

(JCx), CLOSED, DISCOVERY, MANADR

**U.S. District Court**  
**CENTRAL DISTRICT OF CALIFORNIA (Western Division - Los Angeles)**  
**CIVIL DOCKET FOR CASE #: 2:06-cv-00215-DSF-JC**

United States Equal Employment Opportunity Commission v.  
Shelton Ho et al  
Assigned to: Judge Dale S. Fischer  
Referred to: Magistrate Judge Jacqueline Chooljian  
Cause: 42:2000 Job Discrimination (Race)

Date Filed: 01/12/2006  
Jury Demand: Both  
Nature of Suit: 442 Civil Rights: Jobs  
Jurisdiction: U.S. Government Plaintiff

**Plaintiff**

**United States Equal Employment  
Opportunity Commission, -**

represented by **Anna Y Park**  
US Equal Employment Opportunity  
Commission  
Los Angeles District Office  
255 E Temple St, 4th Fl  
Los Angeles, CA 90012  
213-894-1000  
Email: thomas.profit@eeoc.gov  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Sue J Noh**  
US Equal Employment Opportunity  
Commission  
Los Angeles District Office  
255 E Temple St, 4th Fl  
Los Angeles, CA 90012  
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Fax: 213-894-1301  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Victor Garcia Viramontes**  
United States Equal Employment  
Opportunity Commission  
255 East Temple Street, Fourth Floor  
Los Angeles, CA 90012  
213-894-1091  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**Shelton Ho**

*Sole Proprietors  
doing business as  
Quizno's Subs  
doing business as  
Quizno's Classic Subs*

represented by **Diane Lynn Fella**  
Hillel Chodos Law Offices  
1559 South Sepulveda Blvd  
Los Angeles, CA 90025  
310-473-8666  
*LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**Hillel Chodos**

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Los Angeles, CA 90025  
310-473-8666  
Fax: 310-473-2726  
*LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**Defendant****Eva Yu-Hwa Ho**

*Sole Proprietors  
doing business as  
Quizno's Subs  
doing business as  
Quizno's Classic Subs*

represented by **Diane Lynn Fella**  
(See above for address)  
*LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**Hillel Chodos**

(See above for address)  
*LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**Defendant****Does**

*1-10 inclusive*

| <b>Date Filed</b> | <b>#</b>          | <b>Docket Text</b>  |
|-------------------|-------------------|---|
| 01/12/2006        | 1                 | COMPLAINT against defendants Does 1-10, Shelton Ho, Eva Yu-Hwa Ho.(No Filing fee Required) Jury Demanded. , filed by plaintiff United States Equal Employment Opportunity Commission.(pj, ) (Entered: 01/19/2006) |
| 01/12/2006        |                   | 20 day Summons Issued re Complaint - (Discovery)[1] as to Does, Shelton Ho, Eva Yu-Hwa Ho. (pj, ) (Entered: 01/19/2006)   |
| 01/12/2006        | 2                 | CERTIFICATION of Interested Parties filed by Plaintiff United States Equal Employment Opportunity Commission. (pj, ) (Entered: 01/19/2006)  |
| 01/12/2006        | <a href="#">3</a> | NOTICE TO PARTIES OF ADR PILOT PROGRAM filed.(pj, ) (Entered: 01/19/2006)   |
| 01/12/2006        |                   | FAX number for Attorney Anna Y Park, Victor Garcia Viramontes is 213-894-1301. (pj, ) (Entered: 01/19/2006)   |

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| 01/13/2006 | <a href="#">4</a>  | STANDING ORDER by Judge Dale S. Fischer; Read this order carefully. It controls this case and differs in some respects from the LR. (see document for details)(jag, ) (Entered: 01/20/2006)   |
| 03/20/2006 | 5                  | WAIVER OF SERVICE Returned Executed filed by plaintiff United States Equal Employment Opportunity Commission. upon Eva Yu-Hwa Ho waiver sent by Plaintiff on 2/14/2006, answer due 4/15/2006. Waiver of Service signed by Diane Lynn Fella, attorney. (jag, ) (Entered: 03/21/2006)   |
| 03/20/2006 | 6                  | WAIVER OF SERVICE Returned Executed filed by plaintiff United States Equal Employment Opportunity Commission. upon Shelton Ho waiver sent by Plaintiff on 2/14/2006, answer due 4/15/2006. Waiver of Service signed by Diane Lynn Fella, attorney. (jag, ) (Entered: 03/21/2006)  |
| 04/13/2006 | 7                  | ANSWER to Complaint - (Discovery) [1] with JURY DEMAND filed by defendant Eva Yu-Hwa Ho.(jag, ) (Entered: 04/14/2006)   |
| 04/13/2006 | 8                  | ANSWER to Complaint - (Discovery) [1] with JURY DEMAND filed by defendant Shelton Ho.(jag, ) (Entered: 04/14/2006)  |
| 04/13/2006 | 9                  | NOTICE of Interested Parties filed by Defendants Shelton Ho, Eva Yu-Hwa Ho. (jag, ) (Entered: 04/14/2006)   |
| 04/14/2006 | <a href="#">10</a> | ORDER by Judge Dale S. Fischer; This matter is set for Scheduling Conference on 6/5/2006 11:00 AM. (see document for details)(jag, ) (Entered: 04/18/2006)  |
| 05/12/2006 | 11                 | ADR PILOT PROGRAM QUESTIONNAIRE on behalf of Defendants Shelton Ho, Eva Yu-Hwa Ho.(yl, ) (Entered: 05/15/2006)  |
| 05/12/2006 | 12                 | JOINT REPORT Rule 26(f) Discovery Plan filed; estimated length of trial 3-6 court days. (yl, ) (Entered: 05/16/2006)  |
| 05/17/2006 | <a href="#">13</a> | MINUTES OF IN CHAMBERS ORDER held before Judge Dale S. Fischer : The Court, having received the parties' Joint Rule 26(f) Report orders the matter removed from the Court's 6/5/06 calendar. The Court orders the case management dates established generally as proposed. (See order re Jury Trial for specific dates and times)Court Reporter: Not Present. (shb, ) (Entered: 05/18/2006) |
| 05/18/2006 | <a href="#">14</a> | ORDER by Judge Dale S. Fischer, case ordered to Attorney Settlement Officer Panel for a Local Rule 16-14 settlement conference. Within 10 days, plaintiff shall notify the ADR Program Coordinator of name of Attorney Settlement Officer who will conduct the settlement conference.(shb, ) (Entered: 05/18/2006)  |
| 05/18/2006 | <a href="#">15</a> | ORDER RE JURY TRIAL ( See document for further details) by Judge Dale S. Fischer,(yl, ) (Entered: 05/19/2006)   |
| 05/18/2006 |                    | Set Deadlines/Hearings: Discovery cut-off 3/30/2007. Motions due by 2/5/2007. Last date to conduct settlement conference is 2/20/2007. Jury Trial set for 5/1/2007 08:00 AM before Judge Dale S. Fischer. Pretrial Conference set for 4/20/2007 03:00 PM before Judge Dale S. Fischer. (yl, ) (Entered: 05/19/2006)   |
| 05/30/2006 | 16                 | NOTICE OF MOTION AND MOTION for Summary Judgment or MOTION for Partial Summary Judgment of issues; Alternatively for an order that the following causes of action and claims of damaged be substantial controversy (see document  |

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|            |                    | for further details); Memorandum of Points and Authorities filed by Defendants Shelton Ho, Eva Yu-Hwa Ho. Motion set for hearing on 6/26/2006 at 01:30 PM before Judge Dale S. Fischer. Lodged Proposed Statement and Order. (klg, ) Modified on 6/5/2006 (klg, ). (Entered: 05/31/2006)  |
| 05/30/2006 | 17                 | DECLARATION of Shelton Ho, Eva Ho and Diane Fella in support of MOTION for Summary Judgment or MOTION for Partial Summary Judgment [16] filed by Defendants Shelton Ho, Eva Yu-Hwa Ho. (klg, ) (Entered: 05/31/2006)  |
| 06/07/2006 | 18                 | EX PARTE APPLICATION for Order shortening time on plaintiff EEOC's (Proposed) Motion that defendants' Motion for summary judgment should be denied as premature or for a continuance to all ow time for discovery under Fed.R.Civ.P. 56(f); Memorandum of points and authorities; Declaration of Sue J Noh and Exhibits filed by plaintiff United States Equal Employment Opportunity Commission. Lodged proposed order, motion and proposed order on motion. (shb, ) (Entered: 06/08/2006)   |
| 06/08/2006 | <a href="#">19</a> | MINUTES OF IN CHAMBERS ORDER held before Judge Dale S. Fischer :, GRANTING AND DENYING EX PARTE APPLICATION for Order for shortening time on plaintiff EEOC's (Proposed) Motion that defendants' Motion for summary judgment should be denied as premature or for a continuance to all ow time for discovery under Fed.R.Civ.P. 56(f)[18]. Plaintiff's Exparte application is DENIED and GRANTING CONTINUANCE OF HEARING ON MOTION FOR SUMMARY JUDGMENT. Court Reporter: not present. (shb, ) Modified on 6/8/2006 (shb, ). (Entered: 06/08/2006) |
| 06/08/2006 | 21                 | DEFENDANT'S OPPOSITION to Plaintiff's Ex Parte Application to Continue Motion for Summary Judgment[18] filed by Defendants Shelton Ho and Eva Yu-Hwa Ho. (yl, ) (Entered: 06/14/2006)   |
| 06/12/2006 | 20                 | STIPULATION REGARDING SELECTION of Attorney Settlement Officer Filed; Parties stipulate that John Weiss may serve as Attorney Settlement Officer for a Local Rule 16-14 Settlement Conference.(yl, ) (Entered: 06/13/2006)  |
| 07/19/2006 | 22                 | ATTORNEY SETTLEMENT OFFICER PROCEEDING REPORT filed; Settlement Proceedings held on 7/14/2006;(yl, ) (Entered: 07/25/2006)  |
| 07/27/2006 | 23                 | DEFENDANTS' EX PARTE APPLICATION for Order for resetting Defendant's motion for summary judgment and for sanctions under Rule 56(g) against the EEOC and its attorneys of record filed by Defendants Shelton Ho, Eva Yu-Hwa Ho. Lodged proposed order. (shb, ) (Entered: 07/31/2006)  |
| 07/28/2006 | 26                 | OPPOSITION to EX PARTE APPLICATION for Order resetting Defendant's motion for summary judgment and for sanctions under Rule 56(g) against the EEOC and its attorneys of record[23]; Declaration of Sue J Noh; and Exhibits filed by plaintiff United States Equal Employment Opportunity Commission. (pcl, ) (Entered: 08/10/2006)  |
| 07/31/2006 | <a href="#">24</a> | MINUTES OF IN CHAMBERS ORDER held before Judge Dale S. Fischer: DENYING Defendant's EX PARTE APPLICATION for Order for resetting Defendant's motion for summary judgment and for sanctions under Rule 56(g) against the EEOC and its attorneys of record[23]. Plaintiff is not to delay taking the depositions described in the COURT's Order pending a mediation that complies with the order. Court Reporter: Not Present. (shb, ) (Entered: 07/31/2006)  |

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| 08/07/2006 | 28                 | EX PARTE APPLICATION for Reconsideration of Order Directing Further Mediation; Declarations filed by defendants Shelton Ho, Eva Yu-Hwa Ho. (pcl, ) (Entered: 08/21/2006)   |
| 08/08/2006 | <a href="#">25</a> | MINUTES (IN CHAMBERS) ORDER Setting Status Conference by Judge Dale S. Fischer: Status Conference set for 8/14/2006 01:30 PM before Judge Dale S. Fischer.Court Reporter: Not Present. (pcl, ) (Entered: 08/08/2006)   |
| 08/08/2006 | 29                 | OPPOSITION to EX PARTE APPLICATION for Reconsideration of Order Directing Further Mediation; Declaration of Sue J Noh filed by plaintiff United States Equal Employment Opportunity Commission. (pcl, ) (Entered: 08/21/2006)  |
| 08/14/2006 | <a href="#">30</a> | MINUTES OF Status Conference held before Judge Dale S. Fischer: The Court addresses the ex parte applications by counsel and orders parties to schedule further mediation before a different mediator, or the magistrate judge. Court Reporter: Pamela Seijas. (pcl, ) (Entered: 08/22/2006)   |
| 08/17/2006 | 27                 | RECEIPT OF REPORTERS TRANSCRIPT of proceedings for the following date: 8/14/2006 Court Reporter: Pamela A Seijas. (kks ) (Entered: 08/17/2006)   |
| 08/23/2006 | <a href="#">31</a> | ORDER RE SETTLEMENT CONFERENCE by Judge Jacqueline Chooljian. This case has been referred to Magistrate Judge Jacqueline for settlement proceedings. the Settlement Conference is placed on calendar for 9/7/2006 at 10:00 AM, at Courtroom 20... No later than 8/31/06, each party shall submit a Settlement Conference Statement directly to chambers (Room 339) or via facsimile to 213-894-2909. Each party shall also prepare a Confidential Addendum to Settlement Conference Statement, which shall be delivered (or sent via facsimile) directly to Magistrate Judge Chooljian only, along with the Statement. See document for further details.(nhac, ) (Entered: 08/23/2006) |
| 09/05/2006 | <a href="#">32</a> | MINUTES (IN CHAMBERS): ORDER by Judge Jacqueline Chooljian directing counsel to forthwith contact clerk regarding availability for telephonic conference hearing on 9/6/2006 at 2:00 PM. If counsel are not available at that time, they are to advise the Clerk of alternative times on that date, preferably in the afternoon, at which they are available. The parties should be prepared to address the following issues during the telephonic hearing: See document for further details. Tape #: None. (nhac, ) (Entered: 09/05/2006)   |
| 09/05/2006 | 33                 | PROOF OF SERVICE OF SUBPOENA IN A CIVIL CASE issued to Brittany Mooney was served upon Anna Park, Esq, and Sue Noh, Esq, US Equal Employment Opportunity Commission on 8/18/2006 by Hand Delivery, returned. (pcl, ) (Entered: 09/06/2006)   |
| 09/05/2006 | 34                 | NOTICE OF MOTION AND MOTION to Reschedule Motion for Summary Judgment; Points and Authorities; Declaration filed by defendants Shelton Ho, Eva Yu-Hwa Ho. Motion set for hearing on 9/25/2006 at 01:30 PM before Judge Dale S. Fischer. Lodged Proposed Order. (jp) (Entered: 09/13/2006)  |
| 09/08/2006 | 35                 | OPPOSITION to Defendants' Motion to Reschedule Motion for Summary Judgment [34] filed by Plaintiff U. S. Equal Employment Opportunity Commission. (gk, ) (Entered: 09/14/2006)   |

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| 09/08/2006 | 36                 | DECLARATION of Dana C. Johnson in Support of Opposition to Defendants' Motion to Reschedule Motion for Summary Judgment [34] filed by Plaintiff U. S. Equal Employment Opportunity Commission; exhibits. (gk, ) (Entered: 09/14/2006)   |
| 09/08/2006 | 37                 | DECLARATION of Thomas Profit in Support of Opposition to Defendants' Motion to Reschedule Motion for Summary Judgment [34] filed by Plaintiff U. S. Equal Employment Opportunity Commission; exhibits. (gk, ) (Entered: 09/14/2006)   |
| 09/08/2006 | 38                 | SIGNED NOTICE PAGE for Defendants' Notice of Motion and Motion to Reschedule Motion for Summary Judgment [34] filed by Defendants Shelton Ho and Eva Ho; points and authorities; declaration. (gk, ) (Entered: 09/14/2006)  |
| 09/15/2006 | 40                 | REPLY in support of MOTION to Reschedule Motion for Summary Judgment [34] filed by defendants Shelton Ho, Eva Yu-Hwa Ho. (jp) (Entered: 09/22/2006)   |
| 09/21/2006 | <a href="#">39</a> | MINUTES: Settlement Conference held before Judge Jacqueline Chooljian on 9/7/06 and 9/18/06. On 9/21/06, the parties advised the court that they had reached a settlement, the essential terms of which were placed on the record. The parties advised the court that they have lodged a stipulation and proposed order with the assigned United States District Judge to continue the hearing currently scheduled for Monday, 9/25/06, pending the parties' execution of the requisite settlement documents. Absent further order of this court or the United States District Judge, the parties shall submit a settlement agreement and proposed order for dismissal on or before 9/25/06. Tape #: None. (nhac, ) (Entered: 09/22/2006) |
| 09/21/2006 | 43                 | STIPULATION to Continue Defendants' Motion to Re-Schedule Motion for Summary Judgment [34] from 9/25/2006 to 10/2/2006. Lodged Proposed Order. (gk, ) (Entered: 09/26/2006)   |
| 09/22/2006 | <a href="#">41</a> | ORDER by Judge Dale S. Fischer on Stipulation, Resetting Hearing as to Defendants' Motion to Reschedule Motion for Summary Judgment [34] Motion hearing continued to 10/2/2006 at 01:30 PM before Judge Dale S. Fischer.(gk, ) (Entered: 09/25/2006)  |
| 09/22/2006 | 44                 | SETTLEMENT AGREEMENT Plaintiff United States Equal Employment Opportunity Commission, Defendants Shelton Ho, Eva Yu-Hwa Ho. (gk, ) (Entered: 09/27/2006)  |
| 09/26/2006 | <a href="#">42</a> | ORDER DISMISSING the Action with Prejudice by Judge Dale S. Fischer: The Court dismisses the action with prejudice. IT IS SO ORDERED. (Made JS-6. Case Terminated.)(pcl, ) (Entered: 09/26/2006)  |

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| <b>Description:</b>    | Docket Report | <b>Search Criteria:</b> | 2:06-cv-00215-DSF-JC |
| <b>Billable Pages:</b> | 5             | <b>Cost:</b>            | 0.40                 |

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