

CLOSED

**U.S. District Court
District of South Carolina (Florence)
CIVIL DOCKET FOR CASE #: 4:99-cv-02157-PMD**

EEOC, et al v. Fleming Inc
Assigned to: Judge Patrick Michael Duffy
Demand: \$0
Cause: 42:2000 Job Discrimination (Sex)

Date Filed: 06/30/1999
Date Terminated: 03/07/2001
Jury Demand: Both
Nature of Suit: 442 Civil Rights: Jobs
Jurisdiction: U.S. Government Plaintiff

Plaintiff

**Equal Employment Opportunity
Commission**

represented by **David R Treeter**
Equal Employment Opportunity
Commission
129 W Trade Street
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Charlotte, NC 28202
704-344-6880
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Mindy E Weinstein
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Rosemary J Fox
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V.

Defendant

Fleming Inc
doing business as
J Edward's

represented by **D Michael Henthorne**
McNair Law Firm
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Anderson, SC 29622
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Intervenor Defendant

Fleming Inc
doing business as
 J Edward's

represented by **Henrietta U Golding**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Intervenor Plaintiff

Matthew Morrison

represented by **A Christopher Potts**
 Hitchcock and Potts
 PO Box 1113
 Charleston, SC 29402
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Date Filed	#	Docket Text
06/30/1999	1	COMPLAINT, no filing fee required by statute; Scheduling order due by 10/8/99 Service due by 10/28/99 for Fleming Inc (former empl) (Entered: 07/01/1999)
06/30/1999		** Added JURY Flag indicating jury demand request. (former empl) (Entered: 07/01/1999)
06/30/1999	2	Answers to 16B Interrogatories by plaintiff EEOC; jury demand (former empl) (Entered: 07/01/1999)
07/02/1999	3	ANSWER to Local Rule Interrogatory 26.03 (N) by plaintiff EEOC (former empl) (Entered: 07/02/1999)
07/12/1999	4	SCHEDULING ORDER setting Plaintiff's ID of Experts set for 12/30/99 ; Defendant's ID of Experts set for 1/31/00 ; Joining of parties,amending of pleadings on 11/30/99 ; Deadline for filing of all motions 3/17/00 ; Discovery cutoff 3/2/00 ; Jury Trial set for on or after 6/7/00 ; (signed by Magistrate Judge

		Terry L. Wooten) eod 7/12/99 mld (swel) (Entered: 07/12/1999)
07/23/1999	5	WAIVER OF SERVICE as to Fleming Inc Answer due on 8/23/99 for Fleming Inc (swel) (Entered: 07/23/1999)
08/23/1999	6	ANSWER to Complaint by defendant Fleming Inc (Attorney Henrietta U. Golding) (swel) (Entered: 08/23/1999)
09/07/1999	7	MOTION to intervene by Matthew Morrison to become intervenor plaintiff (former empl) (Entered: 09/07/1999)
09/07/1999	8	MEMORANDUM by movant Matthew Morrison in support of [7-1] motion to intervene by Matthew Morrison to become intervenor plaintiff (former empl) (Entered: 09/07/1999)
09/20/1999	9	MEMORANDUM by defendant Fleming Inc in opposition to [7-1] motion to intervene by Matthew Morrison to become intervenor plaintiff (swel) (Entered: 09/20/1999)
10/13/1999	10	Answers to 16B Interrogatories by defendant Fleming Inc (swel) (Entered: 10/13/1999)
11/23/1999		CASE reassigned from Judge Currie to Judge Patrick Michael Duffy (glev) (Entered: 11/23/1999)
12/30/1999	11	Plaintiff's ID of Experts by EEOC (swel) (Entered: 12/30/1999)
02/01/2000	12	CONSENT PROTECTIVE ORDER (signed by Magistrate Judge Terry L. Wooten) eod 2/1/00 mld (swel) (Entered: 02/01/2000)
02/01/2000	13	CONSENT AMENDED SCHEDULING ORDER setting Defendant's ID of Experts set for 3/1/00 ; Deadline for filing of all motions 5/22/00 ; Discovery cutoff 5/2/00 ; Jury Trial set for 8/14/00 ; (signed by Magistrate Judge Terry L. Wooten) eod 2/1/00 mld (swel) (Entered: 02/01/2000)
02/15/2000	14	SECOND SUPPLEMENTAL REQUEST for Production of Documents by defendant Fleming Inc (swel) (Entered: 02/15/2000)
03/24/2000	15	NOTICE of Hearing: civil pending motions hearing set for Thursday, April 13, 2000 at 2:30 pm (swel) (Entered: 03/27/2000)
04/13/2000		Motion hearing re: [7-1] motion to intervene by Matthew Morrison to become intervenor plaintiff before Magistrate Judge Terry L. Wooten; Motion taken under advisement; Court reporter: Vince Rolland. (aric) (Entered: 04/13/2000)
04/13/2000		Minute entry: [7-1] motion to intervene by Matthew Morrison to become intervenor plaintiff taken under advisement (aric) (Entered: 04/13/2000)
05/02/2000	16	ORDER granting [7-1] motion to intervene by Matthew Morrison to become intervenor plaintiff (signed by Magistrate Judge Terry L. Wooten) eod/mld 5/2/00 (amil) (Entered: 05/02/2000)
05/05/2000	17	Intervenor's COMPLAINT by Mathew Morrison against defendant Fleming Inc (swel) (Entered: 05/05/2000)
05/05/2000	18	ANSWER to Interrogatories by intervenor-plaintiff Matthew Morrison (swel) (Entered: 05/05/2000)

06/01/2000	19	SECOND AMENDED SCHEDULING ORDER setting Deadline for filing of all motions 8/31/00 ; Discovery cutoff 8/1/00 ; (signed by Judge Terry L. Wooten) eod 6/1/00 mld (swel) (Entered: 06/01/2000)
06/07/2000	20	ANSWER to Complaint by defendant Fleming Inc, intervenor-defendant Fleming Inc to complaint intervention (Attorney Henrietta U. Golding/D. Michael Henthorne); jury demand (swel) (Entered: 06/08/2000)
06/07/2000	21	Answers to 16B Interrogatories and Documents to be Produced by defendant Fleming Inc; (as to Intervenor Mathew Morrison); jury demand (swel) (Entered: 06/08/2000)
08/31/2000	22	MOTION by defendant Fleming Inc to dismiss or in the alternative for clarification (as to class action aspect of Plaintiff's Complaint and prayer for class relief) (swel) (Entered: 09/01/2000)
08/31/2000	23	MEMORANDUM by defendant Fleming Inc in support of [22-1] motion to dismiss or in the alternative for clarification (as to class action aspect of Plaintiff's Complaint and prayer for class relief) [exhibits 1 - 10 attached] (swel) (Entered: 09/01/2000)
08/31/2000	24	MOTION by defendant Fleming Inc for summary judgment (swel) (Entered: 09/01/2000)
08/31/2000	25	MEMORANDUM by defendant Fleming Inc in support of [24-1] motion for summary judgment (exhibits 1 - 16 attached) (swel) (Entered: 09/01/2000)
09/14/2000	26	MOTION by plaintiff EEOC to extend time to respond to defendant's motion to dismiss, or in the alternative, for clarification and defendant's motion for summary judgment (swel) (Entered: 09/18/2000)
09/19/2000	27	ORDER granting [26-1] motion to extend time to respond to defendant's motion to dismiss, or in the alternative, for clarification and defendant's motion for summary judgment Response to motion reset to 9/29/00 for [24-1] motion for summary judgment, reset to 9/29/00 for [22-1] motion to dismiss or in the alternative for clarification (as to class action aspect of Plaintiff's Complaint and prayer for class relief) (signed by Judge Patrick Michael Duffy) eod 9/20-00 mld/faxed (swel) (Entered: 09/20/2000)
09/29/2000	28	RESPONSE by intervenor-plaintiff Matthew Morrison to [24-1] motion for summary judgment(with exhibit 1 attached) (former empl) (Entered: 09/29/2000)
09/29/2000	29	RESPONSE by plaintiff EEOC to [22-1] motion to dismiss or in the alternative for clarification (as to class action aspect of Plaintiff's Complaint and prayer for class relief) (former empl) (Entered: 10/02/2000)
09/29/2000	30	RESPONSE by plaintiff EEOC to [24-1] motion for summary judgment (former empl) (Entered: 10/02/2000)
09/29/2000	31	AFFIDAVIT of David Treeter by plaintiff EEOC Re: [14-1] produce requested (former empl) (Entered: 10/02/2000)
10/13/2000	32	SUPPLEMENT ALANSWER to Interrogatories by intervenor-plaintiff Matthew Morrison (former empl) (Entered: 10/13/2000)

11/21/2000	33	NOTICE of Hearing before Magistrate Judge Terry L. Wooten Motion Hearing to 10:15 12/4/00 for [24-1] motion for summary judgment, to 10:15 12/4/00 for [22-1] motion to dismiss or in the alternative for clarification (as to class action aspect of Plaintiff's Complaint and prayer for class relief) (swel) (Entered: 11/21/2000)
11/22/2000	34	NOTICE of Hearing before Magistrate Judge Terry L. Wooten reset Motion Hearing to 10:15 12/5/00 for [24-1] motion for summary judgment, to 10:15 12/5/00 for [22-1] motion to dismiss or in the alternative for clarification (as to class action aspect of Plaintiff's Complaint and prayer for class relief) (swel) (Entered: 11/22/2000)
12/05/2000	35	MOTION HEARING [24-1] motion for summary judgment held, [22-1] motion to dismiss or in the alternative for clarification (as to class action aspect of Plaintiff's Complaint and prayer for class relief) held ORAL ORDER [24-1] motion for summary judgment taken under advisement, [22-1] motion to dismiss or in the alternative for clarification (as to class action aspect of Plaintiff's Complaint and prayer for class relief) taken under advisement (before Magistrate Judge Terry L. Wooten) Court Reporter: Sharon Welch ESR Tape 00HR41 4364-END 00HR42 3-2056 (aric) (Entered: 12/06/2000)
12/08/2000	36	REPORT AND RECOMMENDATION of Magistrate Judge Terry L. Wooten recommending that both the defendant's motion for summary judgment and to dismiss, or in the alternative for clarification, be DENIED in their entirety . Case no longer referred to Magistrate Judge Terry L. Wooten Objections to R and R due by 12/29/00; eod 12/11/00 mld (swel) (Entered: 12/11/2000)
12/20/2000	37	OBJECTION by defendant Fleming Inc to [36-1] report and recommendations (swel) (Entered: 12/20/2000)
01/05/2001	38	REPLY by plaintiff EEOC to [37-1] objection (bbro) (Entered: 01/08/2001)
01/09/2001	39	REPLY by intervenor-plaintiff Matthew Morrison to [37-1] objection (former empl) (Entered: 01/09/2001)
01/09/2001	39	OBJECTION by intervenor-plaintiff Matthew Morrison to [36-1] report and recommendations (former empl) (Entered: 01/09/2001)
01/25/2001	40	CALENDAR NOTICE of Hearing set jury selection for 10:00 3/5/01 before Judge Patrick Michael Duffy , set mediation deadline for 2/23/01 (amil) (Entered: 01/25/2001)
01/30/2001	41	PRE-TRIAL NOTICE by defendant Fleming Inc to [40-1] notice hearing set jury selection for 10:00 3/5/01 before Judge Patrick Duffy, [40-2] notice hearing set mediation deadline for 2/23/01 (amil) (Entered: 01/31/2001)
01/31/2001	42	RESPONSE by intervenor-plaintiff Matthew Morrison to [40-1] notice hearing set jury selection for 10:00 3/5/01 before Judge Patrick Michael Duffy, [40-2] notice hearing set mediation deadline for 2/23/01 (amil) (Entered: 01/31/2001)
02/02/2001	43	Pre-trial Notice REPLY by plaintiff EEOC to [40-1] notice hearing set jury selection for 10:00 3/5/01 before Judge Patrick Michael Duffy, [40-2] notice hearing set mediation deadline for 2/23/01 (amil) (Entered: 02/06/2001)

02/09/2001	44	MOTION by plaintiff EEOC for Kerith Cohen to appear pro hac vice FILING FEE AMOUNT (amil) (Entered: 02/13/2001)
02/09/2001	45	AFFIDAVIT of Kerith Cohen by plaintiff EEOC Re: [44-1] motion for Kerith Cohen to appear pro hac vice FILING FEE AMOUNT not paid (28:1914 doesn't allow district courts to collect filing fees from the United States) (amil) (Entered: 02/13/2001)
02/13/2001	46	CONSENT ORDER reset mediation deadline for 3/2/01 for Fleming Inc, for Matthew Morrison, for Fleming Inc, for EEOC (signed Judge Patrick Michael Duffy) eod/mld 2/13/01 (amil) (Entered: 02/13/2001)
02/21/2001	47	ORDER granting [44-1] motion for Kerith Cohen to appear pro hac vice as counsel of record for the plaintiff; FILING FEE AMOUNT (signed by Judge Patrick Michael Duffy) (EOD/MLD 02/21/01) (sste) (Entered: 02/21/2001)
02/26/2001	48	NOTICE of Hearing set Jury trial for 10:00 3/7/01 before Judge Patrick Michael Duffy (amil) (Entered: 02/26/2001)
02/28/2001	50	Voir dire questions by intervenor-plaintiff Matthew Morrison (amil) (Entered: 03/02/2001)
02/28/2001	51	PRETRIAL BRIEF by intervenor Matthew Morrison (amil) (Entered: 03/02/2001)
03/01/2001	49	ORDER adpoting magistrate's R&R and denying [24-1] motion for summary judgment, denying [22-1] motion to dismiss or in the alternative for clarification (as to class action aspect of Plaintiff's Complaint and prayer for class relief) (signed by Judge Patrick Michael Duffy) eod 3/1/01 (cmck) (Entered: 03/01/2001)
03/07/2001	52	ORDER that this action is dismissed without prejudice. If settlement not consummated within 60 days, either party may petition the court to reopen/restore the calendar. Dismissal shall be with prejudice if no action is taken under either alternative within 60 days from filing date of order (signed by Judge Patrick Michael Duffy) eod/mld 3/7/01 (amil) (Entered: 03/07/2001)
03/07/2001		Case closed per Rubin order (amil) (Entered: 03/07/2001)
03/29/2001	53	ORDER AND CONSENT DECREE outlining guidelines of settlement; Bryan Stahl and Matthew Goheen shall receive \$10,000.00, Matthew Morrison shall receive \$15,000.00, Defendant shall pay Plaintiff-Intervenor's attorneys fees in the amount of \$10,000.00 and parties agree to all other items as outlined in this document. (signed by Judge Patrick Michael Duffy) eod 3/29/01 (cmck) (Entered: 03/29/2001)

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