

CLOSED, Jury Trial, USMJ\_Webb

**U.S. District Court**  
**EASTERN DISTRICT OF NORTH CAROLINA (Western Division)**  
**CIVIL DOCKET FOR CASE #: 5:02-cv-00702-H**

EEOC v. Channel Marker II  
Assigned to: Judge Malcolm J. Howard  
Demand: \$0  
Cause: 42:2000 Job Discrimination (Sex)

Date Filed: 09/27/2002  
Jury Demand: Both  
Nature of Suit: 442 Civil Rights: Jobs  
Jurisdiction: Federal Question

**Plaintiff**

**Equal Employment Opportunity  
Commission**

represented by **Bobby C. Simpson**  
EEOC/Charlotte District Office  
129 W. Trade St.  
Suite 400  
Charlotte, NC 28202  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Zoe G. Mahood**  
E.E.O.C.  
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*LEAD ATTORNEY*  
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V.

**Defendant**

**Channel Marker II, Inc.**

represented by **Gretchen W. Ewalt**  
Ogletree, Deakins, Nash, Smoak &  
Stewart  
2301 Sugarbush Rd.  
Suite 600  
Raleigh, NC 27612  
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**Thomas A. Farr**  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

| <b>Date Filed</b> | <b>#</b>          | <b>Docket Text</b>                                                                                                                                                                                                                                                                                       |
|-------------------|-------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 09/27/2002        | <a href="#">1</a> | Complaint filed - Federal Question: Employment Discrimination. JURY DEMAND. (js) (Entered: 10/01/2002)                                                                                                                                                                                                   |
| 09/27/2002        | <a href="#">2</a> | Notice of Lawsuit and Request for Waiver of Service of Summons filed by plaintiff EEOC (js) (Entered: 10/01/2002)                                                                                                                                                                                        |
| 09/27/2002        |                   | (ll) (Entered: 12/30/2002)                                                                                                                                                                                                                                                                               |
| 10/01/2002        |                   | cy. of complaint to clerk for reassignment to Eastern Division. (js) (Entered: 10/01/2002)                                                                                                                                                                                                               |
| 10/04/2002        | <a href="#">3</a> | Order, reassigning/referring case to Judge Howard signed by D. Daniel, Clerk. Additionally, the Magistrate assignment in the case shall be changed to Magistrate Judge Louise W. Flanagan. All future pleadings should reflect the revised case no. 4:02-CV-147-H(4). served. (iw) (Entered: 10/04/2002) |
| 10/04/2002        |                   | Case reassigned to Judge Malcolm J. Howard (iw) (Entered: 10/04/2002)                                                                                                                                                                                                                                    |
| 10/04/2002        |                   | File clerk to re-label file and forward to Greenville. (iw) (Entered: 10/04/2002)                                                                                                                                                                                                                        |
| 10/17/2002        | <a href="#">4</a> | Waiver of Service Returned Executed as to Channel Marker II 10/4/02 Answer due on 12/3/02 for Channel Marker II. (dh) (Entered: 10/24/2002)                                                                                                                                                              |
| 11/08/2002        | <a href="#">5</a> | Answer to Complaint by Channel Marker II; jury demand (ll) Modified on 11/20/2002 (Entered: 11/20/2002)                                                                                                                                                                                                  |
| 11/20/2002        | <a href="#">6</a> | Request for Discovery Plan: Discovery Plan due by 1/3/03 (ll) (Entered: 11/20/2002)                                                                                                                                                                                                                      |
| 12/20/2002        | <a href="#">7</a> | Discovery Plan filed by EEOC, Channel Marker II (ll) (Entered: 12/30/2002)                                                                                                                                                                                                                               |
| 12/20/2002        |                   | Case submitted to: William A. Webb, USMJ [7-1] discovery submitted for entry of scheduling order. (ll) (Entered: 12/30/2002)                                                                                                                                                                             |
| 01/09/2003        | <a href="#">8</a> | Order on Scheduling by Magistrate William A. Webb setting Discovery cutoff 9/30/03 Deadline for filing of all motions 10/30/03 before Judge Malcolm J. Howard - trial date to be set sometime February 2004. ccys served. calendar copy. (dh) (Entered: 01/09/2003)                                      |
| 04/02/2003        |                   | Order setting trial date forthcoming. (dh) (Entered: 04/02/2003)                                                                                                                                                                                                                                         |

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|------------|--------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 04/09/2003 | <a href="#">9</a>  | Order on Scheduling by Magistrate William A. Webb setting Jury Trial scheduled for 2/2/04 before Judge Malcolm J. Howard in G'ville. calendar copy & ccys served. (dh) (Entered: 04/09/2003)                                                                                                                                                                                                           |
| 04/09/2003 | <a href="#">10</a> | Document filed by defendant Channel Marker II titled: Notice of Change of Counsel of Record - deft. hereby notifies the court that responsibility of this matter has been transferred to the undersigned attorneys who were formerly members of Maupin Taylor & Ellis, P.A. and are now members of Haynsworth Baldwin Johnson & Greaves, LLC. cy to Carol to update system. (dh) (Entered: 04/25/2003) |
| 05/12/2003 | <a href="#">11</a> | Motion by Channel Marker II to continue trial from Feb. 2, 2004 until April 5, 2004 or whatever date the court deems convenient , cs. (dh) (Entered: 05/19/2003)                                                                                                                                                                                                                                       |
| 05/19/2003 |                    | Called counsel to advise of correct case number. (dh) (Entered: 05/19/2003)                                                                                                                                                                                                                                                                                                                            |
| 05/19/2003 |                    | Motion(s) submitted: [11-1] motion to continue trial from Feb. 2, 2004 until April 5, 2004 or whatever date the court deems convenient submitted. CASE FILE TO JUDGE HOWARD FOR CONSIDERATION. (dh) (Entered: 05/19/2003)                                                                                                                                                                              |
| 05/19/2003 | <a href="#">12</a> | Motion by EEOC to extend time to designate experts , cs. cy to Clerk with p.o. (dh) (Entered: 05/21/2003)                                                                                                                                                                                                                                                                                              |
| 05/20/2003 |                    | Called Ms. Mahood's office to advise of the correct case number. (dh) (Entered: 05/20/2003)                                                                                                                                                                                                                                                                                                            |
| 05/23/2003 | <a href="#">13</a> | Order granting [12-1] motion to extend time to designate experts to 7/15/03 for plaintiff and 8/15/03 for defendant. signed by David W. Daniel, Clerk. Cys. served. (ll) (Entered: 05/23/2003)                                                                                                                                                                                                         |
| 05/27/2003 | <a href="#">14</a> | Order granting [11-1] motion to continue trial from Feb. 2, 2004 until April 5, 2004 or whatever date the court deems convenient, reset Jury trial before Judge Malcolm J. Howard for 4/5/04 signed by Malcolm J. Howard, US Judge. ccys served. Calendar copy. (dh) (Entered: 05/27/2003)                                                                                                             |
| 08/07/2003 | <a href="#">15</a> | Document filed by plaintiff EEOC titled: "Notice of Substitution of Counsel" - Bobby C. Simpson, Acting Regional Attorney is substituting for Mindy E. Weinstein, Regional Attorney. (dh) (Entered: 08/11/2003)                                                                                                                                                                                        |
| 08/07/2003 |                    | Copy of Notice of Substitution to Carol to add attorney Bobby C. Simpson as counsel for plaitiff. (dh) (Entered: 08/11/2003)                                                                                                                                                                                                                                                                           |
| 09/09/2003 | <a href="#">16</a> | Joint motion by EEOC to extend time for discovery & motion filing deadline , cs. Counsel for plaintiff consents. (dh) (Entered: 09/11/2003)                                                                                                                                                                                                                                                            |
| 09/11/2003 |                    | Motion(s) referred: referred [16-1] joint motion to extend time for discovery & motion filing deadline to USMJ William A. Webb. CASE FILE TO USMJ WEBB FOR CONSIDERATION. (dh) (Entered: 09/11/2003)                                                                                                                                                                                                   |
| 09/24/2003 | <a href="#">17</a> | Amended Order on Scheduling by Magistrate William A. Webb setting Discovery cutoff 11/17/03 Deadline for filing of all motions 12/17/03 Trial date for this matter shall remain unchanged. ccys served 9/24/03. (dh) (Entered: 09/27/2003)                                                                                                                                                             |

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| 11/22/2003 |                    | Case submitted to: Judge Howard re: Proposed Consent Decree submitted by the parties. CASE FILE TO JUDGE HOWARD FOR CONSIDERATION. (dh) (Entered: 11/22/2003)  |
| 11/26/2003 | <a href="#">18</a> | Consent judgment for EEOC against Channel Marker II - (see decree for details.) signed by Malcolm J. Howard, US Judge. ccys served. (dh) (Entered: 11/26/2003) |
| 11/26/2003 |                    | Case closed. Non-Permanent. (dh) (Entered: 11/26/2003)                                                                                                         |
| 01/06/2004 |                    | Case file sent to Raleigh for storage. (ja) (Entered: 01/06/2004)                                                                                              |

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