

18RA, CLOSED

**U.S. District Court  
North Carolina Middle District (Durham)  
CIVIL DOCKET FOR CASE #: 1:01-cv-00833**

EEOC v. SEARS, ROEBUCK  
Assigned to: FRANK W. BULLOCK, JR  
Demand: \$0  
Cause: 42:2000 Unlawful Employment Practices

Date Filed: 09/05/2001  
Date Terminated: 12/17/2002  
Jury Demand: Plaintiff  
Nature of Suit: 442 Civil Rights: Jobs  
Jurisdiction: U.S. Government Plaintiff

**Plaintiff**

**EQUAL EMPLOYMENT  
OPPORTUNITY COMMISSION**

represented by **DAVID S. YUEN**  
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*TERMINATED: 06/28/2002*  
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**Intervenor Plaintiff**

**PATRICIA ROBERTS**

*TERMINATED: 10/17/2002*

represented by **SETH R. COHEN**  
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V.

**Defendant**

**SEARS, ROEBUCK AND CO.**

represented by **JERRY H. WALTERS, JR.**  
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Date Filed	#	Docket Text
09/05/2001		**Case assigned to Magistrate Judge DIXON. AO Code 18RA (fe) (Entered: 09/06/2001)

09/05/2001	1	COMPLAINT filed; jury demand (fe) (Entered: 09/06/2001)
09/05/2001		Notice of Right to Consent 28 USC 636(c)(2) (fe) (Entered: 09/06/2001)
09/05/2001		CASE SELECTED FOR MEDIATION (fe) (Entered: 09/06/2001)
10/02/2001	2	MOTION by SEARS, ROEBUCK to Extend Time to and including 11/1/01 in which to respond to Plaintiff's Complaint. (with consent) (fe) (Entered: 10/02/2001)
10/04/2001	3	ORDER (signed by the clerk) granting [2-1] motion to Extend Time to and including 11/1/01 in which to respond to Plaintiff's Complaint. Setting Answer deadline to 11/1/01 for SEARS, ROEBUCK Ccs. Dist. [EOD Date 10/4/01] (fe) (Entered: 10/04/2001)
11/01/2001	4	ANSWER to Complaint by SEARS, ROEBUCK. (fe) (Entered: 11/01/2001)
11/01/2001		CASE AT ISSUE (fe) (Entered: 11/01/2001)
11/07/2001	5	MOTION, with attachments, to Intervene as a party plaintiff by PATRICIA ROBERTS (K. Mckenzie) Modified on 11/08/2001 (Entered: 11/08/2001)
11/08/2001	6	NOTICE of Hearing: set Initial Pretrial Conference for 9:30 12/19/01 in COURTROOM DURHAM (2ND FLOOR) ( before MAG/JUDGE WALLACE W. DIXON ). Ccs. dist. (W. Williamson) Modified on 11/08/2001 (Entered: 11/08/2001)
12/05/2001		Motion submission: [5-1] motion to Intervene as a party plaintiff by PATRICIA ROBERTS submitted to Judge Bullock (D. Mccarty) (Entered: 12/05/2001)
12/10/2001		CASE REFERRED to Mag/Jud Dixon re: proposed Joint Rule 26(f) Report. (W. Williamson) (Entered: 12/10/2001)
12/10/2001		CASE NO LONGER REFERRED to Mag/Jud. (K. Mckenzie) (Entered: 12/10/2001)
12/10/2001	7	ORDER granting [5-1] motion to Intervene as a party plaintiff by PATRICIA ROBERTS; Patricia Roberts is hereby joined as a party plaintiff (signed by JUDGE FRANK W. BULLOCK JR.) [EOD Date 12/10/01]. Copies distributed. (K. Mckenzie) (Entered: 12/10/2001)
12/18/2001	8	Joint Rule 26(f) Report and Order setting Discovery cutoff 6/30/02; Notice of Intent to file Dsp. Motions due by 7/10/02; Complex Case Management Track; Mediation should be conducted later in the discovery period, the exact date to be set by the mediator after consultation with the parties. The parties agree that the mediator shall be M. Ann Anderson; Plaintiff and Intervenor should be allowed until 1/31/02, to request leave to join additional parties or amend pleadings; Defendant should be allowed until 3/3/02, to request leave to join additional parties or amend pleadings; The parties do not consent to trial by a Magistrate Judge; JURY DEMAND; (signed by MAG/JUDGE WALLACE W. DIXON) ETT 4d [EOD Date 12/19/01] Ccs. Dist. (fe) (Entered: 12/19/2001)
12/18/2001		Complex Case (fe) (Entered: 12/19/2001)
12/18/2001		Mediation Hearing set for no later than 6/30/02. (fe) (Entered: 01/23/2002)

12/19/2001	9	ANSWER by SEARS, ROEBUCK to [1-1] Intervenor's Complaint (L. Simmonds) (Entered: 12/19/2001)
12/19/2001		CASE AT ISSUE (L. Simmonds) (Entered: 12/19/2001)
01/23/2002	10	ORDER Appointing Mediator M. Ann Anderson (signed by Clerk). [EOD Date 1/23/02] (fe) (Entered: 01/23/2002)
01/31/2002	11	NOTICE of Hearing: set Jury Trial for 9:30 1/6/03 in UNASSIGNED COURTROOM , set Brief deadline to 12/17/02 () (D. Mccarty) (Entered: 02/01/2002)
02/20/2002		Proposed consent protective order sent to magistrate. (D. Mccarty) (Entered: 02/20/2002)
02/26/2002	12	CONSENT PROTECTIVE ORDER ( signed by MAG/JUDGE WALLACE W. DIXON ) re: Confidential documents [EOD Date 2/27/02] (J. Wilson) (Entered: 02/27/2002)
06/28/2002	13	NOTICE of Withdrawal of Counsel, David S. Yuen, by EEOC (K. Mckenzie) (Entered: 07/01/2002)
06/28/2002	14	NOTICE of Attorney Appearance for EEOC by Kirk J. Angel (K. Mckenzie) (Entered: 07/01/2002)
06/28/2002	15	MOTION by EEOC to Extend the discovery and mediation deadline for sixty (60) days, from 6/30/02 up to and including 8/30/02 ; complete agreement could not be reached among all counsel regarding this request (K. Mckenzie) (Entered: 07/01/2002)
06/28/2002	16	MEMORANDUM by EEOC in support of [15-1] motion to Extend the discovery and mediation deadline for sixty (60) days, from 6/30/02 up to and including 8/30/02 (K. Mckenzie) (Entered: 07/01/2002)
07/01/2002		Motion(s) referred: [15-1] motion to Extend the discovery and mediation deadline for sixty (60) days, from 6/30/02 up to and including 8/30/02 referred to MAG/JUDGE WALLACE W. DIXON (D. Mccarty) (Entered: 07/01/2002)
07/03/2002	17	ORDER granting Plaintiff EEOC's [15-1] motion to Extend the discovery and mediation deadline; the deadline to complete discovery and mediation is extended up to and including 8/30/02; reset Discovery deadline to 8/30/02 (signed by MAG/JUDGE WALLACE W. DIXON) [EOD Date 7/5/02]. Copies distributed. (K. Mckenzie) Modified on 07/05/2002 (Entered: 07/05/2002)
07/03/2002	18	SUPPLEMENT, with Exhibit, to Motion for an Extension of the Discovery and Mediation Deadline by EEOC (K. Mckenzie) (Entered: 07/05/2002)
07/03/2002		Mediation Hearing set for no later than 8/30/2002. (fe) (Entered: 08/07/2002)
07/05/2002		CASE REFERRED to Mag/Jud Dixon (D. Mccarty) (Entered: 07/05/2002)
08/15/2002	19	MOTION by EEOC to Compel Sears Roebuck & Co. to provide Social Security Numbers of the individuals identified in Def't.'s answer to interrogatory no. 5 . (fe) (Entered: 08/15/2002)

08/15/2002	20	MEMORANDUM (with attached exhibits A-I0 by EEOC in support of [19-1] motion to Compel Sears Roebuck & Co. to provide Social Security Numbers of the individuals identified in Deft.'s answer to interrogatory no. 5 by EEOC (fe) (Entered: 08/15/2002)
08/15/2002	21	AFFIDAVIT of Kirk J. Angel by EEOC Re: [19-1] motion to Compel Sears Roebuck & Co. to provide Social Security Numbers of the individuals identified in Deft.'s answer to interrogatory no. 5 by EEOC (fe) (Entered: 08/15/2002)
09/05/2002	22	Notice of Intent to File Dispositive Motions filed by SEARS, ROEBUCK. Dispositive Motions due by 9/29/02. (K. Mckenzie) (Entered: 09/09/2002)
09/06/2002	23	RESPONSE, with attachments, by SEARS, ROEBUCK to [19-1] motion to Compel Sears Roebuck & Co. to provide Social Security Numbers of the individuals identified in Deft.'s answer to interrogatory no. 5 by EEOC (K. Mckenzie) (Entered: 09/10/2002)
09/06/2002	23	MOTION, with attachments, by SEARS, ROEBUCK for Protective Order as to request for the social security numbers of Defendant's employees (K. Mckenzie) (Entered: 09/10/2002)
09/17/2002		Mediation Hearing held 9/13/02 (J. Wilson) (Entered: 10/01/2002)
09/17/2002		NOTICE OF SETTLEMENT by Mediator. Stipulation of Dismissal due 10/17/02 (J. Wilson) (Entered: 10/01/2002)
09/17/2002		CASE SETTLED AT MEDIATION (J. Wilson) (Entered: 10/01/2002)
09/30/2002	24	MOTION by SEARS, ROEBUCK to Stay Dispositive Motion Deadline in that parties tentatively reached an agreement to settle this action during mediation ; counsel for the Plaintiff-Intervenor has indicated that he would consent to staying the dispositive motion deadline if the settlement was not finalized by that deadline; the views of plaintiff's counsel are not presently known (K. Mckenzie) (Entered: 10/02/2002)
10/04/2002		Motion(s) referred: [24-1] motion to Stay Dispositive Motion Deadline in that parties tentatively reached an agreement to settle this action during mediation referred to MAG/JUDGE WALLACE W. DIXON (D. Mccarty) (Entered: 10/04/2002)
10/08/2002	25	MOTION and NOTICE, with Exhibit A, by EEOC to Stay all proceedings except those necessary to enforce a settlement agreement pursuant to Local Rule 83.10 (K. Mckenzie) (Entered: 10/09/2002)
10/09/2002		Motion(s) referred: [25-1] motion to Stay all proceedings except those necessary to enforce a settlement agreement referred to MAG/JUDGE WALLACE W. DIXON (W. Williamson) (Entered: 10/09/2002)
10/11/2002	26	ORDER granting Defendant's [24-1] motion to Stay Dispositive Motion Deadline (signed by MAG/JUDGE WALLACE W. DIXON) [EOD Date 10/11/02]. Copies distributed. (K. Mckenzie) (Entered: 10/11/2002)
10/17/2002	27	ORDER granting [25-1] motion to Stay all proceedings except those necessary to enforce a settlement agreement. Signed by MAG/JUDGE WALLACE W. DIXON Ccs dist [EOD Date 10/17/02] (L. Simmonds) (Entered: 10/17/2002)

10/17/2002	28	STIPULATION of dismissal with prejudice as to plaintiff-intervenor Patricia Roberts. Each party to bear its own costs, expense and attorneys' fees. (J. Wilson) Modified on 11/04/2002 (Entered: 10/17/2002)
11/06/2002		TRIAL CALENDAR mailed to parties for session beginning 1/6/03 at Greensboro, NC. (D. Mccarty) (Entered: 11/06/2002)
11/13/2002		Deadline Updated; set Jury Trial for 9:30 1/6/03 in COURTROOM #2 (GSO) before CHIEF JUDGE N. C. TILLEY JR. (D. Mccarty) (Entered: 11/13/2002)
11/19/2002	29	MOTION by EEOC for an Order enforcing a settlement agreement entered into by the parties during a mediated settlement conference (K. Mckenzie) (Entered: 11/21/2002)
11/19/2002	30	MEMORANDUM by EEOC in support of [29-1] motion for an Order enforcing a settlement agreement entered into by the parties during a mediated settlement conference (K. Mckenzie) (Entered: 11/21/2002)
11/19/2002	31	DECLARATION of Kirk J. Angel, with Exhibits, by EEOC Re: [29-1] motion for an Order enforcing a settlement agreement entered into by the parties during a mediated settlement conference (K. Mckenzie) (Entered: 11/21/2002)
12/13/2002		CASE REFERRED to Judge Bullock with proposed consent decree. (D. Mccarty) (Entered: 12/13/2002)
12/17/2002		CASE NO LONGER REFERRED to Judge. (K. Mckenzie) (Entered: 12/18/2002)
12/17/2002	32	CONSENT DECREE, with Exhibit A, that defendant shall not discriminate or retaliate against any employee or person as set out; defendant shall pay a sum in excess of twenty thousand dollars (\$20,000) in settlement of all claims that the Commission and Ms. Roberts raised, or could have raised, in the complaint(s). The method of payment to Ms. Roberts is addressed in her separate agreement with Sears. Defendant shall continue to provide a training program as set out which shall be completed within sixty (60) days after entry of this Consent Decree by the Court; during the term of this Consent Decree, Defendant shall heed instructions set out; the term of this Consent Decree shall be one (1) year 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 this Consent Decree and entry of such further orders as may be necessary or appropriate; the Commission and Patricia Roberts are filing an order dismissing with prejudice this matter simultaneously herewith, and the Commission agrees not to pursue any further claims on the behalf of Ms. Roberts or the unidentified allegedly similarly situated females referred in the complaint (signed by JUDGE FRANK W. BULLOCK JR.) [EOD Date 12/18/02]. Copies distributed. (K. Mckenzie) Modified on 12/19/2002 (Entered: 12/18/2002)
12/17/2002		CASE CLOSED. Closing Code 8e (K. Mckenzie) (Entered: 12/18/2002)
01/14/2003		CASE REFERRED to Judge Bullock (D. Mccarty) (Entered: 01/14/2003)
01/14/2003		CASE NO LONGER REFERRED to Judge. (K. Mckenzie) (Entered: 01/15/2003)

01/14/2003	<a href="#">33</a>	ORDER OF DISMISSAL WITH PREJUDICE: Pursuant to Paragraph 12 of the Consent Decree filed on 12/17/02, the Court hereby dismisses this matter with prejudice. As provided for in the Consent Decree, the Court shall retain jurisdiction of this cause for purposes of monitoring compliance with the Consent Decree and entry of such further orders as may be necessary or appropriate (signed by JUDGE FRANK W. BULLOCK JR.) [EOD Date 1/15/03]. Copies distributed. (K. Mckenzie) (Entered: 01/15/2003)
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