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**U.S. District Court  
DISTRICT OF ARIZONA (Prescott Division)  
CIVIL DOCKET FOR CASE #: 3:01-cv-00190-SRB**

EEOC v. Jack In The Box  
Assigned to: Judge Susan R Bolton  
Demand: \$0  
Cause: 42:2000e Job Discrimination (Employment)

Date Filed: 01/31/2001  
Date Terminated: 08/06/2002  
Jury Demand: Plaintiff  
Nature of Suit: 442 Civil Rights: Jobs  
Jurisdiction: U.S. Government Plaintiff

**Plaintiff**

**Equal Employment Opportunity  
Commission**

represented by **C Emanuel Smith**  
EEOC  
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Phoenix, AZ 85012-1848  
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V.

**Defendant**

**Jack In The Box**

represented by **John Mark Ogden**  
 Littler Mendelson PC  
 2425 E Camelback Rd  
 Ste 900  
 Phoenix, AZ 85016-2907  
 602-474-3601  
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**Intervenor****Aubrey Barker**

represented by **Pernell Whynn McGuire**  
 Aspey Watkins & Diesel PLLC  
 123 N San Francisco St  
 Ste 300  
 Flagstaff, AZ 86001  
 (928)774-1478  
*TERMINATED: 05/01/2001*  
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**Intervenor Defendant****William Freedle****Intervenor Defendant****Jack in the Box**

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
01/31/2001	1	COMPLAINT FILED (LSP) (Entered: 02/01/2001)
02/05/2001	2	RETURN OF SERVICE EXECUTED by personal service of summons and compliant upon Statutory Agent, C.T. Corporation System for dft Jack In The Box on 2/1/01 (KMG) (Entered: 02/08/2001)
02/22/2001	3	STIPULATION to extend time to answer or file responsive pleading by pla EEOC, dft Jack In The Box [3-1] (KMG) (Entered: 02/23/2001)

02/26/2001	4	ORDER by Judge Susan R. Bolton granting stipulation to extend time until 3/9/01 within which to answer or file responsive pleading by pla EEOC, dft Jack In The Box [3-1] (cc: all counsel) (KMG) (Entered: 02/26/2001)
03/09/2001	5	ANSWER by dft Jack In The Box (MAP) (Entered: 03/12/2001)
03/14/2001	6	ORDER SETTING RULE 16 SCHEDULING CONFERENCE by Judge Susan R. Bolton prel scheduling conf set for 4:00 4/23/01 (cc: all counsel) (MAP) (Entered: 03/14/2001)
03/28/2001	7	MOTION to strike Dft's Affirmative Defenses by pla EEOC [7-1] (MAP) (Entered: 03/29/2001)
04/06/2001	8	STIPULATION re Exchange of Initial Disclosures by pla, dft (MAP) (Entered: 04/10/2001)
04/09/2001	9	MOTION to intervene as party plaintiff by Aubrey Barker [9-1] (MAP) (Entered: 04/10/2001)
04/10/2001	10	ORDER by Judge Susan R. Bolton granting stipulation that parties shall serve their Rule 26(a) Initial Dislcosure Stmtns nlt 4/16/01 (cc: all counsel) (MAP) (Entered: 04/10/2001)
04/10/2001	12	STIPULATION to Dismiss Affirmative Defenses and Withdraw Pla EEOC's Motion to Strike by pla, dft (MAP) (Entered: 04/16/2001)
04/12/2001	11	MINUTE ORDER Pursuant to the stipulation of counsel and Order entered by the Court on 4/11/01, IT IS ORDERED finding the motion to strike Dft's Affirmative Defenses by pla EEOC [7-1] as moot. (cc: all counsel; SRB) [11-1] (MAW) (Entered: 04/12/2001)
04/16/2001	15	PROPOSED Case Management Plan (MAP) (Entered: 04/18/2001)
04/16/2001	16	NOTICE of compliance of initial disclosure statement pursuant to FRCivP 26(a) by dft Jack In The Box (MAP) (Entered: 04/18/2001)
04/17/2001	13	ORDER by Judge Susan R. Bolton granting stipulation dismissing Dft Jack in the Bos Inc's Affirmative Defenses and Withdrawing Pla EEOC's Motion to Strike Dft's Affirmative Defenses (cc: all counsel) (MAP) (Entered: 04/17/2001)
04/17/2001	14	NOTICE of compliance of initial disclosure statement pursuant to FRCivP 26(a) by pla EEOC (former emp) (Entered: 04/18/2001)
04/23/2001	17	MINUTE ENTRY before Judge Susan R. Bolton Crt Rptr: Kim Myrick Appearances: Michelle Marshall and Mary O'Neill for pla; John Ogden and Mary Jo Foster for dft. Prel scheduling conf held. The Court enters the following deadlines: discovery ddl set for 3/1/02; dispositive motions due 4/4/02; PTO ddl set for 7/22/02; motions in limine to be filed by 7/22/02 w/ Responses due by 7/31/02 - no Reply. IT IS ORDERED setting Pretrial conference on 8/5/02 at 9:30 a.m. IT IS FURTHER ORDERED setting jury trial on 8/13/02 at 9:00 a.m. Estimated length: 4 days. Rule 16 Scheduling Order to follow. Counsel are provided a copy of the Joint Proposed Pretrial Order this date. [cc: SRB] [17-2] (MAW) (Entered: 04/23/2001)
04/23/2001	18	JOINDER by pla EEOC to [9-1] mtn to intervene by Ms. Barker (former emp) (Entered: 04/24/2001)

04/24/2001	19	RULE 16 SCHEDULING ORDER by Judge Susan R. Bolton discovery due 3/1/02 ; dispositive motions due 4/4/02 ; pretrial order due 7/22/02 ; Pretrial conference set for 9:30 8/5/02; jury trial 8/13/02 at 9:00 (cc: all counsel) (MAP) (Entered: 04/24/2001)
04/26/2001	20	STIPULATION re motion to intervene by dft, intervenor (MAP) (Entered: 04/30/2001)
05/01/2001	21	MINUTE ORDER There being no opposition, IT IS ORDERED granting motion to intervene as party plaintiff by Aubrey Barker [9-1] (cc: all counsel; SRB) [21-1] (MAW) (Entered: 05/01/2001)
05/01/2001	22	ORDER by Judge Susan R. Bolton granting stipulation that Pla Intervenor's claims for negligent hiring and supervision and intentional infliction of emotional distress set forth in her (Proposed) Complaint are hereby withdrawn w/out prejudice [9-1] terminating party Aubrey Barker , (cc: all counsel) (MAP) (Entered: 05/01/2001)
05/29/2001	23	NOTICE by dft Jack In The Box of change of address for J Mark Ogden (MAP) (Entered: 05/30/2001)
06/22/2001	24	STIPULATION to dismiss case by pla, dft (MAP) (Entered: 06/26/2001)
06/27/2001	25	ORDER by Judge Susan R. Bolton granting stipulation to dismiss the pla's claims under Section 707 of Title VII, 42 U.S.C. 2000e-6 by pla, dft (cc: all counsel) (KMG) (Entered: 06/27/2001)
07/25/2001	26	COMPLAINT IN INTERVENTION FILED by Intervnor Aubrey Barker against Jack in the Box, Inc. and William Freedle (KMG) Modified on 08/15/2001 (Entered: 08/15/2001)
08/30/2001	27	WAIVER of Service of summons and complaint upon dft Jack In The Box; waiver sent on 8/24/01 (MAP) (Entered: 09/01/2001)
10/23/2001	28	ANSWER to Complaint [26-1] by dft Jack In The Box (KMG) (Entered: 10/30/2001)
11/01/2001	29	JOINT MOTION to extend time for Disclosing Expert Witnesses by pla EEOC, dft Jack In The Box [29-1] (KMG) (Entered: 11/05/2001)
11/16/2001	30	MOTION to Extend Time as to Discovery Deadlines by pla EEOC, dft Jack In The Box [30-1] (KMG) (Entered: 11/19/2001)
11/20/2001	31	ORDER by Judge Susan R. Bolton granting motion to extend time for Disclosing Expert Witnesses by pla EEOC, dft Jack In The Box [29-1] Plaintiff EEOC may have an extension of time to/including 1/15/02; Dft Jack in the Box may have thru 2/15/02 (cc: all counsel) (MAP) (Entered: 11/20/2001)
11/21/2001	32	ORDER by Judge Susan R. Bolton granting joint motion to Extend Time as to Discovery Deadlines by pla EEOC, dft Jack In The Box [30-1] ; Discovery ddl reset for 1/31/02 ; Dispositive motions now due 2/28/02 (cc: all counsel) (KMG) (Entered: 11/21/2001)
12/03/2001	33	NOTICE of service of discovery by pla EEOC serving: First Set of Non-Uniform Interrogatories, First Request for Production of documents and First Request for Admissions. (KMG) (Entered: 12/05/2001)

12/28/2001	34	STIPULATION to Extend Time for dft to Respond to Discover (notice of service of disc. [33-1]) by pla EEOC, dft Jack In The Box (KMG) (Entered: 01/02/2002)
01/03/2002	35	ORDER by Judge Susan R. Bolton granting stipulation to Extend Time until 1/18/02 for dft to Respond to pla's First Set of Requests for Admission, First Set of Requests for Production, and First Set of Non-Uniform Interrogatories. by pla EEOC, dft Jack In The Box (cc: all counsel) (KMG) (Entered: 01/03/2002)
01/07/2002	36	STIPULATION for Order to Designate as a Prescott Case by pla EEOC, dft Jack In The Box, intervenor Aubrey Barker (KMG) (Entered: 01/08/2002)
01/09/2002	37	ORDER by Judge Susan R. Bolton granting stipulation for Order to Designate this case as a Prescott Case by pla EEOC, dft Jack In The Box, intervenor Aubrey Barker (cc: all counsel) (KMG) (Entered: 01/09/2002)
01/22/2002	38	NOTICE of service of discovery by dft Jack In The Box serving; First Set of Requests for Production of Documents and First Set of Non-Uniform Interrogatories to pla Intervenor. (KMG) (Entered: 01/24/2002)
01/25/2002	39	NOTICE of service of discovery by dft Jack In The Box serving; Responses to pla's First Set of Non-Uniform Interrogatories; Responses to pla's First Request for Admissions; and dft's Responses to pla's First Request for Production of documents. (KMG) (Entered: 01/28/2002)
01/29/2002	40	NOTICE of service of discovery by dft Jack In The Box serving First Set of Requests for Production of documents and dft's First Set of Non-Uniform Interrogatories to pla. (KMG) (Entered: 02/04/2002)
01/30/2002	41	STIPULATION (Stipulated Motion) to Extend Time/Deadlines by pla EEOC, dft Jack In The Box, intervenor Aubrey Barker (KMG) (Entered: 02/04/2002)
02/04/2002	42	MINUTE ORDER The Court being in receipt of the Stipulated Motion for Extension of Deadlines, IT IS ORDERED resetting PTO ddl to 11/25/02; motions in limine to be filed by 11/18/02 w/ Responses due 11/27/02 - no Reply. IT IS FURTHER ORDERED continuing Pretrial conference to 12/2/02 at 9:30 a.m. IT IS FURTHER ORDERED continuing jury trial to 12/10/02 at 9:00 a.m. Estimated length: 4 days. (cc: all counsel; SRB) [42-2] (MAW) (Entered: 02/04/2002)
02/13/2002	43	ORDER by Judge Susan R. Bolton granting stipulation (Stipulated Motion) to Extend Time/Deadlines by pla EEOC, dft Jack In The Box, intervenor Aubrey Barker ; Discovery ddl reset for 4/29/02; Final supplementation of discovery us extended to 5/31/02; Dispositive motions now due 6/3/02 (cc: all counsel) (KMG) (Entered: 02/13/2002)
02/26/2002	44	STIPULATION to Extend Time for Pla Intervenor's Response to Requests for Production and Interrogatories by pla EEOC, dft Jack In The Box (KMG) (Entered: 02/27/2002)
02/27/2002	45	STIPULATION to Extend Time for pla to Respond to dft's First Set of Non-Uniform Interrogatories and First Set of Requests for Production by pla EEOC, dft Jack In The Box (KMG) (Entered: 02/28/2002)
03/05/2002	46	MINUTE ENTRY before Judge Susan R. Bolton . Crt Rptr: Kim Myrick. Appearances: Michelle Marshall (telephonically) for pla; Mary Jo Foster

		(telephonically) for dft. Discovery dispute hearing held at the request of pla's counsel re: request for 5 personnel files and request for documentation of Jack In the Box's internal investigation of sexual harassment. Discussion held. IT IS ORDERED sustaining dft's objection to production of personnel files with the exception of Ms. Sebert. She may authorize the release of her file to the EEOC if she so wishes. IT IS FURTHER ORDERED sustaining dft's objection to production of the internal investigation. [cc: SRB] [46-1] re: minute entry [46-1] (MAW) (Entered: 03/06/2002)
03/07/2002	47	ORDER by Judge Susan R. Bolton granting stipulation to Extend Time until 3/13/02 for pla to Respond to dft's First Set of Non-Uniform Interrogatories and First Set of Requests for Production by pla EEOC, dft Jack In The Box (cc: all counsel) (KMG) (Entered: 03/07/2002)
03/07/2002	48	ORDER by Judge Susan R. Bolton granting stipulation to Extend Time until 3/11/02 in which for Pla Intervenor's Response to Requests for Production and Interrogatories by pla EEOC, dft Jack In The Box (cc: all counsel) (KMG) (Entered: 03/07/2002)
03/14/2002	49	NOTICE by pla EEOC OF TAKING DEPO OF William Freedle on the following date(s): 3/28/02 (MAP) (Entered: 03/14/2002)
03/14/2002	50	NOTICE of service of discovery by pla EEOC . (MAP) (Entered: 03/14/2002)
03/14/2002	51	RULE 33(C) MOTION for permission to Supplement Interrogatories after the close of Discovery by pla EEOC [51-1] (MAP) (Entered: 03/14/2002)
03/14/2002	52	NOTICE by pla EEOC OF TAKING DEPO OF Robert Vranas, II on the following date(s): 3/22/02 (MAP) (Entered: 03/15/2002)
03/15/2002	53	AMENDED NOTICE by pla EEOC OF TAKING VIDEO DEPO OF William Freedle on the following date(s): 3/28/02 (KMG) (Entered: 03/18/2002)
03/15/2002	54	NOTICE by pla EEOC OF TAKING DEPO(S) OF Kim Gallen; David Portugal; Tim Bisbocci on the following date(s): 4/3; 4/4; 4/4 (KMG) (Entered: 03/18/2002)
03/15/2002	55	NOTICE by pla EEOC OF TAKING VIDEO DEPO OF Jeff Middleton on the following date(s): 4/19/02 (KMG) (Entered: 03/18/2002)
03/21/2002	56	NOTICE of compliance of initial disclosure statement pursuant to FRCivP 26(a) by dft Jack In The Box (MAP) (Entered: 03/25/2002)
03/21/2002	57	RESPONSE (OPPOSITION) by dft Jack In The Box to motion for permission to Supplement Interrogatories after the close of Discovery by pla EEOC [51-1] (MAP) (Entered: 03/25/2002)
03/21/2002	58	NOTICE of service of discovery by dft Jack In The Box . (MAP) (Entered: 03/25/2002)
03/21/2002	59	NOTICE of service of discovery by dft Jack In The Box . (MAP) (Entered: 03/25/2002)
03/28/2002	60	STIPULATION to Stay and Extend Time regarding Discovery Deadline to allow the parties time to engage in a private mediation of this case by plas, dfts (KMG) (Entered: 04/01/2002)

04/01/2002	61	ORDER by Judge Susan R. Bolton granting stipulation to Stay and Extend Time regarding Discovery Deadline to allow the parties time to engage in a private mediation of this case by plas, dfts ; Discovery ddl reset for 8/9/02 ; Dispositive motions now due 9/16/02 (cc: all counsel) (KMG) (Entered: 04/01/2002)
04/01/2002	62	REPLY by pla EEOC to response to motion for permission to Supplement Interrogatories after the close of Discovery by pla EEOC [51-1] (KMG) (Entered: 04/02/2002)
04/08/2002	63	ORDER by Judge Susan R. Bolton granting in part and denying in part pla's Motion for permission to Supplement Interrogatories after the close of Discovery by pla EEOC [51-1] (cc: all counsel) (KMG) (Entered: 04/08/2002)
04/17/2002	64	NOTICE of compliance of second supplemental disclosure statement pursuant to FRCivP 26(a) by dft Jack In The Box (KMG) (Entered: 04/18/2002)
05/01/2002	65	NOTICE of compliance of third supplemental disclosure statement pursuant to FRCivP 26(a) by dft Jack In The Box (KMG) (Entered: 05/02/2002)
05/07/2002	66	NOTICE of compliance of first supplemental disclosure statement pursuant to FRCivP 26(a) by pla EEOC (KMG) (Entered: 05/08/2002)
05/17/2002	67	ORDER by Judge Susan R. Bolton that this matter will be dismissed with prejudice (due to settlement) within 30 days of the date of this order unless a stipulation to dismiss is filed prior to the dismissal date. FURTHER ORDERED vacating the pretrial conference and trial date. ; possbl dsm ddl set for 6/17/02 (cc: all counsel) (KMG) Modified on 05/17/2002 (Entered: 05/17/2002)
08/06/2002	68	CONSENT DECREE/JUDGMENT by Judge Susan R. Bolton: That this Decree resolves all claims of the Commission, Intervenor Aubrey Barker and all class members identified in Attachment A to this Decree against dft Jack in the Box, Inc., including back pay, compensatory and punitive damages, interest, injunctive relief, attorney's fees and costs arising out of the issues in this lawsuit. Jack in the Box, and its officers, agents...are permanently enjoined for the duration of the Decree from: a) sexually harassing any employee; b) retaliating against any employee because he or she: i) opposes or opposed discriminatory practices made unlawful by Title VII; ii) files or filed a charge of discrimination or is assisting or has assisted or participated or is participating in the filing of a charge of discrimination; or iii) assists, assisted, participates or participated in an investigation or proceeding brought under the Federal or State laws prohibiting discrimination or retaliation. Without admitting liability, Jack in the Box shall pay the gross sum of \$92,500.00 to be distributed to the aggrieved persons listed in Attachment A. To be paid within ten business days from the date of the entry of this Decree. to dismiss case (cc: all counsel) (KMG) (Entered: 08/06/2002)

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