

CLOSED,Jury Trial,STAYED,USMJ_Webb

**U.S. District Court
EASTERN DISTRICT OF NORTH CAROLINA (Western Division)
CIVIL DOCKET FOR CASE #: 5:12-cv-00818-BR**

Equal Employment Opportunity Commission v. Britthaven, Inc. et al
Assigned to: Senior Judge W. Earl Britt
Cause: 42:12101 The Americans with Disabilities Act of 1990
Date Filed: 12/27/2012
Date Terminated: 01/09/2014
Jury Demand: Plaintiff
Nature of Suit: 445 Civil Rights:
Americans with Disabilities – Employment
Jurisdiction: U.S. Government Plaintiff

Plaintiff

**Equal Employment Opportunity
Commission**

represented by **Zoe G. Mahood**
Equal Employment Opportunity
Commission
434 Fayetteville St., Suite 400
Raleigh, NC 27601
919-856-4080
Fax: 919-856-4156
Email: zoe.mahood@EEOC.gov
ATTORNEY TO BE NOTICED

V.

Defendant

Britthaven, Inc.
doing business as
Britthaven of Henderson

represented by **Gregory P. McGuire**
Ogletree Deakins Nash Smoak & Stewart,
P.C.
4208 Six Forks Rd.
Suite 1100
P. O. Box 31608
Raleigh, NC 27609
919-787-9700
Fax: 919-783-9412
Email: greg.mcguire@ogletreedeakins.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Margaret Scholz Shipley
Ogletree, Deakins, Nash, Smoak & Stewart,
P.C.
4208 Six Forks Rd.
Suite 1100
Raleigh, NC 27609
919-781-3241
Fax: 919-783-9412
Email: meg.scholz@odnss.com
ATTORNEY TO BE NOTICED

Defendant

Principle Long Term Care, Inc.
doing business as
Kerr Lake Nursing & Rehabilitation
Center

represented by **Gregory P. McGuire**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Margaret Scholz Shipley
(See above for address)
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
12/27/2012	<u>1</u>	COMPLAINT (<i>service by request for waiver pursuant to F.R.C.P. 4(d)</i>) against All Defendants, filed by U.S. Equal Employment Opportunity Commission. (Mahood, Zoe) (Entered: 12/27/2012)
12/27/2012	<u>2</u>	NOTICE by Equal Employment Opportunity Commission regarding <u>1</u> Complaint <i>Civil Cover Sheet</i> . (Mahood, Zoe) (Entered: 12/27/2012)
12/27/2012	<u>3</u>	REQUEST FOR WAIVER of Service sent to Britthaven, Inc. on 12/27/2012 by Equal Employment Opportunity Commission. Waiver of Service due by 2/27/2012. (Mahood, Zoe) (Entered: 12/27/2012)
12/27/2012	<u>4</u>	REQUEST FOR WAIVER of Service sent to Principle Long Term Care, Inc. on 12/27/2012 by Equal Employment Opportunity Commission. Waiver of Service due by 2/27/2012. (Mahood, Zoe) (Entered: 12/27/2012)
12/27/2012	<u>5</u>	NOTICE of Appearance by Zoe G. Mahood on behalf of Equal Employment Opportunity Commission. (Mahood, Zoe) (Entered: 12/27/2012)
01/29/2013	<u>6</u>	WAIVER OF SERVICE Returned Executed by Equal Employment Opportunity Commission. Principle Long Term Care, Inc. waiver sent on 12/27/2012, answer due 2/25/2013. (Mahood, Zoe) (Entered: 01/29/2013)
02/08/2013	<u>7</u>	WAIVER OF SERVICE Returned Executed by Equal Employment Opportunity Commission. Britthaven, Inc. waiver sent on 12/27/2012, answer due 2/25/2013. (Mahood, Zoe) (Entered: 02/08/2013)
02/25/2013	<u>8</u>	ANSWER to <u>1</u> Complaint by Britthaven, Inc., Principle Long Term Care, Inc.. (McGuire, Gregory) (Entered: 02/25/2013)
02/25/2013	<u>9</u>	NOTICE of Appearance by Gregory P. McGuire on behalf of All Defendants (McGuire, Gregory) (Entered: 02/25/2013)
02/26/2013		NOTICE TO COUNSEL – Pursuant to Fed. R. Civ. P. 7.1 and Local Civil Rule 7.3, all parties must file a corporate affiliate/financial interest disclosure statement. A negative statement is required if a party has no disclosures to make. The disclosure statement must be on a form provided by the clerk. This form is available at the clerks office and on the courts website. (Marsh, K) (Entered: 02/26/2013)
02/26/2013	<u>10</u>	ORDER FOR DISCOVERY PLAN sent to all parties. Signed by Julie A. Richards, Clerk of Court on 2/26/2013. (Marsh, K) (Entered: 02/26/2013)
02/27/2013	<u>11</u>	NOTICE of Appearance by Margaret Susannah Scholz on behalf of All Defendants (Scholz, Margaret) (Entered: 02/27/2013)
03/04/2013	<u>12</u>	FINANCIAL DISCLOSURE STATEMENT by Equal Employment Opportunity Commission (Mahood, Zoe) (Entered: 03/04/2013)
03/05/2013	<u>13</u>	FINANCIAL DISCLOSURE STATEMENT by Britthaven, Inc. identifying Corporate Parent Hillco, Ltd. for Britthaven, Inc. (McGuire, Gregory) (Entered: 03/05/2013)
03/05/2013	<u>14</u>	FINANCIAL DISCLOSURE STATEMENT by Principle Long Term Care, Inc. (McGuire, Gregory) (Entered: 03/05/2013)
03/08/2013	<u>15</u>	AMENDED ANSWER to <u>1</u> Complaint by Britthaven, Inc., Principle Long Term Care, Inc. (McGuire, Gregory) (Entered: 03/08/2013)
03/11/2013		NOTICE TO COUNSEL regarding <u>15</u> Amended Answer. Incomplete signature block – email address omitted. Counsel is referred to Section J of the Courts' Electronic Policy and Procedure for guidance. All future signature blocks must contain counsel's email address. (Heath, D.) (Entered: 03/11/2013)
03/25/2013	<u>16</u>	Rule 26(f) Report (joint) by Equal Employment Opportunity Commission. (Mahood, Zoe) (Entered: 03/25/2013)
03/26/2013	<u>17</u>	SCHEDULING ORDER as to all parties: Discovery due by 8/31/2013. Motions due by 10/1/2013. Signed by Magistrate Judge William A. Webb on 3/26/2013.

		Counsel should read order in its entirety for critical deadlines and information. Copy of scheduling order to Senior US District Judge W. Earl Britt's chambers with request for trial order. (Marsh, K) (Entered: 03/26/2013)
03/26/2013		TRIAL MANAGEMENT ORDER (TEXT ONLY): Jury Trial set for 1/6/2014 09:00 AM in Raleigh – 7th Floor – Courtroom 2 before Senior Judge W. Earl Britt. Signed by Senior Judge W. Earl Britt on 3/26/2013. (CHAM, ACP) (Entered: 03/26/2013)
05/22/2013	<u>18</u>	Joint MOTION for Protective Order by Equal Employment Opportunity Commission. (Attachments: # <u>1</u> Text of Proposed Order) (Mahood, Zoe) (Entered: 05/22/2013)
05/22/2013		NOTICE OF DEFICIENCY regarding: <u>18</u> Motion for Protective Order. Motion and proposed order reflect incorrect case number. Counsel is reminded for future filings that all documents should reflect the correct case number – 5:12-CV-818-BR. (Marsh, K) (Entered: 05/22/2013)
05/22/2013		MOTION REFERRED to US Magistrate Judge William A. Webb: <u>18</u> Joint MOTION for Protective Order. (Marsh, K) (Entered: 05/22/2013)
05/23/2013	<u>19</u>	ORDER granting <u>18</u> Motion for Protective Order. Signed by Magistrate Judge William A. Webb on 5/23/2013. (Marsh, K) (Entered: 05/23/2013)
09/10/2013		**** Reset Hearing: At the direction of the Court, Jury Trial reset for 2/3/2013 at 9:00 AM in Raleigh – 7th Floor – Courtroom 2 before Senior Judge W. Earl Britt. (Marsh, K) (Entered: 09/10/2013)
09/27/2013		**** AMENDED Reset Hearing: Jury Trial set for 2/3/2014 at 9:00 AM in Raleigh – 7th Floor – Courtroom 2 before Senior Judge W. Earl Britt. (Amended to correct the year) (Marsh, K) (Entered: 09/27/2013)
10/01/2013	<u>21</u>	Consent MOTION to Stay <i>due to government shutdown</i> by Equal Employment Opportunity Commission. (Attachments: # <u>1</u> Text of Proposed Order) (Mahood, Zoe) (Entered: 10/01/2013)
10/01/2013		MOTION REFERRED to US Magistrate Judge William A. Webb: <u>21</u> Consent MOTION to Stay <i>due to government shutdown</i> .. (Marsh, K) (Entered: 10/01/2013)
10/01/2013	<u>22</u>	ORDER granting <u>21</u> Motion to Stay. Signed by Magistrate Judge William A. Webb on 10/1/2013. (Marsh, K) (Entered: 10/01/2013)
10/18/2013	<u>23</u>	NOTICE by Equal Employment Opportunity Commission regarding <u>22</u> Order on Motion to Stay <i>Notification of Restoration of Funding and Extended Deadlines</i> (Mahood, Zoe) (Entered: 10/18/2013)
10/18/2013	<u>24</u>	MOTION for Extension of Time to File <i>Dispositive Motions</i> by Britthaven, Inc., Principle Long Term Care, Inc.. (Attachments: # <u>1</u> Text of Proposed Order) (McGuire, Gregory) (Entered: 10/18/2013)
10/18/2013	<u>25</u>	MOTION for Summary Judgment by Britthaven, Inc., Principle Long Term Care, Inc.. (McGuire, Gregory) (Entered: 10/18/2013)
10/18/2013	<u>26</u>	Memorandum in Support regarding <u>25</u> MOTION for Summary Judgment filed by Britthaven, Inc., Principle Long Term Care, Inc.. (Attachments: # <u>1</u> Deposition of Nicky Thomas – Part 1, # <u>2</u> Deposition of Nicky Thomas – Part 2, # <u>3</u> Deposition of Saundra Hutchins – Part 1, # <u>4</u> Deposition of Saundra Hutchins – Part 2, # <u>5</u> Deposition of Saundra Hutchins – Part 3, # <u>6</u> Deposition of Nancy Hughes – Part 1, # <u>7</u> Deposition of Nancy Hughes – Part 2, # <u>8</u> Deposition of Nancy Hughes – Part 3, # <u>9</u> Deposition of Theresa Treadwell, # <u>10</u> Selected Deposition Exhibits) (McGuire, Gregory) (Entered: 10/18/2013)
10/21/2013		MOTION REFERRED to US Magistrate Judge William A. Webb: <u>24</u> MOTION for Extension of Time to File <i>Dispositive Motions</i> . (Marsh, K) (Entered: 10/21/2013)
10/21/2013	<u>27</u>	ORDER granting <u>24</u> Motion for Extension of Time to File. Signed by Magistrate Judge William A. Webb on 10/21/2013. (Marsh, K) (Entered: 10/21/2013)

11/12/2013	<u>28</u>	RESPONSE in Opposition regarding <u>25</u> MOTION for Summary Judgment filed by Equal Employment Opportunity Commission. (Attachments: # <u>1</u> Exhibit Attachment A – Thomas Declaration, # <u>2</u> Exhibit Attachment B – Thomas Deposition, # <u>3</u> Exhibit Attachment C – Hutchins Deposition Part 1, # <u>4</u> Exhibit Attachment D – Hutchins Deposition Part 2, # <u>5</u> Exhibit Attachment E – Hutchins Deposition Part 3, # <u>6</u> Exhibit Attachment F – Hutchins Deposition Part 4, # <u>7</u> Exhibit Attachment G – Hutchins 10–31–13 Deposition, # <u>8</u> Exhibit Attachment H – Exhibit 12, # <u>9</u> Exhibit Attachment I – Exhibits Part 1, # <u>10</u> Exhibit Attachment J – Exhibits Part 2, # <u>11</u> Exhibit Attachment K – Exhibits Part 3, # <u>12</u> Exhibit Attachment L – Exhibits Part 4, # <u>13</u> Exhibit Attachment M – Treadwell Deposition, # <u>14</u> Exhibit Attachment N – Hughes Deposition, # <u>15</u> Exhibit Attachment O – Interrogatory Response, # <u>16</u> Exhibit Attachment P – RFP Response, # <u>17</u> Index Index of Exhibits) (Mahood, Zoe) (Entered: 11/12/2013)
11/26/2013	<u>29</u>	REPLY regarding <u>25</u> Motion for Summary Judgment filed by Britthaven, Inc. and Principle Long Term Care, Inc. (McGuire, Gregory) (Entered: 11/26/2013)
11/27/2013	<u>30</u>	REPLY in Support regarding <u>25</u> MOTION for Summary Judgment (<i>Corrected</i>) filed by Britthaven, Inc., Principle Long Term Care, Inc. (McGuire, Gregory) Modified on 12/4/2013 to reflect that document is a corrected version of defendant's reply. (Marsh, K) (Entered: 11/27/2013)
12/06/2013		Motion Submitted to Senior US District W. Earl Britt: <u>25</u> MOTION for Summary Judgment. (Marsh, K) (Entered: 12/06/2013)
01/03/2014		Order (TEXT ONLY) Due to the pending motion for summary judgment, trial is CONTINUED to 5/5/2014 09:00 AM in Raleigh – 7th Floor – Courtroom 2 before Senior Judge W. Earl Britt. Signed by Senior Judge W. Earl Britt on 1/3/14. (CHAM, ACP) (Entered: 01/03/2014)
01/08/2014	<u>31</u>	Joint MOTION for Settlement <i>Entry of Consent Decree</i> by Equal Employment Opportunity Commission. (Attachments: # <u>1</u> Text of Proposed Order Consent Decree) (Mahood, Zoe) (Entered: 01/08/2014)
01/09/2014		Motion Submitted to Senior US District Judge W. Earl Britt's chambers: <u>31</u> Joint MOTION for Settlement <i>Entry of Consent Decree</i> . (Marsh, K) (Entered: 01/09/2014)
01/09/2014	<u>32</u>	Consent Decree regarding <u>31</u> Joint MOTION for Settlement <i>Entry of Consent Decree</i> filed by Equal Employment Opportunity Commission. Signed by Senior Judge W. Earl Britt on 1/9/2014. (Marsh, K) (Entered: 01/09/2014)