

CLOSED

**U.S. District Court
Western District of North Carolina (Statesville)
CIVIL DOCKET FOR CASE #: 5:04-cv-00207-RLV-DCK**

EEOC v. Welborne Auto Inc
Assigned to: District Judge Richard Voorhees
Referred to: Magistrate Judge David Keesler
Demand: \$0
Cause: 42:2000 Job Discrimination (Sex)

Date Filed: 12/30/2004
Date Terminated: 12/28/2007
Jury Demand: Both
Nature of Suit: 442 Civil Rights: Jobs
Jurisdiction: U.S. Government Plaintiff

Plaintiff

**Equal Employment Opportunity
Commission**

represented by **Jessica Lynn Dixon**
Equal Employment Opportunity
Commission
Charlotte District Office
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Charlotte, NC 28202
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Email: jessica.dixon@eeoc.gov
TERMINATED: 03/25/2005
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*LEAD ATTORNEY
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V.

Intervenor Plaintiff

Paula Thompson

represented by **Vicki Brown Rowan**
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Charlotte, NC 28209
704-525-4110
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V.

Defendant

Welborne Automotive, Inc.
formerly known as
Nissan of Hickory, Inc.

represented by **Katherine C. Hall**
Teague, Rotenstreich and Stanaland, L.L.P.
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*TERMINATED: 04/25/2007
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*TERMINATED: 11/29/2005
LEAD ATTORNEY*

Date Filed	#	Docket Text
12/30/2004	1	COMPLAINT Filing Fee - Waived (cbb) (Entered: 01/03/2005)
01/20/2005	2	CONSENT/REFUSAL to Magistrate Jurisdiction by EEOC - Refusal (cbb) (Entered: 01/20/2005)
01/20/2005	3	CASE reassigned to Judge Richard L. Voorhees - notice of reassignment mailed to parties. (cbb) (Entered: 01/20/2005)
01/20/2005		CASE REFERRED to Magistrate Judge David C. Keesler (cbb) (Entered: 01/20/2005)
03/25/2005	4	Substitution of Counsel terminating attorney Jessica Dixon for EEOC and substituting Kerith Cohen (cbb) (Entered: 03/29/2005)
05/23/2005	5	ANSWER to Complaint with Jury Demand by Welborne Automotive, Inc..(Bouchard, Carolyn) (Entered: 05/24/2005)
05/23/2005	6	CORPORATE Disclosure Statement by Welborne Automotive, Inc..(Bouchard, Carolyn) (Entered: 05/24/2005)
05/23/2005	7	Refusal of Magistrate Judge Jurisdiction by Welborne Automotive, Inc.. (Bouchard, Carolyn) (Entered: 05/24/2005)
08/01/2005	8	MOTION to Intervene by Paula Thompson. Responses due by 8/15/2005 (Attachments: # 1 Text of Proposed Order)(Bouchard, Carolyn) (Entered: 08/04/2005)
09/08/2005	9	ORDER granting 8 Motion to Intervene; ordered that Paula Thompson be permitted to intervene as a plf, that the cmp in intervention be filed, and that dfts ans cmp in intervention w/i 20 days from filing of this order. Signed by Judge David Keesler on 9/8/2005. (Bouchard, Carolyn) (Entered: 09/08/2005)
09/08/2005	10	Intervenor COMPLAINT , filed by Paula Thompson against Intervenor dft Welborne Automotive, Inc.(Bouchard, Carolyn) (Entered: 09/08/2005)
09/28/2005	11	ANSWER to Intervenor Complaint by Welborne Automotive, Inc..(Bouchard, Carolyn) (Entered: 09/28/2005)
09/28/2005	12	ANSWER to Intervenor Complaint by Welborne Automotive, Inc..(Bouchard, Carolyn) (Entered: 10/04/2005)
09/30/2005	13	CERTIFICATION of initial attorney conference and discovery plan by Paula Thompson, Equal Employment Opportunity Commission, Welborne Automotive, Inc..(Bouchard, Carolyn) (Entered: 10/04/2005)
10/12/2005	14	ORDER Initial Pretrial Conference set for 11/30/2005 11:00 AM in In Chambers before David Keesler.. Signed by Judge David Keesler on 10/12/2005. (Bouchard, Carolyn) Modified on 10/14/2005 (Bouchard, Carolyn). (Entered: 10/13/2005)
10/25/2005	15	MOTION for Extension of Time to 11/28/05 to File Response/Reply to EEOC's 1st Interrogs, 1st Req/Prod/Dcmts, 1st Req/Admissions by Welborne Automotive, Inc.. Responses due by 11/8/2005 (Attachments: # 1 Text of Proposed Order)(Bouchard, Carolyn) (Entered: 10/26/2005)

10/31/2005	16	ORDER granting 15 Motion for Extension of Time to File Response/Reply to 1st Interrogs, 1st Req/Prod/Dcmts, 1st Req/Admissions; time ext to 11/28/05 . Signed by Judge David Keesler on 10/31/2005. (Bouchard, Carolyn) (Entered: 11/01/2005)
11/08/2005	17	NOTICE of Atty Appearance by Lyn K. Broom on behalf of Welborne Automotive, Inc. (Bouchard, Carolyn) (Entered: 11/08/2005)
11/23/2005	18	MOTION to Withdraw as Attorney as to Maranda J. Freeman by Welborne Automotive, Inc.. Responses due by 12/7/2005 (Attachments: # 1 Defendant's Consent to Withdraw# 2 Certificate of Service# 3 Text of Proposed Order)(Evans, Tammy) (Entered: 11/23/2005)
11/29/2005	20	ORDER granting 18 Motion to Withdraw as Attorney. Added attorney Lyn K. Broom for Welborne Automotive, Inc., Katherine C. Hall for Welborne Automotive, Inc.. Attorney Maranda J. Freeman terminated . Signed by Judge David Keesler on 11/29/2005. (Bouchard, Carolyn) (Entered: 12/01/2005)
11/30/2005	19	PRETRIAL ORDER AND CASE MANAGEMENT PLAN: Estimated Trial Time: 4 days Discovery due by 5/22/2006. Motions due by 6/22/2006. Responses to Motion due by 7/22/06 Mediation deadline set for 5/22/2006. Jury trial date to be set when matter is ripe & ready to be tried. Signed by Judge David Keesler on 11/30/2005. (Bouchard, Carolyn) (Entered: 11/30/2005)
04/12/2006	21	NOTICE by Vicki B. Rowan, cnsl for Paula Thompson, of planned vacation out of country for 9/9/06 through 9/18/06 (Bouchard, Carolyn) (Entered: 04/26/2006)
05/20/2006	22	Joint MOTION for Extension of Scheduling Deadlines by Welborne Automotive, Inc.. (Attachments: # 1 Proposed Order)(Broom, Lyn) (Entered: 05/20/2006)
05/22/2006	23	ORDER granting 22 Motion for Extension of Scheduling Deadlines; disc ddl ext to 7/31/06; mediation ddl ext to 7/31/06; motion filing ddl ext to 9/15/06; resp to dispositive motion ddl is 10/20/06 . Signed by Judge David Keesler on 5/22/2006. (Bouchard, Carolyn) (Entered: 05/22/2006)
05/22/2006		Set/Reset Scheduling Order Deadlines: Discovery due by 7/31/2006. Mediation deadline set for 7/31/2006. Motions due by 9/15/2006. (Bouchard, Carolyn) (Entered: 05/22/2006)
05/22/2006		Set/Reset Deadlines as to Response to dispositive motions due by 10/20/2006 (Bouchard, Carolyn) (Entered: 05/22/2006)
07/17/2006	24	REPORT of Mediation by Mediator M. Ann Anderson; mediation session held 7/7/06; parties have reached impasse(Bouchard, Carolyn) Modified on 7/17/2006 (Bouchard, Carolyn). (Entered: 07/17/2006)
08/01/2006	25	MOTION to Compel by Welborne Automotive, Inc..Responses due by 8/18/2006 (Attachments: # 1 # 2 # 3)(Broom, Lyn). Motions referred to David Keesler. (Entered: 08/01/2006)
08/01/2006	26	MEMORANDUM in Support re 25 MOTION to Compel filed by Welborne Automotive, Inc.. (Broom, Lyn) (Entered: 08/01/2006)
08/14/2006	27	MOTION to Strike 25 MOTION to Compel by Paula Thompson.Responses due by 8/31/2006 (Rowan, Vicki) (Entered: 08/14/2006)

08/18/2006	28	MEMORANDUM in Opposition re 25 MOTION to Compel filed by Paula Thompson, Equal Employment Opportunity Commission. (Attachments: # 1 Exhibit 1# 2 Exhibit 2# 3 Exhibit 3# 4 Exhibit 4# 5 Exhibit 5# 6 Exhibit 6# 7 Exhibit 7# 8 Exhibit 8# 9 Exhibit 9# 10 Exhibit 10# 11 Exhibit 12# 12 Exhibit 13# 13 Exhibit 14# 14 Exhibit 15# 15 Exhibit 16# 16 Exhibit 17# 17 Exhibit 18# 18 Exhibit 19# 19 Exhibit 20# 20 Exhibit 11)(Cohen, Kerith) (Entered: 08/18/2006)
08/18/2006	29	AFFIDAVIT in Opposition re 25 MOTION to Compel (<i>Amended Declaration of Rowan</i>) filed by Paula Thompson. (Rowan, Vicki) (Entered: 08/18/2006)
08/29/2006	30	RESPONSE in Opposition re 27 MOTION to Strike 25 MOTION to Compel filed by Welborne Automotive, Inc.. (Broom, Lyn) (Entered: 08/29/2006)
08/31/2006	31	REPLY to Response to Motion re 25 MOTION to Compel filed by Welborne Automotive, Inc.. (Attachments: # 1 Affidavit of Lyn K. Broom# 2 Exhibit 1 to Affidavit of Lyn K. Broom)(Broom, Lyn) (Entered: 08/31/2006)
09/15/2006	32	MOTION for Summary Judgment by Welborne Automotive, Inc..Responses due by 10/20/2006 (Broom, Lyn) Modified on 9/19/2006 (Bouchard, Carolyn) to change response due date. (Entered: 09/15/2006)
09/15/2006	33	MEMORANDUM in Support re 32 MOTION for Summary Judgment filed by Welborne Automotive, Inc.. (Attachments: # 1 # 2 # 3 # 4 # 5 # 6 # 7 # 8 # 9 # 10 # 11 # 12 # 13 # 14 # 15)(Broom, Lyn) (Entered: 09/15/2006)
09/19/2006		Set/Reset Deadlines as to 32 MOTION for Summary Judgment pursuant to 23 Order filed 5/22/06 Responses due by 10/20/2006 (cbb) (Entered: 09/19/2006)
10/20/2006	34	MEMORANDUM in Opposition re 32 MOTION for Summary Judgment filed by Equal Employment Opportunity Commission. (Attachments: # 1 Table of Exhibits# 2 Exhibit Exhibit 1# 3 Exhibit Exhibit 2# 4 Exhibit Exhibit 3-5# 5 Exhibit Exhibits 6-10# 6 Exhibit Exhibits 11-14# 7 Exhibit Exhibits 15-16)(Cohen, Kerith) (Entered: 10/20/2006)
10/26/2006	35	First MOTION for Extension of Time to File Response/Reply to <i>Plaintiff-EEOC's Memorandum of Law in Opposition to Defendant's Motion to Compel</i> by Welborne Automotive, Inc..Responses due by 11/13/2006 (Attachments: # 1 Proposed Order)(Broom, Lyn). Motions referred to David Kessler. (Entered: 10/26/2006)
10/26/2006	36	ORDER granting 35 Motion for Extension of Time to File Response/Reply re 32 MOTION for Summary Judgment Replies due by 11/9/2006.. Signed by Judge David Kessler on 10/26/2006. (cbb) (Entered: 10/26/2006)
11/09/2006	37	REPLY to Response to Motion re 32 MOTION for Summary Judgment filed by Welborne Automotive, Inc.. (Broom, Lyn) (Entered: 11/09/2006)
11/22/2006	38	MOTION for Leave to File <i>Surreply</i> by Equal Employment Opportunity Commission.Responses due by 12/11/2006 (Attachments: # 1 Exhibit 1# 2 Exhibit 2# 3 Proposed Order)(Cohen, Kerith). Motions referred to David Kessler. (Entered: 11/22/2006)
12/06/2006	39	ORDER granting 38 Motion for Leave to File Surreply. Signed by Judge David Kessler on 12/5/2006. (cbb) (Entered: 12/06/2006)
12/12/2006	40	Surreply by Equal Employment Opportunity Commission as to 38 MOTION for Leave to File <i>Surreply</i> , 32 MOTION for Summary Judgment. (Attachments: # 1 Exhibit 1# 2

		Exhibit 2)(Cohen, Kerith) (Entered: 12/12/2006)
03/29/2007	41	ORDER granting in part and denying in part dft's 25 Motion to Compel and for Sanctions; dft's Mot/Compel supplementation to discovery requests granted to extent described in Order; dft's request to reopen Thompson's depo is denied w/o prejudice to refile and dft's Mot/Sanctions is denied; granting in part and denying in part plf-intv's 27 Motion to Strike; as to mot/strike mot/compel, it is denied and as to mot/strike sanctions, it is granted; parties to submit proposed protective order, if necessary, by 4/20/2007. Signed by Judge David Keesler on 3/29/2007. (cbb) (Entered: 03/29/2007)
04/17/2007	42	MOTION for Protective Order by Equal Employment Opportunity Commission. (Attachments: # 1 Proposed Order Protective Order)(Cohen, Kerith). Motions referred to David Keesler. (Entered: 04/17/2007)
04/27/2007	43	RESPONSE to Motion re 42 MOTION for Protective Order filed by Welborne Automotive, Inc.. (Broom, Lyn) (Entered: 04/27/2007)
04/30/2007	44	PROTECTIVE ORDER. Signed by Judge David Keesler on 4/30/2007. (cbb) (Entered: 04/30/2007)
11/26/2007	45	ORDER denying 32 Motion for Summary Judgment; this matter will be placed on the January, 2008, trial term in the Statesville Division with calendar call on 1/7/08 and jury selection to commence on 1/8/08. Signed by Judge Richard Voorhees on 11/26/2007. (cbb) (Entered: 11/26/2007)
11/26/2007		Set/Reset Hearings:Jury Trial set for 1/7/2008 10:00 AM in Statesville Courtroom, 200 W. Broad St., Statesville, NC 28677 before District Judge Richard Voorhees.,Jury Selection set for 1/8/2008 09:30 AM in Statesville Courtroom, 200 W. Broad St., Statesville, NC 28677 before District Judge Richard Voorhees. (cbb) (Entered: 11/26/2007)
12/05/2007	46	ORDER directing parties to participate in a judicial stlmt conference;Settlement Conference set for 1/4/2008 09:30 AM in Courtroom #3 (2nd floor), 401 W. Trade St., Charlotte, NC 28202 before Magistrate Judge David Keesler. Each pty to submit confidential stlmt to Judge Keesler by 12/28/2007; parties to appear at 1/7/2008 calendar call unless stlmt terms reduced to writing and Stip/dism filed by close of business on 1/4/2008; if not settled, jury selection to commence 1/8/2008; evidence to begin no sooner than 1/14/2008. Parties to comply w/ all pretrial filing ddls. Signed by Judge Richard Voorhees on 12/5/2007. (cbb) (Entered: 12/05/2007)
12/10/2007	47	MOTION to Dismiss by Welborne Automotive, Inc.. (Attachments: # 1 Exhibit Exhibit A# 2 Exhibit Exhibit B# 3 Errata Exhibit C# 4 Errata Exhibit D# 5 Exhibit Exhibit E)(Broom, Lyn) (Entered: 12/10/2007)
12/10/2007	48	MEMORANDUM in Support re 47 MOTION to Dismiss filed by Welborne Automotive, Inc.. (Broom, Lyn) (Entered: 12/10/2007)
12/10/2007	49	MOTION to Expedite by Welborne Automotive, Inc.. (Attachments: # 1 Proposed Order)(Broom, Lyn) (Entered: 12/10/2007)
12/11/2007	50	ORDER granting 49 Motion to Expedite Briefing and Consideration of dft's Motion to Dismiss; plf and plf-intervenor shall filed response to dft's Rule 37 motion by 12/19/2007; dft will file reply to response by 12/21/2007. Signed by Judge Richard Voorhees on 12/11/2007. (cbb) (Entered: 12/11/2007)

12/11/2007		Set/Reset Deadlines as to 47 MOTION to Dismiss; response due by 12/19/2007; Replies due by 12/21/2007. (cbb) (Entered: 12/11/2007)
12/19/2007	51	Miscellaneous Filing by Equal Employment Opportunity Commission. re: 47 Motion to Dismiss, 48 Memorandum in Support of Motion <i>Notice of Resolution</i> (Cohen, Kerith) (Entered: 12/19/2007)
12/21/2007	52	MOTION enforce settlement, remove from trial calendar re 51 Miscellaneous Filing by Paula Thompson. Responses due by 1/7/2008. (Attachments: # 1 Exhibit A-1 (3 pgs), # 2 Exhibit A-2 (4 pgs), # 3 Exhibit A-3 (4 pgs), # 4 Exhibit B)(Rowan, Vicki) (Entered: 12/21/2007)
12/28/2007	53	CONSENT DECREE with attachments A and B. Signed by District Judge Richard Voorhees on 12/28/07. (chh) (Entered: 12/28/2007)

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