

CLOSED

**U.S. District Court
Eastern District of New York (Brooklyn)
CIVIL DOCKET FOR CASE #: 1:06-cv-04577-RER**

Equal Employment Opportunity Commission v. Books for Less, LLC et al
Assigned to: Magistrate Judge Ramon E. Reyes, Jr
Cause: 42:1981 Civil Rights
Date Filed: 08/24/2006
Date Terminated: 03/10/2008
Jury Demand: Plaintiff
Nature of Suit: 442 Civil Rights: Jobs
Jurisdiction: U.S. Government Plaintiff

Plaintiff

**Equal Employment Opportunity
Commission**

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V.

Defendant

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TERMINATED: 06/19/2007
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Defendant**Books for Less, Inc.**

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Date Filed	#	Docket Text
08/24/2006	<u>1</u>	COMPLAINT against Books for Less, LLC, Books for Less, Inc., filed by Equal Employment Opportunity Commission. (Attachments: # <u>1</u> Civil Cover Sheet)(Tzou, Ilene) (Entered: 08/24/2006)
08/24/2006		Summons Issued as to Books for Less, LLC, Books for Less, Inc.. (Tzou, Ilene) (Entered: 08/24/2006)
10/20/2006	<u>2</u>	First MOTION for Extension of Time to File <i>a Response to the Complaint</i> by Books for Less, LLC. (Weiss, Steven) (Entered: 10/20/2006)
10/23/2006		ORDER granting <u>2</u> First Motion for Extension of Time to File Answer filed by Weiss, Steven for deft. Books For Less. Answer due 11/15/06.Ordered by JudgeRamon E. Reyes Jr. on 10/21/06.(Vertus, Miriam) (Entered: 10/23/2006)
11/13/2006	<u>3</u>	MOTION to Dismiss <i>Letter requesting conference to propose submission of a motion to dismiss</i> by Books for Less, LLC. (Weiss, Steven) (Entered: 11/13/2006)
11/22/2006	<u>4</u>	RESPONSE in Opposition re <u>3</u> MOTION to Dismiss <i>Letter requesting conference to propose submission of a motion to dismiss</i> filed by Equal Employment Opportunity Commission. (Yamada, Stella) (Entered: 11/22/2006)
11/30/2006	<u>5</u>	NOTICE by Books for Less, LLC, Books for Less, Inc. of <i>Firm Merger and Name Change dated November 28, 2006</i> (Finger, Joel) (Entered: 11/30/2006)
12/05/2006	<u>6</u>	SCHEDULING ORDER:Pre Motion Conference set for 1/8/2007 at 11:00 AM in courtroom 6D South before Judge Nina Gershon. All parties involved in the action are directed to appear at this conference, whether or not they are involved in the proposed motion(s). The parties are reminded to adhere to the Individual Motion Practices of Judge Nina Gershon which are attached. So Ordered by Judge Nina Gershon on 12/5/2006. (Joe,Victor) (Entered: 12/05/2006)
12/22/2006	<u>7</u>	Letter <i>Regarding Upcoming Court Conference</i> by Equal Employment Opportunity Commission. (Yamada, Stella) (Entered: 12/22/2006)
01/04/2007	<u>8</u>	Letter <i>in Response to Letter Submitted by the EEOC</i> by Books for Less, LLC (Weiss, Steven) (Entered: 01/04/2007)
01/08/2007	<u>12</u>	Minute Entry for proceedings held before Nina Gershon : Pre Motion Conference held on 1/8/2007. Counsel for parties present. Case called. Pre Motion Conference held. Parties are directed to contact Magistrate Judge Reyes to schedule a settlement

		conference. (Clarke, Melonie) (Entered: 01/17/2007)
01/09/2007	<u>9</u>	Letter to <i>Magistrate Judge Requesting Settlement Conference</i> by Equal Employment Opportunity Commission (Yamada, Stella) (Entered: 01/09/2007)
01/10/2007		SCHEDULING ORDER: Settlement Conference set for 2/2/2007@ 10:15 AM in Courtroom A, North Wing on the 2nd floor before Magistrate–Judge Ramon E. Reyes Jr.. Parties with full settlement authority must be present at the conference, or be available directly by telephone from 10:15 a.m. to 11:15 a.m.. Parties must submit Confidential Settlement Letters (minimum of five pages, single spaced) via faxed to chambers by 3 business days 1/26/07. Said letters must detail the parties settlement efforts to date, the amounts of the latest demands and counter offers, the legal and factual bases for the settlement, and the parties respective bottom lines. Plaintiffs counsel is directed to confirm with defendants counsel that all necessary participants are aware of this conference. Absent exigent circumstances, requests for adjournment will not be considered unless made in writing and received at least forty–eight(48) Ordered by Judge Ramon E. Reyes Jr. on 1/10/07. (Vertus, Miriam) (Entered: 01/10/2007)
01/12/2007	<u>10</u>	First MOTION to Adjourn Conference <i>Letter requesting adjournment of settlement conference</i> by Books for Less, LLC. (Weiss, Steven) (Entered: 01/12/2007)
01/12/2007		ORDER granting in part <u>10</u> First MOTION to Adjourn Settlement Conference from February 2, 2007 to March 2, 2007 at 11:30 a.m. filed by Books for Less, LLC. (Weiss, Steven). The Telephone Conference set for January 17, 2007 at 10:30 a.m.; to be initiated by defense will address defendant's request to have the Charging Parties present at the settlement conference. Ordered by Judge Ramon E. Reyes Jr. on 1/12/07. (Vertus, Miriam) (Entered: 01/12/2007)
01/16/2007	<u>11</u>	Letter to <i>Magistrate Reyes regarding upcoming conference</i> by Equal Employment Opportunity Commission (Yamada, Stella) (Entered: 01/16/2007)
01/17/2007	<u>13</u>	Minute Entry for proceedings held before Ramon E. Reyes Jr.: Status/(Telephone) Conference held on 1/17/2007. Stella Yamada, Esq., Robert D. Rose, Esq. for plaintiff and Steven K. Weiss, Esq. for defendant. Defendants to provide contact information for all current and former employees from 12/04 to present within two weeks. Parties to meet and confer on settlement at least once (for two hours) before the next conference with the court. A settlement conference will be held on 3/2/07 at 11:30 a.m. absent request for adjournment. Charging Parties need not appear. Confidential settlement letters are due on 2/23/07 instead of 1/26/07 via fax only as stated in the previous scheduling order dated 1/10/07. (ESR/Tape:#07/10 (0–3358).) (Vertus, Miriam) (Entered: 01/17/2007)
01/19/2007	<u>14</u>	Letter <i>requesting permission to Amend Complaint</i> by Equal Employment Opportunity Commission (Attachments: # <u>1</u> Stipulation # <u>2</u> Amended Complaint) (Yamada, Stella) (Entered: 01/19/2007)
01/19/2007		ORDER re <u>14</u> Letter filed by Equal Employment Opportunity Commission. Plaintiff's request is granted. The amended complaint may be filed forthwith. Ordered by Judge Ramon E. Reyes Jr. on 1/19/07. (Reyes, Ramon) (Entered: 01/19/2007)
01/19/2007	<u>15</u>	AMENDED COMPLAINT against all defendants, filed by Equal Employment Opportunity Commission. (Yamada, Stella) (Entered: 01/19/2007)
01/25/2007	<u>16</u>	Letter <i>requesting Court intervention</i> by Equal Employment Opportunity Commission (Yamada, Stella) (Entered: 01/25/2007)
01/30/2007	<u>17</u>	Letter <i>opposing Plaintiff's request for the Court's intervention</i> by Books for Less, LLC (Weiss, Steven) (Entered: 01/30/2007)
02/02/2007		ORDER re <u>16</u> Letter filed by Equal Employment Opportunity Commission, <u>17</u> Letter filed by Books for Less, LLC. The Court construes plaintiff's January 25, 2007 letter to be a request for preliminary injunctive relief. The parties are hereby ordered to contact chambers to schedule a preliminary injunction hearing, at which all witnesses to the alleged continuing harassment/retaliation will be required to appear. Defendants will also be required to have their witnesses present at the hearing. Following the hearing the Court will issue a report and recommendation to Judge Gershon regarding the requested injunctive relief. Ordered by Judge Ramon E. Reyes Jr. on 2/2/07. (Reyes,

		Ramon) (Entered: 02/02/2007)
02/05/2007	<u>18</u>	ANSWER to Amended Complaint by Books for Less, LLC. (Weiss, Steven) (Entered: 02/05/2007)
02/13/2007	<u>19</u>	STIPULATION <i>Limiting Defendant's Contact with Claimants in this Matter</i> by Equal Employment Opportunity Commission (Rose, Robert) (Entered: 02/13/2007)
02/13/2007	<u>20</u>	ORDER granting re <u>19</u> STIPULATION <i>Limiting Defendant's Contact with Claimants in this Matter</i> filed by Equal Employment Opportunity Commission (Rose, Robert). So Ordered by Judge Ramon E. Reyes Jr. on 2/13/07. (Vertus, Miriam) (Entered: 02/13/2007)
02/16/2007	<u>21</u>	Letter <i>seeking the Court's intervention</i> by Books for Less, LLC (Weiss, Steven) (Entered: 02/16/2007)
02/20/2007	<u>22</u>	Letter <i>In Opposition to Defendant's Feb. 16, 2007 Letter Requesting Various Relief</i> by Equal Employment Opportunity Commission (Rose, Robert) (Entered: 02/20/2007)
02/21/2007		ORDER re <u>21</u> Letter filed by Books for Less, LLC. Defendants' request for "court intervention" is denied in its entirety. First, the letter fails to comply with Judge Reyes's individual rules of practice, which require that all requests for court intervention be filed as "motions" and not "letters." See Rule II.B. Second, the request for intervention itself lacks merit for the reasons stated in plaintiff's response. Ordered by Judge Ramon E. Reyes Jr. on 2/21/07. (Reyes, Ramon) (Entered: 02/21/2007)
02/26/2007	<u>23</u>	Letter <i>requesting a pre-motion conference to file Motion to Strike Affirmative Defenses</i> by Equal Employment Opportunity Commission (Yamada, Stella) (Entered: 02/26/2007)
03/05/2007	<u>24</u>	Minute Entry for proceedings held before Ramon E. Reyes Jr.: Settlement Conference held on 3/2/2007. Appearances for plaintiff: Stella N. Yamada, Esq., and Robert D. Rose, Esq.. Steven K. Weiss, Esq., Jean L. Schmidt, Esq. and Robert I. Satran, Esq. for the defendants. Discussions held. See attached minute calendar for deadlines. A settlement conference will be held on 5/25/07 at 11:00a.m., all parties with their clients or an attorney with full authority must be present. (Tape #11:32:06 - 1:02:57.) (Vertus, Miriam) (Entered: 03/05/2007)
03/07/2007	<u>25</u>	Letter <i>in response to Plaintiff's request for a pre-motion conference</i> by Books for Less, LLC (Weiss, Steven) (Entered: 03/07/2007)
03/15/2007		ORDER re <u>23</u> Letter filed by Equal Employment Opportunity Commission, <u>25</u> Letter filed by Books for Less, LLC. The court is in receipt of the parties' letters regarding a pre-motion conference to discuss plaintiff's proposed motion to strike affirmative defenses from defendants' answer. A pre-motion conference is not necessary. The parties should attempt to agree on a briefing schedule to commence after the May 25, 2007 settlement conference before Magistrate Judge Reyes. Ordered by Judge Nina Gershon on 3/15/07. (O'Neill, Melissa) (Entered: 03/15/2007)
03/19/2007	<u>26</u>	MOTION for Discovery <i>for form of confidentiality stipulation related to the production of certain confidential information</i> by Books for Less, LLC. (Weiss, Steven) (Entered: 03/19/2007)
03/19/2007		SCHEDULING ORDER: Telephone Conference set for 3/23/2007 at 12:15 AM re <u>26</u> Motion for discovery for form of confidentiality stipulation related to the production of certain confidential information filed by Books for Less, LLC before Magistrate-Judge Ramon E. Reyes Jr.. Defendant's counsel for Books for Less, LLC to initiate the call.. Ordered by Judge Ramon E. Reyes Jr. on 3/19/07. (Vertus, Miriam) (Entered: 03/19/2007)
03/19/2007	<u>27</u>	Letter <i>in response to Defendants' Letter concerning Confidential Stipulation</i> by Equal Employment Opportunity Commission (Yamada, Stella) (Entered: 03/19/2007)
03/26/2007		Minute Entry for proceedings held before Ramon E. Reyes Jr.: Telephone Conference held on 3/23/2007. Stella Yamada and Robert Rose for EEOC, Steven Weiss for defendants. Proposed protective order discussed. Parties to inform chambers by 3/30/07 whether proposed revision to paragraph suggested by Judge Reyes is acceptable. If it is, parties to resubmit revised order at that time. If not, further

		conference will be scheduled or the court may enter a protective order sua sponte. (Court Reporter none.) (Reyes, Ramon) . (Entered: 03/26/2007)
03/27/2007	<u>28</u>	Letter <i>regarding proposed Confidentiality Order</i> by Equal Employment Opportunity Commission (Yamada, Stella) (Entered: 03/27/2007)
04/03/2007	<u>29</u>	Letter <i>regarding confidentiality stipulation</i> by Books for Less, LLC (Weiss, Steven) (Entered: 04/03/2007)
04/09/2007	<u>30</u>	ORDER granting in part and denying in part <u>26</u> Motion for Discovery. Ordered by JudgeRamon E. Reyes Jr. on 4/9/07. (Reyes, Ramon) (Entered: 04/09/2007)
04/09/2007	<u>31</u>	MOTION for Reconsideration re <u>30</u> Order on Motion for Discovery by Books for Less, LLC. (Weiss, Steven) (Entered: 04/09/2007)
04/10/2007	<u>32</u>	Letter <i>in opposition to Defendants' Motion for Reconsideration</i> by Equal Employment Opportunity Commission (Yamada, Stella) (Entered: 04/10/2007)
04/13/2007		ORDER denying <u>31</u> Motion for Reconsideration for the reasons stated in the Letter filed by Equal Employment Opportunity Commission <u>32</u> . Ordered by JudgeRamon E. Reyes Jr. on 4/13/07. (Reyes, Ramon) (Entered: 04/13/2007)
04/19/2007	<u>33</u>	Letter <i>requesting Court's assistance on scheduling dispute</i> by Equal Employment Opportunity Commission (Yamada, Stella) (Entered: 04/19/2007)
04/20/2007		ORDER granting re <u>33</u> Amended Schedule Letter filed by Equal Employment Opportunity Commission(see doc.# <u>33</u> for deadlines). Ordered by Judge Ramon E. Reyes Jr. on 4/20/07. (Vertus, Miriam) (Entered: 04/20/2007)
05/08/2007	<u>34</u>	NOTICE of Appearance by Sunu P. Chandy on behalf of Equal Employment Opportunity Commission (aty to be noticed) (Chandy, Sunu) (Entered: 05/08/2007)
05/24/2007		ORDER. A multi-purpose conference/hearing will be held on June 21, 2007 at 11:30 a.m. in Courtroom A, North Building, before Magistrate Judge Reyes. The conference/hearing will address the following, in order: 1) the EEOC's motion to disqualify Mr. Satran from participating in these proceedings; 2) settlement; and 3) remaining discovery. Counsel must ensure that all witnesses and relevant parties are present at the conference/hearing. Ordered by Judge Ramon E. Reyes Jr. on 5/24/07. (Reyes, Ramon) (Entered: 05/24/2007)
05/31/2007	<u>35</u>	Letter <i>rescheduling the conference scheduled for June 21, 2007 to June 12, 2007 or other convenient date for the Court</i> by Books for Less, Inc. (Weiss, Steven) (Entered: 05/31/2007)
06/01/2007		AMENDED SCHEDULING ORDER: The Settlement Conference previously scheduled for 6/21/07 has been adjourned to 6/27/2007 @11:00 AM in Courtroom A, North Wing before Magistrate-Judge Ramon E. Reyes Jr.Ordered by Judge Ramon E. Reyes Jr. on 6/1/07. (Vertus, Miriam) (Entered: 06/01/2007)
06/18/2007	<u>36</u>	NOTICE of Consent to Change Attorney by Jane Blair Jacobs (Attachments: # <u>1</u> Affidavit Jane B. Jacobs in Support of Order Permitting Substitution of Counsel) (Jacobs, Jane) (Entered: 06/18/2007)
06/19/2007	<u>37</u>	ORDER re <u>36</u> Notice of Consent to Change Attorney filed by Books for Less, LLC, Books for Less, Inc. So Ordered by Judge Ramon E. Reyes Jr. on 6/19/07. (Vertus, Miriam) (Entered: 06/19/2007)
06/27/2007		Minute Entry for proceedings held before Ramon E. Reyes Jr.: Settlement Conference held on 6/27/2007. Parties still too far apart for settlement discussions to be fruitful. Parties urged to continue discussing settlement amongst themselves. In the interim, the Court sets the following discovery schedule: 1) all depositions on corporate structure and interrelatedness must be completed by 9/21/07 (including 30(b)(6) and Rule 45 depositions, and the depositions of Michael Shmuelly and Michael Caputo); 2) Plaintiff must serve its motion to amend by 11/9/07 (including service on parties to be added), defendants must serve their oppositions by 11/30/07, and plaintiff must serve its reply and electronically file all motions papers by 12/7/07; 3) fact depositions will commence after decision on plaintiff's motion to amend (most likely in the beginning of January 2008); 4) paper discovery is to commence promptly; 5) all claimants will be added by 11/2/07 absent showing of good cause by EEOC; 6) letter briefs on the

		Lermer contact issue are to be electronically filed by 7/20/07; 7) parties are to work toward amicable resolution of dispute regarding Mr. Satran's participation in this case and whether he will be deposed (if issue is not resolved amicably parties are directed to contact the court). A further telephone conference will be held on 1/8/08 at 11:15 a.m., at which time the court will set a schedule for the completion of further discovery. (FTR:#(11:11:36- 12:20:09)) (Reyes, Ramon) Modified on 6/28/2007 (Vertus, Miriam). (Entered: 06/27/2007)
07/02/2007	<u>38</u>	NOTICE of Appearance by Adam C. Weiss on behalf of Books for Less, Inc. (aty to be noticed) (Weiss, Adam) (Entered: 07/02/2007)
07/03/2007		ORDER terminating <u>3</u> Motion to Dismiss (Marziliano, August) (Entered: 07/03/2007)
07/20/2007	<u>39</u>	Letter <i>Regarding Parties' Contact with Charging Party Lermer</i> by Equal Employment Opportunity Commission (Chandy, Sunu) (Entered: 07/20/2007)
07/20/2007	<u>40</u>	Letter by Books for Less, LLC, Books for Less, Inc. (Weiss, Adam) (Entered: 07/20/2007)
07/23/2007		ORDER re <u>40</u> Letter filed by Books for Less, LLC, Books for Less, Inc. and <u>39</u> Letter filed by Equal Employment Opportunity Commission. For the reasons set forth in the EEOC's letter of July 20, 2007, I hereby hold that defendants do not have the right to be present during the EEOC's interviews of Mr. Lermer. Because Mr. Lermer is a FORMER employee, DR 7-104(A)(1) does not prohibit the EEOC from interviewing him outside the presence of defendants' counsel. See, e.g., Niesig v. Team I, 76 N.Y.2d 363, 368 (1990). The arguments in defendants' letter, and the cases upon which they rely, are not to the contrary. To protect against any inadvertent disclosure of attorney-client communications: (1) the EEOC is directed to inform Mr. Lermer not to disclose to it any attorney-client communications, (2) the EEOC shall refrain from seeking to elicit from Mr. Lermer the disclosure of any attorney-client communications, and (3) the disclosure of any attorney-client communications Mr. Lermer may make to the EEOC during these interviews will not be binding upon defendants. Further, because I hold that the EEOC has a de facto attorney-client relationship with Mr. Lermer, defendants counsel shall be precluded from any contact with Mr. Lermer outside the presence of EEOC counsel. I have carefully reviewed the parties' respective submissions and find defendants' arguments to be without merit. I specifically reject defendants' argument that because of his purported "direct stake in the outcome of this litigation," Mr. Lermer will have an incentive to disclose confidential communications. Contrary to defendants' argument, and notwithstanding Mr. Lermer's disclosure of purported confidential financial records and information, and the disclosure of his conversation with counsel for defendants, Mr. Satran, in which he claims to have been retaliated against, Mr. Lermer has yet to disclose any attorney-client communications. The substance of the Satran conversation was not privileged. In any event, the restrictions set forth in this order on the EEOC's interviews of Mr. Lermer will be sufficient to safeguard against the inadvertent or purposeful disclosure of privileged communications. Ordered by Judge Ramon E. Reyes Jr. on 7/23/07. (Reyes, Ramon) (Entered: 07/23/2007)
09/12/2007	<u>41</u>	Letter MOTION for Discovery <i>to Compel Production & Testimony & Seeking Discovery Extensions</i> by Equal Employment Opportunity Commission. (Chandy, Sunu) (Entered: 09/12/2007)
09/12/2007	<u>42</u>	RESPONSE to Motion re <u>41</u> Letter MOTION for Discovery <i>to Compel Production & Testimony & Seeking Discovery Extensions</i> filed by Books for Less, LLC. (Weiss, Adam) (Entered: 09/12/2007)
09/14/2007	<u>43</u>	REPLY to Response to Motion re <u>41</u> Letter MOTION for Discovery <i>to Compel Production & Testimony & Seeking Discovery Extensions</i> filed by Equal Employment Opportunity Commission. (Chandy, Sunu) (Entered: 09/14/2007)
09/14/2007		ORDER granting <u>42</u> Letter MOTION to extend filing deadline to 9/18/2007 for response to <u>41</u> Letter MOTION for Discovery <i>to Compel Production & Testimony & Seeking Discovery Extensions</i> by Equal Employment Opportunity Commission. Pursuant to the Court's Individual Practice Rule II.B, Books for Less, LLC are hereby instructed to file all requests for court intervention electronically under "Motions" and not "Response.". Ordered by Judge Ramon E. Reyes Jr. on 9/13/2007. (Warshaw, Aaron) (Entered: 09/14/2007)

09/18/2007	<u>44</u>	RESPONSE in Opposition re <u>41</u> Letter MOTION for Discovery <i>to Compel Production & Testimony & Seeking Discovery Extensions</i> filed by Books for Less, LLC. (Weiss, Adam) (Entered: 09/18/2007)
09/19/2007	<u>45</u>	Letter MOTION for Discovery <i>Seeking Permission to Conduct Depositions on 9/24/07</i> by Equal Employment Opportunity Commission. (Chandy, Sunu) (Entered: 09/19/2007)
09/19/2007		ORDER granting in part and denying in part <u>41</u> Motion for Discovery; granting in part and denying in part <u>45</u> Motion for Discovery. After reviewing the parties' submissions, the Court sets the following revised discovery schedule: 1) defendant shall produce by 10/9/07 all documents responsive to EEOC's 7/20/07 Rule 30(b)(6) notice, the 7/20/07 notice to depose Michael Shmuely, and the 8/9/07 request for production of documents; 2) defendant shall produce by 10/26/07 a 30(b)(6) witness on corporate structure for a full day of deposition (if the designated witness is Michael Shmuely, the deposition will be for 5 hours); 3) all depositions on corporate structure and interrelatedness (whether by Rule 30(b)(6) or 45) must be completed by 10/26/07; 4) EEOC must serve its motion to amend by 12/7/07 (including service on parties to be added), defendants must serve their oppositions by 12/28/07, and EEOC must serve its reply and electronically file all motions papers by 1/8/08; 5) fact depositions and written discovery on all other issues will commence after the EEOCs motion to add additional parties has been filed; 6) to the extent it has not already done so, defendant is to produce a list of its employees from 1/1/02 to the present, including last known mailing addresses, race and national origin, social security numbers, position, date of hire and date and reason for termination if applicable, no later than 9/28/07; 7) EEOC will have until 11/5/07 to add additional claimants, absent a showing of good cause to extend that date; 8) the Rule 45 depositions of David and Eric Shmuely will take place on 9/24/07, or any other date when all counsel can be present (the parties are directed to multi-track the depositions if necessary). The parties and counsel are advised that the rulings herein will not be amended absent the showing of exceptional cause. The parties and counsel are also advised that their failure to amicably resolve these discovery disputes (as well as the other disputes already ruled upon), reflects negatively upon the Court's assessment of their professional abilities. Ordered by Judge Ramon E. Reyes Jr. on 9/19/07. (Reyes, Ramon) (Entered: 09/19/2007)
11/29/2007	<u>46</u>	Letter MOTION for Discovery <i>Providing Status Update & Requesting Discovery Rulings and Entry of Discovery Scheduling Order</i> by Equal Employment Opportunity Commission. (Chandy, Sunu) (Entered: 11/29/2007)
11/29/2007	47	SCHEDULING ORDER: Telephone Conference set for 12/6/2007 @ 12:45 PM before Magistrate Judge Ramon E. Reyes Jr. Call to be initiated by EEOC. Purpose of telephone conference is to discuss footnote 2 in the EEOC's letter of November 29, 2007. Ordered by Magistrate Judge Ramon E. Reyes, Jr on 11/29/07. (Reyes, Ramon) (Entered: 11/29/2007)
12/04/2007	<u>48</u>	RESPONSE in Opposition re <u>46</u> Letter MOTION for Discovery <i>Providing Status Update & Requesting Discovery Rulings and Entry of Discovery Scheduling Order</i> filed by Books for Less, LLC. (Attachments: # <u>1</u> Exhibit A) (Jacobs, Jane) (Entered: 12/04/2007)
12/06/2007		Minute Entry for proceedings held before Magistrate Judge Ramon E. Reyes, Jr: Telephone Conference held on 12/6/2007. All counsel present. Discussions held. Parties to submit a status letter regarding settlement due on 1/4/2008. Defendant to make written counteroffer on settlement within (2)two weeks. (Tape #07/25(1340-2560).) (Vertus, Miriam) (Entered: 12/06/2007)
12/11/2007		ORDER granting in part and denying in part <u>46</u> Letter MOTION for Discovery. After reviewing the parties' submissions, the Court rules as follows: 1) pursuant to my 9/19/2007 order, defendants shall produce by 12/21/2007 all documents responsive to the EEOCs 7/20/07 Rule 30(b)(6) notice, the 7/20/07 notice to depose Michael Shmuely, and the 8/9/07 request for production of documents; 2) the deadline by which the EEOC is permitted to add new claimants is extended until 2/29/2008; 3) given that defendants are free to associate with local counsel or to appear by telephone or by video conference, the depositions of claimants residing outside of New York shall be taken at the witnesses city of residence unless the parties make other arrangements; 4) defendants do not oppose the EEOCs request to depose Robert Satran except as to privileged information, thus that deposition shall go forward; 5) pursuant

		to Fed. R. Civ. P. 26(c)(5), Michael Shmuely shall not be in the room during the depositions of current employees, although he may be present in the hallway or on the premises; 6) the deadline to complete all discovery shall be 6/30/2008. The parties are reminded that a status letter regarding settlement is due on 1/4/2008 and that a telephone conference is scheduled on 1/8/2008 at 11:15 AM, call to be initiated by plaintiff. Another telephone status conference is set for 3/28/2008 at 10:30 AM, call to be initiated by plaintiff; and an in-person final pre-trial conference is set for 7/2/2008 at 10:00 AM. Should the parties determine that expert discovery is warranted, they may make a motion to extend discovery and to adjourn the final pre-trial conference to a later date. Ordered by Magistrate Judge Ramon E. Reyes, Jr on 12/11/07. (Reyes, Ramon) (Entered: 12/11/2007)
12/11/2007	<u>49</u>	MOTION for Extension of Time to File <i>Joint Status Report</i> by Books for Less, LLC. (Jacobs, Jane) (Entered: 12/11/2007)
12/11/2007		ORDER granting <u>49</u> Motion for Extension of Time to File Status Report until 1/11/2008 and the date for the parties to meet is extended until 1/4/2008. Ordered by Magistrate Judge Ramon E. Reyes, Jr on 12/11/2007. (Vertus, Miriam) (Entered: 12/11/2007)
12/12/2007		NOTICE of Hearing Changed: Telephone Conference currently scheduled for 1/8/2008 has been adjourned to 1/18/2008 at 10:00 AM, call to be initiated by plaintiff before Magistrate Judge Ramon E. Reyes Jr.. (Vertus, Miriam) (Entered: 12/12/2007)
12/19/2007		ORDER granting defendant an extension to produce documents pursuant to my 12/11/2007 and 9/19/2007 orders. Defendant shall produce documents by 12/28/2007. Ordered by Magistrate Judge Ramon E. Reyes, Jr. on 12/19/2007. (Warshaw, Aaron) (Entered: 12/19/2007)
12/28/2007	<u>50</u>	MOTION for Discovery by Books for Less, LLC. (Attachments: # <u>1</u> Exhibit Employment Discrimination Report) (Jacobs, Jane) (Entered: 12/28/2007)
01/02/2008		ORDER denying <u>50</u> Motion for Discovery. Defendants' motion is denied. Nevertheless, defendants are hereby permitted to provide the EEOC with subpoenas for documents and depositions from the charging parties, and the EEOC in turn is ORDERED to serve the subpoenas on the charging parties within 5 business days. The charging parties will then be obligated to respond to the subpoenas. Ordered by Magistrate Judge Ramon E. Reyes, Jr on 1/2/08. (Reyes, Ramon) (Entered: 01/02/2008)
01/07/2008	<u>51</u>	Letter MOTION to Adjourn Conference (<i>1/18/08 telephone conference</i>) from all parties and to schedule in-person conference on 1/15 or 1/17 by Equal Employment Opportunity Commission. (Chandy, Sunu) (Entered: 01/07/2008)
01/08/2008		ORDER granting <u>51</u> Letter MOTION to Adjourn Conference (<i>1/18/08 telephone conference</i>) from all parties and to schedule in-person Settlement Conference on January 30, 2008 at 10:15 a.m. Ordered by Magistrate Judge Ramon E. Reyes, Jr on 1/8/2008. (Vertus, Miriam) (Entered: 01/08/2008)
01/14/2008	<u>52</u>	First MOTION to Adjourn Conference by Books for Less, LLC. (Jacobs, Jane) (Entered: 01/14/2008)
01/14/2008		ORDER granting <u>52</u> Motion to Adjourn Settlement Conference from 1/29/2008 to 2/1/2008 at 3:00 p.m.. Ordered by Magistrate Judge Ramon E. Reyes, Jr on 1/14/2008. (Vertus, Miriam) (Entered: 01/14/2008)
02/01/2008		Minute Entry for proceedings held before Magistrate Judge Ramon E. Reyes, Jr.: Settlement Conference held on 2/1/2008. Sunu P. Chandy and Elizabeth Grossman for plaintiffs. Jane Blair Jacobs for defendants. Michael Shmuely also in attendance for defendants. Discussions held. A further settlement conference is scheduled for February 14, 2008 at 11:30 AM before Magistrate Judge Ramon E. Reyes, Jr. Mr. Shmuely to appear at conference by telephone, all others to appear in person. (Tape #03:22:56-05:43:47.) (Warshaw, Aaron) (Entered: 02/01/2008)
02/13/2008	<u>53</u>	Joint MOTION to Adjourn Conference <i>scheduled for 2/14/08</i> by Equal Employment Opportunity Commission. (Chandy, Sunu) (Entered: 02/13/2008)

02/13/2008		ORDER granting <u>53</u> Joint MOTION to Adjourn Conference from 2/14/08 to 2/27/2008 at 2:45 PM. The scheduled settlement conference will go forth only if deem necessary by the parties otherwise a joint status report will be filed via ECF. March 7, 2008 is the deadline for the parties to submit the proposed Consent Decree in this matter for the Court's review and signature. Ordered by Magistrate Judge Ramon E. Reyes, Jr on 2/13/2008. (Vertus, Miriam) (Entered: 02/13/2008)
02/22/2008	<u>54</u>	STIPULATION /Parties Consent to Magistrate Judge Trial by Equal Employment Opportunity Commission (Chandy, Sunu) (Entered: 02/22/2008)
02/27/2008	<u>55</u>	First MOTION to Adjourn Conference by Books for Less, LLC. (Jacobs, Jane) (Entered: 02/27/2008)
02/27/2008		ORDER granting <u>55</u> Motion to Adjourn Conference. Telephone Conference has been adjourned to 3/3/08 @3:30 PM. Ordered by Magistrate Judge Ramon E. Reyes, Jr. on 2/27/08. (Rivera, Marta) (Entered: 02/27/2008)
02/28/2008	<u>56</u>	ORDER approved re <u>54</u> Consent to Magistrate Judge Ramon E. Reyes,Jr. forwarded to Judge Gershon's chambers for signature. Ordered by Magistrate Judge Ramon E. Reyes, Jr on 2/22/2008. (Vertus, Miriam) (Entered: 02/28/2008)
03/03/2008		SCHEDULING ORDER: Telephone Conference scheduled for today, 3/3/2008, is adjourned sine die per telephone conversation with Sunu P. Chandy. Ms. Chandy informed the Court that parties are close to reaching settlement. Parties shall submit settlement agreement, consent decree and/or stipulation of discontinuance by 3/7/2008. Ordered by Magistrate Judge Ramon E. Reyes, Jr. on 3/3/2008. (Warshaw, Aaron) (Entered: 03/03/2008)
03/04/2008	<u>57</u>	CONSENT to Jurisdiction by US Magistrate Judge. Case reassigned to Magistrate Magistrate Judge Ramon E. Reyes, Jr. Approved by MJ Reyes; dated 2/22/08. So Ordered by Judge Gershon; dated 2/27/08. (Vaughn, Terry) (Entered: 03/06/2008)
03/10/2008	58	SEALED ENVELOPE containing Exhibit F to Consent Decree (two pages) – claimant settlement amounts. So ordered by MJ Reyes; dated 3/10/08. (Vaughn, Terry) (Entered: 03/10/2008)
03/10/2008	<u>59</u>	Stipulation & Order Consent Decree. So Ordered by Magistrate Judge Ramon E. Reyes, Jr on 3/10/2008. (Vertus, Miriam) Modified on 3/10/2008 (Vertus, Miriam). (Entered: 03/10/2008)
03/10/2008		Civil Case Terminated. Ordered by Magistrate Judge Ramon E. Reyes, Jr on 3/10/2008. (Vertus, Miriam) (Entered: 03/10/2008)
02/18/2009	<u>60</u>	MOTION to Substitute Attorney (<i>Consent Order Granting Substitution of Attorney</i>) by Books for Less, LLC, Books for Less, Inc.. (Storch, Ellen) (Entered: 02/18/2009)
02/18/2009	<u>61</u>	NOTICE of Appearance by Ellen Storch on behalf of all defendants (notification declined or already on case) (Storch, Ellen) (Entered: 02/18/2009)
02/18/2009		Motions terminated, <u>60</u> MOTION to Substitute Attorney (<i>Consent Order Granting Substitution of Attorney</i>) filed by Books for Less, LLC, Books for Less, Inc.. (Vertus, Miriam) (Entered: 08/20/2009)
02/26/2009	<u>62</u>	SETTLEMENT AGREEMENT <i>Amendment</i> by Books for Less, Inc. (Storch, Ellen) (Entered: 02/26/2009)
03/20/2009	<u>63</u>	ORDER re <u>62</u> Settlement Agreement. Amendment to Consent Decree is hereby SO ORDERED. Ordered by Magistrate Judge Ramon E. Reyes, Jr on 3/20/2009. (Rodriguez, Adam) (Vertus, Miriam). Modified on 4/2/2009 correct document added(Vertus, Miriam). (Vertus, Miriam). (Entered: 03/20/2009)