

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

**EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,**

Plaintiff,

v.

**5:98-CV-1772
(FJS/GHL)**

CARROLS CORPORATION,

Defendant.

APPEARANCES

OF COUNSEL

**EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION**
33 Whitehall Street, 5th Floor
New York, New York 10004

SUNU P. CHANDY, ESQ.

**ORRICK, HERRINGTON &
SUTCLIFFE, LLP**
666 Fifth Avenue
New York, New York 10103-0001
Attorneys for Carrols Corporation

JOHN D. GIANSELLO, ESQ.

SCULLIN, Chief Judge

ORDER

On February 25, 2004, Plaintiff Equal Employment Opportunity Commission filed a motion to file its Response to Defendant's Renewed Motion for Summary Judgment under seal as well as a letter requesting permission to file expert motions at this time.

On February 26, 2004, Defendant Carrols Corporation filed a letter in which it requested, *inter alia*, that the Court set a return date for Plaintiff's expert motions as well as a motion that Defendant intends to file to exclude the report of Plaintiff's expert Dr. Louise Fitzgerald.

Having reviewed the papers submitted in support of these motion/letter requests, the Court hereby

ORDERS that Plaintiff's motion to file its Response to Defendant's Renewed Motion for Summary Judgment under seal is **DENIED**; and the Court further

ORDERS that, on or before **March 1, 2004**, Plaintiff is to file a redacted version of the following parts of its response to Defendant's Renewed Motion for Summary Judgment **electronically in accordance with this Court's General Order 22**: (1) EEOC's Statement of Material Disputed Facts in Opposition to Defendant's Amended Revised and Augmented Local Rule 7.1(a)(3) Statement in Support of Renewed Motion for Summary Judgment; (2) EEOC's Memorandum of Law in Response to Defendant's Renewed Motion for Summary Judgment; and (3) Declaration of Sunu P. Chandy in Support of EEOC's Response to Defendant's Renewed Motion for Summary Judgment; and the Court further

ORDERS that, on or before **March 1, 2004**, Plaintiff is to file a redacted copy of Exhibits 1-99 to the Declaration of Sunu P. Chandy traditionally; i.e., in hard copy form; and the Court further

ORDERS that Plaintiff's request to file expert motions at this time is **GRANTED**; and the Court further

ORDERS that Defendant's request to file a motion to exclude the report of Plaintiff's expert Dr. Louise Fitzgerald is **GRANTED**; and the Court further

ORDERS that Plaintiff's motions to exclude the opinions of Defendant's proposed experts Eugene P. Ericksen and David S. Evans and Defendant's motion to exclude the report of Plaintiff's expert Dr. Louise Fitzgerald are hereby made returnable on **April 9, 2004**; and the

Court further

ORDERS that, on or before **March 4, 2004**, Plaintiff is to file its motions to exclude the opinions of Defendant's proposed experts Eugene P. Ericksen and David S. Evans **electronically in accordance with this Court's General Order 22**; and the Court further

ORDERS that, on or before **March 4, 2004**, Defendant is to file its motion to exclude the report of Plaintiff's expert Dr. Louise Fitzgerald **electronically in accordance with this Court's General Order 22**; and the Court further

ORDERS that, on or before **March 23, 2004**, Defendant must file its papers in opposition to Plaintiff's motions to exclude the opinions of Defendant's proposed experts Eugene P. Ericksen and David S. Evans **electronically in accordance with this Court's General Order 22**; and the Court further

ORDERS that, on or before **March 23, 2004**, Plaintiff must file its papers in opposition to Defendant's motion to exclude the report of Plaintiff's expert Dr. Louise Fitzgerald **electronically in accordance with this Court's General Order 22**; and the Court further

ORDERS that, on or before **March 29, 2004**, Plaintiff must file its reply papers, if any, in further support of its motions to exclude the opinions of Defendant's proposed experts Eugene P. Ericksen and David S. Evans **electronically in accordance with this Court's General Order 22**; and the Court further

ORDERS that, on or before **March 29, 2004**, Defendant must file its reply papers, if any, in further support of its motion to exclude the report of Plaintiff's expert Dr. Louise Fitzgerald **electronically in accordance with this Court's General Order 22**; and the Court further

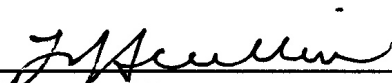
ORDERS that the Court will decide Plaintiff's motions to exclude the opinions of

Defendant's proposed experts Eugene P. Ericksen and David S. Evans and Defendant's motion to exclude the report of Plaintiff's expert Dr. Louise Fitzgerald on the basis of the parties' submissions and, therefore, counsel need not appear for oral argument on April 9, 2004; and the Court further

ORDERS that all papers that either party files in this action in the future are to be filed **electronically in accordance with this Court's General Order 22** unless the Court otherwise directs.

IT IS SO ORDERED.

Dated: February 26, 2004
Syracuse, New York



Frederick J. Scullin, Jr.
Chief United States District Court Judge