

18BA, CLOSED

**U.S. District Court
North Carolina Middle District (Durham)
CIVIL DOCKET FOR CASE #: 1:01-cv-00812-NCT**

EEOC v. 2M DRY WALL, INC.
Assigned to: JUDGE N. C. TILLEY, JR
Demand: \$0
Cause: 42:2000 Job Discrimination (Race)

Date Filed: 08/29/2001
Date Terminated: 12/19/2002
Jury Demand: Plaintiff
Nature of Suit: 442 Civil Rights: Jobs
Jurisdiction: U.S. Government Plaintiff

Plaintiff

**EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION**

represented by **ARDEN LYNN ACHENBERG**
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V.

Defendant

2M DRY WALL, INC.

represented by **MARK FLOYD REYNOLDS, II**
DISBARRED 07/02/04
POB 5262

HIGH POINT, NC 27262
 336-887-6000
 LEAD ATTORNEY
 ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
08/29/2001		**Case assigned to Magistrate Judge SHARP. AO Code 18BA (fe) (Entered: 08/30/2001)
08/29/2001	1	COMPLAINT filed; jury demand (fe) (Entered: 08/30/2001)
08/29/2001		Notice of Right to Consent 28 USC 636(c)(2) (fe) (Entered: 08/30/2001)
08/29/2001		CASE SELECTED FOR MEDIATION (fe) (Entered: 08/30/2001)
10/18/2001	2	ANSWER to Complaint by 2M DRY WALL, INC. (Attorney MARK FLOYD REYNOLDS II) (fe) (Entered: 10/18/2001)
10/18/2001		CASE AT ISSUE (fe) (Entered: 10/18/2001)
10/18/2001	3	SUMMONS issued for 2M DRY WALL, INC. (fe) (Entered: 10/18/2001)
10/26/2001	4	NOTICE of Hearing: set Initial Pretrial Conference for 9:30 11/26/01 in COURTROOM #1A (GSO) (before MAG/JUDGE P. T. SHARP). Ccs. dist. (W. Williamson) (Entered: 10/26/2001)
11/07/2001		CASE REFERRED to Mag/Jud Sharp re: proposed Joint Rule 26(f) Report. (W. Williamson) (Entered: 11/07/2001)
11/16/2001		CASE NO LONGER REFERRED to Mag/Jud SHARP. (fe) (Entered: 11/16/2001)
11/16/2001	5	Joint Rule 26(f) Report and Order setting Discovery cutoff 5/16/02; Notice of Intent to file Dsp. Motions due by 5/26/02; Complex Case Management Track; Mediation should be conducted late in the discovery period, the exact date to be set by the mediator. The parties have not yet agreed who will serve as mediator; Plaintiff should be allowed thirty days after approval of this Joint Rule 26(f) report to join additional parties, or amend the pleadings; Defendants should be allowed thirty days after the approval of this Joint Rule 26(f) report to join additional parties, or thirty days following the filing of any amended pleadings by the Plaintiff; The parties have not agreed to have this assigned to a Magistrate Judge; The Order is approved except as to the final paragraph in section 2. The parties may not adjust the end-date of all discovery without court approval, which will be given only for good cause shown. JURY DEMAND; (signed by MAG/JUDGE P. T. SHARP) ETT 4d [EOD Date 11/16/01] Ccs. Dist. (fe) Modified on 11/19/2001 (Entered: 11/16/2001)
11/16/2001		Complex Case (fe) (Entered: 11/16/2001)
11/16/2001		Mediation Hearing set for no later than 5/16/2002. (fe) (Entered: 11/29/2001)

12/21/2001	6	MOTION by 2M DRY WALL, INC. to Extend Time for thirty (30) days to respond to plaintiff's multiple discovery requests ; plaintiff's counsel objects to this request (K. Mckenzie) (Entered: 12/21/2001)
01/02/2002		Motion(s) referred: [6-1] motion to Extend Time for thirty (30) days to respond to plaintiff's multiple discovery requests referred to MAG/JUDGE P. T. SHARP (D. Mccarty) (Entered: 01/02/2002)
01/07/2002	7	ORDER granting defendant's [6-1] motion to Extend Time for thirty (30) days to respond to plaintiff's multiple discovery requests; 2M Dry Wall shall respond to the Plaintiff's inquiries not later than 1/23/2002 (signed by MAG/JUDGE P. T. SHARP) [EOD Date 1/7/02]. Copies distributed. (K. Mckenzie) (Entered: 01/07/2002)
01/09/2002	8	NOTICE of Hearing: set Jury Trial for 9:30 1/6/03 in UNASSIGNED COURTROOM , set Brief deadline to 12/17/02 () (D. Mccarty) (Entered: 01/09/2002)
06/21/2002		Telephonic Notice: To Attorney Arden Achenberg regarding status of mediation since time for holding mediation has expired. Attorney Reynolds was to return from vacation 6/17/02 but has not returned her calls. She assured me she will see that mediation is accomplished in this case. (fe) (Entered: 06/21/2002)
07/11/2002	9	MOTION by EEOC to Extend the mediation deadline until 10/22/02 with consent (K. Mckenzie) (Entered: 07/11/2002)
07/12/2002		Motion(s) referred: [9-1] motion to Extend the mediation deadline until 10/22/02 referred to MAG/JUDGE P. T. SHARP (D. Mccarty) (Entered: 07/12/2002)
07/15/2002	10	ORDER granting [9-1] motion to Extend the mediation deadline; the mediation deadline is extended through October 22, 2002 (signed by MAG/JUDGE P. T. SHARP) [EOD Date 7/16/02]. Copies distributed. (K. Mckenzie) (Entered: 07/16/2002)
07/15/2002		Mediation Hearing set for no later than 10/22/2002. (fe) (Entered: 08/07/2002)
08/23/2002	11	MOTION with Memorandum in Support by EEOC for Leave to Move for Motion for Summary Judgment ; the views of opposing counsel are unknown at this time (K. Mckenzie) (Entered: 08/23/2002)
09/24/2002		Motion(s) referred: [11-1] motion for Leave to Move for Motion for Summary Judgment referred to MAG/JUDGE P. T. SHARP (D. Mccarty) (Entered: 09/24/2002)
10/21/2002	12	ORDER that Plaintiff has shown no reason why it should not be held to the schedule set by the orders of this Court and the local rules. Plaintiff does not need "leave" to file a summary judgment motion at this date, and the request for specific leave is DENIED. Under LR56.1(g), Plaintiff may file a summary judgment motion at any time prior to trial, but "[a] dispositive motion which is not noticed and filed within the prescribed time will not be reached by the court prior to trial unless the court determines that its consideration will not cause delay to the proceedings." The case will proceed on the January 2003 Master Calendar. Signed by MAG/JUDGE P. T. SHARP Ccs. dist. [EOD Date 10/22/02] (fe) (Entered: 10/22/2002)

10/28/2002	13	ORDER Appointing Mediator Jonathan R. Harkavy (signed by Clerk). [EOD Date 10/28/02] (fe) (Entered: 10/28/2002)
10/28/2002		Mediation Hearing held 10/22/2002. (fe) (Entered: 12/10/2002)
11/06/2002		TRIAL CALENDAR mailed to parties for session beginning 1/6/03 at Greensboro, NC. (D. Mccarty) (Entered: 11/06/2002)
11/13/2002		Deadline Updated; set Jury Trial for 9:30 1/6/03 in COURTROOM #2 (GSO) before CHIEF JUDGE N. C. TILLEY JR. (D. Mccarty) (Entered: 11/13/2002)
11/27/2002	14	NOTICE of Hearing: setting Settlement Conference for 2:00 12/19/02 in COURTROOM #2 (GSO) (before CHIEF JUDGE N. C. TILLEY JR.). Settlement position papers due 12/13/02. (S. Blumke) (Entered: 11/27/2002)
12/13/2002		Statement of Settlement Position as requested by Judge Tilley submitted by plaintiff EEOC . (S. Blumke) (Entered: 12/18/2002)
12/16/2002		Statement of Settlement Position as requested by Judge Tilley filed by submitted 2M DRY WALL, INC. (S. Blumke) (Entered: 12/18/2002)
12/17/2002	15	TRIAL BRIEF by EEOC (S. Blumke) (Entered: 12/18/2002)
12/17/2002	16	Proposed Jury instructions by EEOC (S. Blumke) Modified on 12/18/2002 (Entered: 12/18/2002)
12/17/2002	17	Proposed Voir Dire Questions by EEOC (S. Blumke) (Entered: 12/18/2002)
12/19/2002		Settlement Conference held before CHIEF JUDGE N. C. TILLEY JR. in GSO. Beck, Rptr. Case Reported Settled. Parties executed consent order. (S. Blumke) Modified on 12/19/2002 (Entered: 12/19/2002)
12/19/2002	18	CONSENT DECREE that the defendant shall not discriminate against any employee on the basis of race or color within meaning of Title VII, and specifically shall not subject employees to race or color harassment in violation of Title VII; defendant specifically denies that it has discriminated against Joshua Maynard in any matter; defendant further asserts that it will not retaliate against any person because of opposition to any practice made unlawful under Title VII, or because of the filing of a charge, the giving of testimony or assistance, or the participation in any investigation, proceeding or hearing under Title VII; defendant's counsel will issue a check to Joshua J. Maynard in the sum of \$15,000.00 as settlement of the claims raised in the Complaint filed by the EEOC; payment shall be made as set out; defendant shall eliminate from the employment records of Joshua J. Maynard any and all documents, entries, or references of any kind relating to the facts and circumstances which led to the filing of EEOC Charge No. 145A000375, Joshua J. Maynard v. 2M Dry Wall, Inc. and the related events that occurred thereafter; defendant shall institute and implement an anti-discrimination, anti-harrasment and anti-retaliation policy and shall also provide a training program as set out; during the term of this Consent Decree, Defendant shall conspicuously post the attached Employee Notice, marked Exhibit A, hereby made a part of this Decree as set out; defendant shall provide the Commission with semi-annual reports during the term of this Consent Decree containing information as set out; if at any time during the one-year term of this Consent Decree, the Commission believes that Defendant is in violation of the Decree, the Commission shall proceed as set out; the term of

		this Consent Decree shall be one (1) year from its entry by the Court; each party shall bear its own costs and attorney's fees; this Court shall retain jurisdiction of this cause for purposes of monitoring compliance with this Consent Decree and entry of such further orders as may be necessary or appropriate (signed by CHIEF JUDGE N. C. TILLEY JR.) [EOD Date 12/23/02]. Copies distributed. (K. Mckenzie) (Entered: 12/23/2002)
12/19/2002		CASE CLOSED. Closing Code 8e (K. Mckenzie) (Entered: 12/23/2002)

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