

MTNDDL, TERMED, TRANSF

U.S. District Court
District of New Mexico - Version 3.0 (Santa Fe)
CIVIL DOCKET FOR CASE #: 6:04-cv-00709-JCH-DJS

EEOC v. Restaurant Concepts
Assigned to: District Judge Judith C. Herrera
Referred to: Magistrate Judge Don J. Svet
Demand: \$0
Cause: 42:2000e Job Discrimination (Employment)

Date Filed: 06/23/2004
Date Terminated: 10/26/2005
Jury Demand: Plaintiff
Nature of Suit: 442 Civil Rights: Jobs
Jurisdiction: U.S. Government Plaintiff

Plaintiff

**Equal Employment Opportunity
Commission**

represented by **C Emanuel Smith**

EEOC
3300 N Central Ave
#690
Phoenix, AZ 85012
(602) 640-5033
Fax: 640-5009
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Eric S Dreiband
EEOC
Legal Counsel Office
1801 L Street, NW
Washington, DC 20507
(202) 663-4669
Fax: 663-4639
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Gwendolyn Young Reams
EEOC
Legal Counsel Office
1801 L Street, NW
Washington, DC 20507
(202) 663-4669
Fax: 663-4639
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

James L Lee
EEOC
Legal Counsel Office
1801 L Street, NW
Washington, DC 20507
(202) 663-4669

Fax: 663-4639
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Loretta F Medina
EEOC
505 Marquette, NW
#900
Albuquerque, NM 87102
(505) 248-5230
Fax: 248-5217
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Mary Jo O'Neill
EEOC
Phoenix District Office
3300 North Central Avenue
#690
Phoenix, AZ 85012-2504
(602) 640-5000
Fax: (602) 640-5009
Email: mary.oneill@eeoc.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Veronica A Molina
Equal Employment Opportunity
Commission
Legal Unit
505 Marquette N.W., Suite 900
Albuquerque, NM 87102
(505) 248-5231
Fax: (505) 248-5217
Email: veronica.molina@eeoc.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

LLC Restaurant Concepts, II
doing business as
Applebee's Neighborhood Grill and Bar

represented by **Alisa L Pittman**
Elarbee Thompson Sapp & Wilson LLP
800 International Tower
229 Peachtree St NE
Atlanta, GA 30303
(404) 659-6700
Fax: 222-9718
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Carol Dominguez Shay
 500 Marquette NW Ste. 505
 Albuquerque, NM 87125
 505-242-4466
 Fax: 505-243-3145
 Email: carol@gilkeylaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

William A Pinto, Jr
 Elarbee Thompson Sapp & Wilson LLP
 800 International Tower
 229 Peachtree St NE
 Atlanta, GA 30303
 (404) 659-6700
 Fax: 222-9718
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
06/23/2004	<u>1</u>	COMPLAINT for civil rights w/jury demand (referred to Magistrate Judge Don J. Svet) (emr) Modified on 06/25/2004 (Entered: 06/24/2004)
06/23/2004		LETTER re: consent to proceed before a US Magistrate Judge (emr) (Entered: 06/24/2004)
06/28/2004		SUMMONS issued as to deft (jrm) (Entered: 06/29/2004)
07/01/2004	<u>2</u>	NOTICE by pltf of refusal to consent to proceed before a US Magistrate Judge (cc: intake) (jrm) (Entered: 07/01/2004)
07/07/2004	<u>3</u>	MINUTE ORDER: transferring case to the Santa Fe Division and reassigning case from Magistrate Judge W Daniel Schneider to District Judge Judith C. Herrera (cc: all counsel*) (jrm) (Entered: 07/07/2004)
08/30/2004	<u>4</u>	MOTION by deft for attorneys Alisa L Pittman & William A Pinto Jr to appear pro hac vice (jrm) (Entered: 08/31/2004)
08/30/2004	<u>5</u>	ENTRY OF APPEARANCE for defendant by Carol Dominguez Shay (emr) (Entered: 08/31/2004)
08/30/2004	<u>6</u>	ANSWER by defendant [1-1] (emr) (Entered: 08/31/2004)
09/01/2004	<u>7</u>	ORDER by Magistrate Judge Don J. Svet granting deft's unopposed motion for attorneys Alisa L Pittman & William A Pinto Jr to appear pro hac vice [4-1] (cc: all counsel) (jrm) Modified on 09/03/2004 (Entered: 09/01/2004)
10/19/2004	<u>8</u>	INITIAL SCHEDULING ORDER by Magistrate Judge Don J. Svet Rule 16 scheduling conference set for 11/18/04 @ 3:00 pm; provisional discovery plan & IPTR due 11/10/04 (cc: all counsel*) (jrm) (Entered: 10/19/2004)

11/12/2004	<u>9</u>	ATTORNEYS' PROVISIONAL DISCOVERY PLAN (*) (jrm) (Entered: 11/12/2004)
11/18/2004	<u>10</u>	CLERK'S MINUTES: before Magistrate Judge Don J. Svet Rule 16 scheduling conference held (jrm) (Entered: 11/22/2004)
11/22/2004	<u>11</u>	CERTIFICATE of service of initial disclosures by pltf to counsel on 11/22/04 (*) (jrm) (Entered: 11/23/2004)
11/24/2004	<u>12</u>	CERTIFICATE by defendant of service of Rule 26 Initial Disclosures to counsel on 11/22/04 (emr) (Entered: 11/26/2004)
12/02/2004	<u>13</u>	CERTIFICATE of Service by deft of 1st ntc of subpoenas for production to counsel on 12/1/04 (pr) (Entered: 12/03/2004)
12/10/2004	<u>14</u>	CERTIFICATE of service of 1st request for production & 1st set of non-uniform interrog(s) by pltf to counsel on 12/10/04 (*) (jrm) (Entered: 12/10/2004)
01/18/2005	<u>15</u>	CERTIFICATE of service of 1st set of interrog(s) by deft to counsel on 12/24/04 (seal) (Entered: 01/18/2005)
01/18/2005	<u>16</u>	CERTIFICATE of service of objections & responses to 1st request for production by deft to counsel on 1/12/05 (seal) (Entered: 01/18/2005)
01/18/2005	<u>17</u>	CERTIFICATE of service of 1st request for production by deft to counsel on 12/24/04 (seal) (Entered: 01/18/2005)
01/18/2005	<u>18</u>	CERTIFICATE of service of 1st set of non-uniform interrog(s) by deft to counsel on 1/12/05 (seal) (Entered: 01/18/2005)
01/21/2005	<u>19</u>	CERTIFICATE of service of 2nd ntc of subpoenas for production of documents & things by deft to counsel on 1/13/05 (jrm) (Entered: 01/24/2005)
01/27/2005	<u>20</u>	CERTIFICATE of service of answers & objections to 1st set of interrog(s) by pltf to counsel on 1/26/05 (*) (jrm) (Entered: 01/27/2005)
01/27/2005	<u>21</u>	CERTIFICATE of service of responses & objections to 1st set of production by pltf to counsel on 1/26/05 (*) (jrm) (Entered: 01/27/2005)
01/31/2005	<u>22</u>	CERTIFICATE of service of 2nd request for production by pltf to counsel on 1/28/05 (*) (jrm) (Entered: 01/31/2005)
02/03/2005	<u>23</u>	UNOPPOSED MOTION by pltf to extend time until 3/4/05 in which to serve mtn to compel (*) (seal) (Entered: 02/03/2005)
02/03/2005	<u>24</u>	CERTIFICATE of service of 1st request for admissions & 2nd request for production by pltf to counsel on 2/3/05 (*) (seal) (Entered: 02/03/2005)
02/04/2005	<u>25</u>	CERTIFICATE of service of ntc of depo of Kimberly Beaty by pltf to counsel on 2/2/05 (jrm) (Entered: 02/04/2005)
02/11/2005	<u>26</u>	CERTIFICATE of service of ntc of depo tuces tecum by pltf to counsel on 2/11/05 (*) (jrm) (Entered: 02/14/2005)
02/15/2005	<u>27</u>	CERTIFICATE of service of 2nd set of interrog(s) by deft to counsel on 2/14/05 (jrm) (Entered: 02/15/2005)

03/04/2005	28	CERTIFICATE of service of objections & responses to 2nd request for production by pltf to counsel on 3/2/05 (jrm) (Entered: 03/04/2005)
03/11/2005	29	CERTIFICATE by plaintiff of service of Notices of Deposition to counsel on 03/07/05 (nc) (Entered: 03/11/2005)
03/17/2005	30	CERTIFICATE of service of answers & objections to 2nd set of interrog(s) by pltf to counsel on 3/17/05 (*) (jrm) (Entered: 03/17/2005)
03/28/2005	31	INITIAL PRE-TRIAL REPORT by District Judge Judith C. Herrera and Magistrate Judge Don J. Svet; Discovery set for 4/18/05; mtn filing ddl set for 7/7/05; proposed pretrial order due 9/19/05; pretrial conference set for 12/14/05 (parties to be notified of time); jury trial set for 9:00 a.m. on 1/19/06; Estimated # of Trial Days: 7-10; Chances of Settlement: unknown (cc: all counsel) (mjr) (Entered: 03/28/2005)
04/05/2005	32	JOINT MOTION by parties to amend the IPTR (*) (jrm) (Entered: 04/05/2005)
04/14/2005	33	Third ntc of subpoenas for production of documents & things to non-parties by deft (*) (jrm) (Entered: 04/14/2005)
04/26/2005	34	CERTIFICATE of service of 2nd ntc of depo of Dina Solis by deft to counsel on 4/22/05 (jrm) (Entered: 04/26/2005)
04/28/2005	35	CERTIFICATE of service of 1st supplemental initial disclosures by pltf to counsel on 4/27/05 (jrm) (Entered: 04/29/2005)
05/06/2005	36	CERTIFICATE of Service by deft of 4th ntc of subpoenas for production to counsel on 5/5/05* (pr) (Entered: 05/06/2005)
05/09/2005	37	CERTIFICATE of service of 3rd set of interrog(s) by deft to counsel on 5/9/05 (*) (jrm) (Entered: 05/09/2005)
05/12/2005	38	CERTIFICATE of service of 2nd supplemental initial disclosures by pltf to counsel on 5/12/05 (*) (jrm) (Entered: 05/12/2005)
05/16/2005	39	CERTIFICATE of service of ntc of depo of Robert Brooks, Connie Castaneda & Jessica Lacy by pltf to counsel on 5/13/05 (*) (jrm) (Entered: 05/16/2005)
05/17/2005	40	CERTIFICATE of service of objections & responses to 3rd request for production by deft to counsel on 5/11/05 (jrm) (Entered: 05/17/2005)
05/18/2005	41	CERTIFICATE of service of 5th ntc of subpoenas for production of documents & things to non-parties by deft to counsel on 5/18/05 (*) (jrm) (Entered: 05/18/2005)
05/19/2005	42	ORDER by Magistrate Judge Don J. Svet granting the joint motion to amend the IPTR [32-1] Discovery cutoff 7/18/05 ; Motion Filing cutoff 10/5/05 ; Pretrial order ddl 12/19/05 ; Pretrial conference set for 2/22/06, time not set ; Jury trial set for 3/13/06 @ 9:00 am in Albuquerque (cc: all counsel) (jrm) (Entered: 05/19/2005)
05/25/2005	43	CERTIFICATE of service of 2nd ntc of depos of Robert Brooks, Connie Castaneda & Jessica Lacy by pltf to counsel on 5/24/05 (*) (jrm) (Entered: 05/25/2005)

05/26/2005	44	CERTIFICATE of service of 2nd amended ntc of depo of Robert Brooks by deft to counsel on 5/26/05 (*) (jrm) (Entered: 05/26/2005)
05/26/2005	45	CERTIFICATE of service of ntc of depo of Wasatch Investigations, Inc by deft to counsel on 5/26/05 (*) (jrm) (Entered: 05/26/2005)
05/27/2005	46	CERTIFICATE of service by defendant of 3rd ntc of deposition of D Solis to counsel on 5/27/05 * (vv) (Entered: 05/27/2005)
05/27/2005	47	CERTIFICATE of service by defendant of 6th notice of subpoenas for production of documents & things to counsel on 5/27/05 * (vv) (Entered: 05/27/2005)
06/03/2005	48	CERTIFICATE of service of 7th ntc of subpoenas for production of documents & things to non-parties by deft to counsel on 6/3/05 (*) (jrm) (Entered: 06/03/2005)
06/14/2005	49	CERTIFICATE of service of answers & objections to 3rd set of interrog(s) by pltf to counsel on 6/14/05 (*) (jrm) (Entered: 06/14/2005)
06/14/2005	50	CERTIFICATE of service of 3rd notices of depo of Jessica Lacy & Connie Castaneda by deft to counsel on 6/14/05 (*) (jrm) (Entered: 06/14/2005)
06/16/2005	51	CERTIFICATE of Service by pltf of 4th request for production to counsel on 6/16/05* (pr) (Entered: 06/16/2005)
06/21/2005	52	CERTIFICATE of Service by pltf of responses to request for production made as part of ntc of depo of Dina Solis to counsel on 6/21/05* (pr) (Entered: 06/21/2005)
06/21/2005	53	CERTIFICATE of Service by pltf of 1st request for admissions to counsel on 6/17/05* (pr) (Entered: 06/21/2005)
06/24/2005	54	CERTIFICATE of service of 4th set of interrog(s) by deft to counsel on 6/24/05 (*) (jrm) (Entered: 06/24/2005)
06/24/2005	55	CERTIFICATE of service of 2nd request for production by deft to counsel on 6/17/05 (*) (jrm) (Entered: 06/24/2005)
07/05/2005	56	UNOPPOSED MOTION by deft to extend time to file its mtn to compel (*) (jrm) (Entered: 07/05/2005)
07/08/2005	57	CERTIFICATE of service of 3rd supplemental disclosure by pltf to counsel on 7/8/05 (*) (seal) (Entered: 07/08/2005)
07/13/2005	58	ORDER by Magistrate Judge Don J. Svet setting a mandatory Rule 16 settlement conference for 8/30/05 @ 8:30 am in Albuquerque (cc: all counsel*) (jrm) (Entered: 07/13/2005)
07/13/2005	59	JOINT MOTION to extend remaining pretrial deadlines (*) (jrm) (Entered: 07/13/2005)
07/15/2005	60	ORDER by Magistrate Judge Don J. Svet granting the joint motion to extend remaining pretrial deadlines [59-1] Discovery cutoff 8/26/05 ; Motion Filing cutoff 11/11/05 ; Pretrial order ddl 1/26/06 (cc: all counsel) (jrm) (Entered: 07/15/2005)

07/15/2005	61	SECOND UNOPPOSED MOTION by deft to extend time until 8/12/05 to file mtn to compel (*) (jrm) (Entered: 07/15/2005)
08/02/2005	62	ORDER by Magistrate Judge Don J. Svet granting deft's second unopposed motion to extend time until 8/12/05 to file mtn to compel [61-1], [56-1] (cc: all counsel*) (jrm) (Entered: 08/02/2005)
08/26/2005	63	ORDER by Magistrate Judge Don J. Svet vacating the 8/30/05 settlement conference (cc: all counsel*) (jrm) (Entered: 08/29/2005)
09/28/2005	64	ORDER by Magistrate Judge Don J. Svet denying as moot the motion to extend time until 3/4/05 in which to serve mtn to compel [23-1] by EEOC (cc: all counsel*) (jrm) (Entered: 09/28/2005)
10/26/2005	65	CONSENT DECREE by District Judge Judith C. Herrera (SEE DOCUMENT FOR SPECIFICS) dismissing case (cc: all counsel) (mjr) (Entered: 10/27/2005)

PACER Service Center

Transaction Receipt

05/24/2007 11:19:18

PACER Login:	hs0328	Client Code:	eeoc
Description:	Docket Report	Search Criteria:	6:04-cv-00709-JCH-DJS
Billable Pages:	4	Cost:	0.32