

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

FILED
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CLERK U.S. DISTRICT COURT
TAMPA, FLORIDA

UNITED STATES EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION,

Plaintiff,

-vs-

Case No. 8:03-cv-568-T-24MAP

CHECKERS DRIVE-IN RESTAURANTS, INC.,

Defendant.

_____ /

ORDER

This cause comes before the Court for consideration of Defendant's Motion to Dismiss Complaint or in the Alternative to Stay This Action (Doc. No. 7). Plaintiff filed a Response in Opposition thereto (Doc. No. 9).

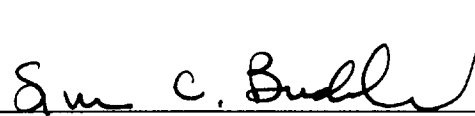
Defendant argues that Plaintiff did not conciliate in good faith with the Defendant prior to filing this action as required by 42 U.S.C. §§ 2000e-5(b) and (f)(1). After careful review of the motion and the response, the Court finds that the Plaintiff's actions were well within the requirements of both 42 U.S.C. §§ 2000e-5(b) and (f)(1) and the controlling case law articulated in EEOC v. Klingler Electric Corp., 636 F.2d 104, 107 (5th Cir. 1981).¹

Accordingly, it is **ORDERED AND ADJUDGED** that Defendant's Motion to Dismiss Complaint or in the Alternative to Stay This Action (Doc. No. 7) is **DENIED**.

¹The case law of the Fifth Circuit prior to September 30, 1981 has been adopted as precedent in this judicial circuit. Bonner v. City of Prichard, 661 F.2d 1206 (11th Cir. 1981) (en banc).

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DONE AND ORDERED at Tampa, Florida, this 15 day of September, 2003.



SUSAN C. BUCKLEW
United States District Judge

Copies to:

Counsel of Record

FILE COPY

Date Printed: 09/17/2003

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