

IN THE UNITED STATES COURT
FOR THE WESTERN DISTRICT OF KENTUCKY
LOUISVILLE DIVISION

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WESTERN DISTRICT OF KY
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EQUAL EMPLOYMENT OPPORTUNITY)
COMMISSION,)
)
Plaintiff,)
)
v.)
)
BOJANGLES FAMOUS)
CHICKEN & BISCUITS, INC.)
)
Defendant.)
_____)

CIVIL ACTION NO.
3:10CV297-J

MOTION TO VOLUNTARILY DISMISS

Comes the Plaintiff, the Equal Employment Opportunity Commission (the “EEOC” or “Commission”), by counsel, pursuant to Fed.R.Civ.P. 41(a)(1) moves for voluntary dismissal of its action against Defendant Bojangles Famous Chicken & Biscuits, Inc. (“Bojangles”), and in support of said motion states as follow:

The Commission filed its Complaint against Bojangles in May, 2001, to compel specific performance of a Conciliation Agreement which resolved a sexual harassment charge filed with the Commission by charging party, Mary Yates. Bo-Star Food President, John Parrish, accepted service of the Complaint, but thereafter closed his place of business. The Commission has nat heard from Mr. Parrish since.


On August 20, 2001, the Commission filed a Motion for Default Judgment. Mr. Parrish did not respond, and the Judgment was entered on November 10, 2001. The Commission has repeatedly searched for Mr. Parrish in hopes of recovering on the judgment. Mr. Parrish failed to respond to the Commission’s Motion for a Proceeding Supplement (in order to ascertain

what assets were available for recovery). Mr. Parrish failed to attend the Court's hearing on the Motion on November 13, 2002. Consequently, the Court agreed to permit the EEOC to hold the case open until such time as it located Mr. Parrish or some other Bo-Star Foods representative. The EEOC has not been able to find Mr. Parrish or any other company representative.

The Commission has learned that Bojangles filed for bankruptcy on February 8, 2001, but its filing was dismissed because no plan was submitted. Counsel for the EEOC learned that Bo-Star Foods was evicted from its two restaurant locations in Louisville as of March 2001.

The Commission's action was against the corporate entity, which is no longer operating. Accordingly, the Commission respectfully requests that the Court enters the attached Order of Voluntary Dismissal.

Respectfully submitted,




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CERTIFICATE OF SERVICE

The undersigned certifies that a true and accurate copy of Plaintiff's Equal Employment Opportunity Commission's Notice of Voluntary Dismissal was sent by U.S. Mail, postage prepaid, this 21 day of August, 2003, on:

Mr. John Parrish, President
BO-STAR Foods, Inc.
6300 Poplar Tree Court, Suite D
Louisville, Kentucky 40228



KENNETH W. BROWN
Senior Trial Attorney
EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION