

CLOSED, CLOSED_2005, MEDIATION, SETTLE

U.S. DISTRICT COURT
U.S. District Court, Western District of New York (Buffalo)
CIVIL DOCKET FOR CASE #: 1:04-cv-00052-JTE

Equal Employment Opportunity Commission v. SPS
Temporaries, Inc., et al
Assigned to: Hon. John T. Elfvin
Referred to: Hon. Hugh B. Scott (Settlement)
Cause: 42:2000 Job Discrimination (Race)

Date Filed: 01/27/2004
Date Terminated: 11/22/2005
Jury Demand: None
Nature of Suit: 442 Civil Rights: Jobs
Jurisdiction: U.S. Government Plaintiff

Plaintiff

**Equal Employment Opportunity
Commission**

represented by **Katherine Bissell**
U.S. Equal Employment Opportunity
Commission
New York District Office
33 Whitehall Street
5th Floor
New York, NY 10004-2112
212-336-3690
Fax: 212-336-3623
Email: katherine.bissell@eeoc.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Robert D. Rose
U.S. Equal Employment Opportunity
Commission
New York District Office
33 Whitehall Street
5th Floor
New York, NY 10004-2112
(212) 336-3708
Fax: 212-336-3623
Email: robert.rose@eeoc.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

SPS Temporaries, Inc.,

represented by **Robert A. Doren**
Bond, Schoeneck & King, PLLC
40 Fountain Plaza
Key Center, Suite 600
Buffalo, NY 14202-2200
716-566-2833

Fax: 716-566-2808
Email: rdoren@bsk.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Richard A. Braden
Bond, Schoeneck & King, PLLC
40 Fountain Plaza
Key Center, Suite 600
Buffalo, NY 14202-2200
716-566-5400
Fax: 716-566-5401
Email: rbraden@goldbergsegalla.com
ATTORNEY TO BE NOTICED

Defendant

Professional Personnel Management Corporation

represented by **Robert A. Doren**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Richard A. Braden
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Jamestown Container Companies

represented by **Thomas E. Brydges**
Jaeckle, Fleischmann & Mugel
700 Fleet Bank Bldg.
Buffalo, NY 14202
716-843-3812
Fax: 716-856-0432
Email: tbrydges@jaeckle.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Philip H. McIntyre
Superior Group
250 International Drive
Williamsville, NY 14231-9057
716-631-8310
Fax: 716-631-3187
Email: mcintyre@superior-sdc.com
ATTORNEY TO BE NOTICED

Defendant

Whiting Door Manufacturing Corp.

represented by **Adam W. Perry**
Hodgon Russ LLP
The Guaranty Building, Suite 100
140 Pearl Street

Buffalo, NY 14202-4040
 716-848-1422
 Fax: 716-849-0349
 Email: aperry@hodgsonruss.com
ATTORNEY TO BE NOTICED

Joshua Isaac Feinstein
 Hodgson Russ LLP
 The Guaranty Building, Suite 100
 140 Pearl Street
 Buffalo, NY 14202-4040
 716-848-1318
 Fax: 716-849-0349
 Email: josh_feinstein@hodgsonruss.com
ATTORNEY TO BE NOTICED

Defendant

Jamestown Container Corp.
*doing business as Jamestown Container
 Companies*

represented by **Thomas E. Brydges**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Philip H. McIntyre
 (See above for address)
ATTORNEY TO BE NOTICED

Defendant

Jamestown Container Lockport, Inc.,
*doing business as Jamestown Container
 Companies*

represented by **Thomas E. Brydges**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Philip H. McIntyre
 (See above for address)
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
01/27/2004	<u>1</u>	COMPLAINT against all defendants , filed by Equal Employment Opportunity Commission.(JMD,) (Entered: 01/28/2004)
01/27/2004		Summons Issued as to Jamestown Container Companies, Professional Personnel Management Corporation, SPS Temporaries, Inc., Whiting Door Manufacturing Corp.. (JMD,) (Entered: 01/28/2004)
02/10/2004	<u>2</u>	ORDER REFERRING CASE to Magistrate Judge Hugh B. Scott for settlement purposes only. Signed by Hon. John T. Elfvin on 2/3/04. (RAZ) (Entered: 02/10/2004)

03/08/2004	3	AMENDED COMPLAINT against Jamestown Container Corp., Jamestown Container Lockport, Inc., Professional Personnel Management Corporation, SPS Temporaries, Inc., Whiting Door Manufacturing Corp. , filed by Equal Employment Opportunity Commission.(JMD,) (Entered: 03/08/2004)
03/26/2004	4	ANSWER to Amended Complaint by Professional Personnel Management Corporation, SPS Temporaries, Inc..(Braden, Richard) (Entered: 03/26/2004)
03/26/2004	5	ANSWER to Amended Complaint by Jamestown Container Companies, Jamestown Container Corp., Jamestown Container Lockport, Inc..(McIntyre, Philip) (Entered: 03/26/2004)
03/26/2004	6	CERTIFICATE OF SERVICE by Jamestown Container Companies, Jamestown Container Corp., Jamestown Container Lockport, Inc., re 5 Answer to Amended Complaint (McIntyre, Philip) (Entered: 03/26/2004)
03/29/2004	7	ANSWER to Amended Complaint by Whiting Door Manufacturing Corp.. (Attachments: # 1 Certificate of Service)(Perry, Adam) (Entered: 03/29/2004)
03/30/2004	8	ORDER Settlement Conference set for 6/15/2004, 3:00 PM, before Hon. Hugh B. Scott. Signed by Hon. Hugh B. Scott on 3/30/2004. (DRH) (Entered: 03/30/2004)
05/06/2004		Minute Entry Judge John T. Elfvin : Scheduling Conference set for 6/9/2004 04:15 PM before Hon. John T. Elfvin. The Court directs trial counsel to appear for rule 16 (b) conference. (It is strongly encouraged that the conference can be done by telephone; however, this must be pre-arranged by 6/2/04, in writing, with all parties agreeing as to who will initiate the conference call.)NOTICE: Failure to appear in person -- or by telephone, if pre-arranged -- may result in a dismissal of the lawsuit or an entry of default. (JBS,) (Entered: 05/06/2004)
06/08/2004	9	RULE 26 DISCLOSURE by Whiting Door Manufacturing Corp..(Feinstein, Joshua) (Entered: 06/08/2004)
06/09/2004		Minute Entry for proceedings held before Judge John T. Elfvin : Rule 16(b) Scheduling Conference held on 6/9/2004. Court to issue Order. Appearances via telephone: Robert D. Rose, Adam W. Perry, Robert A. Doren, Philip H. McIntyre. (JBS,) (Entered: 06/14/2004)
06/15/2004	10	TEXT OF Minute Entry for proceedings held before Magistrate Judge Hugh B. Scott: Robert Rose, Esq., and Lisa Sorokin, Esq., for plaintiff Equal Employment Opportunity Commission; Robert Doren, Esq., for defendants SPS Temporaries, Inc., Professional Personnel Managment Corp.; Adam Perry, Esq., for defendant Whiting Door Manufacturing Corp.; Philip McIntyre, Esq., for defendant Jamestown Container Companies, et al. Settlement Conference held on 6/15/2004. Settlement not possible at this time. Parties to meet with Judge Elfvin regarding the discovery schedule to facilitate settlement. (DRH) (Entered: 06/15/2004)

06/28/2004	11	SCHEDULING ORDER: Discovery due by 1/27/2006. Motions due by 2/27/2006. Trial Date Status Conference set for 3/3/2006 at 3:00 p.m. before Hon. John T. Elfvin. Jurisdiction and power to participate herein as a facilitator in settlement discussions is hereby granted to Magistrate Judge Hugh B. Scott. Signed by Hon. John T. Elfvin on 6/10/04. (RAZ) (Entered: 06/28/2004)
07/01/2004		Minute Entry Judge John T. Elfvin : Telephone conference re Discovery Issues set for 7/8/2004 02:00 PM before Hon. John T. Elfvin. Robert A. Doren's office to initiate phone call. (JBS,) (Entered: 07/01/2004)
07/08/2004		Minute Entry for proceedings held before Judge John T. Elfvin : Telephone conference held re Discovery Issues on 7/8/2004. Court to issue Order. Appearances via telephone: Joshua Feinstein, Robert A. Doren, Philip H. McIntyre. (JBS,) (Entered: 07/15/2004)
08/04/2004	12	<p style="text-align: center;">TEXT OF ORDER</p> <p>A Settlement Conference shall take place in this case on 9/3/2004 at 10:00 AM before Hon. Hugh B. Scott. The Court will discuss the parties agreement as to the appointment of a special master and the perameters of the evaluation process at that time. So Ordered. Signed by Hon. Hugh B. Scott on 8/04/04. (JRA) (Entered: 08/04/2004)</p>
08/18/2004	13	<p style="text-align: center;">TEXT OF NOTICE OF HEARING:</p> <p>At request of counsel, Settlement Conference set for 9/3/2004, 10:00 AM, before Hon. Hugh B. Scott will be by telephone conference. (DRH) (Entered: 08/18/2004)</p>
08/19/2004	14	NOTICE of Appearance by Joshua Isaac Feinstein on behalf of Whiting Door Manufacturing Corp. (Feinstein, Joshua) (Entered: 08/19/2004)
09/03/2004	15	<p style="text-align: center;">TEXT OF MINUTE ENTRY</p> <p style="text-align: center;">for proceedings held before Magistrate Judge Hugh B. Scott:</p> <p>Robert Rose, Esq., for plaintiff (by telephone); Robert Doren, Esq., for defendants SPS Temporaries, Professional Personnel Management Corp.; Philip McIntyre, Esq., for defendant Jamestown (by telephone); Adam Perry and Joshua Feinstein for defendant Whiting Door (by telephone).</p> <p>Settlement Conference held on 9/3/2004. Parties agree to special master for valuation issues. Master's report due on or before 11/29/2004. Settlement Conference set for 11/29/2004, at 10 am, before Hon. Hugh B. Scott. (DRH) (Entered: 09/03/2004)</p>
11/29/2004	16	<p>Minute Entry for proceedings held before Magistrate Judge Hugh B. Scott :</p> <p>Settlement Conference held on 11/29/2004. <i>See</i> attached minutes. (DRH) (Entered: 11/29/2004)</p>
11/29/2004	17	<p style="text-align: center;">ORDER REFERRING CASE to Mediation.</p> <p>Settlement Conference set for 1/3/2005, 3:30 PM, before Hon. Victor E.</p>

		Bianchini. Signed by Hon. Hugh B. Scott on 11/29/2004. (DRH) (Entered: 11/29/2004)
01/03/2005		Minute Entry for proceedings held before Judge Victor E. Bianchini : Settlement Conference held on 1/3/2005. The case did not settle. (SDW) (Entered: 01/11/2005)
02/01/2005		Minute Entry for proceedings held before Judge Victor E. Bianchini : Settlement Conference held on 2/1/2005. Case settled. (SDW) (Entered: 02/08/2005)
02/03/2005		**** Stricken from the record. See entry dated 2/9/05. **** ORDER that this action is dismissed without costs and on the merits but without prejudice to the right, upon good cause shown within 90 days, to reopen this action if such settlement is not consummated. Signed by Hon. John T. Elfvin on 2/2/05. (RAZ) Clerk to close case. Modified on 2/9/2005 (RAZ). (Entered: 02/03/2005)
02/09/2005		Remark -- Per request of counsel and the approval of Judge John T. Elfvin, document number 18 shall be stricken from the record and this action will be reopened. (RAZ) (Entered: 02/09/2005)
06/02/2005	18	ORDER Settlement Conference set for 6/29/2005 08:00 AM before Hon. Victor E. Bianchini. Additional materials outlining the remaining areas is dispute shall be delivered to chambers no later than 6/20/2005. Signed by Hon. Victor E. Bianchini on 6/2/2005. (SDW) (Entered: 06/02/2005)
06/29/2005		Minute Entry for proceedings held before Judge Victor E. Bianchini : Settlement Conference held on 6/29/2005. (SDW) (Entered: 07/08/2005)
08/02/2005	19	NOTICE of Appearance by Thomas E. Brydges on behalf of Jamestown Container Corp., Jamestown Container Lockport, Inc., Jamestown Container Companies (Attachments: # 1 letter to judge Elfvin)(Brydges, Thomas) (Entered: 08/02/2005)
09/26/2005	20	ORDER OF MAGISTRATE JUDGE HUGH B. SCOTT TEXT OF ORDER Status Conference set for Wed., 12/7/2005, 10:00 AM , before Hon. Hugh B. Scott. So Ordered. Signed by Hon. Hugh B. Scott on 9/26/2005. (DRH) (Entered: 09/26/2005)
11/22/2005	21	CONSENT DECREE/ORDER . Signed by Hon. John T. Elfvin on 11/21/05. (Attachments: # 1 Exhibit A# 2 Exhibit B# 3 Exhibit C# 4 Exhibit D# 5 Exhibit E# 6 Exhibit F# 7 Exhibit G# 8 Exhibit H# 9 Exhibit I# 10 Exhibit J# 11 Exhibit K# 12 Exhibit L# 13 Exhibit M)(JDK,) (Entered: 11/22/2005)
11/22/2005	22	CONSENT DECREE/ORDER . Signed by Hon. John T. Elfvin on 11/21/05. (Attachments: # 1 Exhibit A# 2 Exhibit B# 3 Exhibit C# 4 Exhibit D# 5 Exhibit E)(JDK,) (Entered: 11/22/2005)
11/22/2005	23	CONSENT DECREE/ORDER . Signed by Hon. John T. Elfvin on 11/21/05. (Attachments: # 1 Exhibit A# 2 Exhibit B# 3 Exhibit C# 4 Exhibit D# 5 Exhibit E# 6 Exhibit F)(JDK,) (Entered: 11/22/2005)

06/21/2006		Set/Reset Hearings: Fair Hearing for Claims Process set for 12/1/2006 03:00 PM before Hon. John T. Elfvin. (JBS,) (Entered: 06/21/2006)
11/21/2006		Set/Reset Hearings: ***PLEASE NOTE TIME CHANGE*** Fair Hearing for Claims Process reset by Court for 12/1/2006 01:00 PM before Hon. John T. Elfvin. (JBS,) (Entered: 11/21/2006)
11/21/2006		Remark: Court was advised by EEOC Counsel Robert D. Rose that all unresolved objections by potential claimants regarding the claims process have been resolved and there is no need for a hearing to take place on December 1, 2006 as scheduled. Court to instruct EEOC to submit a proposed Order to be signed by the Court approving the Class Distribution List. (JBS,) (Entered: 11/21/2006)
12/13/2006	24	ORDER that the Class Distribution List submitted by plaintiff is approved. Signed by Hon. John T. Elfvin on 12/13/06. (RAZ) (Entered: 12/13/2006)

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