

CLOSED, MAG

**U.S. District Court  
Eastern District of New York (Uniondale)  
CIVIL DOCKET FOR CASE #: 9:00-cv-01860-JS-MLO**

Equal Employment v. American Food Co.  
Assigned to: Judge Joanna Seybert  
Referred to: Magistrate-Judge Michael L. Orenstein  
Demand: \$0  
Cause: 28:451 Employment Discrimination

Date Filed: 03/30/2000  
Date Terminated: 02/07/2006  
Jury Demand: Plaintiff  
Nature of Suit: 442 Civil Rights: Jobs  
Jurisdiction: U.S. Government Plaintiff

**Plaintiff****Equal Employment Opportunity  
Commission**

represented by **James Lee**  
Equal Employment Opportunity  
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V.

**Defendant**

**The American Food Co., Inc.**represented by **Jesse S. Drucker**

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*ATTORNEY TO BE NOTICED*

| <b>Date Filed</b> | <b>#</b> | <b>Docket Text</b>   |
|-------------------|----------|--|
| 03/30/2000        | 1        | COMPLAINT filed and summons(es) issued for American Food Co., Inc. (Coleman, Laurie) (Entered: 04/03/2000)   |
| 06/13/2000        | 2        | ANSWER to Complaint by American Food Co. (Jafer, Halide) (Entered: 06/28/2000)   |
| 07/14/2000        | 3        | ORDER, Set status conference for 2:00 9/11/00 before Magistrate Arlene R. Lindsay ( signed by Magistrate Arlene R. Lindsay , on 7/14/00) (Jafer, Halide) (Entered: 07/19/2000)   |
| 08/02/2000        | 4        | LETTER dated 7/31/00 from Raechel L. Adams to Judge Seybert re: Requesting that Bracken & Bracken request to w/d as counsel be denied. (Jafer, Halide) (Entered: 08/08/2000)   |
| 08/04/2000        | 5        | Letter MOTION by American Food Co. requesting that Bracken & Margolin be relieved as counsel No Motion hearing (Jafer, Halide) (Entered: 08/08/2000)   |
| 08/04/2000        |          | Endorsed order denying [5-1] motion requesting that Bracken & Margolin be relieved as counsel. In light of the rule that corporations may not proceed pro se, counsel's application to w/d shall not be granted until the American Food, Co., Inc. retains new counsel. (Signed by Judge Joanna Seybert , on 8/4/00) eod#5 c/m (Jafer, Halide) (Entered: 08/08/2000) |
| 08/24/2000        | 6        | SCHEDULING ORDER setting Status conference by 1:30 9/8/00 ; ( signed by Judge Joanna Seybert , on 8/24/00) (Jafer, Halide) (Entered: 08/30/2000)   |

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| 08/29/2000 | 7  | Letter MOTION by American Food Co. to extend time of the initial conference scheduled for 9/11/00 2:00 pm Motion hearing (fe) (Entered: 09/05/2000)   |
| 08/29/2000 |    | Endorsed order granting [7-1] motion to extend time of the initial conference scheduled for 9/11/00 2:00 pm reset initial conference for 2:00 11/9/00 before Magistrate Arlene R. Lindsay Deft to inform the undersigned of the status of matter reading substitute counsel. (Signed by Magistrate Arlene R. Lindsay, on 8/29/00) c/m (fe) (Entered: 09/05/2000)  |
| 09/13/2000 | 8  | MAIL RETURNED Scheduling Order dated 8/24/00 returned on 9/13/00 (fe) (Entered: 09/14/2000)   |
| 09/22/2000 | 9  | STIPULATION and ORDER ON CONSENT TO CHANGE ATTORNEY - substituting attorney terminated attorney Jesse S. Drucker for American Food Co. Added Patricia A Dempsey (signed by Judge Joanna Seybert, on 9/22/00) c/m (fe) (Entered: 09/25/2000)   |
| 10/25/2000 | 10 | LETTER dated 10/23/00 from Patricia A. Dempsey to Magistrate Lindsay RE: Enclosing the Report of Parties' Planning Meeting signed by counsel in this action. (fe) (Entered: 12/11/2000)   |
| 10/25/2000 |    | Endorsed order, entered on the bottom of document #10, The undersigned hereby recuses herself from all matters being represented by or involving the law firm of Ciarelli & Dempsey & requests that this matter be reassigned to another Magistrate Judge. (Signed by Magistrate Arlene R. Lindsay, 10/25/00) c/m on 10/25/00 (fe) (Entered: 12/11/2000)  |
| 11/14/2000 |    | CASE NO LONGER REFERRED TO Magistrate Arlene R. Lindsay (Chow, Alice) (Entered: 11/14/2000)   |
| 11/14/2000 |    | CASE REFERRED to Magistrate Michael L. Orenstein. All parties notified. (Chow, Alice) (Entered: 11/14/2000)   |
| 12/04/2000 | 11 | RETURN OF SERVICE executed as to American Food Co. 11/21/00 Answer due on 12/11/00 for American Food Co. (fe) (Entered: 12/11/2000)   |
| 01/02/2001 | 12 | ORDER, that a conference will be held in this case at 10:00 a.m. on 1/24/01 before Magistrate Judge Orenstein All counsel must be present ( signed by Magistrate Michael L. Orenstein, on 1/2/01) c/m (Imrie, Robert) (Entered: 01/03/2001)   |
| 01/24/2001 | 13 | Calendar entry: Before Magistrate Orenstein on 1/24/01 @ 10:00 am. Civil Cause for Initial Conference. Case called. Counsel for all sides present. set all fact discovery due for 10/1/01; all expert discovery including expert depositions due for 12/31/01 set status conference for 11:30 7/6/01 before Magistrate Michael L. Orenstein Tape #01-9(5641-7161);(01-10(0-1102) Deft is directed to respond to the outstanding discovery requests by 2/15/01. (fe) (Entered: 01/26/2001) |
| 01/24/2001 | 14 | SCHEDULING ORDER setting joinder of additional parties by 6/30/01; amending of pleadings on 6/30/01; All Fact Discovery cutoff 10/1/01; All expert discovery including expert depositions due by 12/31/01; Pretrial conference for 11:30 7/6/01; (signed by Magistrate L. Orenstein, on 1/24/01) (fe) Modified on 01/26/2001 (Entered: 01/26/2001)  |

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| 03/09/2001 | 15 | Letter MOTION by Equal Employment requesting that the Court order the dft to produce the outstanding discovery responses immediately , Motion hearing (McMahon, Carol) Modified on 03/20/2001 (Entered: 03/09/2001)  |
| 03/13/2001 | 16 | RESPONSE by American Food Co. to [15-1] motion requesting that the Court order the dft to produce the outstanding discovery responses immediately (McMahon, Carol) (Entered: 03/13/2001)   |
| 03/15/2001 | 17 | ORDER denying as moot [15-1] motion requesting that the Court order the dft to produce the outstanding discovery immediately. If pltf believes deft's responses are improper is shall serve & file a letter application by 3/30/01. Deft shall serve & file its letter opposition by 4/3/01. set status conference for 10:00 4/9/01 before Magistrate Michael L. Orenstein (signed by Magistrate Michael L. Orenstein, on 3/15/01) c/m (fe) Modified on 03/20/2001 (Entered: 03/19/2001)         |
| 03/20/2001 | 18 | LETTER dated 3/15/01 from Raechel L. Adams to Orenstein, M.; re: have received defense counsel's response ltr, as well as the discovery responses that were at issue; dft's production of the responses resolves the dispute I raised with the Court; have no further requests of the Court at this time; note that many of the discovery responses produced are non-responsive; hope to be able to resolve that issue independently with defense counsel (McMahon, Carol) (Entered: 03/20/2001) |
| 04/09/2001 |    | Status conference held (Valle, Christine) (Entered: 04/10/2001)  |
| 04/09/2001 | 19 | Calendar entry: Before Magistrate Judge Orenstein on 4/9/01 at 10:00AM. Civil Cause for Status Conference. Counsel for all sides present. Set status conference for 2:30 on 7/13/01 before Magistrate Michael L. Orenstein . Court directed the dft to serve further responses to the interrogatories and document requests by 4/30/01. Alan Miller is directed to appear for deposition on 5/9/01. (Valle, Christine) (Entered: 04/10/2001)   |
| 04/12/2001 | 20 | Letter MOTION by Equal Employment requesting that the Court order dft to amend its responses by a reasonable date , in accordance with pltf's 3/19/01 ltr Motion hearing (McMahon, Carol) (Entered: 04/12/2001)  |
| 04/12/2001 | 21 | RESPONSE by American Food Co. to [20-1] motion requesting that the Court order dft to amend its responses by a reasonable date (McMahon, Carol) (Entered: 04/12/2001)  |
| 04/12/2001 | 22 | LETTER dated 4/4/01 from Raechel L. Adams to Orenstein, M.; re: have received defense counsel's ltr dtd 4/3/01; enclosing copies of Pltf's Interrogatories and Dft's Responses thereto (McMahon, Carol) (Entered: 04/12/2001)  |
| 04/17/2001 |    | Motion requesting that the Court order dft to amend its responses addressed at conf held on 4/9/01 before Orenstein, M. (McMahon, Carol) (Entered: 04/17/2001)   |
| 05/09/2001 | 23 | Letter MOTION by Equal Employment requesting the Court's assistance in obtaining dft's amended discovery responses , Motion hearing (McMahon, Carol) (Entered: 05/09/2001)   |
| 05/10/2001 | 24 | RESPONSE by American Food Co. to [23-1] motion requesting the Court's assistance in obtaining dft's amended discovery responses (McMahon, Carol) (Entered: 05/10/2001)   |

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| 05/10/2001 | 25 | REPLY by Equal Employment in further support of [23-1] motion requesting the Court's assistance in dft's amended discovery responses (McMahon, Carol) (Entered: 05/10/2001)  |
| 06/18/2001 | 26 | Letter MOTION by American Food Co. requesting Court's assistance in resolving discovery dispute , Motion hearing (McMahon, Carol) (Entered: 06/18/2001)  |
| 06/18/2001 | 27 | RESPONSE by Equal Employment to [26-1] motion requesting Court's assistance in resolving discovery dispute (originally filed on 6/6/01) (McMahon, Carol) (Entered: 06/18/2001)   |
| 06/18/2001 | 28 | Letter MOTION by Equal Employment to extend time of the deadline set in the 1/14/01 Order for the parties to join additional parties and amend the pleadings by 6/30/01 ; on consent; Motion hearing (McMahon, Carol) (Entered: 06/18/2001)  |
| 07/13/2001 |    | Status conference held (Fagan, Linda) (Entered: 07/16/2001)  |
| 07/13/2001 | 29 | Calendar entry: before Magistrate Judge Orenstein on 7/13/01 at 2:30 p.m.; civil cause for status conference; Terminated past due deadlines ; Set next conference for 11:00 a.m. on 8/27/01 before Magistrate Michael L. Orenstein . Pltff, while not stayed by the Bankruptcy act, must take steps to substitute the Trustee in Bankruptcy as the party deft . Tape # 01-106(3673-5859) (Fagan, Linda) (Entered: 07/16/2001)  |
| 08/27/2001 | 30 | LETTER dated 8/24/01 from Patricia A. Dempsey to Judge Orenstein RE: Based on our client's filing the bankruptcy petition, and the pltff's failure to substitute the trustee to date, we feel we do not have a client to represent at the conference or a reason to be there, for which reason we will not be appearing. (Valle, Christine) (Entered: 08/29/2001)  |
| 08/27/2001 |    | Status conference held (Valle, Christine) (Entered: 08/29/2001)  |
| 08/27/2001 | 31 | Calendar entry: Before Magistrate Orenstein on 8/27/01 at 11:00AM. Civil Cause for Status Conference. The following rulings were made: Trustee in bankruptcy is cooperating in providing pltff with discovery. Ciarelli & Dempsey do not represent the trustee, the real dft in this action now. This Court stays this matter until such time as the Court lifts the stay . The Court grants leave to withdraw as counsel for the dft and Ciarelli & Dempsey are directed to turn over the file to the trustee in bankruptcy. Tape # 01-117 (0-950) (Valle, Christine) (Entered: 08/29/2001) |
| 10/15/2001 | 32 | LETTER dated 10/5/01 from Raechel L. Adams to Magistrate Orenstein Re: When the deft in the action filed for Chapter 7 bankruptcy, Your Honor instituted a stay and the EEOC has been working with the Trustee to gather discovery. I have been in touch with the Trustee's office this week and will continue to work with him as I attempt to reconstruct the EEOC's case file. (Imrie, Robert) (Entered: 10/16/2001)  |
| 10/15/2001 | 33 | LETTER dated 10/5/01 from Raechel L. Adams to Judge Seybert RE: When the dft filed for Chapter 7 bankruptcy, Magistrate Orenstein instituted a stay and the EEOC has been working with the Trustee to gather discovery. (Valle, Christine) (Entered: 10/17/2001)   |

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| 11/05/2001 | 34 | LETTER dated 10/31/01 from Raechel L. Adams to Judge Seybert RE: The EEOC hereby respectfully informs the Court that, following the destruction of its former offices at Seven World Trade Center, the EEOC's new temporary office is: 201 Varick Street, Room 1009, New York, NY. (Valle, Christine) (Entered: 11/06/2001)                              |
| 11/05/2001 | 35 | LETTER dated 10/31/01 from Raechel L. Adams to Magistrate Orenstein Re: advising the Court that, following the distruction of its former offices at Seven World Trade Center, NY, NY, the EEOC's new temporary office is 201 Varick Street, Room 1009 NY, NY 10014. (Imrie, Robert) (Entered: 11/16/2001)  |
| 11/18/2002 | 36 | NOTICE Of Address Change by Equal Employment. (Fagan, Linda) (Entered: 11/22/2002)   |
| 01/13/2003 | 37 | LETTER dated 1/8/03 from Raechel L. Adams to Judge Seybert RE: For the reasons outlined herein, EEOC hereby requests that Your Honor lift the stay imposed in this case, order the dft to retain counsel in connection with the case, and set an expedited discovery schedule. (Valle, Christine) (Entered: 01/30/2003)                                  |
| 04/01/2004 | 38 | Letter dated 3/29/04 from Raechel L. Adams to Judge Seybert Re: For the reasons outlined herein, EEOC requests that the Court lift the stay imposed in this case, order dfts to retain counsel, and set an expedited discovery schedule. (Valle, Christine) (Entered: 05/20/2004)  |
| 05/10/2004 | 39 | CALENDAR NOTICE - This case has been scheduled for a status conference at 12:00PM on 6/18/04. Signed by Charles J. Baran, Courtroom Deputy Clerk on 5/10/04. C/M (Valle, Christine) (Entered: 05/20/2004)  |
| 05/10/2004 |    | Set/Reset Hearings: Status Conference set for 6/18/2004 at 12:00PM before Judge Joanna Seybert. (Valle, Christine) (Entered: 05/20/2004)   |
| 06/18/2004 | 40 | Letter dated 3/29/04 from Raechel L. Adams to Judge Seybert Re: To request an adjournment of the status conference and to request that the parties be permitted to participate by telephone. (Valle, Christine) (Entered: 07/09/2004)  |
| 06/18/2004 |    | ENDORSED ORDER on [40] Letter. Application granted. The conference is rescheduled for 7/1/04 at 5:00PM. The parties shall coordinate a conference call so that only one call is placed to the Court. Signed by Judge Joanna Seybert on 6/18/04. EOD #40 C/F(Valle, Christine) (Entered: 07/09/2004)  |
| 07/01/2004 | 41 | Minute Entry for proceedings held before Joanna Seybert: Civil Cause for Status Conference held on 7/1/2004 at 5:00PM. Case called. Counsel for corporate dft not present. Conference held. Next conference set for 7/15/04 at 4:30PM by phone. Trustee has 10 days to file any brief opposing lifting of stay. (Valle, Christine) (Entered: 07/19/2004) |
| 07/15/2004 | 42 | Minute Entry for proceedings held before Joanna Seybert: Civil Cause for Status Conference by Telephone held on 7/15/2004 at 4:30PM. Counsel for corporate dft not present. Conference held. Case to be referred to Magistrate Judge Orenstein for discovery. Stay lifted; Order to be issued. (Valle, Christine) (Entered: 07/30/2004)                  |
| 07/20/2004 | 47 | ORDER - Pending before the Court is an application by the plttf, EEOC, to lift a stay which was previously entered in this action. There being no opposition from the parties, this Court hereby lifts the stay and orders that this case proceed.   |

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|            |                    | Signed by Judge Joanna Seybert on 7/20/04. C/M(Valle, Christine) (Entered: 08/25/2004)   |
| 07/27/2004 | 46                 | ORDER - The attorneys for the plttf and the dft, Trustee in bankruptcy or counsel are directed to appear before the undersigned for a conference in person on 8/16/04 at 9:30AM. Signed by Judge Michael L. Orenstein on 7/27/04. C/M(Valle, Christine) (Entered: 08/19/2004)  |
| 08/02/2004 | <a href="#">43</a> | Letter dated 7/29/04 from Raechel Adams to Magistrate Judge Orenstein Re: seeking a conference with the Court to set an expedited discovery schedule. (Imrie, Robert) (Entered: 08/04/2004)  |
| 08/02/2004 | <a href="#">44</a> | Letter dated 8/2/04 from Neil H. Ackerman to Magistrate Judge Orenstein Re: advising the Court in response to this Court's Order dated 7/27/04 scheduling a conference on 8/16/04, that this office only represents the bankruptcy estate in Bankruptcy Court and not the defendant in this action and seeks to be relieved from any appearance on 8/16/04. (Imrie, Robert) (Entered: 08/04/2004)                              |
| 08/03/2004 | <a href="#">45</a> | Letter dated 8/2/04 from Raechel Adams to Magistrate Orenstein Re: in response to Mr. Ackerman's letter to the Court dated 8/2/04. (Imrie, Robert) (Entered: 08/04/2004)   |
| 08/03/2004 |                    | ORDER re <a href="#">45</a> Letter; There is only one defendant in this action. That corporation is bankrupt and adversary proceedings are pending in the bankruptcy court. EEOC counsel should discuss with the trustee of the defendant corporation attorney discovery via bankruptcy court order. Conference on 8/16/04 cancelled. Signed by Judge Michael L. Orenstein on 8/3/04. c/m(Imrie, Robert) (Entered: 08/04/2004) |
| 02/07/2006 | <a href="#">48</a> | ORDER OF ADMINISTRATIVE CLOSING - The above-captioned case is hereby administratively closed without prejudice to reinstatement upon application to this Court. Ordered by Judge Joanna Seybert on 2/7/06. C/ECF(Valle, Christine) (Entered: 02/07/2006)   |
| 12/19/2006 | <a href="#">49</a> | Proposed MOTION to Withdraw <i>action without prejudice</i> by Equal Employment Opportunity Commission. (Keenan, Judy) (Entered: 12/19/2006)   |
| 12/22/2006 | <a href="#">50</a> | ORDER granting <a href="#">49</a> Motion to Withdraw. The Clerk of Court is ordered to mark this matter as CLOSED. Ordered by JudgeJoanna Seybert on 12/22/06. C/ECF (Valle, Christine) (Entered: 12/26/2006)  |

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