

CLOSED

U. S. District Court
Western District of Arkansas (Fort Smith)
CIVIL DOCKET FOR CASE #: 2:98-cv-02077-HFW

EEOC v. Neels Food Service
Assigned to: Honorable H. Franklin Waters
Demand: \$0
Cause: 42:2000e Job Discrimination (Employment)

Date Filed: 05/01/1998
Jury Demand: Plaintiff
Nature of Suit: 442 Civil Rights: Jobs
Jurisdiction: U.S. Government Plaintiff

Plaintiff

**Equal Employment Opportunity
Commission**

represented by **Carson L Owen**
Equal Employment Opportunity
Commission
1407 Union Avenue
Suite 621
Memphis, TN 38104
901-544-0133
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

Neel's Food Service, Inc.
doing business as
Jerry Neel's Bar-B-Que

represented by **John Leslie Evitts, III**
Hardin, Jesson & Terry
P.O. Box 10127
Fort Smith, AR 72917-0127
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Intervenor

Traci Kathleen Chitwoodrepresented by **Barry D. Neal**

Attorney at Law

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Date Filed	#	Docket Text
05/01/1998	1	COMPLAINT (0 Summons(es) issued) (lm) (Entered: 05/01/1998)
05/07/1998	2	MOTION by intervenor Traci Kathleen Chitwood to intervene as party pltf (rw) (Entered: 05/07/1998)
05/07/1998	3	MEMORANDUM BRIEF by intervenor Traci Kathleen Chitwood in support of motion to intervene as party pltf [2-1] (rw) (Entered: 05/07/1998)
05/21/1998	4	RETURN OF SERVICE by intervenor Traci Kathleen Chitwood of service of Motion to Intervene upon Neels's Food Svc, Inc. (sh) (Entered: 05/22/1998)
05/27/1998	5	ANSWER by dft Neels Food Service [1-1] (ke) (Entered: 05/27/1998)
06/01/1998	6	ORDER by Honorable H. F. Waters granting Traci Kathleen Chitwood's motion to intervene as party pltf [2-1]; Ms. Chitwood should file her complaint in intervention w/i 11 days (cc: all counsel) (ke) (Entered: 06/01/1998)
06/01/1998	7	INTERVENOR'S COMPLAINT by intervenor Traci Kathleen Chitwood (ke) (Entered: 06/01/1998)
06/12/1998	8	ANSWER by dft Neels Food Service to complaint in intervention filed by Traci Kathleen Chitwood [7-1] (ke) (Entered: 06/12/1998)
06/26/1998	9	TRIAL NOTICE ; jury trial set for 8:30 11/30/98 (rw) (Entered: 06/26/1998)
09/14/1998	10	REQUEST for Admissions by plaintiff EEOC directed to deft (rw) (Entered: 09/14/1998)
09/17/1998	11	REQUEST for Admissions by intervenor Traci Kathleen Chitwood directed to dft Neel's Food Service, Inc. d/b/a Jerry Neel's Bar-B-Que (ke) (Entered: 09/17/1998)
09/30/1998	12	AFFIDAVIT of Barry D. Neal as to atty's fee re preparation of motion to compel discovery (ke) (Entered: 09/30/1998)
10/02/1998	13	MOTION by pltf EEOC to compel discovery (ke) (Entered: 10/02/1998)
10/02/1998	14	MEMORANDUM BRIEF by pltf EEOC in support of motion to compel discovery [13-1] (ke) (Entered: 10/02/1998)

10/02/1998	15	AFFIDAVIT of Carson L. Owen regarding motion to compel discovery [13-1] (ke) (Entered: 10/02/1998)
10/06/1998	16	NOTICE by plaintiff EEOC of taking depositions of Jerry Neel, Jake Neel, Norma Asbridge, Susan Sullivent, Kim Wilson, Debbie Vineyard on 10/13/98, & Dean Pendergrass on 10/15/98, at 9:00am, Fort Smith, AR (rw) (Entered: 10/06/1998)
10/08/1998	17	USM 285 FORM of deposition subpoena on William Dean Pendergrass retd exec on 10/3/98 (rw) (Entered: 10/08/1998)
10/23/1998	18	ORDER by Honorable H. F. Waters granting pltf's motion to compel discovery [13-1] & deft shall comply w/the directions of order by no later than the close of business on 11/6/98 (cc: all counsel) (rw) (Entered: 10/23/1998)
10/27/1998	19	CONSENT DECREE by Honorable H. F. Waters dismissing case that the USDC for the WD/AR, Fort Smith Division, will retain jurisdiction over decree for purposes of enforcement & dispute resolution; further neither the negotiation of or agreement to this decree is an admission or acknowledgment by Neel's that any of its employees, officers, directors, or agents have violated Title VII & decree will be binding on the parties to this lawsuit for three years after the date of its entry by the court; further Neel's, its supervisors, managers, officers, directors, agents & successors are enjoined from sexually harassing employees; further Neel's will pay Ms. Traci Chitwood and her attorney \$15,000.00 and Neel's will send payment to Ms. Chitwood's atty, Barry D. Neal, w/in 10 days after the entry of decree; further the payment will be made in the form of a check made out to "Traci Chitwood and Barry D. Neal" & copy of the payment transmittal mailed at the same time to Carson L. Owen, EEOC; further Neel's will post the notice to employees for 30 days in conspicuous places upon its premises & w/in 10 days after the entry of decree Neel's will send a letter to Carson Owen, verifying that the notice has been posted; further the policy prohibiting sexual harassment will be complied with by Neel's & each employee will be required to read and sign a copy of policy, and will be given a copy of the policy; further Neel's will submit a report to Carson L. Owen, six months after the entry of decree, and every six months thereafter during the duration of this decree and each report will describe all complaints recd from employees concerning sexual language or conduct at work, including the name, home address, and home telephone number of each employee who complained, the nature of the complaint, what action, if any, was taken in response to the complaint, and if no action was taken an explanation of why no action was taken; futher EEOC, Ms. Chitwood and Neel's will each bear their own atty's fees and costs incurred in action (cc: all counsel) (rw) (Entered: 10/27/1998)

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