

CLOSED

**U.S. District Court
Western District of Virginia (Roanoke)
CIVIL DOCKET FOR CASE #: 7:98-cv-00175-jct**

EEOC v. Floyd Co Bd of Supr, et al
Assigned to: Judge James C. Turk
Demand: \$0
Cause: 29:201 Fair Labor Standards Act

Date Filed: 03/20/1998
Jury Demand: Plaintiff
Nature of Suit: 442 Civil Rights: Jobs
Jurisdiction: U.S. Government Plaintiff

Plaintiff

**Equal Employment Opportunity
Commission**

represented by **Arlene T. Shadoan**
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V.

Intervenor Plaintiff

LaVern D. Beaver

represented by **Terry Neill Grimes**
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V.

Defendant

Floyd County Board of Supervisors

represented by **Todd A. Leeson**
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Defendant

David W. Ingram

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Defendant

James E. Thornton

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Defendant

P. Kirby Harris

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Defendant

Gary E. Gillespie

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Defendant

Donald W. Linkous

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Defendant

Donnie L. Pratt
Sheriff of Floyd County

represented by **Agnis Chandra Chakravorty**
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Date Filed	#	Docket Text
03/20/1998	1	COMPLAINT AND JURY TRIAL DEMAND: Filing Fee \$ 150.00; Receipt # 86754; 100 Day Notice due 6/28/98 for Donald W. Linkous, for Gary E. Gillespie, for P. Kirby Harris, for James E. Thornton, for

		David W. Ingram, for Floyd Co Bd of Supr and Donnie L. Pratt; Service due 7/18/98 for Donald W. Linkous, for Gary E. Gillespie, for P. Kirby Harris, for James E. Thornton, for David W. Ingram, for Floyd Co Bd of Supr and Donnie L. Pratt (fne) Modified on 03/20/1998
03/20/1998		**Set Jury Demand flag. (fne)
03/20/1998		SUMMONS(ES) issued for Floyd Co Bd of Supr, David W. Ingram, James E. Thornton, P. Kirby Harris, Gary E. Gillespie, Donald W. Linkous, Donnie L. Pratt (fne)
04/07/1998	2	MOTION to Intervene as party plaintiff by LaVern D. Beaver by LaVern D. Beaver (Attorney Terry Neill Grimes) (emh)
04/08/1998	3	ORDER granting [2-1] motion to Intervene as party plaintiff by LaVern D. Beaver (signed by Judge James C. Turk) (emh)
04/15/1998	4	MOTION to Vacate [3-1] order granting Ms. Beaver's motion to join as a party plaintiff by EEOC (fne)
04/15/1998	5	RESPONSE by EEOC in Opposition to [2-1] motion to Intervene as party plaintiff by LaVern D. Beaver (fne)
04/16/1998	6	ORDER granting [4-1] motion to Vacate [3-1] order granting Ms. Beaver's motion to join as a party plaintiff; vacating [3-1] order (signed by Judge James C. Turk) (fne)
04/16/1998	7	ORDER denying [2-1] motion to Intervene as party plaintiff by LaVern D. Beaver for reasons set forth in the order (signed by Judge James C. Turk) (fne)
04/17/1998	8	ANSWER to Complaint by Donnie L. Pratt (Attorney Agnis Chandra Chakravorty) (fne)
04/17/1998	8	MOTION to Dismiss by Donnie L. Pratt (fne)
04/20/1998	9	RESPONSIVE PLEADING & MOTION to Dismiss purs to Rules 12(b)(1)(2) & (6) , by Donnie L. Pratt (kjh)
04/20/1998	10	ORDER: resetting Answer-due-deadline to 5/7/98 for Floyd County Board of Supervisors (signed by Judge James C. Turk) (kjh)
04/27/1998	11	PLAINTIFF'S MOTION to Strike [9-1] Motion to Dismiss purs to Rules 12(b)(1)(2) & (6) by Donnie L. Pratt (kjh)
04/27/1998		PLAINTIFF'S MEMORANDUM in support of [11-1] Motion to Strike [9-1] Motion to Dismiss purs to Rules 12(b)(1)(2) & (6), by Donnie L. Pratt (kjh)
05/07/1998	12	MOTION to Dismiss purs to Rule 12(b)(1)(2) and/or (6) , by The Floyd Co Bd of Supv, David W. Ingram, James E. Thornton, P. Kirby Harris, Gary E. Gillespie & Donald W. Linkous (Attorney Todd A. Leeson) (kjh)
05/07/1998		Magistrate's Notice mailed to parties (kjh)
05/14/1998	13	MOTION for Partial Summary Judgment purs to Rule 56 , by Donnie L.

		Pratt (kjh)
05/14/1998		BRIEF, w/Attachments, in Support of [13-1] Motion for Partial Summary Judgment purs to Rule 56 & [9-1] Motion to Dismiss purs to Rules 12(b)(1)(2) & (6), by Donnie L. Pratt (kjh)
05/18/1998	14	MOTION to Strike [12-1] Defts' Motion to Dismiss purs to Rule 12(b)(1)(2) and/or (6) , by EEOC (kjh)
05/18/1998		MEMORANDUM in support of [14-1] Motion to Strike [12-1] Defts' Motion to Dismiss purs to Rule 12(b)(1)(2) and/or (6), by EEOC (kjh)
05/27/1998	15	NOTICE OF COUNSEL: change of attorney Agnis Chakravorty's address & law firm (attorney for Deft Donnie L. Pratt) (kjh)
07/13/1998		MEMORANDUM by Floyd Co Bd of Supr in support of [12-1] motion to Dismiss purs to Rule 12(b)(1)(2) and/or (6) by defendantsssss (ssm)
07/20/1998	16	NOTICE of Hearing; Motion Hearing set for 3:00, 8/31/98, for [12-1] Motion to Dismiss , by Floyd Co Bd of Supv (kjh)
07/21/1998	17	NOTICE of Hearing; Motion Hearing set for 3:00 on 8/31/98 for [13-1] Motion for Partial Summary Judgment & for [9-1] & [8-1] Motions to Dismiss , by Donnie L. Pratt (kjh)
08/12/1998	18	RESPONSE, w/attachments, by The EEOC, in Opposition to [13-1] Motion for Partial Summary Judgment & [9-1] Motion to Dismiss, by Donnie L. Pratt (kjh)
08/12/1998	19	RESPONSE, w/Attachments, by The EEOC, in Opposition to [12-1] Defts' Motion to Dismiss (kjh)
08/27/1998	20	RESPONSE, w/Attachments, by The EEOC, in Opposition to Deft Pratt's [13-1] Motion for Partial Summary Judgment purs to Rule 56 & [9-1] Motion to Dismiss purs to Rules 12(b)(1)(2) & (6) (kjh)
08/27/1998	21	RESPONSE, w/Attachments, by The EEOC, in Opposition to [12-1] Floyd County's Motion to Dismiss purs to Rule 12(b)(1)(2) and/or (6) (kjh)
08/28/1998	22	RESPONSE, w/Attachments, by Donnie L. Pratt, to EEOC's response in oppositon to [13-1] Pratt's Motion for Partial Summary Judgment purs to Rule 56 (kjh)
08/28/1998	23	REPLY BRIEF, w/Attachment, in Support of [12-1] Motion to Dismiss purs to Rule 12(b)(1)(2) and/or (6), by The Floyd County Board of Supervisors (kjh)
08/31/1998	24	HEARING EXHIBITS in Support of [12-1] Floyd County's Motion to Dismiss (kjh) (Entered: 09/01/1998)
08/31/1998		COURT HEARING: Parties present by Counsel for [12-1] Motion to Dismiss. Arguments presented. Court takes Motion under advisement & gives Plaintiff 10 days to submit additional pleadings. Order forthcoming (Judge James C. Turk, OCR Clara Whitlock) (kjh) (Entered: 09/01/1998)

08/31/1998		ORAL ORDER (during in-court hearing of 8/31/98) Setting Plaintiff's response to [12-1] Motion to Dismiss to 9/9/98 (by Judge James C. Turk) (kjh) (Entered: 09/01/1998)
09/14/1998		DISCOVERY LETTER received from Counsel (kjh)
09/18/1998	25	EEOC's SUR-REPLY, w/Attachments, to Defts' response to EEOC's opposition to [12-1] Motion to Dismiss & [9-1] Motion to Dismiss & [8-1] Motion to Dismiss (kjh) (Entered: 09/21/1998)
09/21/1998	26	LETTER BRIEF by EEOC (emh) (Entered: 09/22/1998)
09/22/1998	27	MOTION to Stay Discovery by Donnie L. Pratt (emh)
09/25/1998	28	LETTER BRIEF, by Donnie L. Pratt, in Opposition to [26-1] EEOC's letter brief of 9/21/98 (kjh)
09/25/1998	29	LETTER BRIEF by Floyd Co Bd of Supv, in Opposition to [26-1] EEOC's 9/21/98 letter brief (kjh)
10/06/1998		LETTER BRIEF Re: Defts' Motion to Dismiss, by Floyd County, David W. Ingram, James E. Thornton, P. Kirby Harris, Gary E. Gillespie & Donald W. Linkous (kjh)
10/06/1998	30	MOTION, w/Attached exhibits, to compel discovery responses from Defts Pratt & Floyd County , by The EEOC (kjh)
10/06/1998	30	RESPONSE, w/Attachments, by The EEOC, in Opposition to [27-1] Deft Pratt's Motion to Stay Discovery (kjh)
10/08/1998	31	NOTICE of ATTORNEY APPEARANCE for The EEOC, by Julie C. Dudley, Esq. (kjh)
10/08/1998	32	MOTION for attorneys Arlene t. Shadoan, Debra M. Lawrence & Rosalind R. Vinson to Appear Pro Hac Vice , by/for The EEOC (kjh)
10/08/1998	33	LETTER RESPONSE, by The EEOC, to [29-1] Floyd County's letter brief of 9/25/98 & to [28-1] Donnie Pratt's 9/25/98 letter brief (kjh)
10/13/1998	34	ORDER granting [32-1] motion for attorneys Arlene T. Shadoan, Debra M. Lawrence & Rosalind R. Vinson to Appear Pro Hac Vice (signed by Judge James C. Turk) (iew)
10/22/1998	35	MEMORANDUM OPINION (signed by Judge James C. Turk) (emh)
10/22/1998	36	ORDER granting [13-1] motion for Partial Summary Judgment purs to Rule 56, granting [12-1] motion to Dismiss purs to Rule 12(b)(1)(2) and/or (6), granting [9-1] motion to Dismiss purs to Rules 12(b)(1)(2) & (6), granting [8-1] motion to Dismiss, and Striking this matter from the active docket of the Court (signed by Judge James C. Turk) (emh)
10/22/1998		Case closed (emh)
12/03/1998	37	TRANSCRIPT of Motion Hearing of 8/31/98 (OCR Clara Whitlock) (kjh)

12/18/1998	38	NOTICE OF APPEAL by EEOC . Order appealed: October 22, 1998 Order by Judge Turk) (jcj)
12/18/1998		Transmittal Letter w/ Notice of Appeal and certified copy of docket to USCA: [38-1] appeal by EEOC (jcj)
12/24/1998		NOTICE of Docketing ROA from USCA Re: [38-1] appeal by EEOC USCA Number: 98-2834 Docket Clerk Deborah Daniel (ssm)
02/01/1999		NOTICE from USCA, dated 1-28-99, requesting certificate. (jcj)
02/01/1999		CERTIFICATE TO FOURTH CIRCUIT BY CLERK (jcj)
03/29/1999		JUDGMENT OF USCA (certified copy), filed 3-25-99, DISMISSING pursuant to Rule 42(b) [38-1] appeal by EEOC (jcj)

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