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General Docket

US Court of Appeals for the Fifth Circuit

Court of Appeals Docket #: 02-30960

Filed: 9/20/02

Nsuit: 1442 Civil Rights: Jobs

EEOC v. K & B Louisiana Corp

Appeal from: Western District of Louisiana, Monroe

Lower court information:

District: 0536-3 : 00-CV-2238

Ordering Judge: Robert G James, US District Judge

Court Reporter: Richard D Williams, US Court Reporter

Date Filed: 9/29/00

Date order/judgment: 8/5/02

Date NOA filed: 9/9/02
-----Fee status: Paid

Prior cases:

01-30448

Date filed: 4/11/01 Date disposed: 5/2/01 Disposition: dismiss

Current cases:

	Lead	Member	Start	End
Cross-appeal:	02-30960	02-31001	10/8/02	

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02-30960 EEOC v. K & B Louisiana Corp

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSIONPlaintiff - Counter
Defendant - Appellee-Cross-
AppellantPaula R Bruner
FAX 202-663-7090
202-663-4731
Suite 7044
[COR LD NTC gvt]
Equal Employment Opportunity
Commission
1801 L Street NW
Washington, DC 20507

v.

K & B LOUISIANA CORP

dba

Rite Aid Corp

Defendant - Counter
Claimant - Appellant-Cross-
AppelleeGeorge Davidson Fagan
FAX 504-585-7775
504-585-7500
Suite 1700
[COR LD NTC ret]
Leake & Andersson
1100 Poydras Street
Energy Centre
New Orleans, LA 70163

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02-30960 EEOC v. K & B Louisiana Corp

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Plaintiff - Counter Defendant -
Appellee-Cross-Appellant

v.

K & B LOUISIANA CORP, doing business as Rite Aid Corp

Defendant - Counter Claimant -
Appellant-Cross-Appellee

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02-30960 EEOC v. K & B Louisiana Corp

9/20/02 Civil rights case docketed. NOA filed by Appellant K & B Louisiana Corp. [02-30960] (rjd) [02-30960]

10/1/02 Transcript order received on 9/17/02 from Appellant K & B Louisiana Corp for Court Reporter Richard D Williams processed. Date of Hearing: 7/8 thru 7/9/02 (Trial). [02-30960] Transcript Order ddl satisfied. Ct. Reporter Acknowledgment due on 10/16/02 for Richard D Williams. (pok) [02-30960]

10/4/02 Transcript order acknowledgment received on 9/27/02 from Court Reporter Richard D Williams processed. Estimated pages: 350 Date Financial Arrangements Made: 9/24/02 [02-30960] Ct. Reporter Acknowledgement ddl satisfied. Transcript due on 10/16/02 for Richard D Williams. Ct. Reporter Discount Date is 11/25/02 for Richard D Williams. (pok) [02-30960]

10/8/02 Civil rights case docketed. NOA filed by Appellee-Cross-Appellant EEOC in 02-31001. [02-31001] (jtr) [02-31001]

10/8/02 Cross appeal docketed. [02-30960, 02-31001] (jtr) [02-30960 02-31001]

10/10/02 Appearance form filed by George Davidson Fagan for Appellant-Cross-Appellee K & B Louisiana Corp in 02-30960, George Davidson Fagan for Appellant-Cross-Appellee K & B Louisiana Corp in 02-31001. [02-30960, 02-31001] (nfd) [02-30960 02-31001]

10/11/02 Appearance form filed by Paula R Bruner for Appellee-Cross-Appellant EEOC in 02-30960, Paula R Bruner for Appellee-Cross-Appellant EEOC in 02-31001. [02-30960, 02-31001] (nfd) [02-30960 02-31001]

10/22/02 Transcript filed in district court by Court Reporter Richard D Williams in 02-30960, Court Reporter Richard D Williams in 02-31001 on 10/16/02. [02-30960, 02-31001] Transcript ddl satisfied. Ct. Reporter Discount Date canceled. ROA due on 10/31/02 in 02-30960. (pok) [02-30960 02-31001]

10/23/02 Record on appeal filed. Vol(s) of Pleadings: 8 Vol(s) of Transcripts: 2 Exhibits: 1 box. [02-30960, 02-31001] ROA ddl satisfied. (jca) [02-30960 02-31001]

10/25/02 Briefing notice issued. [02-30960, 02-31001] A/Pet's Brief due on 12/4/02 for K & B Louisiana Corp in 02-30960, for K & B Louisiana Corp in 02-31001. (jca) [02-30960 02-31001]

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10/30/02 Record on appeal released to attorney George Davidson Fagan for Appellant-Cross-Appellee K & B Louisiana Corp in 02-30960, George Davidson Fagan for Appellant-Cross-Appellee K & B Louisiana Corp in 02-31001. Volumes: 10 Exhibits: 1 Box. [02-30960, 02-31001] (lrc) [02-30960 02-31001]

12/4/02 Extension granted by phone until: 12/09/02 to file brief for Appellant-Cross-Appellee K & B Louisiana Corp in 02-30960, Appellant-Cross-Appellee K & B Louisiana Corp in 02-31001. [02-30960, 02-31001] (nfd) [02-30960 02-31001]

12/4/02 Confirmation letter filed by Appellant-Cross-Appellee K & B Louisiana Corp in 02-30960, Appellant-Cross-Appellee K & B Louisiana Corp in 02-31001 confirming an extension of time to and including 12/09/02 for filing brief. [02-30960, 02-31001] A/Pet's Brief ddl updated to 12/9/02 for K & B Louisiana Corp in 02-30960, for K & B Louisiana Corp in 02-31001. (nfd) [02-30960 02-31001]

12/9/02 Record on appeal returned to 5CCA. Volumes: 10 Exhibits: 1 box [02-30960, 02-31001] (nfd) [02-30960 02-31001]

12/9/02 Record excerpts filed by Appellant-Cross-Appellee K & B Louisiana Corp in 02-30960, Appellant-Cross-Appellee K & B Louisiana Corp in 02-31001 # of copies: 4 Sufficient [Y/N]: y. [02-30960, 02-31001] (sdh) [02-30960 02-31001]

12/9/02 Appellant's Brief filed by Appellant-Cross-Appellee K & B Louisiana Corp in 02-30960, Appellant-Cross-Appellee K & B Louisiana Corp in 02-31001. Copies of Brief: 7 # of pages: 57 Word count: xxxx Date of COS: 12/09/02 Disk Provided [Y/N]: y Sufficient [Y/N]: n EXCESS PAGES. [4050090-1] [02-30960, 02-31001] A/Pet's Brief ddl satisfied. Sufficient Brief due on 12/30/02 for K & B Louisiana Corp in 02-30960, for K & B Louisiana Corp in 02-31001. (sdh) [02-30960 02-31001]

12/20/02 Unopposed motion filed by Appellant-Cross-Appellee K & B Louisiana Corp in 02-30960, Appellant-Cross-Appellee K & B Louisiana Corp in 02-31001 to file brief in excess of the word limitation but not to exceed 14,119 words. [4051445-1] Date of COS: 12/20/02 Sufficient [Y/N]: y [02-30960, 02-31001] (dsb) [02-30960 02-31001]

12/20/02 CLERK Order filed granting appellant's unopposed motion to file brief in excess of the word limitation, not to exceed 14,119 words [4051445-1] in 02-30960, 02-31001 Copies to counsel. [02-30960, 02-31001] (dsb) [02-30960 02-31001]

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12/20/02 Brief made sufficient by Appellant-Cross-Appellee K & B Louisiana Corp in 02-30960, Appellant-Cross-Appellee K & B Louisiana Corp in 02-31001 Replacement Disk Provided [Y/N]: n [02-30960, 02-31001] Sufficient Brief ddl satisfied. XA/Pet Brief ddl updated to 1/21/03 for EEOC in 02-30960, for EEOC in 02-31001. (dsb) [02-30960 02-31001]

1/14/03 Record on appeal released to attorney Paula R Bruner for Appellee-Cross-Appellant EEOC in 02-30960, Paula R Bruner for Appellee-Cross-Appellant EEOC in 02-31001. Volumes: 10 Exhibits: 1 box. [02-30960, 02-31001] (kkf)

[02-30960 02-31001]

- 1/22/03 Unopposed motion filed by Appellee-Cross-Appellant EEOC in 02-30960, Appellee-Cross-Appellant EEOC in 02-31001 to extend time to file appellee-cross-appellant's brief until [4079270-1] Date of COS: 01/15/03 Sufficient [Y/N]: Y [02-30960, 02-31001] (nfd) [02-30960 02-31001]
- 1/22/03 CLERK Order filed granting appellee-cross-appellant's unopposed motion to extend time to file Appellee-Cross Appellant Brief to and including January 28, 2003. [4079270-1] XA/Pet Brief ddl updated to 1/28/03 for EEOC in 02-30960, for EEOC in 02-31001. in 02-30960, 02-31001 Copies to all counsel. [02-30960, 02-31001] (nfd) [02-30960 02-31001]
- 2/3/03 Record on appeal returned to 5CCA. Volumes: 10 Exhibits: 1 box [02-30960, 02-31001] (nfd) [02-30960 02-31001]
- 2/3/03 The attorney Keith Thomas Hill for EEOC in 02-30960, attorney Keith Thomas Hill for EEOC in 02-31001 not participating in case. [02-30960, 02-31001] (sep) [02-30960 02-31001]
- 2/3/03 Cross Appellant's Brief filed by Appellee-Cross-Appellant EEOC in 02-30960, Appellee-Cross-Appellant EEOC in 02-31001. Copies of Brief: 7 # of pages: 64 Word count: 15,794 Date of COS: 1/28/03 Disk Provided [Y/N]: Y Sufficient [Y/N]: N, excess pages (motion pending). [4092807-1] [02-30960, 02-31001] XA/Pet Brief ddl satisfied. Sufficient Brief due on 2/18/03 for EEOC in 02-30960, for EEOC in 02-31001. (sep) [02-30960 02-31001]
- 2/3/03 Record excerpts filed by Appellee-Cross-Appellant EEOC in 02-30960, Appellee-Cross-Appellant EEOC in 02-31001 # of copies: 4 Sufficient [Y/N]: Y. [02-30960, 02-31001] (sep) [02-30960 02-31001]
- 2/3/03 Unopposed motion filed by Appellee-Cross-Appellant EEOC in 02-30960, Appellee-Cross-Appellant EEOC in 02-31001 to file brief in excess of the word count limitation but not to exceed 15,794 words. [4094042-1] Date of COS: 01/28/03 Sufficient [Y/N]: Y [02-30960, 02-31001] (nfd)

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[02-30960 02-31001]

- 2/5/03 Record on appeal released to attorney George Davidson Fagan for Appellant-Cross-Appellee K & B Louisiana Corp in 02-30960, George Davidson Fagan for Appellant-Cross-Appellee K & B Louisiana Corp in 02-31001. Volumes: 10 Exhibits: 1 box. [02-30960, 02-31001] (dsb) [02-30960 02-31001]
- 2/7/03 CLERK Order filed granting appellee-cross-appellant's unopposed motion to file brief in excess of the word count limitation [4094042-1] in 02-30960, 02-31001 Copies to all counsel. [02-30960, 02-31001] (nfd) [02-30960 02-31001]
- 2/7/03 Brief made sufficient by Appellee-Cross-Appellant EEOC in 02-30960, Appellee-Cross-Appellant EEOC in 02-31001 [02-30960, 02-31001] Sufficient Brief ddl satisfied. XE/Res Brief ddl updated to 3/10/03 for K & B Louisiana Corp in 02-30960, for K & B Louisiana Corp in 02-31001. (nfd) [02-30960 02-31001]

- 2/14/03 Motion filed by Appellant-Cross-Appellee K & B Louisiana Corp in 02-30960, Appellant-Cross-Appellee K & B Louisiana Corp in 02-31001 to strike portions of record excerpts filed by EEOC [4102631-1], to strike portions of brief filed by appellee-cross-appellant EEOC. Response/Opposition due on 3/2/03 in 02-30960, in 02-31001. Date of COS: 2/14/03 Sufficient [Y/N]: Y [02-30960, 02-31001] (SUBMIT TO SCREENING JUDGE AND PANEL) (cnf) [02-30960 02-31001]
- 2/17/03 Motion filed by Appellee-Cross-Appellant EEOC in 02-30960, Appellee-Cross-Appellant EEOC in 02-31001 to file corrected appendix/record excerpts [4132907-1] Response/Opposition due on 2/27/03 in 02-30960, in 02-31001. Date of COS: 2/11/03 Sufficient [Y/N]: Y [02-30960, 02-31001] (SUBMIT TO SCREENING JUDGE AND PANEL) (pok) [02-30960 02-31001]
- 2/27/03 Response/opposition filed by Appellant-Cross-Appellee K & B Louisiana Corp in 02-31001, Appellant-Cross-Appellee K & B Louisiana Corp in 02-30960 to motion to file corrected Appendix/Record Excerpts [4132907-1] by Appellee-Cross-Appellant EEOC, EEOC in 02-31001, motion to file corrected Appendix/Record Excerpts [4132907-1] by Appellee-Cross-Appellant EEOC, EEOC Response/Opposition ddl satisfied. Reply to Resp/Opp due on 3/10/03 in 02-31001, in 02-30960. in 02-30960 Date of COS: 2/27/03 Sufficient [Y/N]: Y . [4133033-1] [02-31001, 02-30960] (pok) [02-30960 02-31001]

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- 3/3/03 Response/opposition filed by Appellee-Cross-Appellant EEOC in 02-31001, Appellee-Cross-Appellant EEOC in 02-30960 to motion to strike appendix [4102631-1] by Appellant-Cross-AK & B Louisiana Corp, K & B Louisiana Corp in 02-31001, motion to strike portion of brief [4102631-2] by Appellant-Cross-AK & B Louisiana Corp, K & B Louisiana Corp in 02-31001, motion to strike appendix [4102631-1] by Appellant-Cross-AK & B Louisiana Corp, K & B Louisiana Corp in 02-30960, motion to strike portion of brief [4102631-2] by Appellant-Cross-AK & B Louisiana Corp, K & B Louisiana Corp Response/Opposition ddl satisfied. Reply to Resp/Opp due on 3/10/03 in 02-31001, in 02-30960. in 02-30960 Date of COS: 2/27/03 Sufficient [Y/N]: Y. [4132870-1] [02-31001, 02-30960] (pok) [02-30960 02-31001]
- 3/10/03 Cross Appellee's Brief filed by Appellant-Cross-Appellee K & B Louisiana Corp in 02-30960, Appellant-Cross-Appellee K & B Louisiana Corp in 02-31001. Copies of Brief: 7 # of pages: 23 Date of COS: 3/10/03 Disk Provided [Y/N]: Y Sufficient [Y/N]: Y. [4128946-1] [02-30960, 02-31001] XE/Res brief ddl satisfied. XA/Pet Reply Brief due on 3/24/03 for EEOC in 02-30960, for EEOC in 02-31001. (tdb) [02-30960 02-31001]
- 3/10/03 Record on appeal requested from George Davidson Fagan for Appellant-Cross-Appellee K & B Louisiana Corp in 02-30960, George Davidson Fagan for Appellant-Cross-Appellee K & B Louisiana Corp in 02-31001. [02-30960, 02-31001] Miscellaneous due on 3/27/03 for K & B Louisiana Corp in 02-30960, for K & B Louisiana Corp in 02-31001. (tdb) [02-30960 02-31001]
- 3/17/03 Record on appeal returned to 5CCA. Volumes: 10 Exhibits: 1 box [02-30960, 02-31001] Miscellaneous ddl satisfied. (jmm) [02-30960 02-31001]

3/26/03 Cross Appellant's Reply Brief filed by Appellee-Cross-Appellant EEOC in 02-30960, Appellee-Cross-Appellant EEOC in 02-31001. Copies of Brief: 7 # of pages: 19 Word count: 4,452 Date of COS: 3/24/03 Disk Provided [Y/N]: Y Sufficient [Y/N]: Y. [4139710-1] [02-30960, 02-31001] XA/Pet Reply Brief ddl satisfied. (mts) [02-30960 02-31001]

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4/11/03 COURT Order - the motion of appellant-cross-appellee to strike portions of the brief filed by appellee-cross-appellant is CARRIED WITH THE CASE. IT IS FURTHER ORDERED that the motion of appellant-cross-appellee to strike portions of the record excerpts filed by appellee-cross-appellant is CARRIED WITH THE CASE. IT IS FURTHER ORDERED that the motion of appellee-cross-appellant to file corrected appendix/record excerpts is CARRIED WITH THE CASE. [4102631-1], [4102631-2], [4132907-1] in 02-30960, 02-31001 (EHJ) Copies to all counsel. [02-30960, 02-31001] (nfd) [02-30960 02-31001]

5/20/03 Case tentatively calendared for oral argument Week of: 08/04/03. [02-30960, 02-31001] (gam) [02-30960 02-31001]

5/21/03 Tentative calendar changed from week of 08/04/03 to week of 09/01/03. With Argument? y [02-30960, 02-31001] (gam) [02-30960 02-31001]

6/30/03 Supplemental authorities (FRAP 28(j)) filed by Appellee-Cross-Appellant EEOC in 02-30960, Appellee-Cross-Appellant EEOC in 02-31001 [4237439-1] [02-30960, 02-31001] (nfd) [02-30960 02-31001]

7/25/03 Case calendared for oral argument. [02-30960, 02-31001] (vlb) [02-30960 02-31001]

8/26/03 Supplemental authorities (FRAP 28(j)) filed by Appellant-Cross-Appellee K & B Louisiana Corp in 02-30960, Appellant-Cross-Appellee K & B Louisiana Corp in 02-31001 [4294227-1] . [02-30960, 02-31001] (vlb) [02-30960 02-31001]

9/5/03 Oral argument heard. Case argued by George Davidson Fagan for Appellant-Cross-Appellee K & B Louisiana Corp in 02-30960, Paula R Bruner for Appellee-Cross-Appellant EEOC in 02-30960, George Davidson Fagan for Appellant-Cross-Appellee K & B Louisiana Corp in 02-31001, Paula R Bruner for Appellee-Cross-Appellant EEOC in 02-31001 [02-30960, 02-31001] (vlb) [02-30960 02-31001]

9/16/03 COURT Order filed granting appellee's motion to file corrected Appendix/Record Excerpts [4132907-1] in 02-30960, 02-31001, denying appellant's motion to strike appendix [4102631-1] in 02-30960, 02-31001, denying appellant's motion to strike portion of brief [4102631-2] in 02-30960, 02-31001 (JES) Copies to all counsel. [02-30960, 02-31001] (jma) [02-30960 02-31001]

9/16/03 Opinion filed. Mandate pull date is 11/7/03 in 02-30960, in 02-31001. [02-30960, 02-31001] (jma) [02-30960 02-31001]

9/16/03 Judgment entered and filed. [02-30960, 02-31001] (jma) [02-30960 02-31001]

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9/16/03 Costs taxed - each party to bear its own costs on appeal.
Copies to counsel. [4610626-1] [02-30960, 02-31001] (jma)
[02-30960 02-31001]

11/10/03 Mandate issued. Approved BOC Issued (Y/N)?: N [02-30960,
02-31001] Mandate pull date satisfied. (mts)
[02-30960 02-31001]

11/10/03 Record on appeal returned to USDC. Volumes: 10 Exhibits:
1 box. [02-30960, 02-31001] (mts) [02-30960 02-31001]

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Transaction Receipt			
05/30/2007 11:05:01			
PACER Login:	hs0328	Client Code:	eeoc
Description:	dkt report	Case Number:	02-30960
Billable Pages:	10	Cost:	0.80

Note: The 'as of' date shown is the date of the last public or private docket entry. The docket does, however, show all entries as of today's date.