

CLOSED

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District of Utah (Central)
CIVIL DOCKET FOR CASE #: 2:01-cv-00439-TC

EEOC v. JB's Fam Rest, et al
Assigned to: Judge Tena Campbell
Demand: \$0
Cause: 42:2000 Job Discrimination (Sex)

Date Filed: 06/15/2001
Date Terminated: 03/26/2004
Jury Demand: Both
Nature of Suit: 442 Civil Rights: Jobs
Jurisdiction: U.S. Government Plaintiff

Plaintiff

**Equal Employment Opportunity
Commission**

represented by **Maggie H. Abuhaidar**
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V.

Defendant

LBW Investments

TERMINATED: 08/30/2001

doing business as

JB's Family Restaurants

represented by **Lois A. Baar**

HOLLAND & HART (UT)
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TERMINATED: 08/30/2001
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Defendant

Summit Family Restaurants

a Delaware corporation

doing business as

JB's Family Restaurants

represented by **Heidi E. Leithead**

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Kristine E. King
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Defendant

Santa Barbara Restaurant Group
a Delaware corporation
TERMINATED: 08/01/2001
doing business as
JB's Family Restaurants

Defendant

CKE Restaurants
a Delaware corporation
TERMINATED: 08/01/2001

doing business as
JB's Family Restaurants

Defendant

JB's Family Restaurants
a Delaware corporation
TERMINATED: 02/18/2004

represented by **Lois A. Baar**
(See above for address)
TERMINATED: 02/18/2004
LEAD ATTORNEY
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Jathan W. Janove
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TERMINATED: 02/18/2004
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
06/15/2001	1	Complaint filed, assigned to Judge Tena Campbell (asp) (Entered: 06/18/2001)
06/18/2001	2	Amended complaint by EEOC plaintiff Amends [1-1] complaint; jury demand (tsh) (Entered: 06/19/2001)
06/20/2001	3	Motion and Order signed by Judge Tena Campbell , 06/20/01 . Granting motion /PHV for Attorney: Michelle G. Marshall on behalf of plaintiff EEOC cc:attys (tsh) (Entered: 06/21/2001)
07/26/2001	4	Stipulation by EEOC, LBW Invst, Summit Fam Rest, Santa Barbara Rest, CKE Rest stip to extend time until 8/17/01 to answer or otherwise respond to Pla's Amended Cmp (tsh) (Entered: 07/27/2001)
08/01/2001	5	Motion by EEOC for entry of default as to Summit Fam Rest (tsh) (Entered: 08/02/2001)
08/01/2001	6	Notice of voluntary dismissal as to dfts Santa Barbara Restaurant Group d/b/a JB's Family Restaurants and CKE Restaurants d/b/a JB's Family Restaurants without prejudice (tsh) (Entered: 08/02/2001)
08/02/2001	7	Certificate of service [6-1] notice of dismissal, [5-1] motion for entry of default as to Summit Fam Rest by EEOC (tsh) Modified on 08/03/2001 (Entered: 08/03/2001)
08/03/2001	8	Motion by Summit Fam Rest to set aside default judgment , or in the alternative opposition to application for default judgment (tsh) (Entered: 08/03/2001)

		08/07/2001)
08/03/2001	9	Memorandum by Summit Fam Rest in support of [8-1] motion to set aside default judgment, [8-2] motion opposition to application for default judgment (tsh) (Entered: 08/07/2001)
08/03/2001	10	Declaration of Robert Wheaton in support of [8-1] motion to set aside default judgment, [8-2] motion opposition to application for default judgment (tsh) (Entered: 08/07/2001)
08/08/2001	11	Order granting [4-1] stipulation motion to extend time until 8/17/01 to answer or otherwise respond to Pla's Amended Cmp, answer due set for 8/17/01 for LBW Invst signed by Judge Tena Campbell , 08/08/01 cc:atty (tsh) (Entered: 08/09/2001)
08/14/2001	12	Order withdrawing [5-1] motion for entry of default as to Summit Fam Rest, granting [8-1] motion to set aside default judgment as to Summit Fam Rest, granting [8-2] motion re: opposition to application for default judgment signed by Judge Tena Campbell, 8/14/01. cc:atty (ce) (Entered: 08/16/2001)
08/14/2001	13	Stipulation by EEOC, LBW Invst, Summit Fam Rest stip for pla leave to file second amd cmp , and stip to withdraw [5-1] motion for entry of default as to Summit Fam Rest , or in the alternative to set aside default (tsh) (Entered: 08/16/2001)
08/30/2001	14	Return of summons executed as to CKE Rest, Santa Barbara Rest, Summit Fam Rest 7/3/01 Answer due on 7/23/01 for CKE Rest, for Santa Barbara Rest, for Summit Fam Rest (tsh) (Entered: 08/31/2001)
08/30/2001	15	Return of summons executed as to LBW Invst 7/10/01 Answer due on 7/30/01 for LBW Invst (tsh) (Entered: 08/31/2001)
08/30/2001	16	SECOND Amended complaint by EEOC added party(ies): JB's Fam Rest . Amends [2-1] amended complaint; jury demand (tsh) (Entered: 09/05/2001)
09/21/2001	17	Acceptance of service as to JB's Fam Rest 9/5/01 Answer due on 9/25/01 for JB's Fam Rest (tsh) (Entered: 09/24/2001)
09/25/2001	18	Answer by JB's Fam Rest to amended complaint (tsh) (Entered: 09/26/2001)
10/15/2001		Original return of service of summons and second amended complaint upon dft Summit Family Restaurants received and lodged in file. No copy of the summons was included with the return of summons which is required for filing with the court. (tsh) (Entered: 10/17/2001)
10/17/2001	19	Stipulation by EEOC, Summit Fam Rest stip to extend time until 10/26/01 for dft Summit Fam Rest to respond to pla's Second Amd Cmp (tsh) (Entered: 10/19/2001)
10/22/2001	20	Order granting [19-1] stipulation motion to extend time until 10/26/01 for dft Summit Fam Rest to respond to pla's Second Amd Cmp, answer due

		set for 10/26/01 for Summit Fam Rest signed by Judge Tena Campbell , 10/22/01 cc:atty (tsh) (Entered: 10/23/2001)
10/26/2001		Clerk's mailing of certificate of acknowledgment of alternative dispute resolution option. Mailed or faxed to plaintiff EEOC, defendant Summit Fam Rest, defendant JB's Fam Rest (tsh) (Entered: 10/29/2001)
10/26/2001	21	Answer by Summit Fam Rest to second amended complaint; jury demand (tsh) (Entered: 10/29/2001)
11/26/2001	22	Magistrate Notice of Hearing Initial Pretrial Conference set for 9:30 2/28/02 To be held before Judge Boyce cc:atty (Ntc generated by: IPT Blue Sheet) (tsh) (Entered: 11/26/2001)
02/21/2002	23	Motion and Order signed by Judge Tena Campbell , 02/22/02 Granting motion/PHV for Attorney Ali Levin on behalf of defendant Summit Fam Rest cc:attys (tsh) (Entered: 02/25/2002)
02/25/2002	24	REPORT of Attorney Planning Meeting (tsh) (Entered: 02/26/2002)
02/28/2002	25	Scheduling order setting; Deadline for filing of all motions 4:30 10/24/03; Discovery cutoff 4:30 7/15/02; Fact Discovery cutoff 02/07/03; Final Pretrial Conference for 3:00 3/22/04 ; 15-Day Jury Trial for 8:30 4/12/04. Rule 26(f)(1) cnf held. Expert witness disclosure dates set. Not referred to ADR. Discovery limits set. Signed by Judge Ronald N. Boyce 02/28/02 cc:atty. Settlement Potential: Fair (tsh) (Entered: 03/01/2002)
03/12/2002	26	Certificate of service by Summit Fam Rest re: Summit Fam Rest's Initial Disclosures (tsh) (Entered: 03/13/2002)
07/08/2002	27	Certificate of service by EEOC re: Pla's First Supplemental Disclosure (tsh) (Entered: 07/10/2002)
07/08/2002	28	Stipulation by EEOC, Summit Fam Rest, JB's Fam Rest stip to amend [16-1] second amended complaint (tsh) (Entered: 07/10/2002)
07/15/2002	29	Order granting [28-1] stipulation motion to amend [16-1] second amended complaint signed by Judge Tena Campbell , 07/10/02 cc:atty (tsh) (Entered: 07/17/2002)
08/01/2002	30	THIRD Amended complaint by EEOC added no new parties . Amends [16-1] 2nd amended complaint; jury demand (ksp) (Entered: 08/02/2002)
08/02/2002	31	Answer by Summit Fam Rest to third amended complaint; jury demand (ce) (Entered: 08/05/2002)
08/09/2002	32	Answer by JB's Fam Rest to third amended complaint (tsh) (Entered: 08/13/2002)
10/21/2002	33	Motion by JB's Fam Rest for protective order relieving JB's from its obligation to respond to the EEOC's premature discovery requests (ce) (Entered: 10/22/2002)
10/21/2002	34	Memorandum by JB's Fam Rest in support of [33-1] motion for protective order relieving JB's from its obligation to respond to the

		EEOC's premature discovery requests (ce) (Entered: 10/22/2002)
10/30/2002	35	Notice of Hearing filed : Motion hearing set for 2:30 11/13/02 for [33-1] motion for protective order relieving JB's from its obligation to respond to the EEOC's premature discovery requests To be held before Judge TC cc:atty (Ntc generated by: TC's crtrm dep) (tsh) (Entered: 10/30/2002)
10/30/2002	36	Certificate of service by Summit Fam Rest re: initial disclosures, obj/resp to plas first set of non-uniform interrogatories, obj/resp to plas first set of req for prod of docs (kvs) (Entered: 10/31/2002)
10/31/2002	38	Motion by Summit Fam Rest for summary judgment (tsh) (Entered: 11/07/2002)
10/31/2002	39	Memorandum by Summit Fam Rest in support of [38-1] motion for summary judgment (tsh) (Entered: 11/07/2002)
10/31/2002	40	Affidavit of Robert E. Wheaton (tsh) (Entered: 11/07/2002)
10/31/2002	41	Affidavit of Steven L. Schmidt (tsh) (Entered: 11/07/2002)
11/04/2002	37	Supplemental Memorandum by JB's Fam Rest in support of [33-1] motion for protective order relieving JB's from its obligation to respond to the EEOC's premature discovery requests (ce) (Entered: 11/05/2002)
11/12/2002	43	Certificate of service by EEOC re: pla second supplemental disclosure (kvs) (Entered: 11/14/2002)
11/12/2002	44	Memorandum by EEOC in opposition to [33-1] motion for protective order relieving JB's from its obligation to respond to the EEOC's premature discovery requests (tsh) (Entered: 11/18/2002)
11/13/2002	42	Notice of Hearing filed : striking hearing previously set for 1/6/03 at 3:00 p.m. , terminated deadlines To have been held before Judge TC cc:atty (Ntc generated by: TC's crtrm dep) (tsh) (Entered: 11/13/2002)
11/18/2002	45	Stipulation by EEOC, Summit Fam Rest stip to extend time until 12/20/02 for pla to respond to dft Summit Family Restaurant's Motion for Sum/Jgm (tsh) (Entered: 11/25/2002)
11/19/2002	46	Order granting [45-1] stipulation motion to extend time until 12/20/02 for pla to respond to dft Summit Family Restaurant's Motion for Sum/Jgm signed by Judge Tena Campbell , 11/19/02 cc:atty (tsh) (Entered: 11/25/2002)
11/25/2002	47	Certificate of service by EEOC re: Pla's Fourth Supplemental Disclosure (tsh) Modified on 12/02/2002 (Entered: 12/02/2002)
11/25/2002	48	Certificate of service by EEOC re: Pla's Third Supplemental Disclosure (tsh) (Entered: 12/02/2002)
12/23/2002	49	Stipulation by EEOC, Summit Fam Rest stip to extend time to 1/6/03 for pla to file resp to mot/sumjgm (alt) (Entered: 12/26/2002)
12/30/2002	50	Order granting [49-1] stipulated motion to extend time to 1/6/03 for pla

		to file resp to mot/sumjgm signed by Judge Tena Campbell, 12/27/02 cc:atty (alt) (Entered: 01/02/2003)
01/03/2003	51	Stipulation by EEOC, Summit Fam Rest Stipulation by EEOC and Summit Family Restaurant to extend time for the EEOC to respond to Summit's Motion for Summary Jgm until 1/8/03 (jmr) (Entered: 01/06/2003)
01/06/2003	52	Order granting [51-1] Stipulation by EEOC and Summit Family Restaurant to extend time for the EEOC to respond to Summit's Motion for Summary Jgm until 1/8/03 and dft Summit Fam Restaurants have until 1/28/03 to serve its reply signed by Judge Tena Campbell , 1/6/03 cc:atty (ce) (Entered: 01/07/2003)
01/09/2003	53	Ex parte motion by EEOC for leave to file overlength mem/opp to Summit Family's mot/sumjgm (alt) (Entered: 01/09/2003)
01/09/2003	54	Memorandum by EEOC in opposition to [38-1] motion for summary judgment (alt) (Entered: 01/09/2003)
01/10/2003	56	Order granting [53-1] ex parte motion for leave to file overlength mem/opp to Summit Family's mot/sumjgm signed by Judge Tena Campbell, 1/10/03 cc:atty (alt) (Entered: 01/13/2003)
01/13/2003	55	Notice of Hearing filed: Motion hearing set for 3:00 4/16/03 for [38-1] motion for summary judgment To be held before Judge TC cc:atty (Ntc generated by: Chmbrs, TB) (alt) (Entered: 01/13/2003)
01/23/2003	57	Substitution of Counsel Within Firm. Terminated attorney Ali Levin for Summit Fam Rest - Added Heidi E Leithead, Bentley J. Tolk (alt) (Entered: 01/24/2003)
01/24/2003	58	Stipulation by EEOC, Summit Fam Rest stip to extend time to 2/28/03 for dft Summit to serve rply mem/sup to mot/sumjgm (alt) (Entered: 01/27/2003)
01/24/2003	59	Stipulation by EEOC, Summit Fam Rest, JB's Fam Rest stip to extend time for deadlines: 9/12/03 for fact disc; 10/17/03 for pla's, 11/14/03 for dfts' rpts from retained experts; 12/17/03 for rebuttal expert rpts (alt) (Entered: 01/27/2003)
01/27/2003	60	Ex parte motion by EEOC for Ralph E. Chamness to withdraw as attorney; pla to be represented by Michelle G. Marshall (alt) (Entered: 01/28/2003)
01/28/2003	61	Order granting [60-1] ex parte motion for Ralph E. Chamness to withdraw as attorney; pla to be represented by Michelle G. Marshall as new lead atty (Terminated attorney Ralph E. Chamness for EEOC) signed by Judge Tena Campbell, 1/27/03 cc:atty (alt) (Entered: 01/28/2003)
01/28/2003	62	Order granting [58-1] stipulated motion to extend time to 2/28/03 for dft Summit to serve rply mem/sup to mot/sumjgm signed by Judge Tena Campbell, 1/27/03 cc:atty (alt) (Entered: 01/28/2003)

01/28/2003	63	Order granting [59-1] stipulated motion to extend time for deadlines: 9/12/03 for fact disc; 10/17/03 for pla's, 11/14/03 for dfts' rpts from retained experts; 12/17/03 for rebuttal expert rpts, fact discovery due set for 9/12/03 signed by Judge Tena Campbell, 1/27/03 cc:atty (alt) (Entered: 01/28/2003)
02/03/2003	64	Notice of filing of original affs in supp of mem/opp to Summit's mot/sumjgm by EEOC (alt) (Entered: 02/03/2003)
02/03/2003	65	Affidavit of Rachelle Ruddell Re: [54-1] opposition memorandum (alt) (Entered: 02/03/2003)
02/03/2003	66	Affidavit of Deanna Bingham Re: [54-1] opposition memorandum (alt) (Entered: 02/03/2003)
02/03/2003	67	Affidavit of Twila Pace Re: [54-1] opposition memorandum (alt) (Entered: 02/03/2003)
02/03/2003	68	Affidavit of Heather Jackson Re: [54-1] opposition memorandum (alt) (Entered: 02/03/2003)
02/03/2003	69	Affidavit of Jamie Bledsoe Re: [54-1] opposition memorandum (alt) (Entered: 02/03/2003)
02/03/2003	70	Affidavit of Jeni Miller Re: [54-1] opposition memorandum (alt) (Entered: 02/03/2003)
02/03/2003	71	Affidavit of Lisa Van Fleet Re: [54-1] opposition memorandum (alt) (Entered: 02/03/2003)
02/03/2003	72	Affidavit of Anne Jackson Re: [54-1] opposition memorandum (alt) (Entered: 02/03/2003)
02/03/2003	73	Affidavit of Amy Thomas Re: [54-1] opposition memorandum (alt) (Entered: 02/03/2003)
02/03/2003	74	Affidavit of Valerie Bodine Re: [54-1] opposition memorandum (alt) (Entered: 02/03/2003)
02/28/2003	75	Motion by Summit Fam Rest to strike aff of Ralph E. Chamness (Exh 25 to EEOC's Mem/Opp to Mot/Sumjgm) (alt) (Entered: 03/03/2003)
02/28/2003	76	Memorandum by Summit Fam Rest in support of [75-1] motion to strike aff of Ralph E. Chamness (Exh 25 to EEOC's Mem/Opp to Mot/Sumjgm) (alt) (Entered: 03/03/2003)
02/28/2003	77	Motion by Summit Fam Rest to strike aff of Michelle G. Marshall (Exh 1 to EEOC's Mem/Opp to Mot/Sumjgm) (alt) (Entered: 03/03/2003)
02/28/2003	78	Memorandum by Summit Fam Rest in support of [77-1] motion to strike aff of Michelle G. Marshall (Exh 1 to EEOC's Mem/Opp to Mot/Sumjgm) (alt) (Entered: 03/03/2003)
02/28/2003	79	Ex parte motion by Summit Fam Rest for leave to file overlength rply mem/supp of mot/sumjgm (alt) (Entered: 03/03/2003)

02/28/2003	80	Reply by Summit Fam Rest to response to [38-1] motion for summary judgment (alt) (Entered: 03/03/2003)
03/05/2003	81	Order granting [79-1] ex parte motion for leave to file overlength rply mem/supp of mot/sumjgm signed by Judge Tena Campbell, 3/4/03 cc:atty (alt) (Entered: 03/05/2003)
03/18/2003	82	Memorandum by EEOC in opposition to [77-1] motion to strike aff of Michelle G. Marshall (Exh 1 to EEOC's Mem/Opp to Mot/Sumjgm), [75-1] motion to strike aff of Ralph E. Chamness (Exh 25 to EEOC's Mem/Opp to Mot/Sumjgm) (alt) (Entered: 03/18/2003)
03/31/2003	83	Reply by Summit Fam Rest to response to [77-1] motion to strike aff of Michelle G. Marshall (Exh 1 to EEOC's Mem/Opp to Mot/Sumjgm) (ce) (Entered: 04/01/2003)
03/31/2003	84	Reply by Summit Fam Rest to response to [75-1] motion to strike aff of Ralph E. Chamness (Exh 25 to EEOC's Mem/Opp to Mot/Sumjgm) (ce) (Entered: 04/01/2003)
04/16/2003	85	Minute entry: After hearing argument from counsel, the court grants both motions to strike and denies motion for summary judgment without prejudice. The court finds EEOC has made a reasonable attempt at conciliation and recognizes Summit did not get notice. Therefore, the court orders case stayed for 2 months. After two months, the court will lift the stay. The court orders conciliation to be scheduled by 4/18/03. granting [77-1] motion to strike aff of Michelle G. Marshall (Exh 1 to EEOC's Mem/Opp to Mot/Sumjgm) granting [75-1] motion to strike aff of Ralph E. Chamness (Exh 25 to EEOC's Mem/Opp to Mot/Sumjgm) denying [38-1] motion for summary judgment ; Judge: Tena Campbell Court Reporter: Mindy Powers Court Deputy: Theresa Brown (tb) (Entered: 04/21/2003)
04/23/2003	86	Motion and Order signed by Judge Tena Campbell, 4/21/03. Granting motion/PHV for Attorney P. David Lopez on behalf plaintiff EEOC cc:attys (alt) (Entered: 04/24/2003)
04/24/2003	87	Order denying Summit Fam Rest's [38-1] motion for summary judgment signed by Judge Tena Campbell, 4/23/03 cc:atty (alt) (Entered: 04/25/2003)
04/28/2003	88	Stipulation by EEOC, Summit Fam Rest, JB's Fam Rest stip to extend time for certain ddls: fact disc, 11/21/03; motion filing, 1/30/04; exp disc, 2/6/04 (alt) (Entered: 04/29/2003)
05/01/2003	89	Order granting [88-1] stipulated motion to extend time for certain ddls: fact disc, 11/21/03; motion filing, 1/30/04; exp disc, 2/6/04, discovery due set for 11/21/03-fact, 2/6/04-expert , motion filing deadline set for 1/30/04 signed by Judge Tena Campbell, 5/1/03 cc:atty (alt) (Entered: 05/02/2003)
02/18/2004	90	Consent judgment for EEOC against JB's Fam Rest in amt of \$300,000.00; signed by TC [EOD Date 2/19/04] (alt) (Entered: 02/18/2004)

		02/19/2004)
02/27/2004	91	Notice of Hearing filed: status conference set for 2:30 4/12/04 To be held before Judge TC cc:atty (Ntc generated by: Chmbrs, TB) (alt) (Entered: 02/27/2004)
03/24/2004	92	Notice of lodging consent decree between pla and Summit Family Restaurants by EEOC (alt) (Entered: 03/24/2004)
03/26/2004	93	Consent decree/judgment for EEOC, against Summit Fam Rest in the amt of \$135,000.00: see jgm for other (non-monetary) relief ordered. Signed by TC [EOD Date 3/29/04] (alt) (Entered: 03/29/2004)
03/26/2004	93	Injunction against Summit Rest re: sexual harrassment & retaliation; signed by TC, 3/26/04 (alt) (Entered: 03/29/2004)
03/26/2004		Case closed per consent decree/jgm no. 93 (alt) (Entered: 03/29/2004)

PACER Service Center			
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07/09/2007 13:54:57			
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