

CLOSED, MOTREF

**U.S. District Court  
District of Delaware (Wilmington)  
CIVIL DOCKET FOR CASE #: 1:01-cv-00413-GMS**

Equal Employment v. Sam's Club  
Assigned to: Honorable Gregory M. Sleet  
Referred to: Honorable Mary Pat Thyng  
Demand: \$0  
Cause: 28:451 Employment Discrimination

Date Filed: 06/19/2001  
Date Terminated: 10/03/2002  
Jury Demand: Plaintiff  
Nature of Suit: 442 Civil Rights: Jobs  
Jurisdiction: U.S. Government Plaintiff

**Plaintiff**

**Equal Employment Opportunity  
Commission**

represented by **Judith M. Kinney**  
Kroll Consultant, Legal Technologies  
130 Pheasant Hill Lane  
Landenberg, PA 19350  
(610)563-4574  
Fax: (302) 778-7575  
Email: jkinney@krollontrack.com  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

V.

**Defendant**

**Sam's Club**  
*a division of Wal-Mart Stores,  
Incorporated*

represented by **Matthew F. Boyer**  
Connolly, Bove, Lodge & Hutz  
The Nemours Building  
1007 North Orange Street  
P.O. Box 2207  
Wilmington, DE 19899  
(302) 884-6585  
Fax: (302) 658-0380  
Email: mboyer@cblh.com  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

| <b>Date Filed</b> | <b>#</b> | <b>Docket Text</b>                                                       |
|-------------------|----------|--------------------------------------------------------------------------|
| 06/19/2001        | 1        | COMPLAINT filed; Mag consent notice to pltf. (dab) (Entered: 06/19/2001) |
| 06/19/2001        |          | DEMAND for jury trial by Equal Employment (dab) (Entered: 06/19/2001)    |
| 06/19/2001        |          | SUMMONS(ES) issued for Sam's Club (dab) (Entered: 06/19/2001)            |

|            |    |                                                                                                                                                                                                                                                                                                                                        |
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| 06/27/2001 | 2  | CASE assigned to Judge Roderick R. McKelvie . Notice to all parties. (gp) (Entered: 06/27/2001)                                                                                                                                                                                                                                        |
| 07/11/2001 | 3  | ANSWER to Complaint by Sam's Club (Attorney Matthew F. Boyer) (ntl) (Entered: 07/12/2001)                                                                                                                                                                                                                                              |
| 07/16/2001 | 4  | RETURN OF SERVICE executed as to Sam's Club 6/29/01 Answer due on 7/19/01 for Sam's Club (ntl) (Entered: 07/16/2001)                                                                                                                                                                                                                   |
| 07/17/2001 | 5  | MOTION by Sam's Club with Proposed Order for Susan K. Klooz, Esq. to Appear Pro Hac Vice (ntl) (Entered: 07/18/2001)                                                                                                                                                                                                                   |
| 07/18/2001 |    | So Ordered granting [5-1] motion for Susan K. Klooz, Esq. to Appear Pro Hac Vice ( signed by Judge Roderick R. McKelvie ) Notice to all parties. (ntl) (Entered: 07/19/2001)                                                                                                                                                           |
| 07/19/2001 | 6  | MOTION by Equal Employment with Proposed Order for Terrence R. Cook, Esq. to Appear Pro Hac Vice (ntl) (Entered: 07/19/2001)                                                                                                                                                                                                           |
| 07/20/2001 |    | So Ordered granting [6-1] motion for Terrence R. Cook, Esq. to Appear Pro Hac Vice ( signed by Judge Roderick R. McKelvie ) Notice to all parties. (ntl) (Entered: 07/20/2001)                                                                                                                                                         |
| 07/26/2001 | 7  | Letter dated 7/25/01 from Judge McKelvie to counsel encl. draft proposed scheduling order. (ntl) (Entered: 07/30/2001)                                                                                                                                                                                                                 |
| 08/27/2001 |    | Tele-conference held; rprtr. Hawkins rptg. (ntl) (Entered: 08/27/2001)                                                                                                                                                                                                                                                                 |
| 08/27/2001 | 8  | Letter dated 8/23/01 from Terrence Cook, Esq. to Judge McKelvie re telephone conference scheduled for 8/27/01 at 2:15. (ntl) (Entered: 08/28/2001)                                                                                                                                                                                     |
| 09/04/2001 | 9  | TRIAL MANAGEMENT ORDER ( signed by Judge Roderick R. McKelvie ) copies to: cnsl. (ntl) (Entered: 09/05/2001)                                                                                                                                                                                                                           |
| 09/04/2001 | 10 | SCHEDULING ORDER setting Status Report 1/15/02 Status Conference 4:30 1/22/02 Discovery cutoff 3/15/02 ; Deadline for filing dispositive motions 3/29/02 Pretrial conference for 4:30 6/10/02 ; Trial Date Deadline (3 day jury) 10:00 6/24/02 ; ( signed by Judge Roderick R. McKelvie ) copies to: cnsl. (ntl) (Entered: 09/05/2001) |
| 09/07/2001 | 11 | ORDER, set Telephone Conference for 9:00 10/22/01 ( signed by Judge Mary P. Thyng ) copies to: cnsl. (ntl) (Entered: 09/10/2001)                                                                                                                                                                                                       |
| 09/13/2001 | 12 | CERTIFICATE OF SERVICE by Sam's Club re initial disclosures (ntl) (Entered: 09/13/2001)                                                                                                                                                                                                                                                |
| 09/14/2001 | 13 | Letter from counsel to Judge McKelvie re discovery plan. (ntl) (Entered: 09/17/2001)                                                                                                                                                                                                                                                   |
| 10/22/2001 | 14 | ORDER, set Mediation Conference for 10:00 3/11/02 , conference statements due 3/1/02; ( signed by Judge Mary P. Thyng ) copies to: cnsl. (ntl) (Entered: 10/22/2001)                                                                                                                                                                   |
| 12/27/2001 | 15 | CERTIFICATE OF SERVICE by Equal Employment of 1st set of interog. and requests for production to deft. (gp) (Entered: 12/28/2001)                                                                                                                                                                                                      |

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| 01/07/2002 | 16 | Letter from Judge McKelvie to counsel re resignation. (ntl) (Entered: 01/08/2002)                                                                                                               |
| 01/16/2002 | 17 | Letter from Matthew Boyer, Esq. to Judge McKelvie re status report. (ntl) (Entered: 01/17/2002)                                                                                                 |
| 01/23/2002 | 18 | CERTIFICATE OF SERVICE by Equal Employment re notice of deposition. (ntl) (Entered: 01/24/2002)                                                                                                 |
| 01/23/2002 | 19 | Letter from Paulette Nash, Esq. to Judge McKelvie re status of case. (ntl) (Entered: 01/24/2002)                                                                                                |
| 03/14/2002 | 20 | STIPULATION with proposed order to extend time for close of discovery and case dispositive motions: discovery cutoff 5/15/02, case dispositive motions due 5/29/02. (ntl) (Entered: 03/14/2002) |
| 03/15/2002 |    | So Ordered granting [20-1] stipulation ( signed by Judge Roderick R. McKelvie ) Notice to all parties. (ntl) (Entered: 03/18/2002)                                                              |
| 03/18/2002 |    | Deadline updated; reset Scheduling Order Deadlines: Discovery deadline on 5/15/02 Deadline for filing dispositive motions by 5/29/02 (ntl) (Entered: 03/18/2002)                                |
| 05/14/2002 | 21 | STIPULATION with proposed order to amend scheduling order re pretrial conference and trial dates are hereby stricken. (ntl) (Entered: 05/14/2002)                                               |
| 05/15/2002 |    | So Ordered granting [21-1] stipulation ( signed by Judge Roderick R. McKelvie ) Notice to all parties. (ntl) (Entered: 05/16/2002)                                                              |
| 05/24/2002 | 22 | STIPULATION with proposed order for extension of time to file case dispositive motions by 6/12/02. (ntl) (Entered: 05/28/2002)                                                                  |
| 05/30/2002 |    | So Ordered granting [22-1] stipulation ( signed by Judge Roderick R. McKelvie ) Notice to all parties. (ntl) (Entered: 05/30/2002)                                                              |
| 05/30/2002 |    | Deadline updated; reset Scheduling Order Deadlines: Deadline for filing dispositive motions by 6/12/02 (ntl) (Entered: 05/30/2002)                                                              |
| 06/12/2002 | 23 | STIPULATION with proposed order filed by the parties, extending deadline for filing of case dispositive motions to 6/26/02. (rwc) (Entered: 06/13/2002)                                         |
| 06/13/2002 |    | So Ordered granting [23-1] stipulation ( signed by Judge Roderick R. McKelvie ) Notice to all parties. (rwc) (Entered: 06/13/2002)                                                              |
| 06/14/2002 | 24 | CASE reassigned to Vacant Judgeship . Notice to all parties. (rwc) (Entered: 06/14/2002)                                                                                                        |
| 06/14/2002 |    | CASE REFERRED to Judge Mary P. Thyng (rwc) (Entered: 06/14/2002)                                                                                                                                |
| 06/26/2002 | 25 | MOTION by Sam's Club for Summary Judgment Answer Brief due 7/10/02 re: [25-1] motion (ntl) (Entered: 06/26/2002)                                                                                |
| 06/26/2002 | 26 | Opening Brief Filed by Sam's Club [25-1] motion for Summary Judgment (ntl) (Entered: 06/26/2002)                                                                                                |
| 06/26/2002 | 27 | AFFIDAVIT of Matthew F. Boyer Re: [25-1] motion for Summary Judgment (ntl) (Entered: 06/26/2002)                                                                                                |

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| 06/26/2002 | 28 | Appendix to Brief Filed by Sam's Club Appending [26-1] opening brief (ntl) (Entered: 06/26/2002)                                                |
| 07/09/2002 | 29 | STIPULATED Amended Briefing Schedule with proposed order: dft's answering brief 7/26/02, ptf's reply brief 8/16/02. (ntl) (Entered: 07/10/2002) |
| 07/11/2002 |    | So Ordered granting [29-1] stipulation ( signed by Judge Mary P. Thyng ) Notice to all parties. (ntl) (Entered: 07/12/2002)                     |
| 07/31/2002 | 30 | ORDER, set Status Report deadline to 8/20/02 ( signed by Judge Mary P. Thyng ) copies to: cnsl. (ntl) (Entered: 07/31/2002)                     |
| 08/20/2002 | 31 | Letter from counsel to Judge Thyng re status report. (ntl) (Entered: 08/21/2002)                                                                |
| 09/27/2002 | 32 | CONSENT DECREE with proposed order (ntl) (Entered: 09/30/2002)                                                                                  |
| 10/01/2002 | 33 | CASE reassigned to Judge Gregory M. Sleet . Notice to all parties. (ntl) (Entered: 10/01/2002)                                                  |
| 10/03/2002 |    | So Ordered granting [32-1] CONSENT DECREE ( signed by Judge Gregory M. Sleet ) Notice to all parties. (ntl) (Entered: 10/04/2002)               |
| 10/03/2002 |    | Case closed (ntl) (Entered: 10/04/2002)                                                                                                         |

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