

CASREF, CLOSED, CLOSED\_2007, MEDIATION

**U.S. DISTRICT COURT**  
**U.S. District Court, Western District of New York (Buffalo)**  
**CIVIL DOCKET FOR CASE #: 1:05-cv-00692-WMS-HBS**

Equal Employment Opportunity Commission v. ADESA New  
York, Inc.  
Assigned to: Hon. William M. Skretny  
Referred to: Hon. Hugh B. Scott  
Cause: 28:451 Employment Discrimination

Date Filed: 09/30/2005  
Date Terminated: 05/31/2007  
Jury Demand: Both  
Nature of Suit: 442 Civil Rights: Jobs  
Jurisdiction: U.S. Government Plaintiff

**Plaintiff**

**Equal Employment Opportunity  
Commission**

represented by **Elizabeth Grossman**  
U.S. Equal Employment Opportunity  
Commission  
New York District Office  
33 Whitehall Street  
5th Floor  
New York, NY 10004-2112  
(212) 336-3696  
Fax: (212) 336-3623  
Email: elizabeth.grossman@eeoc.gov  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Maria Salacuse**  
Equal Employment Opportunity  
Commission  
J.F.K. Federal Building  
Room 475  
Boston, MA 02203-0506  
617-565-4804  
Fax: 617-565-3196  
Email: maria.salacuse@eeoc.gov  
*TERMINATED: 07/28/2006*  
*LEAD ATTORNEY*

**Stella N. Yamada**  
Equal Employment Opportunity  
Commission  
33 Whitehall Street  
5th Floor  
New York, NY 10004  
212-336-3689  
Fax: 212-336-3623  
Email: stella.yamada@eeoc.gov  
*LEAD ATTORNEY*

*ATTORNEY TO BE NOTICED***Lisa Sirkin**

U.S. Equal Employment Opportunity  
Commission  
New York District Office  
33 Whitehall Street  
5th Floor  
New York, NY 10004-2112  
(917) 589-2415  
*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**ADESA New York, Inc.**  
*doing business as*  
ADESA Buffalo

represented by **Mark Andrew Molloy**  
Nixon Peabody LLP  
40 Fountain Plaza  
Suite 500  
Buffalo, NY 14202  
716-853-8100  
Fax: 716-283-1380  
Email: mmolloy@nixonpeabody.com  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
09/30/2005	<a href="#">1</a>	COMPLAINT against ADESA New York, Inc. , filed by Equal Employment Opportunity Commission.(JDK, ) (Entered: 09/30/2005)
09/30/2005		Summons Issued as to ADESA New York, Inc.. (JDK, ) (Entered: 09/30/2005)
12/02/2005	<a href="#">2</a>	ANSWER to Complaint with Jury Demand by ADESA New York, Inc..(Molloy, Mark) (Entered: 12/02/2005)
12/05/2005	<a href="#">3</a>	NOTICE of Appearance by Maria Salacuse on behalf of Equal Employment Opportunity Commission (Salacuse, Maria) (Entered: 12/05/2005)
12/08/2005		Set/Reset Hearings: Rule 16(b) Scheduling Conference set for 12/29/2005 03:15 PM before Hon. John T. Elfvn. The Court directs trial counsel to appear for rule 16 (b) conference. (It is strongly encouraged that the conference can be done by telephone (716) 551-4226; however, this must be pre-arranged by 12/22/05, in writing, with all parties agreeing as to who will initiate the conference call.) NOTICE: Failure to appear in person -- or by telephone, if pre-arranged -- may result in a dismissal of the lawsuit or an entry of default. (JBS, ) (Entered: 12/08/2005)

12/08/2005		Remark : Notice of Rule 16(b) Conference mailed to Lisa Sirkin and Stella N. Yamada. (JBS, ) (Entered: 12/08/2005)
12/19/2005	<a href="#">4</a>	Consent MOTION to Amend/Correct <a href="#">1</a> Complaint by Equal Employment Opportunity Commission. (Attachments: # <a href="#">1</a> Amended Complaint# <a href="#">2</a> Text of Proposed Order)(Salacuse, Maria) (Entered: 12/19/2005)
12/22/2005	<a href="#">5</a>	ORDER granting <a href="#">4</a> Motion to Amend or Correct the Complaint. Signed by Judge John T. Elfvin on 12/20/05. (RAZ) The Rule 16 conference now scheduled for 12/29/05 at 3:15 p.m. is cancelled due to the anticipated filing of the Amended Complaint. (Entered: 12/22/2005)
12/22/2005		Reset Hearings: Rule 16 Conference set for 12/29/2005 at 3:15 PM before Hon. John T. Elfvin. CONFERENCE CANCELLED IN ERROR in docket entry <a href="#">5</a> . (RAZ) (Entered: 12/22/2005)
12/22/2005	<a href="#">6</a>	AMENDED COMPLAINT ( <i>only correcting proper name of Defendant</i> ) against ADESA New York, Inc., filed by Equal Employment Opportunity Commission.(Salacuse, Maria) (Entered: 12/22/2005)
12/29/2005		Minute Entry for proceedings held before Judge John T. Elfvin : Rule 16(b) Scheduling Conference scheduled to be held on 12/29/2005. Court was advised by counsel that this case was to be consolidated with a case assigned to Judge Skretny involving two of the named plaintiffs in this case. Court will transfer this case to Judge Skretny. Appearances via telephone: Maria Salacuse and Mark A. Molloy. (JBS, ) (Entered: 01/05/2006)
01/23/2006	<a href="#">7</a>	ORDER REASSIGNING CASE. Case reassigned to Judge William M. Skretny for all further proceedings. Judge John T. Elfvin no longer assigned to case. Signed by Hon. John T. Elfvin on 1/17/06. (RAZ) (Entered: 01/23/2006)
01/30/2006	<a href="#">8</a>	NON-DISPOSITIVE REFERRAL ORDER REFERRING CASE to Magistrate Judge H. Kenneth Schroeder, Jr. Signed by Hon. William M. Skretny on 1/27/2006. (Dzielski, J.) (Entered: 01/30/2006)
01/30/2006	<a href="#">9</a>	ORDER OF PRELIMINARY PRETRIAL CONFERENCE: Preliminary Pretrial Conferencet set for 3/13/2006 10:00 AM before Hon. H. Kenneth Schroeder Jr. Signed by Hon. H. Kenneth Schroeder Jr. on 1/30/06. (Attachments: # <a href="#">1</a> # <a href="#">2</a> # <a href="#">3</a> )(LMG) (Entered: 01/30/2006)
02/27/2006	10	TEXT ORDER: The Preliminary Pretrial Conference scheduled to be held with the Hon. H. Kenneth Schroeder, Jr. on 3/13/2006 at 10:00 a.m. is hereby adjourned pending resolution of the motion to consolidate filed in 05-CV-0896S. Issued by Hon. H. Kenneth Schroeder Jr. on 2/27/06. (LMG) (Entered: 02/27/2006)
03/07/2006	<a href="#">11</a>	NON-DISPOSITIVE REFERRAL ORDER amending prior Referral Order of 1/30/2006. This case is now referred to Magistrate Judge Hugh B. Scott. Signed by Hon. William M. Skretny on 3/6/2006. (Dzielski, J.) (Entered: 03/07/2006)
03/08/2006	<a href="#">12</a>	<b>ORDER OF MAGISTRATE JUDGE HUGH B. SCOTT</b>  <b>ORDER</b>

		<p>Parties invited to brief motion to consolidate cases in <i>Noble v. Adesa, Inc., et al.</i>, Case No. 05CV896. Responses due by 3/31/2006; Replies due by 4/13/2006. Oral Argument set for <b>Tues., 4/25/2006, 10:30 AM</b>, before Hon. Hugh B. Scott.</p> <p>Scheduling Conference in this action held in abeyance pending disposition of motion to consolidate cases.</p> <p>So Ordered. Signed by Hon. Hugh B. Scott on 3/8/2006. (DRH) (Entered: 03/08/2006)</p>
03/30/2006	<a href="#">13</a>	<p style="text-align: center;"><b>ORDER OF MAGISTRATE JUDGE HUGH B. SCOTT</b></p> <p style="text-align: center;"><b>ORDER re <a href="#">12</a> Order, Set Deadlines/Hearings</b></p> <p>Pursuant to the Order issued in <i>Noble v. Adesa, Inc.</i>, No. 05CV896, Docket No. 12 and attached hereto, Responses to Motion to consolidate (Docket No. 9) in that action due by 4/14/2006; Replies due by 4/28/2006. Oral Argument set for <b>Tues., 5/2/2006, 10:30 AM</b>, before Hon. Hugh B. Scott. Parties invited to brief responses to that motion and appear at argument. So Ordered. Signed by Hon. Hugh B. Scott on 3/30/2006. (DRH) (Entered: 03/30/2006)</p>
04/12/2006	<a href="#">14</a>	<p>MEMORANDUM IN SUPPORT re <a href="#">13</a> Terminate Deadlines and Hearings,,, Order,,, Set Deadlines/Hearings,,, <a href="#">12</a> Order,,, Set Deadlines/Hearings,,, <i>Response in Support of Plaintiffs Noble &amp; Metz' Motion to Consolidate Actions</i> by Equal Employment Opportunity Commission. (Salacuse, Maria) (Entered: 04/12/2006)</p>
08/03/2006	<a href="#">15</a>	<p>MEMORANDUM/BRIEF <i>Response In Support of Plaintiffs Noble &amp; Metz' Opposition to Defendants' Objection to Report and Recommendation, Case No. 05-CV-896</i> by Equal Employment Opportunity Commission. (Yamada, Stella) (Entered: 08/03/2006)</p>
08/28/2006	<a href="#">16</a>	<p style="text-align: center;"><b>ORDER OF MAGISTRATE JUDGE HUGH B. SCOTT</b></p> <p style="text-align: center;"><b>ORDER</b></p> <p>Scheduling Conference set for <b>Wed., 9/27/2006, 2:00 PM</b>, before Hon. Hugh B. Scott. So Ordered. Signed by Hon. Hugh B. Scott on 8/28/2006. (DRH) (Entered: 08/28/2006)</p>
09/20/2006	<a href="#">17</a>	<p>Proposed Pretrial Order (<i>Proposed Discovery Plan</i>) by ADESA New York, Inc.. (Molloy, Mark) (Entered: 09/20/2006)</p>
09/27/2006	18	<p style="text-align: center;"><b>HONORABLE HUGH B. SCOTT</b></p> <p style="text-align: center;">TEXT OF MINUTE ENTRY</p> <p style="text-align: center;">For proceedings held before Magistrate Judge Hugh B. Scott:</p> <p>Stella Yamada, Esq., for plaintiff; Mark Molloy, Esq., for defendant.</p> <p>Scheduling Conference held on 9/27/2006. Parties express interest in ADR. Scheduling Order to be entered as well as order referring to ADR. (DRH) (Entered: 09/27/2006)</p>

09/28/2006	<a href="#">19</a>	ORDER REFERRING CASE to Mediation.Signed by the Hon. William M. Skretny on 9/28/2006. (MEAL) (Entered: 09/28/2006)
09/29/2006	<a href="#">20</a>	<p style="text-align: center;"><b>ORDER OF MAGISTRATE JUDGE HUGH B. SCOTT</b></p> <p style="text-align: center;"><b>SCHEDULING ORDER:</b></p> <p>Join Parties/Amend Pleadings due by 10/27/2006. Stipulation of Selection of Mediator due by 10/16/2006. First Mediation Session due by 11/27/2006. Mediation To End by 3/27/2007.</p> <p>Plaintiff Expert Witness ID due by 1/8/2007. Defendant Expert Witness ID due by 2/12/2007. Motions to Compel Discovery due by 2/27/2007. Discovery due by 3/27/2007. Motions due by 6/27/2007. Pretrial Statements due by 8/3/2007.</p> <p>Final Pretrial Conference set for <b>Wed., 8/22/2007, 9:00 AM</b>, before Hon. William M. Skretny. Jury Trial set for <b>Tues., 10/16/2007, 9:30 AM</b>, before Hon. William M. Skretny.</p> <p>So Ordered. Signed by Hon. Hugh B. Scott on 9/29/2006. (DRH) (Entered: 09/29/2006)</p>
11/03/2006	<a href="#">21</a>	ORDER Designating Alice J. Kryzan, Esq. as Mediator in this case.Signed by the Hon. William M. Skretny on 11/2/2006. (MEAL) (Entered: 11/03/2006)
11/07/2006	<a href="#">22</a>	Consent MOTION to Select Mediator by ADESA New York, Inc..(Molloy, Mark) (Entered: 11/07/2006)
11/07/2006	<a href="#">23</a>	AFFIDAVIT re <a href="#">22</a> Consent MOTION to Select Mediator by ADESA New York, Inc.. (Attachments: # <a href="#">1</a> Exhibit A)(Molloy, Mark) (Entered: 11/07/2006)
11/07/2006	<a href="#">24</a>	Stipulation-Selection of Mediator by ADESA New York, Inc.. (Molloy, Mark) (Entered: 11/07/2006)
11/08/2006	25	TEXT ORDER. IT HEREBY IS ORDERED that <a href="#">22</a> Defendant's Motion permitting the parties to select a mediator, to which Plaintiff consents, is GRANTED. Ann Evanko will serve as mediator pursuant to the parties' stipulation. SO ORDERED. Issued by the Hon. William M. Skretny on 11/7/2006. (MEAL) (Entered: 11/08/2006)
11/20/2006	<a href="#">26</a>	Mediation Certification by Ann E. Evanko(Evanko, Ann) (Entered: 11/20/2006)
11/20/2006	<a href="#">27</a>	CERTIFICATE OF SERVICE by Ann E. Evanko re <a href="#">26</a> Mediation Certification (Evanko, Ann) (Entered: 11/20/2006)
04/13/2007	<a href="#">28</a>	Joint MOTION to Seal <i>Exhibit A of the Consent Decree by EEOC and by ADESA New York, Inc.</i> . (Attachments: # <a href="#">1</a> Affirmation of Mark A. Molloy# <a href="#">2</a> Declaration of Stella N. Yamada# <a href="#">3</a> Exhibit 1 (Proposed Order))(Molloy, Mark) (Entered: 04/13/2007)
04/13/2007	<a href="#">29</a>	MEMORANDUM IN SUPPORT re <a href="#">28</a> Joint MOTION to Seal <i>Exhibit A of the Consent Decree by EEOC and by ADESA New York, Inc.</i> . (Molloy, Mark) (Entered: 04/13/2007)

05/31/2007	<a href="#">30</a>	SEALED MOTION by Equal Employment Opportunity Commission, ADESA New York, Inc.. (Attachments: # (1) Exhibit Proposed Order)(JDK, ) (Entered: 06/01/2007)
05/31/2007	<a href="#">31</a>	Sealed Document/Joint Memorandum of Law. (JDK, ) (Entered: 06/01/2007)
05/31/2007	<a href="#">32</a>	Sealed Document/Order. (JDK, ) (Entered: 06/01/2007)
05/31/2007	<a href="#">33</a>	CONSENT DECREE / ORDER . Signed by Hon. William M. Skretny on 5/30/07. (JDK, ) (Entered: 06/01/2007)
05/31/2007	<a href="#">34</a>	Sealed Document/Exhibit A. (JDK, ) (Entered: 06/01/2007)

### PACER Service Center

#### Transaction Receipt

08/15/2007 14:35:10

<b>PACER Login:</b>	hs0328	<b>Client Code:</b>	eeoc
<b>Description:</b>	Docket Report	<b>Search Criteria:</b>	1:05-cv-00692-WMS-HBS
<b>Billable Pages:</b>	4	<b>Cost:</b>	0.32