

18AG, CLOSED

**U.S. District Court  
North Carolina Middle District (Durham)  
CIVIL DOCKET FOR CASE #: 1:01-cv-00918-JAB**

EEOC v. DOLLAR GENERAL CORP., et al  
Assigned to: CHIEF JUDGE JAMES A. BEATY, JR  
Demand: \$0  
Case in other court: WDNC, 5:01CV170-H  
Cause: 42:12112 Americans with Disabilities Act

Date Filed: 10/03/2001  
Date Terminated: 05/08/2003  
Jury Demand: Plaintiff  
Nature of Suit: 442 Civil Rights: Jobs  
Jurisdiction: U.S. Government Plaintiff

**Plaintiff**

**EQUAL EMPLOYMENT  
OPPORTUNITY COMMISSION**

represented by **BOBBY C. SIMPSON**  
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V.

**Defendant**

**DOLLAR GENERAL CORPORATION**

represented by **CHARLES MATTHEW KEEN**  
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**Defendant****DOLGENCORP, INCORPORATED***doing business as***DOLLAR GENERAL STORES**represented by **CHARLES MATTHEW KEEN**

(See above for address)

*LEAD ATTORNEY**ATTORNEY TO BE NOTICED***DEBRA LOYD DEWAR**

(See above for address)

*LEAD ATTORNEY**ATTORNEY TO BE NOTICED***INGRID BLACKWELDER ERWIN**

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*TERMINATED: 02/14/2002**LEAD ATTORNEY**ATTORNEY TO BE NOTICED***KEITH D. FRAZIER**

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*LEAD ATTORNEY**ATTORNEY TO BE NOTICED*

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
09/26/2001	1	COMPLAINT Fee:wv (K. Welch) (Entered: 10/03/2001)
09/28/2001	3	ORDER granting [2-1] Motion to Transfer Case to USDC / Middle District of North Carolina. (Signed by Magistrate Judge Carl Horn III) (K. Welch) (Entered: 10/03/2001)
10/03/2001		**Case assigned to Magistrate Judge ELIASON. AO Code 18AG (K. Welch) (Entered: 10/03/2001)
10/03/2001		Original file, certified copy of transfer order and docket sheet received from the Western District of North Carolina (Statesville) (K. Welch) Modified on 10/17/2001 (Entered: 10/03/2001)
10/03/2001		SKELETAL DOCKETING ends here: for COMPLETE docket entries prior to this date, see manual docket sheet. (K. Welch) (Entered: 10/03/2001)

10/18/2001	4	AMENDED COMPLAINT by EEOC amending [1-1] complaint; jury demand (fe) (Entered: 10/19/2001)
12/17/2001	5	WAIVER OF SERVICE OF SUMMONS Returned Executed as to DOLLAR GENERAL CORP. and DOLGENCORP, INC. on 10/29/01. Answer due on 12/28/01 for DOLGENCORP, INC. and for DOLLAR GENERAL CORP. (fe) (Entered: 12/17/2001)
12/28/2001	6	ANSWER to Complaint by DOLLAR GENERAL CORP., DOLGENCORP, INC. (Attorney INGRID BLACKWELDER ERWIN) (fe) (Entered: 12/28/2001)
12/28/2001		CASE AT ISSUE (fe) (Entered: 12/28/2001)
01/14/2002	7	NOTICE of Hearing: set Initial Pretrial Conference for 9:30 2/21/02 in COURTROOM #3 (WSA) ( before MAG/JUDGE RUSSELL A. ELIASON ). Ccs. dist. (W. Williamson) (Entered: 01/14/2002)
01/30/2002	8	MOTION by DOLLAR GENERAL CORP., DOLGENCORP, INC. to Substitute Attorney Matthew Keen and Keith Frazier for Ingrid Erwin (fe) (Entered: 01/30/2002)
02/07/2002	9	MOTION by DOLLAR GENERAL CORP., DOLGENCORP, INC. for Ingrid Blackwelder Erwin to Withdraw as Attorney (fe) (Entered: 02/08/2002)
02/12/2002		Motion(s) referred: [8-1] motion to Substitute Attorney Matthew Keen and Keith Frazier for Ingrid Erwin referred to MAG/JUDGE RUSSELL A. ELIASON [9-1] motion for Ingrid Blackwelder Erwin to Withdraw as Attorney referred to MAG/JUDGE RUSSELL A. ELIASON. (D. Kemp) (Entered: 02/12/2002)
02/13/2002		CASE REFERRED to Mag/Jud Eliason re: proposed Joint Rule 26(f) Report. (W. Williamson) (Entered: 02/13/2002)
02/14/2002	10	ORDER granting [8-1] motion to Substitute Attorney Matthew Keen and Keith Frazier for Ingrid Erwin terminated attorney INGRID BLACKWELDER ERWIN for DOLGENCORP, INC., attorney INGRID BLACKWELDER ERWIN for DOLLAR GENERAL CORP. Added KEITH D. FRAZIER, CHARLES MATTHEW KEEN. Signed by MAG/JUDGE RUSSELL A. ELIASON Ccs. dist. [EOD Date 2/14/02] (fe) (Entered: 02/14/2002)
02/14/2002	11	ORDER granting [9-1] motion for Ingrid Blackwelder Erwin to Withdraw as Attorney. Signed by MAG/JUDGE RUSSELL A. ELIASON Ccs. dist. [EOD Date 2/14/02] (fe) (Entered: 02/14/2002)
02/15/2002	12	Joint Rule 26(f) Report and Order setting Discovery cutoff 8/30/02; Notice of Intent to file Dsp.Motions due by 9/9/02; complex case management; mediation should be conducted late in the discovery period, the exact date to be set by the mediator after consultation with the parties; the parties have not yet agreed who will serve as mediator; the parties shall be allowed until 3/1/02 to join additional parties or to amend pleadings; the parties have not agreed to have this case assigned to a Magistrate Judge; JURY TRIAL (signed by MAG/JUDGE RUSSELL A. ELIASON) ETT 3d Ccs. dist. [EOD Date 2/15/02] (fe) (Entered: 02/15/2002)
02/15/2002		Complex Case (fe) (Entered: 02/15/2002)

02/15/2002		Mediation Hearing set for no later than 8/30/2002. (fe) (Entered: 03/27/2002)
02/15/2002		CASE SELECTED FOR MEDIATION (fe) (Entered: 03/27/2002)
03/29/2002	13	NOTICE of Hearing: Set Jury Trial for 9:30 April 7, 2003 in UNASSIGNED COURTROOM , Set Trial Brief, etc. deadline to March 18, 2003 . (D. Kemp) (Entered: 03/29/2002)
04/17/2002	14	ORDER Appointing Mediator Jonathan R. Harkavy (signed by Clerk). [EOD Date 4/18/02] (J. Wilson) (Entered: 04/18/2002)
06/26/2002		CASE REFERRED to Mag/Jud Eliason re: proposed Consent Protective Order. (W. Williamson) (Entered: 06/26/2002)
07/01/2002	15	CONSENT MOTION by DOLLAR GENERAL CORP., DOLGENCORP, INC. to Extend Time for submission of defendants' expert report from 7/1/02 to 7/15/02. (fe) (Entered: 07/01/2002)
07/02/2002	16	PROTECTIVE ORDER in RE: Confidential Documents as set out. (signed by MAG/JUDGE RUSSELL A. ELIASON) Ccs. dist. [EOD Date 7/2/02] (fe) (Entered: 07/02/2002)
07/02/2002		Motion(s) referred: [15-1] motion to Extend Time for submission of defendants' expert report referred to MAG/JUDGE RUSSELL A. ELIASON. (D. Kemp) (Entered: 07/02/2002)
07/05/2002	17	ORDER granting [15-1] motion to Extend Time to and including 7/15/02 for submission of defendants' expert report (signed by MAG/JUDGE RUSSELL A. ELIASON) [EOD Date 7/5/02] Ccs. Dist. (fe) (Entered: 07/05/2002)
08/15/2002	18	JOINT MOTION by EEOC, DOLLAR GENERAL CORP., DOLGENCORP, INC. to Extend Time for discovery to 11/05/02 and to amend the discovery plan. (fe) (Entered: 08/15/2002)
08/16/2002		Motion(s) referred: [18-1] joint motion to Extend Time for discovery referred to MAG/JUDGE RUSSELL A. ELIASON. (D. Kemp) (Entered: 08/16/2002)
08/16/2002		Mediation Hearing held 8/12/2002. (fe) (Entered: 08/26/2002)
08/20/2002	19	ORDER granting [18-1] joint motion to Extend Time for discovery, reset Discovery deadline to 10/28/02 ; all motions except motions in limine and motions to continue, shall be filed no later than 30 days after the completion of discovery. Signed by MAG/JUDGE RUSSELL A. ELIASON Ccs. dist. [EOD Date 8/20/02] (fe) (Entered: 08/20/2002)
10/09/2002	20	JOINT MOTION by EEOC, DOLLAR GENERAL CORP., DOLGENCORP, INC. to take a deposition after expiration of the discovery period . (fe) (Entered: 10/09/2002)
10/10/2002		Motion(s) referred: [20-1] joint motion to take a deposition after expiration of the discovery period referred to MAG/JUDGE RUSSELL A. ELIASON. (D. Kemp) (Entered: 10/10/2002)
10/15/2002	21	ORDER granting [20-1] joint motion to take a deposition after expiration of the discovery period. Signed by MAG/JUDGE RUSSELL A. ELIASON Ccs dist [EOD Date 10/15/02] (L. Simmonds) (Entered: 10/15/2002)

11/12/2002	22	Notice of Intent to File Dispositive Motions. Dispositive Motions due by 11/27/02. Filed by EEOC. (fe) (Entered: 11/12/2002)
11/14/2002	23	Notice of Intent to File Dispositive Motions. Dispositive Motions due by 11/27/02. Filed by DOLLAR GENERAL CORP., DOLGENCORP, INC. (fe) (Entered: 11/15/2002)
11/27/2002	24	MOTION for Summary Judgment dismissing this case in its entirety by defendant DOLLAR GENERAL CORP., defendant DOLGENCORP, INC. (fe) (Entered: 11/29/2002)
11/27/2002	25	BRIEF by DOLLAR GENERAL CORP., DOLGENCORP, INC. in support of [24-1] motion for Summary Judgment dismissing this case in its entirety by DOLGENCORP, INC., DOLLAR GENERAL CORP. (fe) (Entered: 11/29/2002)
11/27/2002	26	APPENDIX I (located in expandable file) by DOLLAR GENERAL CORP., DOLGENCORP, INC. in support of [24-1] motion for Summary Judgment dismissing this case in its entirety by DOLGENCORP, INC., DOLLAR GENERAL CORP. (fe) (Entered: 11/29/2002)
11/27/2002	27	SEALED APPENDIX II by DOLLAR GENERAL CORP., DOLGENCORP, INC. in support of [24-1] motion for Summary Judgment dismissing this case in its entirety by DOLGENCORP, INC., DOLLAR GENERAL CORP. (fe) (Entered: 11/29/2002)
11/27/2002	28	MOTION for Summary Judgment pursuant to Rule 56(c) of the FRCvP by plaintiff EEOC. (fe) (Entered: 11/29/2002)
11/27/2002	29	MEMORANDUM (pages 2, 10-11 filed under seal) by EEOC in support of [28-1] motion for Summary Judgment pursuant to Rule 56(c) of the FRCvP by EEOC. Exhibits located in expandable file. Exhibits 1-6, 8-9 filed under seal. (fe) Modified on 12/06/2002 (Entered: 11/29/2002)
11/27/2002	30	STIPULATION by all parties in re: finding of liability or settlement and monetary relief. (fe) Modified on 12/06/2002 (Entered: 11/29/2002)
12/30/2002	31	BRIEF IN OPPOSITION by DOLGENCORP, INC., DOLLAR GENERAL CORP. to [28-1] motion for Summary Judgment pursuant to Rule 56(c) of the FRCvP by EEOC (fe) (Entered: 12/31/2002)
12/30/2002	32	MEMORANDUM IN OPPOSITION (with attached exhibits; exhibits A-B sealed) by EEOC to [24-1] motion for Summary Judgment dismissing this case in its entirety by DOLLAR GENERAL CORP., DOLGENCORP, INC. (fe) (Entered: 12/31/2002)
01/14/2003	<a href="#">33</a>	REPLY by DOLGENCORP, INC., DOLLAR GENERAL CORP. to response to [24-1] motion for Summary Judgment dismissing this case in its entirety by DOLLAR GENERAL CORP., DOLGENCORP, INC. (fe) (Entered: 01/14/2003)
01/17/2003	<a href="#">34</a>	REPLY (with exhibits 24-25 filed under seal) by EEOC to response to [28-1] motion for Summary Judgment pursuant to Rule 56(c) of the FRCvP by EEOC (fe) (Entered: 01/17/2003)
01/24/2003		Motion submission: [24-1] motion for Summary Judgment dismissing this case in its entirety submitted, [28-1] motion for Summary Judgment pursuant to Rule

		56(c) of the FRCvP submitted to Judge Beaty. (D. Kemp) (Entered: 01/24/2003)
02/06/2003		TRIAL CALENDAR mailed to parties for session beginning 04/07/03 at 9:30 a.m. in Gso. (R. Winchester) (Entered: 02/06/2003)
02/06/2003		Deadline Updated; Reset Jury Trial for 9:30 4/7/03 in COURTROOM #3 (GSO) before JUDGE FRANK W. BULLOCK JR. (R. Winchester) (Entered: 02/06/2003)
02/25/2003	<a href="#">35</a>	NOTICE of Hearing: set Settlement Conference for 2:00 3/20/03 in COURTROOM #3 (GSO) ( before JUDGE FRANK W. BULLOCK JR. ) (D. Mccarty) (Entered: 02/25/2003)
03/04/2003	<a href="#">36</a>	NOTICE of Attorney Appearance for EEOC by KERITH COHEN (N. Dickerson) (Entered: 03/04/2003)
03/10/2003		Deadline Updated; reset Settlement Conference for 10:00 3/18/03 in COURTROOM #3 (GSO) before JUDGE FRANK W. BULLOCK JR. (D. Mccarty) (Entered: 03/10/2003)
03/11/2003	<a href="#">37</a>	NOTICE of Attorney Appearance for DOLGENCORP, INC., DOLLAR GENERAL CORP. by DEBRA LOYD DEWAR (fe) (Entered: 03/12/2003)
03/18/2003		Settlement Conference held before JUDGE FRANK W. BULLOCK JR. in GSO; Snyder court reporter. Kara Gibbon Haden, Kerith Cohen, Keith Frazier and Debra Dewar present. Case did not settle. Parties to proceed to trial. (D. Mccarty) Modified on 04/01/2003 (Entered: 03/18/2003)
03/18/2003	<a href="#">38</a>	TRIAL BRIEF by EEOC (D. Mccarty) (Entered: 03/19/2003)
03/18/2003	<a href="#">39</a>	Proposed Jury instructions by EEOC (D. Mccarty) (Entered: 03/19/2003)
03/18/2003	<a href="#">40</a>	Proposed Voir Dire Questions by EEOC (D. Mccarty) (Entered: 03/19/2003)
03/18/2003	<a href="#">41</a>	Proposed Voir Dire Questions by DOLGENCORP, INC., DOLLAR GENERAL CORP. (D. Mccarty) (Entered: 03/19/2003)
03/18/2003	<a href="#">42</a>	Proposed Special Jury instructions by DOLGENCORP, INC., DOLLAR GENERAL CORP. (D. Mccarty) (Entered: 03/19/2003)
03/18/2003	<a href="#">43</a>	Proposed verdict form by DOLGENCORP, INC., DOLLAR GENERAL CORP. (D. Mccarty) (Entered: 03/19/2003)
03/20/2003		Motion(s) no longer submitted: [28-1] motion for Summary Judgment pursuant to Rule 56(c) of the FRCvP, [24-1] motion for Summary Judgment dismissing this case in its entirety (fe) (Entered: 03/20/2003)
03/20/2003	<a href="#">44</a>	MEMORANDUM OPINION that the Court must DENY Plaintiff's Motion for Summary Judgment [Document #28] which requests a finding that this element of its prima facie case has been satisfied. For the same reasons, the Court will DENY Defendants' Motion for Summary Judgment [Document #24], which contends that Ms. Bost was not a "qualified individual with a disability". Further, because the Court's finding of the existence of a genuine issue of material fact as to one of the elements of Plaintiff's prima facie case prevents the Court from going beyond the prima facie elements and examining the remaining considerations necessary for Plaintiff to prove discrimination, the Court will

		further DENY Plaintiff's Motion for Summary Judgment [Document #28] to the extent it requests an overall finding that Defendants violated the ADA. Those remaining considerations, which are associated with McDonnell Douglas proof scheme, are for the finder of fact to decide, if it first determines that Plaintiff has met its prima facie requirement of demonstrating that Ms. Bost was a "qualified individual with a disability" by showing that her accommodation was reasonable. An Order in accord with the Memorandum Opinion shall be filed contemporaneously herewith. (signed by JUDGE JAMES A. BEATY JR.) Ccs. dist. [EOD Date 3/20/03] (fe) Modified on 03/26/2003 (Entered: 03/20/2003)
03/20/2003	<a href="#">45</a>	ORDER that for the reasons stated in the Memorandum Opinion filed contemporaneously herewith, the Court denies [28-1] motion for Summary Judgment pursuant to Rule 56(c) of the FRCvP and further denies this motion to the extent it requests an overall finding that Defendants violated the ADA, and the Court denies [24-1] motion for Summary Judgment dismissing this case in its entirety. Signed by JUDGE JAMES A. BEATY JR. Ccs. dist. [EOD Date 3/20/03] (fe) (Entered: 03/20/2003)
03/20/2003	<a href="#">46</a>	Objections to Plaintiff's Pretrial disclosures by defendant DOLGENCORP, INC., defendant DOLLAR GENERAL CORP. (D. Mccarty) Modified on 03/21/2003 (Entered: 03/21/2003)
03/21/2003	<a href="#">47</a>	Objections to defendant's pretrial disclosures by plaintiff EEOC (D. Mccarty) (Entered: 03/21/2003)
04/04/2003		CASE REPORTED SETTLED by KERITH COHEN Dismissal Order due 5/4/03 (D. Mccarty) (Entered: 04/04/2003)
05/06/2003		CASE REFERRED to Judge Bullock with proposed settlement agreement and order of dismissal. (D. Mccarty) (Entered: 05/06/2003)
05/08/2003		CASE NO LONGER REFERRED to Judge. (fe) (Entered: 05/08/2003)
05/08/2003	<a href="#">48</a>	SETTLEMENT AGREEMENT AND ORDER OF DISMISSAL that Dollar General agrees to pay Forty-Five Thousand Dollars (\$45,000.00) to the Bobbie E. Bost Special Needs Trust in settlement of her claim for damages, subject to the terms set forth in a separate agreement entered into between Dollar General and Bobbie Bost's legal guardian, who is represented by private counsel. The parties agree that this sum does not represent back pay. The check will be made payable to the Bobbie E. Bost Special Needs Trust and will be mailed to Mary Bost, whose address will be provided by the EEOC in a separate correspondence, within 15 days after the entry of this order, etc as set out. (Signed by Judge Frank W. Bullock, Jr.) Ccs. dist. (fe) Modified on 05/12/2003 (Entered: 05/08/2003)
05/08/2003		CASE CLOSED. Closing Code 8e (fe) (Entered: 05/08/2003)
03/15/2006	<a href="#">49</a>	Exhibit Letter - Local Rule 83.5 as to all Counsel of record. (Attachments: # <a href="#">1</a> Receipt of Material)(Welch, Kelly) (Entered: 03/15/2006)
03/29/2006	<a href="#">50</a>	MOTION to Withdraw <i>Sealed Documents</i> by EQUAL EMPLOYMENT OPPORTUNITY COMMISSION. Responses due by 4/21/2006 (Attachments: # <a href="#">1</a> Text of Proposed Order Granting Motion to Withdraw Sealed Documents)(HADEN, KARA) (Entered: 03/29/2006)



03/29/2006		***Motions Submitted: <a href="#">50</a> MOTION to Withdraw <i>Sealed Documents</i> to Judge JAMES A. BEATY JR.- (Kemp, Donita) (Entered: 03/29/2006)
03/30/2006	<a href="#">51</a>	ORDER granting EEOC's <a href="#">50</a> motion for permission to withdraw certain sealed documents; the Clerk is to return the documents to EEOC as set out; Signed by Judge JAMES A. BEATY JR. on 3/30/06 (McKenzie, Keayba) Modified on 4/3/2006 to reflect SEALED DOCUMENTS returned by mail to KARA GIBBON HADEN, EEOC, 129 W. TRADE ST., STE. 400, CHARLOTTE, NC 28202 (Welch, Kelly). (Entered: 03/30/2006)

### PACER Service Center

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