

CLOSED, FRC, TJC

**U.S. District Court
Middle District of Florida (Ocala)
CIVIL DOCKET FOR CASE #: 5:95-cv-00245-WTH**

Swistack v. Sumter Electric
Assigned to: Senior Judge Wm. Terrell Hodges
Demand: \$15,000
Case in other court: State Court-11/22/95, 95-00884-CA
Cause: 42:2003 Job Discrimination

Date Filed: 12/26/1995
Date Terminated: 06/02/1997
Jury Demand: Plaintiff
Nature of Suit: 442 Civil Rights: Jobs
Jurisdiction: Federal Question

Plaintiff

Edward W. Swistack

represented by **Edward L. Scott**
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LEAD ATTORNEY
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V.

Defendant

Sumter Electric Cooperative, Inc.

represented by **John F. Wymer , III**
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Mediator

Patrick D. Coleman
 TERMINATED: 03/26/1997

represented by **Patrick D. Coleman**
 Coffman, Coleman, Andrews & Grogan,
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 P.O. Box 40089
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 904/389-5161
 PRO SE

Date Filed	#	Docket Text
12/26/1995	1	NOTICE OF REMOVAL from 5th Judicial Circuit, Sumter County, with state court record attached, by Sumter Electric (State Court case no. 95-00884-CA) Filed in State Court on or about 11/22/95. (jsf) (Entered: 12/27/1995)
12/26/1995		FILING FEE PAID. Filing Fee \$ 120.00 Receipt # 19768 (jsf) (Entered: 12/27/1995)
12/26/1995	2	CERTIFICATION of [1-1] notice of removal to the United States District Court for the Middle District of Florida, Ocala Division, by Sumter Electric (jsf) (Entered: 12/27/1995)
12/26/1995	3	COMPLAINT and DEMAND for jury (filed on or about 11/22/95 in state court) (jsf) (Entered: 12/27/1995)
12/26/1995	4	ANSWER and defenses to Complaint by Sumter Electric (jsf) (Entered: 12/27/1995)
12/27/1995	5	NOTICE to counsel of District Court case assignment (jsf) (Entered: 12/27/1995)
01/04/1996		Arbitration candidate. (jec) (Entered: 01/04/1996)
01/05/1996	6	NOTICE of designation under Local Rule 3.05 - TRACK 2. (ctc) (spw) (Entered: 01/05/1996)
01/11/1996	7	NOTICE of Referral to Court Annexed Arbitration. Stipulation form and hand-out mailed to counsel. Stipulation due by 1/31/96 (Signed by Deputy Clerk) ctc (jec) (Entered: 01/11/1996)
01/11/1996	8	MOTION by Sumter Electric for John F. Wymer, III to appear pro hac vice referred to Magistrate Judge Howard T. Snyder (jec) (Entered: 01/11/1996)
01/31/1996	9	ORDER granting [8-1] motion for John F. Wymer, III to appear pro hac vice. John F. Wymer is permitted to appear pro hac vice on behalf of defendant. (Signed by Magistrate Judge Howard T. Snyder) ctc (jec) (Entered: 01/31/1996)
01/31/1996	10	STIPULATION selecting arbitrators naming John F. Dickinson, Chairman; James A. Bledsoe, Jr.; Kurt H. Dunkle. Alternates-Peter R. Corbin and Robert T. Hyde, Jr. (jec)

		(Entered: 01/31/1996)
02/15/1996	11	DESIGNATION of Arbitrators and NOTICE of Arbitration Hearing. Arbitrators: John F. Dickinson, James A. Bledsoe Jr., Kurt H. Dunkle . Arbitration Hearing set for 9:00 4/11/96. (Signed by Deputy Clerk) CC: Counsel, Arbitrators (jec) (Entered: 02/15/1996)
02/15/1996	12	NOTICE Requiring Answers to Standard Arbitration Interrogatories. Plaintiff due: 3/27/96 Defendant due: 4/1/96 (Signed by Deputy Clerk) ctc (jec) (Entered: 02/15/1996)
02/23/1996	13	CASE MANAGEMENT REPORT. (courtroom deputy notified) (jsf) (Entered: 02/23/1996)
03/05/1996	14	ORDER directing the return of discovery materials. (Signed by Magistrate Judge Howard T. Snyder) (ctc) (jec) (Entered: 03/05/1996)
03/06/1996	15	JOINT MOTION and Stipulation, by Edward W. Swistack, Sumter Electric to decline use of the court ordered arbitration panel (jec) Modified on 03/22/1996 (Entered: 03/06/1996)
03/07/1996	16	CASE MANAGEMENT AND SCHEDULING ORDER setting Pretrial conference for 11:30 4/21/97 ; Jury trial set for 5/5/97, 5/12/97, and 5/19/97 in Ocala. Scheduled for Judge Wm. T. Hodges (Signed by Deputy Clerk) ctc (jec) (Entered: 03/08/1996)
03/20/1996	17	REPLY TO AFFIRMATIVE DEFENSES by Edward W. Swistack (jec) (Entered: 03/20/1996)
03/22/1996	18	ORDER granting [15-1] joint motion to decline use of the court ordered arbitration panel. Select mediator within 30 days. Conduct hearing between 4/15/96 & 2/9/97 (Signed by Judge Wm. T. Hodges, 3/21/96) Lead counsel to coordinate dates. ctc (jec) (Entered: 03/22/1996)
03/22/1996		Arbitration Coordinator notified arbitrators arbitration hearing is canceled for 4/11/96. (jec) (Entered: 03/22/1996)
04/22/1996	19	STIPULATION Selecting Mediator (Philip H. Blackburn, Patrick D. Coleman, Peter R. Corbin, Michael J. Dewberry-agreed to by defendant only), by defendant Sumter Electric . (jec) (Entered: 04/22/1996)
05/07/1996	20	STIPULATION Selecting mediator, Patrick D. Coleman, by plaintiff Edward W. Swistack . (jec) (Entered: 05/07/1996)
05/10/1996	21	ORDER appointing Patrick D. Coleman as mediator in this action. (Signed by Judge Wm. T. Hodges, 5/9/96) ctc (jec) (Entered: 05/10/1996)
05/22/1996	22	CONSENT PROTECTIVE ORDER signed by the parties (spw) (Entered: 05/22/1996)
05/22/1996	23	PROPOSED MEDIATION dates: set mediation conference for 1/30/97 or alternatively for 1/31/97 (spw) (Entered: 05/22/1996)
05/28/1996		ENDORSED ORDER granting [22-1] consent protective order: confidential personnel, documents and information tendered by the parties shall be disclosed only to the parties, their counsel, etc. (See order on disclosure details for trial purposes and return of documents after trial.) Plaintiff shall not treat adversely any employee of defendant (see order for details). (Signed by Magistrate Judge Howard T. Snyder) ctc (jsf) (Entered: 05/28/1996)

05/28/1996	24	ORDER MODIFYING PROTECTIVE ORDER. Parties requesting documents be filed under seal must first obtain court approval (Signed by Magistrate Judge Howard T. Snyder) ctc (jsf) (Entered: 05/28/1996)
05/30/1996	25	ORDER directing the return of discovery materials. (Signed by Magistrate Judge Howard T. Snyder) (ctc) (caf) (Entered: 05/30/1996)
05/30/1996	26	ORDER directing the return of discovery materials. (Signed by Magistrate Judge Howard T. Snyder) (ctc) (caf) (Entered: 05/30/1996)
05/30/1996	27	ORDER directing the return of discovery materials. (Signed by Magistrate Judge Howard T. Snyder) (ctc) (caf) (Entered: 05/30/1996)
10/28/1996	28	ORDER directing the return of discovery materials. (Signed by Magistrate Judge Howard T. Snyder) (ctc) (jec) (Entered: 10/28/1996)
11/20/1996	29	MOTION by Sumter Electric for summary judgment (jec) (Entered: 11/20/1996)
11/20/1996	30	MOTION by Sumter Electric to extend page limit (jec) (Entered: 11/20/1996)
11/20/1996	31	DEPOSITION of Sam Jarrett by Sumter Electric re: [29-1] motion for summary judgment Transcript filed separately. (jec) (Entered: 11/20/1996)
11/20/1996	32	DEPOSITION of Tina Lawler by Sumter Electric re: [29-1] motion for summary judgment Transcript filed separately. (jec) (Entered: 11/20/1996)
11/20/1996	33	DEPOSITION of Lewis Smith by Sumter Electric re: [29-1] motion for summary judgment Transcript filed separately. (jec) (Entered: 11/20/1996)
11/20/1996	34	DEPOSITION of Tina Wallace by Sumter Electric re: [29-1] motion for summary judgment Transcript filed separately. (jec) (Entered: 11/20/1996)
11/20/1996	35	DEPOSITION of Laurie Howerton by Sumter Electric re: [29-1] motion for summary judgment Transcript filed separately. (jec) (Entered: 11/20/1996)
11/20/1996	36	DEPOSITION of James Duncan by Sumter Electric re: [29-1] motion for summary judgment Transcript filed separately. (jec) (Entered: 11/20/1996)
11/20/1996	37	DEPOSITION of Feliciano Mendez by Sumter Electric re: [29-1] motion for summary judgment Transcript filed separately. (jec) (Entered: 11/20/1996)
11/20/1996	38	DEPOSITION of Dale Nichols by Sumter Electric re: [29-1] motion for summary judgment Transcript filed separately. (jec) (Entered: 11/20/1996)
11/20/1996	39	DEPOSITION of Edward W. Swistack taken on 8/7/96, by Sumter Electric re: [29-1] motion for summary judgment Transcript filed separately. (jec) (Entered: 11/20/1996)
11/20/1996	40	DEPOSITION of Edward W. Swistack taken on 8/8/96, by Sumter Electric re: [29-1] motion for summary judgment Transcript filed separately. (jec) (Entered: 11/20/1996)
11/20/1996	41	NOTICE of filing original discovery by Sumter Electric (jec) (Entered: 11/20/1996)
12/02/1996	42	MOTION by Edward W. Swistack for extension of time in which to file plaintiff's response to defendant's motion for summary judgment (jec) (Entered: 12/02/1996)
12/02/1996	43	NOTICE OF MAGISTRATE CASE REASSIGNMENT . Notice to Counsel. (mk) (Entered: 12/02/1996)

12/02/1996		MAGISTRATE JUDGE CASE ASSIGNMENT Magistrate assigned: Timothy J. Corrigan (mk) (Entered: 12/02/1996)
12/03/1996	44	RESPONSE by Edward W. Swistack to defendant's [30-1] motion to extend page limit (caf) Modified on 12/05/1996 (Entered: 12/05/1996)
12/04/1996	45	RESPONSE by Sumter Electric to [42-1] motion for extension of time in which to file plaintiff's response to defendant's motion for summary judgment (jec) Modified on 12/05/1996 (Entered: 12/04/1996)
12/23/1996	46	SECOND MOTION by Edward W. Swistack for extension of time in which to file plaintiff's response to defendant's motion for summary judgment (second) (jsf) (Entered: 12/23/1996)
12/23/1996	47	RESPONSE by Edward W. Swistack to defendant's [29-1] motion for summary judgment (jsf) (Entered: 12/24/1996)
01/07/1997	48	MOTION by Sumter Electric to reply to plaintiff's response to motion for summary judgment (jec) (Entered: 01/07/1997)
01/15/1997	49	OBJECTION by Edward W. Swistack to [48-1] defendant's motion to reply to plaintiff's response to motion for summary judgment (jec) (Entered: 01/15/1997)
01/31/1997	50	SUGGESTION of recent authority relevant to the pending motion for summary judgment by Sumter Electric (caf) (Entered: 01/31/1997)
02/06/1997	51	SECOND suggestion of recently decided authority, by Sumter Electric (jec) (Entered: 02/06/1997)
03/26/1997	52	MEDIATION REPORT. Mediation Hearing Held: 3/25/97. Patrick D. Coleman, Mediator. Hearing Outcome: impasse (jec) (Entered: 03/26/1997)
03/26/1997		**CLEARED mediation flag. (jec) (Entered: 03/26/1997)
04/10/1997	53	MOTION by Sumter Electric to be excused from trial from May 12-14, 1997 (with affidavit of James Duncan, proposed order attached) (jsf) (Entered: 04/10/1997)
04/16/1997	54	ORDER granting [30-1] motion to extend page limit; denying [48-1] motion to reply to plaintiff's response to motion for summary judgment; denying [29-1] motion for summary judgment (Signed by Judge Wm. T. Hodges) ctc (jsf) (Entered: 04/16/1997)
04/16/1997	55	MEMORANDUM by Sumter Electric in support of defendant's [29-1] motion for summary judgment. (filed per order #54) (jsf) (Entered: 04/16/1997)
04/18/1997	56	PRETRIAL STATEMENT by defendant (jsf) (Entered: 04/18/1997)
04/18/1997	57	CERTIFICATE OF SERVICE of [56-1] statement by Sumter Electric (jsf) (Entered: 04/18/1997)
04/21/1997	58	MINUTE ENTRY: pretrial conference held on 4/21/97 before Judge Wm. Terrell Hodges. Trial anticipating 5 days. Court Reporter: Mildred Shealy (jsf) (Entered: 04/22/1997)
04/21/1997	59	AMENDED PRETRIAL STATEMENT, by plaintiff, filed in open court (jsf) (Entered: 04/22/1997)
04/21/1997		Pretrial conference held (jvs) (Entered: 05/27/1997)

04/25/1997	60	ORDER, that the pretrial statements are adopted and confirmed. Parties may not amend them except as authorized by Local Rule 3.06(e). (Signed 4/24/97 by Judge Wm. T. Hodges) ctc (jsf) (Entered: 04/25/1997)
04/25/1997	61	TRIAL CALENDAR SCHEDULING Jury trial for trial term commencing 9:30 a.m. on 5/7/97 (case #4); Scheduled for Judge Wm. T. Hodges (signed 4/24/97 by Judge Wm. T. Hodges) ctc (jsf) (Entered: 04/25/1997)
05/14/1997	62	MOTION by Sumter Electric with memorandum in support in limine to exclude irrelevant and unfairly prejudicial evidence and evidence which is not properly before the court (jsf) (Entered: 05/14/1997)
05/19/1997	63	MOTION by Sumter Electric in limine to exclude evidence requested via plaintiff's subpoenas duces tecum (jvs) Modified on 05/20/1997 (Entered: 05/20/1997)
05/19/1997	64	MEMORANDUM by Sumter Electric in support of [63-1] motion in limine to exclude evidence requested via plaintiff's subpoenas duces tecum (jvs) (Entered: 05/20/1997)
05/20/1997	65	MOTION by Sumter Electric in limine to exclude expert testimony of Phillip Bledsoe, C.P.A., and Dr. Robert Holstein (filed in Ocala: not in open court) (jsf) (Entered: 05/20/1997)
05/21/1997	67	MINUTE ENTRY: status conference held on 5/21/97 before Judge Wm. Terrell Hodges; trial to commence at 1:30 p.m. on 5/22/97 Court Reporter: Mildred Shealy (jvs) (Entered: 05/22/1997)
05/21/1997		Jury trial reset to 1:30 on 5/22/97 in Ocala; Scheduled for Judge Wm. T. Hodges (jvs) (Entered: 05/22/1997)
05/22/1997	66	FIRST MOTION by Edward W. Swistack in limine (re: plaintiff's demotion) (first) (jsf) Modified on 05/27/1997 (Entered: 05/22/1997)
05/22/1997	68	MINUTE ENTRY: jury trial held on 5/22/97 before Judge Wm. Terrell Hodges; continued to 5/23/97 Court Reporter: Mildred Shealy (jvs) (Entered: 05/27/1997)
05/22/1997	69	NOTICE of filing expert report by Edward W. Swistack (filed in Ocala) (jvs) Modified on 05/27/1997 (Entered: 05/27/1997)
05/22/1997	70	RESPONSE by Edward W. Swistack to [62-1] motion in limine to exclude irrelevant and unfairly prejudicial evidence and evidence which is not properly before the court (filed in Ocala) (jvs) (Entered: 05/27/1997)
05/22/1997	71	RESPONSE by Sumter Electric to [66-1] motion in limine (re: plaintiff's demotion) (first) (jvs) (Entered: 05/27/1997)
05/23/1997	72	MINUTE ENTRY: jury trial resumed on 5/23/97 before Judge Wm. Terrell Hodges; continued to 5/27/97 Court Reporter: Mildred Shealy (jvs) (Entered: 05/27/1997)
05/27/1997	73	MINUTE ENTRY: Resumption of jury trial held on 5/27/97 before Judge Wm. Terrell Hodges in Ocala, Florida. Plaintiff's witnesses: Michael Whitley, Betty Perry, Paul Crowder, Ted Williams, Sam Jarrett, Edward Swistack. Plaintiff and Defendant exhibits filed in evidence. Trial resumes 9:00 a.m. on 5/28/97. Court Reporter: Mildred Shealy (jsf) (Entered: 05/28/1997)
05/28/1997	74	MINUTE ENTRY: jury trial continued on 5/28/97 before Judge Wm. Terrell Hodges; defendant's oral motion for judgment as a matter of law denied. Trial continued to

		5/29/97. Court Reporter: Mildred Shealy (jvs) Modified on 05/29/1997 (Entered: 05/29/1997)
05/29/1997	75	MINUTE ENTRY: jury trial resumed on 5/29/97 before Judge Wm. Terrell Hodges; Court deems all motions previously filed as being renewed and the same rulings apply; Defendant's further oral motion for judgment as a matter of law - ruling reserved; court recessed until 9:00 on 5/30/97. Court Reporter: Mildred Shealy (jvs) (Entered: 06/02/1997)
05/29/1997	76	PROPOSED jury instructions (5, 10, 11 & 14) by Sumter Electric (jvs) (Entered: 06/02/1997)
05/29/1997	77	PROPOSED Special Verdict Form filed by Sumter Electric (jvs) (Entered: 06/02/1997)
05/30/1997	78	MINUTE ENTRY: jury trial resumed on 5/30/97 before Judge Wm. Terrell Hodges; Court's Exhibit #1 filed in evidence; court recessed until 9:00 on 6/2/97. Court Reporter: Mildred Shealy (jvs) (Entered: 06/02/1997)
06/02/1997	79	JURY INSTRUCTIONS (jvs) (Entered: 06/03/1997)
06/02/1997	80	MINUTE ENTRY: jury trial resumed on 6/2/97 before Judge Wm. Terrell Hodges; counsel announced settlement of case; terms of settlement are to remain confidential; clerk directed to enter 60-day Order of Dismissal; jury discharged. Court Reporter: Mildred Shealy (jvs) (Entered: 06/03/1997)
06/02/1997	83	ORDER, dismissing ; subject to the right of any party to move within 60 days to reopen the action or to submit a stipulated form of final order or judgment. (signed by deputy clerk) ctc MFR 135/860 (jvs) Modified on 06/03/1997 (Entered: 06/03/1997)
06/02/1997	82	EXHIBIT LIST by Edward W. Swistack; exhibits discarded due to case dismissal (jvs) (Entered: 06/03/1997)
06/02/1997	81	EXHIBIT LIST by Sumter Electric; exhibits discarded due to case dismissal. (jvs) Modified on 06/03/1997 (Entered: 06/03/1997)
06/02/1997		CASE CLOSED. (jvs) (Entered: 06/03/1997)
06/17/1997	84	Voluntary STIPULATION of dismissal with prejudice, by Edward W. Swistack, Sumter Electric (spw) (Entered: 06/19/1997)
06/25/1997	85	ORDER, dismissing with prejudice ; the clerk is directed to enter judgment (Signed by Judge Wm. T. Hodges on 6/24/97) ctc MFR Number 135/1543 (jvs) Modified on 06/27/1997 (Entered: 06/26/1997)
06/26/1997	86	JUDGMENT: dismissed with prejudice, each party to bear its own costs. Civil Appeals Checklist Mailed. (signed by deputy clerk) MFR Number 135/1544 ctc (jvs) (Entered: 06/26/1997)
10/10/1997	87	TRANSCRIPT OF EXCERPTS OF PROCEEDINGS on jury trial (testimony of Tina Lawler) for date of 5/23/97 before Judge Wm. Terrell Hodges. (Transcript filed separately) (slc) (Entered: 10/10/1997)
11/26/1999	88	TRANSCRIPT OF PROCEEDINGS on jury trial (testimony of James Duncan, tina Lawler, Tina Wallace, Micheky Gauldin, Lewis Smith, Shirley Ivey, Gary Robinson) for date of 5/23/97 before Judge Wm. Terrell Hodges. Transcript filed separately. (received from Jacksonville on 11/30/99) (mam) Modified on 11/30/1999 (Entered: 11/30/1999)

11/26/1999	89	TRANSCRIPT OF PROCEEDINGS on jury trial (testimony of Michael Whitley, Betty Perry, Paul Croder, Ted Williams, Samuel L. Jarrett, Edward W. Swistack) for date of 5/27/97 before Judge Wm. Terrell Hodges. Transcript filed separately. (received from Jacksonville 11/30/99) (mam) (Entered: 11/30/1999)
11/26/1999	90	TRANSCRIPT OF PROCEEDINGS on jury trial (tesimony of Edward W. Swistack, Robert B. Holstein, and Robert Phillip Bledsoe) for date of 5/28/97 before Judge Wm. Terrell Hodges. Transcript filed separately. (received from Jacksonville 11/30/99) (mam) (Entered: 11/30/1999)

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