursuant to the opinion of the Supreme Court of the United States and that the Court's remand of the case to us, and based upon the reasoning of the Supreme Court in that case, the decision of the district court is vacated and the case is remanded for further proceedings in light of the Supreme Court opinion.

(gi) [Entry date 03/14/95]

- 3/21/95 73 MOTION by pltf for case management and/or status conference (gi)
- 3/27/95 74 MANDATE from 6th CCA Judgment: The decision of the district court is vacated and the case is remanded for further proceedings in light of the Supreme Court opinion. (gi)
- 3/30/95 -- RECORD on appeal returned from United States Supreme Court (gi) [Entry date 03/31/95]
- 4/6/95 75 ORDER by Judge Thomas A. Higgins granting motion for case management and/or status conference [73-1]. Status conference set for 1:30 on 5/5/95. EOD 4/6/95 (cc: all counsel) (gi)
- 4/19/95 76 NOTICE by deft Nashville Banner of change of status of counsel of record-Elizabeth B. Marney is now General Counsel, Nashville Banner, 1100 Broadway, Nashville, TN 37203 (gi)
- 4/24/95 -- PROPOSED Order resetting status conference to 5/4/95 at 9:00 (gi)
- 4/26/95 77 ORDER by Judge Thomas A. Higgins: Status conference is reset for 9:00 on 5/4/95. EOD 4/26/95 (cc: all counsel) (gi)
- 5/4/95 78 CLERK'S RESUME: Status conference held 5/4/95. Jury trial set on 11/28/95; PTC set on 11/3/95. Order to enter. C/R: Jim Spence (gi)
- 5/8/95 79 SCHEDULING ORDER by Judge Thomas A. Higgins: Motion filing ddl is 8/11/95; discovery ddl is 8/4/95; proposed pre-trial order is due on 11/3/95; pretrial conference is set for 1:30 on 11/3/95; jury trial is set for 11/28/95 at 9:00. If this action is to be settled, the courtroom deputy shall be so notified by noon on 11/22/95. EOD 5/8/95 (cc: all counsel) (gi)
- 5/16/95 80 TRANSCRIPT filed of status conference held on 5/4/95 (gi) [Entry date 05/17/95]
- 6/22/95 81 ORDER from 6th CCA: The Nashville Banner's mtn and mtn to supplement mtn to recall mandate and for clarification of order is DENIED (dm) [Entry date 06/23/95]
- 7/27/95 82 ATTORNEY APPEARANCE for pltf Christine McKennon by Clinton W. Watkins (dm)
- 8/7/95 83 MOTION by pltf to compel Brownlee Currey and Irby Simpkins to allow deposition and answer questions re dispute between them (gi)

- 8/7/95 84 MOTION by pltf to compel deft to produce and allow pltf to examine any agreement existing between deft and Imogene Stoneking (gi)
- 8/7/95 85 NOTICE by pltf (3 exhibits) of filing documents and excerpts of depositions of Irby Simpkins and Brownlee Currey in support of motions to compel [83-1][84-1] (gi)
- 8/7/95 86 MOTION by deft to compel production of documents by pltf and to extend the discovery deadline to allow deft to complete pltf's deposition (gi) [Entry date 08/08/95]
- 8/7/95 87 MEMORANDUM by deft in support of motion to compel production of documents by pltf [86-1] and to extend the discovery deadline to allow deft to complete pltf's deposition [86-2] (w/appendix 1-8) (gi) [Entry date 08/08/95]
- 8/11/95 88 MOTION by deft for summary judgment (gi) [Entry date 08/14/95]
- 8/29/95 93 SUPPLEMENT by deft to motion to compel [86-1] and to extend the discovery deadline to allow deft to complete pltf's deposition [86-2] (gi) [Entry date 08/30/95]
- 8/30/95 94 MOTION by pltf to extend time for filing responses to deft's pending motions (gi)
- 8/31/95 96 RESPONSE by deft to motion to extend time for filing responses to deft's pending motions [94-1] (gi) [Entry date 09/01/95]
- 9/1/95 97 ORDER by Judge Thomas A. Higgins granting motion to extend time for filing responses to deft's pending motions through 9/5/95. EOD 9/1/95 (cc: all counsel) (gi)
- 9/1/95 98 ORDER by Judge Thomas A. Higgins: Motion to extend time [86-2] and [93-1] to complete discovery is denied, at this time, until the Court acts on the various discovery related motions. EOD 9/1/95 (cc: all counsel) (gi)
- 9/5/95 99 RESPONSE by pltf to motion to compel production of documents by pltf [86-1] (gi) [Entry date 09/07/95]
- 9/5/95 100 RESPONSE by pltf to motion for summary judgment [88-1] (gi) [Entry date 09/07/95]
- 9/5/95 101 STATEMENT of material disputed facts and genuine issues by pltf in support of [100-1] (gi) [Entry date 09/07/95]
- 9/6/95 -- EXHIBITS (1-21) in support of pltf's response to deft's second motion for summary judgment (gi) [Entry date 09/07/95]

- 9/8/95 103 ORDER by Judge Thomas A. Higgins setting hearing on deft's motion to compel production of documents by pltf [86-1] at 2:30 on 9/14/95. EOD 9/8/95 (cc: all counsel) (gi)
- 9/14/95 104 CLERK'S RESUME of Proceedings before Judge Higgins: Hearing held on 9/14/95 on motion to compel. Report submitted. Motion to reopen depositions of Simpkins and Curry denied on the record. C/R : Charlotte Barr (gi) [Entry date 09/15/95]
- 9/15/95 105 ORDER by Judge Thomas A. Higgins granting motion to compel production of documents by pltf [86-1]. Within 7 days of the EOD date of this order, pltf shall submit a supplemental response to defts' requests. EOD 9/15/95 (cc: all counsel) (gi)
- 9/15/95 106 ORDER by Judge Thomas A. Higgins granting motion to compel deft to produce and allow pltf to examine any agreement existing between deft and Imogene Stoneking [84-1]. Deft shall produce the agreement to the pltf's attorney forthwith. The agreement shall be deemed confidential and covered by the protective order. The clerk is directed to place the attached copy of the Banner/Stoneking agreement under seal. EOD 9/15/95 (cc: all counsel) (gi)
- 9/18/95 107 ORDER by Judge Thomas A. Higgins denying motion to compel Brownlee Currey and Irby Simpkins to allow deposition and answer questions re dispute between them [83-1] for reasons stated on the record at the hearing on 9/14/95. EOD 9/18/95 (cc: all counsel) (gi)
- 9/22/95 109 SUPPLEMENTAL RESPONSE by pltf to deft's request for production of documents per order [105-1] (gi)
- 9/26/95 110 MOTION by pltf Christine McKennon for settlement conference (pl)
- 9/29/95 111 ORDER by Judge Thomas A. Higgins: The Magistrate Judge is directed to hold a settlement conference (re [110-1]) in this action at an early date in view of the trial set for 11/28/95. EOD 9/28/95 (cc: all counsel) (gi)
- 9/29/95 112 RESPONSE by deft Nashville Banner to motion for settlement conference [110-1] (pl)
- 10/4/95 113 ORDER by Magistrate Judge William J. Haynes Jr.: A settlement conference is set for 1:00 on 10/17/95. Parties shall deliver under seal to the courtroom deputy ex parte separate settlement conference statements by 10/16/95. EOD 10/4/95 (cc: all counsel) (gi)

- 10/18/95 114 CLERK'S RESUME of Proceedings before Magistrate Judge Haynes: Settlement conference held 10/17/95. Parties reached settlement agreement. Parties to submit appropriate order of dismissal within 30 days of conference. C/R: Tape 4322 (gi) [Entry date 10/19/95]
- 10/19/95 115 ORDER by Magistrate Judge William J. Haynes Jr.: A settlement conference was held on 10/17/95 at which time parties reached a settlement agreement. Parties are to prepare the appropriate order of dismissal for entry by the District Judge within 30 days. There will be no further proceedings before the Magistrate Judge. EOD 10/19/95 (cc: all counsel) (gi)
- 10/23/95 116 ORDER by Judge Thomas A. Higgins: the Court has been advised by the Honorable William J. Haynes that all matters in controversy in this action have been compromised and settled. Accordingly, this action is dismissed with prejudice. terminating case EOD 10/23/95 (cc: all counsel) (gi)
- 5/7/97 -- REMARK-File received from former clerk on 4/17/97. All cost bills are moot since action was settled. No further action necessary. (gi) [Entry date 05/16/97]
- 5/30/03 117 ORDER by Judge Thomas A. Higgins that this case has been closed and that the party or parties who submitted material under seal (Docket Entry Nos. 89,90,91,92,95, and 108 filed by deft; Docket Entry No. 102 filed by pltf; and Docket Entry No. 106, the settlement agreement, sealed by the Court) shall retrieve the same within 10 days of the date of entry of this Order on the docket. If the material is not retrieved within the time specified, the Clerk is directed to destroy the materail. (EOD 5/30/03) (cc: all counsel) (km)
- 6/9/03 -- REMARK- under seal pleadings #89,90,91,92,95 and 108 returned to counsel for deft this date (km)
- 7/31/03 -- REMARK - Pltf sealed document #102 and settlement agreement #106 shredded 7/30/03 (km)