

CLOSED, MAG

**U.S. District Court**  
**Western District of North Carolina (Statesville)**  
**CIVIL DOCKET FOR CASE #: 5:04-cv-00156-RLV-CH**

EEOC v. Bud Foods, LLC  
Assigned to: Richard Voorhees  
Referred to: Carl Horn, III  
Demand: \$0  
Case in other court:  
Cause: 42:2000 Job Discrimination (Sex)

Date Filed: 09/30/2004  
Date Terminated: 08/07/2006  
Jury Demand: Plaintiff  
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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V.

**Defendant****Bud Foods, LLC**  
*doing business as*  
Shoney's Restaurant

represented by **Jill S. Cox**  
Constangy, Brooks & Smith, LLC  
100 North Cherry St., Suite 300  
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*ATTORNEY TO BE NOTICED*

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
09/30/2004	<a href="#">1</a>	COMPLAINT Filing Fee - Waived (cbb) (Entered: 10/05/2004)
10/04/2004	<a href="#">2</a>	CONSENT/REFUSAL to Magistrate Jurisdiction by EEOC - Consent (cbb) (Entered: 10/06/2004)
10/27/2004	<a href="#">3</a>	WAIVER OF SERVICE Returned Executed as to Bud Foods LLC 10/4/04 Answer due on 12/3/04 for Bud Foods LLC (tme) (Entered: 10/29/2004)
12/01/2004	<a href="#">4</a>	ANSWER to Complaint by Bud Foods LLC (tme) (Entered: 12/02/2004)
12/17/2004	<a href="#">5</a>	Certificate of I.A.C. and Discovery Plan by plaintiff EEOC, defendant Bud Foods LLC cc: CH (tme) (Entered: 12/17/2004)
12/21/2004	<a href="#">6</a>	CONSENT/REFUSAL to Magistrate Jurisdiction by Bud Foods LLC - Refusal (tme) (Entered: 12/21/2004)
12/21/2004	<a href="#">7</a>	CASE reassigned to Judge Richard L. Voorhees - notice of reassignment mailed to parties. (tme) (Entered: 12/21/2004)
12/21/2004		CASE REFERRED to Magistrate Judge Carl Horn III (tme) (Entered: 12/21/2004)
12/28/2004	<a href="#">8</a>	INITIAL PRETRIAL ORDER Discovery deadline is 9/20/05 Motion filing deadline is 10/20/05 Trial with jury will be scheduled for next trial time after 4/30/06 before Judge Richard L. Voorhees ETT: 5 days Case suitable for mediation Court will enter order ( signed by Magistrate Judge Carl Horn III ) cc: attys of record (cbb) (Entered: 12/28/2004)
12/28/2004	<a href="#">9</a>	ORDER referring case to ADR. Mediation deadline: 5/2/05 Jonathan R. Harkavy appointed. ( signed by Magistrate Judge Carl Horn III ) cc: attys of record, mediator (cbb) (Entered: 12/28/2004)
01/06/2005	<a href="#">10</a>	MOTION by Jonathan R. Harkavy to Extend Time to 6/21/05 for mediation referred to: Magistrate Judge Carl Horn III (tme) (Entered: 01/06/2005)
01/06/2005		ORAL ORDER granting [10-1] motion to Extend Time to 6/21/05 for

		mediation, Mediation deadline 6/21/05 ( signed by Magistrate Judge Carl Horn III ) (tme) (Entered: 01/06/2005)
02/25/2005	<a href="#">11</a>	CONSENT PROTECTIVE ORDER ( signed by Magistrate Judge Carl Horn III ) [EOD DATE: 2/25/05] cc: cnsl (smj) (Entered: 02/25/2005)
04/21/2005	<a href="#">12</a>	CONSENT ORDER, Amending pretrial [8-1] order to enlarge time w/i which parties shall make expert disclosures ( signed by Magistrate Judge Carl Horn III ) [EOD DATE: 4/21/05] cc: attys of record (cbb) (Entered: 04/21/2005)
06/27/2005	<a href="#">13</a>	REPORT of Mediation by jonathan R. Harkavy, Mediator; Mediation held 6/21/05; Impasse(Bouchard, Carolyn) (Entered: 06/28/2005)
09/07/2005	<a href="#">14</a>	JOINT MOTION for Extension of Time to Complete Discovery to 12/20/05, MOTION for Extension of Scheduling Deadlines-dispositive mot ddl to 1/18/06, jury trial ddl to 7/31/06 by Equal Employment Opportunity Commission, Bud Foods, LLC. Responses due by 9/7/2005 Responses due by 9/7/2005 (Attachments: # <a href="#">1</a> Text of Proposed Order) (Bouchard, Carolyn) (Entered: 09/09/2005)
09/12/2005	<a href="#">15</a>	ORDER granting <a href="#">14</a> Motion for Extension of Time to 12/20/05 to Complete Discovery, granting <a href="#">14</a> Motion for Extension of Scheduling Deadlines; dispositive motions ddl ext to 1/18/06; jury trial ddl ext to 7/31/06 . Signed by Judge Carl Horn III on 9/12/2005. (Bouchard, Carolyn) (Entered: 09/13/2005)
09/12/2005		Reset Deadlines/Hearings: Discovery due by 12/20/2005. Dispositive Motions due by 1/18/2006. Jury Trial set for 7/31/2006 10:00 AM in Statesville Courtroom, 200 W. Broad St., Statesville, NC 28677 before Richard Voorhees. (Bouchard, Carolyn) (Entered: 09/13/2005)
12/14/2005	<a href="#">16</a>	Second JOINT MOTION for Extension of Time to Complete Discovery <i>and Extend Dispositive Motion Deadline filed Jointly by Equal Employment Opportunity Commission and by Bud Foods, LLC. &amp; EEOC</i> Responses due by 12/28/2005 (Attachments: # <a href="#">1</a> Text of Proposed Order) (Doyle, John) Modified on 12/14/2005 (Barton, Elizabeth) - added additional filer EEOC and the word "Joint" before Motion. (Entered: 12/14/2005)
12/14/2005		Proposed document submitted to Judge Carl Horn. (Doyle, John) (Entered: 12/14/2005)
12/14/2005	<a href="#">17</a>	ORDER granting <a href="#">16</a> Motion for Extension of Time to Complete Discovery; disc ddl ext to 1/19/06; dispositive motions ddl ext to 2/20/06; case to remain scheduled for trial during next civil jury term of court beginning on or after 7/31/06 . Signed by Judge Carl Horn III on 12/14/2005. (Bouchard, Carolyn) (Entered: 12/14/2005)
12/14/2005		Set/Reset Scheduling Order Deadlines: Discovery due by 1/19/2006. Motions due by 2/20/2006. (Bouchard, Carolyn) (Entered: 12/16/2005)
02/21/2006	<a href="#">18</a>	MOTION for Summary Judgment by Bud Foods, LLC. Responses due by 3/10/2006 (Doyle, John) (Entered: 02/21/2006)

02/21/2006	<a href="#">19</a>	MEMORANDUM in Support re <a href="#">18</a> MOTION for Summary Judgment filed by Bud Foods, LLC. (Doyle, John) (Entered: 02/21/2006)
02/21/2006	<a href="#">20</a>	Appendix by Bud Foods, LLC. Appendix re: <a href="#">18</a> Motion for Summary Judgment. (Attachments: # <a href="#">1</a> Tab 1-Declaration of Tracy E. Faust, III# <a href="#">2</a> Tab 2-Declaration of John J. Doyle, Jr.# <a href="#">3</a> Tab 3-Deposition of Sonia Phoski Volume I Excerpt# <a href="#">4</a> Tab 4-Deposition of Sonia Pohoski Volume II Excerpts (part 1)# <a href="#">5</a> Tab 4-Deposition of Sonia Pohoski Volume II Excerpts (part 2)# <a href="#">6</a> Tab 5-Deposition of Tracy Faust, II Excerpts# <a href="#">7</a> Tab 6-Deposition of Tracy Faust, III Excerpts# <a href="#">8</a> Tab 7-Deposition of Richard Santorum Excerpts# <a href="#">9</a> Tab 8-Deposition of Denise Carman Excerpts# <a href="#">10</a> Tab 9-Deposition of Loretta Styers Excerpts# <a href="#">11</a> Tab 10-Deposition of David Hodge Excerpts# <a href="#">12</a> Tab 11-Deposition of 30(b)(6) Volume I Excerpts# <a href="#">13</a> Tab 12-Deposition of 30(b)(6) Volume II Excerpts# <a href="#">14</a> Tab 13-Cited Unpublished Authority)(Doyle, John) (Entered: 02/21/2006)
03/10/2006	<a href="#">21</a>	MEMORANDUM in Opposition re <a href="#">18</a> MOTION for Summary Judgment filed by Equal Employment Opportunity Commission. (Haden, Kara) (Entered: 03/10/2006)
03/10/2006	<a href="#">22</a>	Appendix by Equal Employment Opportunity Commission. Appendix re: <a href="#">21</a> Memorandum in Opposition to Motion for Summary Judgment. (Attachments: # <a href="#">1</a> Exhibit 1 - 30b6 Deposition Notice# <a href="#">2</a> Exhibit 2 - 30b6 Deposition Continuation Notice# <a href="#">3</a> Exhibit 3 - Def's Response to EEOC's First RFA# <a href="#">4</a> Exhibit 4 - Sexual Harassment Policy# <a href="#">5</a> Exhibit 5 - Shoney's Inc. E-mail of 8/27/2004# <a href="#">6</a> Exhibit 6 - 30b6 Deposition Vol I# <a href="#">7</a> Exhibit 7 - 30b6 Deposition Vol II# <a href="#">8</a> Exhibit 8 - Carman Deposition# <a href="#">9</a> Exhibit 9 - Faust II Deposition# <a href="#">10</a> Exhibit 10 - Faust III Deposition# <a href="#">11</a> Exhibit 11 - Hodge Deposition# <a href="#">12</a> Exhibit 12 - Santorum Deposition# <a href="#">13</a> Exhibit 13 - Styers Deposition# <a href="#">14</a> Exhibit 14 - Pohoski Deposition Vol I# <a href="#">15</a> Exhibit 15 - Pohoski Deposition Vol II# <a href="#">16</a> Exhibit 16 - Unpublished Authority (Jenkins)# <a href="#">17</a> Exhibit 17 - Unpublished Authority (Morris)# <a href="#">18</a> Exhibit 18 - Unpublished Authority (Swinson-Hill)# <a href="#">19</a> Exhibit 19 - Unpublished Authority (Walker)# <a href="#">20</a> Exhibit 20 - EEOC Guidance)(Haden, Kara) (Entered: 03/10/2006)
03/24/2006	<a href="#">23</a>	MOTION for Extension of Time to File Response/Reply as to <a href="#">21</a> Memorandum in Opposition to Motion by Bud Foods, LLC. Responses due by 4/10/2006 (Attachments: # <a href="#">1</a> Proposed Order)(Doyle, John) (Entered: 03/24/2006)
03/24/2006	<a href="#">24</a>	ORDER granting <a href="#">23</a> Motion for Extension of Time to File Response/Reply re <a href="#">18</a> MOTION for Summary Judgment Replies due by 3/27/2006.. Signed by Judge Carl Horn III on 3/24/2006. (Bouchard, Carolyn) (Entered: 03/24/2006)
03/27/2006	<a href="#">25</a>	REPLY to Response to Motion re <a href="#">18</a> MOTION for Summary Judgment filed by Bud Foods, LLC. (Doyle, John) (Entered: 03/27/2006)
03/27/2006	<a href="#">26</a>	Appendix by Bud Foods, LLC. Appendix re: <a href="#">25</a> Reply to Response to Motion for Summary Judgment. (Attachments: # <a href="#">1</a> Tab 1-Deposition of Sonia Pohoski Volume II Excerpts# <a href="#">2</a> Tab 2-Deposition of Tracy E.

		Faust, II Excerpts# <a href="#">3</a> Tab 3-Deposition of Tracy E. Faust, III Excerpts# <a href="#">4</a> Tab 4-Deposition of Richard J. Santorum Excerpts# <a href="#">5</a> Tab 5-Deposition of Denise Carman Excerpts# <a href="#">6</a> Tab 6-Deposition of 30(b)(6) Volume I Excerpts# <a href="#">7</a> Tab 7-Cited Unpublished Authority (part 1)# <a href="#">8</a> Tab 7-Cited Unpublished Authority (part 2))(Doyle, John) (Entered: 03/27/2006)
03/30/2006	<a href="#">27</a>	MOTION for Leave to File <i>a Response Brief to Defendant's Reply Brief</i> by Equal Employment Opportunity Commission. Responses due by 4/17/2006 (Attachments: # <a href="#">1</a> Exhibit A - Proposed Surreply Brief with Exhibits# <a href="#">2</a> Exhibit B - Dettlaff v. Holiday Inns, Inc.# <a href="#">3</a> Proposed Order) (Haden, Kara) (Entered: 03/30/2006)
04/03/2006	<a href="#">28</a>	ORDER granting <a href="#">27</a> Motion for Leave to File Brief in Response to dft's Reply Brief in Support of dft's Motion for Sum Jgmt. Signed by Judge Carl Horn III on 4/3/2006. (Bouchard, Carolyn) (Entered: 04/03/2006)
04/03/2006	<a href="#">29</a>	Surreply by Equal Employment Opportunity Commission as to <a href="#">18</a> MOTION for Summary Judgment filed by Equal Employment Opportunity Commission. (Haden, Kara) (Entered: 04/03/2006)
04/03/2006	<a href="#">30</a>	Appendix by Equal Employment Opportunity Commission. Appendix re: <a href="#">29</a> Surreply <i>Brief in Opposition to Defendant's Reply Brief in Support of Defendant's Motion for Summary Judgment</i> . (Attachments: # <a href="#">1</a> Exhibit 1 - Styers Deposition Excerpts# <a href="#">2</a> Exhibit 2 - Styers Time Records# <a href="#">3</a> Exhibit 3 - Pohoski Deposition Excerpts# <a href="#">4</a> Exhibit 4 - Pohoski Time Records# <a href="#">5</a> Exhibit 5 - Tracy E. Faust II Time Records)(Haden, Kara) (Entered: 04/03/2006)
04/03/2006	<a href="#">31</a>	MOTION for Reconsideration re <a href="#">28</a> Order on Motion for Leave to File by Bud Foods, LLC. Responses due by 4/20/2006 (Attachments: # <a href="#">1</a> Defendant's Brief in Opposition to Plaintiff's Motion to File Surreply# <a href="#">2</a> Unpublished Case-Oyler v. US)(Doyle, John) (Entered: 04/03/2006)
04/04/2006	<a href="#">32</a>	ORDER denying <a href="#">31</a> Motion for Reconsideration, the District Court will consider what is, in effect, a sur-reply in opposition to Dft's Motion for SumJgm . Signed by Judge Carl Horn III on 4/4/06. (Evans, Tammy) (Entered: 04/04/2006)
04/12/2006	<a href="#">33</a>	NOTICE by Bud Foods, LLC re <a href="#">18</a> MOTION for Summary Judgment <i>and Suggestion of Subsequently Decided Authority in Support of Defendant's Motion for Summary Judgment</i> (Attachments: # <a href="#">1</a> Unpublished Case - Greene v. A. Duie Pyle, Inc.)(Doyle, John) (Entered: 04/12/2006)
08/07/2006	<a href="#">34</a>	ORDER granting dft's <a href="#">18</a> Motion for Summary Judgment. Signed by Judge Richard Voorhees on 8/7/2006. (cbb) (Entered: 08/07/2006)
08/07/2006	<a href="#">35</a>	CLERK'S JUDGMENT in favor of defendant against plaintiff entered in accordance with Court's 8/7/06 Order.. Signed by Frank G. Johns, Clerk, on 8/7/2006. (cbb) (Entered: 08/07/2006)

<b>PACER Service Center</b>			
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07/09/2007 12:14:51			
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<b>Billable Pages:</b>	4	<b>Cost:</b>	0.32

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