

**U.S. District Court
Western District of Virginia (Harrisonburg)
CIVIL DOCKET FOR CASE #: 5:98-cv-00074-jct-pms**

E.E.O.C. v. W.H. Emmart & Son
Assigned to: Judge James C. Turk
Referred to: Magistrate Judge Pamela Meade Sargent
Demand: \$0
Cause: 42:2000 Job Discrimination (Sex)

Date Filed: 09/30/1998
Date Terminated: 10/18/2002
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.

Defendant

W.H. Emmart &Son, Inc.
doing business as
 Bo's Belly Barn

represented by **Melvin Bruce Wallinger**
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Date Filed	#	Docket Text
09/30/1998	1	COMPLAINT 100 Day Notice due 1/8/99 for W.H. Emmart &Son Service due 1/28/99 for W.H. Emmart &Son (fne)
11/25/1998	2	ANSWER to Complaint by W.H. Emmart &Son (fne) (Entered: 11/27/1998)
11/27/1998		Magistrate's Notice mailed to all counsel of record. (fne)
12/03/1998	3	AMENDED ANSWER to Complaint by W.H. Emmart &Son : amends [2-1] answer by W.H. Emmart &Son (fne)
02/11/1999	4	NOTICE of Subpoena duces tecum by W.H. Emmart &Son re: Tammy Violette and Pamela Lineberg (jat)
02/11/1999	5	NOTICE of Subpoena duces tecum by W.H. Emmart &Son re: Tammy Cooper, Holly Matthews-DeHaven, Donald Jenkins, Dennis Clevenger, Janet Markel, Pam Ganoë Corbin, Carl Bunting, Russell Lineberg and Edna Bunting (jat)
02/22/1999		RETURN OF SERVICE on Subpoena executed on 2/12/99 re: Tammy Violette, Holly Matthews-DeHaven, Janet Markle, Carl Bunting and Edna Bunting (jat)
02/22/1999		RETURN OF SERVICE on Subpoena executed on 2/16/99 re: Donald Jenkins (jat)
03/04/1999		RETURN OF SERVICE on Subpoena executed on 2/19/99 re: Dennis Clevenger (jat)
03/04/1999		RETURN OF SERVICE on Subpoena executed on 2/18/99 re: Russell &Pamela Lineberg (jat)
03/04/1999		RETURN OF SERVICE on Subpoena executed on 2/12/99 re: Pamela Corbin &Tammy Cooper (jat)

03/16/1999	6	NOTICE of Subpoena by W.H. Emmart & Son re: Amherst Family Practice, Winchester Women's Specialists, P.C. and Winchester Neurological Consultants, Inc. (jat) (Entered: 03/17/1999)
03/22/1999		RETURN OF SERVICE on Subpoena executed on 3/18/99 re: Amherst Family Practice, Winchester Neurological Consultant & Winchester Womens Specialists (jat)
06/30/1999	7	NOTICE TO TAKE DEPOSITION OF Pamela Lineberg by W.H. Emmart & Son (fne)
06/30/1999	8	NOTICE TO TAKE DEPOSITION OF Tammy Violette by W.H. Emmart & Son (fne)
09/20/1999	9	NOTICE TO TAKE DEPOSITION OF Jim Emmert by E.E.O.C. (jat)
09/20/1999	10	NOTICE TO TAKE DEPOSITION OF Hal Duff by E.E.O.C. (jat)
09/20/1999	11	NOTICE TO TAKE DEPOSITION OF Tammy Cooper by E.E.O.C. (jat)
01/05/2000	12	MOTION to Amend [1-1] complaint by E.E.O.C. (Attorney Julie C. Dudley) (jat) (Entered: 01/07/2000)
01/07/2000	13	MEMORANDUM by E.E.O.C. in support of [12-1] motion to Amend [1-1] complaint by E.E.O.C. (jat)
01/10/2000	14	ORDER granting [12-1] motion to Amend [1-1] complaint (signed by Judge James C. Turk) [EOD Date 1/10/00] (emh)
01/11/2000	15	AMENDED COMPLAINT by E.E.O.C. amending [1-1] complaint (fne) (Entered: 01/18/2000)
01/21/2000	16	ANSWER to Complaint by W.H. Emmart & Son (jat)
01/21/2000	16	MOTION to Dismiss by W.H. Emmart & Son (jat)
02/14/2000		SUBPOENAS issued for Documents by W.H. Emmart & Son (jat)
02/23/2000		RETURN OF SERVICE on Subpoena executed on 2/15/00 re: Cois D. Ritenour, Registered Agent for Motion Video (jat)
02/25/2000		RETURN OF SERVICE on Subpoena executed on 2/15/00 re: Lord Fairfax Community College, Custodian of Student Records and James Guiliano, Professor of Management, Lord Fairfax Community College (jat)
02/28/2000		RETURN OF SERVICE on Subpoena executed on 2/15/00 re: Theresa Thorn, Shelter for Abused Women (jat)
02/28/2000	17	MEMORANDUM by W.H. Emmart & Son in support of [16-1] motion to Dismiss by W.H. Emmart & Son (jat)
03/24/2000	18	MEMORANDUM RESPONSE by E.E.O.C. in Opposition to [16-1] motion to Dismiss by W.H. Emmart & Son (jat) Modified on 04/06/2000 (Entered: 03/28/2000)
04/03/2000		ERRATA to Plaintiff EEOC'S Memorandum Response in Opposition to Defendant's Motion to Dismiss and Answer (jat) (Entered: 04/04/2000)
06/09/2000	19	NOTICE of Hearing Motion Hearing set for 11:00 7/10/00 for [16-1] motion to Dismiss by W.H. Emmart & Son (jat)
07/17/2000	20	MEMORANDUM OPINION (signed by Judge James C. Turk) (jat)
07/17/2000	21	ORDER granting in part, denying in part [16-1] motion to Dismiss (signed by Judge James C. Turk) [EOD Date 7/17/00] (jat)
07/19/2000	22	NOTICE of Subpoena to Donnie Jenkins & Holly Mathews Dehaven by W.H. Emmart & Son (jat)
08/03/2000	23	NOTICE TO TAKE DEPOSITION OF Donnie Jenkins & Holly Mathews Dehaven by W.H. Emmart & Son (jat)
08/15/2000		Settlement Conference set for 9:30 9/13/00 in Charlottesville (jat)
08/17/2000	24	ORDER REFERRING CASE for mediation to Magistrate Judge B. Waugh Crigler (signed by Judge James C. Turk) [EOD Date 8/17/00] (fne)

09/13/2000	25	AMENDED NOTICE TO TAKE DEPOSITION OF Holly Matthews Dehaven by W.H. Emmart &Son (jat)
09/13/2000	26	AMENDED NOTICE TO TAKE DEPOSITION OF Donnie Jenkins by W.H. Emmart Son (jat)
09/18/2000	27	REPORT case back to presiding judge to schedule the case for the completion of discovery, dispositive motions and trial (Magistrate Judge B. Waugh Crigler) (jat)
09/18/2000		CASE NO LONGER REFERRED TO Magistrate Judge B. Waugh Crigler (jat)
10/24/2000		SUBPOENAS issued for National Wildlife Federation, Quarles Petroleum Inc., Manpower, Apple Blossom Mall, Winchester Surgical Clinic, Ltd., Winchester Medical Center by W.H. Emmart &Son (jat) (Entered: 10/25/2000)
11/03/2000		RETURN OF SERVICE on subpoena as to Kay Priest executed on 10/26/00 (fne)
11/08/2000		RETURN OF SERVICE on Subpoena executed on 10/27/00 re: National Wildlife Federation (jat) (Entered: 11/09/2000)
11/14/2000		RETURN OF SERVICE on Subpoena executed on 10/30/00 re: Manpower (jat)
11/14/2000		RETURN OF SERVICE on Subpoena executed on 11/2/00 re: Winchester Surgical Clinic, Ltd. (jat)
11/24/2000		RETURN OF SERVICE on Subpoena executed on 11/13/00 re: Winchester Medical Center (jat) (Entered: 11/28/2000)
12/13/2000		SUBPOENAS issued for Clarke County, County Administrator by W.H. Emmart &Son (jat)
12/19/2000		RETURN OF SERVICE on Subpoena executed on 12/15/00 re: Clarke County Administrator (jat)
02/14/2001		NOTICE of Substitution of Attorney Appearance by E.E.O.C. (jat) (Entered: 02/20/2001)
09/14/2001	28	MOTION to Compel Production of Documents and Memorandum in Support by E.E.O.C. (jat) (Entered: 09/17/2001)
10/18/2001	29	MEMORANDUM by W.H. Emmart &Son in opposition to [28-1] motion to Compel Production of Documents and Memorandum in Support by E.E.O.C. (fne)
10/22/2001		NOTICE of Hearing Motion Hearing set for 2:00 11/1/01 for [28-1] motion to Compel Production of Documents and Memorandum in Support by E.E.O.C. (jat) (Entered: 10/23/2001)
10/30/2001	30	REPLY by E.E.O.C. to response to [28-1] motion to Compel Production of Documents and Memorandum in Support by E.E.O.C. (jat)
11/01/2001		Motion hearing held re: [28-1] motion to Compel Production of Documents and Memorandum in Support by E.E.O.C. Parties argue. Ct orders tax returns to be turned over with protective order. Order to follow. (Judge James C. Turk OCR Sonia Ferris) (jat) (Entered: 11/02/2001)
11/06/2001		COURT REPORTER NOTES as to defendant W.H. Emmart &Son filed in Charlottesville Division by Court Reporter Sonia Ferris, OCR Carton # 10 for hearing date 11/1/01 for Motion Hearing (kld)
11/20/2001	31	NOTICE OF SUBSTITUTION OF COUNSEL by E.E.O.C. (kld)
12/20/2001	32	MOTION to Strike Jury Demand as to Punitive Damages by W.H. Emmart &Son (kld)
01/23/2002	33	ORDER, for Protective Order (signed by Judge James C. Turk) [EOD Date 1/23/02] (jat)
01/23/2002		**Set Protective Order flag. (jat)
01/23/2002	34	STIPULATED ORDER, for Protective Order (signed by Judge James C. Turk) [EOD Date 1/23/02] (jat)

01/24/2002	35	RESPONSE by E.E.O.C. in Opposition to [32-1] motion to Strike Jury Demand as to Punitive Damages by W.H. Emmart &Son (jat) (Entered: 01/25/2002)
05/20/2002		SCHEDULING LETTER for Judge Turk to counsel set Pretrial Conference for 11:00 6/6/02 (jat) (Entered: 06/20/2002)
06/06/2002		In-Chambers Conference held (jat) (Entered: 06/12/2002)
06/12/2002	36	ORDER, set Jury Trial for 9:30 10/16/02 – 10/18/02, Parties agree that if case is not settled by 6/02, then they shall mediate the case before Magistrate Judge Pamela Sargent (signed by Judge James C. Turk) [EOD Date 6/12/02] (jat)
07/16/2002	37	ORDER, Setting Settlement Conference for 10:00 8/16/02 and whatever else the order states. (signed by Magistrate Judge Pam M. Sargent) [EOD Date 7/16/02] (ejs)
07/25/2002	38	ORDER REFERRING CASE to Magistrate Judge Pam M. Sargent (signed by Judge James C. Turk) [EOD Date 7/25/02] (kld)
10/18/2002	39	JUDGMENT for E.E.O.C. against W.H. Emmart &Son in the amount of \$ 260,000 to the designated parties set forth in said order. Case dismissed. (signed by Judge James C. Turk) (jat)
10/18/2002		Case closed (jat) (Entered: 11/07/2002)