

**U.S. District Court
California Northern District (San Jose)
CIVIL DOCKET FOR CASE #: 5:05-cv-03615-JF**

Equal Employment Opportunity Commission v. Hartman-Chiu, Inc.

Assigned to: Hon. Jeremy Fogel

Referred to: Magistrate Judge Howard R. Lloyd

Cause: 28:1331 Fed. Question: Employment Discrimination

Date Filed: 09/08/2005

Date Terminated: 06/06/2006

Jury Demand: Plaintiff

Nature of Suit: 442 Civil Rights: Jobs

Jurisdiction: U.S. Government Plaintiff

Plaintiff

**Equal Employment Opportunity
Commission**

represented by **William Robert Tamayo**

U.S. EEOC

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V.

Intervenor Pla

Sandra Vargas

Plaintiff/Intervenor

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V.

Defendant

Hartman-Chiu, Inc.
doing business as
 KFC/Taco Bell

represented by **Bruce J. Boehm**
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Defendant

HARMAN-MANAGEMENT CORPORATION

represented by **Bruce J. Boehm**
 (See above for address)
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David L. Bird
 (See above for address)
ATTORNEY TO BE NOTICED

Defendant

Mr. Jorge Garcia

Date Filed	#	Docket Text
09/08/2005	<u>1</u>	COMPLAINT for Civil Rights – Employment Discrimination (Summons Issued); jury demand; (Fee Waived) against Hartman-Chiu, Inc.. Filed by Equal Employment Opportunity Commision. (bw, COURT STAFF) (Filed on 9/8/2005) Additional attachment(s) added on 9/13/2005 (bw, COURT STAFF). (Entered: 09/09/2005)
09/08/2005	<u>2</u>	ADR SCHEDULING ORDER: Case Management Statement due by 1/3/2006. Case Management Conference set for 1/10/2006 01:30 PM. (Attachments: # <u>1</u> Standing Order)(bw, COURT STAFF) (Filed on 9/8/2005) (Entered: 09/09/2005)

09/08/2005		CASE DESIGNATED for Electronic Filing. (bw, COURT STAFF) (Filed on 9/8/2005) (Entered: 09/09/2005)
09/09/2005		Summons Issued as to Hartman-Chiu, Inc.. (bw, COURT STAFF) (Filed on 9/9/2005) (Entered: 09/09/2005)
11/21/2005	<u>3</u>	*** FILED IN ERROR. PLEASE SEE DOCKET # 4 . *** MOTION to Intervene <i>as Party Plaintiffs</i> filed by Sandra Vargas. Motion Hearing set for 1/3/2006 10:00 AM in Courtroom 2, 5th Floor, San Jose. (Reisch, Jennifer) (Filed on 11/21/2005) Modified on 11/21/2005 (ewn, COURT STAFF). (Entered: 11/21/2005)
11/21/2005	<u>4</u>	MOTION to Intervene <i>as Party Plaintiffs</i> filed by Sandra Vargas. Motion Hearing set for 1/3/2006 10:00 AM in Courtroom 2, 5th Floor, San Jose. (Attachments: # <u>1</u> Proposed Order Granting Leave to Intervene# <u>2</u> Declaration ISO Motion for Leave to Intervene# <u>3</u> Exhibit Complaint in Intervention# <u>4</u> Notice of Motion and Motion for Leave to Intervene)(Reisch, Jennifer) (Filed on 11/21/2005) (Entered: 11/21/2005)
11/21/2005	<u>5</u>	CERTIFICATE OF SERVICE by Sandra Vargas re <u>4</u> MOTION to Intervene <i>as Party Plaintiffs</i> (Reisch, Jennifer) (Filed on 11/21/2005) (Entered: 11/21/2005)
11/23/2005	<u>6</u>	ANSWER to Complaint byHartman-Chiu, Inc.. (Boehm, Bruce) (Filed on 11/23/2005) (Entered: 11/23/2005)
11/23/2005	<u>7</u>	Declination to Proceed Before a U.S. Magistrate Judge by Hartman-Chiu, Inc. <i>Declination to Proceed Before a Magistrate Judge and Request for Reassignment to a United States District Judge</i> . (Boehm, Bruce) (Filed on 11/23/2005) (Entered: 11/23/2005)
11/23/2005	<u>8</u>	CLERK'S NOTICE of Impending Reassignment to U.S. District Judge (pmc, COURT STAFF) (Filed on 11/23/2005) (Entered: 11/23/2005)
11/23/2005	<u>9</u>	ORDER REASSIGNING CASE. Case reassigned to Judge Jeremy Fogel for all further proceedings. Magistrate Judge Howard R. Lloyd remains as the referraljudge. Signed by Executive Committee on November 23, 2005. (bw, COURT STAFF) (Filed on 11/23/2005) (Entered: 11/23/2005)
11/30/2005	<u>10</u>	CLERK'S NOTICE Case Management Conference set for 1/13/2006 at 10:30 AM. (dlm, COURT STAFF) (Filed on 11/30/2005) (Entered: 11/30/2005)
12/02/2005	<u>11</u>	Renotice motion hearing re <u>4</u> MOTION to Intervene <i>as Party Plaintiffs</i> , <u>3</u> MOTION to Intervene <i>as Party Plaintiffs</i> filed bySandra Vargas. Motion Hearing set for 2/3/2006 09:00 AM in Courtroom 3, 5th Floor, San Jose. (Attachments: # <u>1</u> Affidavit Proof of Service)(Reisch, Jennifer) (Filed on 12/2/2005) (Entered: 12/02/2005)
12/20/2005	<u>12</u>	STIPULATION <i>and (Proposed) Order Selecting ADR Process</i> by Equal Employment Opportunity Commision. (Hernandez, Evangelina) (Filed on 12/20/2005) (Entered: 12/20/2005)
12/28/2005	<u>13</u>	MOTION to Amend/Correct <i>Complaint</i> filed by Equal Employment Opportunity Commision. Motion Hearing set for 2/3/2006 09:00 AM in Courtroom 3, 5th Floor, San Jose. (Attachments: # <u>1</u> (Proposed) Amended Complaint)(Hernandez, Evangelina) (Filed on 12/28/2005) (Entered: 12/28/2005)
12/28/2005	<u>14</u>	Proposed Order <i>to Plaintiff EEOC's Motion to Amend Complaint</i> by Equal Employment Opportunity Commision. (Hernandez, Evangelina) (Filed on 12/28/2005) (Entered: 12/28/2005)
12/29/2005	<u>15</u>	ACKNOWLEDGEMENT OF SERVICE Executed <i>October 21, 2005</i> Acknowledgement filed by Equal Employment Opportunity Commision. (Hernandez, Evangelina) (Filed on 12/29/2005) (Entered: 12/29/2005)
01/04/2006	<u>16</u>	JOINT CASE MANAGEMENT STATEMENT <i>and Proposed Order</i> filed by Equal Employment Opportunity Commision. (Hernandez, Evangelina) (Filed on 1/4/2006) (Entered: 01/04/2006)
01/04/2006	<u>17</u>	ORDER re <u>12</u> Stipulation filed by Equal Employment Opportunity Commision,. Signed by Judge Jeremy Fogel on 12/28/05. (jfsec, COURT STAFF) (Filed on 1/4/2006) (Entered: 01/04/2006)

01/12/2006	<u>18</u>	Statement of Non–Opposition <i>To Plaintiff Intervenor's Motion to Intervene</i> filed by Hartman–Chiu, Inc.. (Boehm, Bruce) (Filed on 1/12/2006) (Entered: 01/12/2006)
01/12/2006	<u>19</u>	Statement of Non–Opposition <i>To Plaintiff's Motion to Amend Complaint</i> filed by Hartman–Chiu, Inc.. (Boehm, Bruce) (Filed on 1/12/2006) (Entered: 01/12/2006)
01/18/2006	<u>20</u>	Minute Entry: Initial Case Management Conference held on 1/13/2006 before Judge Jeremy Fogel (Date Filed: 1/18/2006). Continued to 5/12/2006 at 10:30 a.m. for further case management conference. (Court Reporter Not reported.) (dlm, COURT STAFF) (Date Filed: 1/18/2006) (Entered: 01/18/2006)
01/19/2006	<u>21</u>	ADR Clerk's Notice Appointing Kristen W. Maloney as Mediator dated 1/19/2006. (af, COURT STAFF) (Filed on 1/19/2006) (Entered: 01/19/2006)
01/20/2006	<u>22</u>	Letter dated 1/20/2006 from Mediator, Kristen W. Maloney, confirming her appointment and setting pre–session conference call on 2/8/2006 at 9:00 a.m. Counsel to confirm their availability for the conference call. (af, COURT STAFF) (Filed on 1/20/2006) (Entered: 01/23/2006)
02/02/2006	<u>23</u>	ORDER by Judge Jeremy Fogel granting <u>13</u> Motion to Amend/Correct ; Plaintiff is required to E–FILE the amended document (jfsec, COURT STAFF) (Filed on 2/2/2006) (Entered: 02/02/2006)
02/13/2006	<u>24</u>	ORDER GRANTING MOTION FOR LEAVE TO INTERVENE AS PARTY PLAINTIFFS by Judge Jeremy Fogel granting [3, 4] Motion to Intervene (jfsec, COURT STAFF) (Filed on 2/13/2006) (Entered: 02/13/2006)
02/17/2006	<u>25</u>	First Intervenor COMPLAINT vs. <i>Harman–Chiu, Inc., et al.</i> Filed by Sandra Vargas. (Villegas, Virginia) (Filed on 2/17/2006) (Entered: 02/17/2006)
02/18/2006	<u>26</u>	AMENDED COMPLAINT against all defendants. Filed by Equal Employment Opportunity Commission. (Hernandez, Evangelina) (Filed on 2/18/2006) (Entered: 02/18/2006)
02/21/2006		Set/Reset Hearings: Mediation Hearing set for 3/30/2006 09:30 AM., in the EEOC's office 350 The Embarcadero, Suite 500, San Francisco. Written statements exchanged and delivered to mediator by 3/23/2006. (af, COURT STAFF) (Filed on 2/21/2006) (Entered: 02/21/2006)
03/06/2006	<u>27</u>	<i>Harman–Chiu, Inc.'s</i> ANSWER to Intervenor Complaint <i>Answer to Complaint In Intervention</i> by Hartman–Chiu, Inc.. (Boehm, Bruce) (Filed on 3/6/2006) (Entered: 03/06/2006)
03/06/2006	<u>28</u>	<i>Defendant Harman–Chiu, Inc.'s</i> Answer to the EEOC's First Amended Complaint ANSWER to Amended Complaint by Hartman–Chiu, Inc.. (Boehm, Bruce) (Filed on 3/6/2006) (Entered: 03/06/2006)
04/03/2006	<u>29</u>	STIPULATION <i>Stipulated Motion and [Proposed] Order to Extend Deadline for Completing Mediation</i> by HARMAN–MANAGEMENT CORPORATION. (Boehm, Bruce) (Filed on 4/3/2006) (Entered: 04/03/2006)
04/04/2006	<u>30</u>	Letter to counsel dated 3/15/2006 from Mediator, Kristen W. Maloney, setting the mediation session on 5/3/2006 at 9:30 a.m. (af, COURT STAFF) (Filed on 4/4/2006) (Entered: 04/04/2006)
04/04/2006		Set/Reset Hearings: Mediation Hearing set for 5/3/2006 09:30 AM. Please take note this date is beyond the mediation deadline and is subject to approval by the court. See # <u>29</u> . (af, COURT STAFF) (Filed on 4/4/2006) (Entered: 04/04/2006)
04/06/2006	<u>31</u>	ORDER GRANTING REQUEST TO EXTEND DEADLINE TO COMPLETE MEDIATION. Signed by Judge Jeremy Fogel on 4/4/06. (jfsec, COURT STAFF) (Filed on 4/6/2006) (Entered: 04/06/2006)
04/06/2006	32	MOTION for Attorney David L. Bird for leave to appear in Pro Hac Vice (FILING FEE PAID) filed by Hartman–Chiu, Inc., HARMAN–MANAGEMENT CORPORATION. (gm, COURT STAFF) (Filed on 4/6/2006) (Entered: 04/07/2006)
04/06/2006		Received Order re 32 MOTION for leave to appear in Pro Hac Vice by Hartman–Chiu, Inc., HARMAN–MANAGEMENT CORPORATION. (gm, COURT STAFF) (Filed on 4/6/2006) (Entered: 04/07/2006)

04/06/2006	<u>33</u>	CERTIFICATE OF SERVICE by Hartman–Chiu, Inc., HARMAN–MANAGEMENT CORPORATION re 32 MOTION for leave to appear in Pro Hac Vice, Received Order (gm, COURT STAFF) (Filed on 4/6/2006) (Entered: 04/07/2006)
04/18/2006		ADR Remark: Mediation deadline has been extended by 60 days see # <u>31</u> . (af, COURT STAFF) (Filed on 4/18/2006) (Entered: 04/18/2006)
04/20/2006		Set/Reset Hearings: Mediation Hearing set for 5/3/2006 09:30 AM. Mediation statements due on 4/26/2006. (af, COURT STAFF) (Filed on 4/20/2006) (Entered: 04/20/2006)
04/28/2006	<u>34</u>	STIPULATION <i>and Proposed Order</i> by Equal Employment Opportunity Commision. (Hernandez, Evangelina) (Filed on 4/28/2006) (Entered: 04/28/2006)
05/02/2006	<u>35</u>	CLERK'S NOTICE Case Management Conference RESCHEDULED for 5/12/2006 02:30 PM. (jfsec, COURT STAFF) (Filed on 5/2/2006) (Entered: 05/02/2006)
05/03/2006	<u>36</u>	ORDER EXTENDING TIME TO FILE JOINT CASE MANAGEMENT CONFERENCE STATEMENT. Signed by Judge Jeremy Fogel on 5/2/06. (jfsec, COURT STAFF) (Filed on 5/3/2006) (Entered: 05/03/2006)
05/04/2006	<u>37</u>	ORDER by Judge Jeremy Fogel granting 32 Motion for Attorney David L. Bird for admission Pro Hac Vice (gm, COURT STAFF) (Filed on 5/4/2006) (Entered: 05/05/2006)
05/05/2006	<u>38</u>	JOINT CASE MANAGEMENT STATEMENT filed by Equal Employment Opportunity Commision. (Hernandez, Evangelina) (Filed on 5/5/2006) (Entered: 05/05/2006)
05/12/2006	<u>41</u>	Minute Entry: Further Case Management Conference held on 5/12/2006 before Judge Jeremy Fogel (Date Filed: 5/12/2006). Continued to 6/23/2006 at 10:30 a.m. for further case management conference. (Court Reporter Not reported.) (dlm, COURT STAFF) (Date Filed: 5/12/2006) (Entered: 05/18/2006)
05/17/2006	<u>39</u>	ANSWER TO THIRD PARTY COMPLAINT <u>25</u> Intervenor Complaint <i>Answer to Complaint in Intervention</i> byHARMAN–MANAGEMENT CORPORATION. (Boehm, Bruce) (Filed on 5/17/2006) (Entered: 05/17/2006)
05/17/2006	<u>40</u>	ANSWER TO THIRD PARTY COMPLAINT <u>25</u> Intervenor Complaint <i>Answer to Complaint in Intervention</i> byJorge Garcia. (Boehm, Bruce) (Filed on 5/17/2006) (Entered: 05/17/2006)
05/25/2006	<u>42</u>	CERTIFICATION OF MEDIATION Session on 5/3/2006 filed by Mediator, Kristen W. Maloney, dated 5/18/2006. Case fully settled, mediation complete. (af, COURT STAFF) (Filed on 5/25/2006) (Entered: 05/25/2006)
06/06/2006	<u>43</u>	ORDER DISMISSING CASE. Signed by Judge Jeremy Fogel on 6/5/06. (dlm, COURT STAFF) (Filed on 6/6/2006) (Entered: 06/06/2006)
08/31/2006	<u>44</u>	STATUS REPORT <i>Regarding The Resolution of the Case</i> by Equal Employment Opportunity Commision. (Hernandez, Evangelina) (Filed on 8/31/2006) (Entered: 08/31/2006)
09/07/2006	<u>45</u>	STIPULATION <i>To File Consent Decree By September 18, 2006</i> by Equal Employment Opportunity Commision. (Hernandez, Evangelina) (Filed on 9/7/2006) (Entered: 09/07/2006)
09/11/2006	<u>46</u>	ORDER GRANTING STIPULATED REQUEST TO EXTEND TIME TO FILE THE CONSENT DECREE TO SEPTEMBER 18, 2006 re <u>45</u> Stipulation filed by Equal Employment Opportunity Commision,. Signed by Judge Jeremy Fogel on 9/11/06. (jfsec, COURT STAFF) (Filed on 9/11/2006) (Entered: 09/11/2006)
09/18/2006	<u>47</u>	SETTLEMENT AGREEMENT <i>Consent Decree</i> by Equal Employment Opportunity Commision, Equal Employment Opportunity Commision. (Attachments: # <u>1</u> Exhibit Exhibit A– Notice)(Hernandez, Evangelina) (Filed on 9/18/2006) (Entered: 09/18/2006)
09/26/2006	<u>48</u>	CONSENT DECREE re <u>47</u> Settlement Agreement filed by Equal Employment Opportunity Commision,. Signed by Judge Jeremy Fogel on 9/22/06. (jfsec, COURT STAFF) (Filed on 9/26/2006) (Entered: 09/26/2006)

10/05/2006	<u>49</u>	STIPULATION of Dismissal <i>and Order for Dismissal with Prejudice</i> by Sandra Vargas, Ester Hernandez, Marivel Hernandez. (Reisch, Jennifer) (Filed on 10/5/2006) (Entered: 10/05/2006)
10/13/2006	<u>50</u>	ORDER DISMISSING THE MATTER WITH PREJUDICE re <u>49</u> Stipulation of Dismissal filed by Sandra Vargas,, Ester Hernandez,, Marivel Hernandez,. Signed by Judge Jeremy Fogel on 10/13/06. (jfsec, COURT STAFF) (Filed on 10/13/2006) (Entered: 10/13/2006)
10/19/2006	<u>51</u>	STIPULATION of Dismissal <i>Stipulation and Order for Dismissal With Prejudice</i> by HARMAN-MANAGEMENT CORPORATION. (Boehm, Bruce) (Filed on 10/19/2006) (Entered: 10/19/2006)
10/25/2006	<u>52</u>	ORDER OF DISMISSAL re <u>51</u> Stipulation of Dismissal filed by HARMAN-MANAGEMENT CORPORATION,. Signed by Judge Jeremy Fogel on 10/24/06. (jfsec, COURT STAFF) (Filed on 10/25/2006) (Entered: 10/25/2006)
11/13/2007		FILE located at Federal Records Center (FRC), San Bruno, CA: Accession No: 021-07-0061, Location No: 735496, Box No: 146. (mpb, COURT STAFF) (Filed on 11/13/2007) (Entered: 11/13/2007)
11/05/2009	<u>53</u>	MOTION to Dismiss filed by Equal Employment Opportunity Commision. (Hernandez, Evangelina) (Filed on 11/5/2009) (Entered: 11/05/2009)
11/17/2009	<u>54</u>	ORDER by Judge Jeremy Fogel granting <u>53</u> Motion to Dismiss (dlm, COURT STAFF) (Filed on 11/17/2009) (Entered: 11/17/2009)