

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

ARIANE D. GRANT,)	
)	
Plaintiff,)	
)	
v.)	Case No. 2:20-cv-02305-TLP-atc
)	JURY TRIAL DEMANDED
)	
BLUES CITY BREWERY, LLC)	
a Domestic Corporation,)	
)	
Defendant.)	

PRETRIAL ORDER

PARTIES

Plaintiff Ariane D. Grant is represented by Ralph T. Gibson, Emily D. Johns, and Alexandria Holloway.

Defendant Blues City Brewery (“Blues City”) is represented by Louis P. Britt and Mollie K. Wildmann.

TRIAL DATE

A jury trial has been set in this matter for Monday, August 22, 2022, at 9:00 a.m. in Courtroom #2, 9th Floor of the Federal Building in Memphis, Tennessee.

JURISDICTIONAL QUESTIONS

There are no jurisdictional questions.

MOTIONS PENDING

Defendant Blues City’s Motion *in Limine*, Plaintiff Ariane Grant’s Motions *in Limine*, and Defendant’s Objections to Plaintiff’s Trial Exhibits and Use of Deposition Testimony were

pending before trial. The Court has heard argument and DENIED Defendant’s motion. (ECF No. 68.) The Court also heard argument and ruled on Plaintiff’s motion as to Plaintiff’s prior criminal conviction. (ECF No. 66.) The Court allowed Defendant to question Plaintiff on cross examination about her employment application with American Snuff Co. in which she denied having ever been convicted of a crime. As to the remaining issue—Plaintiff’s motion for an adverse inference jury instruction related to video evidence—the Court took it under advisement and will rule on the record during trial.

ARIANE GRANT’S SUMMARY OF THE CASE

During her time working for Blues City, Ms. Grant’s rights guaranteed under Title VII of the Civil Rights Act were violated by Blues City when Blues City wrongfully suspended her and then wrongfully terminated her employment on the basis of her sex (female).

On September 6, 2019, Ms. Grant, Pierre Davis (“Davis”), and some other employees of Blues City were sitting around a table in the breakroom when Davis snatched an overtime sign-up sheet from Ms. Grant. Ms. Grant snatched the sheet back, Davis snatched it again, and Ms. Grant finally snatched it back once more. As Davis, Ms. Grant, and a co-worker, Jermandy Blair (“Blair”), were walking out of the breakroom passing by the vending machines on the way out to the work floor, Davis stopped Ms. Grant and in a loud tone and aggressive manner stated: “Bitch, you better stay in your fucking place.” Other than Ms. Grant and Davis, Blair was the only employee within earshot of Davis when he made the inappropriate statement. Ms. Grant wrote up a statement regarding the incident on the advice of her supervisor and put it on Justin Jones’s (“Jones”) desk for his review. Jones then told Ms. Grant that he had put her statement in Carl Parnell’s (“Parnell”) office. Parnell was the Human Resource Manager at the Memphis plant during the period of Ms. Grant’s employment.

Parnell took it upon himself to interview three witnesses, none of whom were present at the time of the verbal exchange between Grant and Davis. Parnell decided to suspend Ms. Grant before speaking to Blair or Ms. Grant about the incident.

When Ms. Grant objected to her suspension and stated that she was filing an EEOC Charge, Blues City trumped up a second charge against Ms. Grant that she had lied when she accused another employee, Terrence Fennell (“Fennell”), of smoking marijuana on Blues City’s property. The second sham investigation regarding Fennell’s marijuana use was launched based on an off-the-cuff remark made when Ms. Grant was finally interviewed regarding the incident with Davis. Ms. Grant used the phrase “Was he high when he said that to you?” upon hearing that Fennell gave a statement regarding the incident between Ms. Grant and Davis, despite the fact that he was not present. Although this statement did not call for an investigation, Parnell stated that he looked into Fennell’s drug use and found no evidence. Instead of simply drug testing Fennell, Blues City’s “investigation” again fell short, when Parnell simply believed Fennell when he stated he had not smoked marijuana and then fired Ms. Grant for allegedly lying about it.

In its official response letter to the EEOC dated November 6, 2019, Blues City, through its attorney, misrepresented that Sanders, Nolen, and Austin were “notably . . . identified as potential witnesses” by Ms. Grant. Ms. Grant made no mention in her statement about the foregoing witnesses. The witnesses were each interviewed by Parnell on September 10, 2019, seven days before Parnell interviewed Ms. Grant. Contrary to Blues City’s representation to the EEOC, the only witness Ms. Grant identified when Parnell finally interviewed her on September 16 or 17, 2019, was Blair. Blair’s statement was, surprisingly, materially omitted from Blues City’s EEOC response.

Ms. Grant sues Blues City based on sex discrimination in violation of Title VII of the Civil Rights Act of 1964.

BLUES CITY’S SUMMARY OF THE CASE

Blues City is an equal employment opportunity employer and is strongly committed to providing a work environment free of discrimination or harassment of any kind.

Plaintiff’s most recent term of employment with Blues City began in 2017 when, upon recommendation by Production Manager, TJ East (“East”) and approval by then-Vice President of Human Resources, Connie Michaels (“Michaels”), she was rehired.

Upon rehire, Plaintiff received Blues City’s handbook, and acknowledged understanding of the following relevant policies: Equal Opportunity Policy, Drug Policy, Open Door Policy, and Employee Standards of Conduct.

Plaintiff utilized Blues City’s Open Door Policy throughout her employment, requesting and receiving a change of shift shortly after rehire, and later, raising an issue regarding an attendance point she believed was erroneously added to her record, and ultimately having the point removed.

On March 23, 2019, Plaintiff emailed Michaels expressing a concern she had about the Company’s decision to temporarily take away the employees’ off days as she felt it was unfair. Plaintiff’s complaint did not include any assertion that the Company’s decision was based upon unlawful sex discrimination or any other protected category. Plaintiff’s concern was, nonetheless, immediately addressed, with the Company reinstating the schedule with the days off within days of Plaintiff’s raising the issue. Plaintiff’s co-workers were thankful to her for helping resolve the issue.

On September 6, 2019, approximately six (6) months after Plaintiff's email to Michaels regarding the off days, Plaintiff was involved in a heated exchange with co-worker, Pierre Davis ("Davis") in the breakroom before the start of their shift. Following the incident, both Plaintiff and Davis provided written accounts of the incident to Blues City Human Resources Manager, Carl Parnell ("Parnell"). Plaintiff's account of the incident included an allegation that Davis said to her "bitch you need to stay in your fucking place." While Davis's account stated only that he "responded that [it] wasn't [Plaintiff's] place to snatch anything from me, and that the energy she's giving would be returned."

Upon receipt of the statements, Parnell interviewed three witnesses; none corroborated Plaintiff's claims. Based upon the information collected and provided by Parnell, Michaels recommended suspending Plaintiff pending further investigation.

On September 17, 2019, Parnell met with Plaintiff to administer the suspension. But he assured her that should further investigation reveal she had not been dishonest in her report, the suspension would be reversed and she would be paid for the time suspended. Plaintiff stated that Jermandy Blair ("Blair") heard the exchange. Parnell advised Plaintiff he would meet with Blair. Plaintiff also, *for the first time*, raised a new accusation against co-worker Terrence Fennell ("Fennell"), claiming he had been smoking "weed" on Blues City property. Plaintiff did not provide any specifics as to her allegation; nor did she provide any purported witnesses to support her allegation.

Following the meeting, Parnell met with Blair, but he, like the other witnesses, denied that he heard Davis curse Plaintiff. Thus, Blues City's conclusion that Plaintiff provided a false report as to the September 6 incident remained unchanged.

Parnell also investigated Plaintiff's subsequent accusation against Fennell. Fennell denied

the accusation, and reported Plaintiff had tried to get him to corroborate her story the day after the incident with Davis, but he had refused because he did not hear Davis curse at Plaintiff. The camera footage reviewed by Parnell did not reveal any evidence of Fennell smoking on Blues City property; the photo provided by Plaintiff did not reveal it was on Blues City property; nor, did the photo show Fennell with a “joint.”

Based upon the information provided by Plaintiff, and the information subsequently collected by and available to Blues City, Parnell and Michaels concluded there was no truth to Plaintiff’s accusation against Fennell.

Although Plaintiff’s account of the September 6 events, standing alone, would not have resulted in termination, Plaintiff’s subsequent, baseless allegation of criminal activity by a co-worker, in light of the unsubstantiated first allegation, warranted termination pursuant to Blues City’s Employee Standards of Conduct and Discipline.

CONTENTIONS OF ARIANE GRANT

Ms. Grant was first employed by Blues City Brewery in 2012 and voluntarily resigned to seek alternative employment. Ms. Grant was rehired in 2017 as a machine operator until she was wrongfully terminated on September 20, 2019. Ms. Grant was known as a good employee that performed her job duties well and had never been formally disciplined by Defendant.

This is an action for damages for sex discrimination in violation of Title VII of the Civil Rights Act of 1964.

Plaintiff relies on 42 U.S.C.S § 2000e-2(a)(1), for her sex discrimination claim, which provides in relevant part as follows:

- (a) **Employer practices.** It shall be an unlawful employment practice for an employer—
 - (1) To fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms,

conditions, or privileges of employment, because of such individual's race, color, religion, sex, or national origin.

On September 6, 2019, Ms. Grant, Pierre Davis ("Davis"), and some other employees of Blues City were sitting around a table in the breakroom when Davis snatched an overtime sign-up sheet from Ms. Grant. Ms. Grant snatched the sheet back, Davis snatched it again, and Ms. Grant finally snatched it back once more. As Davis, Ms. Grant, and Blair were walking out of the breakroom passing by the vending machines on the way out to the work floor, Davis stopped Ms. Grant and in a loud tone and aggressive manner stated: "Bitch, you better stay in your fucking place." Other than Ms. Grant and Davis, Blair was the only employee within earshot of Davis when he made the inappropriate statement. Ms. Grant wrote up a statement regarding the incident on the advice of her supervisor and put it on Jones's desk for his review. Jones then told Ms. Grant that he had put her statement in Parnell's office. Parnell was the Human Resource Manager at the Memphis plant during the period of Ms. Grant's employment.

Within her written statement about the incident, Ms. Grant did not list any potential witnesses because she did not learn until later that Blair was walking right behind Ms. Grant when Davis made the statement. During the subsequent investigation, Parnell and T.J. East ("East"), a plant supervisor, interviewed Martaveous Nolen ("Nolen"), Clinton Sanders ("Sanders"), William Austin ("Austin"), and Fennell on September 10, 2019, apparently at the request of Davis. None of these "witnesses" were near Davis and Ms. Grant when Davis made the inappropriate statement to Ms. Grant.

Ms. Grant was suspended for three days for supposedly lying about what Davis said to her, and Davis was not disciplined. Plaintiff was not interviewed by Parnell during his investigation until he had already recommended to Connie Michaels ("Michaels"), the head of Human Resources, that Ms. Grant be suspended for three days for allegedly lying about what Davis said

to her. Parnell and East finally interviewed Ms. Grant on or around September 16 or 17, 2019. During this meeting, Parnell handed Ms. Grant a suspension notice for allegedly providing false and misleading information about what Davis said to her.

During this interview, Ms. Grant was informed that Fennell had stated that Ms. Grant was trying to get him to corroborate her story as to what Davis had said. This of course did not make logical sense to Ms. Grant because the only independent eyewitness that was within earshot of Davis when he made the inappropriate statement to Ms. Grant was Blair, thereby rendering anything Fennell heard or did not hear irrelevant. Upon hearing Fennell's absurd comment that was made to Parnell, Ms. Grant simply stated in a flabbergasted manner something to the effect that "was [Fennell] high when he said that to you."

Even though this was an off the cuff remark made by Ms. Grant in response to a serious lie made by Fennell, Parnell then used it to open up another formal investigation. This investigation was to get Ms. Grant fired by falsely finding that Ms. Grant lied a second time in a formal investigation about Fennell's marijuana use. Parnell, however, did not bother to drug test Fennell, which Parnell had the right to do. If Parnell had simply drug tested Fennell, he would have seen that Ms. Grant was telling the truth about Fennell's marijuana use and that Fennell's denial of marijuana use was a lie.

In its official response letter to the EEOC dated November 6, 2019, Blues City, through its attorney, misrepresented that Sanders, Nolen, and Austin were "notably . . . identified as potential witnesses" by Ms. Grant. Ms. Grant made no mention in her statement about the foregoing witnesses. The witnesses were each interviewed by Parnell on September 10, 2019, seven days before Parnell interviewed Ms. Grant. Contrary to Blues City's representation to the EEOC, the

only witness Ms. Grant identified when Parnell finally interviewed her on September 16 or 17, 2019, was Blair.

Blair's statement was finally taken by Parnell on September 18, 2019. Surprisingly, Blues City, through its attorney, materially omitted Blair's statement in its formal response to the EEOC dated November 6, 2019.

The only three people within earshot of Davis when he made the foregoing statement were Blair, Ms. Grant, and Davis himself. Blair testified that Davis said something to the effect that Ms. Grant needed to know her place or that Ms. Grant needed to stay in her place. Moreover, Davis's "comment, demeanor, and aggressive manner seemed inappropriate."

If Plaintiff had not been falsely found to have lied about Fennell's marijuana use or if Plaintiff had not been falsely found to have lied about what Davis said to her, Plaintiff would not have been fired.

Plaintiff requests damages for emotional pain and suffering, psychological injuries, all medical and psychological past and future medical expenses, and back pay in the maximum amount of \$300,000.00 plus punitive damages and attorney's fees, costs, and expenses.

CONTENTIONS OF BLUES CITY

Plaintiff brought the present action on April 22, 2020, alleging sex discrimination, assumedly, in violation of Title VII of the Civil Rights Act of 1964 ("Title VII"). Specifically, Plaintiff alleges she was subject to unlawful discrimination on the basis of her sex (female), and, subsequently, terminated due to sex discrimination.

But Plaintiff has no credible evidence to support her claims.

Plaintiff admits that she was replaced by a female and she fails to point to any similarly-situated comparator who was treated more favorably than she. Accordingly, and as outlined below, Plaintiff's sex discrimination claim fails because she cannot establish her *prima facie* case.

Furthermore, even if Plaintiff could prove her *prima facie* cases, fatal to her sex discrimination claim is the fact that she was separated from employment with Blues City based on Blues City's honest belief that she had twice reported false information regarding a co-worker in direct violation of Blues City's Employee Standards of Conduct and Discipline. Plaintiff has not and cannot show this legitimate, non-discriminatory reason was pretext for any type of unlawful animus.

Plaintiff's sex discrimination claim, therefore, fails.

STIPULATED FACTS

1. Blues City is a corporation with more than 500 full-time employees that operates a 24/7 facility that produces beer, flavored malt beverages, teas, and energy drinks in a variety of bottle and can sizes and configurations.
2. Ms. Grant first began working for Blues City in 2012, but voluntarily resigned.
3. Several years following her resignation, Plaintiff ran into Blues City Production Manager, East, who asked Ms. Grant to return to work at Blues City.
4. Ms. Grant agreed, and upon recommendation by East and approval by then-Vice President of Human Resources, Michaels, Ms. Grant was rehired to work on first shift in the Packaging Department on July 30, 2017.
5. Ms. Grant later switched to third shift in the Packaging Department.

6. On September 6, 2019, while Ms. Grant was signing up for overtime during the pre-shift meeting, Davis snatched the overtime clipboard from Ms. Grant; Ms. Grant snatched it back; Davis snatched it again; and Plaintiff snatched it back.

7. Parnell interviewed Clinton Sanders, Martaveous Nolen, and William Austin on September 10, 2019.

8. Parnell interviewed Ms. Grant on September 16 or 17, 2019, at which time she stated that Jermandy Blair was a witness. Blair's statement was taken by Parnell on September 18, 2019.

CONTESTED ISSUES OF FACT

1. On September 6, 2019, Ms. Grant's co-worker, Davis, made the following statement to Ms. Grant: "Bitch, you need to stay in your fucking place." This statement was made as the two of them were walking out of the breakroom near the vending machines.

2. The only three people within earshot of Davis when he made the foregoing statement were Blair, Ms. Grant, and Davis himself.

3. Although he could not recall the exact words uttered by Davis because it has been more than two years, Blair testified that Davis said something to the effect that Ms. Grant needed to know her place or that Ms. Grant needed to stay in her place. Moreover, Davis's "comment, demeanor, and aggressive manner seemed inappropriate."

4. Parnell sought out and interviewed witnesses based on their attendance at the pre-shift meeting.

5. Ms. Grant was not immediately interviewed by Carl Parnell during his initial interview process into the altercation between Ms. Grant and Davis as she was absent from

work a number of days. During his investigation, Parnell recommended to Connie Michaels that Ms. Grant be suspended for three days pending completion of the pending investigation.

6. Davis received no disciplinary action for the altercation with Ms. Grant.

7. After Ms. Grant was suspended for three days, no further investigation was performed by Blues City regarding the altercation between Davis and Ms. Grant.

8. Ms. Grant did not make a formal accusation about Fennell smoking marijuana on company property. She merely made an off the cuff remark in response to a false accusation made by Fennell about her. Parnell then initiated a formal investigation regarding Ms. Grant's statement.

9. After Parnell initiated an investigation into the supposed drug violation, Ms. Grant was never asked for further information including dates, times, and locations.

10. Blues City should have drug tested Fennell after Blues City opened a second sham investigation against Ms. Grant for allegedly lying.

11. Blues City, through its attorney, omitted Blair's statement in its formal response to the EEOC dated November 6, 2019.

12. Blues City management, including Parnell and Michaels, had the authority to drug test Fennell. It is Blues City's policy and practice not to drug test an employee unless there is reasonable suspicion of drug use. Reasonable suspicion is not a defined term within the Drug Policy in the Blues City Production and Sanitation Employee Handbook.

13. Parnell's investigation of the marijuana claim consisted of only reviewing company camera footage, to which the dates and times are unknown, and a brief interview with Fennell.

14. The foregoing alleged camera footage was destroyed by Blues City.

15. The camera footage of the snatching incident between Ms. Grant and Davis was also destroyed by Blues City.

CONTESTED ISSUES OF LAW

1. Whether Ms. Grant can make her *prima facie* showing of sex discrimination under Title VII.

2. Whether the purported legitimate, nondiscriminatory reasons for Ms. Grant's termination were mere pretext for sex discrimination and retaliation.

ARIANE GRANT'S EXHIBIT LIST

A. Exhibits that Plaintiff Expects to Offer:

1. Exhibit A to the Depositions of Carl Parnell, T.J. East, and Connie Michaels:
Blues City Employee Handbook
2. Exhibit B to the Depositions of Carl Parnell, T.J. East, and Connie Michaels:
Investigation Report by Carl Parnell and Witness Statements
3. Exhibit C to the Depositions of Carl Parnell, T.J. East, and Connie Michaels:
EEOC Claim Response by Blues City dated November 6, 2019
4. Exhibit D to the Depositions of Carl Parnell, T.J. East, and Connie Michaels:
Suspension Notice of Ariane Grant
5. Exhibit E to the Depositions of Carl Parnell, T.J. East, and Connie Michaels:
Ariane Grant's Work Timesheet
6. Exhibit 8 to the Deposition of Ariane Grant: Emails between Ms. Grant and
Connie Michaels
7. Exhibit 17 to the Deposition of Ariane Grant: Letter from Dr. Eric L. Smith

8. Exhibit 18 to the Deposition of Ariane Grant: Psychiatry Notes of Dr. Eric L. Smith
 9. Defendant's Responses to Plaintiff's First Set of Interrogatories
 10. Billing Records of Dr. Eric L. Smith
 11. Any documents listed by Defendant
 12. Any Exhibits to the depositions
- B. Exhibits that Plaintiff May Offer:
1. Any documents or other exhibit designated or disclosed by Defendants to the extent that Court overrules any objections to them.
 2. Affidavits/Declarations, statements of undisputed material facts, and other documents submitted by Defendants in support of their motions for summary judgment to the extent the Court allows any or all of it into evidence.
 3. Any document attached to any pleadings filed in this case.
 4. Any documents produced or identified by the parties in discovery responses.

BLUES CITY'S EXHIBIT LIST

- A. Exhibits that Defendant Expects to Offer:
1. Plaintiff's Complaint
 2. Employment Records from Nike and American Snuff
 3. Plaintiff's Blues City Application
 4. Plaintiff's Handbook Acknowledgement No. 1
 5. Plaintiff's Handbook Acknowledgement No. 2
 6. Plaintiff's Discipline
 7. Plaintiff's Schedule from 6-21-2019 through 9-20-2019
 8. Emails with Connie Michaels
 9. Statement of Ariane Grant
 10. Statement from Witnesses
 11. Statement from Pierre Davis
 12. Plaintiff Final Warning
 13. Statements from Terrence Fennell and Jermandy Blair
 14. Termination Letter

15. Charge of Discrimination
16. Plaintiff's Psychological Records from Dr. Eric Smith
17. Any other documents used as exhibits to depositions.

B. Exhibits that Defendant May Offer:

1. Any documents listed by Plaintiff
2. Any documents or other exhibits designated or disclosed by Plaintiff to the extent the Court overrules objections to them.
3. Affidavits/Declarations, statements of undisputed material facts, other documents submitted by Plaintiff in support of her Response to Defendant's Motion for Summary Judgment, to the extent the Court allows any or all of it into evidence, and all responses by Defendant thereto.
4. Any document attached to any pleadings filed in this case.
5. Any documents produced or identified by the parties in discovery responses.

ARIANE GRANT'S WITNESS LIST

Will Call: Ariane D. Grant

Jermandy Blair

Dr. Eric Smith

Carl Parnell (by deposition)

Connie Michaels (by deposition)

Timothy J. East (by deposition)

May Call: Any witness listed by Defendant in their pretrial disclosures or in the Pretrial Order.

BLUES CITY'S WITNESS LIST

Will Call: Connie Michaels
Carl Parnell
Timothy East

May Call: Justin Jones
Ellis Oliver
Pierre Davis
Clinton Sanders
Martaveous Nolen
William Austin

Jermandy Blair
Terrence Fennell
Any witness listed by Plaintiff

DEPOSITION TESTIMONY INTRODUCED BY ARIANE GRANT

Carl Parnell: p. 5, ll. 1-12
p. 11 l. 6 to p. 14 l. 19
p. 16 l. 13 to p. 17 l. 7
p. 18 l. 5 to p. 20 l. 3
p. 20 l. 14 to p. 22 l. 9
p. 22, ll. 17-19
p. 23 l. 17 to p. 24 l. 10
p. 25 l. 8 to p. 27 l. 3
p. 27 l. 25 to p. 31 l. 4
p. 31 l. 11-15
p. 33 l. 14-25
p. 34 l. 4- p. 35 l. 20
p. 35 l. 22-23
p. 36 l. 3-6
p. 36 l. 8-12
p. 36 l. 19-21
p. 37 l. 1-6
p. 37 l. 8-10
p. 38 l. 10-11
p. 38 l. 13 to p. 39 l. 7
p. 39 l. 9-25
p. 40 ll. 3-5
p. 40 l. 7 to p. 42 l. 5
p. 40, ll. 7-10
p. 42 l. 17-13
p. 42 l. 15 to p. 43 l. 3
p. 43 l. 18-24
p. 44 ll. 4-19
p. 44 l. 21-25
p. 47, ll. 10-12
p. 50 ll. 13-21
p. 62 l. 12 to p. 65 l. 10
p. 65 ll. 12-15
p. 65 l. 17 to p. 66 l. 10
p. 66 ll. 12 to p. 67 l. 17
p. 67 ll. 19-20
p. 73 ll. 9-11
p. 73 ll. 13-15
p. 73 l. 17 to p. 74 l. 11
p. 74 l. 13 to p. 75 l. 17

p. 81 ll. 9-25
p. 82 ll. 2-8
p. 82 ll. 12-13
p. 82 l. 15 to p. 84 l. 10

Connie Michaels: p. 5, ll. 1-12
p. 18 l. 4 to 19 l. 8
p. 20 ll. 9-15
p. 21 ll. 4-14
p. 22 ll. 4-9
p. 22, ll. 12-16
p. 27 l. 11 to p. 28 l. 14
p. 29 ll. 3-18
p. 30 ll. 17-19
p. 30 l. 21 to p. 31 l. 4
p. 31 ll. 7-8
p. 31 l. 20 to p. 32 l. 24
p. 33 l. 16 to p. 34 l. 6
p. 34 ll. 9-10
p. 34 l. 21 to p. 35 l. 3
p. 35 ll. 7-12
p. 36 l. 14 to p. 37 l. 9
p. 37 ll. 12-24
p. 38 ll. 3-19
p. 38 l. 22 to p. 39 l. 7
p. 39 ll. 10-16
p. 39 ll. 18-23
p. 41 ll. 2-8
p. 41 ll. 12-15
p. 41 ll. 19-23
p. 42 ll. 3-12
p. 42 ll. 15-21
p. 43 ll. 12-16
p. 43 l. 20 to p. 44 l. 3
p. 44 ll. 6-7
p. 44 l. 8 to p. 45 l. 21
p. 45 l. 23 to p. 46 l. 20
p. 47 ll. 1-5
p. 47 ll. 7-11
p. 47 ll. 16 to p. 48 l. 1
p. 48 ll. 13-24
p. 49 ll. 4-12
p. 49 l. 15
p. 49 ll. 20-21
p. 50 ll. 1-5
p. 50 ll. 8-13

p. 50 l. 15 to p. 51 l. 3
p. 57 l. 21 to p. 58 l. 2
p.58 ll. 5-11

Timothy J. East: p. 7 ll. 5-15
p. 12 ll. 5-8
p. 19 ll. 11-20
p. 20 ll. 21-24
p. 38 ll. 7-20
p. 38 l. 23 to p. 39 l. 4
p. 39 ll. 6-14
p. 39 ll. 17-21
p. 39 l. 23-24
p. 41 ll. 12-15
p. 41 ll. 17-22
p. 41 l. 25 to p. 42 l. 20
p. 42 l. 23 to p. 43 l. 9
p. 43 l. 11 to p. 44 l. 3
p. 51 ll. 5-8
p. 54 ll. 7-10

DEPOSITION TESTIMONY INTRODUCED BY BLUES CITY

Blues City does not intend to use deposition testimony.

LIKELIHOOD OF SETTLEMENT

At the present time, settlement of this case is unlikely.

AMOUNT OF ASCERTAINABLE DAMAGES

Plaintiff requests damages for emotional pain and suffering, psychological injuries, all medical and psychological past and future expenses, and back pay in the maximum amount of \$300,000.00, plus punitive damages and attorney's fees, costs, prejudgment interests, and expenses.

Blues City submits Plaintiff's back pay damages are limited to approximately \$13,000.

Blues City submits Plaintiff is not entitled to any relief whatsoever.

ANTICIPATED LENGTH OF TRIAL

The trial is expected to take 3-4 days.

JURY TRIAL

This case is set for trial before a jury.

SPECIAL EQUIPMENT

The parties do not anticipate using any special equipment other than that which is ordinarily available in the courtroom.

IT IS SO ORDERED this the 23d day of August, 2022.

s/Thomas L. Parker _____
THOMAS L. PARKER
UNITED STATES DISTRICT JUDGE