**CLOSED** 

# U.S. District Court District of South Carolina (Charleston) CIVIL DOCKET FOR CASE #: 2:03-cv-02577-PMD-GCK

EEOC v. Palmetto Rest Group, et al Assigned to: Judge Patrick Michael Duffy Referred to: Magistrate Judge George C Kosko

Demand: \$0

Cause: 42:2000 Job Discrimination (Sex)

Date Filed: 08/07/2003
Date Terminated: 06/21/2004
Jury Demand: Plaintiff

Nature of Suit: 442 Civil Rights: Jobs Jurisdiction: U.S. Government Plaintiff

#### **Plaintiff**

**Equal Employment Opportunity** 

Commission

## represented by Edwin Lake Turnage

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Email: elt@harrisgraves.com TERMINATED: 05/04/2004 LEAD ATTORNEY

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## Kirk J Angel

**Equal Employment Opportunity** 

Commission

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704-344-6880

TERMINATED: 04/09/2004

V.

## **Defendant**

**Palmetto Restaurant Group LLC** 

## represented by Cherie Wilson Blackburn

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#### **Defendant**

## **Carolina Restaurant Group Inc**

#### represented by David Brian McCormack

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#### Marylin E Culp

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#### **Nicole E Bourget**

Littler Mendelson

100 N Tryon Street Suite 4150 Charlotte, NC 28202 704-972-7000

## **Intervenor Defendant**

**Palmetto Restaurant Group LLC** 

## represented by Cherie Wilson Blackburn

(See above for address)

LEAD ATTORNEY

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## Jim O Stuckey, II

(See above for address)

LEAD ATTORNEY

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## **Sue Erwin Harper**

(See above for address)

LEAD ATTORNEY

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#### **Intervenor Defendant**

**Carolina Restaurant Group Inc** 

#### represented by **David Brian McCormack**

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

#### Marylin E Culp

(See above for address)

#### **Nicole E Bourget**

(See above for address)

#### **Intervenor Defendant**

**Metrolina Restaurant Group LLC** 

## **Intervenor Defendant**

Florida Restaurant Group LLC

## **Intervenor Plaintiff**

**Shakeenya Coley** 

#### represented by David L Hood

David Hood Law Office PO Box 535 Georgetown, SC 29442

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## **Terry Ann Rickson**

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## **Intervenor Plaintiff**

Shaketia Ford

#### represented by **David L Hood**

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

## **Terry Ann Rickson**

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## **Intervenor Plaintiff**

**Angelia Gary** 

#### represented by David L Hood

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#### **Terry Ann Rickson**

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#### **Intervenor Plaintiff**

Vernata Green

## represented by **David L Hood**

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#### **Terry Ann Rickson**

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## **Intervenor Plaintiff**

**Melody Grimmage** 

#### represented by David L Hood

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6/14/2007 12:29 PM 4 of 12

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#### **Terry Ann Rickson**

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## **Intervenor Plaintiff**

Marketia Kinzer

## represented by David L Hood

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## **Terry Ann Rickson**

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#### **Intervenor Plaintiff**

**Beverly Lewis** 

#### represented by David L Hood

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### **Terry Ann Rickson**

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#### **Intervenor Plaintiff**

Michell E Linen

#### represented by David L Hood

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#### **Terry Ann Rickson**

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#### **Intervenor Plaintiff**

Wendy Reed

#### represented by David L Hood

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#### **Terry Ann Rickson**

(See above for address) LEAD ATTORNEY

5 of 12

#### ATTORNEY TO BE NOTICED

V.

## **Defendant**

**Metrolina Restaurant Group LLC** 

represented by David Brian McCormack

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICE

ATTORNEY TO BE NOTICED

#### **Defendant**

Florida Restaurant Group LLC

represented by David Brian McCormack

(See above for address)

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## **Defendant**

**Wendy's International Inc** 

represented by Lucinda Gardner Wichmann

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#### William P Miles, Jr

King and Spalding 191 Peachtree Street NE Suite 4600 Atlanta, GA 30303-1763

## 404-572-4600

Date Filed	#	Docket Text	
08/07/2003	1	COMPLAINT; Service due by 12/5/03 for Carolina Rest Group, for Palmetto Rest Group (kmca) (Entered: 08/08/2003)	
08/07/2003	2	SUMMONS(ES) issued for defendant Palmetto Rest Group, defendant Carolina Rest Group (kmca) (Entered: 08/08/2003)	
08/07/2003	3	ANSWER to Local Rule 26 Interrogatories by plaintiff EEOC; jury demand (kmca) (Entered: 08/08/2003)	
09/22/2003	4	WAIVER OF SERVICE as to Carolina Rest Group Answer due on 10/21/03 for Carolina Rest Group (jtho) (Entered: 09/22/2003)	
09/26/2003	<u>5</u>	WAIVER OF SERVICE as to Palmetto Rest Group Answer due on 10/31/03 for Palmetto Rest Group (kmca) (Entered: 09/26/2003)	
10/17/2003		CASE reassigned from Judge Norton to Judge Patrick Michael Duffy (glev) (Entered: 10/17/2003)	
10/20/2003	<u>6</u>	ANSWER to Local Rule 26 Interrogatories by defendant Carolina Rest Group; jury demand (cmur) (Entered: 10/21/2003)	
10/20/2003	7	MOTION by defendant Carolina Rest Group to dismiss (cmur) (Entered: 10/21/2003)	
10/20/2003	8	MEMORANDUM by defendant Carolina Rest Group in support of [7-1] motion to dismiss (cmur) (Entered: 10/21/2003)	
10/20/2003	<u>10</u>	ANSWER to Complaint by defendant Palmetto Rest Group (Attorney Sue Erwin Harper, Jim O Stuckey II, Cherie Wilson Blackburn) (gpea) (Entered: 10/21/2003)	
10/20/2003	<u>11</u>	ANSWER to Local Rule 26 Interrogatories by defendant Palmetto Rest Group (gpea) (Entered: 10/21/2003)	
10/21/2003	9	NOTICE of Judge reassignment (jwol) (Entered: 10/21/2003)	
10/21/2003	12	CONFERENCE AND SCHEDULING ORDER setting 26(f) Conference no later than 11/10/03; 26(a) Initial Disclosures served by 11/24/03; 26(f) Report filed by 11/24/03; Joining of parties, amending of pleadings on 12/19/03; Plaintiff's ID of Experts set for 1/19/04; Defendant's ID of Experts set for 2/17/04; Records Custodian Affidavit filed by 2/17/04; Discovery cutoff 4/19/04; Motion In Limine filed by 7/12/04; Deadline for filing of all motions 5/3/04; 26(a)3 Pretrial Disclosures filed by 7/16/04; Pretrial Brief filed by 7/26/04; Jury Selection deadline set for 8/2/04; ADR Statement/Cert due by 6/1/04 Mediation deadline for 7/1/04 ( signed by Magistrate Judge George C. Kosko ) eod 10/22/03 (cmur) (Entered: 10/22/2003)	
10/30/2003	<u>13</u>	MOTION by defendant Carolina Rest Group for Nicole E. Bourget to appear pro hac vice FILING FEE AMOUNT \$100.00 Receipt # 200-17484 (cmur) (Entered:	

		10/30/2003)	
10/30/2003	<u>14</u>	AFFIDAVIT of Nicole E. Bourget by defendant Carolina Rest Group Re: [13-1] motion for Nicole E. Bourget to appear pro hac vice FILING FEE AMOUNT \$100.00 Receipt # 200-17484 (cmur) (Entered: 10/30/2003)	
10/30/2003	<u>15</u>	MOTION by defendant Carolina Rest Group for Marylin E. Culp to appear pro hac vice FILING FEE AMOUNT \$100.00 Receipt # 200-17485 (cmur) (Entered 10/30/2003)	
10/30/2003	<u>16</u>	AFFIDAVIT of Marylin E. Culp by defendant Carolina Rest Group Re: [15-1] motion for Marylin E. Culp to appear pro hac vice FILING FEE AMOUNT \$100.00 Receipt # 200-17485 (cmur) (Entered: 10/30/2003)	
11/04/2003	<u>17</u>	ORDER granting [13-1] motion for Nicole E. Bourget to appear pro hac vice FILING FEE AMOUNT \$100.00 Receipt # 200-17484 ( signed by Judge David C. Norton ) (cmur) (Entered: 11/04/2003)	
11/04/2003	<u>18</u>	ORDER granting [15-1] motion for Marylin E. Culp to appear pro hac vice FILING FEE AMOUNT \$100.00 Receipt # 200-17485 ( signed by Judge David C. Norton ) (cmur) (Entered: 11/04/2003)	
11/07/2003	<u>19</u>	RESPONSE in OPPOSITION by plaintiff EEOC to defendant CRG's [7-1] motion to dismiss (with attachment + exhibit A = affidavit of Edwin Turnage, B,C,D,E,F,G = copy of affidavit of Donna Crawford, H,I,J,K,L,M = copy of affidavit of Alex Boatman, N,O,P = affidavit of Charlotte Watts with exhibits 1-5, and exhibit S) (kmca) (Entered: 11/10/2003)	
11/07/2003	<u>20</u>	AFFIDAVIT of Edwin L. Turnage with attachment by plaintiff EEOC Re: [19-1] motion response (kmca) Modified on 11/10/2003 (Entered: 11/10/2003)	
11/07/2003	<u>21</u>	AFFIDAVIT of Charlotte Watts by plaintiff EEOC Re: [19-1] motion response (kmca) (Entered: 11/10/2003)	
11/07/2003	<u>22</u>	MOTION by plaintiff EEOC to amend [1-1] complaint (kmca) (Entered: 11/10/2003)	
11/07/2003	<u>23</u>	MEMORANDUM by plaintiff EEOC in support of [22-1] motion to amend [1-1] complaint (kmca) (Entered: 11/10/2003)	
11/13/2003	<u>24</u>	NOTICE of Hearing before Magistrate Judge George C. Kosko set Motion Hearing to 11:00 11/19/03 for [22-1] motion to amend [1-1] complaint (obri) (Entered: 11/13/2003)	
11/17/2003	<u>25</u>	REPLY by defendant Carolina Rest Group to [19-1] motion response (cmur) (Entered: 11/17/2003)	
11/19/2003	<u>26</u>	MOTION HEARING [22-1] motion to amend [1-1] complaint held ORAL ORDER granting [22-1] motion to amend [1-1] complaint; Attorneys to confer on jurisdictional issues and report back to Court by 12/8/03 (before Magistrate Judge George C. Kosko ) Court Reporter: Gilbert O'Brien, ESR. (obri) Modified on 11/19/2003 (Entered: 11/19/2003)	
12/08/2003	<u>27</u>	MEMORANDUM with exhibits A-C by plaintiff EEOC in opposition to [25-1] reply (jtho) (Entered: 12/08/2003)	

12/16/2003	<u>28</u>	NOTICE of Hearing set status conference for 10:00 12/23/03 before Magistrate Judge George C. Kosko (cmur) (Entered: 12/16/2003)	
12/18/2003	<u>29</u>	NOTICE of Hearing reset status conference for 9:30 12/23/03 before Magistrate Judge George C. Kosko (obri) (Entered: 12/18/2003)	
12/18/2003	<u>30</u>	CONSENT ORDER to intervene by individual plaintiffs ( signed by Magistrate Judge George C. Kosko ) eod 12/19/03 (cmur) (Entered: 12/19/2003)	
12/18/2003	<u>31</u>	Intervenor's COMPLAINT against defendant Palmetto Rest Group, defendant Carolina Rest Group, defendant Metrolina Rest Group, defendant Florida Rest Group; jury demand (cmur) (Entered: 12/19/2003)	
12/18/2003	<u>32</u>	SUMMONS(ES) issued for defendant Metrolina Rest Group, defendant Florid Rest Group, defendant Wendy's Intl Inc (cmur) (Entered: 12/19/2003)	
12/18/2003	33	ANSWER to Local Rule 26 Interrogatories by intervenor-plaintiff Shakeenya Coley, intervenor-plaintiff Shaketia Ford, intervenor-plaintiff Angelia Gary, intervenor-plaintiff Vernata Green, intervenor-plaintiff Melody Grimmage, intervenor-plaintiff Marketia Kinzer, intervenor-plaintiff Beverly Lewis, intervenor-plaintiff Michell E Linen, intervenor-plaintiff Wendy Reed; jury demand (cmur) (Entered: 12/19/2003)	
12/22/2003	<u>34</u>	NOTICE of Hearing reset status conference for 10:00 1/12/04 before Magistrate Judge George C. Kosko (obri) (Entered: 12/22/2003)	
01/12/2004	<u>35</u>	STATUS CONFERENCE held before Magistrate Judge George C. Kosko ORAL ORDER Court allows Plaintiff to submit amended complaint on newly named defendants; Defendant to withdraw Motion to Dismiss at a later date Court Reporter: Gilbert O'Brien,ESR. (obri) (Entered: 01/12/2004)	
01/12/2004	<u>36</u>	ANSWER to intervenors' Complaint by defendant Wendy's Intl Inc, Assignment Interrogatories due on 1/22/04 for Wendy's Intl Inc; (cmur) (Entered: 01/13/2004)	
01/14/2004	<u>37</u>	NOTICE of Hearing set telephone Status conference for 2:00 1/21/04 before Magistrate Judge George C. Kosko (cmur) (Entered: 01/14/2004)	
01/14/2004	<u>38</u>	ANSWER to Local Rule 26 Interrogatories by defendant Wendy's Intl Inc; jury demand (cmur) (Entered: 01/15/2004)	
01/20/2004	<u>39</u>	MOTION by defendant Metrolina Rest Group, defendant Florida Rest Group to dismiss intervenors' complaint (erav) (Entered: 01/21/2004)	
01/20/2004	<u>40</u>	MEMORANDUM by defendant Metrolina Rest Group, defendant Florida Rest Group in support of [39-1] motion to dismiss intervenors' complaint w/attached affidavit of Gary M. Miller. (erav) (Entered: 01/21/2004)	
01/20/2004	<u>41</u>		
01/20/2004	<u>42</u>	ANSWER to Local Rule 26.01 Interrogatories by defendant Florida Rest Group; jury demand (erav) (Entered: 01/21/2004)	
01/20/2004	<u>43</u>	MOTION by defendant Carolina Rest Group to dismiss intervenors' complaint (erav) (Entered: 01/21/2004)	

01/20/2004	44	MEMORANDUM by defendant Carolina Rest Group in support of [43-1] motion to dismiss intervenors' complaint (erav) (Entered: 01/21/2004)	
01/23/2004	<u>45</u>	MOTION by defendant Wendy's Intl Inc for William P. Miles, Jr. to appear pro hac vice FILING FEE AMOUNT \$100 Receipt # scx200000563 (cmur) (Entered: 01/26/2004)	
01/23/2004	<u>46</u>	AFFIDAVIT of William P. Miles, Jr. by defendant Wendy's Intl Inc Re: [45-1] motion for William P. Miles, Jr. to appear pro hac vice FILING FEE AMOUNT \$100 Receipt # scx200000563 (cmur) (Entered: 01/26/2004)	
01/23/2004	<u>47</u>	MOTION by defendant Wendy's Intl Inc for Todd D. Wozniak to appear pro had vice FILING FEE AMOUNT \$100 Receipt # scx200000563 (cmur) (Entered: 01/26/2004)	
01/23/2004	<u>48</u>	AFFIDAVIT of Tod D. Wozniak by defendant Wendy's Intl Inc Re: [47-1] motion for Todd D. Wozniak to appear pro hac vice FILING FEE AMOUNT \$100 Receipt # scx200000563 (cmur) (Entered: 01/26/2004)	
01/30/2004	<u>49</u>	ORDER granting [47-1] motion for Todd D. Wozniak to appear pro hac vice FILING FEE AMOUNT \$100 Receipt # scx200000563 ( signed by Judge David C. Norton for Judge Duffy) (cmck) (Entered: 02/02/2004)	
01/30/2004	<u>50</u>	ORDER granting [45-1] motion for William P. Miles, Jr. to appear pro hac vice FILING FEE AMOUNT \$100 Receipt # scx200000563 ( signed by Judge David C. Norton for Judge Duffy) (cmck) (Entered: 02/02/2004)	
02/10/2004	<u>51</u>	CONSENT ORDER extending time for Palmetto Restaurant Group to respond to Intervenor's Complaint. New deadline set for February 22, 2004. (signed by Magistrate Judge George C. Kosko) eod 2/10/04 (ssan) (Entered: 02/10/2004)	
02/11/2004	<u>52</u>	MOTION by plaintiff EEOC for Kirk Joseph Angel to appear pro hac vice FILING FEE AMOUNT (jtho) (Entered: 02/11/2004)	
02/11/2004	<u>53</u>	AFFIDAVIT of Kirk Joseph Angel by plaintiff EEOC Re: [52-1] motion for Kirk Joseph Angel to appear pro hac vice FILING FEE AMOUNT (jtho) (Entered: 02/11/2004)	
02/11/2004	<u>54</u>	MEMORANDUM by intervenor-plaintiff Shakeenya Coley, intervenor-plaintiff Shaketia Ford, intervenor-plaintiff Angelia Gary, intervenor-plaintiff Vernata Green, intervenor-plaintiff Melody Grimmage, intervenor-plaintiff Marketia Kinzer, intervenor-plaintiff Beverly Lewis, intervenor-plaintiff Michell E Linen, intervenor-plaintiff Wendy Reed in opposition to [43-1] motion to dismiss intervenors' complaint, [39-1] motion to dismiss intervenors' complaint (cmur) (Entered: 02/12/2004)	
02/17/2004	<u>55</u>	ORDER granting [52-1] motion for Kirk Joseph Angel to appear pro hac vice FILING FEE AMOUNT ( signed by Magistrate Judge George C. Kosko ) eod 2/18/04 (cmur) (Entered: 02/18/2004)	
02/19/2004	<u>56</u>	REPLY by defendant Metrolina Rest Group, defendant Florida Rest Group to intervenor plaintiffs'[54-1] memorandum in opposition to defendants' motions to dismiss (erav) (Entered: 02/20/2004)	

02/19/2004	<u>57</u>	REPLY by defendant Carolina Rest Group to intervenor plaintiffs' [54-1] memorandum in opposition to defendants' motion to dismiss (erav) (Entered: 02/20/2004)	
02/23/2004	<u>58</u>	ANSWER to Intervenors' Complaint by defendant Palmetto Rest Group (Attorney Debbie Whittle Durban), (cram) (Entered: 02/24/2004)	
02/23/2004	<u>59</u>	ANSWER to Local Rule 26 Interrogatories by defendant Palmetto Rest Group; jury demand (cram) (Entered: 02/24/2004)	
03/25/2004		Minute entry: Per Judge Kosko's chambers Telephone conference held in chamber off record staying all matter until 5/20/04 (obri) (Entered: 03/25/2004)	
04/07/2004	<u>60</u>	MOTION by plaintiff EEOC for Kirk J Angel to withdraw as attorney (jtho) (Entered: 04/07/2004)	
04/09/2004	<u>61</u>	ORDER granting [60-1] motion for Kirk J Angel to withdraw as attorney (Terminated attorney Kirk J Angel for EEOC ( signed by Magistrate Judge George C. Kosko ) eod (cmur) (Entered: 04/09/2004)	
04/28/2004	<u>62</u>	MOTION by plaintiff EEOC for attorney Edwin L. Turnage to withdraw as attorney (dnap) (Entered: 04/28/2004)	
04/28/2004	<u>63</u>	MOTION by plaintiff EEOC to stay the proceedings until May 31, 2004 (dnap) (Entered: 04/28/2004)	
05/04/2004	<u>64</u>	ORDER granting [62-1] motion for attorney Edwin L. Turnage to withdraw as attorney ( signed by Magistrate Judge George C. Kosko ) eod 5/5/04 (cmur) (Entered: 05/05/2004)	
05/04/2004	<u>65</u>	ORDER granting [63-1] motion to stay the proceedings until May 31, 2004 (signed by Magistrate Judge George C. Kosko) eod 5/5/04 (cmur) (Entered: 05/05/2004)	
06/21/2004	<u>66</u>	ORDER (CONSENT DECREE) for settlement for the total sum of four hundred eighty-seven thousand five hundred thousand and .00/100 dollars (\$487,500.00) of any and all claims raised, or which could have been raised by claimants against the Company. The Court shall retain jurisdiction of this case during the duration of this Consent Decree for purposes of resolving controversies arising under this Consent Decree and for entry of any orders that may be necessary to resolve such controversies or to enforce the terms of this Consent Decree. Full details set forth in order (Consent Decree); with all parties to bear their own attorneys' fees and costs This consent decree operates as a final dismissal with prejudice of all claims made. ( signed by Judge Patrick Michael Duffy ) eod (cmur) Modified on 06/21/2004 (Entered: 06/21/2004)	
06/21/2004		Case closed (cmur) (Entered: 06/21/2004)	

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