

CLOSED

U.S. District Court
United States District Court for the Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:00-cv-07239-CBM

Equal Employment v. Rekrem, Inc.
Assigned to: Judge Constance Baker Motley
Demand: \$0
Cause: 42:2000e Job Discrimination (Employment)

Date Filed: 09/25/2000
Date Terminated: 03/12/2002
Jury Demand: Plaintiff
Nature of Suit: 442 Civil Rights: Jobs
Jurisdiction: U.S. Government Plaintiff

Plaintiff

**Equal Employment Opportunity
Commission**

represented by **Elizabeth Grossman**
Equal Employment Opportunity
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V.

Defendant

Rekrem, Inc.
doing business as
Whole Foods of Soho

represented by **Scott T. Baken**
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(212) 545-4000
TERMINATED: 03/30/2001
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Movant

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Movant

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Movant

Shiek Ahmed

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Movant

Amhad Eldin Abdou

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Movant**Hoshneara Begum**represented by **Preston Leschins**
(See above for address)
*LEAD ATTORNEY***Movant****Mohammed Abu Sayed**represented by **Preston Leschins**
(See above for address)
*LEAD ATTORNEY***Movant****Malik Issaen**represented by **Preston Leschins**
(See above for address)
*LEAD ATTORNEY***Movant****Shoakat Ahmed**represented by **Preston Leschins**
(See above for address)
*LEAD ATTORNEY***Movant****Saila Sultana**

Date Filed	#	Docket Text
09/25/2000	1	COMPLAINT filed. Summons issued and Notice pursuant to 28 U.S.C. 636(c). (em) (Entered: 09/26/2000)
09/25/2000		Magistrate Judge Frank Maas is so Designated. (em) (Entered: 09/26/2000)
10/31/2000	2	Notice of reassignment to Judge Constance B. Motley . Copy of notice and judge's rules mailed to Attorney(s) of record: Michael J. O'Brien, Elizabeth Grossman, Katherine E. Bissell . (jp) (Entered: 11/01/2000)
11/02/2000	3	ORDER; parties in this matter are hereby notified that a pre-trial conf. shall be held on 11/27/00 at 10:00 a.m. in Courtroom 26-A in the U.S. Courthouse at 500 Pearl Street ; (signed by Judge Constance B. Motley); Copies mailed. (lf) (Entered: 11/03/2000)
11/14/2000	4	NOTICE OF MOTION by Nipu Tazul, Ali Dahhan, Shiek Ahmed, Amhad Eldin Abdou, Rifat Sharmin, Mohammad Ali, Hoshneara Begum, Mohammed Abu Sayed, Malik Issaen, Shoakat Ahmed to intervene by Nipu Tazul, Ali Dahhan, Shiek Ahmed, Amhad Eldin Abdou, Rifat Sharmin, Mohammad Ali, Hoshneara Begum, Mohammed Abu Sayed, Malik Issaen, Shoakat Ahmed . Return date 11/28/00. (rag) (Entered: 11/21/2000)
11/14/2000	5	MEMORANDUM OF LAW by Nipu Tazul, Ali Dahhan, Shiek Ahmed, Amhad Eldin Abdou, Rifat Sharmin, Mohammad Ali, Hoshneara Begum, Mohammed Abu Sayed, Malik Issaen, Shoakat Ahmed in support of [4-1] motion to intervene

		by Nipu Tazul, Ali Dahhan, Shiek Ahmed, Amhad Eldin Abdou, Rifat Sharmin, Mohammad Ali, Hoshneara Begum, Mohammed Abu Sayed, Malik Issaen, Shoakat Ahmed . (rag) (Entered: 11/21/2000)
11/30/2000	6	PRE-TRIAL SCHEDULE AND ORDER: All discovery shall be concluded by all parties by 5/21/01. Each party's pre-trial memorandum and a joint pre-trial order must be submitted by 6/12/01. The next pre-trial conference shall be held in Room 26A at 10:00 AM on 4/10/01, at which time all pending motions and all pre-trial discovery matters will be heard. The trial will commence on 6/18/01 at 10:00 AM, preceding which there will be a final pre-trial conference in Room 26A. The parties are to meet on or before 2/21/01 and exchange all documents, of any description, relevant to this case. On 3/21/01, the parties are to meet and prepare a schedule of all depositions to be taken during the period 4/2/01 to 4/13/01. A copy of the schedule shall be sent to the Court. There will be no extensions of time granted as to this schedule. All motions to intervene must be filed by 1/8/01. Answers to said motions shall be filed by 1/29/01. Replies are to be filed by 2/12/01. The motions will then be taken on submission. There will be no extensions of time granted. (signed by Judge Constance B. Motley); Copies mailed. (sn) Modified on 12/01/2000 (Entered: 12/01/2000)
01/08/2001	7	NOTICE OF MOTION by Saila Sultana; for an Order, purs. to FRCP 24(a) and 42 U.S.C. 2000e-5(f)(1), granting Saila Sultana leave to intervene as of right in this action ; Return date not indicated. Affirmation of Michael B. Lumer in support of motion attached. Received in night deposit on 1/8/01 at 7:21 p.m. (jp) (Entered: 01/09/2001)
01/08/2001	8	MEMORANDUM OF LAW by Saila Sultana in support of [7-1] motion for an Order, purs. to FRCP 24(a) and 42 U.S.C. 2000e-5(f)(1), granting Saila Sultana leave to intervene as of right in this action. Received in night deposit on 1/8/01 at 7:21 p.m. (jp) (Entered: 01/09/2001)
01/22/2001	9	ANSWER to Complaint by Rekrem, Inc. (Attorney Scott T. Baken from the Firm: Jackson Lewis Schnitzler & Krupman) (filed in night deposit on 1/22/01 @6:14pm) (lam) (Entered: 01/24/2001)
01/22/2001	10	RULE 1.9 CERTIFICATE filed by Rekrem, Inc. (lam) (Entered: 01/24/2001)
01/29/2001	11	MEMORANDUM OF LAW by Rekrem, Inc. in opposition to [4-1] motion to intervene by Nipu Tazul, Ali Dahhan, Shiek Ahmed, Amhad Eldin Abdou, Rifat Sharmin, Mohammad Ali, Hoshneara Begum, Mohammed Abu Sayed, Malik Issaen, Shoakat Ahmed; [7-1] motion for an Order, purs. to FRCP 24(a) and 42 U.S.C. 2000e-5(f)(1), granting Saila Sultana leave to intervene as of right in this action. (Rec'd in night deposit box 1/29/01 11:24 PM) (sn) (Entered: 01/31/2001)
02/13/2001	12	MEMORANDUM OF LAW by Saila Sultana in further support of [7-1] motion for an Order, purs. to FRCP 24(a) and 42 U.S.C. 2000e-5(f)(1), granting Saila Sultana leave to intervene as of right in this action . (djc) (Entered: 02/14/2001)
02/13/2001	13	AFFIRMATION of Michael B. Lumer by Saila Sultana in Further Support of [7-1] motion for an Order, purs. to FRCP 24(a) and 42 U.S.C. 2000e-5(f)(1), granting Saila Sultana leave to intervene as of right in this action . (djc) (Entered: 02/14/2001)

02/13/2001	14	REPLY by Equal Employment to Whole Foods' Opposition to the Charging Parties' Motions to Intervene as of Right and in Support of their motions to Intervene (djc) (Entered: 02/14/2001)
03/30/2001	16	STIPULATION and ORDER, substituting Dorsey & Whitney LLP in place of Jackson Lewis Schnitzler & Krupman as counsel for defendant Rekrem, Inc., d/b/a Whole Foods of Soho . (signed by Judge Constance B. Motley) (kw) (Entered: 04/05/2001)
04/05/2001	15	REVISED PRE-TRIAL SCHEDULE AND ORDER: all discovery shall be concluded by all parties no later than 6/22/01; each party's pre-trial memorandum and a joint pre-trial order must be submitted by 7/13/01; the next pre-trial conference shall be held in Room 26A on 5/8/01 at 11:00 a.m., at which time all pending motions and all pre-trial discovery matters will be heard; the trial will commence on 6/18/01 at 10:00 a.m., preceding which there will be a final pre-trial conference in Room 26A; on 3/21/01, the parties exchanged lists of depositions to be taken. The parties will meet and prepare a schedule of all depositions to be taken during the period 5/7/01 to 5/25/01. A copy of the schedule shall be sent to the Court. No interrogatories are to be served, except those seeking the location or identity of prospective witnesses or deponents. There will be no further extensions of time granted as to this schedule. (signed by Judge Constance B. Motley); Copies mailed. (sac) (Entered: 04/05/2001)
04/06/2001	17	MEMORANDUM OPINION AND ORDER #85425, granting [4-1] motion to intervene by Nipu Tazul, Ali Dahhan, Shiek Ahmed, Amhad Eldin Abdou, Rifat Sharmin, Mohammad Ali, Hoshneara Begum, Mohammed Abu Sayed, Malik Issaen, and Shoakat Ahmed; this court orders that the additional claims alleged in the proposed Tazul complaint be severed from the claims based upon Title VII ; dismissing [7-1] motion for leave to intervene by Saila Sultana, purs. to FRCP 24(a) and 42 U.S.C. 2000e-5(f)(1), as of right in this action and the Sultana proposed intervening complaint. (signed by Judge Constance B. Motley); Copies mailed. (kw) Modified on 05/07/2001 (Entered: 04/09/2001)
04/25/2001	18	ORDER, the pretrial conference originally scheduled for 5/8/01 @ 11:00 a.m. is rescheduled for 5/8/01 @ 2:30 p.m., in courtroom 26A, 500 Pearl St., NY, NY... (signed by Judge Constance B. Motley) (kg) (Entered: 04/25/2001)
05/09/2001	19	PRE-TRIAL SCHEDULE AND ORDER; joinder of other parties and amendments to pleadings must be completed by 6/8/01; all discovery shall be concluded by all parties no later than 1/5/02; each party's pre-trial memorandum and a joint pre-trial order must be submitted by 4/1/02; the next pre-trial conference shall be held in Room 26A on 10/4/01 at 10:00 a.m., at which time all pending motions and all pre-trial discovery matters will be heard; the trial will commence on 4/15/02 at 10:00 a.m., preceding which there will be a final pre-trial conference in Room 26A; the parties are to meet on or before 6/8/01 and exchange all documents, of any description, relevant to this case. Sanctions will be imposed for failure to produce any relevant document; thereafter, on 8/17/01, the parties are to meet and prepare a schedule of all depositions to be taken during the period 9/5/01 to 11/5/01. Documents relating to advise of counsel defense are to be produced by 6/29/01. (signed by Judge Constance B. Motley); Copies mailed. (sac) (Entered: 05/09/2001)

06/26/2001	20	ANSWER by Rekrem, Inc. to Intervening Complaint of Plaintiffs; Firm of: Dorsey & Whitney LLP by attorney Zachary W. Carter. (djc) (Entered: 06/27/2001)
09/07/2001	21	NOTICE OF MOTION by Jackson Lewis Schnitzler & Krupman; for an order to quash Subpoenas Duces Tecum pursuant to Rules 45(c)(3)(A)(iii) and 45(c)(3)(A)(iv) of the F.R.C.P. and the Local Rules of this Court ; Return date: not indicated. (pl) (Entered: 09/20/2001)
09/07/2001	22	AFFIDAVIT of Scott T. Baken, Esq. in support of [21-1] motion for an order to quash Subpoenas Duces Tecum pursuant to Rules 45(c)(3)(A)(iii) and 45(c)(3)(A)(iv) of the F.R.C.P. and the Local Rules of this Court . (pl) (Entered: 09/20/2001)
09/07/2001	23	MEMORANDUM OF LAW in support of [21-1] motion for an order to quash Subpoenas Duces Tecum pursuant to Rules 45(c)(3)(A)(iii) and 45(c)(3)(A)(iv) of the F.R.C.P. and the Local Rules of this Court. (pl) (Entered: 09/20/2001)
09/07/2001	24	AFFIDAVIT of Scott T. Baken, Esq. in support of [21-1] motion for an order to quash Subpoenas Duces Tecum pursuant to Rules 45(c)(3)(A)(iii) and 45(c)(3)(A)(iv) of the F.R.C.P. and the Local Rules of this Court . (pl) (Entered: 09/20/2001)
09/27/2001	25	ORDER; reset pre-trial conference for 2:00 10/29/01, Courtroom 26A . (signed by Judge Constance B. Motley); Copies mailed. (pl) (Entered: 10/01/2001)
10/30/2001	26	PRE-TRIAL SCHEDULE & ORDER: Pretrial conference set for 2:30 12/14/01; The trial will commence on 4/15/02, at 10:00 am; on 2/14/02, the parties are to meet and prepare a schedule of all depositions to be taken during the period 2/25/02 to 3/29/02; Opposition to motion to quash due 11/16/01 and reply by 11/26/01 (signed by Judge Constance B. Motley); Copies mailed. (cd) (Entered: 11/01/2001)
10/30/2001		Deadline(s) updated: Response to motion reset to 11/16/01 for [21-1] motion for an order to quash Subpoenas Duces Tecum pursuant to Rules 45(c)(3)(A)(iii) and 45(c)(3)(A)(iv) of the F.R.C.P. and the Local Rules of this Court ; Reply to Response to Motion reset to 11/26/01 for [21-1] motion for an order to quash Subpoenas Duces Tecum pursuant to Rules 45(c)(3)(A)(iii) and 45(c)(3)(A)(iv) of the F.R.C.P. and the Local Rules of this Court . (cd) (Entered: 11/01/2001)
11/06/2001	27	NOTICE of Change of Address by Equal Employment (indicated on the system) (cd) (Entered: 11/08/2001)
11/16/2001	28	BRIEF by Equal Employment re: in Opposition to Jackson Lewis Schnitzler & Krupman's Motion to Quash the EEOC's Subpoenas Duces Tecum. (djc) (Entered: 11/27/2001)
11/16/2001	29	AFFIDAVIT of Michael J. O'Brien by Equal Employment in support of Subpoena Duces Tecum. (djc) (Entered: 11/27/2001)
11/16/2001	30	BRIEF by Equal Employment in Opposition to [21-1] motion for an order to quash Subpoenas Duces Tecum pursuant to Rules 45(c)(3)(A)(iii) and 45(c)(3)(A)(iv) of the F.R.C.P. and Local Rules of this Court. (djc) (Entered: 11/27/2001)

11/16/2001	31	Transmittal AFFIDAVIT of Michael J. O'Brien by Equal Employment in support of [30-1] opposition memorandum. (djc) (Entered: 11/27/2001)
12/03/2001	32	REPLY MEMORANDUM of Law in support of Jackson Lewis Schnitzer & Krupman's [21-1] motion for an order to quash Subpoenas Duces Tecum pursaunt to Rules 45(c)(3)(A)(iii) and 45(c)(3)(A)(iv) of the F.R.C.P. and the Local Rules of this Court (db) (Entered: 12/06/2001)
01/04/2002	33	NOTICE OF MOTION by Equal Employment; for leave to file a Brief in Response to JLSK's Reply Papers on its Motion to Quash the EEOC's Subpoena Duces Tecum to Three of its Attorneys ; Return date not indicated. (djc) (Entered: 01/07/2002)
01/04/2002	34	RESPONSE BRIEF by Equal Employment in Opposition to [21-1] motion for an order to quash Subpoenas Duces Tecum pursaunt to Rules 45(c)(3)(A)(iii) and 45(c)(3)(A)(iv) of the F.R.C.P. and Local Rules of this Court (djc) (Entered: 01/09/2002)
01/04/2002	35	SUPPLEMENTAL TRANSMITTAL AFFIDAVIT of Michael J.O'Brien by Equal Employment Re: [34-1] opposition response . (djc) (Entered: 01/09/2002)
01/10/2002	36	MEMORANDUM OPINION AND ORDER #86444, granting in part, and denying in part [21-1] motion for an order to quash Subpoenas Duces Tecum pursaunt to Rules 45(c)(3)(A)(iii) and 45(c)(3)(A)(iv) of the F.R.C.P. and the Local Rules of this Court; JLSK shall produce documents in response EEOC requests Nos. 1-4 by 1/18/02 . (signed by Judge Constance B. Motley); Copies mailed. (kw) (Entered: 01/14/2002)
01/14/2002	37	ORDER, deft's former counsel shall comply with the court's 1/8 order and produce the documents in question by 2/22/02 ; depositions shall be taken between 3/25/02 and 5/2/02 ; dispositive motions filing deadline for 7/12/02 ; the trial in this matter, if any, shall commence on 9/10/02 (signed by Judge Constance B. Motley); Copies mailed. (cd) (Entered: 01/15/2002)
03/12/2002	38	CONSENT DECREE (JUDGMENT): resolving all claims arising out of the issues between the EEOC, Intervenor, and Rekrem, Inc. in this lawsuit, including, w/out limitations, back, pay, front pay, compensatory and punitive damages, injunctive relief, costs, and attorneys' fees; in settlement of this dispute, Rekrem LLC shall pay to the order of the Intervenor and their attorneys a total of \$715,000.00 (see consent judgment for the break down of the payments); each of the parties to this Decree shall bear their respective attorneys' fees and costs;. (signed by Judge Constance B. Motley) Entered On Docket: 3/15/02. (ae) (Entered: 03/15/2002)
03/12/2002		Case closed. (ae) (Entered: 03/15/2002)

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