

CASE-MANAGER-GRIFFIN, CLOSED

**U.S. District Court**  
**Middle District of Tennessee (Nashville)**  
**CIVIL DOCKET FOR CASE #: 3:04-cv-00839**

EEOC v. J. Alexander's Rest  
Assigned to: District Judge Robert Echols  
Demand: \$0  
Cause: 42:2000e Job Discrimination (Employment)

Date Filed: 09/16/2004  
Jury Demand: Both  
Nature of Suit: 442 Civil Rights: Jobs  
Jurisdiction: U.S. Government Plaintiff

**Plaintiff**

**Equal Employment Opportunity  
Commission**

represented by **Carson L. Owen**  
Equal Employment Opportunity  
Commission  
1407 Union Avenue  
Suite 621  
Memphis, TN 38104  
901-544-0133  
Fax: 901-544-0111  
Email: carson.owen@eeoc.gov  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Faye A. Williams**  
Equal Employment Opportunity  
Commission  
1407 Union Avenue  
Suite 621  
Memphis, TN 38104  
(901) 544-0088  
Email: faye.williams@eeoc.gov  
*ATTORNEY TO BE NOTICED*

**Katharine W. Kores**  
Equal Employment Opportunity  
Commission  
1407 Union Avenue  
Suite 621  
Memphis, TN 38104  
(901) 544-0116  
Email: katharine.kores@eeoc.gov  
*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**J. Alexander's Restaurants, Inc.**

represented by **Karen L. C. Ellis**  
Bass, Berry & Sims  
315 Deaderick Street  
Suite 2700  
Nashville, TN 37238-0002  
(615) 742-6200  
Email: kellis@bassberry.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Steven Allen Riley**  
Bowen Riley Warnock & Jacobson, PLC  
1906 West End Avenue  
Nashville, TN 37203  
(615) 320-3700  
Email: sriley@bowenriley.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Amy C. Martin**  
Bowen, Riley, Warnock & Jacobson, PLC  
1906 West End Avenue  
Nashville, TN 37203  
(615) 320-3700  
*ATTORNEY TO BE NOTICED*

**Amy E. Neff**  
Bowen, Riley, Warnock & Jacobson, PLC  
1906 West End Avenue  
Nashville, TN 37203  
(615) 320-3700  
Email: aneff@bowenriley.com  
*ATTORNEY TO BE NOTICED*

**Intervenor Plaintiff****Curtis Baker**

represented by **David L. Cooper**  
Law Office of David L. Cooper, P.C.  
208 Third Avenue, N  
Suite 300  
Nashville, TN 37201  
(615) 256-1008  
Email: dcooper@cooperlawfirm.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Larry R. McElhaney, II**  
Arena & McElhaney  
213 Fifth Avenue, N  
Suite 300  
Nashville, TN 37219

(615) 425-2500  
 Email: rocky@a-mlawfirm.com  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Intervenor Plaintiff**

**David Henderson**

represented by **David L. Cooper**  
 (See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Larry R. McElhaney, II**  
 (See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Intervenor Plaintiff**

**Joe A. Cedillo, Jr**

represented by **David L. Cooper**  
 (See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Larry R. McElhaney, II**  
 (See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
09/16/2004	1	COMPLAINT (No Summons(es) issued, Waivers to be executed) (jb) Modified on 09/20/2004 (Entered: 09/20/2004)
09/16/2004	2	NOTICE of Initial Case Management Conference: ICMC set for 11:00 a.m. on 11/1/04 , Case referred to Magistrate Judge Juliet E. Griffin (jb) (Entered: 09/20/2004)
10/05/2004	3	MOTION by Curtis Baker to intervene (jb) (Entered: 10/05/2004)
10/05/2004	4	MOTION by David Henderson to intervene (jb) (Entered: 10/05/2004)
10/05/2004	5	MOTION by Joe A. Cedillo, Jr. to intervene (jb) (Entered: 10/05/2004)
10/21/2004	6	ANSWER by deft J. Alexander's Rest to complaint [1-1]; jury demand (jb) (Entered: 10/21/2004)
11/01/2004	7	AGREED ORDER approved by Magistrate Judge Juliet E. Griffin: Initial Case Management Conference is reset for 10:00 a.m. on 11/17/04. (cc: all counsel) (EOD 11/1/04) (jb) (Entered: 11/01/2004)

11/05/2004	8	ORDER by Magistrate Judge Juliet E. Griffin granting motions of Curtis Baker, David Henderson, and Joe A. Cedillo, Jr. to intervene [3-1] [4-1] [5-1]. The Clerk is directed to add as counsel for the intervening pltfs Larry R. McElhaney, II in addition to Mr. Cooper. (cc: all counsel) (EOD 11/5/04) (jb) (Entered: 11/05/2004)
11/16/2004		PROPOSED Case Management Order (jb) (Entered: 11/16/2004)
11/19/2004	9	CASE MANAGEMENT ORDER approved by Magistrate Judge Juliet E. Griffin: Initial Case Management Conference held 11/17/04. Discovery ddl is set for 5/20/05. All discovery-related motions shall be filed by 6/3/05. Dispositive Motion filing ddl is set for 6/20/05. Responses to dispositive motions shall be filed within 35 days after the dispositive motion is filed. Reply Briefs shall be filed 15 days after the response to the dispositive motion is filed. (cc: all counsel) (EOD 11/22/04) (jb) (Entered: 11/22/2004)
11/19/2004	10	ORDER by Magistrate Judge Juliet E. Griffin: By contemporaneously entered order, the Court has approved and entered the case management order submitted by the ptys before the ICMC held on 11/17/04, with modifications addressed on 11/17/04. Any motion to bifurcate the three pltfs' claims for trial shall be filed by 3/11/05. All motions to amend the pleadings shall be filed by 1/7/05. The ddl for filing dispositive motions is 6/20/05. Any response shall be filed within 35 days of the filing of the motion or by 7/25/05, if the motion is filed on 6/20/05. Any reply, if necessary, shall be filed within 15 days of the filing of the response or by 8/9/05, if the response is filed on 7/25/05. There shall be no stay of discovery before the 5/20/05 ddl for completion of all discovery even if a dispositive motion is filed prior thereto. Jury Trial is set for 11/8/05 before Judge Echols. The ptys estimate that the trial will last 1 week. Pretrial Conference is set for 1:30 on 10/17/05. The ptys pretrial obligations will be set forth by separately entered order. (cc: all counsel) (EOD 11/22/04) (jb) Modified on 11/22/2004 (Entered: 11/22/2004)
05/26/2005	11	ORDER by Magistrate Judge Juliet E. Griffin: Telephone conference held 5/18/05. By 5/24/05 deft to provide to pltf the list of employees of Memphis store by the defendant that the EEOC intends to call as witness at trial. Deft shall have lv to request to depose such witness. Discovery ddl reset for 6/22/05. Dispositive mtn filing ddl reset to 7/13/05. Pltf to have until 7/27/05 to respond. Replies due by 8/10/05. Telephone conference set for 4:00 6/13/05 to be initiated by deft's counsel re: discovery issues. EOD 5/26/05 (cc: all counsel) (mk) (Entered: 05/26/2005)
06/14/2005	12	ORDER by Magistrate Judge Juliet E. Griffin: Telephone Conference held 6/13/05, at which time the ptys advised that the deft had taken its depositions June 6-8, 2005, and that the pltfs have scheduled six depositions on June 14-16, 2005, and expect to schedule a seventh deposition during that time frame. The scheduling ddls provided in the May 26, 2005, order remain in full force and effect. The deft shall have until 8/22/05 to bring to the Court's attention any issue relating to depositions of witnesses designated by EEOC. If there is any remaining issue, related to discovery, scheduling or otherwise, to be addressed by the Magistrate Judge prefatory to trial, counsel shall advise the Court by 8/22/05. (cc: all counsel) (EOD 6/14/05) (jb) (Entered: 06/14/2005)

07/13/2005	<a href="#">13</a>	MOTION for Summary Judgment by J. Alexander's Restaurants, Inc.. Responses due by 8/5/2005 (Neff, Amy) (Entered: 07/13/2005)
07/13/2005	<a href="#">14</a>	NOTICE by J. Alexander's Restaurants, Inc. re <a href="#">13</a> MOTION for Summary Judgment <i>Notice of Filing</i> (Attachments: # <a href="#">1</a> Exhibit 1# <a href="#">2</a> Exhibit 2# <a href="#">3</a> Exhibit 3)(Neff, Amy) (Entered: 07/13/2005)
07/13/2005	<a href="#">15</a>	NOTICE by J. Alexander's Restaurants, Inc. re <a href="#">13</a> MOTION for Summary Judgment <i>Notice of Filing</i> (Attachments: # <a href="#">1</a> Exhibit 4# <a href="#">2</a> Exhibit 5# <a href="#">3</a> Exhibit 6# <a href="#">4</a> Exhibit 7# <a href="#">5</a> Exhibit 8)(Neff, Amy) (Entered: 07/13/2005)
07/13/2005	<a href="#">16</a>	MEMORANDUM in Support of <a href="#">13</a> MOTION for Summary Judgment filed by J. Alexander's Restaurants, Inc.. (Neff, Amy) (Entered: 07/13/2005)
07/13/2005	<a href="#">17</a>	STATEMENT of facts filed by J. Alexander's Restaurants, Inc. in support of <a href="#">13</a> Motion for Summary Judgment. (Neff, Amy) (Entered: 07/13/2005)
07/13/2005	<a href="#">18</a>	NOTICE by J. Alexander's Restaurants, Inc. re <a href="#">13</a> MOTION for Summary Judgment <i>Notice of Filing #4</i> (Attachments: # <a href="#">1</a> Exhibit 10 (PART 1)# <a href="#">2</a> Exhibit 10 (PART 2)# <a href="#">3</a> Exhibit 10 (PART 3)# <a href="#">4</a> Exhibit 10 (PART 4))(Neff, Amy) (Entered: 07/13/2005)
07/13/2005	<a href="#">19</a>	NOTICE by J. Alexander's Restaurants, Inc. re <a href="#">13</a> MOTION for Summary Judgment <i>Notice of Filing #3</i> (Attachments: # <a href="#">1</a> Exhibit 9 (PART 1)# <a href="#">2</a> Exhibit 9 (PART 2)# <a href="#">3</a> Exhibit 9 (PART 3)# <a href="#">4</a> Exhibit 9 (PART 4)# <a href="#">5</a> Exhibit 9 (PART 5))(Neff, Amy) (Entered: 07/13/2005)
07/13/2005	<a href="#">20</a>	NOTICE by J. Alexander's Restaurants, Inc. re <a href="#">13</a> MOTION for Summary Judgment <i>Notice of Filing #5</i> (Attachments: # <a href="#">1</a> Exhibit 11 (PART 1)# <a href="#">2</a> Exhibit 11 (PART 2)# <a href="#">3</a> Exhibit 11 (PART 3)# <a href="#">4</a> Exhibit 11 (PART 4)# <a href="#">5</a> Exhibit 5 (PART 5))(Neff, Amy) (Entered: 07/13/2005)
07/14/2005	<a href="#">21</a>	ORDER: The pltf's shall have until 7/27/05 to file a response to the <a href="#">13</a> MOTION for Summary Judgment filed by J. Alexander's Restaurants, Inc. Any reply, if necessary, shall be filed within 2 weeks of filing of the response or by 8/10/05, if the response is filed on 7/27/05. The Clerk is directed to forward the file in this case to Chief Judge Echols . Signed by Judge Juliet Griffin on 7/14/05. (jb) (Entered: 07/14/2005)
07/14/2005		Reset Deadlines as to <a href="#">13</a> MOTION for Summary Judgment. Responses due by 7/27/2005. Replies due by 8/10/2005. (jb) (Entered: 07/14/2005)
07/27/2005	<a href="#">22</a>	RESPONSE to Deft's Motion for Summary Judgment <a href="#">13</a> filed by intervening pltf's Curtis Baker, David Henderson, & Joe A. Cedillo, Jr. (jb) (Entered: 07/27/2005)
07/27/2005	<a href="#">23</a>	RESPONSE in Opposition re <a href="#">13</a> MOTION for Summary Judgment filed by Equal Employment Opportunity Commission. (Owen, Carson) (Entered: 07/27/2005)
07/27/2005	<a href="#">24</a>	MEMORANDUM in Support of <a href="#">23</a> Response in Opposition to Motion filed by Equal Employment Opportunity Commission. (Owen, Carson) (Entered: 07/27/2005)

07/27/2005	<a href="#">25</a>	NOTICE of filing of Deposition Excerpts and Affidavits in support of Response in Opposition to Deft's Motion for Summary Judgment <a href="#">23</a> . (Attachments: # <a href="#">1</a> Deposition Excerpts of Curtis Baker# <a href="#">2</a> Deposition Excerpts of Joe Cedillo# <a href="#">3</a> Deposition Excerpts of David Henderson# <a href="#">4</a> Deposition Excerpts of Marissa Davis# <a href="#">5</a> Deposition Excerpts of Chris Walters# <a href="#">6</a> Deposition Excerpts of James Koza# <a href="#">7</a> Deposition Excerpts of Christopher Collier# <a href="#">8</a> Deposition Excerpts of Brandie Gartman# <a href="#">9</a> Affidavit of Shirley A. Richardson# <a href="#">10</a> Affidavit of Sarah Looney)(Owen, Carson) Modified on 7/28/2005 (jb). (Entered: 07/27/2005)
07/27/2005	<a href="#">26</a>	RESPONSE to Deft's Statement of Undisputed Material Facts <a href="#">17</a> , Statement of Additional Undisputed Material Facts, and Statement of Additional Disputed Material Facts filed by Equal Employment Opportunity Commission. (Owen, Carson) Modified on 7/28/2005 (jb). (Entered: 07/27/2005)
08/10/2005	<a href="#">27</a>	REPLY to Response to Motion re <a href="#">13</a> MOTION for Summary Judgment filed by J. Alexander's Restaurants, Inc.. (Riley, Steven) (Entered: 08/10/2005)
08/10/2005	<a href="#">28</a>	RESPONSE filed by J. Alexander's Restaurants, Inc. re <a href="#">26</a> Response to Motion, filed by Equal Employment Opportunity Commission, <i>to Statement of Disputed and Undisputed Facts</i> . (Riley, Steven) (Entered: 08/10/2005)
09/16/2005	<a href="#">29</a>	ORDER: Jury Trial is set for 11/8/05 at 9:00 AM before District Judge Robert Echols. Final Pretrial Conference is set for 10/17/05 at 1:30 PM. Joint Proposed Pretrial Order ddl 10/12/05. By 10/12/05, the ptys shall file briefs on damages. Pre-trial briefs shall be filed 7 working days prior to trial. Signed by Judge Robert Echols on 9/16/05. (jb) (Entered: 09/16/2005)
09/23/2005	<a href="#">30</a>	MEMORANDUM OF THE COURT: Order to enter. Signed by Judge Robert Echols on 9/23/05. (jb) (Entered: 09/23/2005)
09/23/2005	<a href="#">31</a>	ORDER: For the reasons set forth in the accompanying Memorandum, Deft J. Alexander's Restaurant Inc.'s Motion for Summary Judgment <a href="#">13</a> is granted in part and denied in part. It is granted with respect to the claims made against J. Alexander's Restaurant in Memphis, TN, but denied with respect to the claims made against J. Alexander's Restaurant in Franklin, TN. Pltfs' claims against JAX Memphis are dismissed and pltfs' claims agianst JAX Franklin shall proceed to trial. This case shall proceed to trial as scheduled on 11/8/05 at 9:00 a.m. The Pretrial Conference is scheduled for 10/17/05 at 1:30 p.m. [10]. Signed by Judge Robert Echols on 9/23/05. (jb) (Entered: 09/23/2005)
10/04/2005	<a href="#">32</a>	FINAL CASE MANAGEMENT ORDER: There are no issues to be addressed by the Magistrate Judge prior to the 10/17/05, pretrial conference and 11/8/05, trial. There will be no further proceedings before the Magistrate Judge in this case. Signed by Judge Juliet Griffin on 10/4/05. (jb) (Entered: 10/05/2005)
10/11/2005	<a href="#">33</a>	PROPOSED CONSENT DECREE by Equal Employment Opportunity Commission. (Attachment: (1) Proposed Agreed Order)(Owen, Carson) Modified Text on 10/12/2005 (jb). (Entered: 10/11/2005)
10/12/2005		Notified atty regarding filing proposed consent decree and proposed order as an attachment to motion or notice; document not to be refiled. (jb) (Entered: 10/12/2005)

10/17/2005	<a href="#">34</a>	CONSENT DECREE Signed by Judge Robert Echols on 10/14/05. (dt) (Entered: 10/17/2005)
10/27/2005	<a href="#">35</a>	First MOTION to Dismiss <i>for Entry of An Agreed Order of Dismissal</i> by Equal Employment Opportunity Commission. Responses due by 11/14/2005 (Attachments: # <a href="#">1</a> Proposed Agreed Order)(Owen, Carson) Modified Text on 10/28/2005 (jb). (Entered: 10/27/2005)
11/11/2005	<a href="#">36</a>	AGREED ORDER dismissing case with prejudice. Signed by Judge Robert Echols on 11/9/05. (jb) (Entered: 11/14/2005)
11/11/2005	37	Docket entry number 36 is hereby entered on the docket in compliance with Rule 58 and/or Rule 79(a) of the Federal Rules of Civil Procedure on 11/14/05 by JB. (jb) (Entered: 11/14/2005)

**PACER Service Center**

**Transaction Receipt**

06/06/2007 12:49:48

<b>PACER Login:</b>	hs0328	<b>Client Code:</b>	eeoc+++++
<b>Description:</b>	Docket Report	<b>Search Criteria:</b>	3:04-cv-00839
<b>Billable Pages:</b>	4	<b>Cost:</b>	0.32