

DAB, FRC

**U.S. District Court  
Middle District of Florida (Orlando)  
CIVIL DOCKET FOR CASE #: 6:97-cv-01193-PCF**

EEOC v. Pacino's, Inc.  
Assigned to: Chief Judge Patricia C. Fawsett  
Demand: \$0  
Cause: 42:2000 Job Discrimination (Sex)

Date Filed: 09/30/1997  
Date Terminated: 12/08/1999  
Jury Demand: Both  
Nature of Suit: 442 Civil Rights: Jobs  
Jurisdiction: U.S. Government Plaintiff

**Plaintiff**

**Equal Employment Opportuntiy  
Commission**

represented by **Michael J. Farrell**  
Jill S. Schwartz & Associates, PA  
Suite 200  
180 Park Ave N  
Winter Park, FL 32789  
407/647-8911  
Fax: 407/628-4994  
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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**Pacino's, Inc.**

represented by **Agustin R. Benitez**  
Benitez & Butcher, PA  
1223 E Concord St  
Orlando, FL 32803  
407/894-5000  
Fax: 407/896-8061  
Email: benitezlaw@aol.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Mediator**

**C. Welborn Daniel**  
*TERMINATED: 01/29/1999*

represented by **C. Welborn Daniel**  
#  
Law Offices of C. Welborn Daniel  
P.O. Box 2166  
Daytona Beach, FL 32115  
386/253-1560  
PRO SE

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
09/30/1997	1	COMPLAINT filed with demand for JURY TRIAL - Title VII action - unlawful employment practices on the basis of sex and retaliation (jrm) (Entered: 10/01/1997)
09/30/1997		MAGISTRATE JUDGE CASE ASSIGNMENT Magistrate assigned: David A. Baker (jrm) (Entered: 10/01/1997)
09/30/1997	2	ORDER directing counsel to review and certify compliance with Local Rule 1.04(c) within 10 days. (Signed by Judge Patricia C. Fawsett ) ctc (jrm) (Entered: 10/01/1997)
10/01/1997		SUMMONS issued for Pacino's, Inc. Consent(s) issued. (jrm) (Entered: 10/01/1997)
10/08/1997	3	NOTICE of designation under Local Rule 3.05 - TRACK 2. (ctc) (djd) (Entered: 10/08/1997)
10/09/1997	4	CERTIFICATE OF COMPLIANCE by plaintiff EEOC with [2-1] order - no related pending or closed cases. (djd) (Entered: 10/10/1997)
11/17/1997	5	NOTICE of attorney appearance for defendant Pacino's, Inc. by Gus R. Benitez (djd) (Entered: 11/18/1997)
11/24/1997	6	MOTION by defendant Pacino's, Inc. with memorandum in support for more definite statement (djd) (Entered: 11/24/1997)
12/11/1997	7	RESPONSE by plaintiff EEOC to [6-1] motion for more definite statement (djd) (Entered: 12/11/1997)
12/18/1997		ENDORSED ORDER denying defendant's [6-1] motion for more definite statement ( Signed by Judge Patricia C. Fawsett ) ctc (djd) (Entered: 12/18/1997)
12/22/1997	8	NOTICE of new case number 97-1193-Civ-Orl-19B (spr) (Entered: 12/22/1997)
12/31/1997	9	ANSWER and affirmative defenses to Complaint by defendant Pacino's, Inc.; jury demand (djd) (Entered: 01/05/1998)
01/23/1998	10	CASE MANAGEMENT REPORT. (djd) (Entered: 01/23/1998)
02/12/1998	11	CASE MANAGEMENT AND SCHEDULING ORDER setting Joining of parties, amending of pleadings on 9/30/98; Deadline for filing of motions 7/30/99; Discovery cutoff 6/30/99; Pretrial statement due on or before 10/1/99; Final pretrial conference to be set by the U.S. Magistrate Judge; Jury trial set for 12/1/99 before Judge Patricia C. Fawsett ( signed by Judge Patricia C. Fawsett ) ctc (djd) (Entered: 02/12/1998)
02/23/1998	12	NOTICE of Hearing: Set final pretrial conference at 9:00 a.m. on 11/10/99 before Magistrate Judge David A. Baker ctc (djd) (Entered: 02/23/1998)
10/15/1998	13	ORDER referring case to mediation and directing selection of a mediator. The parties have two weeks to select a mediator and notify the Court of their selection. Absent a joint selection, the Court will issue an order appointing a mediator. The mediation conference will be conducted by 1/31/99 ( Signed by

		Magistrate Judge David A. Baker ) Lead counsel to coordinate dates. ctc (spr) (Entered: 10/15/1998)
11/09/1998	14	ORDER appointing C. Welborn Daniel as mediator in this action. (Signed by Magistrate Judge David A. Baker) ctc (spr) (Entered: 11/09/1998)
12/07/1998	15	NOTICE of mediation set for 1/21/99 by C. Welborn Daniel (spr) (Entered: 12/07/1998)
01/29/1999	16	MEDIATION REPORT. Mediation Hearing Held: 1/21/99. C. Welborn Daniel, Mediator. Hearing Outcome: Impasse (spr) (Entered: 01/29/1999)
06/21/1999	17	JOINT MOTION and supporting memorandum of law by EEOC, Pacino's, Inc. for 60 day extension of discovery deadline - referred to Magistrate Judge David A. Baker (spr) (Entered: 06/21/1999)
06/24/1999	18	ORDER granting [17-1] joint motion for 60 day extension of discovery deadline. Reset discovery due for 8/30/99 ( Signed by Magistrate Judge David A. Baker ) ctc MFR Number (spr) (Entered: 06/24/1999)
09/30/1999	<a href="#">19</a>	JOINT MOTION by EEOC, Pacino's, Inc. for three-week extension of deadline to file joint pretrial stipulation, joint proposed jury instructions and verdict form and proposed voir dire - referred to Magistrate Judge David A. Baker (spr) (Entered: 09/30/1999)
10/01/1999	<a href="#">20</a>	ORDER granting [19-1] joint motion for three-week extension of deadline to file joint pretrial stipulation, joint proposed jury instructions and verdict form and proposed voir dire. Reset pretrial statement deadline for 10/22/99 ( Signed by Magistrate Judge David A. Baker ) ctc (spr) (Entered: 10/01/1999)
10/22/1999	<a href="#">21</a>	PROPOSED voir dire questions by plaintiff EEOC (djd) (Entered: 10/22/1999)
10/22/1999	<a href="#">22</a>	JOINT PRETRIAL STATEMENT. (djd) (Entered: 10/22/1999)
10/22/1999	<a href="#">23</a>	JOINT MOTION with memorandum in support by plaintiff EEOC, defendant Pacino's, Inc. to extend time to 10/27/99 to file joint proposed jury instructions and verdict form referred to Magistrate Judge David A. Baker (djd) (Entered: 10/22/1999)
10/26/1999	<a href="#">24</a>	ORDER granting [23-1] joint motion to extend time to 10/27/99 to file joint proposed jury instructions and verdict form ( Signed by Magistrate Judge David A. Baker ) ctc (spr) (Entered: 10/26/1999)
10/27/1999	<a href="#">25</a>	JOINT PROPOSED jury instructions and verdict form by EEOC, Pacino's, Inc. (spr) (Entered: 10/27/1999)
11/10/1999		Final pretrial conference held (spr) (Entered: 11/10/1999)
11/10/1999	<a href="#">26</a>	MINUTE ENTRY: Final pretrial conference held on 11/10/99 before Magistrate Judge David A. Baker. Court to enter an order to show cause why sanctions should not be imposed against the defendant for not appearing at the final pretrial conference. Court to reschedule hearing. Tape 99-75:2-172 (spr) (Entered: 11/10/1999)
11/12/1999	<a href="#">27</a>	MOTION by EEOC with memorandum in support in limine to exclude defendant's Exhibits #1 and #46 from trial (spr) (Entered: 11/12/1999)

11/12/1999	<a href="#"><u>28</u></a>	MOTION by EEOC with memorandum in support in limine to exclude witnesses Wendy Baker and Ron Imburgia from trial (spr) (Entered: 11/12/1999)
11/12/1999	<a href="#"><u>29</u></a>	MOTION by EEOC with memorandum in support in limine to exclude writings of Charles Moses (spr) (Entered: 11/12/1999)
11/12/1999	<a href="#"><u>30</u></a>	MOTION by EEOC with memorandum in support in limine to exclude evidence of Oscar Rodriguez's criminal record (spr) (Entered: 11/12/1999)
11/15/1999	<a href="#"><u>31</u></a>	ORDER and Notice of Hearing: Counsel for defendant is ordered to file a formal response prior to the scheduled hearing as to why sanctions should not be imposed for failure to appear at the 11/10/99 pretrial conference. Set show cause response due 11/22/99 . Reset final pretrial conference for 2:30 p.m. on 11/22/99 before Magistrate Judge David A. Baker ( Signed by Magistrate Judge David A. Baker ) ctc (spr) (Entered: 11/15/1999)
11/16/1999	<a href="#"><u>32</u></a>	MOTION by EEOC with memorandum in support for trial brief to exceed 20 pages (spr) (Entered: 11/16/1999)
11/17/1999		ENDORSED ORDER denying [32-1] motion for trial brief to exceed 20 pages. See Rule (Local) 1.05(a) ( Signed by Judge Patricia C. Fawsett ) (spr) (Entered: 11/17/1999)
11/18/1999	<a href="#"><u>33</u></a>	RESPONSE TO ORDER and notice of hearing dated 11/15/99 filed by counsel for defendant Pacino's, Inc. (spr) (Entered: 11/18/1999)
11/19/1999	<a href="#"><u>34</u></a>	TRIAL BRIEF by Pacino's, Inc. (spr) (Entered: 11/19/1999)
11/22/1999	<a href="#"><u>35</u></a>	STATEMENT OF EXPENSES by EEOC (spr) (Entered: 11/22/1999)
11/22/1999	<a href="#"><u>36</u></a>	DECLARATION of Frank Rial by EEOC Re: [35-1] statement of expenses (spr) (Entered: 11/22/1999)
11/22/1999		Final pretrial conference held (spr) (Entered: 11/23/1999)
11/22/1999	<a href="#"><u>37</u></a>	MINUTE ENTRY: Final pretrial conference held on 11/22/99 before Magistrate Judge David A. Baker (spr) (Entered: 11/23/1999)
11/23/1999	<a href="#"><u>38</u></a>	RESPONSE by Pacino's, Inc. to [27-1] plaintiff's motion in limine to exclude defendant's Exhibits #1 and #46 from trial (spr) (Entered: 11/24/1999)
11/23/1999	<a href="#"><u>39</u></a>	RESPONSE by Pacino's, Inc. to [28-1] plaintiff's motion in limine to exclude witnesses Wendy Baker and Ron Imburgia from trial (spr) (Entered: 11/24/1999)
11/23/1999	<a href="#"><u>40</u></a>	RESPONSE by Pacino's, Inc. to [29-1] plaintiff's motion in limine to exclude writings of Charles Moses (spr) (Entered: 11/24/1999)
11/23/1999	<a href="#"><u>41</u></a>	RESPONSE by Pacino's, Inc. to [30-1] plaintiff's motion in limine to exclude evidence of Oscar Rodriguez's criminal record (spr) (Entered: 11/24/1999)
11/24/1999	<a href="#"><u>42</u></a>	ORDER that counsel for defendant is ordered to reimburse plaintiff \$783.08 for travel costs associated with the cancelled hearing. ( Signed by Magistrate Judge David A. Baker ) ctc (spr) (Entered: 11/24/1999)
11/24/1999	<a href="#"><u>43</u></a>	ORDER that defendant will complete production of documents as agreed by counsel, defendant shall serve and file excerpt designations for any depositions it may wish to use at trial by 11/30/99, and that defendant is authorized to bring

		laptop computers into the courthouse for use during the jury trial scheduled to commence at 9:00 a.m. on 12/1/99. ( Signed by Magistrate Judge David A. Baker ) ctc (spr) (Entered: 11/24/1999)
11/26/1999	<a href="#"><u>44</u></a>	MOTION by plaintiff EEOC for leave to file amended trial brief in accordance with this Court's Order dated November 17, 1999 (jrm) (Entered: 11/26/1999)
11/29/1999		ENDORSED ORDER granting plaintiff's [44-1] motion for leave to file amended trial brief in accordance with this Court's Order dated November 17, 1999 ( Signed by Judge Patricia C. Fawsett ) ctc (djd) (Entered: 11/29/1999)
11/29/1999	<a href="#"><u>45</u></a>	AMENDED TRIAL BRIEF by plaintiff EEOC (djd) (Entered: 11/29/1999)
11/30/1999	<a href="#"><u>46</u></a>	FILING OF DEPOSITIONS to be read to the jury by Pacino's, Inc. (spr) (Entered: 11/30/1999)
11/30/1999	<a href="#"><u>47</u></a>	DEPOSITION of Mark J.Round, M.D. by Pacino's, Inc. Transcript filed separately. (spr) (Entered: 11/30/1999)
11/30/1999	<a href="#"><u>48</u></a>	DEPOSITION of Denise Barnard by Pacino's, Inc. Transcript filed separately. (spr) (Entered: 11/30/1999)
11/30/1999	<a href="#"><u>49</u></a>	DEPOSITION of Theodore Michael Bonstedt by Pacino's, Inc. Transcript filed separately. (spr) (Entered: 11/30/1999)
12/01/1999		Jury trial held (spr) (Entered: 12/02/1999)
12/01/1999	<a href="#"><u>50</u></a>	MINUTE ENTRY: Civil jury trial (Day #1) held on 12/1/99 before Judge Patricia C. Fawsett. Court Reporter: Emery Tompkins (spr) (Entered: 12/02/1999)
12/02/1999	<a href="#"><u>51</u></a>	MINUTE ENTRY: Civil jury trial (Day #2) held on 12/2/99 before Judge Patricia C. Fawsett. Court takes motions for judgment as a matter of law under advisement. Court Reporter: Emery Tompkins (spr) (Entered: 12/03/1999)
12/02/1999		MOTION in open court by Pacino's, Inc. for directed verdict (judgment as a matter of law) (spr) (Entered: 12/03/1999)
12/02/1999		ORAL ORDER denying [0-0] motion for directed verdict (judgment as a matter of law) ( Signed by Judge Patricia C. Fawsett ) ctc (spr) (Entered: 12/03/1999)
12/02/1999	<a href="#"><u>52</u></a>	DEPOSITION of Melissa Teague by Pacino's, Inc. filed in Open Court. Transcript filed separately. (spr) (Entered: 12/03/1999)
12/02/1999	<a href="#"><u>53</u></a>	DEPOSITION of Christine Conroy by Pacino's, Inc. filed in Open Court. Transcript filed separately. (spr) (Entered: 12/03/1999)
12/03/1999	<a href="#"><u>54</u></a>	MINUTE ENTRY: Civil jury trial (Day #3) held on 12/3/99 before Judge Patricia C. Fawsett. Court Reporter: Rita Meyer (spr) (Entered: 12/06/1999)
12/03/1999		MOTION in open court by Pacino's, Inc. for mistrial (spr) (Entered: 12/06/1999)
12/03/1999		ORAL ORDER denying [0-0] motion for mistrial (Entered by Judge Patricia C. Fawsett ) ctc (spr) (Entered: 12/06/1999)
12/03/1999		MOTION in open court by Pacino's, Inc. for sanctions (spr) (Entered: 12/06/1999)

12/03/1999		ORAL ORDER denying [0-0] motion for sanctions (Entered by Judge Patricia C. Fawsett ) ctc (spr) (Entered: 12/06/1999)
12/03/1999		MOTION in open court by Pacino's, Inc. for directed verdict (judgment as a matter of law) (spr) (Entered: 12/06/1999)
12/03/1999		ORAL ORDER denying [0-0] motion for directed verdict (judgment as a matter of law) (Entered by Judge Patricia C. Fawsett ) ctc (spr) (Entered: 12/06/1999)
12/03/1999	<a href="#">55</a>	COURT'S INSTRUCTIONS TO THE JURY (spr) (Entered: 12/06/1999)
12/06/1999	<a href="#">56</a>	MOTION by Pacino's, Inc. for mistrial , or, in the alternative, for an additional 10 minutes of closing arguments (spr) (Entered: 12/06/1999)
12/06/1999	<a href="#">57</a>	RENEWED MOTION by Pacino's, Inc. for mistrial based on the Court having allowed the plaintiff to present rebuttal witnesses not previously listed or disclosed by the plaintiff (spr) (Entered: 12/06/1999)
12/06/1999	<a href="#">58</a>	MINUTE ENTRY: Civil jury trial (Day #4) held on 12/6/99 before Judge Patricia C. Fawsett. Court Reporter: Emery Tompkins (spr) (Entered: 12/07/1999)
12/07/1999	<a href="#">59</a>	MINUTE ENTRY: Civil jury trial (Day #5) held on 12/7/99 before Judge Patricia C. Fawsett. Court Reporters: Rita Meyer and Emery Tompkins (spr) (Entered: 12/08/1999)
12/08/1999	<a href="#">60</a>	MINUTE ENTRY: Civil jury trial (Day #6) held on 12/8/99 before Judge Patricia C. Fawsett. Court Reporter: Emery Tompkins (spr) (Entered: 12/08/1999)
12/08/1999	<a href="#">61</a>	CONSENT DECREE for EEOC against Pacino's, Inc. Defendant Pacino's, Inc. will pay Melissa Teague a lump sum amount of \$31,500 within 60 calendar days; defendant Pacino's, Inc. will pay Christine Conroy a lump sum amount of \$43,500 within 60 days. Each party shall bear its own costs and attorneys' fees associated with this litigation. ( Signed by Judge Patricia C. Fawsett ). (Filed in Open Court) (ctc) (spr) Modified on 12/08/1999 (Entered: 12/08/1999)
12/08/1999	<a href="#">62</a>	COURT'S EXHIBIT LIST (spr) (Entered: 12/08/1999)
12/08/1999		CASE CLOSED. (spr) (Entered: 12/08/1999)
12/08/1999	<a href="#">63</a>	TRANSCRIPT OF PROCEEDINGS on excerpt of proceedings for date of 12/4/99 before Judge Patricia C. Fawsett. Transcript filed separately. (spr) (Entered: 12/08/1999)
12/15/1999	<a href="#">64</a>	JOINT MOTION by EEOC, Pacino's, Inc. for leave to file amended consent decree (spr) (Entered: 12/15/1999)
12/21/1999	<a href="#">65</a>	ORDER granting [64-1] joint motion for leave to file amended consent decree (Signed by Judge Patricia C. Fawsett on 12/20/99) ctc (spr) (Entered: 12/21/1999)
12/21/1999	<a href="#">66</a>	AMENDED CONSENT DECREE for EEOC against Pacino's, Inc. Defendant Pacino's will pay Melissa Teague a lump sum amount of \$31,500 within 60 calendar days; defendant Pacino's will pay Christine Conroy a lump sum amount of \$43,500 within 60 days. Each party shall bear its own costs and attorneys' fees



		associated with this litigation. Pacino's will certify to the EEOC every 6 months throughout the duration of this decree that it is in compliance with all aspects of the decree, the first certification being due by 6/30/00. ( Signed by Judge Patricia C. Fawsett on 12/20/99 ). (ctc) (spr) (Entered: 12/21/1999)
03/30/2000	<a href="#">67</a>	TRANSCRIPT of Settlement Announcement held on December 8, 1999 before Judge Patricia C. Fawsett Transcript filed separately. (nbl) (Entered: 03/30/2000)
05/09/2000	<a href="#">68</a>	MOTION by plaintiff EEOC with memorandum in support to enforce Court-Ordered consent decree and for for order to show cause why defendant should not be held in contempt (jrm) (Entered: 05/09/2000)
05/18/2000	<a href="#">69</a>	RESPONSE by defendant Pacino's, Inc. to [68-1] plaintiff's motion to enforce Court-Ordered consent decree, [68-2] motion for order to show cause why defendant should not be held in contempt (jrm) (Entered: 05/19/2000)
05/22/2000		MOTION referred: [68-1] motion to enforce Court-Ordered consent decree, [68-2] motion for order to show cause why defendant should not be held in contempt referred to Magistrate Judge David A. Baker (jrm) (Entered: 05/22/2000)
05/31/2000	<a href="#">70</a>	NOTICE OF HEARING: Motion hearing set for 2:00 7/11/00 for [68-1] motion to enforce Court-Ordered consent decree, [68-2] motion for order to show cause why defendant should not be held in contempt; Scheduled for Magistrate Judge David A. Baker . ctc (jrm) (Entered: 06/01/2000)
07/11/2000	<a href="#">71</a>	MOTION HEARING held on 07-11-00 re: [68-1] motion to enforce Court-Ordered consent decree, [68-2] motion for order to show cause why defendant should not be held in contempt before Magistrate Judge David A. Baker. Tape 2000-41: 231-1114. Court to issue report and recommendation for District Judge Fawsett. (jrm) (Entered: 07/11/2000)
07/11/2000		WRIT of execution issued for Pacino's Incorporated (jrm) (Entered: 07/11/2000)
07/14/2000	<a href="#">72</a>	REPORT AND RECOMMENDATION of Magistrate Judge David A. Baker recommending that the motion be denied; [68-1] motion to enforce Court-Ordered consent decree, [68-2] motion for order to show cause why defendant should not be held in contempt. Motion no longer referred. Objections to R and R due by 7/31/00. ctc (jrm) (Entered: 07/14/2000)
07/17/2000	<a href="#">73</a>	WRIT of execution returned executed 07-11-00 upon Rosario Poma (jrm) (Entered: 07/18/2000)
07/24/2000	<a href="#">74</a>	NOTICE of withdrawal of EEOC's motion to enforce court-ordered consent decree and for order to show cause why defendant should not be held in contempt and supporting memorandum of law by plaintiff EEOC (jrm) (Entered: 07/24/2000)
07/24/2000	<a href="#">75</a>	DECLARATION of Gilbert Carrillo by plaintiff EEOC re: [74-1] notice (jrm) (Entered: 07/24/2000)
07/24/2000		WITHDRAWAL of terminating [68-1] plaintiff's motion to enforce Court-Ordered consent decree, terminating [68-2] motion for order to show cause why defendant should not be held in contempt (jrm) (Entered: 07/24/2000)

11/05/2003	FRC record data: accession # 021 03 0545; agency box # 17-18 of 20; location # D0971671; permanent record. (anh) (Entered: 11/05/2003)
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<b>PACER Service Center</b>			
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<b>PACER Login:</b>	hs0328	<b>Client Code:</b>	eeoc
<b>Description:</b>	Docket Report	<b>Search Criteria:</b>	6:97-cv-01193-PCF
<b>Billable Pages:</b>	5	<b>Cost:</b>	0.40