

CLOSED,JURY

**U.S. District Court
Eastern District of Virginia – (Newport News)
CIVIL DOCKET FOR CASE #: 4:06-cv-00122-JBF-JEB**

Equal Employment Opportunity Commission v. Burlington
Medical Supplies, Inc.
Assigned to: District Judge Jerome B. Friedman
Referred to: Magistrate Judge James E. Bradberry
Cause: 42:1981 Sex Discrimination

Date Filed: 09/21/2006
Date Terminated: 05/23/2008
Jury Demand: Plaintiff
Nature of Suit: 442 Civil Rights: Jobs
Jurisdiction: U.S. Government Plaintiff

Plaintiff

**Equal Employment Opportunity
Commission**

represented by **Amy Elizabeth Garber**
Equal Employment Opportunity
Commission
200 Granby St
Suite 739
Norfolk, VA 23510
(757) 441-3134
Email: amy.garber@eeoc.gov
TERMINATED: 03/10/2008
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Stacey Turner Caldwell
Equal Employment Opportunity
Commission
830 East Main St
Suite 600
Richmond, VA 23219
(804) 771-2215
TERMINATED: 11/20/2006
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Suzanne Lenahan Nyfeler
Equal Employment Opportunity
Commission
830 East Main St
Suite 600
Richmond, VA 23219
(804) 771-2215
Email: Suzanne.Nyfeler@eeoc.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Tracy Hudson Spicer
Equal Employment Opportunity
Commission (DC-NA)
1801 L St NW
Suite 100
Washington, DC 20507
NA
202-419-0700
Fax: 202-419-0701
Email: tracy.spicer@eeoc.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Burlington Medical Supplies, Inc.

represented by **David Christopher Burton**
Williams Mullen
222 Central Park Ave

Suite 1700
 Virginia Beach, VA 23462-3035
 (757) 499-8800
 Email: dburton@williamsmullen.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Melissa Lykins Saunders
 Williams Mullen
 222 Central Park Ave
 Suite 1700
 Virginia Beach, VA 23462-3035
 (757) 499-8800
 Email: mlykins@williamsmullen.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Sara Berg Rafal
 Williams Mullen
 222 Central Park Ave
 Suite 1700
 Virginia Beach, VA 23462-3035
 (757) 499-8800
 Fax: (757) 473-0395
 Email: srafal@williamsmullen.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
09/21/2006	1	COMPLAINT against Burlington Medical Supplies, Inc. , filed by Equal Employment Opportunity Commission.(kspi) (Entered: 09/22/2006)
10/04/2006	2	ANSWER to Complaint by Burlington Medical Supplies, Inc..(ecav,) (Entered: 10/10/2006)
10/04/2006	3	Financial Interest Disclosure Statement (Local Rule 7.1) by Burlington Medical Supplies, Inc. (ecav,) (Entered: 10/10/2006)
10/10/2006		Referred for 16(b). (ecav,) (Entered: 10/10/2006)
11/06/2006	4	Rule 26(f) Scheduling Order: Initial Pretrial Conference set for 11/27/2006 at 03:00 PM before District Judge Walter D. Kelley Jr. Signed by Judge James E. Bradberry on 11/6/06 and filed 11/6/06. Copies mailed 11/7/06. (ecav,) (Entered: 11/07/2006)
11/20/2006	5	ORDER, AGREED, substituting Amy E. Garber for Stacey T. Caldwell, as local counsel for Plaintiff, and Stacey T. Caldwell's appearance is hereby withdrawn. Signed by Judge Walter D. Kelley Jr. on 11/17/06 and filed 11/20/06. (ecav,) (Entered: 11/20/2006)
11/28/2006	6	Rule 16(b) Scheduling Order – Pursuant to the Rule 16(b) Conference it is ordered that: Final Pretrial Conference set for 5/4/2007 at 11:00 AM before Magistrate Judge James E. Bradberry. Jury Trial set for 5/22/2007 at 10:00 AM before District Judge Walter D. Kelley Jr. Signed by Judge James E. Bradberry on 11/28/06 and filed 11/28/06. Copies mailed 11/29/06. (ecav,) (Entered: 11/29/2006)
03/13/2007	7	MOTION for Summary Judgment by Burlington Medical Supplies, Inc. (ecav,) (Entered: 03/15/2007)
03/13/2007	8	Memorandum in Support of 7 MOTION for Summary Judgment, by Burlington Medical Supplies, Inc., received. (ecav,) (Entered: 03/15/2007)
03/26/2007	9	PLAINTIFF'S MOTION to File a Responsive Memorandum in Excess of 30 Pages, by Equal Employment Opportunity Commission. (ecav,) (Entered: 03/27/2007)

03/26/2007	10	Memorandum in Support of 9 MOTION for Leave to File, by Equal Employment Opportunity Commission, received. (ecav,) (Entered: 03/27/2007)
03/26/2007	11	PLAINTIFF's Memorandum in Opposition to Defendant's 7 MOTION for Summary Judgment, by Equal Employment Opportunity Commission, received, with attached (originals) Declaration of Tracy Desimone, Deborah Ritchie (2 Declarations), Barbara Robinson (ecav,) (Entered: 03/27/2007)
03/30/2007		Set Hearings: Motion for Summary Judgment Hearing set for 4/16/2007 at 02:00 PM before District Judge Walter D. Kelley Jr. (ecav,) (Entered: 03/30/2007)
03/30/2007	12	NOTICE of Hearing, by Burlington Medical Supplies, Inc. (ecav,) (Entered: 04/02/2007)
04/03/2007	13	REPLY Memorandum of Law in Support of Defendant's 7 MOTION for Summary Judgment, by Burlington Medical Supplies, Inc., received. (ecav,) (Entered: 04/04/2007)
04/04/2007		MOTION REFERRED: 7 MOTION for Summary Judgment REFERRED to Judge Walter D. Kelley, Jr. (ecav,) (Entered: 04/04/2007)
04/16/2007	14	MOTION FOR SUMMARY JUDGMENT proceedings held before Judge Walter D. Kelley Jr. on April 16, 2007. Motion for Summary Judgment (Docket Number 7) argued. Appearances: Amy Garber and Tracy Spicer on behalf of EEOC and David Burton and Sara Berg Rafal on behalf of Burlington Medical. Argument presented by Sara Rafal and Amy Garber. David Burton moves court to stay deadlines and EEOC agrees to stay. Court takes motion for summary judgment and motion to stay under advisement. Court adjourned. (Court Reporter Penny C. Wile, OCR) (ceic) (Entered: 04/16/2007)
04/16/2007	15	MOTIONs in Limine by Burlington Medical Supplies, Inc. (ecav,) (Entered: 04/17/2007)
04/16/2007	16	Memorandum in Support of 15 MOTIONS in Limine, by Burlington Medical Supplies, Inc., received. (ecav,) (Entered: 04/17/2007)
04/18/2007	17	ORDER on the parties having requested that all future dates scheduled in this case be stayed. Accordingly, all remaining deadlines and dates are VACATED. A supplemental scheduling conference will be held to reschedule dates previously set in this matter. Signed by Judge Walter D. Kelley Jr. on 4/17/07 and filed 4/18/07. Copies mailed 4/18/07. (ecav,) (Entered: 04/18/2007)
11/01/2007	18	ORDER denying 7 Motion for Summary Judgment; the court will issue an opinion that explains the reasons for its rulings. Signed by Judge Walter D. Kelley Jr. and filed on 11/1/07. Copies mailed: 11/2/07 (jcow,) (Entered: 11/02/2007)
02/13/2008		Set Hearings: Settlement Conference set for 3/12/2008 02:00 PM in N Courtroom 3 before District Judge Walter D. Kelley Jr. (mmci) (Entered: 02/13/2008)
03/05/2008	19	OPINION re 18 Order DENYING Motion for Summary Judgment. Signed by Judge Walter D. Kelley, Jr on 3/3/08 and filed on 3/5/08. Copies mailed 3/5/08.(lwoo) (Entered: 03/05/2008)
03/07/2008	20	MOTION to Substitute Attorney by Equal Employment Opportunity Commission. (lwoo) (Entered: 03/10/2008)
03/10/2008	21	CONSENT ORDER granting 20 Motion to Substitute Attorney. Added attorney Suzanne Lenahan Nyfeler for Equal Employment Opportunity Commission. Attorney Amy Elizabeth Garber terminated. Signed by Judge Walter D. Kelley, Jr and filed on 3/10/08. (lwoo) (Entered: 03/10/2008)
03/17/2008		Set Hearings: Settlement Conference set for 4/3/2008 at 02:00 PM. (lwoo) (Entered: 03/17/2008)
03/17/2008	22	MOTION for Reconsideration re 19 Opinion Order by Equal Employment Opportunity Commission. (lwoo) (Entered: 03/18/2008)
03/17/2008	23	Memorandum in Support re 22 MOTION for Reconsideration re 19 opinion Order filed by Equal Employment Opportunity Commission, received. (lwoo) (Entered: 03/18/2008)

03/19/2008	24	MOTION to Amend Opinion or to Reconsider 19 Order by Burlington Medical Supplies, Inc. (lwoo) (Entered: 03/19/2008)
03/19/2008	25	Memorandum in Support re 24 MOTION to Amend 19 Order filed by Burlington Medical Supplies, Inc. received. (lwoo) (Entered: 03/19/2008)
03/19/2008	26	CORRECTION ORDER re 19 Order: Page 19, line 18 previously read "harassment in this manner will entitle the EEOC to appropriate." It should read "harassment in this manner may entitle the EEOC to appropriate." Page 23, line 13 previously read "satisfies this requirement is Ms. Trudil." It should read "satisfies this requirement is Ms. Trudil, Ms. Gant and Ms. Robinson." Signed by Judge Walter D. Kelley, Jr on 3/18/08 and filed on 3/19/08. Copies mailed 3/19/08. (lwoo) (Entered: 03/19/2008)
03/25/2008	27	Memorandum in Opposition to 22 MOTION for Reconsideration re 19 Order filed by Burlington Medical Supplies, Inc.; received (kver). (Entered: 03/25/2008)
03/31/2008	28	Memorandum in Opposition re 24 MOTION to Amend/Correct 19 Order filed by Equal Employment Opportunity Commission, received. (lwoo) (Entered: 04/01/2008)
04/03/2008		Minute Entry for proceedings held before District Judge Walter D. Kelley, Jr: Settlement Conference held on 4/3/2008. (kgri) (Entered: 04/07/2008)
04/10/2008		MOTIONS REFERRED to Judge Walter D. Kelley, Jr.. 22 MOTION for Reconsideration re 19 Order, 24 MOTION to Amend/Correct 19 Order (lwoo) (Entered: 04/10/2008)
04/29/2008	29	CONSENT DECREE,(see Order for specifics). The term of this decree shall be for two years from its entry by the Court. Each party shall bear its own costs and attorney's fees. This Court shall retain jurisdiction of this cause for purposes of monitoring compliance with the Decree and entry of such further orders as may be necessary or appropriate. Signed by District Judge Walter D. Kelley, Jr and filed on 4/29/08. Copies mailed to counsel 4/29/08.(lwoo) (Entered: 04/29/2008)
05/21/2008		Case reassigned to District Judge Rebecca Beach Smith. District Judge Walter D. Kelley, Jr no longer assigned to the case. (lwoo) (Entered: 05/21/2008)
05/22/2008		Case reassigned to District Judge Jerome B. Friedman. District Judge Rebecca Beach Smith no longer assigned to the case. (lwoo) (Entered: 05/22/2008)
05/23/2008	30	ORDER DISMISSING CASE with prejudice. Jurisdiction is retained for the purpose of enforcing the consent decree in this action. Signed by District Judge Jerome B. Friedman on 5/22/08 and filed on 5/23/08. Copies mailed 5/23/08.(lwoo) (Entered: 05/23/2008)
12/18/2013		Case file sent to the Federal Records Center (tlev,) (Entered: 04/01/2014)
05/11/2015		Case file requested from the Federal Records Center. (tlev,) (Entered: 05/11/2015)
05/14/2015		Case file received from the Federal Records Center. (tlev,) (Entered: 05/14/2015)
06/25/2015		Case file returned to the Federal Records Center. (tlev,) (Entered: 06/29/2015)