

**U.S. District Court**  
**Southern District of New York (Foley Square)**  
**CIVIL DOCKET FOR CASE #: 1:84-cv-03373-WK-NRB**

Equal Employment v. IBEW Local 3, et al  
Assigned to: Judge Whitman Knapp  
Referred to: Magistrate Judge Naomi R. Buchwald  
Demand: \$0  
Cause: 42:2000e-2sx Job Discrimination (Sex)

Date Filed: 05/14/1984  
Date Terminated: 09/29/2000  
Jury Demand: None  
Nature of Suit: 442 Civil Rights: Jobs  
Jurisdiction: U.S. Government Plaintiff

**Plaintiff**

**Equal Employment Opportunity  
Commission**

represented by **Cheryl Kramer**  
Equal Employment Opportunity  
Commission  
90 Church Street  
New York, NY 10007  
264-7188  
*LEAD ATTORNEY*

**Louis Graziano**  
Equal Employment Opportunity  
Commission  
7 World Trade Center, 18th Floor  
New York, NY 10048-1102  
(212) 748-8500  
Email: Louis.Graziano@eeoc.gov  
*LEAD ATTORNEY*

V.

**Defendant**

**IBEW Local 3**

**Defendant**

**Jt Board of N.Y. Electrical Contrs Assn.**  
*TERMINATED: 06/23/1989*

represented by **Norman Rothfeld**  
Norman Rothfeld Esq.  
276 Fifth Avenue  
New York, NY 10001  
(212) 686-0070  
Fax: (212) 481-9569  
Email: normroth276@aol.com  
*TERMINATED: 06/23/1989*  
*LEAD ATTORNEY*

**Defendant**

**New York Electrical Contractors  
Association, Inc.**  
*TERMINATED: 09/19/1985*

represented by **Edward Thomas Byrne**  
Murtagh, Cohen & Byrne  
100 North Park Avenue  
Rockville Centre, NY 11570

(516)766-3200  
 Fax: (516)-766-3402  
 Email: mcb50@msn.com  
 TERMINATED: 09/19/1985  
 LEAD ATTORNEY

**Defendant**

**Joint Apprenticeship Committee of the  
 Joint Board of Electrical Industry.**

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
05/14/1984	1	COMPLAINT filed; Summons issued and Notice pursuant to 28 U.S.C. 636(c); (emil) (Entered: 02/03/1992)
07/10/1984	3	ANSWER to Complaint by Jt Board of N.Y. Ele (Attorney Norman Rothfeld), ; by attorney Norman Rothfeld for defendant Jt Board of N.Y. Ele (emil) (Entered: 02/03/1992)
07/24/1984		Pre-trial conference held (emil) (Entered: 02/03/1992)
04/22/1985	15	ANSWER to Complaint by NY Electrical Contra (Attorney Edward T. Byrne), ; Firm of: Murtagh & Cohen by attorney Edward T. Byrne for defendant NY Electrical Contra (emil) (Entered: 02/03/1992)
07/12/1985	16	ORDER that case be referred to Case Processing Assistant for Assignment of a Magistrate Judge for pre-trial purposes ( signed by Judge Whitman Knapp ) (emil) (Entered: 02/03/1992)
07/12/1985		NOTICE OF CASE ASSIGNMENT to Magistrate Judge Naomi R. Buchwald , endorsed on order of reference to Magistrate Judge. ; Copies mailed. (emil) (Entered: 02/03/1992)
06/23/1987	58	Notice of reasgmt. to Judge Daronco. Copy of notice and judge's rules mailed to Attorney(s) of record. (emil) (Entered: 02/03/1992)
08/18/1987	62	Notice of reasgmt. to Judge Whitman Knapp. Copy of notice and judge's rules mailed to Attorney(s) of record. (emil) (Entered: 02/03/1992)
10/22/1991		**Related case. (ICMSUSER) (Entered: 10/22/1991)
03/19/1992	112	Transcript of record of proceedings filed for dates of 1/17/92 (1a) (Entered: 03/19/1992)
08/31/1993	113	OPINION AND ORDER # 72023, granting the EEOC's renewed motion for partial summary judgment on the question of liability , and set status conference for set for 4:30 9/20/93 ( Signed by Judge Whitman Knapp ); Copies mailed. (jr) (Entered: 09/01/1993)
10/07/1993		Pre-trial conference held (jr) (Entered: 10/12/1993)
10/21/1993	114	NOTICE OF MOTION by IBEW Local 3 for an order enjoining the Joint Apprenticeship Committee of the Joint Industry Board of the Electrical Industry from using the high school diploma or equivalency, or the age maximum of 22 as a prerequisite for admission into its apprentice training program , Return date 12/2/93 (jr) (Entered: 10/22/1993)
11/01/1993		Text not available. (Entered: 11/01/1993)
11/01/1993		Text not available. (Entered: 11/01/1993)
11/01/1993		Memo endorsed on motion; denying [114-1] motion for an order enjoining the Joint Apprenticeship Committee of the Joint Industry Board of the Electrical Industry from

		using the high school diploma or equivalency, or the age maximum of 22 as a prerequisite for admission into its apprentice training program ...So Ordered. ( signed by Judge Whitman Knapp ); Copies mailed. (sc) (Entered: 11/01/1993)
11/05/1993	115	Order that case be referred to the Clerk of Court for assignment to a Magistrate Judge for Contested Damages Hearing ( signed by Judge Whitman Knapp ) Referred to Magistrate Judge Naomi R. Buchwald (jr) (Entered: 11/08/1993)
12/01/1993		Pre-trial conference held by M.J. Buchwald (cd) (Entered: 12/06/1993)
12/20/1993		Pre-trial conference held by NRB (mk) (Entered: 12/28/1993)
01/13/1994	116	NOTICE of attorney appearance for Equal Employment Opp by Louis Graziano (sc) (Entered: 01/18/1994)
04/04/1994		Pre-trial conference held before Magistrate Judge Buchwald. (rag) (Entered: 04/12/1994)
06/21/1994	117	NOTICE OF MOTION by Jt. Apprenticeship Committee of The Jt. Board of N.Y. Eletrical Industry to dismiss of the individual herein named on the ground that they lack standing to make a claim or on the ground that their claims patently lack merit, or on both grounds , Return date 9:30 8/13/94; with attached supporting Affidavit of Norman Rothfeld & Exhibits A - Q. (ae) (Entered: 06/21/1994)
06/21/1994	118	MEMORANDUM by Jt. Apprenticeship Committee of The Jt. Board of N.Y. Electrical Industry in support of [117-1] motion to dismiss of the individual herein named on the ground that they lack standing to make a claim or on the ground that their claims patently lack merit, or on both grounds. (ae) (Entered: 06/21/1994)
07/15/1994	119	RESPONSE by Equal Employment Opportunity Commission to [117-1] motion to dismiss the individual claims. (ae) (Entered: 07/18/1994)
07/15/1994	120	AFFIDAVIT of Louis Graziano by Equal Employment Opportunity Commission in response (opposition) to Re: [117-1] motion to dismiss the individual claims. (ae) (Entered: 07/18/1994)
08/10/1994	121	REPLY MEMORANDUM by Jt Board of N.Y. Elections in support of re: [117-1] motion to dismiss individual claims. (ae) (Entered: 08/11/1994)
09/19/1994		Pre-trial conference held by Mag-Judge Buchwald. (kg) (Entered: 09/20/1994)
10/14/1994	122	Rule 3(g) statement of material issues where no genuine issue exists filed by Joint Apprenticeship Committee of the Jt Board of Electrical Industry. (kg) (Entered: 10/17/1994)
10/21/1994	123	Supplemental Rule 3(g) statement of material facts where a genuine issue remains filed by Equal Employment Opportunity Commission. (kg) (Entered: 10/21/1994)
10/28/1994	124	REPORT AND RECOMMENDATIONS of Magistrate Judge Naomi R. Buchwald Re: for the reasons stated, we recommend that deft's motion for summary judgment be granted with respect to the claim of David Grandy but denied as against each of the remaining individual claimants; Motion no longer referred Objections to R and R due by 11/11/94 (kg) (Entered: 10/28/1994)
11/03/1994	125	NOTICE OF MOTION by Joint Apprent. Comm. for leave to submit additional affidavits , and for reconsideration of the Report & Recommendation. Return date 11/21/94. (kg) (Entered: 11/04/1994)
11/30/1994	126	MEMORANDUM AND ORDER denying [125-1] motion for leave to submit additional affidavits ( signed by Magistrate Judge Naomi R. Buchwald ); Copies mailed (kg) (Entered: 12/01/1994)

01/31/1995	134	Transcript of record of proceedings filed for dates of 12/14/95, 12/15/95 12/19/95. (lam) (Entered: 02/02/1996)
05/10/1995	127	MEMORANDUM & ORDER, We have reviewed Mag. Judge Buchwald's Report and Recommendation of 10/27/94 and hereby adopt it in its entirety ( signed by Judge Whitman Knapp ); Copies mailed (emil) (Entered: 05/10/1995)
05/16/1995		Tele-conference held before Mag. Judge Buchwald (emil) (Entered: 05/17/1995)
09/18/1995		Premotion conference held before Magistrate Buchwald. (rag) (Entered: 09/18/1995)
10/02/1995	129	MEMORANDUM by Joint Apprent. Comm. re: on the issue of the legal standard and the burden of proof in the remedies stage of an adverse impact action. (emil) (Entered: 10/03/1995)
10/03/1995	128	MEMORANDUM by Joint Apprent. Comm. re: burden of proof (emil) (Entered: 10/03/1995)
10/16/1995	130	REPLY MEMORANDUM by Joint Apprent. Comm. re: submitted in reply to EEOC's Memorandum dated 10/2/95 (emil) (Entered: 10/17/1995)
10/16/1995	131	REPLY MEMORANDUM by Equal Employment Opp re: on the issue of the legal standard and the burden of proof in the remedies stage of an adverse impact action (emil) (Entered: 10/19/1995)
12/13/1995	132	PLNTF'S PRETRIAL MEMORANDUM (cd) (Entered: 12/15/1995)
01/16/1996	133	POST-HEARING MEMORANDUM by Joint Apprent. Comm. (emil) (Entered: 01/18/1996)
02/01/1996	135	DECLARATION of Norman Rothfeld Re: w/ respect to the EEOC's computation of back pay. (emil) (Entered: 02/07/1996)
02/14/1996	136	SUPPLEMENTAL BACKPAY MEMORANDUM by Joint Apprent. Comm. re: in response to the Letter-Memorandum dated 2/8/96 submitted by the EEOC (emil) (Entered: 02/15/1996)
03/26/1996	137	REPORT AND RECOMMENDATIONS of Magistrate Judge Naomi R. Buchwald Re: I respectfully recommend that the claimants' request for back pay be denied. Objections to R and R due by 4/9/96 (emil) (Entered: 03/27/1996)
04/08/1996	138	NOTICE OF MOTION by Equal Employment Opp for an order rejecting or modifying Mag. Judge Buchwald's 3/25/96 Report and Recommendation , Return date not indicated. (emil) (Entered: 04/09/1996)
04/08/1996	138	OBJECTIONS by Equal Employment Opp to [137-1] report and recommendations (emil) (Entered: 04/09/1996)
04/15/1996	139	OBJECTIONS by Joint Apprent. Comm. to [137-1] report and recommendations (emil) (Entered: 04/16/1996)
04/18/1996	140	RESPONSE by Equal Employment Opp Re: [139-1] objection to Mag. Judge Buchwald's Report and Recommendation (emil) (Entered: 04/19/1996)
04/18/1996	141	RESPONSE by Joint Apprent. Comm. Re: [138-1] objections to Mag. Judge Buchwald's Report and Recommendation (emil) (Entered: 04/22/1996)
05/10/1996	142	MEMORANDUM by Equal Employment Opp re: in response to the Court's request for add'l briefing on the appropriate standard of review of Mag. Judge Buchwald's Report and Recommendation on Damages. (emil) (Entered: 05/14/1996)

05/22/1996	143	MEMORANDUM & ORDER, We agree w/ the EEOC, for the reasons stated in its Memorandum on the Proper Standard of Review, that Mag. Judge Buchwald's Report and Recommendation is subject to a de novo review. Accordingly, we remand Mundle's claim for back pay to Judge Buchwald for reconsideration. We express no view as to the conclusion at which Judge Buchwald should arrive. We will be required to subject to de novo review any conclusions to which a party might object. Except as indicated above, Judge Buchwald's Report and Recommendation is adopted substantially for the reasons therein stated ( signed by Judge Whitman Knapp ); Copies mailed (emil) (Entered: 05/23/1996)
05/30/1996	144	REPORT AND RECOMMENDATIONS of Magistrate Judge Naomi R. Buchwald Re: this Report and Recommendation is written in response to your Memorandum & Order dated 5/21/96, adopting my Report and Recommendation dated 3/25/96 except w/ respect to claimant Beverly Mundle, whose claim for back pay was remanded to me for reconsideration. Upon a close reading and review of the Report, I fear that I was misunderstood as to the basis upon which Mundle's claim was rejected. Thus, I again respectfully recommend a finding that Mundle is entitled to no back wages; Objections to R and R due by 6/13/96 (emil) (Entered: 05/31/1996)
06/11/1996	145	OBJECTIONS by Equal Employment Opp to [144-1] report and recommendations. Fld in night deposit on 6/11/96 at 5:38 p.m. (emil) (Entered: 06/13/1996)
06/19/1996	146	Case closed administratively Pursuant to Memorandum From the Administrative Office of the United States Courts, Dated June 15th, 1973. (kk) (Entered: 06/21/1996)
06/21/1996	147	MEMORANDUM & ORDER, we conclude that Ms. Mundle's back pay period should not end as of the date she began working for the Port Authority but should extend another five years, that is, through 1985. The EEOC has conceded that Ms. Mundle is not owed any back pay for the period through 1982. Accordingly, we remand the matter to Judge Buchwald for a determination of the back pay that should be awarded for the approximately three years in question ( signed by Judge Whitman Knapp ); Copies mailed (emil) (Entered: 06/24/1996)
06/21/1996		Case reopened (emil) (Entered: 08/08/1996)
07/29/1996	148	REPORT AND RECOMMENDATIONS of Magistrate Judge Naomi R. Buchwald Re: Now that these disputes have been resolved, the parties should confer and arrive at a stipulated damages amount; Objections to R and R due by 8/12/96 (sent orig. doc. to Judge Knapp chambers on 7/29/96) (kg) (Entered: 07/29/1996)
08/07/1996	149	OBJECTIONS by Joint Apprent. Comm. to [148-1] report and recommendations (emil) (Entered: 08/08/1996)
08/07/1996	150	OBJECTIONS by Equal Employment Opp to [148-1] report and recommendations (emil) (Entered: 08/08/1996)
08/19/1996	151	RESPONSE by Equal Employment Opp Re: [149-1] objections to Report and Recommendation. Fld in night deposit on 8/19/96 at 5:24 p.m. (emil) (Entered: 08/20/1996)
08/28/1996	152	REPLY by IBEW Local 3 Re: [148-1] report and recommendations (emil) (Entered: 08/28/1996)
09/09/1996	153	MEMORANDUM & ORDER, by Order dated 6/21/96, we remanded this matter to Mag. Judge Buchwald for a determination of the back pay to be awarded claimant Beverly Mundle for an approximately three-year period between 1983 and 1985. On 7/26/96, Mag. Judge Buchwald issued a Report and Recommendation. Having reviewed the Report and found its recommendations to be wholly reasonable, and having reviewed the

		parties' objections thereto, we adopt the Report in its entirety ( signed by Judge Whitman Knapp ); Copies mailed (emil) (Entered: 09/09/1996)
01/07/1997	154	STIPULATION and ORDER, it is stipulated between the parties that following the decisions of the Court of 6/21/96 and the Report and Recommendation of 7/26/96 that the back wages and interest for Beverly Mundle covering the five years beginning January 1980 is a total of \$51,662.81 ( signed by Magistrate Judge Naomi R. Buchwald ). (emil) (Entered: 01/07/1997)
02/14/1997	155	MEMORANDUM & ORDER, by Order dated 6/21/96, we remanded this matter to Mag. Judge Buchwald for a determination of the back pay to be awarded claimant Beverly Mundle for an approximately three-year period between 1983 and 1985. On 7/26/96, Mag. Judge Buchwald issued a Report and Recommendation regarding the method to be used in determining the damages for claimant Beverly Mundle. We adopted the Report by Order dated 9/6/96. In accordance w/ the Report, the parties have stipulated to damages and interest for Ms. Mundle in the amount of \$51,662.81, which stipulation was approved by Mag. Judge Buchwald on 1/6/97. We hereby approve this stipulation and find that Ms. Mundle is owed back pay and interest in the amount of \$51,662.81 ( signed by Judge Whitman Knapp ); Copies mailed (emil) (Entered: 02/18/1997)
06/16/1997	156	ORDER, that The EEOC application under Title VII of the Civil Rights Act of 1964, 42 U.S.C. Section 2000e for an injunction prohibiting the Joint Apprenticeship Comm. from implementing a maximum age 22 requirement with respect to its apprenticeship program is granted . The EEOC application under Title VII of the Civil Rights Act of 1964, 42 U.S.C. Section 2000e for an injunction prohibiting the Joint Apprenticeship Comm from implementing its requirement of either a high school diploma or GED with respect to its apprenticeship program is denied . Back wages for Sadie Baxter, Yvette Behea, Alice Jenkins Dixon, Grace McGovern, Madeline Molina Arosemena and Cecilia Trummer be denied . EEOC's application under Title VII of the Civil Rights Act of 1964, 42 UY.S.C. Section 2000e for a judgment in its favor and against the JAC in the amount of \$51,662.81 to Beverly Mundle is granted. ( signed by Judge Whitman Knapp ); Copies mailed (lam) (Entered: 06/18/1997)
08/13/1997	157	NOTICE OF APPEAL by Equal Employment Opp ; from [156-1] order that The EEOC application under Title VII of the Civil Rights Act of 1964, 42 U.S.C. Section 2000e for an injunction prohibiting the Joint Apprenticeship Comm. from implementing a maximum age 22 requirement with respect to its apprenticeship program is granted, [156-2] relief The EEOC application under Title VII of the Civil Rights Act of 1964, 42 U.S.C. Section 2000e for an injunction prohibiting the Joint Apprenticeship Comm from implementing its requirement of either a high school diploma or GED with respect to its apprenticeship program is denied, [156-3] relief Back wages for Sadie Baxter, Yvette Behea, Alice Jenkins Dixon, Grace McGovern, Madeline Molina Arosemena and Cecilia Trummer be denied, [156-4] relief EEOC's application under Title VII of the Civil Rights Act of 1964, 42 UY.S.C. Section 2000e for a judgment in its favor and against the JAC in the amount of \$51,662.81 to Beverly Mundle is granted., [156-5] relief . Copies of notice of appeal mailed to Attorney(s) of Record: Norman Rothfeld. *(Filed by the E.E.O.C.)*. (dt) (Entered: 08/14/1997)
08/21/1997	158	NOTICE OF CROSS-APPEAL by Joint Apprent. Comm. FRom the judgment entered on the June 18, 1997. Fee pd. \$105.00, rec. # 295416. Copies sent to atty of record: Louis Graziano, Esq. (as) (Entered: 08/21/1997)
10/17/1997	159	Notice that the record on appeal has been certified and transmitted to the U.S. Court of Appeals: [157-1] appeal by Equal Employment Opp on October 17, 1997 by DT. (dt) (Entered: 10/17/1997)
10/17/1997		Indexed record on appeal files sent to the U.S.C.A. on October 17, 1997 by DT. (dt)

		(Entered: 10/17/1997)
10/28/1999	160	MANDATE OF USCA (certified copy) Re: remanded [157-1] appeal by Equal Employment Opp - ON CONSIDERATION WHEREOF, it is now hereby ORDERED, ADJUDGED, and DECREED that the judgment of the district court be and it hereby is vacated and the case is remanded to said district court for further proceedings in accordance with the opinion of this court. FOR THE COURT Carolyn Clark Campbell, Clerk by: Beth J. Meador, Adm. Attorney ISSUED AS MANDATE: 10/26/99 (rag) (Entered: 10/29/1999)
09/29/2000	161	CONSENT DECREE JUDGMENT, EEOC and the JAC do hereby stipulate and consent to the entry of this Decree as final and binding between the parties signatory hereto and their successors or assigns. This Decree resolves in full all of the issues relating to any federal or state claims or administrative charges that were or could have been asserted by the EEOC through the date of the execution of this Decree, including any and all claims asserted in the action and any claims arising out of the JAC's maintenance of a maximum age or high school diploma requirement for applicants to its apprenticeship. The parties agree that this Court has jurisdiction of the subject matter of this action and of the parties, that venue is proper, and that all administrative prerequisites have been met. In settlement of this action, and in consideration for the benefits provided herein, the JAC agrees to the following compensation for the women and minorities who were allegedly subject to discrimination as set forth in this action. Each party shall bear its own attorney's fees and costs incurred in this action, and no Claimant shall be deemed to be a prevailing party under the law with respect to any of the issues in this action. This Decree will remain in effect for 3 years from the date of entry, at which point it will terminate by its own terms w/o further action by the court or the parties. ( signed by Judge Whitman Knapp ) Entered On Docket: 10/5/00. (kg) (Entered: 10/05/2000)
09/29/2000		Case closed. (kg) (Entered: 10/05/2000)

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