

CLOSED, MEDIATION

**U.S. District Court
Eastern District of New York (Central Islip)
CIVIL DOCKET FOR CASE #: 2:02-cv-05259-ADS-ARL**

Equal Employment Opportunity Commission v. Rappaport,
Hertz, Cherson, and Rosenthal, PC.
Assigned to: Senior-Judge Arthur D. Spatt
Referred to: Magistrate-Judge Arlene R. Lindsay
Cause: 42:2000e Job Discrimination (Employment)

Date Filed: 09/30/2002
Date Terminated: 09/24/2003
Jury Demand: Plaintiff
Nature of Suit: 442 Civil Rights: Jobs
Jurisdiction: U.S. Government Plaintiff

Plaintiff**Equal Employment Opportunity
Commission**

represented by **Michele J. Le Moal-Gray**
Equal Employment Opportunity Comm.
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Intervenor Plaintiff**Rabbia Ashraf**

represented by **Louis Pechman**
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V.

Defendant

Rappaport, Hertz, Cherson, and Rosenthal, PC.

represented by **Joan M. Gilbride**
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Interested Party

Rabbia Ashraf

represented by **Louis Pechman**
 (See above for address)
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Date Filed	#	Docket Text
09/30/2002	1	Complaint filed and summons issued as to defendant(s) Rappaport, Hertz, Cherson, and Rosenthal, PC.. Jury trial demanded.. Filed by Michele J. Le Moal-Gray on behalf of Equal Employment Opportunity Commission. (Attachments: # 1 Civil Cover Sheet)(Basile, Antonietta) (Entered: 10/02/2002)
11/19/2002	3	MOTION by Rabbia Ashraf for an Order 1) permitting Ashraf to intervene as a party plttf in this case and accept for filing her Complaint against Rappaport, Hertz, Cherson & Rosenthal, P.C. 2) exercising the Court's supplemental jurisdiction pursuant to 28 USC 1367 over Ashraf's Complaint and her claims contained therein. (Coleman, Laurie) (Entered: 12/11/2002)
11/19/2002	4	MEMORANDUM OF LAW Re: In support of [3] Motion to Intervene by Rabbia Ashraf. (Coleman, Laurie) (Entered: 12/11/2002)
11/19/2002	5	AFFIDAVIT/DECLARARTION OF Louis Pechman Re: In support of [3] Motion to Intervene filed on behalf of Rabbia Ashraf (interested-pty). (Coleman, Laurie) (Entered: 12/11/2002)
11/21/2002	2	Letter from Louis Pechman to Judge Spatt, dated 11/20/02 re: because of an error in our copying, the complaint, attached as Exhibit A tothe Declaration in Support of Rannia Ashraf's motion to Intervene, submitted on 11/18/02, may have been missing pages 8-10. Enclosed are supplementary pages to be inserted into the complaint. We apologize for any inconvenience. (Harper, Karene) (Entered: 12/09/2002)

11/22/2002	9	NOTICE of Change of Address; Pltff Equal Employment Opportunity Commission ("EEOC") has moved to a new, permanent address. The address and telephone numbers for EEOC Counsel are: Michael J. LeMoal-Gray, Esq., Equal Employment Opportunity Commission 33 Whitehall Street, 5th Floor New York, New York 10004, telephone: 212-336-3700, facsimile: 212-336-3623, email: michele.lemoal-gray@eeoc.gov, filed by Michele J. Le Moal-Gray (Fagan, Linda) (Entered: 12/13/2002)
12/09/2002	6	CROSS-MOTION by Rappaport, Hertz, Cherson, and Rosenthal, PC. Re: To compel Rabbia Ashraf to arbitrate her Complaint against dfts and honor the terms of her employment agreement; And in opposition to Ashraf's motion to Intervene as an unconditional right. (Coleman, Laurie) (Entered: 12/12/2002)
12/09/2002	7	AFFIDAVIT of Joan M. Gilbride on behalf of Rappaport, Hertz, Cherson, and Rosenthal, P.C. Re: In support of dft's [6] MOTION to Compel Arbitration; And in opposition to pltff's [3] Motion to Intervene. (Coleman, Laurie) (Entered: 12/12/2002)
12/09/2002	8	MEMORANDUM OF LAW by Rappaport, Hertz, Cherson, and Rosenthal, P.C. Re: In support of dft's [6] MOTION to Compel Arbitration; and in opposition to the [3] Motion of Rabbia Ashraf to Intervene as an unconditional right. (Coleman, Laurie) (Entered: 12/12/2002)
12/26/2002	10	MEMORANDUM OF LAW Re: In opposition to dft's [6] Cross-Motion to compel arbitration; and in further support of pltff-intervenor's [3] Motion to Intervene by Rabbia Ashraf. (Coleman, Laurie) (Entered: 12/30/2002)
01/02/2003	11	MEMORANDUM OF LAW by E.E.O.C. Re: In opposition to dft/cross-movant Rappaport, Hertz, Cherson & Rosenthal, P.C.'s [6] cross-motion to compel arbitration; and in opposition to the [3] motion of Rabbia Ashraf for leave to intervene as an unconditional right.(Coleman, Laurie) (Entered: 01/08/2003)
01/02/2003	12	AFFIRMATION of Michele J. Le Moal-Gray on behalf of the E.E.O.C. Re: In opposition to dft/cross-movant Rappaport, Hertz, Cherson & Rosenthal, P.C.'s [6] cross-motion to compel arbitration; and in opposition to the [3] motion of Rabbia Ashraf for leave to intervene as an unconditional right.(Coleman, Laurie) (Entered: 01/08/2003)
01/08/2003	13	REPLY MEMORANDUM OF LAW Re: In further support of dft/cross-movant's [6] motion to compel Arbitration filed by Rappaport, Hertz, Cherson, and Rosenthal, PC. (Entitled: Memorandum of Law in Support of dft/cross-movant's reply to Rabbia Ashraf's and pltff's opposition to dft's cross-motion to Compel Arbitration). (Coleman, Laurie) (Entered: 01/13/2003)
01/08/2003	14	AFFIDAVIT of Joan M. Gilbride on behalf of dft/cross-movant Rappaport, Hertz, Cherson & Rosenthal, P.C. Re: In further support of dft's [6] motion to compel arbitration. Ashraf's motion to intervene should be denied in its entirety and Ashraf should be compelled to arbitrate her state and local claims against the dft. (Coleman, Laurie) (Entered: 01/13/2003)
01/21/2003	15	ANSWER to Complaint by Rappaport, Hertz, Cherson, and Rosenthal, PC.(Fagan, Linda) (Entered: 01/30/2003)

01/21/2003	16	DISCLOSURE of Interested Parties by Rappaport, Hertz, Cherson, and Rosenthal, PC. (Fagan, Linda) (Entered: 01/30/2003)
03/19/2003	17	MOTION to Dismiss <i>all claims seeking class-wide relief for a putative Class of aggrieved female employees that does not exist and</i> , MOTION to Strike <i>all claims pertaining to Individuals other than Rabbia Ashraf, pursuant to FRCP 12(f)</i> by Rappaport, Hertz, Cherson, and Rosenthal, PC.. (Coleman, Laurie) (Entered: 03/21/2003)
03/19/2003	18	AFFIDAVIT of Joan M. Gilbride on behalf of Rappaport, Hertz, Cherson, and Rosenthal, P.C. Re: In Support of dfts' [17] MOTION to Dismiss <i>all claims seeking class-wide relief for a putative Class of aggrieved female employees that does not exist and</i> MOTION to Strike <i>all claims pertaining to Individuals other than Rabbia Ashraf, pursuant to FRCP 12(f)</i> . (Coleman, Laurie) (Entered: 03/21/2003)
03/19/2003	19	MEMORANDUM OF LAW Re: In Support of dfts' [17] MOTION to Dismiss <i>all claims seeking class-wide relief for a putative Class of aggrieved female employees that does not exist and</i> MOTION to Strike <i>all claims pertaining to Individuals other than Rabbia Ashraf, pursuant to FRCP 12(f)</i> by Rappaport, Hertz, Cherson, and Rosenthal, PC.. (Coleman, Laurie) (Entered: 03/21/2003)
03/19/2003	20	DISCLOSURE of Interested Parties by Rappaport, Hertz, Cherson, and Rosenthal, PC..(Coleman, Laurie) (Entered: 03/21/2003)
04/04/2003	21	MEMORANDUM OF LAW by Equal Employment Opportunity Commission Re: In Opposition to the dft's [17] MOTION to Dismiss <i>Class Claims and to Strike Certain Individual Claims</i> . (Coleman, Laurie) (Entered: 04/08/2003)
04/04/2003	22	DECLARATION of Michelle J. Le Moal-Gray on behalf of the Equal Employment Opportunity Commission Re: In Opposition to dft's [17] MOTION to Dismiss <i>all claims seeking class-wide relief and to Strike all claims pertaining to individuals other than Rabbia Ashraf</i> . (Coleman, Laurie) (Entered: 04/08/2003)
04/07/2003	23	MOTION for Protective Order , <i>pursuant to FRCP 26(c)(2), precluding dfts from engaging in ex parte communications with the current or former employees, who are or will be identified as claimants in this action, regarding the allegations raised in this law suit</i> , by Equal Employment Opportunity Commission. (Coleman, Laurie) (Entered: 04/10/2003)
04/07/2003	24	MEMORANDUM OF LAW by Equal Employment Opportunity Commission Re: In Support of their [23] MOTION for Protective Order , <i>pursuant to FRCP 26(c)(2), precluding dfts from engaging in ex parte communications with the current or former employees, who are or will be identified as claimants in this action, regarding the allegations raised in this lawsuit</i> . (Coleman, Laurie) (Entered: 04/10/2003)
04/07/2003	25	DECLARATION (April 3, 2003) of Michelle J. LeMoal-Gray Re: In Support of plttf's [23] MOTION for a Protective Order , <i>pursuant to FRCP 26(c)(2), precluding dfts from engaging in ex parte communications with the current or former employees, who are or will be identified as claimants in this action, regarding the allegations raised in this lawsuit</i> . (Coleman, Laurie) (Entered: 04/10/2003)

04/16/2003	26	LETTER MOTION from Joan M. Gilbride to Judge Spatt Re: To request an extension of time to serve the dft's reply in further support of its Motion to Dismiss Class Claims and Strike Certain Individual Claims. (Coleman, Laurie) (Entered: 04/21/2003)
04/17/2003		ENDORSED ORDER granting [26] letter request for an extension of time until 4/22/03 to serve the dft's reply in further support of its Motion to Dismiss Class Claims and to Strike Certain Individual Claims. EOD #26. C/M (Coleman, Laurie) (Entered: 04/21/2003)
04/22/2003	27	REPLY to Response to Motion re [17] MOTION to Dismiss <i>all claims seeking class-wide relief for a putative Class of aggrieved female employees that does not exist</i> and MOTION to Strike <i>all claims pertaining to Individuals other than Rabbia Ashraf, pursuant to FRCP 12(f)</i> MOTION to Strike <i>all claims pertaining to Individuals other than Rabbia Ashraf, pursuant to FRCP 12(f)</i> filed by Rappaport, Hertz, Cherson, and Rosenthal, PC.. (Gilbride, Joan) (Entered: 04/22/2003)
04/22/2003	28	ORDER - A conference will be held in this case on 5/22/03 @ 2:00 p.m. before USMJ Lindsay. All counsel must be present. Pltff's counsel is directed to ensure that a copy of this Order be served upon all parties. (Signed by Magistrate Judge Arlene R. Lindsay, on 4/22/03). C/M (Coleman, Laurie) (Entered: 04/24/2003)
04/24/2003	29	RESPONSE in Opposition re [23] MOTION for Protective Order , <i>pursuant to FRCP 26(c)(2), precluding dfts from engaging in ex parte communications with the current or former employees, who are or will be identified as claimants in this action, regarding the allegations raised in t filed by Rappaport, Hertz, Cherson, and Rosenthal, PC..</i> (Gilbride, Joan) (Entered: 04/24/2003)
04/24/2003	30	REPLY MEMORANDUM OF LAW by Rappaport, Hertz, Cherson, and Rosenthal, PC. Re: In further support of dfts' [17] MOTION to Dismiss Class Claims and to Strike Certain Individual Claims; and in reply to the EEOC's Memorandum of Law opposing the dft's motion. (Coleman, Laurie) (Entered: 04/28/2003)
04/29/2003	31	MEMORANDUM OF LAW by Rappaport, Hertz, Cherson, and Rosenthal, PC. Re: In Opposition to pltff's [23] MOTION for a Protective Order.(Coleman, Laurie) (Entered: 04/29/2003)
04/29/2003	32	AFFIDAVIT of Joan M. Gilbride on behalf of dfts Rappaport, Hertz, Cherson, and Rosenthal, PC. Re: In opposition to pltff's [23] MOTION for a Protective Order. (Coleman, Laurie) (Entered: 04/29/2003)
05/12/2003	33	REPLY MEMORANDUM by Equal Employment Opportunity Commision Re: In further support of pltff's [23] MOTION for Protective Order , <i>pursuant to FRCP 26(c)(2), precluding dfts from engaging in ex parte communications with the current or former employees, who are or will be identified as claimants in this action, regarding the allegations raised in this lawsuit.</i> (Coleman, Laurie) (Entered: 05/14/2003)
05/12/2003	34	AFFIDAVIT/DECLARATION of Michelle J. Le Moal-Grey (May 7, 2003) on behalf of the Equal Employment Opportunity Commission Re: In further support of pltff's [23] MOTION for Protective Order , <i>pursuant to FRCP 26(c)(2), precluding dfts from engaging in ex parte communications with the current or</i>

		<i>former employees, who are or will be identified as claimants in this action, regarding the allegations raised in this lawsuit. (Coleman, Laurie) (Entered: 05/14/2003)</i>
05/15/2003	35	LETTER MOTION from Louis Pechman to Judge Lindsay Re: Request for an adjournment of the 5/22/03 conference. (Coleman, Laurie) (Entered: 05/27/2003)
05/15/2003		ENDORSED ORDER granting [35] Letter Application for an adjournment of the 5/22/03 conference. The 5/22/03 conference is rescheduled for 7/14/03 @ 2:00 p.m. before USMJ Lindsay. (Signed by Magistrate-Judge Arlene R. Lindsay, on 5/15/03). EOD #35. C/F (Coleman, Laurie) (Entered: 05/27/2003)
06/20/2003	36	Letter from Louis Pechman to The Honorable Arlene R. Lindsay, dated 6/19/03 re: To confirm that the conference in the above-referenced matter will be rescheduled to 7/16/03 at 2:00 p.m. (Fagan, Linda) (Entered: 07/14/2003)
06/20/2003		Endorsed ORDER on [36] Letter; So Ordered; Status Conference reset for 7/16/03 at 2:00 p.m. before Magistrate-Judge Arlene R. Lindsay.(Signed by Judge Arlene R. Lindsay on 6/20/03.) c/f eod #36(Fagan, Linda) (Entered: 07/14/2003)
07/16/2003	38	MINUTE ENTRY; Case called before USMJ Lindsay on 7/16/03 @ 2:00 p.m., for Civil Cause for Initial Conference. Counsel for all sides present. Intervenor - Mr. Beckman. Parties to provide joint status letter by 9/29/03 as to the status of mediation. Ms. LeMaol-Gray directed to serve a copy of this order on all parties upon receipt. So Ordered. C/F (Coleman, Laurie) (Entered: 08/08/2003)
07/16/2003	39	ORDER REFERRING CASE to Mediation - The parties stipulate, through counsel, that they seek to have the above-captioned case designated for inclusion in the court-annexed mediation program of the USDC/EDNY, at the Court's earliest convenience. Mediation to be scheduled for date after 8/15/03. (Signed by Magistrate-Judge Arlene R. Lindsay, on 7/16/03). C/G(Coleman, Laurie) (Entered: 08/08/2003)
07/16/2003		Case referred to mediation.. Signed by Judge Arlene R. Lindsay on 07/16/2003. (Lepp, Gerald)(dcstat) (Entered: 02/25/2004)
07/17/2003	40	LETTER MOTION from Joan Gilbride to Judge Spatt Re: All parties agreed that oral argument is not necessary and, therefore, we request that the scheduled oral argument be cancelled. (Coleman, Laurie) (Entered: 08/08/2003)
07/17/2003		ENDORSED ORDER granting [40] Letter Application requesting that oral argument scheduled for 7/25/03 be cancelled. (Signed by Judge Arthur D. Spatt, on 7/18/03). EOD #40. C/M (Coleman, Laurie) (Entered: 08/08/2003)
07/29/2003	37	ORDER granting [3] Motion to Intervene; Ashraf's request that the Court exercise supplemental jurisdiction over her state and local claims is granted; granting [6] Motion to Compel arbitration of Ashraf's Title VII, state, and local claims; and that Ashraf's proceedings against the deft. is stayed pending the conclusion of the arbitration proceeding. Signed by Judge Arthur D. Spatt on 7/29/03. c/m. (Dachille, Patty) (Entered: 08/06/2003)
09/24/2003	42	INTEROFFICE MEMORANDUM/E-MAIL dated 9/24/03 from Gerald P. Lepp to Judge Spatt/Judge Lindsay Re: This case has settled following mediation. Counsel will forward you a stipulation of discontinuance. (Coleman, Laurie)

		Additional attachment(s) added on 9/30/2003 (Coleman, Laurie). (Entered: 09/30/2003)
09/24/2003		ENDORSEMENT of 42 Interoffice Memorandum/Email Re: This case has settled following mediation. Case Closed. (Signed by Judge Arthur D. Spatt on 9/24/03). (Coleman, Laurie) (Entered: 09/30/2003)
09/26/2003	43	LETTER dated 9/24/03 from Joan Gilbride counsel for dft/Michele Le Moal-Gray counsel for plfff to Judge Lindsay Re: In response to the Court's request, the parties to this action submit this status report. As per the Court's order, the parties engaged in mediation on 9/16/03, which resulted in an agreement that the case would be resolved through the entry of a Consent Decree by the Court. The parties have reached agreement on the amount of the financial consideration. The parties request that the Court await the submission of the Consent Decree and take no further action on this case at this time. (Coleman, Laurie) (Entered: 10/08/2003)
12/31/2003	44	CONSENT DECREE - The EEOC and Rappaport desire to compromise and settle the differences embodied in this action, and intend that the terms and conditions of the settlement be set forth in this Consent Decree. The parties agree that it is in their mutual interest to resolve this matter fully without the costs, uncertainty, expense and delay of litigation. This agreement is not an admission of liability by Rapaport, nor shall it be construed as such. The parties consent to the entry of this Decree as final and binding between Rapaport and the EEOC, who are the signatories hereto, and their future successors or assigns. This Decree will remain in effect until two (2) years from the date of the Court's entry of this Consent Decree. (See Consent Decree for further details). (Signed by Judge Arthur D. Spatt on 12/31/03). C/M(Coleman, Laurie) Additional attachment(s) added on 2/5/2004 (Coleman, Laurie). (Entered: 02/05/2004)
12/31/2003	45	STIPULATION OF DISMISSAL - Pursuant to FRCP Rule 41(a)(1)(ii), the above entitled actions is dismissed with prejudice as to all dfts and without costs or attorney's fees to either party. Case Closed. (Signed by Judge Arthur D. Spatt on 12/31/03). C/M(Coleman, Laurie) (Entered: 02/05/2004)

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