

CLOSED

**U.S. District Court  
District of Delaware (Wilmington)  
CIVIL DOCKET FOR CASE #: 1:99-cv-00377-RRM**

Equal Employment v. Dempsey's Diner, et al  
Assigned to: Judge Roderick R. McKelvie  
Demand: \$0  
Cause: 28:451 Employment Discrimination

Date Filed: 06/16/1999  
Date Terminated: 03/30/2000  
Jury Demand: Plaintiff  
Nature of Suit: 442 Civil Rights: Jobs  
Jurisdiction: U.S. Government Plaintiff

**Plaintiff**

**Equal Employment Opportunity  
Commission**

represented by **Carl Schnee**  
Bifferato Gentilotti Biden & Balick  
1308 Delaware Avenue  
P.O. Box 2165  
Wilmington, DE 19899  
(302) 429-1900  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**Dempsey's Diner Restaurant, Inc.**  
*TERMINATED: 08/26/1999*

represented by **Barry M. Klayman**  
Wolf, Block, Schorr and Solis-Cohen LLP  
Wilmington Trust Center  
1100 North Market Street, Suite 1001  
Wilmington, DE 19801  
(302) 777-0313  
Fax: (302) 778-7813  
Email: bklayman@wolfblock.com  
*TERMINATED: 08/26/1999*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Kevin J. Connors**  
Marshall, Dennehey, Warner, Coleman &  
Goggin  
1220 N. Market St., Suite 500  
P.O. Box 8888  
Wilmington, DE 19899  
(302) 552-4300  
Email: kjconnors@mdwecg.com  
*TERMINATED: 08/26/1999*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Intervenor Defendant****Dutch Diner, Inc.***trading as*

Dempsey's American Kitchen

represented by **Barry M. Klayman**

(See above for address)

**LEAD ATTORNEY****ATTORNEY TO BE NOTICED****Kevin J. Connors**

(See above for address)

**LEAD ATTORNEY****ATTORNEY TO BE NOTICED****Notice Only****Jane Doe**represented by **Shirley A. McDermott-Lundin**

Shirley A. McDermott-Lundin, Esq.

1216 King Street

2nd Floor

Wilmington, DE 19801

**LEAD ATTORNEY****ATTORNEY TO BE NOTICED****Defendant****Dutch Diner, Inc.***trading as*

Dempsey's American Kitchen

represented by **Barry M. Klayman**

(See above for address)

**LEAD ATTORNEY****ATTORNEY TO BE NOTICED****Kevin J. Connors**

(See above for address)

**LEAD ATTORNEY****ATTORNEY TO BE NOTICED**

| <b>Date Filed</b> | <b>#</b> | <b>Docket Text</b>   |
|-------------------|----------|--|
| 06/16/1999        | 1        | COMPLAINT filed; Mag consent notice to pltf. (dab) (Entered: 06/16/1999)                         |
| 06/16/1999        |          | No summons issued. (dab) (Entered: 06/16/1999)   |
| 06/21/1999        | 2        | AMENDED COMPLAINT by Equal Employment, amending [1-1] complaint (ds) (Entered: 06/21/1999)       |
| 06/21/1999        |          | SUMMONS(ES) issued for Dempsey's Diner copies to: (ds) (Entered: 06/21/1999)                     |
| 06/23/1999        | 3        | CASE assigned to Judge Roderick R. McKelvie . Notice to all parties. (ntl) (Entered: 06/23/1999) |
| 06/30/1999        | 4        | Return of service unexecuted as to Dempsey's Diner (ntl) (Entered: 06/30/1999)                   |

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| 07/01/1999 | 5  | NOTICE of attorney appearance for Dempsey's Diner by Kevin J. Connors (ntl) (Entered: 07/06/1999)   |
| 07/02/1999 | 6  | MOTION by Equal Employment with Proposed Order for Judith A. O'Boyle, Esq. to Appear Pro Hac Vice (ntl) (Entered: 07/06/1999)   |
| 07/06/1999 |    | So Ordered granting [6-1] motion for Judith A. O'Boyle, Esq. to Appear Pro Hac Vice ( signed by Judge Roderick R. McKelvie ) Notice to all parties. (ntl) (Entered: 07/06/1999)   |
| 07/12/1999 | 7  | NOTICE of attorney appearance for Dempsey's Diner Restaurant, Inc./Dempsey's American Kitchen, only by Barry M. Klayman (ntl) (Entered: 07/12/1999)   |
| 07/14/1999 | 8  | Praecipe filed by Equal Employment (ntl) (Entered: 07/15/1999)  |
| 07/14/1999 |    | SUMMONS issued for Linda Walls, Assistant Manager Dempsey's American Kitchen Restaurant. (ntl) (Entered: 07/15/1999)  |
| 07/20/1999 | 9  | Letter from Judge McKelvie to counsel encl. draft proposed scheduling order. (ntl) (Entered: 07/21/1999)  |
| 07/21/1999 | 10 | RETURN OF SERVICE executed as to Dempsey's Diner 7/19/99 Answer due on 8/9/99 for Dempsey's Diner (ntl) (Entered: 07/22/1999)   |
| 07/23/1999 | 11 | STIPULATION to extend time for dft to respond to amended complaint by 8/16/99. (ntl) (Entered: 07/23/1999)  |
| 07/23/1999 |    | Deadline updated; reset Answer deadline to 8/16/99 for Dempsey's Diner (ntl) (Entered: 07/23/1999)  |
| 08/02/1999 | 12 | NOTICE of attorney appearance for charging party plaintiff, Jane Doe by Shirley A. McDermott-Lundin, Esq. (ntl) (Entered: 08/03/1999)   |
| 08/05/1999 | 13 | MOTION by Dempsey's Diner (Dutch Diner, Inc.) with Proposed Order for Jonathan D. Wetchler, Esq. and Caroline M. Austin, Esq. to Appear Pro Hac Vice (ntl) (Entered: 08/05/1999)  |
| 08/09/1999 |    | So Ordered granting [13-1] motion for Jonathan D. Wetchler, Esq. and Caroline M. Austin, Esq. to Appear Pro Hac Vice ( signed by Judge Roderick R. McKelvie ) Notice to all parties. (ntl) (Entered: 08/10/1999)  |
| 08/12/1999 |    | Tele-conference held; rprtr. V. Gunning (ntl) (Entered: 08/12/1999)   |
| 08/12/1999 | 14 | MOTION by Dempsey's Diner with Proposed Order for Ronda K. O'Donnell, Esq. to Appear Pro Hac Vice (ntl) (Entered: 08/12/1999)   |
| 08/12/1999 | 15 | MOTION by Dempsey's Diner with Proposed Order for Thomas C. DeLorenzo, Esq. to Appear Pro Hac Vice (ntl) (Entered: 08/12/1999)  |
| 08/13/1999 |    | So Ordered granting [14-1] motion for Ronda K. O'Donnell, Esq. to Appear Pro Hac Vice granting [15-1] motion for Thomas C. DeLorenzo, Esq. to Appear Pro Hac Vice ( signed by Judge Roderick R. McKelvie ) Notice to all parties. (ntl) (Entered: 08/16/1999) |
| 08/23/1999 | 16 | Letter dated 8/20/99 from Ronda O'Donnell, Esq. to Judge McKelvie re dft's response to amended complaint. (ntl) (Entered: 08/24/1999)   |

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| 08/26/1999 | 17 | SECOND AMENDED COMPLAINT by Equal Employment amending [2-1] amended complaint, [1-1] complaint against Dutch Diner, Inc. (ntl) (Entered: 08/27/1999)   |
| 09/01/1999 | 18 | Letter dated 8/27/99 from Ronda O'Donnell, Esq. to Judge McKelvie re second amended complaint and response to same. (ntl) (Entered: 09/02/1999)  |
| 09/09/1999 | 19 | MOTION by Jane Doe with Proposed Order to Intervene (ntl) (Entered: 09/09/1999)  |
| 09/14/1999 | 20 | ANSWER to Complaint by Dutch Diner, Inc. (Attorney Kevin J. Connors, Barry M. Klayman) (ntl) (Entered: 09/15/1999)   |
| 09/15/1999 | 21 | NOTICE of appearance of Kevin Connors, Esq., Thomas Delorenzo, Esq. and Ronda O'Donnell, Esq. for Dutch Diner, Inc. (ntl) (Entered: 09/16/1999)  |
| 09/27/1999 |    | So Ordered granting [19-1] motion to Intervene ( signed by Judge Roderick R. McKelvie ) Notice to all parties. (ntl) (Entered: 09/27/1999)   |
| 10/13/1999 | 22 | CERTIFICATE OF SERVICE by Jane Doe re initial disclosures. (ntl) (Entered: 10/14/1999)   |
| 10/13/1999 | 23 | Intervenor's COMPLAINT by Jane Doe against Dutch Diner, Inc. (ntl) (Entered: 10/14/1999)   |
| 11/04/1999 | 24 | MOTION by Dutch Diner, Inc. with Proposed Order to Dismiss counts II, III and IV of Intervenor Jane Doe's complaint Answer Brief due 11/18/99 re: [24-1] motion (ntl) (Entered: 11/04/1999)  |
| 11/04/1999 | 25 | Opening Brief Filed by Dutch Diner, Inc. [24-1] motion to Dismiss counts II, III and IV of Intervenor Jane Doe's complaint (ntl) (Entered: 11/04/1999)   |
| 11/04/1999 | 26 | Appendix to Brief Filed by Dutch Diner, Inc. Appending [25-1] opening brief (ntl) (Entered: 11/04/1999)  |
| 11/04/1999 | 27 | Letter dated 11/3/99 from Ronda O'Donnell, Esq. to Clerk re D.I. 24-26. (ntl) (Entered: 11/04/1999)  |
| 11/04/1999 | 28 | Letter dated 11/3/99 from Ronda O'Donnell, Esq. to Judge McKelvie re D.I. 24-26. (ntl) (Entered: 11/04/1999)   |
| 11/18/1999 | 29 | Answer Brief Filed by Jane Doe [24-1] motion to Dismiss counts II, III and IV of Intervenor Jane Doe's complaint - Reply Brief due 11/26/99 (ntl) (Entered: 11/19/1999)  |
| 11/22/1999 | 30 | Letter from Judith Kinney, Esq. to Judge McKelvie encl. proposed scheduling order. (ntl) (Entered: 11/23/1999)   |
| 11/23/1999 | 31 | SCHEDULING ORDER setting Status Report 12/10/99 Status Conference by telephone 3:00 12/17/99 Discovery cutoff 3/20/00 ; Deadline for filing dispositive motions 3/27/00 Pretrial conference for 4:30 5/15/00 ; Trial Date Deadline (10 day jury) 10:00 5/22/00 ; ( signed by Judge Roderick R. McKelvie ) copies to: cns1. (ntl) (Entered: 11/24/1999) |
| 11/24/1999 | 32 | TRIAL MANAGEMENT ORDER ( signed by Judge Roderick R. McKelvie ) copies to: cns1. (ntl) (Entered: 11/24/1999)   |

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| 11/24/1999 | 33 | ORDER, set Telephone Conference for 9:30 12/8/99 ( signed by Judge Mary P. Thyng ) copies to: cnsl. (ntl) (Entered: 11/24/1999)  |
| 11/24/1999 | 34 | Reply Brief Filed by Dutch Diner, Inc. [24-1] motion to Dismiss counts II, III and IV of Intervenor Jane Doe's complaint (ntl) (Entered: 11/29/1999)                   |
| 12/08/1999 | 35 | ORDER, set Mediation Conference for 9:30 12/21/99 , conference statements due 12/16/99; ( signed by Judge Mary P. Thyng ) copies to: cnsl. (ntl) (Entered: 12/08/1999) |
| 12/10/1999 | 36 | Letter STATUS REPORT by Jane Doe (ntl) (Entered: 12/13/1999)   |
| 12/10/1999 | 37 | CERTIFICATE OF SERVICE by Jane Doe re ans. to dft's interrogs. and responses to dft's request for production. (ntl) (Entered: 12/13/1999)                              |
| 12/21/1999 | 38 | ORDER, set Telephone Conference for 2:00 1/24/00 ( signed by Judge Mary P. Thyng ) copies to: cnsl. (ntl) (Entered: 12/21/1999)  |
| 12/21/1999 | 39 | ORDER scheduling a teleconference for 3/3/00 at 10:30 ( signed by Judge Mary P. Thyng ) copies to: cnsl. (ntl) (Entered: 12/21/1999)                                   |
| 01/04/2000 | 40 | CERTIFICATE OF SERVICE by Jane Doe re rule 26(a)(2) disclosures. (ntl) (Entered: 01/05/2000)   |
| 01/10/2000 | 41 | NOTICE by Jane Doe to take depositions of L. Jackson, D. Grubb on 1/13/00 (ntl) (Entered: 01/10/2000)  |
| 01/26/2000 | 42 | NOTICE by Jane Doe to take deposition of Tasheim L. Woods on 2/1/00 (ntl) (Entered: 01/26/2000)  |
| 01/27/2000 | 43 | ORDER, set continued Mediation Conference for 10:00 2/23/00 ( signed by Judge Mary P. Thyng ) copies to: cnsl. (ntl) (Entered: 01/27/2000)                             |
| 01/28/2000 | 44 | Subpoena for Tasheim L. Woods (ntl) (Entered: 01/31/2000)  |
| 03/29/2000 | 45 | Settlement Agreement with proposed order (ntl) (Entered: 03/30/2000)   |
| 03/30/2000 | 46 | STIPULATION of dismissal (ntl) (Entered: 03/30/2000)   |
| 03/30/2000 |    | So Ordered granting [45-1] Settlement Agreement ( signed by Judge Roderick R. McKelvie ) Notice to all parties. (ntl) (Entered: 03/30/2000)                            |
| 03/30/2000 |    | Case closed (ntl) (Entered: 03/30/2000)  |

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