

CLOSED

**U.S. District Court**  
**United States District Court for the Southern District of New York (Foley Square)**  
**CIVIL DOCKET FOR CASE #: 1:03-cv-08821-NRB**

Equal Employment v. Sephora USA, LLC  
Assigned to: Judge Naomi Reice Buchwald  
Demand: \$0  
Cause: 42:2000e Job Discrimination (Employment)

Date Filed: 11/07/2003  
Date Terminated: 08/07/2007  
Jury Demand: Plaintiff  
Nature of Suit: 442 Civil Rights: Jobs  
Jurisdiction: U.S. Government Plaintiff

**Plaintiff**

**Equal Employment Opportunity  
Commission**

represented by **Katherine E. Bissell**  
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V.

**Defendant**

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**Defendant**

**Richard Tran**

represented by **Joseph Baumgarten**  
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**Peter M. Avery**  
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**Defendant****Misa Gjonbalaj**

represented by **Joseph Baumgarten**  
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**Jody Sue Riger**  
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**Defendant****Diana Saini**

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**Jody Sue Riger**  
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**Defendant****Frank Cimitile**

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**Intervenor Plaintiff**

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**Intervenor Plaintiff**

**Julissa Bautista**

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**Intervenor Plaintiff**

**Solange Bernal**

represented by **Eugene M. Bellin**  
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**Intervenor Plaintiff**

**Angela Samboy**

represented by **Eugene M. Bellin**  
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**Intervenor Plaintiff**

**Leydis Rodriguez**

represented by **Eugene M. Bellin**  
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**LEAD ATTORNEY**

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
11/07/2003	1	COMPLAINT filed. Summons issued and Notice pursuant to 28 U.S.C. 636(c). (jjm) (Entered: 11/12/2003)
11/07/2003		Magistrate Judge Frank Maas is so designated. (jjm) (Entered: 11/12/2003)
01/28/2004	2	STIPULATION AND ORDER; The time within which defendant shall be required to answer or move in response to the Complaint is extended to and including 2/12/04.(Signed by Judge Naomi Reice Buchwald on 1/27/04) (sb, ) (Entered: 02/03/2004)
01/28/2004		Set Answer Due Date purs. to <u>2</u> Stipulation and Order as to Sephora USA, LLC answer due on 2/12/2004. (sb, ) (Entered: 02/03/2004)

02/03/2004	3	NOTICE OF INITIAL PRETRIAL CONFERENCE; counsel are directed to appear for an initial pretrial conference with the Court on 2/20/2004, at 9:30 a.m. at the United States Court House, 500 Pearl Street, New York, NY, in Courtroom 21A... (Signed by Judge Naomi Reice Buchwald on 1/30/2004) (kkc, ) (Entered: 02/06/2004)
02/11/2004	4	ENDORSED LETTER addressed to Judge Buchwald from Allen I. Fagin dated 2/6/2004 re: The initial pretrial conference in this case scheduled for 2/20/2004 is hereby adjourned until 3/5/04 at 10:45 am. as ordered by the Court.. (Signed by Judge Naomi Reice Buchwald on 2/9/2004) (jsa, ) (Entered: 02/13/2004)
02/11/2004		Set/Reset Hearings: Initial Conference set for 3/5/2004 10:45 AM before Judge Naomi Reice Buchwald. (jsa, ) (Entered: 02/13/2004)
02/13/2004	5	RULE 7.1 DISCLOSURE STATEMENT. Document filed by Sephora USA, LLC.(kw, ) (Entered: 02/17/2004)
02/13/2004	6	ANSWER to Complaint. Document filed by Sephora USA, LLC.(kw, ) (Entered: 02/17/2004)
02/24/2004	7	Notice of Filing of NOTICE of Appearance by Lauren Gayle Dreilinger on behalf of Equal Employment Opportunity Commission (dle, ) Modified on 2/26/2004 (dle, ). (Entered: 02/26/2004)
03/02/2004	8	ENDORSED LETTER addressed to Judge Buchwald from Eugene M. Bellin dated 02/20/04 re: granting counsel's request for permission to attend discovery scheduling conference on behalf of his clients pending the court's determination of their motion to intervene; (Signed by Judge Naomi Reice Buchwald on 2/27/04) (djc, ) (Entered: 03/05/2004)
03/12/2004	9	ORDER ; that Leydis Rodriguez, Angela Samboy, Solange Bernal, Julissa Bautista and Mariela Del Rosario are granted permission to intervene in this matter; the Clerk of the Court is directed to accept filing of a Summons and a Complaint by the intervening parties. (Signed by Judge Naomi Reice Buchwald on 3/10/04) (pl, ) (Entered: 03/18/2004)
03/16/2004	10	INTERVENOR COMPLAINT against Richard Tran, Misa Gjonbalaj, Diana Saini, Frank Cimitile, Sephora USA, LLC.Document filed by Mariela Del Rosario, Julissa Bautista, Solange Bernal, Angela Samboy, Leydis Rodriguez.(kw, ) (Entered: 03/23/2004)
03/22/2004	11	ENDORSED LETTER addressed to Judge Naomi Reice Buchwald from Joseph Baumgarten dated 3/16/04. Granting parties' request that preliminary discovery be limited to Sephora's alleged "English-Only" language rule and that all such discovery be completed by 6/30/04. (Signed by Judge Naomi Reice Buchwald on 3/18/04) Copies Mailed By Chambers.(kw, ) (Entered: 03/26/2004)
03/22/2004		Set Deadlines/Hearings: Discovery due by 6/30/2004. (kw, ) (Entered: 03/26/2004)
04/15/2004	<a href="#">12</a>	FILING ERROR - ELECTRONIC FILING IN NON-ECF CASE - ANSWER to Intervenor Complaint. Document filed by Misa Gjonbalaj, Diana Saini, Sephora USA, LLC, Richard Tran.(Baumgarten, Joseph) Modified on 5/13/2004 (mj, ). (Entered: 04/15/2004)

04/16/2004	13	ANSWER to Intervenor Complaint. Document filed by Misa Gjonbalaj, Diana Saini, Sephora USA, LLC, Richard Tran.(jge, ) (Entered: 04/19/2004)
06/09/2004		Minute Entry for proceedings held before Judge Naomi Reice Buchwald : Telephone Conference held on 6/9/2004. (jco, ) (Entered: 06/15/2004)
06/14/2004	14	ENDORSED LETTER addressed to Judge Buchwald from Lauren Dreilinger dated 06/09/04 re: granting counsel's request for an extension of time until August 13, 2004 to complete discovery regarding Defendant's English-only rule. (Signed by Judge Naomi Reice Buchwald on 6/10/04) (djc, ) (Entered: 06/15/2004)
07/23/2004	15	ANSWER to Intervenor Complaint. Document filed by Frank Cimitile.(db, ) (Entered: 07/26/2004)
08/10/2004	17	MOTION (FILED ON SERVICE DATE) for Raechel Lee Adams to Appear Pro Hac Vice. Document filed by Equal Employment Opportunity Commission. (db, ) (Entered: 08/18/2004)
08/12/2004	16	ENDORSED LETTER addressed to Judge Buchwald from Elizabeth Grossman dated 8/5/2004 re: discovery deadline on the limited issue of Defendant's alleged English-only rule be extended until 9/30/2004. Application granted. (Signed by Judge Naomi Reice Buchwald on 8/10/2004) (jsa, ) (Entered: 08/16/2004)
08/12/2004		Set/Reset Deadlines: Discovery due by 9/30/2004. (jsa, ) (Entered: 08/16/2004)
08/20/2004		ORDER granting <a href="#">17</a> Motion for Raechel L. Adams to Appear Pro Hac Vice . (Signed by Judge Naomi Reice Buchwald on 8/20/04) (yv, ) (Entered: 08/25/2004)
08/20/2004		Transmission to Attorney Admissions Clerk. Transmitted re: Order on Motion to Appear Pro Hac Vice, to the Attorney Admissions Clerk for updating of Attorney Information. (yv, ) (Entered: 08/25/2004)
09/24/2004	18	ENDORSED LETTER addressed to Judge Naomi Reice Buchwald from Raechel L. Adams dated 9/23/04 re: request an additional extension of the initial discovery period until 11/19/04, If Your Honor is amenable to that date. So Ordered. Discovery due by 11/19/2004. (Signed by Judge Naomi Reice Buchwald on 9/23/04) (dfe, ) (Entered: 09/27/2004)
10/13/2004		Minute Entry for proceedings held before Judge Naomi Reice Buchwald : Interim Pretrial Conference held on 10/13/2004. (pa, ) (Entered: 10/20/2004)
11/04/2004		Minute Entry for proceedings held before Judge Naomi Reice Buchwald : Interim Pretrial Conference held on 11/4/2004. (kw, ) (Entered: 11/08/2004)
12/09/2004		Minute Entry for proceedings held before Judge Naomi Reice Buchwald : Telephone Conference held on 12/9/2004. (cd, ) (Entered: 01/04/2005)
12/21/2004	19	ENDORSED LETTER addressed to Judge Naomi R. Buchwald from Raechel L. Adams dated 12/14/04 re: counsel for parties propose the following briefing schedule for summary judgment motion: dft file motion on 2/28/05, plaintiff's opposition by 4/8/05, and dft's reply by 4/29/05. Application granted. However no further extensions will be granted. (Signed by Judge Naomi Reice Buchwald on 12/20/04) (dle, ) (Entered: 12/23/2004)

12/21/2004		Set/Reset Deadlines: Motions due by 2/28/2005. Replies due by 4/29/2005. Responses due by 4/8/2005 (dle, ) (Entered: 12/23/2004)
02/28/2005	20	AFFIDAVIT OF SERVICE of Motion for Partial Summary Judgment and Supporting documents served on E.E.O.C. on 2/28/05. Service was made by first class mail. Document filed by Sephora USA, LLC, Richard Tran, Misa Gjonbalaj, Diana Saini. Received in night deposit box on 2/28/05 at 9:09 p.m. (db, ) (Entered: 03/04/2005)
02/28/2005	21	AFFIDAVIT OF SERVICE of Motion for Partial Summary Judgment and Supporting documents served on E.E.O.C. on 2/28/05. Service was made by UPS Next Day Air. Document filed by Sephora USA, LLC, Richard Tran, Misa Gjonbalaj, Diana Saini. Received in night deposit box on 2/28/05 at 9:10 p.m.(db, ) (Entered: 03/04/2005)
02/28/2005	22	MOTION (FILED ON SERVICE DATE) for Partial Summary Judgment. Document filed by Sephora USA, LLC, Richard Tran, Misa Gjonbalaj, Diana Saini. (pf, ) (Entered: 03/08/2005)
02/28/2005	23	MEMORANDUM OF LAW in Support re: <a href="#">22</a> MOTION (FILED ON SERVICE DATE) for Partial Summary Judgment.. Document filed by Sephora USA, LLC, Richard Tran, Misa Gjonbalaj, Diana Saini. (pf, ) (Entered: 03/08/2005)
04/08/2005	24	MOTION (FILED ON SERVICE DATE) for an order granting dfts partial summary judgment dismissing the claim that Sephora maintains an unlawful English only rule. Document filed by Frank Cimitile. (dle, ) (Entered: 04/19/2005)
04/08/2005	27	DECLARATION of Raechel L. Adams with Exhibits 16-49. Document filed by Equal Employment Opportunity Commission. (ll, ) (Entered: 04/21/2005)
04/15/2005	25	MEMORANDUM OF LAW in Opposition re: <a href="#">24</a> MOTION (FILED ON SERVICE DATE) for Summary Judgment., <a href="#">22</a> MOTION (FILED ON SERVICE DATE) for Partial Summary Judgment.. Document filed by Equal Employment Opportunity Commission, Julissa Bautista, Solange Bernal. (ll, ) (Entered: 04/21/2005)
04/15/2005	26	RULE 56.1 STATEMENT. Document filed by Equal Employment Opportunity Commission, Julissa Bautista, Solange Bernal. (ll, ) (Entered: 04/21/2005)
04/28/2005	28	ENDORSED LETTER addressed to Judge Buchwald from Jody S. Riger dated 4/26/05 re: defendants are granted until May 6, 2005 in which to file the reply brier. (Signed by Judge Naomi Reice Buchwald on 4/26/05) (djc, ) (Entered: 04/29/2005)
05/06/2005	29	REPLY MEMORANDUM OF LAW in Further Support re: <a href="#">22</a> MOTION (FILED ON SERVICE DATE) for Partial Summary Judgment.. Document filed by Sephora USA, LLC, Richard Tran, Misa Gjonbalaj, Diana Saini. (mde, ) (Entered: 05/11/2005)
05/06/2005	30	SUPPLEMENTAL DECLARATION of Joseph Baumgarten in Further Support re: <a href="#">22</a> MOTION (FILED ON SERVICE DATE) for Partial Summary Judgment.. Document filed by Sephora USA, LLC, Richard Tran, Misa Gjonbalaj, Diana Saini. (mde, ) (Entered: 05/11/2005)

09/13/2005	31	MEMORANDUM AND ORDER: For the foregoing reasons, the Court finds the policy on the use of English outlined in the Recap is legally permissible and therefore grants defendants' <a href="#">22</a> motion for partial summary judgment on that issue. (Signed by Judge Naomi Reice Buchwald on 9/12/2005) Copies Mailed By Chambers.(lb, ) (Entered: 09/14/2005)
09/28/2005	32	MOTION (FILED ON SERVICE DATE) for Reconsideration re; <a href="#">31</a> Order on Motion for Partial Summary Judgment,, Order on Motion for Summary Judgment,. Document filed by Equal Employment Opportunity Commission. (cd, ) (Entered: 10/03/2005)
09/29/2005	33	MEMORANDUM OF LAW in Support re: <a href="#">32</a> MOTION (FILED ON SERVICE DATE) for Reconsideration re; <a href="#">31</a> Order on Motion for Partial Summary Judgment,, Order on Motion for Summary Judgment,.. Document filed by Equal Employment Opportunity Commission. (cd, ) (Entered: 10/03/2005)
10/17/2005	34	MEMORANDUM OF LAW in Opposition re: <a href="#">32</a> MOTION (FILED ON SERVICE DATE) for Reconsideration re; <a href="#">31</a> Order on Motion for Partial Summary Judgment,, Order on Motion for Summary Judgment,.. Document filed by Sephora USA, LLC, Richard Tran, Misa Gjonbalaj, Diana Saini. (djc, ) (Entered: 10/18/2005)
12/16/2005	35	ORDER denying <a href="#">32</a> Motion for Reconsideration. As plaintiff's motion neither meets the standard of our Local Civil Rule 6.3 nor the applicable case law on motions for reconsideration, the motion is DENIED. (Signed by Judge Naomi Reice Buchwald on 12/16/05) (kco, ) (Entered: 12/19/2005)
01/11/2006	36	ENDORSED LETTER: addressed to Judge naomi Reice Buchwald from Raechel L. Adams dated 12/29/2005 re: The parties request permission to continue discussions for an additional week and to submit a proposed pretrial discovery schedule to the Court on 1/13/2006. ENDORSEMENT: So Ordered. (Signed by Judge Naomi Reice Buchwald on 1/6/2006) (lb, ) (Entered: 01/11/2006)
01/31/2006		Minute Entry for proceedings held before Judge Naomi Reice Buchwald : Telephone Conference held on 1/31/2006. (cd, ) (Entered: 02/09/2006)
03/13/2006	37	MOTION for an order, admitting Peter M. Avery to Appear Pro Hac Vice. Document filed by Sephora USA, LLC, Richard Tran, Misa Gjonbalaj, Diana Saini. (sac, ) (Entered: 03/14/2006)
03/27/2006		Minute Entry for proceedings held before Judge Naomi Reice Buchwald : Subsequent Conference held on 3/27/2006. (sac, ) (Entered: 03/30/2006)
04/20/2006	38	TRANSCRIPT of proceedings held on 3/27/2006 before Judge Naomi Reice Buchwald. (jar, ) (Entered: 04/20/2006)
04/26/2006	39	ORDER granting <a href="#">37</a> Motion for Peter M. Avery to Appear Pro Hac Vice . (Signed by Judge Naomi Reice Buchwald on 4/25/2006) (jmi, ) (Entered: 04/26/2006)
05/08/2006	40	ENDORSED LETTER: addressed to Judge Naomi Reice Buchwald from Joseph Baumgarten dated 5/1/2006 re: we believe that the population to whom the questionnaire is to be sent should be limited in 2 respects... ENDORSEMENT: Application denied. So Ordered. (Signed by Judge Naomi Reice Buchwald on



		5/3/2006) (lb, ) (Entered: 05/09/2006)
05/17/2006		CASHIERS OFFICE REMARK on <a href="#">39</a> Order on Motion to Appear Pro Hac Vice in the amount of \$25.00, paid on 5/4/2006, Receipt Number 578232. (jd, ) (Entered: 05/17/2006)
05/23/2006	<a href="#">41</a>	FILING ERROR - ELECTRONIC FILING FOR NON-ECF CASE - NOTICE OF APPEARANCE by Diane Windholz on behalf of Frank Cimitile (Windholz, Diane) Modified on 5/24/2006 (gf, ). (Entered: 05/23/2006)
05/24/2006		***NOTE TO ATTORNEY TO RE-FILE DOCUMENT - NON-ECF CASE ERROR. Note to Attorney Diane Windholz to MANUALLY RE-FILE Document Notice of Appearance, Document No. 41. This case is not ECF. (gf, ) (Entered: 05/24/2006)
06/01/2006	42	ENDORSED LETTER: addressed to Judge Naomi Reice Buchwald from Raechel L. Adams dated 5/19/2006 re: requesting an extension of the discovery period in this action. ENDORSEMENT: The time to complete discovery is extended until 9/1/2006. So Ordered. (Signed by Judge Naomi Reice Buchwald on 5/26/2006) (lb, ) (Entered: 06/02/2006)
08/22/2006	43	ENDORSED LETTER addressed to Judge Naomi Reice Buchwald from Robert D. Rose dated 8/7/06 re: The parties jointly request an extension of the discovery deadline to December 1, 2006 to complete all discovery. ENDORSEMENT: Application GRANTED. So Ordered. (Signed by Judge Naomi Reice Buchwald on 8/21/06) (js, ) (Entered: 08/23/2006)
11/22/2006	44	ENDORSED LETTER addressed to Judge Buchwald from Raechel L. Adams dated 11/17/06 re: counsel requests that the Court set a revised discovery deadline of January 5, 2006. So Ordered. (Signed by Judge Naomi Reice Buchwald on 11/22/06) (djc, ) (Entered: 11/27/2006)
01/19/2007	45	STIPULATION AND ORDER ON CONFIDENTIALITY...regarding procedures to be followed that shall govern the handling of confidential material... (Signed by Judge Naomi Reice Buchwald on 1/16/2007) (lb) (Entered: 01/22/2007)
01/25/2007	<a href="#">46</a>	FILING ERROR - ELECTRONIC FILING IN NON-ECF CASE - NOTICE OF APPEARANCE by Jody Sue Riger on behalf of Sephora USA, LLC, Richard Tran, Misa Gjonbalaj, Diana Saini (Riger, Jody) Modified on 3/2/2007 (lb). (Entered: 01/25/2007)
03/02/2007		***NOTE TO ATTORNEY TO RE-FILE DOCUMENT - NON-ECF CASE ERROR. Note to Attorney Jody Sue Riger to MANUALLY RE-FILE Document NOTICE OF APPEARANCE, Document No. 46. This case is not ECF. (lb) (Entered: 03/02/2007)
04/12/2007		Minute Entry for proceedings held before Judge Naomi Reice Buchwald : Interim Pretrial Conference held on 4/12/2007. (pl) (Entered: 04/23/2007)
04/17/2007	47	ORDER REFERRING CASE TO MAGISTRATE JUDGE. Order that case be referred to the Clerk of Court for assignment to a Magistrate Judge for Settlement. Referred to Magistrate Judge Frank Maas. (Signed by Judge Naomi Reice Buchwald on 4/13/07) (pl) (Entered: 04/18/2007)

05/31/2007		Minute Entry for proceedings held before Judge Frank Maas : Settlement Conference held on 5/31/2007. Parties are unable to reach a settlement. (tro) (Entered: 06/07/2007)
06/11/2007		Minute Entry for proceedings held before Judge Frank Maas : Settlement Conference held on 6/11/2007. Parties are unable to reach a settlement; referral closed for Mag. purposes. (tro) (Entered: 06/14/2007)
07/24/2007		CASE NO LONGER REFERRED to Magistrate Judge Frank Maas. I have closed the above reference for magistrate judge statistical purposes. Reason: No Settlement. (ae) (Entered: 08/06/2007)
08/07/2007	48	CONSENT JUDGMENT AND DECREE # 07,1532 in favor of Equal Employment Opportunity Commission against Sephora USA, LLC in the amount of \$ 565,000.00. (Signed by Judge Naomi Reice Buchwald on 8/7/07) (ml) (Entered: 08/07/2007)
09/04/2007	50	STIPULATION AND ORDER OF DISMISSAL WITH PREJUDICE, by and between the undersigned Counsel for the parties herein that the Complaint in Intervention filed herein by Plaintiffs-Intervenors on March 16, 2004 shall be dismissed with prejudice and without costs or attorney's fees to any party. SO ORDERED. (Signed by Judge Naomi Reice Buchwald on 8/30/2007) (jmi) (Entered: 09/05/2007)

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