

CLOSED, Jury Trial, USMJ_Webb

**U.S. District Court
EASTERN DISTRICT OF NORTH CAROLINA (Western Division)
CIVIL DOCKET FOR CASE #: 5:99-cv-00582-F**

EEOC v. The News and Observe
Assigned to: Judge James C. Fox
Demand: \$0
Cause: 28:451 Employment Discrimination

Date Filed: 08/31/1999
Date Terminated: 08/10/2001
Jury Demand: Plaintiff
Nature of Suit: 442 Civil Rights: Jobs
Jurisdiction: U.S. Government Plaintiff

Plaintiff

**Equal Employment Opportunity
Commission**

represented by **Lynette A. Barnes**
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V.

Defendant

**The News and Observer Publishing
Company**

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Date Filed	#	Docket Text
08/31/1999	<u>1</u>	Complaint filed JURY TRIAL DEMANDED (se) (Entered: 09/07/1999)
08/31/1999		(se) (Entered: 09/07/1999)
08/31/1999		Received an unsigned waiver of summons. Was informed that a signed form was to be filed with our office. (se) (Entered: 09/07/1999)
10/14/1999	<u>2</u>	Notice of attorney appearance for EEOC by Zoe G. Mahood (se) (Entered: 10/15/1999)
11/09/1999	<u>3</u>	Waiver of Service Returned Executed as to The News and Observer on 10/1/99 Answer due on 11/30/99 for The News and Observer (se) (Entered: 11/10/1999)
11/29/1999	<u>4</u>	Answer to Complaint by The News and Observer (se) (Entered: 11/30/1999)
12/01/1999	<u>5</u>	Request for Discovery Plan: Discovery Plan due by 12/21/99 (se) (Entered: 12/01/1999)
12/21/1999	<u>6</u>	Discovery Plan filed by EEOC, The News and Observer (se) (Entered: 12/22/1999)
12/22/1999		Case submitted to: USMJ William Webb [6-1] discovery submitted for an order on scheduling (se) (Entered: 12/22/1999)
12/22/1999		(se) (Entered: 12/22/1999)
12/30/1999		CASE FILE RETURNED from: USMJ William Webb (se) (Entered: 12/30/1999)

12/30/1999	7	Order on Scheduling by Magistrate William Webb setting Discovery cutoff 5/31/00 Deadline for filing of all motions 6/30/00 Jury Trial scheduled for 10/30/00 before Judge James C. Fox Place: Wilmington, NC, cc: Counsel, S. Enyart, C. Morgan, C. Wells (se) (Entered: 12/30/1999)
01/06/2000	8	Notice of attorney appearance for EEOC by Lynette A. Barnes as co-counsel. (se) (Entered: 01/10/2000)
04/28/2000	9	Declaration of service of Subpoena upon Timothy J. Wilkins by The News and Observer Publishing Co. (fdc) (Entered: 05/01/2000)
05/26/2000		Received the parties proposed joint protective order. Will forward to USMJ Webb to consider. (se) (Entered: 05/30/2000)
05/26/2000	10	Joint Motion by EEOC, The News and Observer to extend time for discovery for 60 days with proposed order attached. Referred motion to USMJ Webb. (fdc) (Entered: 05/30/2000)
05/30/2000		Case submitted to: USMJ William Webb for review and consideration of the parties joint protective order. (se) (Entered: 05/30/2000)
05/30/2000		Motion(s) referred: referred [10-1] motion to extend time for discovery to USMJ William A. Webb (fdc) (Entered: 05/30/2000)
06/05/2000	11	Order granting [10-1] motion to extend time for discovery, reset discovery due for 7/31/00 , reset motion filing deadline for 8/31/00 , reset Jury trial before Judge James C. Fox for 12/11/00 signed by USMJ William A. OB Ref: MISCOB#19, P. 81. cc: counsel, S. Enyart, C. Morgan and C. Wells. (fdc) (Entered: 06/05/2000)
06/05/2000		CASE FILE RETURNED from: USMJ William A. Webb (fdc) (Entered: 06/05/2000)
06/05/2000	12	Order, for joint protective order signed by USMJ William A. Webb. See order for particulars. OB Ref: MISCOB#19, P. 82. cc: counsel. (fdc) (Entered: 06/05/2000)
06/08/2000	13	Declaration by The News and Observer Re: Service of Subpoena upon Lisa Wilkins to take deposition. (fdc) (Entered: 06/09/2000)
08/11/2000	14	Stipulation of dismissal filed as to First Claim of Relief. (fdc) Modified on 08/14/2000 (Entered: 08/14/2000)
08/28/2000	15	Motion for permission to intervene by Timothy J. Wilkins with exhibit attached (Intevenor's Complaint). Exhibit not scanned. (fdc) (Entered: 08/30/2000)
08/28/2000	16	Memorandum by Timothy J. Wilkins in support of [15-1] motion for permission to intervene by Timothy J. Wilkins (fdc) (Entered: 08/30/2000)
08/31/2000	17	Motion by The News and Observe for summary judgment (fdc) (Entered: 09/01/2000)
08/31/2000	18	Memorandum by The News and Observer in support of [17-1] motion for summary judgment with exhibits attached. Exhibits not scanned. (fdc) (Entered: 09/01/2000)

09/19/2000	19	Motion by EEOC to extend time to respond to defendant's motion for summary judgment with consent; without a proposed order. Counsel is requesting up until 10/5/00. Will forward to Judge Fox to consider. (se) (Entered: 09/20/2000)
09/20/2000	20	Response by The News and Observer in opposition to [15-1] motion for permission to intervene by Timothy J. Wilkins with exhibits attached (exhibits not scanned) (se) (Entered: 09/20/2000)
09/20/2000		Motion(s) submitted: [19-1] motion to extend time to respond to defendant's motion for summary judgment submitted to Judge James C. Fox (se) (Entered: 09/20/2000)
09/21/2000	21	Order granting [19-1] motion to extend time to respond to defendant's motion for summary judgment, Response to reset to 10/5/00 for [17-1] motion for summary judgment signed by Judge James C. Fox. OB Ref: FOXOB#21, P. 122. cc: counsel. (faxed copy to Z. Mahood). (fdc) (Entered: 09/21/2000)
10/05/2000	22	Response by EEOC to [17-1] motion for summary judgment with appendix of exhibits attached and placed in expanding folder (exhibits not scanned). (fdc) (Entered: 10/06/2000)
10/13/2000		Motion(s) submitted: [15-1] motion for permission to intervene by Timothy J. Wilkins submitted to Judge Fox for consideration. (fdc) (Entered: 10/13/2000)
10/19/2000		CASE FILE RETURNED from: Judge James C. Fox (fdc) (Entered: 10/19/2000)
10/19/2000	23	Order denying [15-1] motion for permission to intervene by Timothy J. Wilkins signed by Judge James C. Fox. OB Ref: FOXOB#21, P. 174. cc: counsel. (fdc) (Entered: 10/19/2000)
10/19/2000		Pre-trial conference set at 10:30 11/28/00 before USMJ William N. Mason in Wilmington, NC, Ctrm #3 (se) (Entered: 10/20/2000)
10/19/2000		Jury trial set at 9:00 12/11/00 before Judge James C. Fox in Wilmington, NC, Ctrm #1 (se) (Entered: 10/20/2000)
10/20/2000	24	Motion by The News and Observe to extend time to file reply brief in support of Motion for Summary Judgment requesting 2-day extension with consent. Proposed order attached. (fdc) (Entered: 10/20/2000)
10/20/2000	25	Order granting [24-1] motion to extend time to file reply brief in support of Motion for Summary Judgment, Reply to Response to Motion reset to 10/25/00 for [17-1] motion for summary judgment signed by Jayne C. Clark, Deputy Clerk. Counsel to serve copies. (fdc) (Entered: 10/20/2000)
10/25/2000	26	Reply brief by The News and Observer to response to [17-1] motion for summary judgment with exhibits attached. (fdc) (Entered: 10/25/2000)
10/25/2000		Motion(s) submitted: [17-1] motion for summary judgment submitted to Judge James C. Fox for consideration. (fdc) (Entered: 10/25/2000)
10/30/2000		Pre-trial conference re-set at 3:00 11/28/00 before USMJ William N. Mason in Wilmington, NC, Ctrm #3 (se) (Entered: 11/02/2000)
11/15/2000	27	Motion by The News and Observer for Expanded Voir Dire and Incorporated Memorandum. (fdc) (Entered: 11/16/2000)

11/21/2000	28	Notice of attorney appearance for EEOC by Kerith Cohen (se) (Entered: 11/25/2000)
11/27/2000	29	Response by EEOC to [27-1] motion for Expanded Voir Dire (fdc) (Entered: 11/28/2000)
11/29/2000	30	Pretrial order filed; estimated trial time is four days. Signed by USMJ William N. Mason. cc: deputy, court reporter and Judge Fox. (fdc) (Entered: 11/29/2000)
11/29/2000		Motion(s) submitted: [27-1] motion for Expanded Voir Dire submitted to Judge James C. Fox for consideration. (Trial date is 12/11/00.) (fdc) (Entered: 11/29/2000)
11/30/2000	31	Order; This matter, which is currently set for the undersigned's 12/11/00 term of court, hereby is CONTINUED until the 1/22/01 term of court. reset Jury trial before Judge James C. Fox for 1/22/01 , The court DIRECTS the parties to file their proposed voir dire questions, including, if any party so chooses, a proposed jury questionnaire on matters involving sexual orientation, no later than December 15, 2000. The court will reserve ruling on the Defendant's Motion for Expanded Voir Dire pending review of any such proposed questionnaire. Signed by Judge James C. Fox. OB Ref: FOXOB#21, P. 259. cc: counsel, C. Morgan, S. Cannon, S. Enyart. (fdc) (Entered: 12/01/2000)
12/01/2000		Issued Notice of Hearing: set status conference before Judge James C. Fox for 11:00 12/5/00 in Courtroom 1, Wilmington, NC. cc: counsel via fax and regular mail, Judge Fox, C. Morgan, Court Reporter, Courtroom Deputy, Raleigh and Southern Div. Offices, USMS in Raleigh, Greenville and Wilmington, CSO, GSA. (fdc) (Entered: 12/01/2000)
12/05/2000		Status conference held before Judge James C. Fox. Court Reporter: Stacy Schwinn, Courtroom Deputy: Susan Enyart; Law Clerk: Brian Roark. Counsel for all parties were present for the status conference. The court advises counsel that it has turned their attention to the pending summary judgment motion in this case and reviewed the pretrial order filed in the case. If this case goes to trial, the court wants to be sure that there is ample time to resolve any issues before hand. The court does not want to resolve the objections to the exhibits at trial so it wants to meet with counsel at some point in time early January 2001. The court further discussed possible settlement of this case. Counsel for the pltf advised the court that it has been discussed but that the parties are unable to come to an agreement. The court will try to rule on the pending motion for summary judgment before the holidays. (se) (Entered: 12/07/2000)
12/05/2000		Jury trial set at 9:00 1/22/01 before Judge James C. Fox in Wilmington, NC, Ctrm #1 (se) (Entered: 12/18/2000)
12/07/2000	32	Order, By order hereby, the date by which the parties shall submit their proposed voir dire questions, including, if any party so chooses, a proposed jury questionnaire on matters involving sexual orientation, is EXTENDED until January 5, 2001. The court will reserve ruling on the Defendant's Motion for Expanded Voir Dire pending review of any such proposed questionnaire , reset Response to Order due 1/5/01 . Signed by Judge James C. Fox. OB Ref: FOXOB#22, P. 26. cc: counsel. (fdc) (Entered: 12/07/2000)

12/14/2000	33	Document filed by defendant The News and Observer titled: Defendant's Suggestion of Subsequently Decided Controlling Authority. (fdc) (Entered: 12/14/2000)
12/18/2000	34	Document filed by defendant The News and Observer Publishing Co. titled: Disclosure of Corporate Affiliations and Other Entities with a Direct Financial Interest in Litigation. (se) (Entered: 12/19/2000)
01/04/2001	35	Order, By order hereof, the date by which the parties shall submit their proposed voir dire questions, including, if any party so chooses, a proposed jury questionnaire on matters involving sexual orientation, is EXTENDED until January 15, 2001. reset Response to Order due 1/15/01 , The court will reserve ruling on the Defendant's Motion for Expanded Voir Dire pending review of any such proposed questionnaire. signed by Judge James C. Fox. OB Ref: FOXOB#22, P. 46. cc: counsel. (fdc) (Entered: 01/04/2001)
01/12/2001	36	Order, This matter, which is currently scheduled for the undersigned's January 22, 2001 term of court, hereby is CONTINUED until the March 19, 2001 term of court. The court DIRECTS the parties to file their proposed voir dire questions, including, if any party so chooses, a proposed jury questionnaire on matters involving sexual orientation, no later than March 5, 2001. The court will reserve ruling on the Defendant's Motion for Expanded Voir Dire pending review of any such proposed questionnaire. , reset Response to Order due 3/5/01 signed by Judge James C. Fox. OB Ref: FOXOB#22, P. 63. cc: counsel, C. Morgan, S. Cannon, S. Enyart. (fdc) (Entered: 01/12/2001)
01/25/2001		Jury trial set at 9:00 3/19/01 before Judge James C. Fox in Wilmington, NC, Ctrm #1 (se) (Entered: 01/30/2001)
02/28/2001	37	Joint Motion by The News and Observe, EEOC to continue trial proposed order attached. Will forward to Judge Fox for consideration. (fdc) (Entered: 02/28/2001)
02/28/2001		Motion(s) submitted: [37-1] motion to continue trial submitted to Judge James C. Fox for review and consideration. (fdc) (Entered: 02/28/2001)
03/01/2001		CASE FILE RETURNED from: Judge James C. Fox (fdc) (Entered: 03/01/2001)
03/01/2001	38	Order granting [37-1] motion to continue trial until the June 25, 2001 term of Court. The Court DIRECTS the parties to file their proposed voir dire questions, including, if any party so chooses, a proposed jury questionnaire on matters involving sexual orientation, no later than 6/11/01. The Court will reserve ruling on the Defendant's Motion for Expanded Voir Dire pending review of any such proposed questionnaire. , reset Jury trial before Judge James C. Fox for 9:00 6/25/01 , set Response to Order due 6/11/01 signed by Judge James Fox. OB Ref: FOXOB#22, P. 148. cc: counsel, C. Morgan, S. Cannon and S. Enyart. (fdc) (Entered: 03/01/2001)
05/02/2001		Jury trial set at 9:00 6/25/01 before Judge James C. Fox in Wilmington, NC, Ctrm #1 (se) (Entered: 05/03/2001)
05/30/2001	39	Motion by The News and Observe to continue trial with consent. Proposed order attached and forwarded to Judge James C. Fox for consideration. (fdc) (Entered: 05/30/2001)

05/30/2001		Motion(s) submitted: [39-1] motion to continue trial submitted to Judge James C. Fox for consideration. (fdc) (Entered: 05/30/2001)
06/01/2001	40	Order granting [39-1] motion to continue trial, The court DIRECTS the parties to file their proposed voir dire questions, including, if any party so chooses, a proposed jury questionnaire on matters involving sexual orientation, no later than August 20, 2001. The Court will reserve ruling on the Defendant's Motion for Expanded Voir Dire pending review of any such proposed questionnaire. , reset Jury trial before Judge James C. Fox for 9:00 9/4/01 , reset Response to Order due 8/20/01 . Signed by Judge James C. Fox. OB Ref: FOXOB#23, P. 120. cc: counsel, C. Morgan, S. Cannon, S. Enyart. (fdc) (Entered: 06/01/2001)
07/17/2001		Jury trial set at 9:00 9/4/01 before Judge James C. Fox in Wilmington, NC, Ctrm #1 (se) (Entered: 07/19/2001)
08/10/2001		CASE FILE RETURNED from: Judge James C. Fox (fdc) (Entered: 08/10/2001)
08/10/2001	41	Order granting [17-1] motion for summary judgment; and this matter hereby is dismissed. Signed by Judge James C. Fox. OB Ref: FOXOB#24, P. 16. cc: counsel by regular mail and notified by telephone. (fdc) (Entered: 08/10/2001)
08/10/2001	42	Judgment for The News and Observer against EEOC. IT IS ORDERED AND ADJUDGED that for the reasons set forth in the court's order of August 10, 2001, the News & Observer's motion for summary judgment is ALLOWED, and this matter hereby is DISMISSED. Signed by David W. Daniel, Clerk by Jayne C. Clark, Deputy. OB Ref: FOXOB#24, P. 17. cc: counsel via regular mail and notified by telephone. (fdc) (Entered: 08/10/2001)
08/10/2001		Case closed NP (fdc) (Entered: 08/10/2001)
08/24/2001	43	Bill of costs filed by Robert E. Harrington, atty for deft. (fdc) (Entered: 08/27/2001)
09/28/2001		Case submitted to: David W. Daniel, Clerk [43-1] submitted for review of Bill of Costs. (fdc) (Entered: 09/28/2001)
11/07/2001		CASE FILE RETURNED from: David W. Daniel, Clerk (fdc) (Entered: 11/07/2001)
11/26/2001	44	Order for bill of costs signed by David W. Daniel, Clerk. OB Ref: FOXOB#24, pg. 180, cc:counsel. (se) (Entered: 11/26/2001)
11/26/2001	45	Judgment; IT IS ORDERED AND ADJUDGED that the total award of costs ALLOWED against the Plaintiff in favor of the Defendant is \$5,116.88; signed by David W. Daniel, Clerk by Susan Enyart, Deputy. OB Ref: FOXOB#24, pg. 181, cc:counsel. (se) (Entered: 11/26/2001)
12/07/2001	46	AMENDED Order, for bill of costs in the amount of \$5,156.88. Signed by David W. Daniel, Clerk. OB Ref: FOXOB#25, P. 7. cc: counsel. (fdc) (Entered: 12/07/2001)
12/07/2001	47	AMENDED Judgment for The News and Observer against EEOC in the amended total award of costs in the amount of \$5,156.88. Signed by David W. Daniel, Clerk by Jayne C. Clark, Deputy. OB Ref: FOXOB#25, P. 8. cc: counsel. (fdc) (Entered: 12/07/2001)

11/04/2002	Case file sent to Raleigh for storage. (se) (Entered: 11/04/2002)
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