

**U.S. District Court
EASTERN DISTRICT OF NORTH CAROLINA (Western Division)
CIVIL DOCKET FOR CASE #: 5:06-cv-00305-BO**

Equal Employment Opportunity Commission v. S.G.T. Cinelli's, Inc.
Assigned to: District Judge Terrence W. Boyle
Cause: 42:2000e Job Discrimination (Employment)

Date Filed: 08/03/2006
Date Terminated: 09/12/2008
Jury Demand: Both
Nature of Suit: 442 Civil Rights: Jobs
Jurisdiction: Federal Question

Movant

Nelson G. Harris

represented by **Nelson G. Harris**
Harris &Hilton, P.A.
P. O. Box 31404
Raleigh, NC 27622
919-848-6164
Fax: 848-6918
Email: nharris@hfhlaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

**Equal Employment Opportunity
Commission**

represented by **Kerith Cohen**
Equal Employment Opportunity
Commission
200 Granby Street
Suite 739
Norfolk, VA 23510
757-441-3505
Email: kerith.cohen@eeoc.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

S.G.T. Cinelli's, Inc.
doing business as
Cinelli's Restaurant

represented by **Nelson G. Harris**
(See above for address)
TERMINATED: 01/09/2008
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Reagan H. Weaver
Capitol District Law Offices
P. O. Box 25096
Raleigh, NC 27611
919-828-0363
Fax: 919-832-5205
Email: rweaver@capitolaw.com
TERMINATED: 04/23/2007
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Cinelli's Ristorante, Inc.

represented by **Cinelli's Ristorante, Inc.**
315 Belles Landing Court
Cary, NC 27519
PRO SE

Reagan H. Weaver

(See above for address)
 TERMINATED: 04/23/2007
 LEAD ATTORNEY
 ATTORNEY TO BE NOTICED

Defendant**S.G.T. Cinelli's, Inc.**

Date Filed	#	Docket Text
08/03/2006	<u>1</u>	COMPLAINT (<i>Service by Request for Waiver pursuant to Rule 4(d)</i>) against S.G.T. Cinelli's, Inc., filed by Equal Employment Opportunity Commission. (Attachments: # <u>1</u> Civil Cover Sheet)(Cohen, Kerith) (Entered: 08/03/2006)
10/04/2006	<u>2</u>	NOTICE by Equal Employment Opportunity Commission <i>Proposed Summons</i> (Cohen, Kerith) (Entered: 10/04/2006)
10/05/2006	<u>3</u>	Summons Issued as to S.G.T. Cinelli's, Inc.. (Deputy Clerk – BRB,) (Entered: 10/05/2006)
11/16/2006	<u>4</u>	AMENDED COMPLAINT against Cinelli's Ristorante, Inc., S.G.T. Cinelli's, Inc., filed by Equal Employment Opportunity Commission. (Attachments: # <u>1</u> summons# <u>2</u> summons)(Cohen, Kerith) (Entered: 11/16/2006)
11/20/2006	<u>5</u>	Summons Reissued as to Gianni Cinelli, President, S.G.T. Cinelli's, Inc.. (Deputy Clerk – BRB,) (Entered: 11/20/2006)
11/20/2006	<u>6</u>	Summons Reissued as to Peter Cinelli, President, Cinelli's Ristorante, Inc.. (Deputy Clerk – BRB,) (Entered: 11/20/2006)
12/14/2006	<u>7</u>	MOTION for Extension of Time to File Answer by Cinelli's Ristorante, Inc., S.G.T. Cinelli's, Inc.. (Weaver, Reagan) (Entered: 12/14/2006)
12/14/2006	<u>8</u>	MOTION for Extension of Time to File Answer <i>Attachment of proposed Order</i> by Cinelli's Ristorante, Inc., S.G.T. Cinelli's, Inc.. (Weaver, Reagan) (Entered: 12/14/2006)
12/15/2006	<u>9</u>	ORDER granting <u>7</u> Motion for Extension of Time to Answer re <u>1</u> Complaint Cinelli's Ristorante, Inc. answer due 1/13/2007; S.G.T. Cinelli's, Inc. answer due 1/13/2007; S.G.T. Cinelli's, Inc. answer due 1/13/2007. . Signed by Clerk of Court on 12/15/06. (Deputy Clerk – BRB,) (Entered: 12/15/2006)
01/12/2007	<u>10</u>	Joint MOTION to Stay <i>for Mediation</i> by Cinelli's Ristorante, Inc., S.G.T. Cinelli's, Inc., Equal Employment Opportunity Commission. (Weaver, Reagan) (Entered: 01/12/2007)
01/12/2007	<u>11</u>	MOTION to Stay <i>Proposed Order for Joint Motion to Mediate</i> by Cinelli's Ristorante, Inc., S.G.T. Cinelli's, Inc., Equal Employment Opportunity Commission. (Weaver, Reagan) (Entered: 01/12/2007)
01/16/2007		NOTICE OF DEFICIENCY re: <u>11</u> Motion to Stay, <u>10</u> Motion to Stay in future filings please refer to the Western Division on the case captions. (Deputy Clerk – LKF,) (Entered: 01/16/2007)
01/16/2007		***Motions Submitted: <u>10</u> Joint MOTION to Stay <i>for Mediation</i> (Deputy Clerk – BRB,) (Entered: 01/16/2007)
01/19/2007	<u>12</u>	ORDER granting <u>10</u> Motion to Stay responsive pleadings, discovery, and motions for sixty (60) days to allow the parties to schedule and hold a Court-Hosted Settlement Conference. . Signed by Judge Terrence W. Boyle on 1/18/07. (Deputy Clerk – BRB,) (Entered: 01/19/2007)
01/22/2007	<u>13</u>	ORDER re <u>12</u> Order on Motion to Stay. Signed by Judge James Gates on 1/22/07. IT IS ORDERED the (1) The court-hosted settlement conference shall be no later than March 18, 2007 in the Terry Sanford Federal Building in Raleigh; (2) The persons specified in Local ADR Rule 101.3(h)(1), E.D.N.C. shall attend the conference in person unless excused by Order of the court; (3) On or before

		January 31, 2007, counsel for plaintiff and counsel for defendants shall confer, in person or by telephone, and determine three dates not later than March 18, 2007, upon which they are mutually available for the settlement conference; (4) The parties shall submit a letter to the undersigned provided the foregoing dates within one day after conferring with each other; and (5)The court shall set the date and time for the settlement conference after receiving counsel's letter. (Deputy Clerk – BRB,) (Entered: 01/22/2007)
02/08/2007	<u>14</u>	ORDER. Conference shall be held on Tuesday, March 6, 2007 in the Terry Sanford Federal Building, 310 New Bern Avenue, Raleigh, North Carolina beginning at 10am. Counsel should contact Magistrate Judge's chambers (919-645-1790) the week of the conference for information on the specific location of the conference in the Federal Building. . Signed by Judge James Gates on 2/7/07. (Deputy Clerk – BRB,) (Entered: 02/08/2007)
02/08/2007	<u>15</u>	NOTICE of Hearing: Settlement Conference set for 3/6/2007 10:00 AM before USMJ James Gates. Location of conference in Terry Sanford Federal Building, 310 New Bern Avenue, Raleigh, North Carolina to be determined. (Deputy Clerk – BRB,) (Entered: 02/08/2007)
02/27/2007	<u>16</u>	MOTION by Equal Employment Opportunity Commission. (Cohen, Kerith) (Entered: 02/27/2007)
02/28/2007		NOTICE OF DEFICIENCY re: <u>16</u> Motion for Miscellaneous Relief Counsel is once again reminded in future filings this is a Western Division case. All filing should reflect this Division. (Deputy Clerk – LKF,) (Entered: 02/28/2007)
02/28/2007		MOTIONS <u>16</u> MOTION REFERRED to Judge James Gates. (Deputy Clerk – BRB,) (Entered: 02/28/2007)
03/01/2007	<u>17</u>	ORDER granting <u>16</u> Motion . Signed by Judge James Gates on 3/1/07. (Deputy Clerk – BRB,) (Entered: 03/01/2007)
03/06/2007	<u>18</u>	Minute Entry for proceedings held before Judge James Gates on 6 March 2007: A court-hosted settlement conference was held. Physically present were: plaintiff's attorneys Tina Burnside, Kerith Cohen, and Lynn Fontana; complainants Meghan O'Connell and Brittany McLaurin Bumgarner (with her husband and father); defendants' attorney Reagan Weaver; and corporate representatives for defendants Peter Cinelli and Johnny Cinelli. No settlement was reached and an impasse was declared. The impasse is without prejudice to any party moving at a later date for the convening of another court-hosted settlement conference or the pursuit of other authorized alternative dispute proceedings. Defendants are advised to review the court's order of 19 January 2007 [DE #12] regarding the filing deadline for their responsive pleadings. Time: 3.5 hours. (CHAM, MM) (Entered: 03/06/2007)
03/20/2007	<u>19</u>	ANSWER to Amended Complaint by S.G.T. Cinelli's, Inc..(Deputy Clerk – LKF,) (Entered: 03/20/2007)
03/21/2007	<u>20</u>	ANSWER to Amended Complaint by Cinelli's Ristorante, Inc..(Weaver, Reagan) (Entered: 03/21/2007)
03/21/2007	<u>21</u>	MOTION to Withdraw as Attorney by Cinelli's Ristorante, Inc., S.G.T. Cinelli's, Inc.. (Attachments: # <u>1</u> Exhibit Discharge signed by Peter Cinelli# <u>2</u> Text of Proposed Order Order Allowing Withdrawal as Attorney)(Weaver, Reagan) (Entered: 03/21/2007)
03/21/2007	<u>22</u>	CORPORATE DISCLOSURE STATEMENT filed pursuant to FRCP 7.1. (Weaver, Reagan) (Entered: 03/21/2007)
03/22/2007		MOTIONS <u>21</u> MOTION to Withdraw as Attorney REFERRED to Judge James Gates. (Deputy Clerk – BRB,) (Entered: 03/22/2007)
04/20/2007	<u>23</u>	REQUEST FOR DISCOVERY PLAN sent to all parties(Deputy Clerk – BRB,) (Entered: 04/20/2007)
04/23/2007	<u>24</u>	ORDER granting <u>21</u> Motion to Withdraw as Attorney. Attorney Reagan H. Weaver terminated . Signed by Judge James Gates on 4/20/07. (Deputy Clerk – BRB,) (Entered: 04/23/2007)

05/24/2007	<u>25</u>	REPORT of Rule 26(f) Planning Meeting by Equal Employment Opportunity Commission.(Cohen, Kerith) (Entered: 05/24/2007)
05/30/2007	<u>26</u>	SCHEDULING ORDER: Reports from retained experts are due from Plaintiff on or before 1 November 2007 and from Defendants on or before 1 December 2007. Discovery due by 1/15/2008. Motions due by 2/15/2008.. Signed by Judge James Gates on 5/30/07. (Deputy Clerk – BRB,) (Entered: 05/30/2007)
01/03/2008	<u>27</u>	MOTION to Withdraw as Attorney by Nelson G. Harris. (Harris, Nelson) (Entered: 01/03/2008)
01/04/2008		MOTIONS REFERRED: <u>27</u> MOTION to Withdraw as Attorney Motions referred to James E. Gates. (Deputy Clerk – BRB,) (Entered: 01/04/2008)
01/09/2008	<u>28</u>	ORDER granting <u>27</u> Motion to Withdraw as Attorney. Attorney Nelson G. Harris terminated. Signed by USMJ James E. Gates on 1/8/08. (Deputy Clerk – BRB,) (Entered: 01/09/2008)
01/11/2008	<u>29</u>	MOTION to Strike <u>20</u> Answer to Amended Complaint, MOTION for Default Judgment as to <i>Defendant Cinelli's Ristorante, Inc.</i> (Responses due by 1/31/2008) by Equal Employment Opportunity Commission. (Cohen, Kerith) (Entered: 01/11/2008)
01/11/2008	<u>30</u>	Memorandum in Support re <u>29</u> MOTION to Strike <u>20</u> Answer to Amended Complaint MOTION for Default Judgment as to <i>Defendant Cinelli's Ristorante, Inc. courtesy copies for Judge Boyle mailed today</i> filed by Equal Employment Opportunity Commission. (Attachments: # <u>1</u> Exhibit Declaration of Kerith Cohen, # <u>2</u> Exhibit Declaration of Meghan O'Connell, # <u>3</u> Exhibit Declaration of Brittany Bumgarner, # <u>4</u> slip opinion) (Cohen, Kerith) (Entered: 01/11/2008)
01/15/2008	<u>31</u>	MOTION to Compel <i>S.G.T.'s Discovery Responses</i> , MOTION for Extension of Time to Complete Discovery <i>with courtesy copies mailed to Judge Boyle</i> by Equal Employment Opportunity Commission. (Cohen, Kerith) (Entered: 01/15/2008)
01/15/2008	<u>32</u>	Memorandum in Support of <i>Motion to Compel S.G.T.'s Discovery Responses and to Extend Discovery</i> filed by Equal Employment Opportunity Commission. (Attachments: # <u>1</u> Exhibit 1 – 8, # <u>2</u> Text of Proposed Order) (Cohen, Kerith) (Entered: 01/15/2008)
04/02/2008		MOTIONS REFERRED: <u>31</u> MOTION to Compel <i>S.G.T.'s Discovery Responses</i> MOTION for Extension of Time to Complete Discovery <i>with courtesy copies mailed to Judge Boyle</i> Motions referred to James E. Gates. (Deputy Clerk – BRB,) (Entered: 04/02/2008)
04/16/2008		Motions Submitted: <u>29</u> MOTION to Strike <u>20</u> Answer to Amended Complaint MOTION for Default Judgment as to <i>Defendant Cinelli's Ristorante, Inc.</i> (Deputy Clerk – BRB,) (Entered: 04/16/2008)
04/21/2008	<u>33</u>	ORDER granting <u>31</u> Motion to Compel; granting <u>31</u> Motion for Extension of Time to Complete Discovery. All discovery shall be commenced in time to be concluded by June 27, 2008; All potentially dispositive motions shall be filed by July 28, 2008; All other provisions in the Scheduling Order remain in effect. Signed by USMJ James E. Gates on 4/18/08. (Deputy Clerk – BRB,) (Entered: 04/21/2008)
06/04/2008	<u>34</u>	ORDER deferring ruling on <u>29</u> Motion to Strike ; deferring ruling on <u>29</u> Motion for Default Judgment. Signed by Judge Terrence W. Boyle on 6/3/08. (Deputy Clerk – BRB,) (Entered: 06/04/2008)
06/30/2008	<u>35</u>	MOTION for Default Judgment as to <i>Defendant S.G.T. Cinelli's, Inc.</i> , MOTION for Sanctions by Equal Employment Opportunity Commission. (Cohen, Kerith) (Entered: 06/30/2008)
06/30/2008	<u>36</u>	Memorandum in Support of <i>Motion for Default Judgment Against Defendant S.G.T. Cinelli's Inc. and for Sanctions</i> filed by Equal Employment Opportunity Commission. (Attachments: # <u>1</u> Exhibit Exhibits 1 – 6, # <u>2</u> Exhibit Exhibits 7 – 11, # <u>3</u> Exhibit unpublished opinions) (Cohen, Kerith) (Entered: 06/30/2008)
07/25/2008		Motions Submitted: <u>29</u> MOTION to Strike <u>20</u> Answer to Amended Complaint MOTION for Default Judgment as to Defendant <i>Cinelli's Ristorante, Inc.</i> , <u>35</u>

		MOTION for Default Judgment as to Defendant S.G.T. Cinelli's, Inc. MOTION for Sanctions (Deputy Clerk – SJT) (Entered: 07/25/2008)
08/12/2008	<u>37</u>	ORDER granting <u>29</u> Motion to Strike ; granting <u>29</u> Motion for Default Judgment; granting <u>35</u> Motion for Default Judgment; granting <u>35</u> Motion for Sanctions. Signed by Judge Terrence W. Boyle on 8/8/08. (Deputy Clerk – SJT) (Entered: 08/12/2008)
08/12/2008	<u>38</u>	NOTICE of Hearing: Hearing on Damages. Motion Hearing set for 8/27/2008 @ 3:00 PM in Raleigh – Courtroom TBA before Judge Terrence W. Boyle. If court is still in trial, date and time for the this hearing is subject to change until a later date. (Deputy Clerk – SJT) (Entered: 08/12/2008)
08/27/2008	<u>39</u>	Minute Entry for proceedings held before Judge Terrence W. Boyle: Motion Hearing held on 8/27/2008 re Damages. Kerith Cohen was present for the Plaintiffs and presented her case. The defendants nor any representation for them were present. (Court Reporter Sharon Kroeger.) (Talbert, S.) (Entered: 08/27/2008)
09/12/2008	<u>40</u>	ORDER re <u>38</u> Notice of Hearing on Damages. Signed by Judge Terrence W. Boyle on 9/12/08. (Talbert, S.) (Entered: 09/12/2008)
09/12/2008	<u>41</u>	JUDGMENT in favor of Equal Employment Opportunity Commission against Cinelli's Ristorante, Inc., S.G.T. Cinelli's, Inc.Signed by Clerk of Court on 9/12/08. (Talbert, S.) (Entered: 09/12/2008)