

APPEAL, CASREF, REFUSE

**U.S. District Court  
Western District of North Carolina (Charlotte)  
CIVIL DOCKET FOR CASE #: 3:04-cv-00467-RJC-DCK**

EEOC v. Firestone Fibers, et al  
Assigned to: Robert J. Conrad, Jr  
Referred to: David Keesler  
Demand: \$0  
Case in other court: USCA, 06-02203

Fourth Circuit Court of Appeals, 06-02241

Cause: 28:451 Employment Discrimination

Date Filed: 09/09/2004  
Date Terminated: 09/13/2006  
Jury Demand: y  
Nature of Suit: 442 Civil Rights: Jobs  
Jurisdiction: U.S. Government Plaintiff

**Plaintiff**

**Equal Employment Opportunity  
Commission**

represented by **Kara Gibbon Haden**  
Equal Employment Opportunity  
Commission  
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**Lynette A. Barnes**  
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**Intervenor Plaintiff**

**David Wise**

represented by **Vicki Brown Rowan**  
Attorney at Law  
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Suite 400  
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704-525-4110  
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V.

**Defendant**

**Firestone Fibers & Textiles Company, a  
Division of BFS Diversified Products**

represented by **Homer Bernard Tisdale, III**  
Ogletree, Deakins, Nash, Smoak &  
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**James B. Spears, Jr**  
Ogletree, Deakins, Nash, Smoak &  
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201 South College Street  
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Email: jim.spears@ogletreedeakins.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**BFS Diversified Products, LLC**

represented by **Homer Bernard Tisdale, III**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**James B. Spears, Jr**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Bridgestone Americas Holding, Inc.**

represented by **Homer Bernard Tisdale, III**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**James B. Spears, Jr**  
 (See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Intervenor Defendant**

**Firestone Fibers & Textiles Company, a  
 Division of BFS Diversified Products**

represented by **Homer Bernard Tisdale, III**  
 (See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**James B. Spears, Jr**  
 (See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Intervenor Defendant**

**BFS Diversified Products, LLC**

represented by **Homer Bernard Tisdale, III**  
 (See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**James B. Spears, Jr**  
 (See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Intervenor Defendant**

**Bridgestone Americas Holding, Inc.**

represented by **Homer Bernard Tisdale, III**  
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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**James B. Spears, Jr**  
 (See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Movant**

**David Wise**

represented by **Vicki Brown Rowan**  
 (See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
09/09/2004	<a href="#"><u>1</u></a>	COMPLAINT and Jury Trial Demand. (lhg) (Entered: 09/09/2004)

09/16/2004	<a href="#">2</a>	CONSENT/REFUSAL to Magistrate Jurisdiction by EEOC - consent (former emp) (Entered: 09/17/2004)
10/21/2004	<a href="#">3</a>	WAIVER OF SERVICE Returned Executed as to BFS Diversified 9/16/04 Answer due on 11/15/04 for BFS Diversified (former emp) (Entered: 10/21/2004)
11/15/2004	<a href="#">4</a>	MOTION to Intervene by David Wise (bsw) (Entered: 11/16/2004)
11/16/2004	<a href="#">5</a>	ANSWER to Complaint by Firestone Fibers, BFS Diversified, Bridgestone Amer Hol (ejb) (Entered: 11/16/2004)
11/16/2004	<a href="#">6</a>	CONSENT/REFUSAL to Magistrate Jurisdiction by Firestone Fibers, BFS Diversified, Bridgestone Amer Hol - Refusal (ejb) (Entered: 11/16/2004)
11/16/2004	<a href="#">7</a>	CASE reassigned to Judge Graham C. Mullen - notice of reassignment mailed to parties. (ejb) (Entered: 11/16/2004)
12/17/2004	<a href="#">8</a>	ORDER granting [4-1] motion to Intervene by David Wise ( signed by Magistrate Judge Carl Horn III ) [EOD DATE: 12/21/04] (former emp) (Entered: 12/21/2004)
12/17/2004	<a href="#">9</a>	Intervenor's COMPLAINT by David Wise against Firestone Fibers, BFS Diversified, Bridgestone Amer Hol (former emp) (Entered: 12/21/2004)
01/07/2005	<a href="#">10</a>	ANSWER by Firestone Fibers, BFS Diversified, Bridgestone Amer Hol to [9-1] intervenor complaint; w/cs cc: GCM (cbb) (Entered: 01/12/2005)
01/18/2005	<a href="#">11</a>	Certificate of I.A.C. and Discovery Plan by plaintiff EEOC, defendant Firestone Fibers, defendant BFS Diversified, defendant Bridgestone Amer Hol, movant David Wise (former emp) (Entered: 01/21/2005)
01/18/2005	<a href="#">12</a>	Disclosure of Corporate Affiliations other entities with a direct financial interest in litigation by Firestone Fibers, BFS Diversified, Bridgestone Amer Hol (former emp) (Entered: 01/21/2005)
01/26/2005	<a href="#">13</a>	INITIAL PRETRIAL ORDER Discovery deadline is 6/30/05 Motion filing deadline is 8/1/05 Jury Trial set for 10:00 3/6/06 before Judge Graham C. Mullen ( signed by Judge Graham C. Mullen ) (tme) (Entered: 01/26/2005)
03/24/2005	<a href="#">14</a>	Amd Certificate of I.A.C. and Discovery Plan by plaintiff EEOC, defendant Firestone Fibers, defendant BFS Diversified, defendant Bridgestone Amer Hol, movant David Wise (bsw) (Entered: 03/29/2005)
04/15/2005	<a href="#">15</a>	MOTION & memo in suppt by EEOC, David Wise for Protective Order (dcap) (Entered: 04/15/2005)
05/02/2005	<a href="#">16</a>	RESPONSE to Motion re <a href="#">15</a> Motion for Protective Order filed by Firestone Fibers & Textiles Company, a Division of BFS Diversified Products. (Cochran, Candace) (Entered: 05/03/2005)
05/12/2005	<a href="#">17</a>	NOTICE of intent not to file reply by Equal Employment Opportunity Commission, David Wise re <a href="#">15</a> Motion for Protective Order filed by Equal Employment Opportunity Commission, David Wise. (Wallace, Betsy) (Entered: 05/17/2005)
06/16/2005		Case reassigned to Judge Robert J. Conrad, Jr. Judge Graham Mullen no longer assigned to the case. (Wallace, Betsy) (Entered: 06/16/2005)

08/01/2005	<a href="#">18</a>	MOTION for Summary Judgment by Firestone Fibers & Textiles Company, a Division of BFS Diversified Products, Bridgestone Americas Holding, Inc.. (Wallace, Betsy) (Entered: 08/03/2005)
08/01/2005	<a href="#">19</a>	MEMORANDUM in Support re <a href="#">18</a> MOTION for Summary Judgment filed by Firestone Fibers & Textiles Company, a Division of BFS Diversified Products, BFS Diversified Products, LLC, Bridgestone Americas Holding, Inc.. (Wallace, Betsy) (Entered: 08/03/2005)
08/01/2005	<a href="#">20</a>	Appendix by Firestone Fibers & Textiles Company, a Division of BFS Diversified Products, BFS Diversified Products, LLC, Bridgestone Americas Holding, Inc.. (complete appendix not scanned - see case file) (Attachments: # <a href="#">1</a> Appendix - Part 2)(Wallace, Betsy) (Entered: 08/03/2005)
08/01/2005		Motions No Longer Referred: <a href="#">18</a> MOTION for Summary Judgment (Wallace, Betsy) (Entered: 07/17/2006)
08/11/2005	<a href="#">21</a>	MOTION for Extension of Time to File Response/Reply to 8/22/05 as to <a href="#">18</a> MOTION for Summary Judgment by Equal Employment Opportunity Commission, David Wise. Responses due by 8/25/2005 (Attachments: # <a href="#">1</a> Text of Proposed Order)(Evans, Tammy) (Entered: 08/15/2005)
08/19/2005	<a href="#">22</a>	RESPONSE to Motion re <a href="#">18</a> MOTION for Summary Judgment filed by David Wise. (Attachments: # <a href="#">1</a> Exhibit # <a href="#">2</a> Exhibit)(Cochran, Candace) (Entered: 08/24/2005)
08/19/2005	<a href="#">23</a>	MEMORANDUM in Opposition re <a href="#">18</a> MOTION for Summary Judgment filed by Equal Employment Opportunity Commission. (Huntley, Cynthia) (Entered: 08/26/2005)
08/26/2005		CASE REFERRED to Magistrate Judge David Keesler. (Wallace, Betsy) (Entered: 08/26/2005)
08/29/2005	<a href="#">24</a>	REPLY to Response to Motion re <a href="#">18</a> MOTION for Summary Judgment filed by Firestone Fibers & Textiles Company, a Division of BFS Diversified Products. (Cochran, Candace) (Entered: 08/31/2005)
08/31/2005	<a href="#">25</a>	ORDER granting <a href="#">21</a> Motion for Extension of Time to File Response/Reply re <a href="#">18</a> MOTION for Summary Judgment Responses due by 8/22/2005. Signed by Judge David Keesler on 8/31/05. (Wallace, Betsy) (Entered: 09/01/2005)
09/08/2005	<a href="#">26</a>	ORDER, Set/Reset Deadlines as to <a href="#">15</a> Motion for Protective Order. Motion Hearing set for 10/11/2005 11:00 AM in Charlotte Magistrate Courtroom before David Keesler.. Signed by Judge David Keesler on 9/8/05. (Huntley, Cynthia) (Entered: 09/09/2005)
10/03/2005	<a href="#">27</a>	NOTICE of Hearing on Motion <a href="#">15</a> Motion for Protective Order: Motion Hearing set for 10/11/2005 09:30 AM in Courtroom #1, 401 W. Trade St., Charlotte, NC 28202 before David Keesler. (Anderton, Michelle) (Entered: 10/03/2005)
10/11/2005		Minute Entry for proceedings held before Judge David Keesler : Motion Hearing held on 10/11/2005 re <a href="#">15</a> Motion for Protective Order filed by Equal Employment Opportunity Commission,, David Wise,. (Court Reporter Betty Brown w/Huesby.) (Anderton, Michelle) (Entered: 10/11/2005)

10/12/2005	<a href="#">28</a>	ORDER granting in part and denying in part <a href="#">15</a> Motion for Protective Order . Signed by Judge David Keesler on 10/12/05. (MacEwan, Cathy) (Entered: 10/12/2005)
01/30/2006		Proposed document submitted to Judge Robert Conrad. (Tisdale, Homer) (Entered: 01/30/2006)
02/03/2006	<a href="#">29</a>	ORDER suspending deadlines contained in the scheduling order. Trial deadline terminated.. Signed by Judge Robert J. Conrad Jr. on 2/3/06. (Huntley, Cynthia) (Entered: 02/03/2006)
09/13/2006	<a href="#">30</a>	ORDER granting <a href="#">18</a> Motion for Summary Judgment and dismissing Bridgestone Americas Holding, Inc.. Signed by Judge Robert J. Conrad Jr on 9/13/06. (chh) (Entered: 09/13/2006)
09/13/2006	<a href="#">31</a>	CLERK'S JUDGMENT entered in accordance with the Court's September 13, 2006 Order. Signed on 9/13/06. (chh) (Entered: 09/13/2006)
11/09/2006	<a href="#">32</a>	NOTICE OF APPEAL by Equal Employment Opportunity Commission. (Haden, Kara) (Entered: 11/09/2006)
11/09/2006	<a href="#">33</a>	Transmission of Notice of Appeal to US Court of Appeals re <a href="#">32</a> Notice of Appeal (smj) (Entered: 11/09/2006)
11/14/2006	<a href="#">34</a>	USCA Case Number 06-2203 for <a href="#">32</a> Notice of Appeal. USCA Case Manager: Lisa Jernigan. (com) (Entered: 11/21/2006)
11/14/2006	<a href="#">35</a>	Docketed on wrong docket - ORDER of USCA (com) Modified on 12/13/2006 (Wallace, Betsy). (Entered: 11/21/2006)
11/22/2006	<a href="#">36</a>	Subsequent NOTICE OF APPEAL as to <a href="#">31</a> Clerk's Judgment, <a href="#">30</a> Order on Motion for Summary Judgment by David Wise. Filing fee \$ 455, receipt number 264976. (Rowan, Vicki) (Entered: 11/22/2006)
11/27/2006	<a href="#">37</a>	Transmission of Notice of Appeal to US Court of Appeals re <a href="#">36</a> Subsequent Notice of Appeal (smj) (Entered: 11/27/2006)
11/27/2006		Assembled Electronic Record Transmitted to Fourth Circuit. Original. (bsw) (Entered: 11/27/2006)
11/29/2006	<a href="#">38</a>	USCA Case Number 06-2241 for <a href="#">36</a> Subsequent Notice of Appeal USCA Case Manager: Lisa Jernigan. (cbb) (Entered: 11/29/2006)
11/29/2006	<a href="#">39</a>	ORDER of USCA as to <a href="#">32</a> Notice of Appeal, <a href="#">36</a> Subsequent Notice of Appeal consolidating cases 06-2203 and 06-2241 for purposes of briefing and oral argument and adopts for these appeals the briefing order previously filed in 06-2203 dated 11/21/06 (cbb) (Entered: 11/29/2006)
12/13/2006		NOTICE of ECF Filing Error re: <a href="#">35</a> Order - USCA Docketed on wrong case in error NO ACTION REQUIRED - FOR INFORMATIONAL PURPOSES ONLY. (bsw) (Entered: 12/13/2006)
12/28/2006	<a href="#">40</a>	NOTICE of Change of Address by Homer Bernard Tisdale, III (Tisdale, Homer) (Entered: 12/28/2006)

<b>PACER Service Center</b>			
<b>Transaction Receipt</b>			
06/28/2007 12:26:37			
<b>PACER Login:</b>	hs0328	<b>Client Code:</b>	
<b>Description:</b>	Docket Report	<b>Search Criteria:</b>	3:04-cv-00467-RJC-DCK
<b>Billable Pages:</b>	4	<b>Cost:</b>	0.32

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