

CLOSED, IAC, REFUSE

**U.S. District Court  
Western District of North Carolina (Charlotte)  
CIVIL DOCKET FOR CASE #: 3:06-cv-00318-FDW-CH**

Equal Employment Opportunity Commission v. E&T Foods, LLC	Date Filed: 08/03/2006
Assigned to: District Judge Frank D. Whitney	Date Terminated: 01/28/2008
Referred to: Magistrate Judge Carl Horn, III	Jury Demand: Both
Cause: 42:2000ra Job Discrimination (Race)	Nature of Suit: 442 Civil Rights: Jobs
	Jurisdiction: U.S. Government Plaintiff

**Plaintiff**

**Equal Employment Opportunity  
Commission**

represented by **Darrell Elijah Graham**  
129 W. Trade Street  
Suite 400  
Charlotte, NC 28202  
704-344-6885  
Fax: 704-344-6780  
Email: darrell.graham@eeoc.gov  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Lynette A. Barnes**  
Equal Employment Opportunity  
Commission  
Charlotte District Office  
129 W. Trade Street, Suite 400  
Charlotte, NC 28202  
704.344.6878  
Fax: 704.344.6780  
Email: lynette.barnes@eeoc.gov  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Mary Margaret Ryerse**  
EEOC  
U.S. Equal Employment Opportunity  
Commission  
129 W. Trade Street, Suite 400  
Charlotte, NC 28202  
704-344-6886  
Fax: 704-344-6780  
Email: mary.ryerse@eeoc.gov  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

V.

**Defendant****E&T Foods, LLC**doing business as  
Compare Foodsrepresented by **G. Bryan Adams, III**Van Hoy, Reutlinger, Adams & Dunn  
737 East Blvd.  
Charlotte, NC 28203  
704-375-6022  
Fax: 704-375-6024  
Email: badams-vrad@carolina.rr.com  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED****Philip M. VanHoy**Van Hoy, Reutlinger, Adams & Dunn  
737 East Boulevard  
Charlotte, NC 28203  
704/375-6022  
Fax: 704/375-6024  
Email: phil.vanhoy@vradlaw.com  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
08/03/2006	<a href="#"><u>1</u></a>	COMPLAINT against E&T Foods, LLC, filed by Equal Employment Opportunity Commission.(Ryerse, Mary) (Entered: 08/03/2006)
08/03/2006		NOTICE of ECF Case Opening Error re: <a href="#"><u>1</u></a> Complaint Summons not issued. Filer shall conventionally submit civil summons for issuance to the Clerk of Court. No request for waiver of service. If summons not to be issued, filer shall file a request for waiver of service using the <i>Request for Waiver of Service</i> event. (apb) (Entered: 08/03/2006)
08/03/2006		Case Assigned to Judge Carl Horn, III. <i>This is your only notice - you will not receive a separate document.</i> (apb) (Entered: 08/03/2006)
08/04/2006	<a href="#"><u>2</u></a>	REQUEST FOR WAIVER of Service sent to E&T Foods, LLC on 08/04/06 by Equal Employment Opportunity Commission. (Ryerse, Mary) (Entered: 08/04/2006)
08/18/2006	<a href="#"><u>4</u></a>	WAIVER OF SERVICE Returned Executed by Equal Employment Opportunity Commission. E&T Foods, LLC waiver sent on 8/4/2006, answer due 10/3/2006. (Ryerse, Mary) (Entered: 08/18/2006)
10/03/2006	<a href="#"><u>6</u></a>	Corporate Disclosure Statement by E&T Foods, LLC (Adams, G.) (Entered: 10/03/2006)
10/03/2006	<a href="#"><u>7</u></a>	ANSWER to Complaint by E&T Foods, LLC.(Adams, G.) (Entered: 10/03/2006)

10/03/2006		Case reassigned to Judge Frank D. Whitney and referred to Judge Carl Horn, III. <i>This is your only notice - you will not receive a separate document.</i> (jhg) (Entered: 10/03/2006)
10/04/2006	<a href="#"><u>8</u></a>	NOTICE of Appearance by Philip M. VanHoy on behalf of E&T Foods, LLC (VanHoy, Philip) (Entered: 10/04/2006)
11/08/2006	<a href="#"><u>9</u></a>	CERTIFICATION of initial attorney conference and discovery plan by Equal Employment Opportunity Commission, E&T Foods, LLC.(Ryerse, Mary) (Entered: 11/08/2006)
11/08/2006	<a href="#"><u>10</u></a>	ORDER settingInitial Pretrial Conference for 12/12/2006 10:30 AM in Chambers before Carl Horn III.Signed by Judge Carl Horn III on 11/8/06. (com) (Entered: 11/08/2006)
11/08/2006	<a href="#"><u>11</u></a>	PRETRIAL ORDER AND CASE MANAGEMENT PLAN: Discovery due by 8/31/2007. Motions due by 10/1/2007. Signed by Judge Carl Horn III on 11/8/06. (com) (Entered: 11/08/2006)
12/12/2006		Minute Entry for proceedings held before Judge Carl Horn III: In Chambers Conference held on 12/12/2006. Plaintiff's attorney: Mary Margaret Ryerse.Defendant's attorney: G. Bryan Adams, III, Philip M. VanHoy. (Robinson, Chelli) (Entered: 12/12/2006)
12/12/2006	<a href="#"><u>12</u></a>	ORDER REFERRING CASE to Mediation. Jonathan R. Harkavy appointed.Mediation deadline set for 5/15/2007. Signed by Judge Carl Horn III on 12/12/06. (com) (Entered: 12/12/2006)
01/30/2007	<a href="#"><u>13</u></a>	NOTICE of Appearance by Darrell Elijah Graham on behalf of Equal Employment Opportunity Commission (Graham, Darrell) (Entered: 01/30/2007)
05/08/2007	<a href="#"><u>14</u></a>	REPORT of Mediation by Jonathan R. Harkavy - parties have reached an impasse.(com) (Entered: 05/08/2007)
08/28/2007	<a href="#"><u>15</u></a>	Joint MOTION for Extension of Scheduling Deadlines by E&T Foods, LLC. (Adams, G.). Motions referred to Carl Horn, III. (Entered: 08/28/2007)
08/28/2007	<a href="#"><u>16</u></a>	ORDER, granting <a href="#"><u>15</u></a> Joint MOTION for Extension of Scheduling Deadlines.Discovery due by 10/31/2007.,Motions due by 12/3/2007.. Signed by Judge Carl Horn III on 8/28/07. (bsw) (Entered: 08/28/2007)
10/23/2007	<a href="#"><u>17</u></a>	Joint MOTION for Extension of Scheduling Deadlines by E&T Foods, LLC. (Adams, G.). Motions referred to Carl Horn, III. (Entered: 10/23/2007)
10/24/2007	<a href="#"><u>18</u></a>	ORDER granting <a href="#"><u>17</u></a> Motion for Extension of Scheduling Deadlines. Signed by Judge Carl Horn III on 10/24/07. (chh) (Entered: 10/24/2007)
12/11/2007		Set Deadlines/Hearings: Discovery due by 11/30/2007.,Jury Trial set for 3/10/2008 09:30 AM in Courtroom #1, 401 W. Trade St., Charlotte, NC 28202 before District Judge Frank D. Whitney., Dispositive Motions due by 12/31/2007. (chh) (Entered: 12/11/2007)
12/31/2007	<a href="#"><u>19</u></a>	MOTION for Summary Judgment by E&T Foods, LLC.Responses due by 1/17/2008. (Adams, G.) (Entered: 12/31/2007)

12/31/2007	<a href="#">20</a>	MEMORANDUM in Support re <a href="#">19</a> MOTION for Summary Judgment filed by E&T Foods, LLC. (Attachments: # <a href="#">1</a> SJ Memorandum of Law Part 2, # <a href="#">2</a> Appendix Bernice Grier Deposition Excerpts Part 1, # <a href="#">3</a> Appendix Bernice Grier Depo Excerpts Part 2, # <a href="#">4</a> Appendix Bernice Grier Depo Excerpts Part 3)(Adams, G.) (Entered: 12/31/2007)
12/31/2007	<a href="#">21</a>	Addendum by E&T Foods, LLC. Addendum to <a href="#">20</a> Memorandum in Support of Motion, (Attachments: # <a href="#">1</a> Appendix Pena Depo Excerpts Part 2, # <a href="#">2</a> Appendix Pena Depo Excerpts Part 3, # <a href="#">3</a> Appendix Pena Depo Excerpts Part 4, # <a href="#">4</a> Appendix Pena Depo Excerpts Part 5, # <a href="#">5</a> Appendix Pena Depo Excerpts Part 6)(Adams, G.) (Entered: 12/31/2007)
12/31/2007	<a href="#">22</a>	Addendum by E&T Foods, LLC. Addendum to <a href="#">20</a> Memorandum in Support of Motion, (Attachments: # <a href="#">1</a> Appendix Hall Depo Excerpts Part 2, # <a href="#">2</a> Appendix Polanco Depo Excerpts, # <a href="#">3</a> Appendix Sosa Depo Excerpts Part 1, # <a href="#">4</a> Appendix Sosa Depo Excerpts Part 2, # <a href="#">5</a> Appendix Sosa Depo Excerpts Part 3)(Adams, G.) (Entered: 12/31/2007)
12/31/2007	<a href="#">23</a>	Addendum by E&T Foods, LLC. Addendum to <a href="#">20</a> Memorandum in Support of Motion, (Attachments: # <a href="#">1</a> Appendix Gates Depo Excerpts Part 2, # <a href="#">2</a> Appendix Gates Depo Excerpts Part 3, # <a href="#">3</a> Appendix McCoy Depo Excerpts Part 1, # <a href="#">4</a> Appendix McCoy Depo Excerpts Part 2, # <a href="#">5</a> Appendix McCoy Depo Excerpts Part 3, # <a href="#">6</a> Appendix McCoy Depo Excerpts Part 4)(Adams, G.) (Entered: 12/31/2007)
12/31/2007	<a href="#">24</a>	Addendum by E&T Foods, LLC. Addendum to <a href="#">20</a> Memorandum in Support of Motion, (Attachments: # <a href="#">1</a> Appendix Defendant's Depo Exhibits Part 2, # <a href="#">2</a> Appendix Defendant's Depo Exhibits Part 3, # <a href="#">3</a> Appendix Defendant's Depo Exhibits Part 4, # <a href="#">4</a> Appendix Defendant's Depo Exhibits Part 5, # <a href="#">5</a> Appendix Plaintiff's Depo Exhibits Part 1, # <a href="#">6</a> Appendix Plaintiff's Depo Exhibits Part 2, # <a href="#">7</a> Exhibit Memorandum Exhibit A)(Adams, G.) (Entered: 12/31/2007)
01/11/2008	<a href="#">25</a>	MOTION for Extension of Time to File Response/Reply as to <a href="#">19</a> MOTION for Summary Judgment by Equal Employment Opportunity Commission.Responses due by 1/28/2008. (Attachments: # <a href="#">1</a> Proposed Order)(Ryerse, Mary). Motions referred to Carl Horn, III. (Entered: 01/11/2008)
01/11/2008	<a href="#">26</a>	ORDER granting <a href="#">25</a> Motion for Extension of Time to File Response/Reply re <a href="#">19</a> MOTION for Summary Judgment. Responses due by 1/25/2008. Signed by District Judge Frank D. Whitney on 1/11/08. (com) (Entered: 01/11/2008)
01/25/2008	<a href="#">27</a>	Consent MOTION for Extension of Time to File Response/Reply as to <a href="#">19</a> MOTION for Summary Judgment by Equal Employment Opportunity Commission.Responses due by 2/11/2008. (Attachments: # <a href="#">1</a> Proposed Order)(Ryerse, Mary). Motions referred to Carl Horn, III. (Entered: 01/25/2008)
01/25/2008		TEXT-ONLY ORDER granting <a href="#">27</a> Motion for Extension of Time to File Response/Reply re <a href="#">19</a> MOTION for Summary Judgment Responses due by 1/28/2008. Replies due by 2/6/2008. <i>Text of Order: Plaintiff's Second Motion for enlargement is GRANTED; Plaintiff shall file its response to Defendant's Motion for Summary Judgment on or before January 28, 2008. Plaintiff is cautioned, however, that further enlargements in this case will not be granted. So Ordered..</i> Entered by District Judge Frank D. Whitney on 1/25/2008. (Baker, Steve)

		(Entered: 01/25/2008)
01/28/2008	<a href="#">28</a>	NOTICE of Settlement by Equal Employment Opportunity Commission (Attachments: # <a href="#">1</a> Proposed Order Consent Decree)(Ryerse, Mary) (Entered: 01/28/2008)
01/28/2008	<a href="#">29</a>	CONSENT DECREE. Signed by District Judge Frank D. Whitney on 1/28/08. (bsw) (Entered: 01/28/2008)

**PACER Service Center****Transaction Receipt**

03/04/2008 16:01:48

<b>PACER Login:</b>	wu0079	<b>Client Code:</b>	eeoc
<b>Description:</b>	Docket Report	<b>Search Criteria:</b>	3:06-cv-00318-FDW-CH
<b>Billable Pages:</b>	4	<b>Cost:</b>	0.32