

CLOSED

**U.S. District Court
Eastern District of New York (Uniondale)
CIVIL DOCKET FOR CASE #: 9:97-cv-03756-TCP-ETB**

Equal Employment v. Benihana, Inc., et al
Assigned to: Senior-Judge Thomas C. Platt
Referred to: Magistrate-Judge E. Thomas Boyle
Demand: \$0
Cause: 42:2000 Job Discrimination (Sex)

Date Filed: 06/27/1997
Date Terminated: 10/20/1998
Jury Demand: Plaintiff
Nature of Suit: 442 Civil Rights: Jobs
Jurisdiction: U.S. Government Plaintiff

Plaintiff

**Equal Employment Opportunity
Commission**

represented by **Michael B. Ranis**
Equal Employment Opportunity
Commission
New York District Office
33 Whitehall St
5th Floor
New York, NY 10004
(212) 336-3701
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ATTORNEY TO BE NOTICED

V.

Defendant

Benihana, Inc.
TERMINATED: 10/20/1998

represented by **Henry T. Berger**
Fisher, Fisher & Berger
One Whitehall Street
New York, NY 10004
(212) 514-8888
TERMINATED: 10/20/1998
ATTORNEY TO BE NOTICED

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TERMINATED: 10/20/1998
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Defendant

Benihana of Tokyo, Inc.

represented by **Henry T. Berger**
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Date Filed	#	Docket Text
06/27/1997	1	COMPLAINT filed and summons(es) issued for Benihana, Inc., Benihana of Tokyo (Kearney, Tom) (Entered: 06/30/1997)
08/08/1997	2	ORDER dated 8/8/97, this case has been referred to Mag. Judge Boyle for purposes of case management, the scheduling of discovery, resolution of discovery disputes, settlement conferences and any other purposes set forth. (signed by Magistrate-Judge E. T. Boyle) (Donovan, Donna) (Entered: 08/11/1997)
08/13/1997	3	AMENDED COMPLAINT by Equal Employment , (Answer due 8/23/97 for Benihana of Tokyo, for Benihana, Inc.) amending [1-1] complaint (Donovan, Donna) (Entered: 08/15/1997)
08/13/1997		DEMAND for jury trial by Equal Employment (entered on doc #3) (Donovan, Donna) (Entered: 08/15/1997)
08/13/1997	4	LETTER dated 8/12/97 from Michael B. Ranis to Judge Platt RE: enclosed please find a courtesy copy of the amended complaint. (fe) (Entered: 08/20/1997)
09/02/1997	5	WAIVER OF SERVICE Returned Executed as to Benihana, Inc., Benihana of Tokyo 7/2/97 Answer due on 8/31/97 for Benihana of Tokyo, for Benihana, Inc. (Donovan, Donna) (Entered: 09/05/1997)

09/02/1997	6	ANSWER by Benihana, Inc., Benihana of Tokyo to amended complaint (Donovan, Donna) (Entered: 09/05/1997)
09/02/1997	7	Disclosure of interested parties by Benihana, Inc., Benihana of Tokyo (Donovan, Donna) (Entered: 09/05/1997)
09/04/1997		Returning request papers to be admitted pro hac vice by William Briggs for dfts, sent on 9/4/97 . (Donovan, Donna) (Entered: 09/04/1997)
09/09/1997	8	AFFIDAVIT by Kyle P. Kelley on behalf of Benihana, Inc., Benihana of Tokyo Re:in support of motion to be admitted pro hac vice. (Donovan, Donna) (Entered: 09/23/1997)
09/12/1997	9	ORDER dated 9/12/97, for Kyle P. Kelley, Richard L. Mann to appear pro hac vice on the conditions that Judith E. Held of Fisher, Fisher and Berger, P.C. will remain responsible for all proceedings including trial on this case (signed by Judge Thomas C. Platt) (Donovan, Donna) (Entered: 09/23/1997)
09/12/1997	10	ORDER dated 9/12/97, set status conference for 3:30 11/10/97 before Magistrate-Judge E. T. Boyle (signed by Magistrate-Judge E. T. Boyle) cm (fe) (Entered: 09/24/1997)
09/16/1997	11	ORDER dated 9/19/97, granting appearance pro hac vice by Wiliam J. Briggs. (signed by Judge Thomas C. Platt) cm (fe) (Entered: 09/24/1997)
09/16/1997	12	AFFIDAVIT of Judith E. Held on behalf of Benihana, Inc., Benihana of Tokyo in support of [9-1] order for Kyle P. Kelley, Richard L. Mann to appear pro hac vice on the conditions that Judith E. Held of Fisher, and Berger, P.C. will remain responsible for all including trial on this case (fe) (Entered: 09/25/1997)
10/03/1997	13	Disclosure of interested parties by Benihana, Inc., Benihana of Tokyo (fe) (Entered: 10/10/1997)
11/10/1997		Status conference held (Donovan, Donna) (Entered: 11/14/1997)
11/10/1997	14	Calendar entry: Before Mag. Judge Boyle on 11/10/97 at 3:30 pm. Civil cause for initial conference held. set discovery due for 4/30/98 not including experts , set status conference for 2:30 5/8/98 before Magistrate E. T. Boyle (Donovan, Donna) (Entered: 11/14/1997)
11/17/1997	15	NOTICE of Change of Firm Name by Benihana, Inc., Benihana of Tokyo (Donovan, Donna) (Entered: 12/02/1997)
01/20/1998	16	NOTICE of Change of Firm Name by counsel to Benihana, Inc., Benihana of Tokyo from Richman, Lawrence, Mann, Greene, Chizever & Phillips to Richman, Lawrence, Mann, Chizever & Phillips. (fe) (Entered: 01/27/1998)
04/27/1998	17	Letter MOTION by Equal Employment reset status conference within 45 days of the 4/29/98 date before Magistrate E. T. Boyle , Motion hearing [17-1] motion (Barhome, Sydelle) (Entered: 05/04/1998)
04/29/1998		ENDORSED ORDER dtd. 4/29/98: Referring to Doc. #17, the pre-trial conference is cancelled. The parties are directed to the Consent Decree to Judge Platt for his approval, within 45 days. (signed by Mag. J. Boyle) (Barhome, Sydelle) Modified on 05/04/1998 (Entered: 05/04/1998)

05/14/1998	18	LETTER dated 5/12/98 from Chong Kum You to Mag. Judge Boyle ;Notification to the court hthat a settlement has been offered. (Lundy, Lisa) (Entered: 06/22/1998)
06/05/1998	19	REQUEST for a pro se attorney through the court to contest the Consent Decree from Chong Kum You to Mag. Judge Boyle (Lundy, Lisa) (Entered: 06/22/1998)
06/16/1998	20	Letter MOTION by Benihana of Tokyo, Benihana, Inc. to extend time three weeks in which to attempt to finalize a Consnet Decree , Motion hearing (Lundy, Lisa) (Entered: 06/22/1998)
06/18/1998		Endorsed order The applicant for counsel is directed to contact the pro-se clerk, Allen Herrzfeld, and complete the formal prerequisites for this application, which should be provided to the court [19-1] requested (Signed by Magistrate E. T. Boyle) c/m (Lundy, Lisa) (Entered: 06/22/1998)
06/18/1998		Endorsed order granting [20-1] motion to extend time three weeks in which to attempt to finalize a Consnet Decree, In the event that this matter is not settled by 7/7/98 this matter is scheduled for a set status conference for 10:30 7/17/98 before Magistrate E. T. Boyle (Signed by Magistrate E. T. Boyle) c/f (Lundy, Lisa) (Entered: 06/22/1998)
06/25/1998	26	LETTER dated 6/24/98 from Wayne Holder to USDJ Platt RE: Requesting a conference to attempt to resolve a dispute which arose in this matter regarding attorney's fees. (Branciforte, Ralph) (Entered: 08/05/1998)
06/29/1998	21	MOTION by Chong Kum You for appointment of counsel , Motion hearing (Branciforte, Ralph) (Entered: 07/08/1998)
06/29/1998	22	AFFIDAVIT by Chong Kum You in support of her [21-1] motion for appointment of counsel (Branciforte, Ralph) (Entered: 07/08/1998)
07/07/1998	23	ORDER dtd. 7/7/98 granting [21-1] motion for appointment of counsel (signed by Magistrate E. T. Boyle) CM, CF (Branciforte, Ralph) (Entered: 07/08/1998)
07/17/1998		Status conference held (Branciforte, Ralph) (Entered: 07/20/1998)
07/17/1998	24	Calendar entry: Before USMJ Boyle 7/17/98 @ 10:30 AM. Civil Cause For Status Conference. Case called. Counsel for parties present. setting status conference for 10:30 8/25/98 before Magistrate E. T. Boyle The brief schedule for Messrs. Holden and Flores motion for counsel fees is as follows: movant papers by 9/12/98 , Response to motion by 9/16/98 , Reply to Response to Motion by 9/23/98 CG (Branciforte, Ralph) (Entered: 07/20/1998)
07/17/1998		Status conference held (Branciforte, Ralph) (Entered: 07/22/1998)
07/17/1998	25	Calendar entry: Before USDJ Platt on 7/17/98 @ 10:30 AM. Civil Cause For Pre-Motion Conference (Attorney Fees). Case called. Counsel for parties present. C/R Mary Cutrell. Case referred to USMJ Boyle to hear the motion. (Branciforte, Ralph) (Entered: 07/22/1998)
08/13/1998	35	LETTER dated 8/11/98 from Michael Ranis to USMJ Boyle RE: Enclosed please find the Consent Decree executed by both parties in this case. (Branciforte, Ralph) (Entered: 10/22/1998)

08/24/1998	27	Letter MOTION by Equal Employment request to be permitted to attend the conference scheduled for 8/25/98 by telephone , Motion hearing (Lundy, Lisa) (Entered: 08/25/1998)
08/24/1998		Endorsed order granting [27-1] motion request to be permitted to attend the conference scheduled for 8/25/98 by telephone (Signed by Magistrate E. T. Boyle) c/f (Lundy, Lisa) (Entered: 08/25/1998)
08/25/1998	28	LETTER dated 8/25/98 from Judith Held to Mag. Judge Boyle; Notification to the court that Judith Held will participate by telephone at the 8/25/98 status conf. (Lundy, Lisa) (Entered: 08/25/1998)
08/25/1998		Status conference held (Branciforte, Ralph) (Entered: 08/26/1998)
08/25/1998	29	Calendar entry: Before USMJ Boyle on 8/25/98 @ 10:30 AM. Civil Cause for Telephone Status Conference. Case called. Counsel for parties present. setting status conference for 11:30 9/1/98 by phone or personal appearance before Magistrate E. T. Boyle (Branciforte, Ralph) (Entered: 08/26/1998)
09/01/1998		SEALED DOCUMENT placed in vault RE: Application & Order (Toritto, James) (Entered: 09/02/1998)
09/01/1998		Status conference held (Branciforte, Ralph) (Entered: 09/08/1998)
09/01/1998	30	Calendar entry: Before USMJ Boyle on 9/1/98 @ 11:30 AM. Civil Cause For Status Conference. Case called. Counsel for parties present. setting status conference and oral argument for 10:00 10/2/98 before Magistrate E. T. Boyle CG (Branciforte, Ralph) (Entered: 09/08/1998)
09/23/1998	31	Letter MOTION by Equal Employment request to adjourn the onference scheduled for 10/2/98 ,on consent Motion hearing (Lundy, Lisa) Modified on 09/24/1998 (Entered: 09/24/1998)
09/23/1998		Endorsed order granting [31-1] motion request to adjourn the conference scheduled for 10/2/98 is rescheduled to 10/6/98 at 4:00 P.M. (Signed by Magistrate E. T. Boyle) c/f (Lundy, Lisa) (Entered: 09/24/1998)
09/24/1998	32	LETTER dated 9/24/98 from Judith E. Held to Mag. Judge Boyle; Notification to the court that Ms Held can attend the adjourned conference on 10/5/98 and 10/6/98. (Lundy, Lisa) (Entered: 09/24/1998)
10/06/1998		SEALED DOCUMENT placed in vault Letter application dtd 10/6/98 (Lundy, Lisa) Modified on 04/05/1999 (Entered: 10/13/1998)
10/13/1998	33	TRANSCRIPT filed before Mag. Judge Boyle for dates of 10/6/98 (Lundy, Lisa) (Entered: 10/21/1998)
10/15/1998	34	ORDER Based on the failure by Messrs. Holder and Flores to adhere to the briefing scheduled and their failure to request an extension of time to file papers, counsel have waived any right to assert an attorneys' lien over the proceeds of settlement to be paid to the claimant, Susan Shiau. This ruling is without prejudice to counsel bringing an appropriate action in the state court based on any alleged breach of the retainer agreement. (signed by Magistrate E. T. Boyle) c/f (Lundy, Lisa) (Entered: 10/21/1998)

10/20/1998	36	CONSENT JUDGMENT/DECREE between Benihana Inc. and the EEOC. (see order for further details) (signed by Judge Thomas C. Platt, dtd. 10/20/98) (Branciforte, Ralph) (Entered: 10/22/1998)
10/20/1998	37	ORDER dtd. 10/20/98 dismissing party, Benihana of Tokyo with prejudice (signed by Judge Thomas C. Platt) (Branciforte, Ralph) (Entered: 10/22/1998)
10/20/1998		Case closed (Branciforte, Ralph) (Entered: 10/22/1998)
03/01/1999	38	Letter MOTION by Jocelyne Kristal request on how to proceed with case , Motion hearing (Lundy, Lisa) (Entered: 03/03/1999)
03/01/1999		Endorsed order denying [38-1] motion request on how to proceed with case with leave to renew on notice to all parties. (Signed by Magistrate E. T. Boyle) c/f (document not to be filed under seal) (Lundy, Lisa) (Entered: 03/03/1999)
03/16/1999		SEALED DOCUMENT placed in vault letter of Jocelyne S. Kristal dtd 3/8/99 (Lundy, Lisa) (Entered: 03/17/1999)

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