

CLOSED

**U.S. District Court
Eastern District of New York (Central Islip)
CIVIL DOCKET FOR CASE #: 2:02-cv-03149-TCP**

Equal Employment Opportunity Commission v. Papillon Salons
& Co., Inc.
Assigned to: Senior-Judge Thomas C. Platt
Cause: 29:621 Job Discrimination (Age)

Date Filed: 05/29/2002
Date Terminated: 09/13/2005
Jury Demand: Plaintiff
Nature of Suit: 442 Civil Rights: Jobs
Jurisdiction: U.S. Government Plaintiff

Plaintiff

**Equal Employment Opportunity
Commission**

represented by **Elizabeth Anne Grossman**
Equal Employment Opportunity
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ATTORNEY TO BE NOTICED

V.

Defendant

Papillon Salons & Co., Inc.

also known as

Papillon Hair Salon & Spa, Inc.

also known as

Papillon Spas, Inc.

also known as

Papillon Hair Salon & Spa, II, Inc.

Defendant

Papillon Hair Salon & Spa, Inc.

represented by **Avely Hart**
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ATTORNEY TO BE NOTICED

ThirdParty Plaintiff

Papillon Hair Salon & Spa, Inc.

represented by **Avely Hart**
(See above for address)
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ATTORNEY TO BE NOTICED

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ATTORNEY TO BE NOTICED

V.

ThirdParty Defendant

Mary Tolnai

TERMINATED: 09/13/2005

ThirdParty Defendant**Jeffrey Trichon**

TERMINATED: 09/13/2005

represented by **Andrew J. Campanelli**

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TERMINATED: 04/14/2005

LEAD ATTORNEY

Date Filed	#	Docket Text
05/29/2002	1	Complaint filed and summons issued as to defendant(s) Papillon Salons & Co., Inc.. Jury trial demanded.. Filed by Michele J. Le Moal-Gray on behalf of Equal Employment Opportunity Commission. (Attachments: # 1 Civil Cover Sheet)(Duong, Susan) (Entered: 05/31/2002)
10/11/2002	5	AFFIDAVIT of Service for Summons and Complaint served on Papillon Salons & Co. on 8/9/02, filed by Equal Employment Opportunity Commission. (Branciforte, Ralph) (Entered: 12/26/2002)
11/20/2002	2	REQUEST FOR WRITTEN STATUS REPORT - There has been no activity in this case since 5/29/02. It is hereby requested that plt(s) inform the Court in writing of the present status of this case within ten (10) days. Signed by Karen O'Hara. Cm (Lopez, Adriana) (Entered: 11/26/2002)
11/22/2002	3	NOTICE of Change of Address by Michele J. Le Moal-Gray. The new address and telephone numbers for EEOC counsel are: 33 Whitehall Street, 5th Floor. New York, New York 10004. (212) 336-3700 (Lopez, Adriana) (Entered: 12/04/2002)
12/17/2002	4	Letter from Michele Le Moal-Gray to USDJ Platt re: Written status report. Pltff anticipates resubmitting the request for notation of default against Papillon. (Lopez, Adriana) (Entered: 12/23/2002)

12/20/2002	7	MOTION for Default Judgment as to dft Papillon Salons & Co. Inc. Filed by Equal Employment Opportunity Commission. (Lopez, Adriana) (Entered: 01/13/2003)
12/20/2002	8	AFFIDAVIT of Michele Le Moal-Gray on behalf of the EEOC in Support of the[7] MOTION for Default Judgment as to Dft Papillon Salons & Co. Inc. filed by Equal Employment Opportunity Commission. (Lopez, Adriana) (Entered: 01/13/2003)
12/26/2002	6	AFFIDAVIT of Service for Summons and Complaint served on Papillon Salons & Co. on 8/9/02, filed by Equal Employment Opportunity Commission. (Branciforte, Ralph) (Entered: 12/26/2002)
12/26/2002	9	Clerk's ENTRY OF DEFAULT as to dft Papillon Salons & Co., Inc. (Signed by Deputy Clerk Ralph Branciforte on 12/26/02) CM (Lopez, Adriana) (Entered: 01/13/2003)
02/27/2003	10	AMENDED affidavit of service re: Summons and complaint served on Papillon Salons & Co, Inc. on 8/9/02 filed by Equal Employment Opportunity Commission. (Lopez, Adriana) (Entered: 03/03/2003)
05/19/2003	11	STATUS REPORT ORDER: Pltff is directed to show cause in writing due by 6/2/2003 as to why the undersigned should not recommend that this action be dismissed for failure to prosecute. An Oral response will not be accepted. Signed by Judge Arlene R. Lindsay on 5/19/03. cm (Lopez, Adriana) (Entered: 05/27/2003)
05/19/2003	13	Letter dtd. 6/9/03 from Michele J. LeMoal-Gray to Robert C. Heinemann, Clerk of Court noting enclosure of EEOC's Motion for Leave to Extend Time to Serve Complaint, a Proposed Order and Certification of Service. (Barhome, Sydelle) (Entered: 06/30/2003)
05/19/2003	14	NOTICE of Motion by Equal Employment Opportunity Commission to Extend Time to Effect Service of Summons and Complaint, 5/19/03, submitted by Michele J. Le Moal-Gray, NY District Office (Barhome, Sydelle) (Entered: 06/30/2003)
05/19/2003	15	MOTION to Continue /Extend time to effect service of Summons/Complaint on Papillon Hair Salon & Spa, Inc. and Papillon Hair Salon & Spa, II, Inc. by Equal Employment Opportunity Commission. (Barhome, Sydelle) (Entered: 06/30/2003)
05/19/2003	16	DECLARATION BY Michele J. Le Moal-Gray in SUPPORT OF [15]MOTION to Continue/ Extend time to effect service of Summons/Complaint on Papillon Hair Salon & Spa, Inc. and Papillon Hair Salon & Spa, II, Inc. by Equal Employment Opportunity Commission. (Barhome, Sydelle) (Entered: 06/30/2003)
05/19/2003	17	ORDER granting [15] Motion for leave to extend time to serve the Complaint in this matter for a period of 60 days from the date of entry of this Order and Complaint shall be deemed served upon service of a copy of this Order with notice of entry thereof; and it is further Ordered that the Dft have 20 days from said service to serve an answer to such Complaint. Signed by Judge Thomas C. Platt on 6/19/03. (Barhome, Sydelle) (Entered: 06/30/2003)

05/27/2003	12	Letter dated 5/22/03 from Michele Le Moal-Gray to USMJ Lindsay re: The EEOC respectfully requests that this case not be dismissed for failure to prosecute and looks forward to the hearing of its motion by the court. (Lopez, Adriana) (Entered: 06/02/2003)
06/23/2003	18	Letter dtd. 5/22/03 from Michael B. Raphan to Michele J. Le Moal-Gray Esq. EEOC advising this firm does NOT represent the named dft in this action. Returning Notice of Motion to Extend Time to Effect Service of Summons and Complaint and accompanying papers. (Barhome, Sydelle) (Entered: 07/01/2003)
06/23/2003	19	Letter dtd 6/13/03 from Michael B. Raphan, to Michele J. Le Moal-Gray, Esq. of EEOC, cc Robert Heinemann, Hon. J. Platt again noting this firm does not represent dft; have never been retained or appeared on behalf of the dft or any other party in this matter. (Barhome, Sydelle) (Entered: 07/01/2003)
07/07/2003	20	Letter dated 7/2/03 from Avely Hart to USDJ Platt re: Although our client has never been served or appeared in this action I feel compelled to respond to EEOC motion to extend time to serve the complaint on our client. (Lopez, Adriana) (Entered: 07/18/2003)
07/14/2003	21	Letter dated 7/9/03 from Michee Moal-Gray Esq. to Avely Hart Esq. re: Pursuant to Judge Platt's Order we have already arranged to serve process upon your client and upon the Secretary of State. (Lopez, Adriana) (Entered: 07/22/2003)
08/25/2003	22	SUMMONS Returned Executed by Equal Employment Opportunity Commission. Papillon Salons & Co., Inc. served on 7/22/2003, answer due 8/11/2003. (Lopez, Adriana) (Entered: 09/04/2003)
09/02/2003	23	ANSWER to Complaint by Papillon Hair Salons & Spa, Inc.(Lopez, Adriana) Modified on 4/14/2005 (Mahon, Cinthia). (Entered: 09/11/2003)
09/18/2003	24	STIPULATION AND ORDER- The time for the defendants to answer or move in response to the complaint is extended to 9/2/03. Signed by Judge Thomas C. Platt on 9/18/03. cm(Lopez, Adriana) (Entered: 09/25/2003)
09/22/2003	25	ORDER : Initial Conference set for 10/17/2003 02:00 PM before Magistrate-Judge Arlene R. Lindsay. Signed by Judge Arlene R. Lindsay on 9/22/03. cm(Lopez, Adriana) (Entered: 09/26/2003)
10/17/2003	26	Minute Entry for proceedings held before Judge Arlene R. Lindsay : Initial Conference Hearing held on 10/17/2003. Counsel for plttf present. Counsel for ONLY Papillon Hair Salon & Spa, Inc. present. (Lopez, Adriana) (Entered: 10/24/2003)
10/17/2003	27	ORDER: Dft Papillon Hair Salon & Spa, Inc. intends to move to dismiss the claims. No answer has been filed on behalf of dft Papillon Salon & Co, Inc., Papillon Spa, Inc. or Papillon Hair Salon & Spa, II Inc. The parties may conduct limited discovery concerning the relationship between the various dfts and the scope of the asset purchase. This discovery is to be completed by 11/29/03. Any remaining discovery will be stayed pending resolution of the answering dft's motion. A telephone status conference will be held on 2/20/04 at 2:00 pm. Signed by Judge Arlene R. Lindsay on 10/17/03. cf(Lopez, Adriana) (Entered: 10/24/2003)

02/20/2004	28	Minute Entry for proceedings held before Arlene R. Lindsay : Status Conference held on 2/20/2004 @2:00 via telephone Michele LeMoal for Plf Gray; Russell Shanks for dft. The parties have completed the limited discovery as permitted by the Court's 10/17/03 order. The dft represents that it plans to move to dismiss the action. Accordingly, discovery is stayed pending the resolution of the motion to dismiss. Dft shall serve its motion within 30 days otherwise the Court will accept an application from plf to lift the stay. So Ordered. (Barhome, Sydelle) (Entered: 03/05/2004)
04/20/2004	29	Letter dtd 4/15/04 from Michele Le Moal-Gray to USMJ Lindsay re: The EEOC respectfully request that the Court lift the stay on discovery in this case and schedule a conference for the purpose of setting a clalendar for discovery. (Lopez, Adriana) (Entered: 04/29/2004)
04/20/2004	30	Letter dtd 4/15/04 from Jeffrey Ruderman to USMJ Lindsay re: As the motion was timely served and is now fully briefed I respectfully request that the plttf's application be denied and that the stay remain in place until a decision has been rendered on the motion. (Lopez, Adriana) (Entered: 04/29/2004)
04/20/2004		ENDORSED ORDER: In light of above, application to continue stay is GRANTED. Signed by Judge Arlene R. Lindsay on 4/20/04. cf/eod30(Lopez, Adriana) (Entered: 04/29/2004)
06/08/2004	31	MOTION to Dismiss <i>the complaint</i> . Filed by Papillon Salons & Co., Inc.. (Lopez, Adriana) (Entered: 06/24/2004)
06/08/2004	32	MEMORANDUM of law in Support to the [31] MOTION to Dismiss <i>the complaint</i> . Filed by Papillon Salons & Co., Inc.. (Lopez, Adriana) (Entered: 06/24/2004)
06/08/2004	33	MEMORANDUM of Law in Opposition to the [31] MOTION to Dismiss <i>the complaint</i> . Filed by Equal Employment Opportunity Commission. (Lopez, Adriana) (Entered: 06/24/2004)
06/08/2004	34	REPLY MEMORANDUM of law in further Support to the [31] MOTION to Dismiss <i>the complaint</i> . Filed by Papillon Salons & Co., Inc.. (Lopez, Adriana) (Entered: 06/24/2004)
06/08/2004	35	REPLY AFFIDAVIT of Abakhay Chulpayev in further Opposition to the [31] MOTION to Dismiss <i>the complaint</i> . Filed by Equal Employment Opportunity Commission. (Lopez, Adriana) (Entered: 06/24/2004)
06/16/2004	36	MEMORANDUM AND ORDER:In support of their 12(b)(6) motion, the dfts attached various affidavits and exhibits. The Court, however, may not consider this extraneous material unless it converts the instant motion into one for summary judgment, which it hereby declines to do so. Accordingly, the dfts' 12(b)(6) motion is DENIED, without prejudice. Signed by JudgeThomas C. Platt on 6/16/04. cm(Lopez, Adriana) (Entered: 06/24/2004)
07/08/2004	37	Letter dtd 7/2/04 from Michael Le Moal-Gray to USMJ Lindsay re: Respectfully requesting that the Court lift the stay on discovery and schedule a conference. (Lopez, Adriana) (Entered: 07/22/2004)

07/13/2004	38	ORDER: A telephone Status Conference is set for 8/2/2004 11:30 AM before Magistrate-Judge Arlene R. Lindsay.. Signed by Judge Arlene R. Lindsay on 7/13/04. cf(Lopez, Adriana) (Entered: 07/22/2004)
08/02/2004	39	Minute Entry for proceedings held before Arlene R. Lindsay: Scheduling Conference held on 8/2/2004. Counsel for all sides present. Pre-trial scheduling order entered. (c/ecf) (Goodstein, Alyce) (Entered: 08/02/2004)
08/02/2004	40	SCHEDULING ORDER: Final Pretrial Conference set for 4/11/2005 11:30 AM before Magistrate Judge Arlene R. Lindsay. Amended Pleadings due by 12/27/2004. Discovery due by 3/14/2005. Joinder of Parties due by 12/27/2004. Parties to contact Judge Platt's courtroom deputy by 3/28/2005 to establish a date for oral argument on summary judgment motions. Proposed Joint Pretrial Order due by 4/11/2005. Signed by Judge Arlene R. Lindsay on 8/2/04. (c/ecf)(Goodstein, Alyce) (Entered: 08/02/2004)
11/15/2004	41	Third Party MOTION for Joinder by Papillon Hair Salon & Spa, Inc.. (Attachments: # 1 Affidavit Affidavit and Exhibit# 2 Declaration in support# 3 Memo of Law# 4 Letter of no Objection by Plaintiff# 5 Text of Proposed Order Proposed Order)(Hart, Avely) (Entered: 11/15/2004)
11/18/2004	42	ORDER : The dft Papillon Hair Salon is hereby GRANTED leave to file and serve a third party complaint within 30 days from the day of this order. Signed by Judge Thomas C. Platt on 11/18/04. (Lopez, Adriana) (Entered: 11/22/2004)
12/10/2004	43	THIRD PARTY COMPLAINT against Mary Tolnai, Jeffrey Trichon, filed by Papillon Salons & Co., Inc..(Lopez, Adriana) (Entered: 12/13/2004)
01/26/2005	44	NOTICE of Appearance by Mona R. Conway on behalf of Jeffrey Trichon (Conway, Mona) (Entered: 01/26/2005)
01/26/2005	45	Letter from Mona Conway to Judge Thomas C. Platt Regarding Pre-answer Motion to Dismiss. (Conway, Mona) (Entered: 01/26/2005)
03/09/2005	48	Letter from Jeffrey Ruderman dtd 3/9/05 to USDJ Platt Regarding : Respectfully requesting that Trichon be prohibited from filing the motion, that a default be entered and that Trichon be directed to pay for our client's attorney's fees incurred in opposing the motion. (Lopez, Adriana) (Entered: 03/24/2005)
03/16/2005	46	Letter from Nora E. Curtin to Magistrate Lindsay Regarding Request for Extension of Time for Discovery. (Roberts, Monique) (Entered: 03/16/2005)
03/18/2005	47	See attached ORDER returning 46 . Signed by Judge Arlene R. Lindsay on 3/18/05. (c/ecf)(Goodstein, Alyce) (Entered: 03/18/2005)
04/07/2005	49	STIPULATION <i>on Discovery Extension</i> by Equal Employment Opportunity Commission. (Ranis, Michael) (Entered: 04/07/2005)
04/08/2005		Endorsed ORDER re 49 : The application to adjourn the conference scheduled for April 11, 2005 is DENIED. The conference will proceed as scheduled. At the conference, the court will address the application to extend the discovery deadline. Plaintiff's counsel is directed to confirm this order with all parties. So Ordered. Signed by Judge Arlene R. Lindsay on 4/8/05. (c/ecf)(Goodstein, Alyce) (Entered: 04/08/2005)

04/08/2005	50	Letter from Perry & Campanelli to Magistrate Lindsay Regarding Motion to Dismiss. (Campanelli, Andrew) (Entered: 04/08/2005)
04/11/2005	51	ORDER re 49 : see attached order amending the pretrial scheduling order. Ordered by Judge Arlene R. Lindsay on 4/11/05. (c/ecf)(Goodstein, Alyce) (Entered: 04/11/2005)
04/11/2005		Minute Entry for proceedings held before Arlene R. Lindsay : Interim Pretrial Conference held on 4/11/2005. See Dkt. #51 for appearances (Goodstein, Alyce) (Entered: 04/11/2005)
04/11/2005	52	Letter from Jeffrey C. Ruderman to Hon. Thomas C. Platt Regarding 3rd party request to file late answer.. (Ruderman, Jeffrey) (Entered: 04/11/2005)
04/13/2005	53	ACKNOWLEDGEMENT OF SERVICE Executed <i>on behalf of Third Party Defendant Mary Tolnai</i> Acknowledgement filed by Papillon Salons & Co., Inc.. (Ruderman, Jeffrey) (Entered: 04/13/2005)
04/14/2005		Email Test - DO NOT REPLY (Mahon, Cinthia) (Entered: 04/14/2005)
06/08/2005		ORDER granting the 50 3rd party defendant's Letter requesting additional time to file an answer. Jeffrey Trichon answer due 6/16/2005.. Ordered by Judge Thomas C. Platt on 6/4/2005. (O'Hara, Karen) (Entered: 06/08/2005)
06/17/2005	54	Third Party MOTION for Entry of Default <i>against 3rd party def. Mary Tolnai</i> by Papillon Hair Salon & Spa, Inc.. (Attachments: # 1 Exhibit Acknowledgement of Service)(Ruderman, Jeffrey) (Entered: 06/17/2005)
06/20/2005	55	Letter MOTION for Extension of Time to File Answer <i>/interpose Answer in the unlikely event matter does not settle</i> by Jeffrey Trichon. (Barhome, Sydelle) (Entered: 06/23/2005)
06/20/2005		ORDER granting 55 Motion for Extension of Time to Answer re 55 Letter MOTION for Extension of Time to File Answer <i>/interpose Answer in the unlikely event matter does not settle</i> . Ordered by JudgeThomas C. Platt on 6/20/05. (Barhome, Sydelle) (Entered: 06/23/2005)
07/07/2005	56	CERTIFICATE of Clerk noting default of Third-Party dft, Mary Tolmai, signed by Keith Jones, Deputy Clerk, 7/7/05 (Barhome, Sydelle) (Entered: 07/07/2005)
09/06/2005	57	Letter from Jeffrey C. Ruderman, Esq. to Hon. Arlene R. Lindsay,USMJ Regarding Request adjournment of conference. (Ruderman, Jeffrey) (Entered: 09/06/2005)
09/06/2005		ORDER re 57 : In light of the settlement, the final conference scheduled for September 7, 2005 is canceled. The parties shall submit a stipulation of discontinuance to the district judge by September 21, 2005. The case is returned to the district court for final disposition. Ordered by Judge Arlene R. Lindsay on 9/6/05. (c/ecf)(Goodstein, Alyce) (Entered: 09/06/2005)
09/06/2005		Judge Arlene R. Lindsay no longer assigned to case pursuant to order re 57 dated 9/6/05. (Morabito, Bryan) (Entered: 09/07/2005)
09/12/2005	58	STIPULATION <i>for Consent Decree settling primary action with EEOC</i> by Papillon Hair Salon & Spa, Inc.. (Ruderman, Jeffrey) (Entered: 09/12/2005)

09/12/2005	59	STIPULATION of Settlement with 3rd party def. Tolnai by Papillon Hair Salon & Spa, Inc.. (Ruderman, Jeffrey) (Entered: 09/12/2005)
09/12/2005	60	STIPULATION of Settlement with 3rd party def. Trichon by Papillon Hair Salon & Spa, Inc.. (Ruderman, Jeffrey) (Entered: 09/12/2005)
09/13/2005	61	STIPULATION AND ORDER Settling Action as to Third-Party Dft. Jeffrey Trichon. Ordered by Judge Thomas C. Platt on 9/13/05. (Barhome, Sydelle) (Entered: 09/19/2005)
09/13/2005	62	STIPULATION AND ORDER Settling Action as to Third-Pary Dft Mary Tolnai. Ordered by Judge Thomas C. Platt on 9/13/05. (Barhome, Sydelle) (Entered: 09/19/2005)
09/13/2005	63	CONSENT DECREE to remain in effect for two years from the date of entry.. Ordered by Judge Thomas C. Platt on 9/13/05. (Barhome, Sydelle) (Entered: 09/19/2005)

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