

51AB/J, TERMED

**U.S. District Court  
Western District of Tennessee (Memphis)  
CIVIL DOCKET FOR CASE #: 2:01-cv-02076-BBD**

EEOC v. Chili's Inc., et al  
Assigned to: Judge Bernice B. Donald  
Demand: \$0  
Cause: 42:2000e Job Discrimination (Employment)

Date Filed: 01/30/2001  
Jury Demand: Defendant  
Nature of Suit: 442 Civil Rights: Jobs  
Jurisdiction: U.S. Government Plaintiff

**Miscellaneous**

**James Allen**

represented by **James Allen**  
U.S. District Judge  
167 N. Main St., Rm 341  
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PRO SE

**Plaintiff**

**Equal Employment Opportunity  
Commission**

represented by **Carson L. Owen**  
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V.

**Defendant**

**Chili's Inc.**

*d/b/a Cozymel's Coastal Mexican Grill*

represented by **Ella Schoeder Namaksy**  
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**Defendant**

**Brinker International Payroll Corporation**

represented by **Ella Schoeder Namaksy**  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Michael Byrd**  
 (See above for address)  
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**Thomas L. Henderson**  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant**

**Brinker International, Inc.**  
*d/b/a Cozymel's Coastal Mexican Grill*

represented by **Ella Schoeder Namaksy**  
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**Michael Byrd**  
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<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
01/30/2001	<a href="#">1</a>	COMPLAINT pursuant to 42 USC 2000e; (sex discrimination) (BAG) Modified on 01/31/2001 (Entered: 01/31/2001)
03/02/2001	<a href="#">2</a>	SETTING LETTER : scheduling conference set for 10:30 3/26/01, Courtroom 2 (YDS) (Entered: 03/02/2001)
03/09/2001	<a href="#">3</a>	SETTING LETTER ; scheduling conference set for 10:30 3/27/01 (EHG) (Entered: 03/12/2001)
03/22/2001	4	ATTORNEY APPEARANCE for defendant Chili's Inc. by Thomas L. Henderson, (Michael Byrd, Ella J. Martinez, pending the Court's decision on dft's incontestated motion for permission to participate) (BAG) (Entered: 03/23/2001)
03/22/2001	5	MOTION by defendant Chili's Inc. for attorneys William Michael Byrd, Jr. and Ella J. Martinez to appear pro hac vice; w/attachments (BAG) (Entered: 03/23/2001)

03/22/2001	6	CERTIFICATE Of Consultation by defendant Chili's Inc. re [5-1] (BAG) (Entered: 03/23/2001)
03/22/2001		PRO HAC VICE FEE PAID: in the amount of \$ 200.00 receipt # 063164 by Rebecca Williams (BAG) (Entered: 03/23/2001)
03/26/2001	<a href="#">7</a>	ORDER by Judge Bernice B. Donald granting motion for attorneys William Michael Byrd, Jr. and Ella J. Martinez to appear pro hac vice; w/attachments [5-1] to represent dft Chili's (cc: all counsel) (YDS) (Entered: 03/26/2001)
03/29/2001	<a href="#">8</a>	SETTING LETTER; scheduling conference reset for 9:00 4/17/01 (BAG) (Entered: 03/29/2001)
03/30/2001	9	ANSWER by defendant Chili's Inc. to [1-1] (BAG) (Entered: 04/03/2001)
04/06/2001	10	NOTICE of Change of Address & Firm Name by defendant Chili's Inc. eff. 4/1/01 name change to Jackson Walker LLP/901 Main Street, Ste 6000/Dallas, TX 75202 ph# 214-953-6000 (PWM) (Entered: 04/09/2001)
04/10/2001	11	Report of RULE 26 (f) Planning Meeting by EEOC, Chili's Inc. (PWM) (Entered: 04/11/2001)
04/17/2001	12	MINUTES: scheduling conference held 4/17/01; No consent to proceed before Mag Judge; Other preliminary matters addressed; joining parties ddl 7/31/01; Initial motions to dismiss: 8/31/01; amending pleadings ddl set 1/31/02; discovery ddl set 3/31/02; pla's experts: 10/31/01; dft's experts: 01/31/02; motion filing ddl set 4/30/02; jury trial set 9:00 7/22/02, 5 days; pretrial conference set 8:30 7/8/02; Deadline for Class Certification: 7/31/01; Orus Tenus motion to exceed 10 depositions-granted w/o prejudice Presiding Judge: Bernice B. Donald; PLA Atty: C. Owen; DFT Atty: T. Henderson/M. Byrd; C/R: None; (BAG) Modified on 04/18/2001 (Entered: 04/18/2001)
04/17/2001	<a href="#">13</a>	SCHEDULING ORDER 16(b) Judge Bernice B. Donald; The following dates were established as final dates for: Joiniing parties: pla- 6/29/01; dft- 7/31/01; Initial motions to dismiss: 8/31/01; amending pleadings: pla- 1/14/02; dft- 1/31/02; Discovery ddl: 3/31/02; document production: 3/31/02; dep/int/adm: 3/31/02; Identify Class Members by: 7/31/01; Pla's experts: 10/31/01; Dft's experts: 1/31/02; motion filing ddl: 4/30/02; Parties will be referred to Mag Judge for a settlement conf. after reasonable discovery; Trial set 7/22/02 at 9:00, est. 5 days; Pretrial conf. set 7/8/02 at 8:30; Joint pretrial order to be entered by 5:00 on 7/1/02; Absent good cause shown, schedulign dates set by this order will not be modified or extended; (cc: all counsel) (BAG) (Entered: 04/18/2001)
04/17/2001	<a href="#">14</a>	ORDER Of Reference by Judge Bernice B. Donald; Case referred to Mag Judge Allen for a settlement conf. after reasonable discovery; (cc: all counsel) (BAG) (Entered: 04/18/2001)
04/26/2001	<a href="#">15</a>	ORDER by Judge Bernice B. Donald; On 4/17/01 this Court heard pla's oral motion requesting that both pla and dft be allowed to take up to 20

		depositions re [12-2]; Pla's motion is granted; (cc: all counsel) (BAG) (Entered: 04/26/2001)
05/31/2001	16	NOTICE Of Change Of Name by Ella Martinez, counsel for defendant Chili's Inc.; Ella Martinez's name changed to Ella Schoeder Namaksy, firm name, address and telephone numbers remain the same; (BAG) (Entered: 06/01/2001)
06/29/2001	<a href="#">17</a>	SETTING LETTER settlement conference set for 10:00 4/5/02 before Mag Judge Allen in room 338; (BAG) (Entered: 06/29/2001)
06/29/2001	18	MOTION by plaintiff EEOC for leave to file an amended complaint (adding as dfts Brinker Intl Payroll Corp. and Brinker Intl, Inc.) (BAG) (Entered: 06/29/2001)
06/29/2001	19	MEMORANDUM by plaintiff EEOC in support of motion for leave to file an amended complaint [18-1]; w/exhibits (BAG) (Entered: 06/29/2001)
06/29/2001	20	CERTIFICATE Of Consultation by plaintiff EEOC re [18-1] (BAG) (Entered: 06/29/2001)
07/03/2001	<a href="#">21</a>	ORDER by Judge Bernice B. Donald granting motion for leave to file an amended complaint (adding as dfts Brinker Intl Payroll Corp. and Brinker Intl, Inc.) [18-1] ..plaintiff's motion is granted and pla may file its Amended Complaint. (cc: all counsel) (EHG) (Entered: 07/03/2001)
07/11/2001	22	AMENDED COMPLAINT [1-1] by plaintiff EEOC; adding Brinker Intl Payroll, Brinker Intl., Inc.; jury demand (BAG) (Entered: 07/11/2001)
07/31/2001	23	MOTION by plaintiff EEOC to compel discovery , and for extension of the deadline for identifying alleged victims of discrimination (BAG) (Entered: 08/01/2001)
07/31/2001	24	MEMORANDUM by plaintiff EEOC in support of motion to compel discovery [23-1], and for extension of the deadline for identifying alleged victims of discrimination [23-2]; w/exhibits (BAG) (Entered: 08/01/2001)
07/31/2001	25	CERTIFICATE Of Consultation by plaintiff EEOC re [23-1] (BAG) (Entered: 08/01/2001)
08/02/2001	26	SUPPLEMENTAL Memorandum Of Facts and Law by plaintiff EEOC in support of motion to compel discovery [23-1], and for extension of the deadline for identifying alleged victims of discrimination [23-2]; w/exhibits (BAG) (Entered: 08/03/2001)
08/08/2001	27	SECOND SUPPLEMENTAL MEMORANDUM in support of pla's motion to compel discovery by plaintiff EEOC re motion to compel discovery [23-1], and for Extension of the deadline for identifying alleged victims of discrimination; w/exhibits (BAG) (Entered: 08/09/2001)
08/09/2001	<a href="#">28</a>	ORDER Of Reference by Judge Bernice B. Donald referring to Mag

		Judge James H. Allen the pla's motion to compel discovery [23-1], and for extension of the deadline for identifying alleged victims discrimination [23-2]; Any exceptions to Mag Judge's order shall be made by motion w/in 10 days of order; All exceptions shall be stated w/particularity; (cc: all counsel) (BAG) (Entered: 08/09/2001)
08/15/2001	29	RESPONSE by defendant Chili's Inc. to pla's motion to compel discovery [23-1], and for extension of the deadline for identifying alleged victims of discrimination [23-2]; w/exhibits (BAG) (Entered: 08/16/2001)
08/21/2001	<a href="#">30</a>	ORDER On Plaintiff's Motion To Compel by Mag Judge James H. Allen granting EEOC's motion to compel discovery [23-1], granting motion for extension of the deadline for identifying alleged victims of discrimination [23-2]; Cozymels's must produce for inspection and copying by EEOC, w/in 15 DAYS of docketing this order, the mentioned portions of these employment applications or employee files; EEOC is given to and including 10/1/01 to identify class members; Cozymels is given to and including 11/1/01 to file any motion to dismiss; In all other respects, the court's order of 4/18/01 is in full force and effect; (cc: all counsel) (BAG) (Entered: 08/22/2001)
08/22/2001	31	NOTICE OF FILING OF Plaintiff's withdrawal of motion to compel discovery by plaintiff EEOC; ...dft has now produced documents sufficiently responsive to pla's second request for production of documents; (BAG) (Entered: 08/23/2001)
08/24/2001	32	SUPPLEMENTAL Response by defendant Chili's Inc. to pla's motion to compel discovery and for extension of deadline for identifying alleged victims of discrimination re motion response [29-1] (BAG) (Entered: 08/27/2001)
08/27/2001	<a href="#">33</a>	ORDER by Judge Bernice B. Donald; Pla will be allowed until 10/31/01 to identify to dfts all alleged victims of discrimination for whom pla will seek remedies in this lawsuit; Dfts shall be allowed until 11/30/01 to file initial motions to dismiss; (cc: all counsel) (BAG) (Entered: 08/29/2001)
09/07/2001	34	ORIGINAL ANSWER by defendants to plaintiff's amended complaint [22-1] (BAG) (Entered: 09/07/2001)
11/30/2001	35	MOTION by defendants Chili's Inc., Brinker Intl Payroll, Brinker Intl., Inc. for partial dismissal (YDS) (Entered: 12/03/2001)
11/30/2001	36	BRIEF by defendants Chili's Inc., Brinker Intl Payroll, Brinker Intl., Inc. regarding motion for partial dismissal [35-1] (YDS) (Entered: 12/03/2001)
12/27/2001	37	RESPONSE TO DEFENDANTS' PARTIAL MOTION TO DISMISS by plaintiff EEOC to motion for partial dismissal [35-1] (EHG) (Entered: 12/28/2001)
12/27/2001	38	MEMORANDUM OF FACTS AND LAW IN SUPPORT OF PLAINTIFF'S RESPONSE TO DEFENDANTS' PARTIAL MOTION TO DISMISS by plaintiff EEOC in support of motion response [37-1]

		(EHG) (Entered: 12/28/2001)
01/08/2002	39	MOTION by defendants for leave to file reply brief (in support of dft's motion for partial motion to dismiss) (BAG) (Entered: 01/08/2002)
01/08/2002	40	CERTIFICATE Of Consultation by defendants re [39-1] (BAG) (Entered: 01/08/2002)
01/08/2002	<a href="#">41</a>	SETTING LETTER settlement conference set for 3:00 1/29/02 before Judge Arthur Tarnow; (BAG) (Entered: 01/09/2002)
01/15/2002	<a href="#">42</a>	ORDER Denying Defendant's Motion For Partial Dismissal by Judge Bernice B. Donald denying dft's motion for partial dismissal [35-1]; Viewing the facts in the light most favorable to pla, as the EEOC may properly seek recovery for add'l similar acts of discrimination, the Court finds that the claims ... are not time-barred; Dft's motion to dismiss individual claims of Brasher-Zinn and Ferrer is DENIED; finding the motion for leave to file reply brief (in support of dft's motion for partial motion to dismiss) [39-1] moot. (cc: all counsel) (BAG) (Entered: 01/16/2002)
03/27/2002	<a href="#">43</a>	CONSENT DECREE by Judge Bernice B. Donald: EEOC and Cozymel's have agreed to this consent decree to settle all claims involved in this lawsuit; It is ORDERED: USDC ... will retain jurisdiction over this decree for purpose of enforcement and dispute resolution; Cozymel's agrees that its supervisors, managers... will not harass employees because of their sex; Cozymel's will pay a total of \$117,500.00 to individuals... entitled to relief; Checks will be made payable to each individual in the amount specified by EEOC in Individual Remedy Distribution List (attached); Checks will be sent ... w/in 10 days after entry of this decree; W/in 10 days after entry of this decree, Cozymel's will post notice attached to this decree in a conspicuous place at Memphis restaurant...; Notice will remain posted for 30 days; Cozymel's will submit a report to Carson Owen (EEOC) six months after entry of this decree...; EEOC and Cozymel's will each bear its own atty's fees and costs incurred in this action; (cc: all counsel) (BAG) (Entered: 03/27/2002)

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