

CLOSED,Jury Trial,MEDIATION,USMJ_Webb

**U.S. District Court
EASTERN DISTRICT OF NORTH CAROLINA (Northern Division)
CIVIL DOCKET FOR CASE #: 2:12-cv-00016-F**

Lyons-Felton v. Edenton-Chowan Schools
Assigned to: Senior Judge James C. Fox
Cause: 28:1331 Fed. Question: Civil Rights Violation

Date Filed: 04/04/2012
Date Terminated: 12/20/2013
Jury Demand: Plaintiff
Nature of Suit: 442 Civil Rights: Jobs
Jurisdiction: Federal Question

Plaintiff

Mary E. Lyons-Felton

represented by **Beatrice Joan Davis**
Howard, Stallings, From &Hutson P.A.
5410 Trinity Rd., Suite 210
P. O. Box 12347
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Russell W. Johnson
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ATTORNEY TO BE NOTICED

V.

Defendant

Edenton-Chowan Board of Education
*alternatively named as Edenton-Chowan
County Board of Education and
Edenton-Chowan Schools*

represented by **Daniel W. Clark**
Tharrington Smith, LLP
209 Fayetteville St. Mall
Raleigh, NC 27602-1151
919-821-4711
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Eva DuBuisson
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919-821-4711
Fax: 919-821-1583
Email: edubuisson@tharringtonsmith.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Dr. Allen T. Smith
*in his individual and official capacity as
School Superintendent
TERMINATED: 10/24/2012*

represented by **Eva DuBuisson**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Leslie Michele Maddox
*in her individual and official capacity as
Director of Human Resources
TERMINATED: 10/24/2012*

represented by **Eva DuBuisson**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Richard A. Browder, Jr.
*in his individual and official capacity as
Chairman of Edenton-Chowan Board of
Education
TERMINATED: 10/24/2012*

represented by **Eva DuBuisson**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Eugene Jordan
*in his individual and official capacity as
Vice Chairman of the Edenton-Chowan
Board of Education
TERMINATED: 10/24/2012*

represented by **Eva DuBuisson**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Jean Bunch
*in her individual and official capacity as
Member of the Edenton-Chowan Board
of Education
TERMINATED: 10/24/2012*

represented by **Eva DuBuisson**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

John Guard
*in his individual and official capacity as
Member of the Edenton-Chowan Board
of Education
TERMINATED: 10/24/2012*

represented by **Eva DuBuisson**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Edward Gilbert Burroughs
*in his individual and official capacity as
Member of the Edenton-Chowan Board
of Education
TERMINATED: 10/24/2012*

represented by **Eva DuBuisson**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

George Winborne Dale
*in his individual and official capacity as
Member of the Edenton-Chowan Board
of Education
TERMINATED: 10/24/2012*

represented by **Eva DuBuisson**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
04/04/2012	<u>1</u>	COMPLAINT against Edenton–Chowan Schools filed by Mary E. Lyons–Felton (Filing fee \$350, receipt number RAL024958). (Attachments: # <u>1</u> Dismissal and Notice of Rights, Charge of Discrimination, # <u>2</u> Proposed Summons, # <u>3</u> Civil Cover Sheet) (Grady, B.) (Entered: 04/04/2012)
04/04/2012	<u>2</u>	FINANCIAL DISCLOSURE STATEMENT by Mary E. Lyons–Felton. (Grady, B.) (Entered: 04/04/2012)
04/05/2012	<u>3</u>	Summons Issued as to Edenton–Chowan Schools. (Edwards, S.) (Entered: 04/05/2012)
07/31/2012	<u>5</u>	AMENDED COMPLAINT against All Defendants, filed by Mary E. Lyons–Felton. (Attachments: # <u>1</u> Exhibit 1 to Amended Complaint – Letter to Mary Felton dated 12/30/11, # <u>2</u> Exhibit 2 to Amended Complaint – Letter to Mary Lyons dated 12/30/11, # <u>3</u> Exhibit 3 to Amended Complaint – Notice of Right to Sue Letter, # <u>4</u> Summons to Allan Smith PhD, # <u>5</u> Summons to Edenton–Chowan BOE, # <u>6</u> Summons to Eugene Jordan, # <u>7</u> Summons to Edward Burroughs, # <u>8</u> Summons to Jean Bunch, # <u>9</u> Summons to John Guard, # <u>10</u> Summons to L. Michele Maddox, # <u>11</u> Summons to Richard Browder, # <u>12</u> Summons to George Winborne Dale) (Jessup, Robert) Modified on 7/31/2012 to correct the exhibit naming conventions. (Edwards, S) (Entered: 07/31/2012)
07/31/2012		NOTICE TO COUNSEL regarding: <u>5</u> Amended Complaint. Attorney Robert Henry Jessup should file a Notice of Appearance pursuant to Local Civil Rule 5.2(a). (Edwards, S.) (Entered: 07/31/2012)
07/31/2012		NOTICE OF CORRECTION regarding: <u>5</u> Amended Complaint. The docket text for the exhibits to this document only reflected 'Exhibit 1 to Amended Complaint, etc.', with no indication of what the exhibit was. Case manager has corrected the naming convention for the 'Exhibit' to reflect what it is. Pursuant to Section L of the CM/ECF Policy and Procedures Manual, attachments and exhibits must be identified with a clear and complete naming convention. No need to refile anything at this time. (Edwards, S.) (Entered: 07/31/2012)
07/31/2012	<u>6</u>	NOTICE of Appearance by Robert Henry Jessup, IV on behalf of Mary E. Lyons–Felton (Jessup, Robert) (Entered: 07/31/2012)
07/31/2012	<u>7</u>	Summons Issued as to All Defendants. (Grady, B.) (Entered: 08/01/2012)
08/01/2012		Case Selected for Mediation – A printable list of certified mediators for the Eastern District of North Carolina is available on the court's Website, http://www.nced.uscourts.gov/attorney/mediators.aspx . Please serve this list on all parties. (Horton, B.) (Entered: 08/01/2012)
08/02/2012	<u>8</u>	AFFIDAVIT of Service for Original Complaint served on Edenton–Chowan Board of Education on July 23, 2012, filed by Mary E. Lyons–Felton. (Attachments: # <u>1</u> Exhibit) (Jessup, Robert) (Entered: 08/02/2012)
08/13/2012	<u>9</u>	NOTICE of Appearance by Eva DuBuisson on behalf of All Defendants. (DuBuisson, Eva) (Entered: 08/13/2012)
08/13/2012	<u>10</u>	FINANCIAL DISCLOSURE STATEMENT by Edenton–Chowan Board of Education. (DuBuisson, Eva) (Entered: 08/13/2012)
08/13/2012	<u>11</u>	FINANCIAL DISCLOSURE STATEMENT by Allen T. Smith. (DuBuisson, Eva) (Entered: 08/13/2012)
08/13/2012	<u>12</u>	FINANCIAL DISCLOSURE STATEMENT by Leslie Michele Maddox. (DuBuisson, Eva) (Entered: 08/13/2012)
08/13/2012	<u>13</u>	FINANCIAL DISCLOSURE STATEMENT by Richard A. Browder, Jr. (DuBuisson, Eva) (Entered: 08/13/2012)
08/13/2012	<u>14</u>	FINANCIAL DISCLOSURE STATEMENT by Eugene Jordan. (DuBuisson, Eva) (Entered: 08/13/2012)

08/13/2012	<u>15</u>	FINANCIAL DISCLOSURE STATEMENT by Jean Bunch. (DuBuisson, Eva) (Entered: 08/13/2012)
08/13/2012	<u>16</u>	FINANCIAL DISCLOSURE STATEMENT by John Guard. (DuBuisson, Eva) (Entered: 08/13/2012)
08/13/2012	<u>17</u>	FINANCIAL DISCLOSURE STATEMENT by Edward Gilbert Burroughs. (DuBuisson, Eva) (Entered: 08/13/2012)
08/13/2012	<u>18</u>	FINANCIAL DISCLOSURE STATEMENT by George Winborne Dale. (DuBuisson, Eva) (Entered: 08/13/2012)
08/13/2012	<u>19</u>	MOTION for Extension of Time to File Answer regarding <u>5</u> Amended Complaint,, by Richard A. Browder, Jr, Jean Bunch, Edward Gilbert Burroughs, George Winborne Dale, Edenton–Chowan Board of Education, John Guard, Eugene Jordan, Leslie Michele Maddox, Allen T. Smith. (DuBuisson, Eva) (Entered: 08/13/2012)
08/13/2012	<u>20</u>	FINANCIAL DISCLOSURE STATEMENT by Mary E. Lyons–Felton. (Jessup, Robert) (Entered: 08/13/2012)
08/15/2012		NOTICE OF DEFICIENCY regarding: <u>19</u> Motion for Extension of Time to File Answer. Pursuant to Local Civil Rule 6.1, or the judges practice preferences on the courts website, counsel must submit a proposed order. The order must be filed electronically using the event PROPOSED ORDER located in the RESPONSES AND REPLIES category. Additionally, the judge's practice preferences MAY require counsel to email the proposed order in a word processing format. (Heath, D.) (Entered: 08/15/2012)
08/15/2012	<u>21</u>	Proposed Order regarding <u>19</u> MOTION for Extension of Time to File Answer regarding <u>5</u> Amended Complaint,, filed by Richard A. Browder, Jr, Jean Bunch, Edward Gilbert Burroughs, George Winborne Dale, Edenton–Chowan Board of Education, John Guard, Eugene Jordan, Leslie Michele Maddox, Allen T. Smith. (DuBuisson, Eva) (Entered: 08/15/2012)
08/16/2012		MOTION REFERRED to Julie A. Richards, Clerk of Court: <u>19</u> MOTION for Extension of Time to File Answer regarding <u>5</u> Amended Complaint. (Edwards, S.) (Entered: 08/16/2012)
08/22/2012	<u>22</u>	ORDER granting <u>19</u> Motion for Extension of Time to Answer Richard A. Browder, Jr., Jean Bunch, Edward Gilbert Burroughs, George Winborne Dale, Edenton–Chowan Board of Education, John Guard, Eugene Jordan, and Leslie Michele Maddox answers due 9/14/2012. Signed by Jolie Skinner, Chief of Operation for Julie A. Richards, Clerk of Court on 8/22/2012. (Edwards, S.) (Entered: 08/22/2012)
08/23/2012	<u>23</u>	AFFIDAVIT of Service for Summons and Complaint served on Defendants J. Guard, E. Burroughs, R. Browder, L. Maddox, J. Bunch, E. Jordan, A. Smith G. Dale and Bd of Education on August 3–14, 2012, filed by Mary E. Lyons–Felton. (Attachments: # <u>1</u> Exhibit Certified Mail receipt for Board of Education, # <u>2</u> Exhibit Certified Mail receipt for J. Guard, # <u>3</u> Exhibit Certified Mail receipt for E. Burroughs, # <u>4</u> Exhibit Certified Mail receipt for R. Browder, # <u>5</u> Exhibit Certified Mail receipt for L. Maddox, # <u>6</u> Exhibit Certified Mail receipt for J. Bunch, # <u>7</u> Exhibit Certified Mail receipt for E. Jordan, # <u>8</u> Exhibit Certified Mail receipt for A. Smith, # <u>9</u> Exhibit Certified Mail receipt for G. Dale) (Jessup, Robert) (Entered: 08/23/2012)
09/07/2012	<u>24</u>	MOTION for Leave to File <i>Memorandum Exceeding Thirty Pages</i> by Richard A. Browder, Jr., Jean Bunch, Edward Gilbert Burroughs, George Winborne Dale, Edenton–Chowan Board of Education, John Guard, Eugene Jordan, Leslie Michele Maddox, Allen T. Smith. (Attachments: # <u>1</u> Text of Proposed Order) (DuBuisson, Eva) (Entered: 09/07/2012)
09/07/2012		NOTICE TO COUNSEL: For future reference, counsel should included the division assignment of this case in your caption. This is a Northern Division case. Counsel should be sure to indicate the division on all future pleadings. No need to refile anything. (Edwards, S.) (Entered: 09/07/2012)

09/07/2012		Motion Submitted to Senior Judge James C. Fox: <u>24</u> MOTION for Leave to File <i>Memorandum Exceeding Thirty Pages</i> . (Edwards, S.) (Entered: 09/07/2012)
09/10/2012	<u>25</u>	ORDER granting <u>24</u> Motion for Leave to File Memorandum Exceeding Thirty Pages. Counsel is reminded to read the order in its entirety for further information. Signed by Senior Judge James C. Fox on 9/7/2012. (Edwards, S.) (Entered: 09/10/2012)
09/10/2012		NOTICE TO COUNSEL regarding <u>24</u> Motion for Leave. Counsel should reflect the division in which the case has been assigned on all future documents (Northern). (Heath, D.) (Entered: 09/10/2012)
09/14/2012	<u>26</u>	MOTION to Dismiss by Richard A. Browder, Jr., Jean Bunch, Edward Gilbert Burroughs, George Winborne Dale, Edenton-Chowan Board of Education, John Guard, Eugene Jordan, Leslie Michele Maddox, Allen T. Smith. (Attachments: # <u>1</u> Exhibit Petition for Judicial Review No 10CVS217, # <u>2</u> Exhibit Order Dismissing Petition 10CVS217, # <u>3</u> Exhibit Petition for Judicial Review No 10CVS281, # <u>4</u> Exhibit Order Dismissing Petition 10CVS281, # <u>5</u> Exhibit Complaint No 10CVS119, Felton v. Edenton-Chowan Board of Education, # <u>6</u> Exhibit Order Dismissing Case No 10CVS119, # <u>7</u> Exhibit Complaint No 10CVS130 Felton v. Dr. Allan T. Smith, # <u>8</u> Exhibit Order Dismissing Case No 10CVS130, # <u>9</u> Exhibit Complaint No 10 CVS 140, Felton v. Michelle Maddox, # <u>10</u> Exhibit Order Dismissing Case No. 10CVS140, # <u>11</u> Exhibit Notice of Appeal No. 10CVS217, # <u>12</u> Exhibit Notice of Voluntary Dismissal of 10CVS217, # <u>13</u> Exhibit Official Notice of Dismissal by Board of Education) (DuBuisson, Eva) (Entered: 09/14/2012)
09/14/2012	<u>27</u>	Memorandum in Support regarding <u>26</u> MOTION to Dismiss filed by Richard A. Browder, Jr., Jean Bunch, Edward Gilbert Burroughs, George Winborne Dale, Edenton-Chowan Board of Education, John Guard, Eugene Jordan, Leslie Michele Maddox, Allen T. Smith. (Attachments: # <u>1</u> Supplement Satterwhite v. Wal-Mart Stores East, L.P., # <u>2</u> Supplement Barcliff v. NC League of Municipalities (Jan. 2011), # <u>3</u> Supplement Buckner v. United Parcel Service, Inc., # <u>4</u> Supplement Locklear v. Person County Board of Education, # <u>5</u> Supplement Tate v. Bondurant, # <u>6</u> Supplement Battle v. Duke University, # <u>7</u> Supplement Hunter v. Wake County Board of Education, # <u>8</u> Supplement Barcliff v. NC League of Municipalities (Aug. 2011)) (DuBuisson, Eva) (Entered: 09/14/2012)
09/15/2012	<u>28</u>	ORDER FOR DISCOVERY PLAN sent to all parties. Signed by Julie A. Richards, Clerk of Court on 9/15/2012. (Edwards, S.) (Entered: 09/15/2012)
09/17/2012		NOTICE TO COUNSEL regarding <u>25</u> Motion and <u>26</u> Memorandum In Support. Incomplete Certificate of Service. For future reference, counsel should comply with Form A attached to the Court's Electronic Policy and Procedure Manual. (Heath, D.) (Entered: 09/17/2012)
09/20/2012	<u>29</u>	MOTION for Extension of Time to File Response as to <u>26</u> MOTION to Dismiss , <u>27</u> Memorandum in Support by Mary E. Lyons-Felton. (Attachments: # <u>1</u> Text of Proposed Order) (Jessup, Robert) (Entered: 09/20/2012)
09/21/2012		MOTION REFERRED to Julie A. Richards, Clerk of Court: <u>29</u> MOTION for Extension of Time to File Response as to <u>26</u> MOTION to Dismiss, <u>27</u> Memorandum in Support. (Edwards, S.) (Entered: 09/21/2012)
09/21/2012		TEXT ORDER granting <u>29</u> motion for extension of time. Plaintiff's deadline to respond to defendants' <u>26</u> motion to dismiss is extended through and including October 26, 2012. Signed by Jolie Skinner for Julie A. Richards, Clerk of Court on 09/21/2012. (Skinner, J.) (Entered: 09/21/2012)
09/25/2012	<u>30</u>	MOTION to Stay <i>Discovery</i> by Richard A. Browder, Jr., Jean Bunch, Edward Gilbert Burroughs, George Winborne Dale, Edenton-Chowan Board of Education, John Guard, Eugene Jordan, Leslie Michele Maddox, Allen T. Smith. (DuBuisson, Eva) (Entered: 09/25/2012)
09/25/2012	<u>31</u>	Memorandum in Support regarding <u>30</u> MOTION to Stay <i>Discovery</i> filed by Richard A. Browder, Jr., Jean Bunch, Edward Gilbert Burroughs, George Winborne Dale, Edenton-Chowan Board of Education, John Guard, Eugene Jordan, Leslie Michele Maddox, Allen T. Smith. (DuBuisson, Eva) (Entered: 09/25/2012)

		09/25/2012)
09/27/2012		MOTION REFERRED to US Magistrate Judge William A. Webb: <u>30</u> MOTION to Stay <i>Discovery</i> . (Edwards, S.) (Entered: 09/27/2012)
10/02/2012	<u>32</u>	ORDER granting <u>30</u> Motion to Stay Discovery. Counsel is reminded to read the order in its entirety for critical information and deadlines. Signed by US Magistrate Judge William A. Webb on 10/1/2012. (Edwards, S.) (Entered: 10/02/2012)
10/23/2012	<u>33</u>	NOTICE of Voluntary Dismissal by Mary E. Lyons-Felton (Jessup, Robert) (Entered: 10/23/2012)
10/23/2012	<u>34</u>	SECOND AMENDED COMPLAINT against Edenton-Chowan Board of Education, filed by Mary E. Lyons-Felton. (Attachments: # <u>1</u> Exhibit EEOC Charge No. 437-2009-00992 (as amended), # <u>2</u> Exhibit EEOC Charge No. 437-2010-00178, # <u>3</u> Exhibit EEOC Charge No. 430-2010-03097, # <u>4</u> Exhibit Right-to-Sue Letter upon EEOC Charge Nos. 437-2009-00992 & 430-2010-03097, # <u>5</u> Exhibit Right-to-Sue Letter upon EEOC Charge No. 437-2010-00178, # <u>6</u> Exhibit EEOC Findings, # <u>7</u> Exhibit Consent to Amend) (Jessup, Robert) (Entered: 10/23/2012)
10/24/2012		NOTICE TO COUNSEL regarding: <u>33</u> Notice of Voluntary Dismissal. Counsel is reminded that all pleadings must comply with Local Rule 10.1(a) in regards to spacing, which you may obtain on the court's website at www.nced.uscourts.gov. Your documents must be double-spaced on single-sided, standard letter size (8 1/2 x 11) paper, with all typed matter appearing in at least 11 point font size with a one inch margin on all sides. You may be asked to refile your documents if you do not comply with this rule. (Edwards, S.) (Entered: 10/24/2012)
10/25/2012	<u>35</u>	RESPONSE in Opposition regarding <u>26</u> MOTION to Dismiss filed by Mary E. Lyons-Felton. (Jessup, Robert) (Entered: 10/25/2012)
10/25/2012		NOTICE OF DEFICIENCY regarding: <u>34</u> Amended Complaint. No Certificate of Service attached. Counsel should file a separately captioned document labeled Certificate of Service and should file the document using Civil Events - Service of Process. (Heath, D.) (Entered: 10/25/2012)
10/25/2012	<u>36</u>	CERTIFICATE OF SERVICE by Mary E. Lyons-Felton regarding <u>34</u> Amended Complaint,, Notice of Deficiency, (Jessup, Robert) (Entered: 10/25/2012)
10/30/2012	<u>37</u>	MOTION for Extension of Time to File Answer regarding <u>34</u> Second Amended Complaint, by Richard A. Browder, Jr, Jean Bunch, Edward Gilbert Burroughs, George Winborne Dale, Edenton-Chowan Board of Education, Edenton-Chowan Schools, John Guard, Eugene Jordan, Leslie Michele Maddox, Allen T. Smith. (Attachments: # <u>1</u> Text of Proposed Order) (DuBuisson, Eva) Modified on 10/30/2012 to correct naming convention (Edwards, S.). (Entered: 10/30/2012)
10/30/2012		MOTION REFERRED to Julie A. Richards, Clerk of Court: <u>37</u> MOTION for Extension of Time to File Answer regarding <u>34</u> Amended Complaint. (Edwards, S.) (Entered: 10/30/2012)
10/31/2012		TEXT ORDER granting defendant's <u>37</u> motion for extension of time. Defendant Edenton-Chowan Board of Education has through and including November 20, 2012 to answer or otherwise respond to plaintiff's second amended complaint. Signed by Jolie Skinner for Julie A. Richards, Clerk of Court on 10/31/2012. (Skinner, J.) (Entered: 10/31/2012)
11/15/2012		Motion Submitted to Senior Judge James C. Fox: <u>26</u> MOTION to Dismiss. (Edwards, S.) (Entered: 11/15/2012)
11/19/2012	<u>38</u>	MOTION to Strike <u>34</u> Amended Complaint,, by Edenton-Chowan Board of Education. (Attachments: # <u>1</u> Text of Proposed Order) (DuBuisson, Eva) (Entered: 11/19/2012)
11/19/2012	<u>39</u>	'REFILED AT 40 ON 11/20/2012' Memorandum in Support re <u>38</u> MOTION to Strike <u>34</u> Amended Complaint, filed by Edenton-Chowan Board of Education. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Exhibit) (DuBuisson, Eva) Modified on 11/26/2012 to include refiled information (Edwards, S.). (Entered: 11/19/2012)

		11/19/2012)
11/20/2012		NOTICE OF DEFICIENCY regarding <u>39</u> Memorandum in Support. Failure to identify exhibits. Pursuant to Section L(2)(b) of the Court's Electronic Policy and Procedure Manual, exhibits must be identified with a clear and complete description of the document. Counsel is directed to refile the entire document, properly describing the attachments. (Heath, D.) (Entered: 11/20/2012)
11/20/2012	<u>40</u>	Memorandum in Support re <u>38</u> MOTION to Strike <u>34</u> Amended Complaint,, filed by Edenton–Chowan Board of Education. (Attachments: # <u>1</u> Exhibit Chatman v. Duke Energy Carolinas 2009 WL 1652463, # <u>2</u> Exhibit Cupid v. Eckerd Youth Alternatives 2012 WL 1149295, # <u>3</u> Exhibit Hunter v. Prince George's County, MD 36 Fed. Appx. 103, # <u>4</u> Exhibit Robinson v. Hospitality Group Management 2009 WL 1383295) (DuBuisson, Eva) (Entered: 11/20/2012)
11/20/2012	<u>41</u>	ANSWER to <u>34</u> Amended Complaint, by Edenton–Chowan Board of Education. (DuBuisson, Eva) (Entered: 11/20/2012)
11/27/2012	<u>42</u>	FINANCIAL DISCLOSURE STATEMENT by Mary E. Lyons–Felton. (Jessup, Robert) (Entered: 11/27/2012)
12/05/2012	<u>43</u>	' REFILED ON 12/6/12 AT 44 ' – STIPULATION regarding <u>38</u> MOTION to Strike <u>34</u> Amended Complaint, by Mary E. Lyons–Felton. (Attachments: # <u>1</u> Consent Order, # <u>2</u> Revised Second Amended Complaint, # <u>3</u> Exhibit One, # <u>4</u> Exhibit Two, # <u>5</u> Exhibit Three, # <u>6</u> Exhibit Four, # <u>7</u> Exhibit Five, # <u>8</u> Exhibit Seven) (Jessup, Robert) Modified on 12/7/2012 to include the refiled information (Edwards, S.). (Entered: 12/05/2012)
12/05/2012		NOTICE OF DEFICIENCY regarding: <u>43</u> Stipulation – Failure to identify exhibits. Pursuant to Section L(2)(b) of the Court's Electronic Policy and Procedure Manual, exhibits must be identified with a clear and complete description of the document. Counsel is directed to refile the entire document, properly describing the attachments. (Edwards, S.) (Entered: 12/05/2012)
12/06/2012	<u>44</u>	STIPULATION regarding <u>38</u> MOTION to Strike <u>34</u> Amended Complaint,, by Mary E. Lyons–Felton. (Attachments: # <u>1</u> Consent Order, # <u>2</u> Revised Second Amended Complaint, # <u>3</u> Exhibit One to Second Amended Complaint (EEOC Charge #1), # <u>4</u> Exhibit Two to Second Amended Complaint (EEOC Charge #2), # <u>5</u> Exhibit Three to Second Amended Complaint (EEOC Charge #3), # <u>6</u> Exhibit Four to Second Amended Complaint (DOJ Right to Sue Letter), # <u>7</u> Exhibit Five to Second Amended Complaint (EEOC Right to Sue Letter), # <u>8</u> Exhibit Seven to Second Amended Complaint (Permission to Amend)) (Jessup, Robert) (Entered: 12/06/2012)
12/07/2012		Motion Submitted to Senior Judge James C. Fox: <u>38</u> MOTION to Strike <u>34</u> Amended Complaint. (Edwards, S.) (Entered: 12/07/2012)
12/10/2012	<u>45</u>	Rule 26(f) Report (joint) by Mary E. Lyons–Felton. (Attachments: # <u>1</u> Exhibit Proposed Consent Protective Order) (Jessup, Robert) (Entered: 12/10/2012)
12/11/2012	<u>46</u>	ORDER denying as moot the <u>26</u> Motion to Dismiss; deemed as withdrawn the <u>38</u> Motion to Strike. Counsel is reminded to read the order in its entirety for further information. The Clerk of Court is DIRECTED to file the revised Second Amended Complaint at <u>44</u> and the exhibits as a separate docket entry. Signed by Senior Judge James C. Fox on 12/10/2012. (Edwards, S.) (Entered: 12/11/2012)
12/11/2012	<u>47</u>	REVISED SECOND AMENDED COMPLAINT against Edenton–Chowan Board of Education, filed by Mary E. Lyons–Felton. (Attachments: # <u>1</u> Exhibit One – EEOC Charge #1, # <u>2</u> Exhibit Two – EEOC Charge #2, # <u>3</u> Exhibit Three – EEOC Charge #3, # <u>4</u> Exhibit Four – DOJ Right to Sue Letter, # <u>5</u> Exhibit Five – EEOC Right to Sue Letter, # <u>6</u> Exhibit Seven – Permission to Amend. (Edwards, S.) (Entered: 12/11/2012)
12/11/2012		Referred the parties proposed discovery plan and attachments at <u>45</u> to US Magistrate Judge William A. Webb for an order on scheduling. (Edwards, S.) (Entered: 12/11/2012)

12/12/2012	<u>48</u>	SCHEDULING ORDER: Discovery due by 10/31/2013 – Motions due by 11/1/2013 – Jury Trial set for the 3/10/2014 term at 10:00 AM in Wilmington – Courtroom 1 before Senior Judge James C. Fox. Signed by US Magistrate Judge William A. Webb on 12/12/2012. (Attachments: # <u>1</u> Consent to US Magistrate Judge Form) (Edwards, S.) (Entered: 12/12/2012)
12/12/2012		Referred the Proposed Consent Protective Order at docket entry <u>45</u> as an attachment, to US Magistrate Judge William A. Webb for review and consideration. (Edwards, S.) (Entered: 12/12/2012)
12/12/2012	<u>49</u>	STIPULATED CONSENT PROTECTIVE ORDER. Signed by US Magistrate Judge William A. Webb on 12/12/2012. (Edwards, S.) (Entered: 12/12/2012)
01/18/2013	<u>50</u>	MOTION for Extension of Time to File Response to <i>Plaintiff's Discovery Requests</i> by Edenton–Chowan Board of Education. (Attachments: # <u>1</u> Text of Proposed Order Granting Extension of Time to Respond to Discovery Requests) (DuBuisson, Eva) (Entered: 01/18/2013)
01/18/2013		MOTION REFERRED Julie A. Richards, Clerk of Court: <u>50</u> MOTION for Extension of Time to File Response to <i>Plaintiff's Discovery Requests</i> . (Edwards, S.) (Entered: 01/18/2013)
01/22/2013	<u>51</u>	ORDER granting <u>50</u> Motion for Extension of Time to File Response to Plaintiff's Discovery Requests. Counsel is reminded to read the order in its entirety for further information. Signed by Jolie Skinner for Julie A. Richards, Clerk of Court on 1/22/2013. (Edwards, S.) (Entered: 01/22/2013)
03/01/2013	<u>52</u>	SELECTION OF Bob Beason as mediator (Jessup, Robert) (Entered: 03/01/2013)
03/05/2013		NOTICE TO COUNSEL regarding <u>52</u> Selection of Mediator. Incomplete certificate of service. For future reference, counsel should comply with Form A attached to the Courts' Electronic Policy and Procedure Manual which is available on the Courts' website www.nced.uscourts.gov. (Heath, D.) (Entered: 03/05/2013)
03/05/2013	<u>53</u>	ORDER Appointing Mediator Robert A. Beason. Signed by Julie A. Richards, Clerk of Court on 3/5/13. (Horton, B.) (Entered: 03/05/2013)
10/09/2013	<u>54</u>	First MOTION for Extension of Time to Complete Discovery by Mary E. Lyons–Felton. (Attachments: # <u>1</u> Text of Proposed Order) (Jessup, Robert) (Entered: 10/09/2013)
10/09/2013	<u>55</u>	MOTION for Leave to File <i>Memorandum Exceeding Thirty Pages</i> by Edenton–Chowan Board of Education. (Attachments: # <u>1</u> Text of Proposed Order Proposed Order) (DuBuisson, Eva) (Entered: 10/09/2013)
10/09/2013		Motion Submitted to Senior Judge James C. Fox: <u>55</u> MOTION for Leave to File <i>Memorandum Exceeding Thirty Pages</i> . (Edwards, S.) (Entered: 10/09/2013)
10/09/2013	<u>56</u>	ORDER granting <u>55</u> Motion for Leave to File. Counsel is reminded to read the order in its entirety for detailed information. Signed by Senior Judge James C. Fox on 10/9/2013. (Edwards, S.) (Entered: 10/09/2013)
10/17/2013	<u>57</u>	RESPONSE in Opposition regarding <u>54</u> First MOTION for Extension of Time to Complete Discovery filed by Edenton–Chowan Board of Education. (DuBuisson, Eva) (Entered: 10/17/2013)
10/21/2013	<u>58</u>	REPLY to Response to Motion regarding <u>54</u> First MOTION for Extension of Time to Complete Discovery filed by Mary E. Lyons–Felton. (Jessup, Robert) (Entered: 10/21/2013)
10/21/2013		MOTION REFERRED to US Magistrate Judge William A. Webb: <u>54</u> First MOTION for Extension of Time to Complete Discovery. (Edwards, S.) (Entered: 10/21/2013)
10/22/2013	<u>59</u>	ORDER denying <u>54</u> Motion for Extension of Time to Complete Discovery. Counsel is reminded to read the order in its entirety for detailed information. Signed by US Magistrate Judge William A. Webb on 10/21/2013. (Edwards, S.) (Entered: 10/22/2013)

11/01/2013	<u>60</u>	MOTION for Summary Judgment by Edenton–Chowan Board of Education. (Attachments: # <u>1</u> Index Index of Exhibits to Motion For Summary Judgment, # <u>2</u> Exhibit [#2] Mary E. Lyons–Felton Dep. Transcript – Vol. I, # <u>3</u> Exhibit [#3] Mary E. Lyons–Felton Dep. Transcript – Vol. I, # <u>4</u> Exhibit [#4] Smith Dep. Transcript – Vol. I, # <u>5</u> Exhibit [#5] Vol. II Smith Deposition Transcript, # <u>6</u> Exhibit [#6] Maddox Deposition Transcript Vol. I, # <u>7</u> Exhibit [#7] Maddox Deposition Transcript Vol. II, # <u>8</u> Exhibit [#8] Win Dale Deposition Transcript, # <u>9</u> Exhibit [#9] Ricky Browder Deposition Transcript, # <u>10</u> Exhibit [#10] Karen Molloy Affidavit Affidavit, # <u>11</u> Exhibit [#11] Olinka Baker Affidavit, # <u>12</u> Exhibit [#12] Lt. Col. Nelson Affidavit, # <u>13</u> Exhibit [#13] Amy Asbell Affidavit, # <u>14</u> Exhibit [#14] Arlisa Wills Affidavit, # <u>15</u> Exhibit [#15] Shirley Powell Affidavit, # <u>16</u> Exhibit [#16] Willie Koonce Affidavit, # <u>17</u> Exhibit [#17] Tanya Turner Affidavit, # <u>18</u> Exhibit [#18] Jamie Gillespie Affidavit, # <u>19</u> Exhibit [#19] John Guard Affidavit, # <u>20</u> Exhibit [#20] Gil Burroughs Affidavit, # <u>21</u> Exhibit [#21] Gene Jordan Affidavit, # <u>22</u> Exhibit [#22] Jean Bunch Affidavit, # <u>23</u> Exhibit [#23] Board Policies, # <u>24</u> Exhibit [#24] 2009 Manual, # <u>25</u> Exhibit [#25] Felton Application, # <u>26</u> Exhibit [#26] Gillespie Application For JAH Principal Job, # <u>27</u> Exhibit [#27] Leggett Application, # <u>28</u> Exhibit [#28] Maddox/Felton Correspondence re FMLA, # <u>29</u> Exhibit [#29] Felton Correspondence re CDC, # <u>30</u> Exhibit [#30] Felton E–mail 9/16/09, # <u>31</u> Exhibit [#31] Email Exchange with Ruiz, # <u>32</u> Exhibit [#32] Felton Absence Report) (DuBuisson, Eva) (Entered: 11/01/2013)
11/01/2013	<u>61</u>	Memorandum in Support regarding <u>60</u> MOTION for Summary Judgment filed by Edenton–Chowan Board of Education. (Attachments: # <u>1</u> Supplement Hill v. Wal–Mart Stores, Inc., # <u>2</u> Supplement Pledger v. Mayview Convalescent Home, Inc.) (DuBuisson, Eva) (Entered: 11/01/2013)
11/02/2013		REMINDER TO COUNSEL regarding <u>60</u> and <u>61</u> – Pursuant to Judge Fox's Practice and Procedures located on the courts website, http://www.nced.uscourts.gov/judges/fox.aspx , counsel shall provide a courtesy copy of motions and memoranda for documents over 20 pages, by mailing or delivering to the clerk's office in Wilmington. If your recently filed document(s) is less than 20 pages or if you have already mailed the courtesy copy(ies), please disregard this notice. Thank you. (Edwards, S.) (Entered: 11/02/2013)
11/14/2013	<u>62</u>	MOTION for Extension of Time to File Response as to <u>60</u> MOTION for Summary Judgment, <u>61</u> Memorandum in Support and for extended page limit on Plaintiff's Memoranda in Response by Mary E. Lyons–Felton. (Attachments: # <u>1</u> Text of Proposed Order) (Jessup, Robert) Modified on 11/15/2013 to correct the document description (Edwards, S.). (Entered: 11/14/2013)
11/15/2013		Motion Submitted to Senior Judge James C. Fox: <u>62</u> MOTION for Extension of Time to File Response as to <u>60</u> MOTION for Summary Judgment, <u>61</u> Memorandum in Support and for extended page limit on Plaintiff's Memoranda in Response. (Edwards, S.) (Entered: 11/15/2013)
11/15/2013	<u>63</u>	ORDER granting <u>62</u> Motion for Extension of Time to File Response regarding <u>60</u> MOTION for Summary Judgment and to increase Plaintiff's page limit on her Memorandum in Response to Defendant's Motion for Summary Judgment by ten (10) pages. Response now due by 12/7/2013. Signed by Senior Judge James C. Fox on 11/15/2013. (Edwards, S.) (Entered: 11/15/2013)
12/05/2013	<u>64</u>	SECOND MOTION for Extension of Time to File Response as to <u>60</u> MOTION for Summary Judgment, <u>61</u> Memorandum in Support, by Mary E. Lyons–Felton. (Attachments: # <u>1</u> Text of Proposed Order) (Jessup, Robert) (Entered: 12/05/2013)
12/05/2013		MOTION REFERRED to Julie A. Richards, Clerk of Court: <u>64</u> SECOND MOTION for Extension of Time to File Response as to <u>60</u> MOTION for Summary Judgment, <u>61</u> Memorandum in Support. (Edwards, S.) (Entered: 12/05/2013)
12/09/2013		Motion No Longer Referred to Julie A. Richards: <u>64</u> MOTION for Extension of Time to File Response as to <u>60</u> MOTION for Summary Judgment, <u>61</u> Memorandum in Support. (Edwards, S.) (Entered: 12/09/2013)
12/09/2013		Motion Submitted to Senior Judge James C. Fox: <u>64</u> MOTION for Extension of Time to File Response as to <u>60</u> MOTION for Summary Judgment, <u>61</u>

		Memorandum in Support. (Edwards, S.) (Entered: 12/09/2013)
12/09/2013	<u>66</u>	ORDER holding in abeyance <u>60</u> Motion for Summary Judgment; granting <u>64</u> Motion for Extension of Time to File Response. If possible, the parties should file the stipulation of dismissal on or before January 31, 2014. If the agreement has not been finalized by such time, the court requests a status report regarding the settlement from the parties on or before January 31, 2014. Signed by Senior Judge James C. Fox on 12/9/2013. (Edwards, S.) (Entered: 12/09/2013)
12/20/2013	<u>67</u>	STIPULATION of Dismissal by Mary E. Lyons–Felton. (Jessup, Robert) (Entered: 12/20/2013)
12/20/2013		NOTICE TO COUNSEL regarding: <u>67</u> Stipulation of Dismissal. Each attorney should file a Notice of Appearance pursuant to Local Civil Rule 5.2(a). The second attorney listed in the signature block for the defendant does not appear to have a notice of appearance in this matter. If he is not proceeding as counsel in this matter and will not be filing an appearance, counsel must refile the document. (Edwards, S.) (Entered: 12/20/2013)
12/20/2013	<u>68</u>	NOTICE of Appearance by Daniel W. Clark on behalf of Edenton–Chowan Board of Education (Clark, Daniel) (Entered: 12/20/2013)