

ADR, CLOSED, TRCK2

**U.S. District Court**  
**Eastern District of Missouri (LIVE) (St. Louis)**  
**CIVIL DOCKET FOR CASE #: 4:06-cv-00815-CAS**

Equal Employment Opportunity Commission, et al. v.  
Sappington Garden Shop Company  
Assigned to: Honorable Charles A. Shaw  
Cause: 42:2000e Job Discrimination (Employment)

Date Filed: 05/23/2006  
Jury Demand: Plaintiff  
Nature of Suit: 442 Civil Rights: Jobs  
Jurisdiction: U.S. Government Plaintiff

**Plaintiff**

**Equal Employment Opportunity  
Commission**

represented by **Barbara A. Seely**  
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V.

**Intervenor Plaintiff**

**Sabrina Kopic**  
**TERMINATED: 01/22/2007**

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V.

**Defendant**

**Sappington Garden Shop Company**

represented by **Chad A. Horner**  
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**Defendant**

**N.G. Heimos Greenhouse Company,  
Inc.**  
**TERMINATED: 01/22/2007**

represented by **Nicole S. Zellweger**  
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| Date Filed | #                 | Docket Text                                                                                                                                                                                                                                                                                                                                                     |
|------------|-------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 05/23/2006 | <a href="#">1</a> | COMPLAINT against Defendant Sappington Garden Shop Company with Jury Demand filed by Plaintiff Equal Employment Opportunity Commission. Waivers issued 1, Disclosure of Corporate Interest issued to Sappington Garden Shop Company. (Attachments: # <a href="#">1</a> Civil Cover Sheet # <a href="#">2</a> Original Filing Form)(CDD, ) (Entered: 05/25/2006) |
| 05/23/2006 |                   | WAIVER of Service issued for Defendant Sappington Garden Shop Company. (CDD, ) (Entered: 05/25/2006)                                                                                                                                                                                                                                                            |
| 06/05/2006 | <a href="#">2</a> | ENTRY of Appearance by Chad A. Horner for Defendant Sappington Garden Shop Company. (Horner, Chad) (Entered: 06/05/2006)                                                                                                                                                                                                                                        |
| 07/24/2006 | <a href="#">3</a> | ANSWER to Complaint by Sappington Garden Shop Company.(Horner, Chad) (Entered: 07/24/2006)                                                                                                                                                                                                                                                                      |
| 07/26/2006 | <a href="#">4</a> | RULE 16 ORDER This case is assigned to Track: PTRACK 2 Joint Scheduling Plan due by 8/17/2006. Rule 16 Conference set for 9/1/2006 09:35 AM in Courtroom 12N before Honorable Charles A. Shaw.. Signed by Judge Charles A. Shaw on 7/26/06. (LGK, ) (Entered: 07/26/2006)                                                                                       |
| 07/26/2006 | <a href="#">5</a> | ENTRY of Appearance by Craig J. Hoefer for Defendant Sappington Garden Shop Company. (Hoefer, Craig) (Entered: 07/26/2006)                                                                                                                                                                                                                                      |
| 07/26/2006 | <a href="#">6</a> | DISCLOSURE OF CORPORATION INTERESTS CERTIFICATE by Defendant Sappington Garden Shop CompanyParent companies: None, Subsidiaries: None, Publicly held company: None., (Horner, Chad) (Entered: 07/26/2006)                                                                                                                                                       |
| 08/14/2006 | <a href="#">7</a> | MOTION to Intervene filed by Sabrina Kapic. (Watters, Russell) Modified on 8/15/2006 (KXS, ). (Entered: 08/14/2006)                                                                                                                                                                                                                                             |

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| 08/17/2006 | <a href="#"><u>8</u></a>  | MEMORANDUM AND ORDER -...IT IS HEREBY ORDERED that movant Sabrina Kapic's motion to intervene is GRANTED and she is joined as a party plaintiff. IT IS FURTHER ORDERED that the Clerk of the Court shall amend the caption of this case to read as follows" Equal Employment Opportunity Commission, plaintiff and Sabrina Kapic, intervenor plaintiff v. Sappington Garden Shop Company, defendant. No. 4:06-CV-815 CAS. The parties shall use this caption on all future pleadings. IT IS FURTHER ORDERED that plaintiff shall file her complaint <b>by August 28, 2006</b> re: <a href="#"><u>7</u></a> MOTION to Intervene filed by Sabrina Kapic, . Signed by Judge Charles A. Shaw on 8/17/2006. (MRC, ) (Entered: 08/17/2006) |
| 08/17/2006 | <a href="#"><u>9</u></a>  | JOINT SCHEDULING PLAN by Intervenor Plaintiff Sabrina Kapic, Plaintiff Equal Employment Opportunity Commission, Defendant Sappington Garden Shop Company. ( <i>With Plaintiffs' Consent</i> ). (Hoefer, Craig) (Entered: 08/17/2006)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 08/25/2006 | <a href="#"><u>10</u></a> | Intervenor COMPLAINT JuryDemand,, filed by Sabrina Kapic.(Watters, Russell) (Entered: 08/25/2006)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 09/01/2006 | <a href="#"><u>11</u></a> | CASE MANAGEMENT ORDER This case is assigned to Track: 2 Motion to Join Parties due by 12/1/2006. Discovery Completion due by 5/1/2007. ADR Future Reference 11/1/2006. Dispositive Motions due by 6/4/2007. Jury Trial set for 11/13/2007 09:00 AM in Courtroom 12N before Honorable Charles A. Shaw. Pretrial Conference set for 11/9/2007 02:00 PM in Courtroom 12N before Honorable Charles A. Shaw. Pretrial Compliance due by 10/24/2007. Signed by Judge Charles A. Shaw on 9/1/06. (KXS, ) (Entered: 09/01/2006)                                                                                                                                                                                                              |
| 09/01/2006 | <a href="#"><u>12</u></a> | Minute Entry for proceedings held before Judge Charles A. Shaw : Rule 16 Conference held on 9/1/2006. (Court Reporter or FTR Gold Operator initials:none.) (FTR Gold yes or no: no.) (proceedings started: 9:40.) (proceedings ended: 9:43.) (JWJ, ) (Entered: 09/07/2006)                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 09/08/2006 | <a href="#"><u>13</u></a> | ANSWER to Intervenor Complaint ( <i>with Affirmative Defenses</i> ) by Sappington Garden Shop Company.(Horner, Chad) (Entered: 09/08/2006)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 10/02/2006 | <a href="#"><u>14</u></a> | ENTRY of Appearance by Melvin D. Kennedy for Plaintiff Equal Employment Opportunity Commission. (Kennedy, Melvin) (Entered: 10/02/2006)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 11/01/2006 | <a href="#"><u>15</u></a> | ORDER REFERRING CASE to Alternative Dispute Resolution. This case is referred to: Mediation Designation of Lead Counsel: Barbara Seely ADR Completion Deadline due by 1/2/2007. Designation of Neutral due by 11/11/2006. ADR Conference Schedule due by 11/11/2006. Signed by Judge Charles A. Shaw on 11/1/06. (KXS, ) (Entered: 11/01/2006)                                                                                                                                                                                                                                                                                                                                                                                       |
| 11/06/2006 | <a href="#"><u>16</u></a> | MOTION for Leave to File Amended Complaint by Intervenor Plaintiff Sabrina Kapic. (Attachments: # <a href="#"><u>1</u></a> Exhibit 1# <a href="#"><u>2</u></a> Attachment)(Watters, Russell) (Entered: 11/06/2006)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 11/09/2006 |                           | Docket Text ORDER re: Doc. <a href="#"><u>16</u></a> , MOTION for Leave to File Amended Complaint by Intervenor Plaintiff Sabrina Kapic; ORDERED GRANTED. Intervenor plaintiff shall file her Amended Complaint, without any exhibit stickers and including the complete case number, by November 15, 2006. Signed by Judge Charles A. Shaw on November 9, 2006. (SMH) (Entered: 11/09/2006)                                                                                                                                                                                                                                                                                                                                         |

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| 11/09/2006 | <a href="#"><u>17</u></a> | Designation of Neutral by parties and ADR Conference Report by Plaintiff Equal Employment Opportunity Commission Neutral: James G. Nowogrocki Date of Conference: December 13, 2006 time: 9:00 a.m. Location: 120 S. Central, Suite 750, St. Louis, MO 63105(Kennedy, Melvin) (Entered: 11/09/2006)                                                                                                                                                                                                                                                                                                      |
| 11/09/2006 | <a href="#"><u>18</u></a> | AMENDED COMPLAINT against defendant N.G. Heimos Greenhouse Company, Inc. Yes Summons(es) issued, Jury demand, , filed by Sabrina Kapic. (Attachments: # <a href="#"><u>1</u></a> Attachment)(Watters, Russell) (Entered: 11/09/2006)                                                                                                                                                                                                                                                                                                                                                                     |
| 11/13/2006 |                           | <b>***REMARK - The summons submitted as an attachment with plaintiff's Amended Complaint filed 11/9/2006 cannot be issued due to errors. Attorney notified of the errors and instructed to refile the summons appropriately.</b> (MRC, ) (Entered: 11/13/2006)                                                                                                                                                                                                                                                                                                                                           |
| 11/13/2006 | <a href="#"><u>19</u></a> | MEMORANDUM to Clerk by Intervenor Plaintiff Sabrina Kapic. (Attachments: # <a href="#"><u>1</u></a> Attachment)(Watters, Russell) (Entered: 11/13/2006)                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 11/14/2006 | <a href="#"><u>20</u></a> | NOTICE of Appointment of Neutral Neutral name: James Nowogrocki. Neutral selected by parties, notice of appointment and order of referral e-mailed to Neutral Nowogrocki.(SAC, ) (Entered: 11/14/2006)                                                                                                                                                                                                                                                                                                                                                                                                   |
| 11/14/2006 |                           | SUMMONS Issued as to defendant N.G. Heimos Greenhouse Company, Inc. (MRC, ) (Entered: 11/14/2006)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 11/14/2006 |                           | <b>***REMARK - Summons submitted by plaintiff on 11/13/2006[Doc. #19], signed and sealed and returned to plaintiff via mail. Plaintiff contacted and instructed to file " Notice of Private Process Server".(MRC, ) Modified on 11/14/2006 (MRC, ).</b> (Entered: 11/14/2006)                                                                                                                                                                                                                                                                                                                            |
| 11/14/2006 | <a href="#"><u>21</u></a> | NOTICE OF PRIVATE PROCESS SERVER by Intervenor Plaintiff Sabrina Kapic Process Server Dennis Dahlberg, (Watters, Russell) (Entered: 11/14/2006)                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 11/29/2006 | <a href="#"><u>22</u></a> | SUMMONS Returned Executed filed by Sabrina Kapic. N.G. Heimos Greenhouse Company, Inc. served on 11/27/2006, answer due 12/18/2006. (Watters, Russell) (Entered: 11/29/2006)                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 12/07/2006 | <a href="#"><u>23</u></a> | ENTRY of Appearance by Nicole S. Zellweger for Defendant N.G. Heimos Greenhouse Company, Inc.. (Zellweger, Nicole) (Entered: 12/07/2006)                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 12/07/2006 | <a href="#"><u>24</u></a> | ENTRY of Appearance by James D. Bass for Defendant N.G. Heimos Greenhouse Company, Inc.. (Bass, James) (Entered: 12/07/2006)                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 12/15/2006 | <a href="#"><u>25</u></a> | Consent MOTION for Extension of Time to File Answer re <a href="#"><u>18</u></a> Amended Complaint by Defendant N.G. Heimos Greenhouse Company, Inc.. (Zellweger, Nicole) (Entered: 12/15/2006)                                                                                                                                                                                                                                                                                                                                                                                                          |
| 12/15/2006 | <a href="#"><u>26</u></a> | Designation of Neutral by parties and ADR Conference Report by Intervenor Plaintiff Sabrina Kapic, Plaintiff Equal Employment Opportunity Commission, Defendants N.G. Heimos Greenhouse Company, Inc., Sappington Garden Shop Company Neutral: James G. Nowogrocki Date of Conference: 12/13/06 time: 10:30 am Location: 120 S. Central Ave., St. Louis, MO(Nowogrocki, James) Modified on 12/18/2006 (MRC, ). <b>[This document has been entered into the record incorrectly. This document is "Alternative Dispute Resolution Compliance Report" submitted by the neutral. ]</b> (Entered: 12/15/2006) |

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| 12/19/2006 |                    | Docket Text ORDER re: Doc. <a href="#">25</a> , Consent MOTION for Extension of Time to File Answer re <a href="#">18</a> Amended Complaint by Defendant N.G. Heimos Greenhouse Company, Inc.; ORDERED DENIED without prejudice as moot, as the Court has been notified that this action has settled. Signed by Judge Charles A. Shaw on December 19, 2006. (SMH) (Entered: 12/19/2006)                                                                                                                                    |
| 12/19/2006 | <a href="#">27</a> | ORDER IT IS HEREBY ORDERED that the November 13, 2007, trial setting is vacated and allpending motions are denied without prejudice.IT IS FURTHER ORDERED that counsel shall file, within thirty (30) days of the date ofthis order, a stipulation for dismissal, a motion for leave to voluntarily dismiss, or a proposed consentjudgment. Failure to comply timely with this order will result in the dismissal of this actionwith prejudice. Signed by Judge Charles A. Shaw on 12/19/06. (KXS, ) (Entered: 12/19/2006) |
| 12/21/2006 | <a href="#">28</a> | ADR COMPLIANCE REPORT by Neutral: James Nowogrocki. Date of Conference: December 13, 2006. The parties participated in good faith, and the parties DID achieve a settlement.(SAC, ) (Entered: 12/21/2006)                                                                                                                                                                                                                                                                                                                  |
| 01/18/2007 | <a href="#">29</a> | STIPULATION re <a href="#">18</a> Amended Complaint, <a href="#">1</a> Complaint, <i>For Dismissal With Prejudice</i> by Intervenor Plaintiff Sabrina Kapic, Plaintiff Equal Employment Opportunity Commission, Defendants N.G. Heimos Greenhouse Company, Inc., Sappington Garden Shop Company. (Hoefer, Craig) (Entered: 01/18/2007)                                                                                                                                                                                     |
| 01/18/2007 | <a href="#">30</a> | MOTION for Extension of Time to File <i>Proposed Consent Decree</i> ;Extension to file the following: Propsed Consent Decree ;Proposed extension date January 26, 2007 by Plaintiff Equal Employment Opportunity Commission. (Kennedy, Melvin) (Entered: 01/18/2007)                                                                                                                                                                                                                                                       |
| 01/22/2007 |                    | Docket Text ORDER re: Doc. <a href="#">30</a> , MOTION for Extension of Time to File Proposed Consent Decree by Plaintiff Equal Employment Opportunity Commission; ORDERED GRANTED. The Consent Decree shall be filed by January 26, 2007. Signed by Judge Charles A. Shaw on January 22, 2007. (SMH) (Entered: 01/22/2007)                                                                                                                                                                                                |
| 01/22/2007 | <a href="#">31</a> | ORDER OF PARTIAL DISMISSAL Party Sabrina Kapic and N.G. Heimos Greenhouse Company, Inc. terminated with prejudice. SO ORDERED. Signed by Judge Charles A. Shaw on 1/22/07. (KXS, ) (Entered: 01/22/2007)                                                                                                                                                                                                                                                                                                                   |
| 01/26/2007 | <a href="#">32</a> | NOTICE by Plaintiff Equal Employment Opportunity Commission Submission of Proposed Consent Decree for Approval: (Attachments: # <a href="#">1</a> )(Kennedy, Melvin) (Entered: 01/26/2007)                                                                                                                                                                                                                                                                                                                                 |
| 01/29/2007 | <a href="#">33</a> | CONSENT DECREE (see order for further details). Case terminated. Signed by Judge Charles A. Shaw on 1/29/07. (Attachments: # <a href="#">1</a> Exhibits)(KXS, ) (Entered: 01/30/2007)                                                                                                                                                                                                                                                                                                                                      |

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| <b>Billable Pages:</b> | 4             | <b>Cost:</b>            | 0.32              |

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