

CLOSED

U.S. District Court
Eastern District of New York (Brooklyn)
CIVIL DOCKET FOR CASE #: 1:03-cv-06087-NGG-KAM

United States Equal Employment Commission v. Maggie's Para
Transit Corp.
Assigned to: Judge Nicholas G. Garaufis
Referred to: Magistrate-Judge Kiyo A. Matsumoto
Cause: 42:2000e Job Discrimination (Employment)

Date Filed: 12/03/2003
Date Terminated: 05/26/2005
Jury Demand: Plaintiff
Nature of Suit: 442 Civil Rights: Jobs
Jurisdiction: U.S. Government Plaintiff

Mediator

Robert Lewis

TERMINATED: 01/11/2005

represented by **Robert Lewis**

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Plaintiff

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Commission**

represented by **Elizabeth Anne Grossman**

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V.

Defendant

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| Date Filed | # | Docket Text |
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| 12/03/2003 | 1 | COMPLAINT against Maggie's Para Transit Corp., filed by United States Equal Employment Commission. (Attachments: # 1 Civil Cover Sheet)(Bowens, Priscilla) (Entered: 12/04/2003) |
| 12/03/2003 | 2 | NOTICE of Appearance by Elizabeth Anne Grossman on behalf of United States Equal Employment Commission. (Lee, Tiffeny) (Entered: 12/16/2003) |
| 02/02/2004 | 3 | SCHEDULING ORDER:Initial conference scheduled for 4/6/04 @ 11:00 a.m.Signed by Judge Steven M. Gold on 02/02/2004. (Attachments: # 1)(Vasquez, Lea) (Entered: 02/02/2004) |
| 02/06/2004 | 17 | Letter dated 2/3/04 from Jeffrey Pollack to Judge Garaufis requesting a conference regarding an intent to file a motion to dismiss plaintiff's pattern and |

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| | | practice allegations and claims. (Black, Amanda) (Entered: 06/02/2004) |
| 02/10/2004 | 7 | NOTICE of Attorey Appearance by Lauren Dreilinger o/b/o United States Equal Employment Commission. (Lee, Tiffeny) (Entered: 03/17/2004) |
| 02/13/2004 | 4 | Letter MOTION to Dismiss <i>Requested</i> by Maggie's Para Transit Corp.. (Stein, Jerald) (Entered: 02/13/2004) |
| 02/25/2004 | 5 | NOTICE of Appearance by Jerald M. Stein on behalf of Maggie's Para Transit Corp. (Attachments: # 1 Supplement Notice of Filing# 2 Supplement Certificate of Service)(Stein, Jerald) (Entered: 02/25/2004) |
| 03/01/2004 | 6 | Minute Entry for proceedings held before Nicholas G. Garaufis: Pre Motion Conference held on 3/1/2004. Dft may make Rule 12(b)(6) motion to dismiss the Pattern or Pradle claims. Motion due 3/31/2004; Pltt's Opposition due 5/7/2004; Dft's Reply by 5/21/2004. (ESR: A. Dandridge) (Lee, Tiffeny) (Entered: 03/08/2004) |
| 03/01/2004 | 8 | ORDER extending time of defendant to answer to fourteen (14) days after the pre-motion conference is held. Signed by Judge Nicholas G. Garaufis on Feb 23, 2004. c/mailed(Lee, Tiffeny) (Entered: 03/19/2004) |
| 03/08/2004 | | Case set to ECF status. All civil actions before this Judge are ECF matters. It is MANDATORY that you file all original documents electronically and forward a hard copy, labeled courtesy copy, to chambers. Please refer to the Judge's Individual Rules. From this point forward, original documents are REQUIRED to be filed electronically. The Judges' Individual Rules of Chambers and further information on ECF may be found at the website for the Eastern District of New York at www.nyed.uscourts.gov. (Lee, Tiffeny) (Entered: 03/08/2004) |
| 03/19/2004 | 9 | AMENDED COMPLAINT against Maggie's Para Transit Corp., filed by United States Equal Employment Commission. (Attachments: # 1 # 2)(Dreilinger, Lauren) (Entered: 03/19/2004) |
| 03/29/2004 | 10 | NOTICE of Appearance by Jeffery D. Pollack on behalf of Maggie's Para Transit Corp. (Attachments: # 1 Notice of Filing# 2 Certificate of Service)(Pollack, Jeffery) (Entered: 03/29/2004) |
| 04/02/2004 | 11 | ORDER approving briefing schedule of defendant's motion to dismiss as follows: defendant's motion 4/16; plaintiff's opposition 5/21; defendant's reply 6/4. Signed by Judge Nicholas G. Garaufis on 3/24/2004. Endorsed on 3/22/2004 letter from Jeffrey D. Pollack, Esq. to Judge Garaufis. c/em(Lee, Tiffeny) (Entered: 04/02/2004) |
| 04/13/2004 | 12 | ORDER granting application for the re-scheduling of scheduling conference. (new date not specified in this order) Signed by Judge Steven M. Gold on 4/7/2004. Endorsed on 4/5/2004 letter of Lauren G. Dreilinger, Esq.(Lee, Tiffeny) (Entered: 04/13/2004) |
| 04/16/2004 | 13 | Letter from Jeff Pollack to Lauren Dreilinger Regarding Motion to Dismiss. (Pollack, Jeffery) (Entered: 04/16/2004) |
| 04/16/2004 | 14 | SCHEDULING ORDER: Initial Conference set for 5/4/2004 11:00 AM in Courtroom A before Magistrate-Judge Steven M. Gold.. Signed by Judge Steven M. Gold on 04/16/2004. (Vasquez, Lea) (Entered: 04/16/2004) |

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| 04/30/2004 | 15 | Letter from Lea D. Vasquez to All counsel Regarding re-scheduling of initial conference. (Vasquez, Lea) (Entered: 04/30/2004) |
| 05/06/2004 | 16 | Letter dated 4/5/04 from Lea D.Vasquez to Counsel Regarding status conference will be re-scheduled from 4/6/04 only if the motion is denied. (Drayton, Lorraine) (Entered: 05/06/2004) |
| 05/10/2004 | 23 | ORDER granting application that the 5/7/2004 conference be adjourned to 6/4/2004 @ 2:30 p.m. Signed by Judge Steven M. Gold on 5/3/2004. Endorsed on 5/3 letter form Jeral Stein, Esq.(Lee, Tiffeny) (Entered: 07/01/2004) |
| 06/03/2004 | 18 | Notice of MOTION to Dismiss <i>Pattern or Practice Claims</i> by Maggie's Para Transit Corp.. Responses due by 5/21/2004 (Stein, Jerald) (Entered: 06/03/2004) |
| 06/03/2004 | 19 | AFFIDAVIT in Opposition re 18 Notice of MOTION to Dismiss <i>Pattern or Practice Claims</i> filed by United States Equal Employment Commission. (Attachments: # 1 Exhibit # 2 Exhibit # 3 Exhibit # 4 Exhibit # 5 Exhibit # 6 Exhibit # 7 Exhibit # 8 Exhibit # 9 Exhibit # 10 Exhibit # 11 Exhibit # 12 Exhibit # 13 Exhibit # 14 Exhibit # 15 Exhibit # 16 Exhibit # 17 Exhibit)(Stein, Jerald) (Entered: 06/03/2004) |
| 06/03/2004 | 20 | REPLY to Response to Motion re 18 Notice of MOTION to Dismiss <i>Pattern or Practice Claims</i> filed by Maggie's Para Transit Corp.. (Stein, Jerald) (Entered: 06/03/2004) |
| 06/04/2004 | 21 | RESPONSE in Opposition re 18 Notice of MOTION to Dismiss <i>Pattern or Practice Claims</i> filed by United States Equal Employment Commission. (Attachments: # 1 Supplement Opposition to Motion to Dismiss (continued))(Stein, Jerald) (Entered: 06/04/2004) |
| 06/04/2004 | | Minute Entry for proceedings held before Steven M. Gold : Initial Conference Hearing held on 6/4/2004. Dreilinger for plaintiff, Pollack and Stein for defendant. Parties' proposed schedule adopted, with the understanding that revisions will likely be necessary once defendant's pending motion to dismiss certain aspects of the case is decided. Discovery will proceed while the motion is pending, but focused upon the allegations made by the named charging parties pending resolution of the motion or further order of the court. Defendant shall, however, promptly provide an updated list of employee names and addresses, specifically indicating if contacting any of the employees listed would be claimed to violate the attorney-client privilege. NEXT CONFERENCE: OCTOBER 28, 2004 AT 11 AM. (Court Reporter n/a.) SO ORDERED(Gold, Steven) (Entered: 06/04/2004) |
| 06/23/2004 | 22 | Letter dated 3/15/04 from Jeffrey D. Pollack Esq. to USDJ Garaufis informing the court that they may request modification of the briefing schedule once the amended complaint is reviewed. (Williams-Jackson, Sandy) (Entered: 06/23/2004) |
| 07/30/2004 | | Case reassigned to Judge Kiyo A. Matsumoto. Judge Steven M. Gold no longer assigned to the case. (Bowens, Priscilla) (Entered: 07/30/2004) |
| 09/23/2004 | 24 | Letter from Maggies' counsel to Magistrate Judge Matsumoto Regarding proposed revised scheduling order. (Attachments: # 1 Text of Proposed Order No. 2)(Stein, Jerald) (Entered: 09/23/2004) |

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| 09/27/2004 | 25 | REVISED SCHEDULING ORDER regarding schedule adopted 6/4/2004. The status conference previously scheduled for 10/28/2004 has been rescheduled for 11/09/2004 @ 3:30 p.m. Signed by Judge Kiyo A. Matsumoto on 9/24/2004. (Lee, Tiffeny) (Entered: 09/27/2004) |
| 11/09/2004 | | Minute Entry for status conference before Kiyo A. Matsumoto on 11/9/2004. Plaintiff appeared by Michael Ranis, Esq. and defendant appeared by Jeffrey Pollack, Esq. and Jerald Stein, Esq. The defendant has filed a motion to dismiss the pattern and practice claims. Discovery is proceeding pursuant to the revised scheduling order which will remain in effect. Plaintiff will initiate a telephone status conference on 1/13/05 at 3:00 p.m., during which the plaintiff will state whether it will utilize an expert. The parties have also requested that the case be referred for mediation, to be scheduled on or after 12/15/04. The parties shall advise the undersigned Magistrate Judge of the outcome of the defendant's motion to dismiss and the mediation so that any necessary adjustments may be made to the discovery schedule. (Matsumoto, Kiyo) (Entered: 11/09/2004) |
| 11/09/2004 | | ORDER REFERRING CASE to Mediation.Selection of Mediator due by 12/31/2004. The parties are to contact the Alternative Dispute Resolution Department for further instruction regarding mediation. Signed by Judge Kiyo A. Matsumoto on 11/9/04. (Kabrawala, Ameet) (Entered: 11/09/2004) |
| 11/10/2004 | 26 | Case referred to MEDIATION. The PARTIES are offered the option of: a) using a mediator from the courts panel; b) selecting a mediator on their own; or c) seeking the assistance of a reputable ADR organization in the selection of a Mediator. All parties, or a principal of a party, with authority to settle, are directed to attend the mediation sessions. MEDIATION Instructions sent to Counsel. Letter of Instructions document ATTACHED. COUNSELS are to schedule the mediation and confirm in writing by 11/24/2004 to Gerald P. Lepp, ADR Administrator, the name of the mediator and the date of the first mediation session. COUNSELS are to confer with each other and to speak with the Mediator in selecting a Mediator and the Mediation session date(s). See the attached instructions. See the web pages: http://www.nyed.uscourts.gov/adr/ http://www.nyed.circ2.dcn/dadr/ (Lepp, Gerald)(dc) (Entered: 11/10/2004) |
| 11/17/2004 | 27 | First MOTION for Leave to Appear Notice of Appearance by United States Equal Employment Commission. (Attachments: # 1 Notice of Appearance)(Ranis, Michael) (Entered: 11/17/2004) |
| 11/30/2004 | 28 | MEMORANDUM & ORDER granting in part and denying in part Defendant's 18 Motion to Dismiss. Signed by JudgeNicholas G. Garaufis on 11/29/2004. c/m-chambers (Lee, Tiffeny) (Entered: 11/30/2004) |
| 12/01/2004 | | SELECTION OF MEDIATOR Robert Lewis rep by Robert Lewis selected as Mediator.The first mediation session is scheduled for 12/15/04 at 9:30AM in the Offices of the Equal Employment Opportunity Commission, 33 Whitehall Street, 11th floor, New York, NY 10004. Counsel must file with the Mediator: (1) immediately, their client's Complaint or Answer; and (2) by 12/10/04, their client's Mediation Statement outlining facts, legal issues, settlement discussions and any proposed new approaches and the name and title of the client representative with full settlement authority who will attend the mediation session in person. Attendance in person is required of the Trial Attorney, Insurance Adjustor, and client representative with full settlement authority. The |

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| | | Mediator's contact information is: Robert Lewis, Esq., 20 Sinclair Drive, Kings Point, NY 11024-1622; telephone (516) 482-1448; email address "Lewis202@optonline.net". Report of Mediation due by 12/30/2004. (Lepp, Gerald) (Entered: 12/01/2004) |
| 12/03/2004 | 29 | ANSWER to Amended Complaint by Maggie's Para Transit Corp.. (Pollack, Jeffery) (Entered: 12/03/2004) |
| 12/09/2004 | 30 | Notice of MOTION for Certificate of Appealability <i>via Interlocutory Appeal</i> by Maggie's Para Transit Corp.. (Attachments: # 1 Memorandum of Law In Support of Motion to Permit Interlocutory Appeal# 2 Certificate of Service)(Stein, Jerald) (Entered: 12/09/2004) |
| 12/15/2004 | 31 | Letter from Jeff Pollack to Magistrate Matsumoto Regarding Scheduling Order. (Pollack, Jeffery) (Entered: 12/15/2004) |
| 12/23/2004 | 32 | RESPONSE in Opposition re 30 Notice of MOTION for Certificate of Appealability <i>via Interlocutory Appeal</i> filed by all defendants. (Graziano, Louis) (Entered: 12/23/2004) |
| 01/04/2005 | 33 | SCHEDULING ORDER NO. 3: Discovery end 3/2/2005. Dispositive motions due by 4/18/2005. Opposition by 5/18/2005. Replies by 6/20/2005. The telephone conference scheduled for 1/13/2005 shall proceed as scheduled. Plaintiff to initiate. Signed by Judge Kiyoo A. Matsumoto on 12/16/2004. (Lee, Tiffeny) (Entered: 01/04/2005) |
| 01/06/2005 | | REPORT of Mediation. This case has settled after a mediation session on 12/15/04. Counsel will forward the assigned judges a stipulation of discontinuance. Attorney Questionnaires due by 1/20/2005. (Lepp, Gerald) (Entered: 01/06/2005) |
| 01/07/2005 | | ORDER: Because the parties have reached a settlement in this action, the telephone conference scheduled for 1/13/2005 is adjourned without date. The parties are directed to submit a fully executed original stipulation of dismissal to District Judge Garaufis by 1/31/05. So Ordered. Signed by Judge Kiyoo A. Matsumoto on 1/7/05. (Kabrawala, Ameet) (Entered: 01/07/2005) |
| 01/10/2005 | 34 | Letter from Jeff Pollack to Judge Garaufis Regarding Tentative settlement. (Pollack, Jeffery) (Entered: 01/10/2005) |
| 01/10/2005 | 35 | MEMORANDUM & ORDER denying Maggies Paratransit Corp's 30 Motion for Certificate of Appealability. Signed by Judge Nicholas G. Garaufis on 1/6/2005. (Lee, Tiffeny) (Entered: 01/10/2005) |
| 02/24/2005 | 36 | ENDORSED ORDER granting application. Consent decree shall be filed on or before April 1, 2005. Parties are reminded that this is an ECF case. So Ordered. Signed by Judge Kiyoo A. Matsumoto on 2/16/2005. (Lee, Tiffeny) (Entered: 02/24/2005) |
| 04/04/2005 | | ORDER re docket no. 36 : Without explanation, the parties have failed to comply with this Court's Order dated 2/16/05. Accordingly, the parties shall comply on or before 4/7/05. So Ordered. Signed by Judge Kiyoo A. Matsumoto on 4/4/05. (Kabrawala, Ameet) (Entered: 04/04/2005) |

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| 04/08/2005 | 37 | ENDORSED ORDER: Parties shall report on the status of this case on or before 4/18/2005. Parties shall include the name and case no. when corresponding with the court. The parties are reminded for the third and final time that this is an ECF case. Ordered by Judge Kiyo A. Matsumoto on 4/7/2005. (Lee, Tiffeny) (Entered: 04/18/2005) |
| 04/18/2005 | 38 | Letter MOTION for Extension of Time to File <i>Consent Decree</i> by United States Equal Employment Commission. (Ranis, Michael) (Entered: 04/18/2005) |
| 04/19/2005 | | ORDER granting 38 Motion for Extension of Time to File Consent Decree. Consent Decree shall be filed on or before 4/29/05. So Ordered by JudgeKiyo A. Matsumoto on 4/19/05. (Kabrawala, Ameet) (Entered: 04/19/2005) |
| 04/27/2005 | 39 | Letter from Counsel for Defendant to Magistrate Judge Matsumoto Regarding filing of Consent Decree. (Stein, Jerald) (Entered: 04/27/2005) |
| 04/28/2005 | | ORDER re 39 Letter dated 4/27/05: Consent Decree shall be filed on or before 5/20/05. So Ordered by Judge Kiyo A. Matsumoto on 4/28/05. (Kabrawala, Ameet) (Entered: 04/28/2005) |
| 05/19/2005 | 40 | SETTLEMENT AGREEMENT <i>Is Consent Decree btw. Parties</i> by United States Equal Employment Commission. (Attachments: # 1 Text of Proposed Order Proposed Consent Decree)(Ranis, Michael) (Entered: 05/19/2005) |
| 05/26/2005 | 41 | Consent Decree; Ordered by Judge Nicholas G. Garaufis on May 20, 2005. (case closed)(Lee, Tiffeny) (Entered: 05/27/2005) |

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