

CLOSED

**U.S. District Court  
Eastern District of New York (Central Islip)  
CIVIL DOCKET FOR CASE #: 2:03-cv-04227-LDW-WDW**

Equal Employment Opportunity Commission v. Boston Market Corporation  
Assigned to: Senior-Judge Leonard D. Wexler  
Referred to: Magistrate-Judge William D. Wall  
Cause: 42:2000e Job Discrimination (Employment)

Date Filed: 08/26/2003  
Date Terminated: 07/28/2005  
Jury Demand: Plaintiff  
Nature of Suit: 442 Civil Rights: Jobs  
Jurisdiction: U.S. Government Plaintiff

**Movant****Christine Gagliardi**

represented by **Michael R. Curran**  
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**Plaintiff****Equal Employment Opportunity Commission**

represented by **Judy A. Keenan**  
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V.

**Defendant****Boston Market Corporation**represented by **Joel L. Finger**Thelen Reid Brown Raysman & Steiner  
LLP

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**LEAD ATTORNEY****ATTORNEY TO BE NOTICED**

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
08/26/2003	<a href="#">1</a>	COMPLAINT against Boston Market Corporation, filed by Equal Employment Opportunity Commission. (Attachments: # <a href="#">1</a> Civil Cover Sheet)(Duong, Susan) (Entered: 08/28/2003)
08/26/2003		Summons Issued as to Boston Market Corporation. (Duong, Susan) (Entered: 08/28/2003)
10/27/2003	2	ANSWER to Complaint filed by Boston Market Corporation.(Montero, Edher) (Entered: 11/04/2003)
11/14/2003	3	Notice of MOTION to Intervene <i>by proposed plaintiff Christine Gagliardi</i> . (Talbott, Thomas) (Entered: 02/25/2004)
11/14/2003	4	CERTIFICATION by Michael Curran in Support. re [3] Notice of MOTION to Intervene by proposed plaintiff Christine Gagliardi . (Talbott, Thomas) (Entered: 02/25/2004)
11/14/2003		EXHIBITS (a-c)in Support re [4] Certification in Support.Filed under seal . (Talbott, Thomas) (Entered: 02/25/2004)
11/14/2003	5	MEMORANDUM in Support re [3] Notice of MOTION to Intervene by proposed plaintiff Christine Gagliardi . (Talbott, Thomas) (Entered: 02/25/2004)
11/26/2003	6	Letter dated 11/26/03 from Steven Weiss to Magistrate Wall.Regarding :extend opposition to motion to intervene to 12/8/03. (Talbott, Thomas) (Entered: 02/25/2004)
12/01/2003	7	Letter dated 11/26/03 from Michael Curran to Magistrate Wall. Regarding briefing schedule for motion to intervene. (Talbott, Thomas) (Entered: 02/25/2004)
12/09/2003	8	MEMORANDUM in Opposition re [3] Notice of MOTION to Intervene by proposed plaintiff Christine Gagliardi by Boston Market Corporation. (Talbott, Thomas) (Entered: 02/25/2004)

12/09/2003	9	DECLARATION of Joel L. Finger in Opposition re [3] Notice of MOTION to Intervene by proposed plaintiff Christine Gagliardi by Boston Market Corporation. (Talbott, Thomas) (Entered: 02/25/2004)
12/09/2003	11	Letter dated 12/9/03 from Joel Finger to Magistrate Wall. Regarding :response to 11/26/03 letter from Michael Curran and 12/8/03 letter of EEOC. (Talbott, Thomas) (Entered: 02/25/2004)
12/10/2003	10	RESPONSE to Motion re [3] Notice of MOTION to Intervene by proposed plaintiff Christine Gagliardi filed by Equal Employment Opportunity Commission. (Talbott, Thomas) (Entered: 02/25/2004)
12/13/2003	12	PLAINTIFF-INTERVENOR'S REPLY in Support re [3] Notice of MOTION to Intervene by proposed plaintiff Christine Gagliardi . (Talbott, Thomas) (Entered: 02/25/2004)
02/06/2004		Incorrect Case-Document Information filed. Docket entry #3(complaint) filed as duplicate of docket entry #1 (complaint) deleted. (Talbott, Thomas) (Entered: 02/06/2004)
02/13/2004	13	ORDER granting [3] Motion to Intervene. Clerk of Court to change caption. Plaintiff-intervenor to serve complaint. Exhibits to Mr. Curran's certification to be sealed. Confidentiality order to be submitted for approval.Signed by JudgeWilliam D. Wall on 2/13/04.cf (Talbott, Thomas) (Entered: 02/25/2004)
02/26/2004	14	Letter from Michael R. Curran dtd. 2/23/04 on behalf of Christine Gagliardi to Judge Wall, expressing the intent to fulfill the terms of the Court's Order dtd. 2/13/04 and to discuss an issue pertaining to representation. (Montero, Edher) (Entered: 03/03/2004)
03/11/2004	15	Letter from Michael R. Curran to Judge William Wall Regarding filing of intervenor complaint. (Disbrow, Sandra) (Entered: 03/11/2004)
03/11/2004	<a href="#">16</a>	ORDER re [15] Letter. Court's direction to serve the intervenor complaint is hereby stayed pending the formalization of the guardianship. Mr. Curran is directed to notify the court in writing when the guardian has her commission. At that point, a conference will be scheduled to discuss how the matter will proceed. Signed by Judge William D. Wall on 3/11/04. c/m (Disbrow, Sandra) (Entered: 03/11/2004)
03/29/2004	17	LETTER-CERTIFICATE OF SERVICE of Judge Wall's Order dtd. 3/11/04, served on 3/24/04 by mail to all counsel. Filed by Christine Gagliardi (Montero, Edher) (Entered: 04/05/2004)
05/11/2004	18	Letter from Michael R. Curran dtd. 5/5/04 to Judge Wall enclosing a copy of the Commissionto Guardian dtd. 4/9/04 re the appointment of Ms. Patricia Howlett, Esq., Guardian for Ms. Christine Gagliardi, Plaintiff-Intervenor. (Montero, Edher) (Entered: 05/17/2004)
05/12/2004	19	ORDER: The guardianship has now been formalized, and the court will hold a conference on 6/7/2004 at 10:00 AM to discuss the impact of Ms. Howlett's appointment on this lawsuit. All attorneys, including Ms. Howlett, must attend and must be prepared to address the legal ramifications of Ms. Howlett's appointment. Mr Curran is directed to serve a copy of this order on all counsel, including Ms. Howlett, upon receipt. SO ORDERED (Signed by Judge William

		D. Wall on 5/12/04). c/f to Mr. Curran.(Montero, Edher) (Entered: 05/17/2004)
05/24/2004	21	Letter dated 5/19/04 from Michael Curran to counsel. Re: enclosed is order dated 5/12/04 by Magistrate Wall. (Talbott, Thomas) (Entered: 06/08/2004)
06/08/2004	<a href="#">20</a>	Minute Entry for proceedings held before William D. Wall : Status Conference held on 6/7/2004. Next settlement conference 6/17/04 at 2:00 p.m. It is recommended that this matter be administratively closed pending Mr. Curran's approval for fiduciary appointment, and Ms. Howlett's approval to retain him. After that process is concluded the intervening plaintiff shall serve the complaint and move to reopen the case. Signed by William D. Wall on 6/7/04. c/g (Disbrow, Sandra) (Entered: 06/08/2004)
06/17/2004	22	Minute Entry: Before William D. Wall on 6/17/04 at 2:00 pm, civil cause for Settlement Conference. Case called. Appearing for plaintiff: Matthew Zullo, Michael Curran (by phone), Judy Keenan (EEOC), Patricia Howlett (Gaurdian) present. Appearance for deft excused. Conf held. The next Status Conference will be held on 8/5/2004 at 2:00 PM. The following rulings were made: If Mr. Curran is not on the Rule 36 Fiduciary List maintained by the NYS Office of Court Administration by the next conference, Ms.Howlett shall retain new counsel. The court will enter a discovery schedule at the next conference. SO ORDERED (Montero, Edher) (Entered: 07/02/2004)
07/26/2004	24	Letter dated 7/22/04 from Matthew Zullo to Magistrate Wall. RE: application of Mr. Curran to Office of Court Administration will be filed there. (Talbott, Thomas) (Entered: 08/09/2004)
07/29/2004	25	Letter from Michael R. Curran dtd. 7/21/04 to MJ Wall, Clerk of the court, and all counsel enclosing Pt. 36 Internet Fiduciary Eligibility Listings for the undersigned. (Montero, Edher) (Entered: 08/13/2004)
08/03/2004	<a href="#">23</a>	ORDER Status Conference adjourned from 8/5/04 to 8/25/2004 at 2:00 PM before Judge William D. Wall. Signed by Judge William D. Wall on 8/3/04. ce(Disbrow, Sandra) (Entered: 08/03/2004)
08/03/2004	26	Letter dated 8/3/04 from Judith Kennan to All Parties, cc to Mag. Judge Wall, re: Confirming status conference adjourned from 8/5/04 to 8/25/04 at 2:00 p.m. before Mag. Judge Wall. (Dachille, Patti) (Entered: 08/17/2004)
08/03/2004	<a href="#">28</a>	Letter from Judy Kennan to All counsel dtd. 8/3/04. (Montero, Edher) (Entered: 09/01/2004)
08/23/2004	<a href="#">27</a>	ORDER adjourning conference of 8/25/04 to 9/7/04 at 11:00 before Magistrate Judge Wall. Signed by Judge William D. Wall on 8/23/04. cm/cf(Talbott, Thomas) (Entered: 08/23/2004)
09/07/2004	<a href="#">29</a>	ORDER The conference scheduled for September 7, 2004 is adjourned to October 1, 2004. See attached order. Signed by Judge William D. Wall on 09/07/04. c/f(Hepworth, F.) (Entered: 09/07/2004)
10/01/2004	<a href="#">31</a>	STIPULATED PROTECTIVE ORDER. Signed by Judge William D. Wall on 10/1/04. CG(Talbott, Thomas) (Entered: 10/14/2004)
10/01/2004	<a href="#">32</a>	Minute Entry for proceedings held before William D. Wall : Status Conference held on 10/1/2004 at 11:00 a.m. The next scheduling conf. 10/20/04 at 2:00 p.m.

		Plaintiff intervener to serve intervener complaint by 10/8/04. The parties are to agree and submit a proposed discovery plan by the next conf. (Talbot, Thomas) (Entered: 10/14/2004)
10/07/2004	<a href="#">30</a>	First Intervenor COMPLAINT <i>as Plaintiff-Intervenor, by her Guardian, Patricia Howlett, Esq.</i> , filed by Christine Gagliardi.(Curran, Michael) (Entered: 10/07/2004)
10/20/2004		Minute Entry for proceedings held before William D. Wall : Status Conference held on 10/20/2004. Scheduling order entered. (Disbrow, Sandra) (Entered: 10/20/2004)
10/20/2004	<a href="#">33</a>	SCHEDULING ORDER: Pretrial Conference set for 7/29/2005 2:00 PM before Judge William D. Wall. Amended Pleadings due by 11/30/2004. Discovery due by 4/29/2005. Signed by Judge William D. Wall on 10/20/04. (Disbrow, Sandra) (Entered: 10/20/2004)
10/20/2004	<a href="#">34</a>	ORDER The court will conduct a status conference on 1/19/05 at 2:00 p.m.; pretrial conference 7/29/05 at 2:00 p.m. Signed by Judge William D. Wall on 10/20/04. c/g(Disbrow, Sandra) (Entered: 10/20/2004)
11/05/2004	<a href="#">35</a>	Letter from Joel L. Finger, Esq., Counsel for defendant Boston Market to Honorable William D. Wall, Magistrate Judge Regarding Letter brief permitting defendant's attorneys to have ex parte discussions with plff's doctors.. (Schmidt, Jean) (Entered: 11/05/2004)
11/10/2004	<a href="#">36</a>	Letter from EEOC to Hon. William D. Wall Regarding EEOC Opposition to Defendant's Letter Motion re. Ex Parte Interviews. (Attachments: # <a href="#">1</a> Exhibit Exhibits to EEOC Opposition to Letter Motion)(Keenan, Judy) (Entered: 11/10/2004)
11/12/2004	<a href="#">37</a>	Letter from Michael R. Curran, Attorney for Plaintiff-Intervenor to Hon. William D. Wall, USMJ, Regarding Plaintiff-Intervenor's Opposition to Nov. 4, 2004 Letter-Motion by Defendant Boston Market; Plaintiff-Intervenor Joins in EEOC Letter of Nov. 10, 2004. (Curran, Michael) (Entered: 11/12/2004)
11/13/2004	<a href="#">38</a>	Letter from Michael R. Curran to Hon. William D. Wall, USMJ, Regarding Correction to Nov. 12, 2004 Letter in Opposition to Defendant's Nov. 4, 2004 Letter-Motion (typos corrected & missing Exhibit "A" annexed). (Attachments: # <a href="#">1</a> Exhibit Exhibit "A")(Curran, Michael) (Entered: 11/13/2004)
11/22/2004	<a href="#">39</a>	Letter from Defendant to Magistrate Judge William D. Wall Regarding Defendant's request for permission to file reply in support of its 11/04/04 letter motion re: ex parte contact with Plaintiff's health care providers, and others. (Schmidt, Jean) (Entered: 11/22/2004)
11/22/2004	<a href="#">40</a>	Letter from Judy Keenan, EEOC to Hon. William D. Wall Regarding Def. Request to File Reply re. Nov. 4, 2004 letter motion. (Keenan, Judy) (Entered: 11/22/2004)
11/22/2004	<a href="#">41</a>	Letter from Judy Keenan to Hon. William D. Wall Regarding EEOC request for order compelling defendant to provide discovery. (Attachments: # <a href="#">1</a> Exhibit Exhibits to EEOC Letter Brief of 11/22/04 to compel discovery)(Keenan, Judy) (Entered: 11/22/2004)

11/23/2004	<a href="#">42</a>	Letter from Michael R. Curran, Attorney for Plaintiff-Intervenor, to Hon. William D. Wall, USMJ, Regarding Plaintiff-Intervenor's opposition to Defendant's Nov. 22, 2004 application to file a reply to Plaintiff/Plaintiff-Intervenor's Nov. 10, 12, 2004 opposition to Defendant's Nov. 4, 2004 Letter-Motion. (Curran, Michael) (Entered: 11/23/2004)
11/24/2004		ORDER re <a href="#">39</a> Letter. Request to file a reply letter, no longer than three pages, is granted. The letter shall be filed no later than Tuesday, November 30, 2004. . Signed by Judge William D. Wall on 11/24/04. c/e(Hepworth, F.) (Entered: 11/24/2004)
11/24/2004	<a href="#">43</a>	Letter from Jean L. Schmidt to Honorable William D. Wall Regarding Letter Brief in Opposition to EEOC's Motion to Compel. (Schmidt, Jean) (Entered: 11/24/2004)
11/30/2004	<a href="#">44</a>	ORDER re <a href="#">41</a> Letter motion to compel defendant to provide initial disclosures. Motion is granted and the costs of the motion are awarded to plaintiff as a Rule 37 sanction. See attached order. Signed by Judge William D. Wall on 11/30/04. c/e(Disbrow, Sandra) (Entered: 11/30/2004)
11/30/2004	<a href="#">45</a>	Letter from Jean L. Schmidt, Counsel for Defendant to Honorable William D. Wall, Magistrate Judge Regarding Reply Letter Brief In Support of Defendant's motion to permit its attorneys to have ex-parte communications with third-party witnesses. (Schmidt, Jean) (Entered: 11/30/2004)
12/14/2004	<a href="#">46</a>	Letter from EEOC to Hon. William D. Wall Regarding EEOC's Statement of Reasonable Expenses in Connection With EEOC's Letter Motion to Compel Defendant to Provide Fed. R. Civ. P. 26(a)(1) Initial Disclosures. (Keenan, Judy) (Entered: 12/14/2004)
12/16/2004	<a href="#">47</a>	ORDER re <a href="#">38</a> Letter, <a href="#">36</a> Letter, <a href="#">43</a> Letter, <a href="#">37</a> Letter, <a href="#">45</a> Letter. Defendant's application is denied. See attached order . Signed by Judge William D. Wall on 12/16/04. c/e(Hepworth, F.) (Entered: 12/16/2004)
12/21/2004	<a href="#">48</a>	Letter from Jean L. Schmidt, Attorney for Boston Market, to Honorable William D. Wall Regarding disclosure of Adult Protective Services' records. (Schmidt, Jean) (Entered: 12/21/2004)
12/22/2004	<a href="#">49</a>	Letter from Plaintiff EEOC to Hon. William D. Wall Regarding EEOC's Response to Defendant's Letter re. Discovery of Adult Protective Services Records. (Attachments: # <a href="#">1</a> Exhibit)(Keenan, Judy) (Entered: 12/22/2004)
12/27/2004		Incorrect Case-Document Information filed. The reply letter from defendants dated 12/23/04, and then numbered <a href="#">50</a> , is rejected for filing and has been deleted. No replies are permitted on letter motions. See Local Civil Rule 37.3 (c) and Judge Wall's Individual Rule 3.A.ii. (Disbrow, Sandra) (Entered: 12/27/2004)
01/20/2005	<a href="#">50</a>	ORDER Thirty days shall be added to all discovery deadlines. A settlement conference will be held on February 3, 2005 at 1:30 p.m. All counsel shall attend and have their parties available for approval of any settlement that may arise. Plaintiff Christine Gagliardi shall attend in person. Counsel shall confirm the date and time of the conference with one another. Signed by Judge William D. Wall on 01/19/05. c/e(Hepworth, F.) (Entered: 01/20/2005)

01/20/2005		Minute Entry for proceedings held before William D. Wall : Status Conference held on 1/19/2005. (Hepworth, F.) (Entered: 01/20/2005)
02/09/2005		Minute Entry for proceedings held before William D. Wall : Settlement Conference held on 2/3/2005. (Disbrow, Sandra) (Entered: 02/09/2005)
02/09/2005	<a href="#">51</a>	ORDER re Settlement Conference. Next settlement/status conference will be held on 2/22/05 at 2 pm. Signed by Judge William D. Wall on 2/3/05. c/g(Disbrow, Sandra) (Entered: 02/09/2005)
02/23/2005		ORDER The settlement conference previously scheduled for 2/22/05 is adjourned to 3/24/05 at 2:00 p.m. Counsel are directed to confirm the date and time of the conference with each other prior to the conference date. Signed by Judge William D. Wall on 2/23/05. (Disbrow, Sandra) (Entered: 02/23/2005)
03/23/2005	<a href="#">52</a>	Letter from Jean L. Schmidt, Esq. to Hon. William Wall Regarding Adjournment of conference scheduled for 3/24/05.. (Schmidt, Jean) (Entered: 03/23/2005)
03/23/2005		ORDER re <a href="#">52</a> Letter. Application granted. The settlement conference scheduled for 3/24/05 is adjourned to 5/4/05 at 2:00 p.m. Signed by Judge William D. Wall on 3/23/05. (Disbrow, Sandra) (Entered: 03/23/2005)
04/15/2005	<a href="#">53</a>	Letter from Michael R. Curran, attorney for Plaintiff-Intervenor, to Hon. William D. Wall, USMJ, Regarding request on mutual consent by the parties to adjourn the settlement conference of May 4, 2005 at 2:00 p.m. to May 19, 2005.. (Curran, Michael) (Entered: 04/15/2005)
04/18/2005		ORDER re <a href="#">53</a> Letter. Application granted. The settlement conference scheduled for 5/4/05 is adjourned to 5/19/05 at 3:30 p.m. No further adjournments will be granted. Ordered by Judge William D. Wall on 4/18/05. (Disbrow, Sandra) (Entered: 04/18/2005)
05/19/2005	<a href="#">54</a>	Minute Entry & ORDER for proceedings held before William D. Wall : Settlement Conference held on 5/19/2005. Next telephone status conference 6/1/05. See attached order. So Ordered by William D. Wall on 5/19/05. c/g (Disbrow, Sandra) (Entered: 05/19/2005)
06/01/2005	<a href="#">55</a>	Letter from Defendant to Honorable William Wall Regarding request for adjournment of conference. (Weiss, Steven) (Entered: 06/01/2005)
06/01/2005		ORDER re <a href="#">55</a> Letter. Application granted. The conference scheduled for 6/1/05 is adjourned to 6/13/05 at 10:30 a.m., and will take place in courtroom 820 of the Federal Courthouse in Central Islip. Ordered by Judge William D. Wall on 6/1/05. (Disbrow, Sandra) (Entered: 06/01/2005)
06/13/2005	<a href="#">56</a>	Minute Entry & Order for proceedings held before William D. Wall : Settlement Conference held on 6/13/2005. Next telephone status conference will be held on 7/11/05 at 2:00 p.m. Ordered by William D. Wall on 6/13/05. c/g (Disbrow, Sandra) (Entered: 06/13/2005)
07/08/2005	<a href="#">57</a>	Letter from EEOC to Magistrate Wall Regarding Agreement on Settlement. (Roberts, Monique) (Entered: 07/08/2005)
07/14/2005		ORDER In light of the pending settlement of this matter, the pretrial conference scheduled for 7/29/05 is adjourned sine die. Ordered by Judge William D. Wall

		on 7/14/05. (Disbrow, Sandra) (Entered: 07/14/2005)
07/28/2005	<a href="#">59</a>	ORDER of DISCONTINUANCE: The parties have reported to the Court that this action has been settled. That this action is discontinued without costs and without prejudice. Ordered by Judge Leonard D. Wexler on 7/28/05. c/m(Montero, Edher) (Entered: 08/08/2005)
08/04/2005	<a href="#">58</a>	Letter from EEOC by Judy Keenan to Hon. Leonard D. Wexler Regarding Request to Amend 07/28/2005 Order of Discontinuance. (Keenan, Judy) (Entered: 08/04/2005)
08/09/2005	<a href="#">60</a>	Letter from Michael R. Curran, attorney for Plaintiff-Intervenor Christine Gagliardi, to Hon. Leonard D. Wexler, Sr. District Judge, Regarding Application Joining with EEOC in its August 4, 2005 request to administratively close this matter with entry of the Consent Decree, but that the action not be dismissed until such time as the Consent Decree expires. (Curran, Michael) (Entered: 08/09/2005)
08/23/2005	<a href="#">61</a>	NOTICE of Settlement <i>with Proposed Consent Decree for Approval and Entry by Court</i> by Equal Employment Opportunity Commission (Attachments: # <a href="#">1</a> Text of Proposed Order Proposed Consent Decree)(Keenan, Judy) (Entered: 08/23/2005)
08/24/2005	<a href="#">62</a>	Letter from Michael R. Curran, Attorney for Plaintiff-Intervenor, to Hon. Leonard D. Wexler, Sr. United States District Judge, Regarding an application by Plaintiff-Intervenor who joins with the EEOC in its request to modify the July 28, 2005 Order of this Court in order to provide that the action shall not be dismissed until the Consent Decree expires three years from date of entry of said Decree. (Curran, Michael) (Entered: 08/24/2005)
10/06/2005		ORDER re <a href="#">61</a> Notice of Settlement filed by Equal Employment Opportunity Commission. Consent decree is So Ordered by Judge Leonard D. Wexler on 10/5/05.(Ausili, Peter) (Entered: 10/06/2005)
10/06/2005		ORDER re <a href="#">62</a> Letter,, <a href="#">59</a> Order, <a href="#">58</a> Letter. The Court's 7/28/05 Order is modified to the extent that this action is deemed administratively closed pending the term of the Consent Decree; the parties are to submit an order dismissing the action when the Consent Decree expires. So Ordered by Judge Leonard D. Wexler on 10/5/05. (Ausili, Peter) (Entered: 10/06/2005)

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<b>Billable Pages:</b>	5	<b>Cost:</b>	0.40