

REFER, TERMED

**U.S. District Court**  
**District of New Mexico - Version 3.0 (Las Cruces)**  
**CIVIL DOCKET FOR CASE #: 2:04-cv-01117-RB-LFG**

EEOC v. Smith's Food & Drug  
Assigned to: District Judge Robert Brack  
Referred to: Magistrate Judge Lorenzo F. Garcia  
Demand: \$0  
Cause: 42:2000e Job Discrimination (Employment)

Date Filed: 09/30/2004  
Date Terminated: 05/20/2005  
Nature of Suit: 442 Civil Rights: Jobs  
Jurisdiction: U.S. Government Plaintiff

**Plaintiff**

**Equal Employment Opportunity  
Commission**

represented by **C Emanuel Smith**

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V.

**Defendant**

**Smith's Food and Drug Centers, Inc.**  
*doing business as*  
Price Rite

represented by **Thomas L Stahl**  
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<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
09/30/2004	<a href="#">1</a>	COMPLAINT for civil rights (referred to Chief Magistrate Lorenzo F. Garcia) (emr) (Entered: 10/01/2004)
10/15/2004		SUMMONS issued as to deft (bap) (Entered: 10/18/2004)
11/18/2004	<a href="#">2</a>	ANSWER by deft [1-1] (bap) (Entered: 11/19/2004)
11/22/2004	<a href="#">3</a>	INITIAL SCHEDULING ORDER by Chief Magistrate Judge Lorenzo F. Garcia Rule 16 scheduling conference is set for 1/6/05 @ 9:00 am; provisional discovery plan & IPTR due 1/3/05 (cc: all counsel*) (bap) (Entered: 11/22/2004)
12/16/2004	<a href="#">4</a>	PROVISIONAL DISCOVERY PLAN by parties (*) (bap) (Entered: 12/16/2004)
01/05/2005	<a href="#">5</a>	CERTIFICATE of Service by pltf of initial disclosures, hand delivered to counsel on 1/5/05 (*) (bap) (Entered: 01/05/2005)
01/05/2005	<a href="#">6</a>	CERTIFICATE of service of Rule 26 disclosure statement by deft to counsel on 1/5/05 (jrm) (Entered: 01/05/2005)
01/06/2005	<a href="#">7</a>	CLERK'S MINUTES: before Chief Magistrate Judge Lorenzo F. Garcia Rule 16 scheduling conference was held (*) (bap) (Entered: 01/06/2005)
01/12/2005	<a href="#">8</a>	CERTIFICATE of Service by deft of first set of interrogatories and first requests for production of documents, mailed to counsel on 1/12/05 (bap) (Entered: 01/12/2005)
01/18/2005	<a href="#">9</a>	ORDER by District Judge Robert Brack consolidating cases 2:04-cv-1117 with member cases 6:04-cv-1417; 04-1117 is lead case (cc: all counsel) (yc) (Entered: 01/18/2005)
01/18/2005	<a href="#">10</a>	ORDER by Chief Magistrate Judge Lorenzo F. Garcia setting on standard track , Discovery cutoff is 6/6/05; Motion Filing cutoff is 8/15/05; Pretrial order ddl is 10/14/05 (cc: all counsel) (bap) (Entered: 01/18/2005)
01/19/2005	<a href="#">14</a>	ORDER by District Judge Robert Brack consolidating cases (see document #9) (cc: all counsel) (yc) (Entered: 01/21/2005)
01/20/2005	<a href="#">11</a>	MOTION by pltfs Sandoval for remand to state court (bap) (Entered: 01/21/2005)
01/20/2005	<a href="#">12</a>	MEMORANDUM in support of motion for remand to state court [11-1] (bap) (Entered: 01/21/2005)
01/20/2005	<a href="#">13</a>	CERTIFICATE of Service by pltfs Sandoval of first set of interrogatories and request for production, mailed to counsel on 1/18/05 (bap) (Entered: 01/21/2005)
02/04/2005	<a href="#">15</a>	UNOPPOSED MOTION by deft to extend time to respond to pltfs' motion to remand until 2/11/05 (bap) (Entered: 02/07/2005)

02/08/2005	<a href="#">16</a>	ORDER by Chief Magistrate Judge Lorenzo F. Garcia setting Rule 16 Settlement Conference for 5/2/05 @ 9:00 am in Albuquerque (cc: all counsel*) (bap) (Entered: 02/09/2005)
02/08/2005	<a href="#">17</a>	INITIAL PRE-TRIAL REPORT by District Judge Robert Brack and Chief Magistrate Lorenzo F. Garcia; Discovery set for 6/6/05; mtn filing ddl set for 8/15/05; proposed pretrial order due 10/14/05; pretrial conference set for 8:30 a.m. on 11/18/05; jury trial set for 9:00 1/23/06; Estimated # Trial Days: 5; Chances of Settlement: not known (cc: all counsel) (yc) (Entered: 02/09/2005)
02/08/2005	<a href="#">18</a>	NOTICE of hearing before District Judge Robert Brack; pretrial conference set on 11/18/05 @ 8:30 a.m.; final pretrial conference set on 12/16/05 @ 8:30 a.m.; jury trial set on 1/23/06 @ 9:00 a.m.; [17-1] (cc: all counsel) (yc) (Entered: 02/09/2005)
02/10/2005	<a href="#">19</a>	RESPONSE by deft Pricerite to pltf Sandoval's motion for remand to state court [11-1] (bap) (Entered: 02/11/2005)
02/11/2005	<a href="#">20</a>	ORDER by District Judge Robert Brack granting deft's unopposed motion to extend time to respond to pltf's motion to remand until 2/11/05 [15-1] (cc: all counsel) (yc) (Entered: 02/14/2005)
03/02/2005	<a href="#">21</a>	UNOPPOSED MOTION by plaintiff to extend time to respond to mtn to remand until 3/4/05 (vv) (Entered: 03/02/2005)
03/04/2005	<a href="#">22</a>	REPLY by pltf's to deft's response to motion for remand to state court [11-1] (bap) (Entered: 03/07/2005)
03/04/2005	<a href="#">23</a>	NOTICE by pltf's Sandoval of completion of briefing on motion to remand [11-1] (bap) (Entered: 03/07/2005)
03/04/2005	<a href="#">24</a>	ORDER by District Judge Robert Brack granting pltf Sandoval's motion to extend time to respond to mtn to remand until 3/4/05 [21-1] (cc: all counsel) (yc) (Entered: 03/07/2005)
03/04/2005	<a href="#">25</a>	CERTIFICATE of Service by deft of answers to pltf's first set of interrogatories and responses to request for production, mailed to counsel on 3/4/05 (bap) (Entered: 03/07/2005)
03/07/2005	<a href="#">26</a>	CERTIFICATE of Service by pltf of answers and responses to deft Smith's and first set of interrogatories and first requests for production, mailed to counsel on 3/4/05 (bap) (Entered: 03/08/2005)
03/08/2005	<a href="#">27</a>	REQUEST by deft for oral argument (jrm) (Entered: 03/08/2005)
03/09/2005	<a href="#">28</a>	MOTION by deft for leave to file a surreply to pltf's motion to remand (bap) (Entered: 03/10/2005)
03/16/2005	<a href="#">29</a>	CERTIFICATE of service of supplemental Rule 26 disclosure statement by deft to counsel on 3/16/05 (jrm) (Entered: 03/17/2005)
03/18/2005	<a href="#">30</a>	CERTIFICATE of service of supplement to Rule 26 disclosures by pltf to counsel on 3/17/05 (jrm) (Entered: 03/21/2005)
03/25/2005	<a href="#">31</a>	RESPONSE by pltf to motion for leave to file a surreply to pltf's motion to remand [28-1] (jrm) (Entered: 03/25/2005)

03/25/2005	<a href="#">32</a>	CERTIFICATE of service of 2nd request for production by pltf to deft Pricerite on 3/23/05 (jrm) (Entered: 03/25/2005)
03/28/2005	<a href="#">33</a>	CERTIFICATE of Service by pltf of first set of interrogatories and first request for production of documents, hand-delivered to counsel on 3/28/05 (*) (bap) (Entered: 03/28/2005)
04/06/2005	<a href="#">34</a>	WITNESS list (expert) submitted by pltf (*) (bap) (Entered: 04/06/2005)
04/07/2005	<a href="#">35</a>	NOTICE by pltf Sandoval of identification of expert (bap) (Entered: 04/11/2005)
04/08/2005	<a href="#">36</a>	REPLY by deft in support of motion for leave to file a surreply to pltf's motion to remand [28-1] (bap) (Entered: 04/11/2005)
04/13/2005	<a href="#">37</a>	NOTICE by defendant of completion of briefing of mtn for leave to file surreply [28-1] (vv) (Entered: 04/13/2005)
04/15/2005	<a href="#">38</a>	CERTIFICATE of service by plaintiff of 3rd request for production to counsel on 4/14/05 (vv) (Entered: 04/15/2005)
04/19/2005	<a href="#">39</a>	STIPULATION by the parties re: discovery (*) (bap) (Entered: 04/19/2005)
04/19/2005	<a href="#">40</a>	CERTIFICATE of Service by deft of supplemental Rule 26 disclosures statement, mailed to counsel on 4/18/05 (bap) (Entered: 04/20/2005)
04/25/2005	<a href="#">41</a>	ORDER by Chief Magistrate Lorenzo F. Garcia granting parties' discovery stipulation [39-1] (cc: all counsel) (dmw) (Entered: 04/25/2005)
04/25/2005	<a href="#">42</a>	CERTIFICATE of service of responses to 2nd request for production by deft to counsel on 4/25/05 (jrm) (Entered: 04/26/2005)
04/26/2005	<a href="#">43</a>	NOTICE by Chief Magistrate Judge Lorenzo F. Garcia vacating Rule 16 Settlement Conference set for 5/2/05 (*) (bap) (Entered: 04/26/2005)
04/28/2005	<a href="#">44</a>	MEMORANDUM, OPINION, AND ORDER: by District Judge Robert Brack granting deft Pricerite's motion for leave to file a surreply to pltf's motion to remand [28-1], and granting pltf's motion for remand to state court [11-1]; dismissing Count 5 and portion of Count 3 against deft Pricerite are dismissed w/out prejudice remanding case to state court (2:04-cv-01417) (cc: all counsel*) (bap) (Entered: 04/28/2005)
04/29/2005		LETTER to the Second Judicial District Court w/the entire file & memorandum opinion & order (yc) (Entered: 04/29/2005)
05/20/2005	<a href="#">45</a>	CONSENT DECREE (judgment) by District Judge Robert Brack dismissing case (cc: all counsel) (yc) (Entered: 05/24/2005)

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