

CLOSED,CASREF,CLOSED_2008,JWF,MEDIATION

U.S. DISTRICT COURT
U.S. District Court, Western District of New York (Rochester)
CIVIL DOCKET FOR CASE #: 6:06-cv-06426-MAT-JWF

Equal Employment Opportunity Commission v. American
Industrial Sales Corp.
Assigned to: Hon. Michael A. Telesca
Referred to: Hon. Jonathan W. Feldman
Cause: 42:2000e Job Discrimination (Employment)

Date Filed: 08/23/2006
Date Terminated: 05/13/2008
Jury Demand: Plaintiff
Nature of Suit: 442 Civil Rights: Jobs
Jurisdiction: U.S. Government Plaintiff

Plaintiff

**Equal Employment Opportunity
Commission**

represented by **Margaret Ann Malloy**
U.S. Equal Employment Opportunity
Commission
New York District Office
33 Whitehall Street
5th Floor
New York, NY 10004-2112
212-336-3690
Fax: 212-336-3636
Email: margaret.malloy@eeoc.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

R Liliana Palacios
Equal Employment Opportunity
Commission
J.F.K. Federal Building
Room 475
Boston, MA 02203-0506
617-565-3188
Fax: 617-565-3196
Email: rosa.baldwin@eeoc.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Elizabeth Grossman
U.S. Equal Employment Opportunity
Commission
New York District Office
33 Whitehall Street
5th Floor
New York, NY 10004-2112
(212) 336-3696
Fax: (212) 336-3623
Email: elizabeth.grossman@eeoc.gov
TERMINATED: 06/03/2015

V.

Defendant

American Industrial Sales Corp.
d/b/a RAK Industries, Inc.

represented by **Laurence B. Oppenheimer**
Hiscock & Barclay LLP
1100 M&T Center
Three Fountain Plaza
Buffalo, NY 14203-1486
716-566-1575
Fax: 716-846-1207
Email: loppenheimer@hiscockbarclay.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Robert P. Heary
Hiscock & Barclay LLP
1100 M&T Center
Three Fountain Plaza
Buffalo, NY 14203-1486
716-566-1570
Fax: 716-846-1202
Email: rheary@barclaydamon.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Christopher J. Harrigan
Hiscock & Barclay, LLP
One Park Place
300 South State Street
Syracuse, NY 13202
315-425-2772
Fax: 315-425-8540
Email: charrigan@hblaw.com
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
08/23/2006	<u>1</u>	COMPLAINT against American Industrial Sales Corp., filed by Equal Employment Opportunity Commission.(JHF) (Entered: 08/23/2006)
08/23/2006		Summons Issued as to American Industrial Sales Corp.(JHF) (Entered: 08/23/2006)
10/02/2006	<u>2</u>	WAIVER OF SERVICE Returned Executed by Equal Employment Opportunity Commission. American Industrial Sales Corp. waiver sent on 8/28/2006, answer due 10/27/2006. (Palacios, R) (Entered: 10/02/2006)
10/25/2006	<u>3</u>	ANSWER to Complaint by American Industrial Sales Corp..(Heary, Robert) (Entered: 10/25/2006)
10/25/2006	<u>4</u>	CERTIFICATE OF SERVICE by American Industrial Sales Corp. re <u>3</u> Answer to Complaint (Heary, Robert) (Entered: 10/25/2006)
10/26/2006	<u>5</u>	ORDER REFERRING CASE to Magistrate Judge Jonathan W. Feldman. Signed by Hon. Michael A. Telesca on October 26, 2006. (MS,) (Entered: 10/26/2006)
10/27/2006	<u>6</u>	ORDER Scheduling Conference set for 11/29/2006 at 10:30 AM before Hon. Jonathan W. Feldman. Signed by Hon. Jonathan W. Feldman on 10/27/2006. (RO) (Entered: 10/27/2006)
11/14/2006	<u>7</u>	REPORT of Rule 26(f) Planning Meeting. (Heary, Robert) (Entered: 11/14/2006)
11/29/2006	<u>9</u>	Minute Entry for proceedings held before Judge Jonathan W. Feldman : Scheduling Conference held on 11/29/2006. Order issued. (RO) (Entered: 12/06/2006)
12/01/2006	<u>8</u>	ORDER: Discovery due by 12/31/2007. Join Parties/Amend Pleadings due by 7/1/2007. Motions due by 2/28/2008. Signed by Hon. Jonathan W. Feldman on 11/29/06. (JHF) Modified on 1/16/2007. (JHF) (Entered: 12/01/2006)
01/16/2007		E-Filing Notification: re <u>8</u> ORDER, corrected deadline of Join Parties/Amend Pleadings due by to 7/1/2007. Set/Reset Deadlines: Join Parties/Amend Pleadings due by 7/1/2007. (JHF) (Entered: 01/16/2007)
01/16/2007	<u>10</u>	NOTICE of Appearance by Margaret Ann Malloy on behalf of Equal Employment Opportunity Commission. Attachment: # <u>1</u> Certificate of Service.(JHF) (Entered: 01/18/2007)
06/29/2007	<u>11</u>	MOTION for Extension of Time to File <i>Amended Pleading or Add Parties</i> by Equal Employment Opportunity Commission.Motions referred to Jonathan W. Feldman.(Malloy, Margaret) (Entered: 06/29/2007)

07/16/2007	<u>12</u>	LETTER ORDER AMENDING SCHEDULING ORDER deadline: Join Parties/Amend Pleadings due by 7/23/2007. Signed by Hon. Jonathan W. Feldman on 7/16/2007. (RJO) (Entered: 07/16/2007)
07/30/2007	<u>13</u>	NOTICE of Appearance by Christopher J. Harrigan on behalf of American Industrial Sales Corp. (Harrigan, Christopher) (Entered: 07/30/2007)
07/31/2007	<u>14</u>	MOTION to Compel <i>Discovery Responses Relating to Employee Identities</i> by Equal Employment Opportunity Commission.(Malloy, Margaret) (Entered: 07/31/2007)
07/31/2007	<u>15</u>	AFFIDAVIT in Support re <u>14</u> MOTION to Compel <i>Discovery Responses Relating to Employee Identities</i> filed by Equal Employment Opportunity Commission. (Attachments: # <u>1</u> Exhibit Plaintiff's First Set of Interrogatories# <u>2</u> Exhibit Plaintiff's First Set of Document Requests# <u>3</u> Exhibit Defendant's Response to Plaintiff's First Set of Interrogatories# <u>4</u> Exhibit Defendant's Response to Plaintiff's First Set of Document Requests# <u>5</u> Exhibit Letter dated June 12, 2007 from Defendant to Plaintiff# <u>6</u> Exhibit Memo Endorsed letter re extension of time to add parties# <u>7</u> Exhibit Letter dated July 13, 2007 from Plaintiff to Defendant# <u>8</u> Exhibit Letter dated July 18, 2007 from Defendant to Plaintiff)(Malloy, Margaret) (Entered: 07/31/2007)
07/31/2007	<u>16</u>	MEMORANDUM in Support re <u>14</u> MOTION to Compel <i>Discovery Responses Relating to Employee Identities</i> filed by Equal Employment Opportunity Commission. (Malloy, Margaret) (Entered: 07/31/2007)
08/29/2007		NOTICE of Hearing on Motion <u>14</u> MOTION to Compel <i>Discovery Responses Relating to Employee Identities</i> : Responses due by 9/19/2007 Motion Hearing (oral argument) set for 10/5/2007 10:00 AM in Courtroom 3 before Hon. Jonathan W. Feldman. (LMD) (Entered: 08/29/2007)
08/29/2007		E-Filing Notification: <u>11</u> MOTION for Extension of Time to File <i>Amended Pleading or Add Parties</i> PLEASE NOTE: Letters are not e-filed. In the future letter requests such as this should be mailed or faxed to the Court. (LMD) (Entered: 08/29/2007)
09/19/2007	<u>17</u>	MEMORANDUM in Opposition re <u>14</u> MOTION to Compel <i>Discovery Responses Relating to Employee Identities</i> filed by American Industrial Sales Corp.. (Heary, Robert) (Entered: 09/19/2007)
09/19/2007	<u>18</u>	AFFIDAVIT of <i>Robert P. Heary</i> in Opposition re <u>14</u> MOTION to Compel <i>Discovery Responses Relating to Employee Identities</i> filed by American Industrial Sales Corp.. (Attachments: # <u>1</u> Exhibit Ashlea Crawford Discrimination Charge# <u>2</u> Exhibit EEOC Initial Disclosures# <u>3</u> Exhibit EEOC Supplemental Disclosures# <u>4</u> Exhibit July 26, 2007 Correspondence)(Heary, Robert) (Entered: 09/19/2007)
09/20/2007	<u>19</u>	CERTIFICATE OF SERVICE by American Industrial Sales Corp. re <u>18</u> Affidavit in Opposition to Motion, <u>17</u> Memorandum in Opposition to Motion (Heary, Robert) (Entered: 09/20/2007)
09/27/2007	<u>20</u>	ORDER REFERRING CASE to Mediation. First Mediation Session due by 11/30/2007. Mediation To End by 11/30/2007. In the event settlement is not reached, Oral Argument re <u>14</u> motion to compel set for 12/11/2007 09:30 AM before Hon. Jonathan W. Feldman. Signed by Hon. Jonathan W. Feldman on 9/27/07. (JHF) (Entered: 09/27/2007)
10/15/2007	<u>21</u>	LETTER ORDER granting extension of time. Stipulation of Selection of Mediator due by 10/19/2007. Signed by Hon. Jonathan W. Feldman on 10/15/2007. (RJO) (Entered: 10/15/2007)
10/19/2007	<u>22</u>	Stipulation-Selection of Mediator by American Industrial Sales Corp.(Heary, Robert) (Entered: 10/19/2007)
10/22/2007	<u>23</u>	LETTER ORDER granting the parties joint request to modify the 11/29/06 scheduling order to extend all unexpired deadlines for 3 months. Signed by Hon. Jonathan W. Feldman on 10/22/2007. (LMD) (Entered: 10/23/2007)
10/23/2007	<u>24</u>	ORDER Fact Discovery due by 3/31/2008, Plaintiff's shall identify expert witnesses by 1/31/2008, Defendants shall identify expert witnesses by 2/29/2008, All discovery relating to experts shall be completed by 3/31/2008, and Dispositive Motions due by 5/28/2008. Signed by Hon. Jonathan W. Feldman on 10/23/2007. (LMD) (Entered: 10/23/2007)

11/27/2007	<u>25</u>	Mediation Certification by Richard Rosenbloom(JMS) (Entered: 11/27/2007)
11/30/2007	<u>26</u>	LETTER ORDER granting request for a three week extension. Counsel to contact the Court upon completion of mediation. Oral Argument set for 1/22/2008 02:30 PM before Hon. Jonathan W. Feldman. Signed by Hon. Jonathan W. Feldman on 11/30/2007. (RJO) (Entered: 12/03/2007)
12/26/2007	<u>27</u>	LETTER ORDER granting mediation extension to 1/18/2008. Signed by Hon. Jonathan W. Feldman on 12/26/2007. (RJO) (Entered: 12/26/2007)
01/18/2008	<u>28</u>	LETTER ORDER granting mediation extension to 2/1/2008 and withdrawing without prejudice <u>14</u> MOTION to Compel. Signed by Hon. Jonathan W. Feldman on 1/18/08. (JHF) (Entered: 01/18/2008)
03/17/2008	<u>29</u>	LETTER ORDER granting mediation extension to 4/15/2008. Signed by Hon. Jonathan W. Feldman on 3/17/2008. (RJO) (Entered: 03/17/2008)
05/13/2008	<u>30</u>	CONSENT DECREE AND ORDER. Exhibit D filed under seal. Signed by Hon. Michael A. Telesca on 5/12/08. (JHF) (Entered: 05/13/2008)
05/13/2008	<u>31</u>	Sealed Document. (JHF) (Entered: 05/13/2008)