

**United States District Court
Eastern District of Pennsylvania (Philadelphia)
CIVIL DOCKET FOR CASE #: 2:03-cv-05462-LDD**

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION v.
DAN LEPORE & SONS COMPANY et al
Assigned to: HONORABLE LEGROME D. DAVIS
Cause: 42:1983 Civil Rights Act

Date Filed: 09/30/2003
Date Terminated: 12/29/2004
Jury Demand: Plaintiff
Nature of Suit: 442 Civil Rights: Jobs
Jurisdiction: U.S. Government Plaintiff

Plaintiff

**EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION**

represented by **CYNTHIA A. LOCKE**
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V.

Intervenor Plaintiff

BETH ANNE BURROUGHS

represented by **ANITA F. ALBERTS**
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V.

Defendant

DAN LEPORE & SONS COMPANY

represented by **ANTHONY B. HALLER**
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Defendant

L.F. DRISCOLL COMPANY

represented by **ANTHONY B. HALLER**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

MICHAEL D. KEFFER
(See above for address)
ATTORNEY TO BE NOTICED

V.

Intervenor Defendant

**DAN LEPORE & SONS COMPANY,
INC.**

represented by **MICHAEL D. KEFFER**
(See above for address)
ATTORNEY TO BE NOTICED

Intervenor Defendant**L.F. DRISCOLL COMPANY**represented by **MICHAEL D. KEFFER**
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ATTORNEY TO BE NOTICED

V.

Movant**BETH ANNE BURROUGHS**
*TERMINATED: 02/09/2004*represented by **ANITA F. ALBERTS**
(See above for address)
TERMINATED: 12/10/2004
LEAD ATTORNEY

Date Filed	#	Docket Text
09/30/2003	<u>1</u>	COMPLAINT against DAN LEPORE & SONS COMPANY, L.F. DRISCOLL COMPANY , filed by EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.(ti,) Additional attachment(s) added on 11/25/2003 (mbh,). (Entered: 09/30/2003)
09/30/2003		Two Original Summons Issued as to DAN LEPORE & SONS COMPANY, L.F. DRISCOLL COMPANY.Given To: Counsel on 9/30/03 (ti,) (Entered: 09/30/2003)
09/30/2003		DEMAND for Trial by Jury by EQUAL EMPLOYMENT OPPORTUNITY COMMISSION. (ti,) (Entered: 09/30/2003)
10/10/2003	<u>2</u>	MOTION TO INTERVENE AS PARTY PLAINTIFF FILED BY BETH ANNE BURROUGHS PURSUANT TO F.R.C.P. 24(a),CERTIFICATE OF SERVICE. (COMPLAINT OF INTERVENOR BETH ANNE BURROUGHS ATTACHED)(ar,) (Entered: 10/10/2003)
10/24/2003	3	SUMMONS Returned Executed by EQUAL EMPLOYMENT OPPORTUNITY COMMISSION re: Gregory A. Strack served Summons and Complaint upon Ky siv, receptionist on behalf of DAN LEPORE & SONS COMPANY by personal service. DAN LEPORE & SONS COMPANY served on 10/21/2003, answer due 11/10/2003. (cdd,) (Entered: 10/24/2003)
10/24/2003	4	SUMMONS Returned Executed by EQUAL EMPLOYMENT OPPORTUNITY COMMISSION re: Gregory A. Strack served Summons and Complaint upon Mary Jo Gildorf, Manager of Legal Services on behalf of L.F. DRISCOLL COMPANY by personal service. L.F. DRISCOLL COMPANY served on 10/21/2003, answer due 11/10/2003. (cdd,) (Entered: 10/24/2003)
11/05/2003	<u>5</u>	STIPULATION AND ORDER THAT DEFENDANT L.F. DRISCOLL COMPANY SHALL HAVE UP TO AND INCLUDING 11/19/03 TO PLEAD OR OTHERWISE RESPOND TO THE "MOTION TO INTERVENE AS PARTY PLAINTIFF FILED BY BETH ANN BURROUGHS" IN THIS MATTER.SIGNED BY JUDGE LEGROME D. DAVIS ON 11/5/03. 11/6/03 ENTERED AND COPIES MAILED AND FAXED.(cdd,) (Entered: 11/06/2003)
11/06/2003	<u>6</u>	AMENDED MOTION FILED BY BETH ANNE BURROUGHS TO INTERVENE AS PARTY PLAINTIFF, CERTIFICATE OF SERVICE. (signed Amended Complaint of Intervenor attached)(cdd,) (Entered: 11/06/2003)
11/10/2003	7	Stipulation Extending Time to Answer the complaint. DAN LEPORE & SONS COMPANY answer due 11/24/2003, with Clerk's approval. (cdd,) (Entered: 11/10/2003)
11/10/2003	<u>8</u>	ANSWER by L.F. DRISCOLL COMPANY to Complaint with Jury Demand, Certificate of Service.(cdd,) (Entered: 11/12/2003)
11/10/2003		Issue Joined. (cdd,) (Entered: 11/12/2003)

11/12/2003	<u>9</u>	Praecipe by L.F. DRISCOLL COMPANY to Correct the Docket to reflect that Pepper Hamilton LLP has not represented, and does not represent, Defendant Dan Lepore & Sons Company, etc. (cdd,) (Entered: 11/12/2003)
11/12/2003	<u>10</u>	Entry of Appearance by ANTHONY B. HALLER on behalf of L.F. DRISCOLL COMPANY with Jury Demand. (cdd,) (Entered: 11/12/2003)
11/12/2003	<u>11</u>	CERTIFICATE OF SERVICE by L.F. DRISCOLL COMPANY for re <u>9</u> Praecipe/Request, <u>10</u> Notice of Appearance. (cdd,) (Entered: 11/12/2003)
11/12/2003	<u>12</u>	Withdrawal of Entry of Appearance by ANTHONY B. HALLER on behalf of DAN LEPORE & SONS COMPANY, Certificate of Service. (cdd,) (Entered: 11/13/2003)
11/12/2003	<u>13</u>	Entry of Appearance by DAVID F. WHITE on behalf of DAN LEPORE & SONS COMPANY with Jury Demand. (cdd,) Additional attachment(s) added on 11/17/2003 (ar,). (Entered: 11/13/2003)
11/19/2003	<u>14</u>	STIPULATION to Extend Time to Respond or Otherwise Plead to Amended Motion to Intervene by DAN LEPORE & SONS COMPANY. (MEYERS, JOHN) Modified on 11/20/2003 (fh) (Entered: 11/19/2003)
11/21/2003	<u>15</u>	STIPULATION AND ORDER THAT DEFENDANT L.F. DRISCOLL COMPANY SHALL HAVE UP TO AND INCLUDING 12/5/03 TO PLEAD OR OTHERWISE RESPOND TO THE AMENDED MOTION TO INTERVENE AS PARTY PLAINTIFF FILED BY BETH ANNE BURROUGHS IN THIS MATTER.SIGNED BY JUDGE LEGROME D. DAVIS ON 11/20/03. 11/21/03 ENTERED AND COPIES MAILED AND FAXED.(cdd,) (Entered: 11/21/2003)
11/21/2003	<u>16</u>	Answer to Complaint with Jury Demand and Affirmative Defenses by DEFENDANT DAN LEPORE & SONS COMPANY. (MEYERS, JOHN) Modified on 11/24/2003 (fh) (Entered: 11/21/2003)
11/21/2003	<u>17</u>	Disclosure Statement by DEFENDANT DAN LEPORE & SONS COMPANY. (MEYERS, JOHN) Modified on 11/24/2003 (fh) (Entered: 11/21/2003)
11/24/2003	<u>18</u>	STIPULATION AND ORDER THAT DEFENDANT DAN LEPORE & SONS COMPANY SHALL HAVE UP TO AND INCLUDING 12/22/03 TO PLEAD OR OTHERWISE RESPOND TO THE AMENDED MOTION TO INTERVENE AS PARTY PLAINTIFF OF BETH ANN BURROUGHS.SIGNED BY JUDGE LEGROME D. DAVIS ON 11/21/03. 11/24/03 ENTERED AND COPIES MAILED AND FAXED.(cdd,) (Entered: 11/24/2003)
12/05/2003	<u>19</u>	Motion filed by L.F. DRISCOLL COMPANY in Opposition to Plaintiff's Amended Motion to Intervene, Certificate of Service. (cdd,) (Entered: 12/08/2003)
12/11/2003	<u>20</u>	MOTION FILED BY L.F. DRISCOLL COMPANY TO SUPPLEMENT ITS OPPOSITION TO PLAINTIFF'S AMENDED MOTION TO INTERVENE, MEMORANDUM, CERTIFICATE OF SERVICE.(cdd,) (Entered: 12/11/2003)
12/19/2003	<u>21</u>	RESPONSE in Opposition re <u>6</u> MOTION to Intervene filed by DAN LEPORE & SONS COMPANY, Certificate of Service.(MEYERS, JOHN) Modified on 12/24/2003 (md). (Entered: 12/19/2003)
12/22/2003	<u>22</u>	Reply filed by BETH ANNE BURROUGHS to Defendant Driscoll's Motion Opposing Intervention of Beth A. Burroughs, Certificate of Service. (Attachments: # <u>1</u> Certificate of Service)(cdd,) (Entered: 12/22/2003)
12/24/2003	<u>23</u>	Reply filed by BETH ANNE BURROUGHS to Defendant Lepore's Motion Opposing Intervention of Beth A. Burroughs, Certificate of Service.. (Attachments: # <u>1</u> Certificate of Service)(cdd,) (Entered: 12/24/2003)
01/29/2004	<u>24</u>	MEMORANDUM AND ORDER THAT BETH ANNE BURROUGHS AMENDED MOTION TO INTERVENE AS PARTY PLAINTIFF IS GRANTED IN PART AND DENIED IN PART. BURROUGHS' AMENDED MOTION TO INTERVENE TO RAISE THE ANTITRUST CLAIMS ALLEGED IN COUNT I IS DENIED. BURROUGHS' AMENDED MOTION TO INTERVENE TO RAISE THE PHRA CLAIMS ASSERTED IN COUTN II IS GRANTED. BURROUGHS' AMENDED MOTION TO INTERVENE TO RAISE THE PERA VIOLATIONS

		ALLEGED IN COUNT III IS DENIED. BURROUGHS' MOTION TO INTERVENE AS PARTY PLAINTIFF FILED BY BETH ANNE BURROUGHS PURSUANT TO F.R.C.P. 24(a) IS DENIED AS MOOT. BURROUGHS IS DIRECTED TO FILE AN AMENDED COMPLAINT IN CONFORMITY WITH THIS ORDER ON OR BEFORE 2/16/04.SIGNED BY JUDGE LEGROME D. DAVIS ON 1/28/04. 1/30/04 ENTERED AND COPIES MAILED AND FAXED.(cdd,) (Entered: 01/30/2004)
01/30/2004	<u>25</u>	Entry of Appearance by ANTHONY B. HALLER on behalf of L.F. DRISCOLL COMPANY with Certificate of Service. (cdd,) (Entered: 01/30/2004)
02/09/2004	<u>26</u>	Intervenor COMPLAINT filed by BETH ANNE BURROUGHS, Certificate of Service. (Attachments: # <u>1</u> Certificate of Service)(cdd,) (Entered: 02/09/2004)
02/09/2004	<u>27</u>	MOTION FOR RECONSIDERATION BY BETH ANNE BURROUGHS.MEMORANDUM, CERTIFICATE OF SERVICE. (Attachments: # <u>1</u> MEMO# <u>2</u> COS)(stb,) (Entered: 02/10/2004)
02/13/2004	<u>28</u>	ORDER THAT L.F. DRISCOLL'S MOTION FOR LEAVE TO FILE A SUPPLEMENTAL MEMORANDUM OF LAW IN OPPOSITION TO PLAINTIFF'S AMENDED MOTION TO INTERVENE IS GRANTED; ETC.. SIGNED BY JUDGE LEGROME D.DAVIS ON 2/13/04. 2/17/04 ENTERED AND COPIES MAILED.(jl,) Modified on 2/19/2004 (cdd,). (Entered: 02/17/2004)
02/23/2004	<u>29</u>	Brief in Response to <u>27</u> MOTION for Reconsideration <i>with Certificate of Service</i> filed by DEFENDANT L.F. DRISCOLL COMPANY. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B)(KEFFER, MICHAEL) Modified on 2/25/2004 (fh) (Entered: 02/23/2004)
03/01/2004	<u>30</u>	ANSWER to Intervenor Complaint <i>with Affirmative Defenses, Certificate of Service</i> by DEFENDANT L.F. DRISCOLL COMPANY.(KEFFER, MICHAEL) Modified on 3/3/2004 (fh) (Entered: 03/01/2004)
03/05/2004	<u>31</u>	NOTICE OF HEARING: RULE 16 PRETRIAL CONFERENCE SET FOR TUESDAY 3/16/2004 02:00 PM IN JUDGE'S CHAMBERS ROOM 5918 BEFORE HONORABLE LEGROME D. DAVIS. (cls,) (Entered: 03/05/2004)
03/05/2004	<u>32</u>	REPLY to Defendant DRISCOLL'S Brief Opposing MOTION for Reconsideration filed by BETH ANNE BURROUGHS, Certificate of Service. (Attachments: # <u>1</u> Certificate of Service)(mar,) . (Entered: 03/05/2004)
03/12/2004	<u>33</u>	AMENDED NOTICE OF HEARING: RULE 16 CONFERENCE SET FOR THURSDAY 3/25/2004 04:00 PM IN JUDGE'S CHAMBERS BEFORE HONORABLE LEGROME D. DAVIS. (cls,) (Entered: 03/12/2004)
03/15/2004	<u>34</u>	MEMORANDUM ORDER THAT BURROUGHS' MOTION FOR RECONSIDERATION IS DENIED.SIGNED BY JUDGE LEGROME D. DAVIS ON 3/15/04. 3/16/04 ENTERED AND COPIES MAILED AND FAXED.(cdd,) (Entered: 03/16/2004)
03/22/2004	<u>35</u>	AMENDED NOTICE OF HEARING: RULE 16 CONFERENCE SET FOR THURSDAY 3/25/2004 04:45 PM IN JUDGE'S CHAMBERS BEFORE HONORABLE LEGROME D. DAVIS. (cls,) (Entered: 03/22/2004)
03/25/2004	36	NOTICE of Withdrawal of Appearance by ROBERT P. STYLE on behalf of DAN LEPORE & SONS COMPANY. (cdd,) (Entered: 03/26/2004)
03/30/2004	<u>37</u>	Entry of Appearance by MICHAEL D. KEFFER on behalf of DAN LEPORE & SONS COMPANY, DAN LEPORE & SONS COMPANY, INC. and Withdrawal of Appearance by DAVID WHITE for DAN LEPORE & SONS COMPANY, DAN LEPORE & SONS COMPANY, INC. with Certificate of Service (Attachments: # <u>1</u> Exhibit) (KEFFER, MICHAEL) Modified on 3/31/2004 (np). (Entered: 03/30/2004)
03/30/2004	<u>38</u>	ANSWER to Intervenor Complaint <i>with Certificate of Service</i> by DAN LEPORE & SONS COMPANY, INC..(KEFFER, MICHAEL) (Entered: 03/30/2004)

03/30/2004	<u>39</u>	SCHEDULING ORDER THAT ALL FACTUAL DISCOVERY SHALL BE COMPLETED BY 10/1/2004. ALL DISPOSITIVE MOTIONS SHALL BE FILED BY 11/3/2004, ETC. SIGNED BY JUDGE LEGROME D. DAVIS ON 3/30/04. 3/31/04 ENTERED AND COPIES MAILED AND FAXED.(kw,) (Entered: 03/31/2004)
08/16/2004	<u>40</u>	ORDER THAT THE CLERK SHALL REFER THIS MATTER TO THE HON. DIANE M. WELSH, U.S. MAGISTRATE JUDGE, FOR A SETTLEMENT CONFERENCE. TH EDATE AND TIME OF THE SETTLEMENT CONFERENCE SHALL BE SET BY JUDGE WELSH.SIGNED BY JUDGE LEGROME D. DAVIS ON 8/13/04. 8/17/04 ENTERED AND COPIES MAILED AND FAXED.(cdd,) (Entered: 08/17/2004)
09/20/2004	<u>41</u>	AMENDED SCHEDULING ORDER: DISCOVERY DUE BY 1/12/2005. MOTIONS DUE BY 1/19/2005. RESPONSES THERETO DUE 2/9/05. SIGNED BY JUDGE LEGROME D. DAVIS ON 9/20/04. 9/21/04 ENTERED AND COPIES MAILED AND FAXED.(stb,) (Entered: 09/21/2004)
10/19/2004	42	Minute Entry for Settlement Conference held on 10/15/04 before Judge DIANE M. WELSH. (cdd,) (Entered: 10/19/2004)
12/29/2004	<u>43</u>	ORDER DISMISSING ACTION WITH PREJUDICE PURSUANT TO LOCAL RULE 41.1(b). SIGNED BY JUDGE LEGROME D. DAVIS ON 12/29/04. 12/29/04 ENTERED AND COPIES MAILED, E-MAILED AND FAXED.(cls,) (Entered: 12/29/2004)
02/24/2005	44	CONSENT DECREE; THIS CASE IS DISMISSED WITH PREJUDICE, SUBJECT TO COURT'S JURISDICTION TO ENFORCE THE PROVISIONS OF THIS CONSENT DECREE; DEFENDANTS SHALL BEAR THEIR OWN COSTS AND ATTORNEY FEES.. SIGNED BY JUDGE LEGROME D. DAVIS ON 2/23/05. 2/24/05 ENTERED AND COPIES MAILED AND FAXED.(afm,) (Entered: 02/24/2005)