

CLOSED, WEJ

**U.S. District Court
Northern District of Georgia (Rome)
CIVIL DOCKET FOR CASE #: 4:00-cv-00286-HLM**

Equal Employment v. Wheeler's of, et al
Assigned to: Judge Harold L. Murphy
Demand: \$0
Cause: 42:2000 Job Discrimination (Race)

Date Filed: 09/29/2000
Date Terminated: 10/25/2002
Jury Demand: Plaintiff
Nature of Suit: 442 Civil Rights: Jobs
Jurisdiction: U.S. Government Plaintiff

Plaintiff

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Commission**

represented by **C. Gregory Stewart**
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Date Filed	#	Docket Text
09/29/2000	1	COMPLAINT filed and summons(es) issued. Consent form to proceed before U.S. magistrate and pretrial instructions sent to attorney; jury demand (pag) (Entered: 09/29/2000)
09/29/2000	2	ANSWERS TO MANDATORY DISCLOSURES by plaintiff (pag) (Entered: 09/29/2000)
12/04/2000	3	ANSWER by defendant to complaint [1-1] Discovery ends 5/3/01 (pag) (Entered: 12/05/2000)

12/13/2000	4	ANSWERS TO MANDATORY DISCLOSURES by defendant (bj) (Entered: 12/13/2000)
12/29/2000	5	Joint MOTION by plaintiff Equal Employment, defendant Wheeler's to amend caption and correct name of defendant (dd) (Entered: 12/29/2000)
12/29/2000	6	CONSENT ORDER by Judge Harold L. Murphy GRANTING [5-1] joint motion to amend caption and correct name of defendant (cc) (dd) (Entered: 12/29/2000)
12/29/2000		Added attorney for plaintiff Equal Employment : Isaiah D. Delemar. (dd) (Entered: 12/29/2000)
01/03/2001	7	Preliminary Statement and Scheduling Order. (to judge) (bj) (Entered: 01/03/2001)
01/03/2001		ENDORSED ORDER by Judge Harold L. Murphy APPROVING [7-1] preliminary planning report & scheduling order. (cc) (bj) (Entered: 01/04/2001)
04/18/2001	8	CONSENT MOTION by parties to extend time to August 1,2001 to file discovery with proposed order. (pag) (Entered: 04/18/2001)
04/18/2001	9	ORDER by Judge Harold L. Murphy GRANTING [8-1] motion to extend time to August 1,2001 to file discovery, Discovery ends 8/1/01 (cc) (pag) (Entered: 04/18/2001)
04/18/2001		Added attorney for plaintiff: Charles T. Bell Jr.. (pag) (Entered: 04/18/2001)
06/11/2001	10	Waiver of service of summons dated 10/25/00 by defendant Wheeler's, Inc. (dd) (Entered: 06/11/2001)
07/20/2001	11	CONSENT MOTION by parties to extend time to 10-1-2001 for discovery with proposed order. (pag) (Entered: 07/20/2001)
07/23/2001	12	ORDER by Judge Harold L. Murphy GRANTING [11-1] motion to extend time to 10-1-2001 for discovery, Discovery ends 10/1/01 (cc) (pag) (Entered: 07/23/2001)
09/28/2001	13	Joint Consent MOTION by parties to extend time to 11-01-2001 for discovery with proposed order. (pag) (Entered: 09/28/2001)
10/01/2001	14	ORDER by Judge Harold L. Murphy GRANTING [13-1] joint motion to extend time to 11-01-2001 for discovery, Discovery ends 11/1/01 (cc) (pag) (Entered: 10/01/2001)
10/01/2001		Added attorney for plaintiff Equal Employment : S. Robert Royal, Cynthia Leigh Montgomery. (pag) (Entered: 10/01/2001)
10/11/2001		Letter to Attorney R. David Ware excusing him from a personal appearance before the Court for the periods 12/17/01-12/28/01; 1/7/02-1/18/02 and 4/15/02-4/26/02. (dd) (Entered: 10/11/2001)
10/24/2001	15	MOTION by plaintiff Equal Employment to compel discovery responses , and for sanctions , and to extend time for an additional 45 days for discovery with brief in support. (dd) (Entered: 10/24/2001)
10/25/2001	16	MOTION by plaintiff Equal Employment to compel entry on land for inspection with brief in support. (dd) (Entered: 10/25/2001)

10/31/2001	17	MOTION by defendant for protective order that the deposition of Sandra Stewart not be taken with memorandum in support with proposed order. (pag) (Entered: 10/31/2001)
11/01/2001	18	Attorney appearance for plaintiff Equal Employment by James Douglas Macy (dd) (Entered: 11/01/2001)
11/02/2001	19	Response by dft to pla's [16-1] motion to compel entry on land for inspection (bj) (Entered: 11/02/2001)
11/02/2001	20	SUPPLEMENTAL ANSWERS TO INITIAL DISCLOSURES by plaintiff Equal Employment (dd) (Entered: 11/02/2001)
11/06/2001	21	Response by defendant to pla's [15-1] motion to compel discovery responses, [15-2] motion for sanctions, [15-3] motion to extend time for an additional 45 days for discovery period. (pag) (Entered: 11/06/2001)
11/08/2001	22	Response by plaintiff Equal Employment in opposition to [17-1] motion for protective order that the deposition of Sandra Stewart not be taken (dd) (Entered: 11/08/2001)
11/14/2001		SUBMITTED to Judge Harold L. Murphy on [15-1] motion to compel discovery responses, [15-2] motion for sanctions, [15-3] motion to extend time for an additional 45 days for discovery, [21-1] oppose/response (dd) (Entered: 11/14/2001)
11/14/2001		SUBMITTED to Judge Harold L. Murphy on [16-1] motion to compel entry on land for inspection, [19-1] oppose/ response (dd) (Entered: 11/14/2001)
11/16/2001		SUBMITTED to Judge Harold L. Murphy on [17-1] motion for protective order that the deposition of Sandra Stewart not be taken, [22-1] oppose/response (dd) (Entered: 11/16/2001)
11/20/2001	23	Reply brief by plaintiff Equal Employment in support of [16-1] motion to compel entry on land for inspection (dd) (Entered: 11/20/2001)
11/21/2001	24	Reply brief by pla in support of its [15-1] motion to compel discovery responses, [15-2] motion for sanctions, [15-3] motion to extend time for an additional 45 days for discovery (bj) (Entered: 11/23/2001)
11/21/2001	25	MOTION by dft for summary judgment with memorandum of law in support & stmt of undisputed facts. (bj) (Entered: 11/23/2001)
11/21/2001	26	Notice of filing original discovery (deposition) by defendant. (bj) (Entered: 11/23/2001)
11/21/2001		Deposition of FRANK PEYTON taken for defendant (bj) (Entered: 11/23/2001)
11/21/2001	27	Notice of filing relevant deposition excerpts & other materials in support of sum jgm by defendant. (bj) (Entered: 11/23/2001)
11/21/2001	28	Notice of filing request for pla to file original discovery by defendant. (bj) (Entered: 11/23/2001)
11/28/2001		Steno notes of proceedings held 11/28/01 before Judge Harold L. Murphy , by Court Reporter Dennis J. Reidy. (pag) (Entered: 11/28/2001)

11/28/2001	29	TELE-CONFERENCE HELD before Judge Harold L. Murphy in re of pending motions regarding discovery. Written order to follow. (bj) (Entered: 11/29/2001)
11/29/2001	30	ORDER by Judge Harold L. Murphy GRANTING IN PART AND DENYING IN PART pla's [15-1] motion to compel discovery responses, [15-2] motion for sanctions & [15-3] motion to extend time for an additional 45 days for discovery, GRANTING pla's [16-1] motion to compel entry on land for inspection & DENYING dft's [17-1] motion for protective order. Discovery ends 1/15/02 (cc) (bj) (Entered: 11/29/2001)
11/30/2001	31	Original declarations of Frank Shropshire and Michael Bryan copies of which were filed as Tabs 7 and 8 to Defendant Wheeler's, Inc.'s Relevant Deposition Excerpts and Other Material In Support of Summary Judgement for filing in connection with the above referenced matter by defendant Wheeler's, Inc. [27-1] (dd) Modified on 12/03/2001 (Entered: 12/03/2001)
12/04/2001	32	MOTION by plaintiff to extend time to 2-1-2002 in which to respond to dft's [25-1] motion for summary judgment with brief in support with exhibits (affidavit of Judy Whitening and Cynthia L. Montgomery). (no order presented) (pag) (Entered: 12/04/2001)
12/12/2001	33	Response & Objections by defendant to pla's [32-1] motion to extend time to 2-1-2002 in which to respond to dft's [25-1] motion for summary judgment (pag) (Entered: 12/12/2001)
12/13/2001	34	Notice of intent to comply with Court's order of 11-28-2001 regarding entry upon land by Wheeler's, Inc. (pag) (Entered: 12/13/2001)
12/18/2001		SUBMITTED to Judge Harold L. Murphy on [32-1] motion to extend time to 2-1-2002 in which to respond to dft's [25-1] motion for summary judgment, [31-1] (dd) (Entered: 12/18/2001)
12/19/2001	35	ORDER by Judge Harold L. Murphy, extending time thru 2/2/02 for pla to respond to dft's motion for summary judgment and directs pla to respond within that time (cc) (dd) (Entered: 12/19/2001)
12/19/2001		Terminated submissions. (dd) (Entered: 12/19/2001)
12/24/2001	36	MOTION by pla for sanctions against dft for non-compliance w/court's order with brief in support. (bj) (Entered: 12/24/2001)
01/08/2002	37	Response by defendant to pla's [36-1] motion for sanctions against dft for non-compliance w/court's order with brief in support. (pag) Modified on 01/08/2002 (Entered: 01/08/2002)
01/16/2002		SUBMITTED to Judge Harold L. Murphy on [36-1] motion for sanctions against dft for non-compliance w/court's order, with [37-1] response (bj) (Entered: 01/16/2002)
01/23/2002	38	Reply Brief by plaintiff in support of its [36-1] motion for sanctions against dft for non-compliance w/court's order (pag) (Entered: 01/24/2002)
01/29/2002	39	TELE-CONFERENCE HELD before Judge Harold L. Murphy in re [36-1] motion for sanctions against dft for non-compliance w/court's order. Written order to follow. (bj) (Entered: 01/29/2002)

01/29/2002	40	ORDER by Judge Harold L. Murphy DENYING pla's [36-1] motion for sanctions against dft for non-compliance w/court's order; Reopens discovery period for 30 days from 1/29/02; Discovery ends 3/4/02 Ct extends the time for pla to respond to dft's [25-1] motion for summary judgment 20 days after discovery expires . [25-1] motion for summary judgment to be submitted on 3/26/02 (cc) (bj) (Entered: 01/29/2002)
01/29/2002		Steno notes of proceedings held 1/29/02 before Judge Harold L. Murphy , by Court Reporter Dennis J. Reidy. (klb) (Entered: 01/29/2002)
01/30/2002	41	SECOND SUPPLEMENTAL ANSWERS TO INITIAL DISCLOSURES by plaintiff Equal Employment (klb) (Entered: 01/30/2002)
02/15/2002	42	Notice to substitute attorney terminating attorney James Douglas Macy for Equal Employment and adding Steven Mark Tapper (pag) (Entered: 02/19/2002)
03/01/2002	43	MOTION by plaintiff for 20 day extension of discovery and to toll ddl for sum/jgm response with Brief in support. (bjj) (Entered: 03/01/2002)
03/26/2002		CASE REFERRED to Mag Judge Walter E. Johnson (Calendar sheets forwarded) (aar) (Entered: 03/26/2002)
03/27/2002	44	ORDER by Mag Judge Walter E. Johnson: GRANTING [43-1] motion for 20 day extension of discovery; GRANTING [43-2] motion toll ddl for sum/jgm response; [25-1] motion for summary judgment to be submitted on 4/10/02 (cc) (bjj) (Entered: 03/27/2002)
04/02/2002		Steno notes of proceedings held 4/2/02 before Mag Judge Walter E. Johnson; by Court Reporter: Dennis J. Reidy. (bjj) (Entered: 04/03/2002)
04/02/2002	45	TELE-CONFERENCE HELD before Mag Judge Walter E. Johnson in re of pending motion and discovery; written order to follow. (bjj) (Entered: 04/03/2002)
04/02/2002		Oral MOTION by plaintiff Equal Employment to compel discovery (bjj) (Entered: 04/03/2002)
04/03/2002	46	ORDER by Mag Judge Walter E. Johnson: DENYING oral [0-0] motion to compel discovery by pla, Discovery ends 4/4/02 , extending time for pla's response to deft's [25-1] motion for summary judgment , [25-1] motion for summary judgment to be submitted on 4/18/02 (cc) (bjj) (Entered: 04/03/2002)
04/18/2002	47	MOTION by plaintiff to extend length of pla's response brief to deft's motion for sum/jgm ; prop Brief in Opposition submitted herewith. (bjj) (Entered: 04/19/2002)
04/18/2002	48	Response by plaintiff to deft's [25-1] stmt of undisputed facts, filed with the motion for summary judgment. (bjj) (Entered: 04/19/2002)
04/18/2002	49	STATEMENT of Material Facts to Which There Exists a Genuine Issue to be Tried, filed by plaintiff Equal Employment. (bjj) (Entered: 04/19/2002)
04/18/2002	50	Notice of Filing Original Discovery (Depositions) by plaintiff. (bjj) Modified on 04/22/2002 (Entered: 04/19/2002)

04/18/2002		Depositions filed by pla, of Michael Wayne Bryan, Frank Shropshire I and II, Sandra Stewart, I and II, James Jeffrey Warner, Mark Wheeler Manis, James T. Manis, Wayne P. White and Emory Outlaw. (bjj) Modified on 04/22/2002 (Entered: 04/19/2002)
04/18/2002	51	Notice of Request by plaintiff to have deft file original discovery of Andres Martinez. (bjj) (Entered: 04/22/2002)
04/19/2002	52	MOTION by plaintiff to amend brief in opposition to deft's motion for sum/jgm to include a citation omitted (leave to file said brief is pending) (bjj) (Entered: 04/19/2002)
04/22/2002	53	ORDER by Mag Judge Walter E. Johnson GRANTING pla's [47-1] motion to extend length of pla's response brief in opposition to deft's motion for sum/jgm (cc) (pag) (Entered: 04/22/2002)
04/22/2002	54	Brief with exhibits by plaintiff in opposition to dft's [25-1] motion for summary judgment (pag) (Entered: 04/22/2002)
04/24/2002	55	ORDER by Mag Judge Walter E. Johnson: GRANTING [52-1] motion to amend brief in opposition to deft's motion for sum/jgm include a citation omitted (cc) (bjj) (Entered: 04/25/2002)
04/24/2002	56	Notice of Filing by pla of SEALED copy of Errata Sheet for second Volume of Deposition of Frank Shropshire. (bjj) (Entered: 04/25/2002)
04/24/2002	57	Errata Sheet filed by plaintiff regarding [56-1] Notice and [0-0] Deposition of Frank Shropshire, Second Volume. (bjj) (Entered: 04/25/2002)
04/29/2002	58	MOTION by plaintiff to enforce subpoena to compel attendance of non-pty witness for deposition with memorandum of law in support. (bj) (Entered: 05/01/2002)
05/06/2002	59	Reply by defendant Wheeler's, Inc. to pla's [54-1] brief in opposition to dft Wheeler's,[25-1] motion for summary judgment (pag) (Entered: 05/06/2002)
05/06/2002	60	Reply by defendant Wheeler's, Inc. to pla's [54-1] response, to dft Wheeler's [25-1] statement of undisputed facts in support of sum jgm. (pag) (Entered: 05/06/2002)
05/06/2002	61	Response by defendant Wheeler's, Inc. to pla's [25-1] statement of mat facts to which there exists a genuine issue to be tried. (pag) (Entered: 05/06/2002)
05/06/2002	62	Notice of filing supplemental relevant deposition excerpts & other material in support of sum jgm by defendant Wheeler's, Inc. . (pag) (Entered: 05/06/2002)
05/06/2002	63	Notice of filing original deposition of Andreas Martinez by defendant Wheeler's, Inc. . (pag) Modified on 05/07/2002 (Entered: 05/07/2002)
05/06/2002	64	Deposition of Andreas Martinez taken for defendant Wheeler's, Inc. (pag) (Entered: 05/07/2002)
05/20/2002	65	MOTION by plaintiff for leave to file sur-reply brief with prop sur-reply brief att'd as exhibit 1. (bjj) (Entered: 05/21/2002)

05/24/2002		SUBMITTED to Mag Judge Walter E. Johnson on [58-1] motion to enforce subpoena to compel attendance of non-pty witness for deposition (bj) (Entered: 05/24/2002)
05/31/2002	66	REPORT AND RECOMMENDATION by Mag Judge Walter E. Johnson: RECOMMENDS that deft's [25-1] motion for sum/jgm be GRANTED in part as to the Peyton retaliation claim and DENIED in part as to the pay discrimination claim ; with order for service. (Submission of RR due 6/17/02) (cc by Mag) (bjj) Modified on 06/14/2002 (Entered: 05/31/2002)
06/11/2002		SUBMITTED to Mag Judge Walter E. Johnson on [65-1] motion for leave to file sur-reply brief (bj) (Entered: 06/11/2002)
06/13/2002	67	Objections In Part by deft to Mag. Judge's [66-1] report & recommendation. (bjj) (Entered: 06/13/2002)
06/14/2002	68	Objections by pla to [66-1] report & recommendation. (bjj) (Entered: 06/14/2002)
06/17/2002		SUBMITTED to Mag Judge Walter E. Johnson on [65-1] motion for leave to file sur-reply brief (bj) (Entered: 06/17/2002)
06/17/2002	69	ORDER by Mag Judge Walter E. Johnson: DENYING as MOOT pla's [65-1] motion for leave to file sur-reply brief by Equal Employment; GRANTING pla's [58-1] motion to enforce subpoena to compel attendance of non-pty witness for deposition. (cc served by Mag) (bjj) (Entered: 06/19/2002)
06/19/2002	70	MOTION by pla for leave to file Amended Objections to Mag's R & R ; Amended Objections submitted herewith. (bjj) (Entered: 06/20/2002)
06/20/2002		SUBMITTED to Judge Harold L. Murphy on [66-1] report & recommendation, with [67-1] objections, [68-1] objections (bj) (Entered: 06/20/2002)
06/20/2002		Terminated submissions. (bj) (Entered: 06/20/2002)
06/24/2002	71	Reply by Wheeler's, Inc. to EEOC'S [68-1] objection to Mag. report & recommendation. (pag) (Entered: 06/25/2002)
06/26/2002	72	Response by pla to deft's [67-1] objection to [66-1] report & recommendation. (bjj) (Entered: 06/26/2002)
07/12/2002		SUBMITTED to Judge Harold L. Murphy on [70-1] motion for leave to file Amended Objections to Mag's R & R (bj) (Entered: 07/12/2002)
07/17/2002	73	ORDER by Judge Harold L. Murphy GRANTING IN PART AND DENYING IN PART dft's [25-1] motion for summary judgment; (Grants as to claim of retaliation asserted on behalf of Mr. Frank Peyton & denies w/respect to pla's pay discrimination claim) Court ADOPTING Mag Judge's [66-1] report & recommendation as the order of this court; OVERRULES dft's [67-1] objections & pla's [68-1] objections; GRANTING pla's [70-1] motion for leave to file Amended Objections to Mag's R & R. PTO due w/in 30 days. Clk to place case on next available trial calendar. pre-trial order due on 8/16/02 (cc) (bj) (Entered: 07/17/2002)
08/07/2002	74	MOTION by plaintiff to extend time to file a prop consolidated pto ; w/Brief in support. (bjj) (Entered: 08/08/2002)

08/08/2002		Certified mail receipt green card returned re: [73-1] order pre-trial order due on 8/16/02. (bjj) (Entered: 08/08/2002)
08/16/2002	75	ORDER by Judge Harold L. Murphy: GRANTING pla's [74-1] motion to extend time to file a prop consolidated pto; pre-trial order due on 9/13/02 (cc) (bjj) (Entered: 08/16/2002)
09/13/2002		Proposed consolidated pretrial order. (bjj) (Entered: 09/13/2002)
09/13/2002		Terminated submissions. (bjj) (Entered: 09/13/2002)
10/10/2002	76	MOTION by defendant in limine to strike witnesses form pla's witness list ; w/Memo in support. (bjj) (Entered: 10/10/2002)
10/10/2002	77	MOTION by defendant in limine to exclude evidence w/Memo in support. (bjj) (Entered: 10/11/2002)
10/16/2002	78	Notice of Withdrawl of Counsel by Cynthia L. Montgomery, Atty for plaintiff Equal Employment Opportunity Comm. (bjj) (Entered: 10/17/2002)
10/17/2002	79	PRE-TRIAL CONFERENCE HELD before Judge Harold L. Murphy; Ct deferred motion in limine; case will be 1 on calendar for 10/28/02. (bj) (Entered: 10/17/2002)
10/17/2002	80	Attorney appearance for plaintiff by William A. Cash Jr. (pag) (Entered: 10/18/2002)
10/17/2002	81	Response by plaintiff in opposition to dft's [77-1] motion in limine to exclude evidence (pag) (Entered: 10/18/2002)
10/17/2002	82	MOTION by plaintiff for clarify relevant time period in [77-1] motion in limine regarding exclusion of evidence outside of relevant time period with memorandum in support. (pag) Modified on 10/18/2002 (Entered: 10/18/2002)
10/17/2002	83	Response by plaintiff in opposition to dft's [76-1] motion in limine to strike witnesses form pla's witness list (pag) (Entered: 10/18/2002)
10/17/2002		Proposed dft's updated exhibit list G-2 [0-0] to proposed consolidated pre-trial order by defendant. (pag) (Entered: 10/18/2002)
10/18/2002	84	ORDER by Judge Harold L. Murphy DENYING pla's [82-1] motion for clarify relevant time period. (cc) (bj) (Entered: 10/18/2002)
10/18/2002		Steno notes of proceedings held 10/17/02 before Judge Harold L. Murphy; Court Reporter: Dennis J. Reidy. (bjj) (Entered: 10/18/2002)
10/21/2002	85	Consolidated Pre-trial order filed by Judge Harold L. Murphy (pag) (Entered: 10/21/2002)
10/21/2002	86	ORDER by Judge Harold L. Murphy GRANTING [0-0] proposed dft's updated exhibit G-2 to the parties, [85-1]consolidated pretrial order (cc) (pag) (Entered: 10/21/2002)
10/25/2002	87	CONSENT DECREE to maintain the objectives of equal employment opportunity & eliminate the costs & uncertainties of further litigation; Court will dismiss this case w/prejudice, however consent decree shall continue to be effective & binding for 12 months; Ct shall retain jurisdiction over this action

		until all issues have been resolved. Each pty to bear own costs & atty fees. (see decree for details) cc (bj) (Entered: 10/25/2002)
10/25/2002		Completed referral to Mag Judge Walter E. Johnson (bj) (Entered: 10/25/2002)
10/25/2002		Case terminated. (bj) (Entered: 10/25/2002)

PACER Service Center**Transaction Receipt**

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Description:	Docket Report	Search Criteria:	4:00-cv-00286-HLM
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