

CLOSED, MAG

U.S. District Court
Western District of Pennsylvania (Pittsburgh)
CIVIL DOCKET FOR CASE #: 2:06-cv-01243-JFC-RCM

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION v.
ORIGINAL HOT DOG SHOPS, INC. et al
Assigned to: Joy Flowers Conti
Referred to: Robert C. Mitchell
Cause: 28:451 Employment Discrimination

Date Filed: 09/19/2006
Jury Demand: Plaintiff
Nature of Suit: 442 Civil Rights: Jobs
Jurisdiction: U.S. Government Plaintiff

Plaintiff

**EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION**

represented by **Jacqueline H. McNair**
Equal Employment Opportunity
Commission
21 South Fifth Street
Suite 400, The Bourse Building
Philadelphia, PA 19106
(215) 440-2666
Email: Jacqueline.McNair@eeoc.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

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V.

Defendant**ORIGINAL HOT DOG SHOPS, INC.***doing business as*

ORIGINAL HOT DOG SHOP

represented by **Stephen J. Laidhold**

McGuire Woods

625 Liberty Avenue

23rd Floor, Dominion Tower

Pittsburgh, PA 15222-3142

(412) 667-6000

Email: slaidhold@mcguirewoods.com

LEAD ATTORNEY**ATTORNEY TO BE NOTICED****Defendant****FOOD GALLERY ORIGINAL, INC.***doing business as*

ORIGINAL HOT DOG SHOP

represented by **Stephen J. Laidhold**

(See above for address)

LEAD ATTORNEY**ATTORNEY TO BE NOTICED****ThirdParty Plaintiff****ORIGINAL HOT DOG SHOPS, INC.**represented by **Stephen J. Laidhold**

(See above for address)

LEAD ATTORNEY**ATTORNEY TO BE NOTICED****ThirdParty Plaintiff****FOOD GALLERY ORIGINAL, INC.**represented by **Stephen J. Laidhold**

(See above for address)

LEAD ATTORNEY**ATTORNEY TO BE NOTICED**

V.

ThirdParty Defendant**CARNEGIE-MELLON UNIVERSITY***TERMINATED: 03/08/2007***ThirdParty Defendant****PARKHURST CORPORATION***TERMINATED: 04/09/2007*represented by **William James Rogers**

Thomson, Rhodes & Cowie

1010 Two Chatham Center

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LEAD ATTORNEY**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text

09/19/2006	1	COMPLAINT against ORIGINAL HOT DOG SHOPS, INC., FOOD GALLERY ORIGINAL, INC. , filed by EQUAL EMPLOYMENT OPPORTUNITY COMMISSION. (Attachments: # 1 Civil Cover Sheet # 2 Summons as to Sidney Simons, President of Food Gallery Original, Inc.# 3 Summons as to Sidney Simons, President of Original Hot Dog Shops, Inc.)(jv) (Entered: 09/19/2006)
09/19/2006		Summons Issued as to ORIGINAL HOT DOG SHOPS, INC., FOOD GALLERY ORIGINAL, INC.. (jv) (Entered: 09/19/2006)
09/19/2006	2	First AMENDED COMPLAINT against all defendants, filed by EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.(Clickner, M.) (Entered: 09/19/2006)
09/25/2006	3	ORDER REFERRING CASE to Magistrate Judge Robert C. Mitchell. Signed by Judge Joy Flowers Conti on 9/22/06. (smc) (Entered: 09/25/2006)
10/13/2006	4	NOTICE of Appearance by Stephen J. Laidhold on behalf of ORIGINAL HOT DOG SHOPS, INC., FOOD GALLERY ORIGINAL, INC. (Laidhold, Stephen) (Entered: 10/13/2006)
10/13/2006	5	MOTION to Dismiss Amended Complaint by ORIGINAL HOT DOG SHOPS, INC., FOOD GALLERY ORIGINAL, INC.. (Attachments: # 1 Affidavit of Bruce Simon in support of Motion to Dismiss Plaintiff's Amended Complaint)(Laidhold, Stephen) Modified title text and text to describe attachment on 10/16/2006 (jsp). Modified on 10/16/2006 (jsp,). (Entered: 10/13/2006)
10/13/2006	6	BRIEF in Support re 5 MOTION to Dismiss <i>Amended Complaint</i> filed by ORIGINAL HOT DOG SHOPS, INC., FOOD GALLERY ORIGINAL, INC.. (Laidhold, Stephen) (Entered: 10/13/2006)
10/16/2006	7	ORDER Response/Briefing Schedule re 5 Motion to Dismiss. Plaintiff's Response to the Motion to Dismiss is due by 11/6/2006. Signed by Magistrate Judge Robert C. Mitchell on 10/16/2006. (mlb) (Entered: 10/16/2006)
10/16/2006		CLERK'S OFFICE QUALITY CONTROL MESSAGE. re 5 MOTION to Dismiss ERROR: Party did not file disclosure statement as required pursuant L.R. 7.1.1 CORRECTION: Attorney advised to file statement within 7 days. This message is for informational purposes only., CLERK'S OFFICE QUALITY CONTROL MESSAGE.. ERROR: Attachments not described correctly or no description was provided. CORRECTION: Attachment description corrected. THE DOCUMENT DOES NOT NEED TO BE RE-FILED. This message is for informational purposes only. Disclosure Statement due by 10/25/2006. (jsp,) (Entered: 10/16/2006)
10/17/2006	8	Disclosure Statement identifying None as Corporate Parent, by ORIGINAL HOT DOG SHOPS, INC., FOOD GALLERY ORIGINAL, INC.. (Laidhold, Stephen) Modified text on 10/18/2006 (jsp). (Entered: 10/17/2006)
10/27/2006	9	SUMMONS/Return of Service Returned Executed by EQUAL EMPLOYMENT OPPORTUNITY COMMISSION. ORIGINAL HOT DOG SHOPS, INC. served on 9/29/2006, answer due 10/19/2006. (Clickner, M.) (Entered: 10/27/2006)

10/27/2006	10	SUMMONS/Return of Service Returned Executed by EQUAL EMPLOYMENT OPPORTUNITY COMMISSION. FOOD GALLERY ORIGINAL, INC. served on 9/29/2006, answer due 10/19/2006. (Clickner, M.) Modified on 10/30/2006 (jv). (Entered: 10/27/2006)
10/30/2006		Update Answer Deadline: Answer due from FOOD GALLERY ORIGINAL, INC. on 10/19/2006 (jv) (Entered: 10/30/2006)
10/30/2006		CLERK'S OFFICE QUALITY CONTROL MESSAGE. re 10 Summons/Returned Returned Executed ERROR: Docket entry date for service did not match actual document which made the Answer deadline incorrect CORRECTION: Corrected Docket entry and updated Answer deadline for FOOD GALLERY ORIGINAL INC. This message is for informational purposes only. (jv) (Entered: 10/30/2006)
11/06/2006	11	RESPONSE to Motion re 5 MOTION to Dismiss filed by EQUAL EMPLOYMENT OPPORTUNITY COMMISSION. (Attachments: # 1 Certificate of Service # 2 Appendix # 3 Certificate of Service)(Clickner, M.)Document Removed from Public View and redocked at 12 Memorandum in Opposition. Modified on 11/8/2006 (jv). (Entered: 11/06/2006)
11/08/2006	12	MEMORANDUM by EQUAL EMPLOYMENT OPPORTUNITY COMMISSION in Opposition to 5 MOTION to Dismiss. filed by EQUAL EMPLOYMENT OPPORTUNITY COMMISSION. (Attachments: # 1 Certificate to Memorandum in Opposition to Defendant's Motion to Dismiss # 2 Appendix to Plaintiff's Memorandum in Opposition to Defendant's Motion to Dismiss # 3 Certificate of Service to Appendix). (jv) (Entered: 11/08/2006)
11/08/2006		CLERK'S OFFICE QUALITY CONTROL MESSAGE. ERROR: re 11 Response to Motion Wrong event selected. CORRECTION: Re-docketed as 12 Memorandum In Opposition to Defendant's 5 Motion to Dismiss. This message is for informational purposes only. Please Note that Certificate of Service's are to made part of the Main Document. Thank You. (jv) (Entered: 11/08/2006)
12/19/2006	13	REPORT AND RECOMMENDATION: recommending that 5 Motion to Dismiss Amended Complaint filed by ORIGINAL HOT DOG SHOPS, INC. and FOOD GALLERY ORIGINAL, INC. be denied. Objections to R&R due by 1/5/2007. Signed by Magistrate Judge Robert C. Mitchell on 12/19/2006. (mlb) (Entered: 12/19/2006)
12/22/2006	14	OBJECTIONS to <i>Magistrate Mitchell's Report and Recommendations</i> by ORIGINAL HOT DOG SHOPS, INC., FOOD GALLERY ORIGINAL, INC.. (Laidhold, Stephen) (Entered: 12/22/2006)
12/27/2006		CLERK'S OFFICE QUALITY CONTROL MESSAGE. re 14 Objections To ERROR: Proposed Order was made part of main document. CORRECTION: Attorney advised that in future proposed orders are to be made attachments to the main document. This message is for informational purposes only. (jv) (Entered: 12/27/2006)
01/03/2007	15	OBJECTIONS to <i>Magistrate Mitchell's 13 Report and Recommendations</i> , by ORIGINAL HOT DOG SHOPS, INC., FOOD GALLERY ORIGINAL, INC.. (Attachments: # 1 Proposed Order)(Laidhold, Stephen) (Entered: 01/03/2007)

01/04/2007	16	RESPONSE to Defendants' Objection to MJ Mitchell's Report & Recommendation filed by EQUAL EMPLOYMENT OPPORTUNITY COMMISSION. (Clickner, M.) (Entered: 01/04/2007)
01/31/2007	17	First MOTION for Discovery to Commence Discovery by EQUAL EMPLOYMENT OPPORTUNITY COMMISSION. (Attachments: # 1)(Clickner, M.) (Entered: 01/31/2007)
01/31/2007	18	ORDER denying 5 Motion to Dismiss, adopting Report and Recommendations re 13 Report and Recommendations. The defendants' motion to dismiss the amended complaint (Document No. 5) is denied without prejudice to defendants' right to raise the issues implicating the requisite elements to be established for plaintiff's Title VII claim based upon a fully developed record. Signed by Judge Joy Flowers Conti on 1/31/07. (smc) (Entered: 01/31/2007)
02/01/2007	19	NOTICE of Hearing: Initial Status Conference set for 3/13/2007 at 9:30 AM before Robert C. Mitchell. (mlb) (Entered: 02/01/2007)
02/01/2007		Text-only entry; no PDF document will issue. This text-only entry constitutes the Court's Order or notice on the matter. ORDER denying 17 Motion for Discovery. Signed by Magistrate Judge Robert C. Mitchell on 2/1/2007. (mlb) (Entered: 02/01/2007)
02/06/2007	20	DEFENDANTS' ANSWER to Amended Complaint AND AFFIRMATIVE DEFENSES by ORIGINAL HOT DOG SHOPS, INC., FOOD GALLERY ORIGINAL, INC..(Laidhold, Stephen) (Entered: 02/06/2007)
02/07/2007	21	THIRD PARTY COMPLAINT against CARNEGIE-MELLON UNIVERSITY, PARKHURST CORPORATION, filed by ORIGINAL HOT DOG SHOPS, INC., FOOD GALLERY ORIGINAL, INC.. (Attachments: # 1 Exhibit 1# 2 Exhibit 2)(Laidhold, Stephen) (Entered: 02/07/2007)
02/08/2007		Summons Issued as to CARNEGIE-MELLON UNIVERSITY, Parkhurst Corporation. (ept) (Entered: 02/08/2007)
02/09/2007	22	REPORT of Rule 26(f) Planning Meeting. (Clickner, M.) (Entered: 02/09/2007)
02/21/2007	23	PROPOSED DISCOVERY PLAN pursuant to Rule 26(f) by ORIGINAL HOT DOG SHOPS, INC., ORIGINAL HOT DOG SHOPS, INC., FOOD GALLERY ORIGINAL, INC., FOOD GALLERY ORIGINAL, INC..(Laidhold, Stephen) (Entered: 02/21/2007)
02/27/2007	24	SUMMONS/Return of Service Returned Executed by ORIGINAL HOT DOG SHOPS, INC., ORIGINAL HOT DOG SHOPS, INC., FOOD GALLERY ORIGINAL, INC., FOOD GALLERY ORIGINAL, INC.. CARNEGIE-MELLON UNIVERSITY served on 2/21/2007, answer due 3/13/2007; PARKHURST CORPORATION served on 2/16/2007, answer due 3/8/2007. (Attachments: # 1 Exhibit 1# 2 Exhibit 2)(Laidhold, Stephen) (Entered: 02/27/2007)
03/07/2007	25	NOTICE of Voluntary Dismissal by ORIGINAL HOT DOG SHOPS, INC., ORIGINAL HOT DOG SHOPS, INC., FOOD GALLERY ORIGINAL, INC., FOOD GALLERY ORIGINAL, INC. (Laidhold, Stephen) (Entered: 03/07/2007)

03/08/2007	26	Disclosure Statement identifying None as Corporate Parent, by PARKHURST CORPORATION. (Rogers, William) (Entered: 03/08/2007)
03/08/2007	27	Notice Opting Out of Arbitration by PARKHURST CORPORATION.(Rogers, William) (Entered: 03/08/2007)
03/08/2007	28	MOTION to Dismiss re 21 Third Party Complaint by PARKHURST CORPORATION. (Attachments: # 1 Proposed Order)(Rogers, William) (Entered: 03/08/2007)
03/08/2007	29	BRIEF in Support re 28 MOTION to Dismiss re 21 Third Party Complaint filed by PARKHURST CORPORATION. (Rogers, William) (Entered: 03/08/2007)
03/13/2007	30	Minute Entry for proceedings held before Magistrate Judge Robert C. Mitchell: Status Conference held on 3/13/2007. Discovery due by 7/15/2007. Defendants' Response to Third-Party Defendant's Motion to Dismiss 28 due by 3/31/2007. Reply to Response due by 4/10/2007. Status Conference set for 5/15/2007 09:30 AM before Magistrate Judge Robert C. Mitchell. (Court Reporter none.) (spc) (Entered: 03/13/2007)
03/22/2007	31	NOTICE OF CONSENT by Third Party Plaintiff, ORIGINAL HOT DOG SHOPS, INC., FOOD GALLERY ORIGINAL, INC. of The GRANTING of Third Party Defendant's (PARKHURST CORPORATION) 28 MOTION to Dismiss re 21 Third Party Complaint (jv) (Entered: 03/22/2007)
04/09/2007		Text-only entry; no PDF document will issue. This text-only entry constitutes the Court's ORDER or notice on the matter. Order granting unopposed 28 Motion to Dismiss 21 Third-Party Complaint. Signed by Magistrate Judge Robert C. Mitchell on 4/9/2007. (mlb) (Entered: 04/09/2007)
04/19/2007	32	CONSENT DECREE by EQUAL EMPLOYMENT OPPORTUNITY COMMISSION. (Attachments: # 1 Exhibit 1 # 2 Exhibit 2 # 3 Exhibit 3 # 4 Exhibit 4 # 5 Exhibit 5)(Clickner, M.), Corrected Attachments by describing them. Modified on 4/23/2007 (jv). (Entered: 04/19/2007)
04/23/2007		CLERK'S OFFICE QUALITY CONTROL MESSAGE. re 32 Consent Decree. ERROR: Attachments not described. CORRECTION: Attachment description applied. This message is for informational purposes only. (jv) (Entered: 04/23/2007)
04/27/2007	33	Approved Consent Decree. Signed by Judge Joy Flowers Conti on 4/24/07. (smc) (Entered: 04/27/2007)

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