

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
5:16-CV-654-BO

U.S. EQUAL EMPLOYMENT)
OPPORTUNITY COMMISSION,)
)
Plaintiff,)
)
v.)
)
BOJANGLES' RESTAURANTS, INC.,)
)
Defendant.)

SCHEDULING ORDER

The court has considered the Report of the Parties' Planning Meeting ("Discovery Plan") (D.E. 11), filed 5 October 2016 and annexed hereto. The court finds the Discovery Plan to be reasonable. Accordingly, the Discovery Plan is APPROVED, subject to the changes reflected herein.

Critical deadlines are as follows:

1. All discovery shall be commenced in time to be completed by 23 June 2017.
2. Reports from retained experts are due from plaintiff by 17 March 2017 and from defendant by 14 April 2017.
3. Any potentially dispositive motions shall be filed by 28 July 2017.
4. Supplementation shall be as provided in Fed. R. Civ. P. Rule 26(e) but in no event later than 30 days from receipt, or as otherwise ordered by the court.
5. Motions to join additional parties and amend pleadings must be made promptly, but in no event later than 4 November 2016 by plaintiff and 2 December 2016 by defendant. Nothing in this Order shall relieve any party of any requirement to obtain court approval prior to

joining a party or amending its pleadings. Any motion to amend filed after the deadlines set in this Order must meet the standards of Fed. R. Civ. P. 15 and 16.

6. Pretrial disclosures and objections thereto, and the pretrial order shall comply with the requirements of Fed. R. Civ. P. 26(a)(3) and Local Civil Rule 16.1, E.D.N.C., provided that the deadlines in Local Civil Rule 16.1(b)(1) shall control, unless otherwise ordered by the court.

7. The trial date will be set in a separate order by District Judge Terrence W. Boyle. Pursuant to the 20 August 2002 Standing Order entered by Judge Boyle (posted as no. 02-JP-1-BO on Judge Boyle's practice preferences page), the court reserves the right to schedule the case for trial as early as 30 days after the dispositive motion deadline.

Counsel are cautioned not to be dilatory in pursuing discovery. Motions for extension of discovery deadlines are not favored if they would require a continuance of the trial.

Any party that makes an appearance after this Order has been entered shall be required to confer with opposing counsel and make disclosures pursuant to Fed. R. Civ. P. 26(a)(1) within 21 days after the party's appearance. Such party shall be bound by the terms of this Order unless the party moves for and obtains amendment of this Order by the court.

The parties are reminded that on consent of all parties and with the concurrence of the District Judge this case may be referred to a Magistrate Judge for jury or bench trial, as appropriate, with a peremptory trial setting and the right of direct appeal to the Fourth Circuit. A copy of the consent form may be obtained from the court's website, www.nced.uscourts.gov. If all parties wish to exercise this option, it should be done as soon as possible. The parties are free to withhold consent without adverse substantive consequences. The consent form should not be

filed with the court unless all parties to the cases involved have consented. Consents may not be permitted after the trial calendar is printed.

This case is not subject to mandatory mediation, pursuant to Local Civil Rule 101.1a(b), E.D.N.C. On motion, the court will assist with settlement negotiations or other alternative dispute resolution, such as a court-hosted settlement conference or summary jury trial, by making available a judge other than the trial judge to explore these possibilities. In their Discovery Plan, the parties indicate their interest in participating in some form of mediation. They shall timely file an appropriate motion for the relief they seek.

The portions of the Discovery Plan not modified or otherwise addressed herein are ADOPTED as the court's Order.

SO ORDERED, this 11 day of October 2016.



James E. Gates
United States Magistrate Judge

employment or other means.

7. Bojangles' personnel policies, training and compliance with Title VII of the Civil Rights Act of 1964.
8. EEOC's investigation of Wolfe's charge of discrimination.
9. Bojangles' investigation of Wolfe's complaints.

- (b) Dates for commencing and completing discovery, including discovery to be commenced or completed before other discovery.

The parties will commence discovery on or about October 10, 2016, and will conclude discovery by June 23, 2017.

- (c) Maximum number of interrogatories by each party to another party, along with the dates the answers are due.

Each party may serve up to 25 interrogatories (including subparts) on the other, and responses to the interrogatories shall be due within thirty days of the date of service.

- (d) Maximum number of requests for admission, along with the dates responses are due.

Each party may serve up to 25 requests for admissions on the other, and the responses to requests for admission shall be due within thirty days of the date of service.

- (e) Maximum number of depositions by each party.

Each party may take up to eight depositions.

- (f) Limits on the length of depositions, in hours.

The length of each deposition shall be no more than seven hours, unless the parties agree to extend the time or the court so orders.

- (g) Dates for exchanging reports of expert witnesses.

The deadline for Plaintiff to serve reports of expert witnesses shall be March 17, 2017, and the deadline for the Defendant to serve reports of expert witnesses shall be April 14, 2017.

- (h) Dates for supplementations under Rule 26(e).

The parties shall supplement discovery responses under Rule 26(e) within thirty

days of obtaining supplemental responsive information.

4. Other Items:

- (a) A date if the parties ask to meet with the court before a scheduling order.

N/A

- (b) Requested dates for pretrial conferences.

The parties request a final pretrial conference on December 4, 2017, or 60 days after the court rules on any motions for summary judgment, whichever later occurs.

- (c) Final dates for the plaintiff to amend pleadings or to join parties.

November 4, 2016.

- (d) Final dates for the defendant to amend pleadings or to join parties.

December 2, 2016.

- (e) Final dates to file dispositive motions.

July 28, 2017.

- (f) State the prospects for settlement.

The parties cannot evaluate prospects for settlement at this time, but expect to do so after undertaking an initial round of discovery.

- (g) Identify any alternative dispute resolution procedure that may enhance settlement prospects.

The parties believe a mediated settlement conference may enhance settlement prospects, and the parties will agree on a mediator.

- (h) Final dates for submitting Rule 26(a)(3) witness lists, designations of witnesses whose testimony will be presented by deposition, and exhibit lists.

The final date for submitting Rule 26(a)(3) witness lists, designations of witnesses whose testimony will be presented by deposition, and exhibit lists shall be November 6, 2017 or 30 days after the court rules on any motions for summary judgment, whichever later occurs.

- (i) Final dates to file objections under Rule 26(a)(3).

Twenty-one days after the final date for submitting pretrial witness lists and disclosures under Rule 26(a)(3).

- (j) Suggested trial date and estimate of trial length.

The parties propose that trial commence on January 29, 2018, and they estimate trial will last three to five days.

- (k) Other matters.

The parties agree that service of all discovery requests and responses may be effected by electronic means, pursuant to Fed. R. Civ. P. 5(b)(2)(E).

Date: October 5, 2016

/s/Rachael S. Steenbergh

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Date: October 5, 2016

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Attorneys for Defendant Bojangles' Restaurants, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on October 5, 2016, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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