

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

MARY ELLEN MERIWETHER,)
)
Plaintiff,)
)
vs.)
)
BEVERLY HILLS GROCERY)
AND LIQUOR, et al.,)
)
Defendants.)

Case No. 4:13-CV-424-CDP

MEMORANDUM AND ORDER

This matter is before the Court upon review of plaintiff’s response to this Court’s April 29, 2013 Memorandum and Order, instructing her to show cause as to why this 42 U.S.C. § 2000e-5 (Title VII) action should not be dismissed as time-barred [Doc. #6].

In her response to show cause, plaintiff contends that this action is, in fact, timely. She explains that the United States Equal Employment Opportunity Commission (“EEOC”) originally sent her right-to-sue letter to the wrong address. Attached to her response to show cause is a copy of the said right-to-sue letter, and it indicates that plaintiff’s address was “4534 Ashland Ave.” Plaintiff states that her correct address was, and is, “4543 Ashland Ave.” and that she never received the letter sent to the incorrect address. Plaintiff further states that, following attempts to mediate her case, she made numerous efforts to ascertain the status of her EEOC

action, and at some point, she finally received a telephone call from an EEOC supervisor, who apologized and “explained that their rep had made a clerical error with [plaintiff’s] address” on the right-to-sue letter. Thereafter, plaintiff received a letter dated January 17, 2013, from the EEOC District Director, Mr. James R. Neely, Jr., enclosing a copy of the June 12, 2012 right-to-sue letter and informing plaintiff of the ninety-day time period in which to file a lawsuit in federal court. A copy of Mr. Neely’s letter is also attached to plaintiff’s response to show cause. Plaintiff filed the instant action against Beverly Hills Grocery and Liquor and its owners, Mike Sabbar and Tim Sabbar, on March 8, 2013, which was within ninety days of when she claims to have received the EEOC’s right-to-sue letter. In light of these circumstances, the Court will not dismiss this action at this time for having been filed outside of the statute of limitations period, but rather, will order that the Clerk of Court issue process or cause process to be issued upon the complaint.

Therefore,

IT IS HEREBY ORDERED that the Clerk of Court shall issue process or cause process to be issued upon the complaint.

Dated this 29th day of May, 2013.



UNITED STATES DISTRICT JUDGE