

IN THE UNITED STATES DISTRICT COURT FOR  
THE NORTHERN DISTRICT OF FLORIDA  
PENSACOLA DIVISION

CHERYL L. SKIPPER,

Plaintiff,

v.

CASE NO. 3:07-CV-525 MCR/EMT

JOHN E. POTTER, POSTMASTER  
GENERAL UNITED STATES  
POSTAL SERVICE

Defendant.

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**REPORT OF PARTIES PLANNING MEETING**

COME NOW, CHERYL L. SKIPPER, Plaintiff *pro se*, and JOHN E. POTTER, POSTMASTER GENERAL, UNITED STATES POSTAL SERVICE, in his official capacity, Defendant, represented by the undersigned Assistant United States Attorney, who pursuant to this Court's Initial Scheduling Order, Fed. R. Civ. P. 26(f), and Fed. R. Civ. P. Official Form 35, hereby submit this Report of their Planning Meeting:

1. Pursuant to Fed. R. Civ. P. 26(f), a preliminary meeting was held by telephone on Wednesday, July 16, and on Thursday, July 17, 2008, between Plaintiff *pro se* Cheryl Skipper and Roy F. Blondeau, Jr., counsel for defendant. The parties have discussed and agree to the following matters:

2. **Pre-Discovery Disclosures**: The parties will exchange by August 30, 2008, the information required by Rule 26(a)(1).

3. **Discovery Plan**: The parties jointly propose to the Court the following discovery plan:

A. Discovery will be needed by each party on the following subjects: all aspects of the complaint filed by the plaintiff; all defenses set forth by defendant; and any damages suffered by plaintiff. The parties agree that the primary issues of this case, however, are set forth in paragraph 5 below.

B. The parties expect that discovery should be completed by December 31, 2008. This discovery period is needed because this is a complex Title VII, Rehabilitation Act case, with many legal and factual issues whose facts need to be investigated and discovery conducted thereon, including the issues of whether Plaintiff exhausted all of her administrative remedies on each of her claims, the legal effects of arbitration decisions, and the effect of administrative settlement of some of her claims.

C. A maximum of 100 interrogatories and 25 requests for admission, including subparts, may be submitted by each party to any other party, absent leave of court. The parties could not agree on the number of depositions to be allowed or their length. Plaintiff proposes the maximum number of depositions will be 25 for each side, absent leave of court or leave of counsel, and that depositions will not exceed 15 hours unless agreed by the parties. Defendant proposes the maximum number of depositions to be 15 for each side absent leave of court or leave of counsel and that Depositions will not exceed 7 hours, unless agreed by the parties. The parties do not anticipate electronic discovery.

D. Disclosure of the identity of and reports from retained experts under Rule 26(a)(2) shall be due:

From Plaintiff: October 15, 2008

From Defendant: November 15, 2008

E. Supplementation under Rule 26(e) shall be due 30 days before the close of discovery and as may be warranted pursuant to Rule 26(e).

4. **Other Items:**

A. The parties do not request a conference with the Court before entry of the scheduling order.

B. The parties request a pretrial conference at least one month prior to the trial in this matter.

C. Plaintiff does not foresee the need to join additional parties at this time. If, however, plaintiff desires to add additional parties, plaintiff has until August 30, 2008 to do so. If defendant desires to add additional parties, it has until August 30, 2008 to do so.

Amendments to pleadings shall be filed no later than August 30, 2008.

D. The parties believe that prompt settlement or resolution of this case does not appear likely. However, the parties expect that mediation may be warranted after key discovery has been completed.

E. All potentially dispositive motions should be filed within 20 days after the close of discovery, i.e. by January 20, 2008.

F. Final lists of witnesses and exhibits to be utilized at trial shall be exchanged as part of the district court's order setting pretrial conference after discovery is

completed. Defendant shall have five days after receiving plaintiff's list of witnesses and exhibits to determine any objections thereto.

G. This case should be ready for trial by March 1, 2008. This date was chosen, considering the parties extensive investigation and discovery requirements, the other deadlines requested herein, including the possible necessity of the Court resolving any dispositive motions and the other trial and discovery obligations of counsel for defendant.

H. This case is not subject to the Manual for Complex Litigation.

I. The parties have conferred regarding trial of this case by the United States Magistrate Judge.

5. **The Nature and Basis of Claims and Defenses:**

**A. Plaintiff's Position:**

The Plaintiff asserts the Defendant discriminated against her based on gender (female), race (Hispanic) and disability (on-the-job back injury). Defendant retaliated against Plaintiff due to prior EEO complaints. Defendant created an on-going hostile work environment work environment beginning on or about January 2006 for the Plaintiff resulting in forced termination of employment in February 2007. Defendant failed to adhere to a binding arbitrator's decision.

**B. Defendant's Position:**

The Defendant denies all of Plaintiff's allegations of discrimination and retaliation. Defendant denies creating a hostile work environment work environment resulting in Plaintiff's forced termination of employment. Plaintiff failed to exhaust her administrative remedies on certain of her claims, other were settled by the parties and/or were the subject of binding

arbitration, others fail to state a claims upon which relief can be granted. Defendant denies that it failed to adhere to a binding arbitrator's decision.

C. **Primary Issues of Fact and Law in Dispute:**

**Facts in Dispute**

1. Can Plaintiff meet her burden of proof to show that Defendant discriminated against her because of her gender-female, race-Hispanic, and alleged disability-back injury, in violation of the law and that such alleged discrimination resulted in adverse actions against her.
2. Can Plaintiff meet her burden of proof to show that Defendant retaliated against her because she had engaged in good faith in prior EEO activity.
3. Can Plaintiff prove that she had timely exhausted all of her available administrative EEO remedies.
4. Has plaintiff already settled with the Postal Service any of her claims in this lawsuit.
5. Were any of plaintiff's claims in this lawsuit the prior subject of binding arbitration.
6. If Plaintiff succeeds in the proving liability of the Defendant in this case can she prove that she is entitled to any damages, and if so, what are they.
7. Other factual and legal issues identified in the complaint and answer.

**Legal Issues in Dispute**

1. Those inherent in the facts.

Submitted this 1st day of August, 2008.

/S/ CHERYL L. SKIPPER  
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Respectfully submitted,

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