

CLOSED_2000, CONSENT

**U.S. DISTRICT COURT
WESTERN DISTRICT OF NEW YORK [LIVE] (Buffalo)
CIVIL DOCKET FOR CASE #: 1:97-cv-00528-CEH**

EEOC v. R.J.D. Enterprises
Assigned to: USMJ Carol E. Heckman
Demand: \$0
Cause: 42:2000 Job Discrimination (Sex)

Date Filed: 06/30/1997
Jury Demand: Plaintiff
Nature of Suit: 442 Civil Rights: Jobs
Jurisdiction: Federal Question

Plaintiff

**Equal Employment Opportunity
Commission**

represented by **Andree M. Peart**
U.S. Equal Employment Opportunity
Commission
New York District Office
33 Whitehall Street
5th Floor
New York, NY 10004-2112
(212) 336-3620
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Intervenor Plaintiff

Susan Fritz

represented by **Andrew P. Fleming**
Chiacchia & Fleming, LLP
5113 South Park Avenue
Hamburg, NY 14075
716-648-3030
Fax: 716-648-0810
Email: aflem@cf-legal.com
LEAD ATTORNEY
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Gregory A. Mattacola
The Law Firm of Gregory A. Mattacola
217 North Washington Street
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315-334-5050
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LEAD ATTORNEY
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Intervenor Plaintiff

Susan M. Skierczynskirepresented by **Andrew P. Fleming**
(See above for address)
LEAD ATTORNEY
*ATTORNEY TO BE NOTICED***Gregory A. Mattacola**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant**R.J.D. Enterprises, Inc.***doing business as*
Pentacles Restaurant**Movant****Susan Fritz***TERMINATED: 05/12/1998*represented by **Andrew P. Fleming**
(See above for address)
TERMINATED: 05/12/1998
LEAD ATTORNEY
*ATTORNEY TO BE NOTICED***Movant****Susan M. Skierczynski***TERMINATED: 05/12/1998*represented by **Andrew P. Fleming**
(See above for address)
TERMINATED: 05/12/1998
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
06/30/1997	1	COMPLAINT filed with Jury Demand (SG) (Entered: 07/01/1997)
06/30/1997		DEMAND for jury trial by EEOC included in Complaint Item 1 (SG) (Entered: 07/01/1997)
06/30/1997		SUMMONS issued for R.J.D. Enterprises (SG) (Entered: 07/02/1997)
07/07/1997	2	ORDER REFERRING CASE to USMJ Carol E. Heckman to participate as a facilitator in settlement discussions (signed by Senior USDJ John T. Elfvin) Notice and copy sent to Andree M. Peart . (DMS) (Entered: 07/10/1997)
07/07/1997		CASE NO LONGER REFERRED TO USMJ Carol E. Heckman (JBG) (Entered: 04/08/1999)
01/20/1998	3	MOTION to Intervene by Susan Fritz, Susan M. Skierczynski with affidavit in support (JMD) (Entered: 01/21/1998)

01/30/1998	4	RETURN OF SERVICE executed as to R.J.D. Enterprises 1/29/98 Answer due on 2/18/98 for R.J.D. Enterprises (SG) (Entered: 02/03/1998)
01/30/1998	5	CERTIFICATE OF SERVICE of Motion to Intervene by Susan Fritz, Susan M. Skierczynski (SG) (Entered: 02/03/1998)
03/09/1998		NOTICE: JTE Response to Motion reset to 4/17/98 for [3-1] motion to Intervene , Reply to Response to Motion reset to 4/22/98 , Motion Hearing set for 3:00 4/24/98 (SG) (Entered: 03/10/1998)
04/24/1998		Minute entry: no appearances, [3-1] motion to Intervene by Susan Fritz, Susan M. Skierczynski granted. JTE (JMD) (Entered: 05/05/1998)
05/08/1998	6	Return of service unexecuted as to R.J.D. Enterprises re: [1-1] complaint (JMD) (Entered: 05/11/1998)
05/12/1998	7	REQUEST FOR CLERK'S ENTRY OF DEFAULT by EEOC as to R.J.D. Enterprises (former empl) Modified on 05/13/1998 (Entered: 05/12/1998)
06/16/1998	8	CLERK'S ENTRY OF DEFAULT as to R.J.D. Enterprises . Notice and copy sent to Andrew P. Fleming, Andree M. Peart . (former empl) (Entered: 06/16/1998)
10/14/1998	9	ORDER TO SHOW CAUSE Show Cause Hearing set for 3:00 10/30/98 why this action should not be dismissed for failure to prosecute (signed by Senior USDJ John T. Elfvin) Notice and copy sent to Andrew P. Fleming, Andree M. Peart . (SG) (Entered: 10/15/1998)
10/30/1998		Show cause hearing reset to 3:00 11/6/98 (JTE) (SG) (Entered: 11/04/1998)
11/02/1998	10	MOTION by EEOC for Default Judgment against R.J.D. Enterprises (SG) (Entered: 11/03/1998)
11/02/1998	11	MEMORANDUM by EEOC in support of [10-1] motion for Default Judgment against R.J.D. Enterprises by EEOC (SG) (Entered: 11/03/1998)
11/04/1998		NOTICE: JTE Response to Motion reset to 11/25/98 for [10-1] motion for Default Judgment against R.J.D. Enterprises , Reply to Response to Motion reset to 12/2/98 , Motion Hearing set for 3:00 12/4/98 (SG) (Entered: 11/06/1998)
11/06/1998		Show cause hearing; No appearances (JTE) (SG) (Entered: 11/10/1998)
11/10/1998	12	MOTION with Affidavit and Exhibits by EEOC for Default Judgment against R.J.D. Enterprises (SG) (Entered: 11/12/1998)
11/19/1998		NOTICE: JTE Response to Motion reset to 11/25/98 for [12-1] motion for Default Judgment against R.J.D. Enterprises , Reply to Response to Motion reset to 12/2/98 , Motion Hearing set for 3:00 12/4/98 (SG) (Entered: 11/20/1998)

12/04/1998		Minute entry: Plaintiff's motion for default judgment granted; No appearances (JTE) (SG) (Entered: 10/19/1999)
07/15/1999	13	ORDER TO SHOW CAUSE Show Cause Hearing set for 3:00 8/20/99 (signed by Senior USDJ John T. Elfvin) Notice and copy sent to Andrew P. Fleming, Andree M. Peart . (SG) (Entered: 07/16/1999)
09/13/1999	14	CONSENT TO PROCEED before Magistrate Judge and Order Referring Case to USMJ Carol E. Heckman and directing that the case number shall read 97-CV-0528H (signed by Senior USDJ John T. Elfvin) Case reassigned to USMJ Carol E. Heckman Notice and copy to Andrew P. Fleming, Andree M. Peart (SG) (Entered: 09/14/1999)
09/23/1999		NOTICE: CEH Scheduling conference set on 10:00 9/30/99 (SG) (Entered: 09/24/1999)
09/30/1999		Tele-conference held with plaintiff's attorneys; Defendants have defaulted but plaintiffs need to make a record to establish damages; Trial on damages set for 12/13/99 and 12/14/99 at 10:00 am; in addition, teleconference set for 12/2/99 at 9:00 am to discuss details of hearing (CEH) (SG) (Entered: 10/07/1999)
10/07/1999		Bench trial set at 10:00 12/13/99 (SG) (Entered: 10/07/1999)
10/07/1999		Tele-conference set at 9:00 12/2/99 (SG) (Entered: 10/07/1999)
11/18/1999	15	ORDER, set Telephone Conference for 9:00 12/2/99 , set Bench Trial for 10:00 12/13/99 (signed by USMJ Carol E. Heckman) Notice and copy of order sent to Andrew P. Fleming, Andree M. Peart (SG) (Entered: 11/22/1999)
12/02/1999		Tele-conference held with plaintiff's attorney regarding how to conduct damages hearing; Attorneys agree affidavits are sufficient; Accordingly, attorney will submit affidavits supporting lost wages, attorneys' fees and costs as well as proposed judgment by 12/13/99 (CEH) (SG) (Entered: 12/03/1999)
12/13/1999	16	ORDER, Extending the Time to file affidavits re: damages and attorney's fees until 12/21/99 (signed by USMJ Carol E. Heckman) Notice and copy of order sent to Gregory A. Mattacola, Andrew P. Fleming, Andree M. Peart (SG) (Entered: 12/14/1999)
12/22/1999	17	AFFIDAVIT by Susan Fritz (SG) (Entered: 12/23/1999)
12/22/1999	18	AFFIDAVIT by Susan M. Skierczynski (SG) (Entered: 12/23/1999)
12/22/1999	19	AFFIDAVIT with Exhibit by Andrew P. Fleming for EEOC (SG) (Entered: 12/23/1999)
02/17/2000	20	ORDER, set Telephone Conference for 10:00 3/10/00; plaintiff's counsel is directed to initiate the call (signed by USMJ Carol E. Heckman) Notice and copy of order sent to Gregory A. Mattacola, Andrew P. Fleming, Andree M. Peart (SG) (Entered: 02/18/2000)
03/21/2000	21	DEFAULT JUDGMENT against R.J.D. Enterprises d/b/a Pentacles

	Restaurant in the amount of \$3,440.00 for plaintiff-intervenor Susan Fritz and in the amount of \$44,548.00 for plaintiff-intervenor Susan M. Skierczynski (signed by USMJ Carol E. Heckman) Notice and copy sent Gregory A. Mattacola, Andrew P. Fleming, Andree M. Peart, R.J.D. Enterprises, Inc. (SG) (Entered: 03/22/2000)
03/21/2000	Case closed (SG) (Entered: 03/22/2000)

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