

CASREF, CLOSED

U.S. District Court
United States District Court for the Southern District of New York (White Plains)
CIVIL DOCKET FOR CASE #: 7:94-cv-02015-CLB-MDF

Roberts, et al v. Texaco Incorporated
Assigned to: Judge Charles L. Brieant
Referred to: Magistrate Judge Mark D. Fox
Demand: \$0
Cause: 42:1981 Equal Rights Under the Law

Date Filed: 03/23/1994
Date Terminated: 09/11/1997
Jury Demand: Plaintiff
Nature of Suit: 442 Civil Rights: Jobs
Jurisdiction: Federal Question

Special Master

Charles G. Moerdler

Plaintiff

Bari-Ellen Roberts
individually and as Class
Representatives.

represented by **Cyrus Mehri**
Mehri & Skalet
1300 19th Street, NW
Suite 400
Washington, DC 20036-1629
(202) 822-5100
LEAD ATTORNEY

Daniel Lawrence Berger
Bernstein, Litowitz, Berger &
Grossmann LLP
1285 Avenue of the Americas
New York, NY 10019
(212) 554-1400
LEAD ATTORNEY

Daniel Lawrence Berger
Bernstein Litowitz Berger & Grossmann
LLP
1285 Avenue of the Americas
New York, NY 10019
(212) 554-1400
LEAD ATTORNEY

David J. Shaffer
Semmes, Bowen & Semmes
1025 Connecticut Ave Ste 500
Washington, DC 20036
202-778-8686
LEAD ATTORNEY

Richard T. Sampson

Semmes, Bowen & Semmes
250 West Pratt Street
Baltimore, MD 20101
410-539-5040
LEAD ATTORNEY

Steven B. Singer
Bernstein, Litowitz, Berger &
Grossmann LLP
1285 Avenue of the Americas
New York, NY 10019
212-554-1400
LEAD ATTORNEY

Plaintiff

Sil Chambers
*individually and as Class
Representatives.*

represented by **Cyrus Mehri**
(See above for address)
LEAD ATTORNEY

Daniel Lawrence Berger
(See above for address)
LEAD ATTORNEY

Daniel Lawrence Berger
(See above for address)
LEAD ATTORNEY

David J. Shaffer
(See above for address)
LEAD ATTORNEY

Richard T. Sampson
(See above for address)
LEAD ATTORNEY

Steven B. Singer
(See above for address)
LEAD ATTORNEY

Plaintiff

Janet Leigh Williams

Plaintiff

Marsha Harris

Plaintiff

Beatrice Hester

Plaintiff

Veronica Shinault

represented by **Daniel Lawrence Berger**

Bernstein Litowitz Berger & Grossman
LLP
1285 Avenue of the Americas
New York, NY 10019
(212) 554-1400
LEAD ATTORNEY

V.

Defendant

Texaco Incorporated

represented by **Andrea S. Christensen**
Kaye, Scholer, Fierman, Hays &
Handler
425 Park Avenue
New York, NY 10022
(212) 836-8000
LEAD ATTORNEY

Intervenor Plaintiff

Bernard Kirk Barnes

Movant

**Equal Employment Opportunity
Commission**

TERMINATED: 01/03/1997

represented by **Elizabeth A. Grossman**
New York District Office
7 World Trade Center
New York, NY 10048
(212) 748-8512
Email: elizabeth.grossman@eeoc.gov
TERMINATED: 01/03/1997
LEAD ATTORNEY

| Date Filed | # | Docket Text |
|-------------------|----------|---|
| 03/23/1994 | 1 | COMPLAINT filed; Summons issued and Notice pursuant to 28 U.S.C. 636(c); FILING FEE \$ 120.00 (lm) (Entered: 03/24/1994) |
| 03/23/1994 | | It is suggested that the case be classified as complex. Magistrate Judge Fox is so Designated. (lm) (Entered: 03/24/1994) |
| 03/23/1994 | | **Case classification flag (lm) (Entered: 03/24/1994) |
| 03/23/1994 | 2 | Rule 9 certificate filed by Bari-Ellen Roberts, Sil Chambers (lm) (Entered: 03/24/1994) |
| 04/14/1994 | 3 | ANSWER to Complaint by Texaco Incorporated (Attorney Andrea S. Christensen), ; by attorney Andrea S. Christensen for defendant Texaco Incorporated (ec) (Entered: 04/15/1994) |
| 04/14/1994 | 4 | Rule 9 certificate filed by Texaco Incorporated (ec) (Entered: 04/15/1994) |

| | | |
|------------|---|--|
| 05/04/1994 | 5 | NOTICE of attorney appearance for Bari-Ellen Roberts, Sil Chambers by Daniel L. Berger, Steven B. Singer, Richard T. Sampson, David J. Shaffer (dh) (Entered: 05/04/1994) |
| 05/16/1994 | 6 | <p>Case Management Plan in a Standard or Complex Case: This case shall be ready for trial four months following the Court's decision on the class certification motion. This case is to be tried to a jury. Joinder of additional parties by June 30, 1994. Amend the pleadings by June 30, 1994. Procedural motions shall be served and filed by Sept. 30, 1994. Discovery: Rule 46(a) interrogatories shall be served by all counsel no later than May 13, 1994, and Rule 46(a) interrogatories related to plaintiffs' individual claims may be served at the same time. Responses to such interrogatories shall be served within 30 days of service of the interrogatories. First request for production of documents related to class certification issues, shall be served no later than May 13, 1994, and first request for production of documents related to plaintiffs' individual claims may be served at the same time. Responses to such requests for production of documents shall be served within 30 days of service of the document requests. Depositions related to class certification issues shall be completed by Sept. 15, 1994, and depositions related to plaintiffs' individual claims may be taken during the same time period. Any expert witness on whose testimony a party intends to rely in connection with class certification issues, whether in affidavit form or otherwise, shall be made available for deposition before Sept. 15, 1994. All discovery related to class certification issues shall be completed by September 15, 1994. Plaintiffs shall serve and file their motion to certify a class together with all supporting papers by 5pm on Sept. 30, 1994. Service shall be by hand or by telecopier. Defendant shall serve and file its papers in opposition to class certification by 5pm on Oct. 20, 1994. Service shall be by hand or by telecopier. Plaintiffs shall serve and file their reply brief in support of class certification, if any, by 5pm on Nov. 4, 1994. Service shall be by hand or by telecopies. Oral argument shall be heard on the class certification motion at 2pm on Nov. 18, 1994. All remaining requests for documents, if any, shall be served no later than two weeks after receipt of the Court's Order determining the class certification issue. Responses to such requests for production of documents shall be served within 30 days of service of the document requests. Any further interrogatories, including expert interrogatories, shall be served no later than two weeks after receipt of the Court's Order determining the class certification issue. Responses to such interrogatories shall be served within 30 days of service of the interrogatories. All remaining depositions shall be completed no later than 90 days after receipt of the Court's Order determining the class certification issue. Dispositive motions are to be served and filed by date to be fixed. Pre-motion conference are required for any dispositive motions. Opposition papers shall be served and filed thirty (30) calendar days thereafter. Reply papers shall be served and filed fourteen (14) calendar days thereafter. Next Case Management conference to be fixed. Joint pretrial order is not waived. (signed by Judge Charles L. Brieant); Copies mailed. (ec) (Entered: 05/16/1994)</p> |
| 06/14/1994 | 7 | Letter filed dated 6/10/94 to Judge Brieant from Miguel J. Hernandez. |

| | | |
|------------|----|---|
| | | (dh) (Entered: 06/14/1994) |
| 06/21/1994 | 8 | Letter filed dated 6/16/94 to Judge Briant from Andrea S. Christensen. (dh) (Entered: 06/21/1994) |
| 06/21/1994 | 9 | REQUEST for Production of Documents by Texaco Incorporated (dh) (Entered: 06/21/1994) |
| 06/21/1994 | 10 | REQUEST for Production of Documents by Texaco Incorporated (dh) (Entered: 06/21/1994) |
| 06/21/1994 | 11 | First set of interrogatories filed by Texaco Incorporated (dh) (Entered: 06/21/1994) |
| 06/21/1994 | 12 | RESPONSE by Texaco Incorporated to Discovery Re: [11-1] interrogatory(s) (dh) (Entered: 06/21/1994) |
| 06/21/1994 | 13 | ORDER that case be referred to Magistrate Judge Fox for General Pretrial/After initial case management conference held by district judge. (signed by Judge Charles L. Briant) (ec) (Entered: 06/21/1994) |
| 06/21/1994 | 14 | NOTICE of Change of address and telephone numbers....the firm of Cohen, Milstein, Hausfeld & Toll will relocate its offices to: 1100 New York Avenue, NW, West Tower, Suite 500, Washington, DC 20005-3934, (202) 408-4600 (ec) (Entered: 06/21/1994) |
| 06/27/1994 | 15 | PROTECTIVE ORDER So Ordered. (see order) (signed by Magistrate Judge Mark D. Fox); Copies mailed (cp) (Entered: 06/27/1994) |
| 06/30/1994 | 16 | AMENDED COMPLAINT by Bari-Ellen Roberts, Sil Chambers , (Answer due 7/13/94 for Texaco Incorporated) amending [1-1] complaint (dh) (Entered: 07/01/1994) |
| 07/15/1994 | 17 | NOTICE OF MOTION by Texaco Incorporated for an order pursuant to Rules 12(b)(1) and 12(b) of the FRCP, dismissing the Title VII claims alleged on behalf of a putative class, and remanding to the Equal Employment Opportunity Commission the individual Title VII claims of plaintiffs Bari-Ellen Roberts and Sil Chambers on the grounds set for in the accompanying memorandum of law. , Return date 8/1/94 (ll) (Entered: 07/18/1994) |
| 07/15/1994 | 18 | MEMORANDUM by Texaco Incorporated in support of [17-1] motion for an order pursuant to Rules 12(b)(1) and 12(b) of the FRCP, dismissing the Title VII claims alleged on behalf of a putative class, and remanding to the Equal Employment Opportunity Commission the individual Title VII claims of plaintiffs Bari-Ellen Roberts and Sil Chambers on the grounds set for in the accompanying memorandum of law. (ll) (Entered: 07/18/1994) |
| 07/15/1994 | 19 | ANSWER to First Amended Complaint by Texaco Incorporated (Attorney) , ; Firm of: Kaye, Scholer by attorney Andrea S. Christensen for defendant Texaco Incorporated (ll) (Entered: 07/18/1994) |
| 07/25/1994 | 20 | Amended ORDER that case be referred to a Magistrate Judge Fox for |

| | | |
|------------|----|--|
| | | General pretrial/Including - Initial Case Management Confernce (signed by Judge Charles L. Briant) (ec) (Entered: 07/25/1994) |
| 07/25/1994 | | NOTICE OF CASE ASSIGNMENT to Magistrate Judge Mark D. Fox endorsed on order of reference to Magistrate Judge. Referred for General pretrial/including initial case management conference. Copies mailed. (ds) (Entered: 05/15/1997) |
| 07/28/1994 | | Pre-trial conference held (dh) (Entered: 08/04/1994) |
| 08/01/1994 | 21 | MEMORANDUM by Bari-Ellen Roberts, Sil Chambers in opposition to motion to dismiss plaintiff's title VII claims. (dh) (Entered: 08/04/1994) |
| 08/01/1994 | 22 | AFFIDAVIT of Steven B. Singer by Bari-Ellen Roberts, Sil Chambers (dh) (Entered: 08/04/1994) |
| 08/01/1994 | 23 | AFFIDAVIT of Beth A. Andreozzi by Bari-Ellen Roberts, Sil Chambers Re: (dh) (Entered: 08/04/1994) |
| 08/18/1994 | 24 | Transcript of record of proceedings filed for dates of 7/29/94 (dh) (Entered: 08/18/1994) |
| 08/29/1994 | 26 | AFFIDAVIT of John J.P. Howley by Texaco Incorporated (dh) (Entered: 08/30/1994) |
| 08/30/1994 | 25 | MEMORANDUM by Texaco Incorporated in support of its motion to dismiss Plaintiffs' Title VII claims. (dh) (Entered: 08/30/1994) |
| 09/22/1994 | 27 | Transcript of record of proceedings filed for dates of 9/14/94 (dh) (Entered: 09/22/1994) |
| 09/23/1994 | 29 | Letter filed dated 9/23/94 to Mr. Hernandez from Charles L. Briant, USDJ. (dh) Modified on 09/23/1994 (Entered: 09/23/1994) |
| 09/23/1994 | 28 | Letter filed dated 9/13/94 to Judge Briant from Miguel J. Hernandez. (dh) (Entered: 09/23/1994) |
| 01/13/1995 | | Pre-trial conference held before Mag. Judge Fox. (ec) (Entered: 01/18/1995) |
| 01/31/1995 | 30 | Transcript of record of proceedings filed for dates of 1/13/95 (rd) (Entered: 02/01/1995) |
| 03/06/1995 | 31 | Transcript of record of proceedings filed for dates of 2/14/95 (ec) (Entered: 03/07/1995) |
| 03/08/1995 | 32 | REPORT AND RECOMMENDATIONS of Judge Charles L. Briant Re :Your Honor requested a report and recommendation in connection with deft's motion pursuant to Rules 12(b)(1) and 12(b)(6) of the FedRCivP.....I respectfully recommend that deft's motion be denied in its entirety. ; Motion no longer referred Objections to R and R due by 3/22/95 (ec) (Entered: 03/09/1995) |
| 03/08/1995 | | Pre-trial conference held before Mag. Judge Fox. (ec) (Entered: 03/13/1995) |

| | | |
|------------|----|---|
| 03/10/1995 | 33 | AFFIDAVIT of Ada Meloy Re:I submit this affidavit in response to the Motion to Compel of deft Texaco, Inc. (ec) (Entered: 03/13/1995) |
| 03/22/1995 | 34 | Transcript of record of proceedings filed for dates of 03/08/95 (kz) (Entered: 03/22/1995) |
| 03/24/1995 | 35 | Objection(s) by Texaco Incorporated to the Mag. Judge's Rulings re:Texaco Inc.'s Assertion of the Self-Critical Analysis Privilege (ec) (Entered: 03/24/1995) |
| 03/24/1995 | 36 | Objection(s) by Texaco Incorporated tot he Mag. Judge's denial of its motion to dismiss pltf's' Title VII Claims (ec) (Entered: 03/24/1995) |
| 03/27/1995 | 37 | MEMORANDUM and Order...Before this Court are objections by deft. Texaco, Inc. to the Mag. Judge's rulings concerning Texaco's assertion of the "self-critical analysis privilege". Deft. objects to a ruling made by the Mag. Judge on March 8, 1995 at a hearing.....The Court declines to take any further action in connection with this issue. Texaco is directed to conform fully with the Mag. Judge's ruling, granting the plain English meaning to each of his words set forth. (Signed by Judge Charles L. Brieant); Copies mailed. (ec) (Entered: 03/28/1995) |
| 03/28/1995 | 38 | MEMORANDUM AND ORDER (The Title VII claims alleged on behalf of a nationwide class are dismissed without prejudice and may be reinstated upon the completion of formal proceedings before the EEOC; the Court declines to dismiss the individual claims for any of the reasons stated. So ordered. 3/28/95)(signed by Judge Charles L. Brieant); Copies mailed (kz) (Entered: 03/28/1995) |
| 04/10/1995 | 39 | NOTICE OF MOTION by Bari-Ellen Roberts, Sil Chambers, Janet Leigh Williams, Marsha Harris, Beatrice Hester & Veronica Shinault, for reargument of that portion of the Court's Order [38-1] dated 3/28/95, that granted dft Texaco Inc.'s motion to dismiss plaintiff's Title VII claims alleged on behalf of a Class. Return date 4/28/95 @ 9:00 am. (jag) Modified on 04/10/1995 (Entered: 04/10/1995) |
| 05/02/1995 | 40 | Letter filed dated 4/24/95 to Judge Brieant from Andrea S. Christensen. (dh) (Entered: 05/02/1995) |
| 05/16/1995 | 41 | SEALED DOCUMENT placed in vault Log #2226. Appendix B To plntfs' motion for class certification. plntf's experts' reports. (kk) Modified on 11/06/1996 (Entered: 05/17/1995) |
| 05/16/1995 | 42 | SEALED DOCUMENT placed in vault Log #2227. Plntfs' memorandum of Points and authorities in support of motion for class certification. (kk) Modified on 11/06/1996 (Entered: 05/17/1995) |
| 05/16/1995 | 43 | SEALED DOCUMENT placed in vault Log #2228. Appendix C To plntfs' motion for class certification. Plntfs' exhibits. (kk) Modified on 11/06/1996 (Entered: 05/17/1995) |
| 05/16/1995 | 44 | NOTICE OF MOTION by Bari-Ellen Roberts, Sil Chambers to certify class action (kk) (Entered: 05/17/1995) |
| | | |

| | | |
|------------|----|--|
| 05/16/1995 | 45 | APPENDIX A TO [44-1] motion to certify class action .. Declarations of plttfs' witnesses. (kk) (Entered: 05/17/1995) |
| 05/16/1995 | 46 | DEPOSITION of Richard Allen Lundwal held on 08/05/94 (kk) (Entered: 05/17/1995) |
| 05/26/1995 | 47 | ORDER granting [39-1] motion for reargument of that portion of the Court's Order [38-1] dated 3/28/95, that granted dft Texaco Inc.'s motion to dismiss plaintiff's Title VII claims alleged on behalf of a Class. (Plaintiffs' motion for reargument is granted and the Court adheres to its prior rulings in all respects.)(signed by Judge Charles L. Briant); Copies mailed (kz) (Entered: 06/01/1995) |
| 06/05/1995 | | Memo endorsed on motion; denying [44-1] motion to certify class action (The within motion is denied as moot. See Memorandum and Order dated March 28, 1995 and Memorandum & order dated May 26, 1995. So ordered. 6/5/95)(signed by Judge Charles L. Briant); Copies mailed. (kz) (Entered: 06/05/1995) |
| 06/12/1995 | 48 | Filed Memo Endorsement on letter to Judge Briant from Daniel L. Berger dated 6/8/95 re: on behalf of plaintiffs, request for clarification or reconsideration of the Court's endorsement, dated 6/5/95, on plaintiffs' motion for class certification, which denied plaintiffs' motion as moot. ENDORSEMENT: Treating the within letter as a motion for reconsideration, the motion is denied with leave to renew upon completion of the investigation by the EEOC, and the issuance of a determination thereof. SO ORDERED. (signed by Judge Charles L. Briant) (jag) (Entered: 06/12/1995) |
| 06/15/1995 | 49 | NOTICE OF MOTION by Texaco Incorporated for an Order striking allegations and arguments in plttfs' ntc of motion for class certification No Return date (ec) (Entered: 06/15/1995) |
| 06/15/1995 | 50 | MEMORANDUM by Texaco Incorporated in opposition to [44-1] motion to certify class action (ec) (Entered: 06/15/1995) |
| 06/19/1995 | | Memo endorsed on motion; denying [49-1] motion for an Order striking allegations and arguments in plttfs' ntc of motion for class certification (The within motion, filed June 15, 1995 with no return date, is denied with leave to renew following completion of the investigation by the Equal Employment Opportunity Commission and the issuance of a determination thereof, if and when the motion for class certification is renewed. See memorandum endorsement order in this case issued June 12, 1995. So ordered. 6/19/95)(signed by Judge Charles L. Briant); Copies mailed. (kz) (Entered: 06/20/1995) |
| 06/19/1995 | 51 | TEXACO INC.'s MEMORANDUM IN SUPPORT OF ITS MOTION TO STRIKE ALLEGATIONS BEYOND THE SCOPE OF THE PUTATIVE CLASS ALLEGED IN PLAINTIFFS' FIRST AMENDED COMPLAINT by Texaco Incorporated in support of [49-1] motion for an Order striking allegations and arguments in plttfs' ntc of motion for class certification (kz) (Entered: 06/20/1995) |
| | | |

| | | |
|------------|----|---|
| 06/26/1995 | 52 | Letter filed dated 6/20/95 to Judge Brieant from atty Andrea S. Christensen re We submitted papers in opposition to pltfs' class certification motion on June 14, 1995 in accordance with the existing scheduling order, and we request that the motion be decided at the earliest possible date. (ec) (Entered: 06/26/1995) |
| 08/29/1996 | 53 | NOTICE OF MOTION by Bari-Ellen Roberts, Sil Chambers for leave to to serve and file second amended complaint , Return date 9/13/96 (ec) (Entered: 08/29/1996) |
| 08/29/1996 | 54 | NOTICE OF MOTION by Bari-Ellen Roberts, Sil Chambers for an order granting pltfs' motion to renew their motion for class certification under the civil rights act of 1871, as amended in 1991, 42 USC sect. 1981, and section 296 of the New York Human Rights Law, NY Exec. Law Sect 296 , Return date 9/13/96 (ec) Modified on 10/01/1996 (Entered: 08/29/1996) |
| 09/19/1996 | 55 | MEMORANDUM by Texaco Incorporated in Partial opposition to [53-1] motion for leave to to serve and file second amended complaint (ec) (Entered: 09/23/1996) |
| 09/26/1996 | 56 | REPLY MEMORANDUM by Bari-Ellen Roberts, Sil Chambers in support of [53-1] motion for leave to to serve and file second amended complaint, [54-1] motion for an order granting pltfs' motion to renew their motion for class certification under the civil rights act of 1871, as amended in 1991, 42 USC sect. 1981, and section 296 of the New York Human Rights Law, NY Exec. Law Sect 296 (ds) (Entered: 09/26/1996) |
| 09/27/1996 | | Memorandum to Docket Clerk: 9/27/96 Hearing held on plntfs' motion for leave to amend and motion to renew motion for class certification. (Court reporter: mary Staten). Judge's decision: See Court's endorsement order this date for decision on motion for leave to amend (doc #53). Hearing on reveded motion for class certification continued to December 6 ,1996 at 11am to permit counsel to file additional briefs. See transcript. Submitted by Toni Bravato, Deputy Court Clerk (ds) (Entered: 09/30/1996) |
| 09/27/1996 | | Memo endorsed on motion; mootng (This motion is rendered moot by stipulation of counsel. See transcript of hearing this date) [53-1] motion for leave to to serve and file second amended complaint (signed by Judge Charles L. Brieant); Copies mailed. (ec) (Entered: 09/30/1996) |
| 09/27/1996 | 57 | Letter filed to Judge Brieant by John J.P. Howley on behalf of Texaco Incorporated dated 9/19/96 re Corrected Exh. "C" to Defendant's Memorandum in Partial Opposition docketed 9/19/96 (kz) (Entered: 09/30/1996) |
| 10/10/1996 | 58 | Transcript of record of proceedings filed for dates of 9/27/96 (kz) (Entered: 10/10/1996) |
| 10/28/1996 | 60 | NOTICE OF MOTION by Bari-Ellen Roberts, Sil Chambers for an order granting pltnfs' motion for class certification under the Civil Rights Act of 1964, as amended 42 USC sect 2000e, et seq., the Civil Rights Act of |

| | | |
|------------|----|---|
| | | 1871, as amended, 42 USC sect 1981, and Sect 296 of the NY Human Rights Law, N.Y. Exec. Law sect 296 (McKinney 1993) , Return date 12/6/96 at 11am (ds) (Entered: 10/29/1996) |
| 10/28/1996 | 61 | MEMORANDUM by Bari-Ellen Roberts, Sil Chambers in support of [60-1] motion for an order granting pltnfs' motion for class certification under the Civil Rights Act of 1964, as amended 42 USC sect 2000e, et seq., the Civil Rights Act of 1871, as amended, 42 USC sect 1981, and Sect 296 of the NY Human Rights Law, N.Y. Exec. Law sect 296 (McKinney 1993) (ds) (Entered: 10/29/1996) |
| 10/29/1996 | 59 | MEMORANDUM by Bari-Ellen Roberts, Sil Chambers in support of Order to Show Cause why sanctions should not be imposed on Texaco, Inc. (ds) (Entered: 10/29/1996) |
| 10/29/1996 | 62 | ORDER TO SHOW CAUSE by Bari-Ellen Roberts, Sil Chambers Show Cause Hearing set for 9:00 11/1/96 why an order should not be issued, pursuant to the Court's inherent powers to regulate litigation, imposing sanctions on deft Texaco Inc (signed by Judge Charles L. Briant); Copies mailed. (ec) (Entered: 10/30/1996) |
| 10/30/1996 | 63 | Transcript of record of proceedings filed for dates of September 27, 1996 (ll) (Entered: 10/31/1996) |
| 10/30/1996 | 64 | AFFIDAVIT in support of Cyrus Mehri by Bari-Ellen Roberts, Sil Chambers Re: [60-1] motion for an order granting pltnfs' motion for class certification under the Civil Rights Act of 1964, as amended 42 USC sect 2000e, et seq., the Civil Rights Act of 1871, as amended, 42 USC sect 1981, and Sect 296 of the NY Human Rights Law, N.Y. Exec. Law sect 296 (McKinney 1993) (pm) (Entered: 11/06/1996) |
| 11/14/1996 | 65 | Letter to USMJ Fox filed by Court TV, Cynthia M. Brill dated Nov. 12, 1996 re permission to televise the hearing to be held before the Court on plnts' motions seeking relief based upon an alleged violation of the federal discovery rules, currently schedule dfor 11/22/96. (ds) (Entered: 11/14/1996) |
| 11/15/1996 | 66 | Letter filed dated November 14, 1996 to Judge Briant from atty Spencer H. Lewis, Jr. re Notice from EEOC (ec) (Entered: 11/18/1996) |
| 11/20/1996 | 67 | NOTICE OF MOTION to intervene by Equal Employment Opp pursuant to FRCP 24(b) , NO Return date (ds) (Entered: 11/20/1996) |
| 11/20/1996 | 68 | MEMORANDUM by Equal Employment Opp in support of [67-1] motion to intervene by Equal Employment Opp pursuant to FRCP 24(b) (ds) (Entered: 11/20/1996) |
| 11/20/1996 | 69 | AFFIDAVIT in support of James Lee by Equal Employment Opp Re: [67-1] motion to intervene by Equal Employment Opp pursuant to FRCP 24(b) (ds) (Entered: 11/20/1996) |
| 11/21/1996 | 70 | SCHEDULING ORDER setting 12/6/96 as the return day for hearing the motion.; On 11/20/96, a Motion to intervene as plntf was served and filed in this action by the EEOC by its Regional Atty. The motion was filed |

| | | |
|------------|----|--|
| | | w/o a designated return day, as contemplated by Rule 3 of the Civil Rules of the SDNY. This Court hereby establishes 12/6/96 at 11:00 am in Courtroom 218 as the return day for hearing the motion. If all counsel appearing of record in the case consent to the proposed intervention, there is no need to appear on the return date, and a consent order may be submitted. SO ORDERED: (signed by Judge Charles L. Brieant) ; Copies mailed (ds) (Entered: 11/21/1996) |
| 12/02/1996 | 71 | Letter filed dated November 26, 1996 to Judge Brieant from atty Elizabeth Grossman re We write on behalf of pltf, deft Texaco Inc., and proposed intervenor EEOC, to request that the Court adjourn the December 6, 1996 hearing date on the EEOC's motion to intervene as pltf, to Dec. 20, 1996. (ec) (Entered: 12/02/1996) |
| 12/05/1996 | 72 | Letter to USDJ Brieant from Joe Herzig filed dated 12/3/96 re to express the opinion that the main reason for the quick and cash rich settlement in the the Texaco case is the public revelation that a Texaco executive used the "n-word" in a secretly recorded tape. (ds) (Entered: 12/05/1996) |
| 12/09/1996 | 73 | NOTICE OF MOTION by Bernard Kirk Barnes for joinder No Return date (ec) (Entered: 12/10/1996) |
| 12/30/1996 | 74 | Letter filed to USDJ Brieant from Cynthia Brill of Court TV dated Dec. 24, 1996 re application for Television Coverage (ds) (Entered: 12/30/1996) |
| 01/02/1997 | 75 | Letter to USDJ Brieant from attys for parties filed by Bari-Ellen Roberts, Sil Chambers, Texaco Incorporated, Equal Employment Opp dated Dec. 31, 1996 re we request that the Court adjourn the hearing schedule dfor 1/3/97 at 11:30am until 1/17/97. (ds) (Entered: 01/02/1997) |
| 01/03/1997 | 76 | STIPULATION AND SETTLEMENT AGREEMENT Between EEOC and Texaco, Inc.; (SEE DOC #76 FOR DETAILS) This stipulation and settlement agreement is entered into this 3rd day of January 1997 by and between the EEOC, an agency of the US Gov't., and dft Texaco, Inc., including all its predecessors, successors, assigns, agents and subsidiaries ("Texaco"). For purposes of this Agreement, "subsidiaries" shall mean entities in which Texaco has, directly or indirectly, more than a 50% ownership interest. Whereas, the EEOC moved to intervene in this action on 11/20/96, and the EEOC and Texaco intend that said motion to intervene be conditionally granted upon the follwoing terms and conditions agreed to between them; NOW THEREFORE, and in consideration of the mutual promises of each party to this Agreement, it is stipulated and agreed: 1) This agreement resolves all of the issues raised by the charges and/or EEOC's letter of determination dated 6/6/96. 2) The parties agree that this Court has jurisdiction of the subject matter of this action and of the parties, that venue is proper, and that all administrative prerequisites have been met. 3) The parties agree that the EEOC shall be an intervening party in the Roberts Action and that this Agreement shall be submitted to the USDC for the SDNY to be "so ordered" to become effective at the same time as its entry of its final order approving the settlemnt agreement in roberts 4) Each party shall |

| | | |
|------------|--|---|
| | | <p>bear its own atty fees and costs incurred in this action. 5) This agreement constitutes the complete understanding between Texaco and the EEOC. No other promises or agreements shall be binding 6) This agreement will remain in effect for 5 years from the date of entry unless the court order otherwise. 7) Texaco, its successors, assigns and agents, shall not engage in any employment practices which discriminate on the basis of 8) All African-American employess employed in a salaried position in the US by Texaco or its subsidiaries at any time from 3/23/91 through and including 11/15/96 shall be offered compensation pursuant to the Roberts Agreement. 9) The parties recognize that pursuant to the Roberts Agreement, an "Equality and Tolerance Task Force" (Hereinafter "Task Force") will be created to determine revisions and additions to Texaco's current human resources programs.... 10) W/in 6 months of the effective date of this agreement, Texaco shall implement an alternative dispute resolution program which shall utilize both mediators and arbitrators. 11) W/in 12 months of the effective date of this Agreement, Texaco shall submit to EEOC a written plan for validating and examining potential adverse impact of the PMP, or 12) Until Texaco finally adopts the revised study methodology referred to in the above paragraph, the pMP or similar selection device, shall be monitored for its effects. 13) Texaco's job posting policy shall be utilized re; open positions in grades 18 and lower. All job postings shall be placed in each area where employee notices are regularly posted. 14) At the end of one year form the effective date of this agreement and at yearly intervals thereafter for a period of 5 yrs, Texaco shall submit a Report to EEOC 15) EEOC may monitor Texaco's compliance with Title VII by inspection of Texaco's premises and records,.... 16) Texaco shall post the Notice attached as Exhibit A in each area where employee notices are regularly posted. 17) W/in 3 mnths of the effective date of this agreement, Texaco shall provide all managerial employees w/a written update of all laws enforced by the EEOC including recordkeeping requirements in a mutually agreed form. 18) In the event the Roberts Agreement does not become final pursuant to its terms, this agreement shall become null and void and of no force and effect. 19) The effective date of this Agreement shall be the date the Roberts Agreement, pusuant to its terms, becomes final. 20) Nothing in this Agreement shall apply to the filling of elected officer positions. Stipulated and agreed between the EEOC and Texaco by their undersigned counsel, 1/3/97. SO ORDERED: (signed by Judge Charles L. Briant) (ds) (Entered: 01/03/1997)</p> |
| 01/03/1997 | | <p>Memo endorsed on motion; granting [67-1] motion to intervene by Equal Employment Opp pursuant to FRCP 24(b). ENDORSEMENT: Motion granted on consent to the extent set forth on the record at hearing held this date. See transcript. SO ORDERED: (signed by Judge Charles L. Briant); Copies mailed. (ds) (Entered: 01/06/1997)</p> |
| 01/03/1997 | | <p>Memorandum to Docket Clerk:Hearing begun and concluded on 1/3/97. (court rpt. Angela O'Donnell). Judge's Decision - motion granted as to pltf's intervention. By Jan-10, 1997 plaintiff to file a motion by order to show cause as discussed on the record. Next status conference February 27, 1997 at 9. See transcript. (ec) (Entered: 01/06/1997)</p> |

| | | |
|------------|----|--|
| 01/06/1997 | 77 | Letter filed to Judge Brieant from Adam Liptak atty for the NY Times dated Jan. 3, 1997 re I represent the NY Times. I write to request an emergency hearing on The Time's application for access to a scheduling conference apparently underway at this very moment. (ds) (Entered: 01/06/1997) |
| 01/10/1997 | 78 | Letter filed dated January 7, 1997 to Judge Brieant from Shirley J. Wilcher, Deputy Asst Secretary for Federal Contract Compliance re agreement in principle to settle (ec) (Entered: 01/10/1997) |
| 01/14/1997 | 79 | NOTICE OF MOTION by Bernard Kirk Barnes to join said class action suit as a plaintiff , Return date 12/9/96 (ll) (Entered: 01/14/1997) |
| 01/14/1997 | | ORDER [79-1] motion to join said class action suit as a plaintiff Endorsement order. the within letter from Mr. Bernard Barnes is treated as a motion. there is no need to grant the motion because if a class is declared all members of the class will automatically be included unless they opt out. Motion denied. So Ordered: (signed by Judge Charles L. Brieant); Copies mailed (ll) (Entered: 01/14/1997) |
| 01/15/1997 | 80 | Transcript of record of proceedings filed for dates of 1/3/97 court reporter, Angela O'Donnell (pm) (Entered: 01/15/1997) |
| 01/16/1997 | 81 | Letter to USDJ Brieant signed by attys for the parties filed by Bari-Ellen Roberts, Sil Chambers, Texaco Incorporated dated Jan. 15, 1997 re we believe the parties need take no further action with respect to the OFCCP Letter. (ds) (Entered: 01/16/1997) |
| 01/23/1997 | 82 | ORDER TO SHOW CAUSE by Bari-Ellen Roberts, Sil Chambers Show Cause Hearing set for 9:00 3/18/97 why an Order should not be entered approving (1) the proposed Settlement and compromise of this action set forth in the Settlement Agreement as being fair, adequate and reasonable and entering final judgment thereon dismissing this action on the merits, with prejudice and without costs; (2) the proposed Allocation Plan of the Net Settlement Fund among Class members; (3) the applications of Class Counsel for an award of attorneys' fees, costs and reimbursement of exepenses; and (4) the applications of the named pltf's for incentive awards. (signed by Judge Charles L. Brieant); Copies mailed. (ec) (Entered: 01/23/1997) |
| 01/23/1997 | 83 | MEMORANDUM by Bari-Ellen Roberts, Sil Chambers in support of [82-1] motion why an Order should not be entered approving (1) the proposed Settlement and compromise of this action set forth in the Settlement Agreement as being fair, adequate and reasonable and entering final judgment thereon dismissing this action on the merits, with prejudice and without costs; (2) the proposed Allocation Plan of the Net Settlement Fund among Class members; (3) the applications of Class Counsel for an award of attorneys' fees, costs and reimbursement of exepenses; and (4) the applications of the named pltf's for incentive awards. (ec) (Entered: 01/23/1997) |
| 01/23/1997 | 84 | STIPULATION AND SETTLEMENT AGREEMENT (UNSIGNED). (ec) (Entered: 01/23/1997) |

| | | |
|------------|----|--|
| 01/27/1997 | 85 | Letter Mr. A.L. Brown from Texaco Foundation filed by Texaco Incorporated dated Dec. 11, 1996 re newspaper article on mr. Edwards (ds) (Entered: 01/28/1997) |
| 01/27/1997 | 86 | MEMORANDUM AND ORDERthe following motions, having been rendered conditionally moot by the order of this Court issued January 23, 1997 providing for notice of hearing of a proposed settlement of the action are Denied with leave to renew if the class action settlement is not approved and performed: (1)Motion filed August 29, 1996(Doc.#54); (2) Motion filed Oct. 28, 1996 (Doc.#60). The motion filed December 9, 1996 by Mr. Bernard Kirk Barnes (Doc.#73) is also denied. - terminating [73-1] motion for joinder, terminating [60-1] motion for an order granting pltnfs' motion for class certification under the Civil Rights Act of 1964, as amended 42 USC sect 2000e, et seq., the Civil Rights Act of 1871, as amended, 42 USC sect 1981, and Sect 296 of the NY Human Rights Law, N.Y. Exec. Law sect 296 (McKinney 1993), terminating [54-1] motion for an order granting pltnfs' motion to renew their motion for class certification under the civil rights act of 1871, as amended in 1991, 42 USC sect. 1981, and section 296 of the New York Human Rights Law, NY Exec. Law Sect 296 (signed by Judge Charles L. Briant); Copies mailed (ec) (Entered: 01/28/1997) |
| 02/05/1997 | 87 | NOTICE OF MOTION by Clarence Zachary, William Rabb Jr., Carolyn Simpson, Frieda Woods, John Thomas, Jesse J. Riggins to intervene , Return date 2/21/97 (kz) Modified on 02/24/1997 (Entered: 02/05/1997) |
| 02/05/1997 | 88 | MEMORANDUM IN SUPPORT OF MOTION TO INTERVENE by Clarence Zachary, William Rabb Jr., Carolyn Simpson, Frieda Woods, John Thomas, Jesse J. Riggins in support of [87-1] motion to intervene (kz) (Entered: 02/05/1997) |
| 02/07/1997 | 89 | Letter to Judge Briant filed from Madan Gautam dated 2/7/97 re Texaco Settlement (kz) (Entered: 02/07/1997) |
| 02/14/1997 | 90 | MEMORANDUM by Bari-Ellen Roberts, Sil Chambers in opposition to [87-1] motion to intervene (ll) (Entered: 02/14/1997) |
| 02/18/1997 | 91 | Letter filed dated February 14, 1997 to Judge Briant from atty Milton J. Schubin re We write on behalf of Texaco in connection with the motion to Intervene that has been filed on behalf of Frieda Woods, Clarence Zachery, Jr., William Rabb, Jr., Carolyn Simpson, John Thompson, and Jesse J. Riggins, III...request that their intervention should be denied. (ec) (Entered: 02/18/1997) |
| 02/20/1997 | 92 | AFFIDAVIT of John Thomas Re: in opposition to proposed settlement. (ll) (Entered: 02/20/1997) |
| 02/21/1997 | | Memorandum to Docket Clerk: denying [87-1] motion to intervene. Hearing begun and concluded on February 21, 1997 of motion to intervene docketed Feb. 5, 1997. (court rpt. Adrienne Mignano). Judge's decision - motion denied. See transcript for oral decision of the court. So Ordered Judge Briant. (ec) (Entered: 02/21/1997) |
| | | |

| | | |
|------------|-----|---|
| 02/21/1997 | | Memorandum to Docket Clerk: Judge's Decision - Oral application for pro hac vice admission of Britton D. Monts, Esq for the purpose of arguing motion to intervene granted. See transcript. So Ordered Judge Brieant. (ec) (Entered: 02/24/1997) |
| 03/04/1997 | 102 | Objection(s) to [93-2] motion for attorney fees in the amt of 25% of the cash stlmt fund, plus interest, & expenses in the amt of \$788,040.41; and incentive payments of \$200,000 each to plntfs Roberts & Chambers & \$100,000 each to pltnfs Williams, Harris, Hester & Shinault ; Objections made by James Larry Pitre, Floyd Thompson, Cassandra L. Roberts, Sandra J. Amerson, Sunny O. Anyalebechi, Willie R. Treadwell, Nell Rose Clark, Willie Alfreda Hill, Billy R. Amerson, Patricia A. Robers, Belinda Louise Jackson, Teretta B. Johnson, (ds) (Entered: 03/21/1997) |
| 03/12/1997 | 93 | NOTICE OF MOTION by Bari-Ellen Roberts, Sil Chambers approving the settlement; approving the plan of allocation of the settlement fund; entering the order and final judgment , and for attorney fees in the amt of 25% of the cash stlmt fund, plus interest, & expenses in the amt of \$788,040.41; and incentive payments of \$200,000 each to plntfs Roberts & Chambers & \$100,000 each to pltnfs Williams, Harris, Hester & Shinault , Return date 3/18/97 at 9am (ds) (Entered: 03/13/1997) |
| 03/12/1997 | 94 | MEMORANDUM by Bari-Ellen Roberts, Sil Chambers in support of [93-2] motion for attorney fees in the amt of 25% of the cash stlmt fund, plus interest, & expenses in the amt of \$788,040.41; and incentive payments of \$200,000 each to plntfs Roberts & Chambers & \$100,000 each to pltnfs Williams, Harris, Hester & Shinault (ds) (Entered: 03/13/1997) |
| 03/12/1997 | 95 | MEMORANDUM by Bari-Ellen Roberts, Sil Chambers in support of [93-1] motion approving the settlement; approving the plan of allocation of the settlement fund; entering the order and final judgment (ds) (Entered: 03/13/1997) |
| 03/12/1997 | 96 | MEMORANDUM by Bari-Ellen Roberts, Sil Chambers in support of [93-2] motion for attorney fees in the amt of 25% of the cash stlmt fund, plus interest, & expenses in the amt of \$788,040.41; and incentive payments of \$200,000 each to plntfs Roberts & Chambers & \$100,000 each to pltnfs Williams, Harris, Hester & Shinault (ds) (Entered: 03/13/1997) |
| 03/13/1997 | 97 | Letter filed dated 3/10/97 to Judge Brieant from Cynthia M. Brill, requesting permission to televise the hearing pursuant to Rule 7. (dh) (Entered: 03/13/1997) |
| 03/13/1997 | 98 | NOTICE OF MOTION by non-party NAACP legal Defense and Education Fund, Inc. for leave to file Memorandum Amicus Curiae in support of settlement agreement , no Return date (ds) (Entered: 03/14/1997) |
| 03/13/1997 | | Memo endorsed on motion; granting [98-1] motion for leave to file Memorandum Amicus Curiae in support of settlement agreement by the NAACP Legal Defense and Educational Fund, Inc.; ENDORSEMENT: |

| | | |
|------------|-----|--|
| | | The within application is granted. SO ORDERED: (signed by Judge Charles L. Briant); Copies mailed. (ds) (Entered: 03/14/1997) |
| 03/13/1997 | 99 | MEMORANDUM by Texaco Incorporated in support of [93-1] motion approving the settlement; approving the plan of allocation of the settlement fund; entering the order and final judgment (ds) (Entered: 03/14/1997) |
| 03/17/1997 | 100 | STIPULATION and ORDER (see document for details) It is hereby ordered, adjudged and decreed that: 1) w/in 7 calendar days of the date of entry of this order, class counsel shall publish a notice, substantially in the form annexed hereto as Exh. A, in the local newspapers where the last known addresses of these class members provided by Texaco indicate that they resided while employed at Texaco. The last know addresses of the 8 class members listed above, and the newspapers where plntfs will publish the notice, are set forth in Exh. B; and 2) W/in 7 calendar days of the date of entry of this order, Texaco shall post a notice, substantially in the form annexed hereto as Exh. C, at the facility or office where each class member listed above last worked at Texaco, to the extent Texaco still owns or operates that facility or office. SO ORDERED: (signed by Judge Charles L. Briant). (ds) (Entered: 03/17/1997) |
| 03/18/1997 | 101 | Transcript of record of proceedings filed for dates of Feb. 21, 1997 (ds) (Entered: 03/18/1997) |
| 03/18/1997 | | Case Management Conference held by USDJ Briant. Court reporter Adrienne Mignano. (ds) (Entered: 03/18/1997) |
| 03/21/1997 | 103 | MEMORANDUM DECISION (Based upon the entire presentation to this Court,...this Court finds and concludes that the settlements arrived at by arms length negotiation between equally informed parties is fair and reasonable, and highly beneficial to the Class. It should be and hereby is approved....The Court also retains jurisdiction on the matter on the matter of the fees and disbursements, and incentive awards. A Judgment has been signed. So ordered. 3/21/97.) (Signed by Judge Charles L. Briant); Copies mailed. (kz) (Entered: 03/21/1997) |
| 03/21/1997 | 104 | JUDGMENT On 1-23-97, this court entered an Order to Show Cause regarding certification of plaintiffs Chambers, Williams, Harris, Hester and Shinault as representatives of a Settlement Class consisting of all African-Americans employed in a salaried position subject to the Texaco Merit Salary Program in the Uninted States by Texaco Inc. ("Texaco") or its subsidiaries at any time from March 23, 1991 through and including November 15, 1996 (the "Class" or Settlement Class"). On 1-21-97, plaintiffs entered into a Stipulation and Settlement Agreement (the "Settlement Agreement") in settlement of all claims in the above captioned litigation (the "Action") with Texaco (the "Settlement"). Pursuant to the 1-23-97 order, this court directed that a hearing be held on March 18, 1997 to determine, among other things, whether the proposed Settlement should be approved by the Court as being fair, reasonable and adequate and whether final judgment should be entered thereon, and to consider whether to approve the application of Class |

Counsel for an award of attorneys' fees and disbursement of expenses.....NOW THEREFORE after due deliberation and the court having filed its Memorandum and Order dated March 21, 1997, this Court hereby finds, concludes, adjudges and decrees that 1. For purposes of this Judgment, the following terms have the following meanings: a. Subsidiaries: For purpose of this Judgment, "subsidiaries" shall mean entities in which Texaco has, directly or indirectly, more that a 50% ownership interest. b. Settlement Class: For purposes of this Judgment, "Settlement Class" shall mean all African-American employees who were employed in a salaried position subject to the Texaco Merit Salary Program in the United States by Texaco or its subsidiaries at any time from March 23, 1991 through and including Nov. 15, 1996. Employees whose salaried position was not subject to the Texaco Merit Salary Program are not within the Settlement Class. For purposes of this Judgment, African-Americans shall mean persons who, pursuant to the EEOC's Race/Ethnic Identification form, designated themselves to Texaco as "Black", including those who signed a release of claims in exchange for an enhanced severance package. 2. The notification provided for and given to the Class constitutes the best notice practicable under the circumstances and is in full compliance with the notice requirements of due process and Rule 23 of the FRCP. 3. This order is binding on all members of the Class as described in the Court's Order of 1-23-97. 4. The proposed Settlement of the Action on the terms and conditions set forth in the Settlement Agreement is fair, reasonable and adequate, is in the best interests of the Class and should be approved, especially in light of the benefits to the Settlement Class and the complexity, expense and probable duration of further litigation, the substantial discovery and investigation conducted and the risks of establishing liability. It is further Ordered, Adjudged and Decreed 1. The Settlement Agreement and the proposed Settlement are hereby approved and shall be consummated in accordance with the terms and provisions thereof. 2. The Plan of Allocation set forth in the Settlement Agreement and Notice is hereby approved and shall be implemented in accordance with the terms and provisions thereof. 3. David Berdon & Co., L.L.P. is appointed settlement administrator to distribute the Settlement Fund as set forth in the Plan of Allocation. 4. All claims alleged in this Action are hereby dismissed in their entirety on the merits, with prejudice, and without costs to any party. 5. The First Amended Complaint is hereby dismissed in its entirety on the merits, with prejudice, and without costs to any party. 6. Upon entry of this Judgment, the plaintiffs and each member of the Class will have released Texaco from, and have covenanted not to sue it on, any and all claims under federal or state law that hve been, or could have been, asserted against Texaco arising out of or relating to claims of employment discrimination or disparate treatment or impact in his or her employment by Texaco prior to November 16, 1996, including any for discrimination on the basis of age, disability, gender, national origin, race, religion or nay other facotr or protected cclassification. Upon the entry of this Judgment, any and all Settled Claims will be dismissed with prejudice. 7. Plaintiff, each member of the Settlement Class, their successors, heirs and assigns, and anyone acting

| | | |
|------------|-----|---|
| | | <p>on their behalf, including in a representative or derivative capacity, are hereby permanently enjoined and restrained from asserting, instituting or prosecuting, either directly or indirectly, in any suit, action, proceeding or dispute, any Settled Claim, in whole or in part, against Texaco in any state or federal court or other forum. 8. This Judgment, the Settlement Agreement, and all papers related to it are not, and shall not be construed to be, an admission by Texaco of any liability or wrongdoing whatsoever, and shall not be offered as evidence of any such liability or wrongdoing in this or any future proceeding, and shall not be deemed as a concession or an admission by plaintiffs or the Class of any lack of merit of their claims. 9. All other issues not specifically resolved herein, including but not by way of limitation, applications for legal fees, reimbursement of litigation expenses and incentive awards for individual class representative plaintiffs are hereby severed and reserved for future decision by this Court. Jurisdiction is also hereby reserved over all matters relating to the Settlement in accordance with the Settlement Agreement. 10. Without affecting the finality of this Judgment, the Court also retains jurisdiction over the Settlement Agreement, including its administration, consummation, and performance in order to determine issues relating to any distribution to members of the Settlement Class. In addition, without affecting the finality of this Judgment, the court retains exclusive jurisdiction over Texaco, plaintiffs and each member of the Settlement Class for the purpose of enabling any of them to apply to the Court at anytime for further orders and directions as may be necessary or appropriate for the construction and implementation of the terms of the Settlement Agreement and Judgment. Texaco, plaintiffs and each member of the Settlement Class are hereby deemed to have submitted irrevocably to the exclusive jurisdiction of this Court for any suit, action, proceeding or dispute arising out of or relating to this Judgment, the Settlement Agreement and exhibits thereto. 11. The Court finds, pursuant to FRCP 54(b), that there is no just reason for delay, and directs the Clerk to enter this Judgment. So Ordered: (signed by Judge Charles L. Briant); Mailed copies and notice of right to appeal. (l) (Entered: 03/24/1997)</p> |
| 04/01/1997 | 105 | <p>ORDER REFERRING CASE to Charles G. Moerdler, Esq. of 180 Maiden Lane, NY, NY as special master pursuant to Rule 53 FRCP for the purpose of inquiring into the applications for legal fees pending in the above entitled action, to take the arguments and proofs and otherwise consider the matter and report as to a reasonable fee to be awarded under the totality of the circumstances found to be present in the case. The Spec. Master also shall consider and rpt an estimate of the value of the legal fees which will be required to be rendered for plntfs during the administration of the Task Force created under the Judgment filed in this action on 3/21/97, and shall also consider and evaluate the request for incentive awards for plntfs and shall rpt. & Recommend to the Court w/respect to the propriety and reasonableness of such requests. The Spec. Master shall conduct this reference with the convenient speed and rpt to the COurt as promptly as the curcumstances of the case permit. The Court reserves jurisdiction over this Order and all proceedings in the</p> |

| | | |
|------------|-----|--|
| | | matter for all purposes permitted by law, including possible enlargement of the scope of the reference to the Spec. Master. SO ORDERED: (signed by Judge Charles L. Brieant); Copies mailed (ds) (Entered: 04/01/1997) |
| 04/11/1997 | 106 | Transcript of record of proceedings filed for dates of March 18, 1997 (ds) (Entered: 04/11/1997) |
| 04/11/1997 | 107 | Fld:Oath of Office of special master Charles G. Moerdler. (ec) (Entered: 04/14/1997) |
| 04/17/1997 | 108 | AFFIDAVIT of Daniel L. Berger by Bari-Ellen Roberts, Sil Chambers Re: Publication Notice to the class. (dh) (Entered: 04/17/1997) |
| 04/18/1997 | 109 | NOTICE fld by Charles G. Moerdler, Esq., Special Master (ec) (Entered: 04/18/1997) |
| 05/09/1997 | 110 | ORDER...it is hereby ordered that: 1. The expenses incurred by pltfs' counsel during the pendency of this litigation were fair, reasonable, and necessary to the prosecution of this action. 2. Class Counsel's application for reimbursement of expenses is granted and approved, and counsel are awarded the amount of \$778,137.74 as reimbursement of expenses reasonably incurred, to be paid from the \$115 million cash settlement Fund. Said amount may be drawn from the Settlement Fund and paid to Class Counsel upon entry of this Order. (signed by Judge Charles L. Brieant); Copies mailed (ec) (Entered: 05/12/1997) |
| 05/15/1997 | 111 | AFFIDAVIT in support of Daniel L. Berger by Bari-Ellen Roberts, Sil Chambers of Class Counsel's Application for reimbursement of expenses. (dh) (Entered: 05/15/1997) |
| 05/15/1997 | 112 | DECLARATION of Mark D. Laponsky Re: in support of application for award of attorney's fees and reimbursement of expenses. (dh) (Entered: 05/15/1997) |
| 05/15/1997 | 113 | Letter filed dated 4-14-97 re Objection of S.O. Anyalebechi to Judge Brieant from Sunny O. Anyalebechi. (dh) (Entered: 05/15/1997) |
| 05/15/1997 | 114 | Letter filed dated May 1, 1997 to Judge Brieant from atty Charles G. Moerdler re Interin Report of Special Master (ec) (Entered: 05/15/1997) |
| 05/19/1997 | | Case Management Conference held by USDJ Brieant. No transcript taken (ds) (Entered: 05/20/1997) |
| 05/21/1997 | | Received letter from Richard M. Upton, 436 Government Street, Baton Rouge, Louisiana re: Copy of Partition of Community Property which has been filed in the 19th Judicial District Court for the Parish of East Baton Rouge, State of Louisiana. The defendants in this action, JOHN W. MATTHEWS, JR. is a plaintiff the above referenced lawsuit. Please incorporate this petition into the record, notifying the proper parties. (ll) (Entered: 05/21/1997) |
| 05/21/1997 | | Sent copy of the above letter, etc, from Richard M. Upton to the following: Daniel L. Berger, Esq. and Steven B. Singer, Esq., 1285 |

| | | |
|------------|-----|--|
| | | Avenue of the Americas, NY, NY 10019, Andrea S. Christensen, Esq., of Kaye, Scholer, 425 Park Avenue, NY, NY 10022, Richard T. Sampson, Esq., Semmes, Bowen 250 W Pratt St., Baltimore, MD 20101, and David J. Shaffer, Esq., Semmes, Bowen & Semmes, 1025 Connecticut Avenue, Ste. 500, Washington, DC 20036 on this date. (ll) (Entered: 05/21/1997) |
| 05/29/1997 | | Case Management Conference held before Judge Briant. (jac) (Entered: 05/30/1997) |
| 06/23/1997 | 115 | ORDER appointing members to the equality and fairness task force (see document for details). (signed by Judge Charles L. Briant); Copies mailed (ec) (Entered: 06/24/1997) |
| 06/24/1997 | 116 | Fld: Oath of Office - Task Force on Equality and Fairness as to Deval L. Patrick (ec) (Entered: 06/24/1997) |
| 06/24/1997 | 117 | Fld: Oath of Office - Task Force on Equality and Fairness as to John J. Gibbons. (ec) (Entered: 06/24/1997) |
| 06/24/1997 | 118 | Fld: Oath of Office - Task Force on Equality and Fairness as to Jeffalyn Johnson. (ec) (Entered: 06/24/1997) |
| 06/24/1997 | 119 | Fld: Oath of Office - Task Force on Equality and Fairness as to Allen J. Krowe. (ec) (Entered: 06/24/1997) |
| 06/24/1997 | 120 | Fld:Oath of Office - Task Force on Equality and Fairness as to Mari J. Matsuda. (ec) (Entered: 06/24/1997) |
| 06/24/1997 | 121 | Fld: Oath of Office - Task Force on Equality and Fairness as to Luis G. Nogales. (ec) (Entered: 06/24/1997) |
| 06/24/1997 | 122 | Fld:Oath of Office - Task Force on Equality and Fairness as to Thomas S. Williamson, Jr. (ec) (Entered: 06/24/1997) |
| 06/25/1997 | 123 | Fld:Consent to Amendment settlement agreement. (ec) (Entered: 06/25/1997) |
| 07/07/1997 | 124 | NOTICE OF MOTION by Bari-Ellen Roberts, Sil Chambers for partial distribution of settlement funds , No Return date (ec) (Entered: 07/07/1997) |
| 07/23/1997 | 125 | 6 Exhibits (ds) (Entered: 07/23/1997) |
| 07/23/1997 | 126 | FLD: Special Master's Report; This report is submitted pursuant to the 4/1/97 order of USDJ Briant appointing the undresigned as Special Master, pursuant to FRCP Rule 53, to hear and report upon: 1) the application of plntfs' counsel for legal fees for services (a) rendered in the prosecution of the action to the entry of the Judgment filed 3/21/97, and (b) to be rendered on behalf of pltnfs during the Administration of the Task Force created under the Judgment; and 2) the individual plntfs' application for incentive awards. (ds) Modified on 07/23/1997 (Entered: 07/23/1997) |
| 07/23/1997 | 127 | Affidavit of service by Gary Malpeli on 7/22/97; served notice of filing of Report of the Special Master dated 7/22/97 and Report of the Special |

| | | |
|------------|-----|---|
| | | Master by USPS to : (see attached list on document). (ds) (Entered: 07/23/1997) |
| 07/23/1997 | 128 | MEMORANDUM by Bari-Ellen Roberts, Sil Chambers in support of [126-1] remark the application of the named plntfs for incentive awards (ds) (Entered: 07/23/1997) |
| 07/23/1997 | 129 | MEMORANDUM by Bari-Ellen Roberts, Sil Chambers in support of [126-1] remark application for an award of attys' fees (ds) (Entered: 07/23/1997) |
| 07/23/1997 | 130 | Letter to USDJ Brieant from Special Master filed by Charles G. Moerdler dated May 1, 1997 re I respectfully recommend that reimbursement be made to Class Counsel from the Settlnent Fund in the amount of \$778,137.74 as complete payment for all disbursements or expenses incurred by them or on their behalf through and including 4/30/97. (ds) (Entered: 07/23/1997) |
| 07/23/1997 | 131 | Letter to Special Master Charles Moerdler by atty Daniel Berger filed by Bari-Ellen Roberts, Sil Chambers dated May 2, 1997 re below are plntfs responses to the inquiries you made of us Wednesday, that were left open at the conclusion of the conference: (ds) (Entered: 07/23/1997) |
| 07/23/1997 | 132 | Letter to Special Master Charles Moerdler from atty Daniel Berger filed by Bari-Ellen Roberts, Sil Chambers dated May 28, 1997 re we write to clarify several issues concerning class counsel's compensation for work that we have performed, and will perform subsequent to approval of the settlement by the Court. (ds) (Entered: 07/23/1997) |
| 07/23/1997 | 133 | Letter to Special Master Charles Moerdler from atty Cyrus Mehri filed by Bari-Ellen Roberts, Sil Chambers dated July 15, 1997 re we write to supplement the record on pltnfs counsels' application for attys fees with respect to two issues. (ds) (Entered: 07/23/1997) |
| 07/23/1997 | 134 | Letter to Special Master Charles Moerdler from atty Daniel berger filed by Bari-Ellen Roberts, Sil Chambers dated July 15, 1997 re we write to clarify one issue that has arisen concerning the Settlement Fund's ongoing responsibility for costs and expenses incurred in connection with administration of the settlement. ... (ds) (Entered: 07/23/1997) |
| 07/23/1997 | 135 | Letter to Mike McMahon, Deputy-In-Charge filed by Charles G. Moerdler dated July 22, 1997 re enclosed for filing are the following documents: 1) The Notice and attached mailing list that accompanied a service copy of the enclosed Report as sent to plntfs' counsel, the named plntfs, and the indicated other individuals to whom notice of the proceedings was hereto for given; 2) The executed Aff. of Service by Mail of the Report and the Notice referred to above; 3) The original of the transcript of conference-hearing held before the Special Master on 4/30/97 and the exhibits marked at said conference-hearing; 4) A copy of the 2 submissions made by plntfs and their counsels in support of their respective applications, submitted under date of 4/24/97; 5) a copy of my letter dated 5/1/97; and 6) a copy of supplementary letter submissions with exhibits attached submitted to me by plntfs' counsel (ds) (Entered: 07/23/1997) |

| | | |
|------------|-----|---|
| | | 07/23/1997) |
| 07/24/1997 | 136 | Transcript of record of proceedings filed for dates of April 30, 1997 (ds) (Entered: 07/24/1997) |
| 07/28/1997 | 137 | Letter filed to Judge Briant dated 7/28/97 from Atty. Jonathan Rosner , representing Robert W. Ulrich re Final Report of Texaco, Inc. and information thereof (kz) (Entered: 07/29/1997) |
| 07/29/1997 | 138 | NOTICE OF MOTION by Bari-Ellen Roberts, Sil Chambers for the Court to adopt that part of the Report of the Special Master, Charles G. Moerdler, Dated 7/22/97, that relates to counsel's applicaiton for an award of attys' fees and those plntfs' applications for individual incentive awards , no Return date (ds) (Entered: 07/29/1997) |
| 07/29/1997 | | Memo endorsed on motion; granting [138-1] motion for the Court to adopt that part of the Report of the Special Master, Charles G. Moerdler, Dated 7/22/97, that relates to counsel's applicaiton for an award of attys' fees and those plntfs' applications for individual incentive awards ; ENDORSEMENT: Motion Granted. Order Signed. (signed by Judge Charles L. Briant); Copies mailed. (ds) (Entered: 07/29/1997) |
| 07/29/1997 | 139 | ORDER (see document for details) granting [138-1] (motion for the Court to adopt that part of the Report of the Special Master, Charles G. Moerdler, Dated 7/22/97, that relates to counsel's applicaiton for an award of attys' fees and those plntfs' applications for individual incentive awards) ... It is hereby ORDERED: 1) ... Accordingly, the Special Master's Report of Charles G. Moerdler, dated 7/22/97 is adopted by the Court, except for that part of the Report which relates to the application of plntf Veronica Shinault for an individual incentive award. ...2) plntfs' counsel are awarded attys' fees in the amt of \$19,154,144.62. Sd fees shall be w/drawn from the settlement fund and pd to plntfs' counsel upon entry of this Order. 3) plntfs Roberts, Chmabers, Williams, harris and Hester are awarded individual incentive awards in the amts set forth in the SM's Report, sd awards to be w/drawn from the settlement fund and pd upon entry of this order. 4) The sum of \$1,000,000.00 as attys' fees for services to be rendered in the future by plntfs' counsel payable over a 5 year period in bi-annual installments is reserved to be disbursed upon bi-annual application to and approval by the Court. 5) Plntf Veronica Shinault is authorized to file written objections to that part of the SP's Report that relates to her application... 6) Class counsel are authorized and directed to distribute \$82,000,000.00 from the Settlement Fund to class members.... 7) The monies remaining in the settlemnt fund after these distributions shall cont. to be held in escrow, at interest, pending further order of the Court. 8) The results of the application of the factors contained in the plan of Allocation, by Class Counsel, are approved. 9) The Court retains jurisdiction over the parties and the subject matter of the action for the purpose of administering the settlement and for the entry of such other or futher orders or supplemental judgments as Justice may require. SO ORDERED: (signed by Judge Charles L. Briant); Copies mailed (ds) (Entered: 07/29/1997) |
| | | |

| | | |
|------------|-----|---|
| 08/04/1997 | 141 | NOTICE OF MOTION by Charles G. Moerdler for a fee of \$53,992.00 and expenses of \$8,733.97 for services rendered as Special Master in this cause from 3/24/97 through 7/23/97 , Return date 8/15/97 at 9am (ds) (Entered: 08/06/1997) |
| 08/04/1997 | 140 | Objection(s) to [126-1] Special Master's Report and Recommendation that Relates to her incentive award by Veronica Shinault (ec) (Entered: 09/11/1997) |
| 08/07/1997 | 142 | NOTICE OF MOTION by Bari-Ellen Roberts, Sil Chambers for an order authorizing payment of the settlement proceeds to the estates of deceased class members and other entities no Return date (ds) (Entered: 08/07/1997) |
| 08/08/1997 | 143 | RESPONSE by Bari-Ellen Roberts, Sil Chambers Re: [141-1] motion for a fee of \$53,992.00 and expenses of \$8,733.97 for services rendered as Special Master in this cause from 3/24/97 through 7/23/97 (ds) (Entered: 08/08/1997) |
| 08/13/1997 | 144 | ORDER DIRECTING PAYMENT OF SETTLEMENT PROCEEDS TO ESTATES OF DECEASED CLASS MEMBERS AND OTHER ENTITIES; It is hereby ordered: The Court has reviewed plntfs' motion for an order authorizing payment of settlment proceeds to the Estates of Deceased Class Members and other entities and concludes that it is reasonable and well-founded. Accordingly, Class Counsel are authorized and directed to distribute settlement proceeds to those class members and individuals identified in the affidavit of Daniel L. Berger, dated 8/6/97, submitted in support of that motion (the "August 6 Berger Affidavit"). (granting [142-1] motion for an order authorizing payment of the settlement proceeds to the estates of deceased class members and other entities). SUCh distributions shall be in the amounts and manner specified in the August 6 Berger Affidavit. Said distributions shall be made as soon as practicable after entry of this Order. SO ORDERED: (signed by Judge Barrington D. Parker Jr.); Copies mailed (ds) (Entered: 08/13/1997) |
| 08/18/1997 | | Memo endorsed on motion; granting [141-1] motion for a fee of \$53,992.00 and expenses of \$8,733.97 for services rendered as Special Master in this cause from 3/24/97 through 7/23/97; ENDORSEMENT: Motion Granted. No Opposition Order Signed. SO ORDERED: (signed by Judge Charles L. Brieant); Copies mailed. (ds) (Entered: 08/18/1997) |
| 08/18/1997 | 145 | ORDER Upon all papers and proceedings had herein and there being no opposition, the motion by Charles G. Moerdler, Esq. Special Master, filed 8/4/97, is granted, and IT IS HEREBY ORDERED: 1) The Spec. Master is hereby allowed the sum of \$53,992.0 as and for his reasonable legal fees in this action, together with the sum of \$8,733.97 as disbursements, which said fee and disbursements this Court hereby finds to be reasonable and necessary for the judicial administration of this action. 2) Said fee and disbursements shall be withdrawn from the Settlement Fund, in the total amount of \$62,725.97, and paid to the Spec. Master upon entry of this Order. 3) The Court retains jurisdiction over the parties and the subject matter of the action for purposes of |

| | | |
|------------|-----|--|
| | | administrering the settlement and for the entry of such other or further orders or supplementnal judgments as Justice may require. SO ORDERED: (signed by Judge Charles L. Brieant); Copies mailed (ds) (Entered: 08/18/1997) |
| 08/28/1997 | 146 | Letter filed to USDJ Brieant from a non party atty Melvyn Leventhal dated August 26, 1997 re I urge you to reconsider your decision and reduce the fee award to \$3.4 million for attys fees (ds) (Entered: 08/28/1997) |
| 09/11/1997 | 147 | MEMORANDUM & ORDER (see document for details) By objection fully submitted on 8/4/97, plntf Veronica Shinault, objects to that part of the Spec. Master's Rpt, dated 7/22/97, which recommends that she be awarded an individual incentive award in the amt of \$2,500, in addition to her share of the Settlement Recovery of the plntf class. The Spec. Master analyzed the extend of the participation of each applicant for an incentive award. For reasons fully expressed in the Report, the Spec. Master recommended an award of \$85,000 to Ms. Roberts and \$50,000 to Mr. Chambers. As to the plntfs Williams, Harris and Hester who joined the litigation after is had commenced, the Spec. Master analyzed their participation and contribution and concluded that each shld receive an incentive award of \$25,000. In considering the application of objectant Shinault, the Spec. Master noted that shw had provided valuable assistance to counsel in prosecuting the litigation, however, he also reported that, "one critical element ... separates Ms. Shinault from the other plntfs. She resigned from Texaco shortly before the commencement of this action by Plntfs Roberts and Chambers. Hence, her submission lacks any significant post-litigation burden or risk." For those reasons the Spec. Master recommended an Incentive Award to Ms. Shinault of \$2,500 rather than the \$100,000 sum requested. This Court concludes that the resolution of the amount of the individual incentive payment to be awarded to ms. Shinault was valid in light of all of the surrounding circumstances, and declines to change it. The Objection to the Report is disapproved and dismissed, and to the extent not previously adopted by the Order of this Court filed 7/29/97 the entire Special Master's Report annexed hereto is now adopted as the decision and order of this Court. SO ORDERED: (signed by Judge Charles L. Brieant); Copies mailed (ds) (Entered: 09/11/1997) |
| 09/11/1997 | | Case closed (ds) (Entered: 09/11/1997) |
| 04/13/1998 | 148 | Letter to USDJ Brieant from atty Daniel berger filed by Bari-Ellen Roberts, Sil Chambers dated April 8, 1998 re we have reached a final agreement with the IRS concerning the Federal Tax obligations of the Texaco settlement fund (ds) (Entered: 04/15/1998) |
| 04/13/1998 | 149 | SEALED DOCUMENT placed in vault log #4088. Re; Plntfs' motion for an order approving closing agreement with the IRS, authorizing 2nd distribution of settlement proceeds, and awarding attys' fees and reimbursement of expenses filed 4/9/98 (ds) (Entered: 04/15/1998) |
| 04/13/1998 | 150 | Filed Memo_Endorsement on letter to USDJ Brieant from atty Daniel |

| | | |
|------------|-----|--|
| | | Berger dated April 9, 1998 re; request that motion for an order approving closing agreement with the IRS filed earlier today, be filed under seal. ; ENDORSEMENT: Application Granted. So Ordered: (signed by Judge Charles L. Brieant) (ds) (Entered: 04/15/1998) |
| 04/14/1998 | 151 | ORDER (see doc for details) Upon all papers and proceedings had herein, the motion of plntfs (seal doc #149, log #4088) for an order approving the CClosing agreement entered into between pltnfs and the IRS, authoizing a 2nd distribution of the stlmt proceeds, and awarding attys' fees and reimbursement of expenses, which motion was filed 4/8/98, is granted, and It is hereby Ordered: 1) The Court has reviewed the Closing Agreement entered into between plntfs, and behalf of the Class, and the IRS and finds that it is fair and reasonable and of substantial benefit to the Class. Accordingly, the Court hereby approves the CClosing Agreement. 2) Class counsel are authorized and directed to distribute \$5,500,000.00 from the Stlmt Fund to Class members, in accordance with the Plan of Allocation.... 3) Accordingly, plntfs' counsel are awarded attys' fees for services rendered during the period from 3/21/97 to date in the amt of \$100,000. Said fees shall be withdrawn from the settlement fund and paid to pltnfs' counsel upon entry of this order. 4)Accordingly, the Court awards plntfs the amt of \$356,765.26 in reimbursement for said expenses. Sd expenses shall be w/drawn from the Stlmt Fund and pd to plntfs' counsel upon entry of this Order. 5) The Court has further reviewed plntfs' counsel's request for authorization to pay Stlmt proceeds due to (i) certain deceased Class members to their heirs, and (ii) certain Class members whom plntfs have been unable to locate to the other members of the Class. The Court finds that counsel's efforts to locate these Class members were fully reasonable and sufficient, and approves the distribution to these Class members in accordance with the manner set forth in plntfs' motion. So Ordered: (signed by Judge Charles L. Brieant); Copies mailed (ds) (Entered: 04/15/1998) |
| 05/05/1998 | | Received - returned to sender from USPO doc.#151 mailed to David Shaffer. (ec) (Entered: 05/05/1998) |
| 05/05/1998 | 152 | Letter filed dated April 20, 1998 to Mr. Berger from Sharon Oates re I am writing to express my concern regarding the lack of specific written information regarding the monetary breakdown of monies awarded in this lawsuit. (ec) (Entered: 05/05/1998) |
| 06/02/1998 | 153 | NOTICE of Address change for Mehri, Malkin & Ross, P.L.L.C. Please note that Mehri, Malkin & Ross, P.L.L.C., has moved to 2120 L Street, NW, Suite 400, Washington, DC 20037. (ec) (Entered: 06/03/1998) |
| 09/01/1998 | 154 | NOTICE OF MOTION by Bari-Ellen Roberts, Sil Chambers, Janet Leigh Williams, Marsha Harris, Beatrice Hester, Veronica Shinault for an order awarding attorney fees and reimbursement of expenses , no Return date (ds) (Entered: 09/01/1998) |
| 09/08/1998 | 155 | ORDER Upon all papers & proceedings had herein, the motion of plntf |

| | | |
|------------|-----|--|
| | | for an order awarding the secon bi-annual installment of attys fees and reimbursement of expenses, which motion was filed 8/31/98, is granted (granting [154-1] motion for an order awarding attorney fees and reimbursement of expenses), and It is hereby ORDERED, 1)Accordingly, plntfs' counsel are awarded attys' fees in the amt of \$100,000. Said fees shall be withdrawn from the Settlement Fund and paid to pltnf's counsel upon entry of this Order. 2) Accordingly, the Court awards plntfs the amt of \$14,724.72 in reimbursement for said expenses. Said expenses shall be withdrawn from the Settlement Fund and pad to plntfs' counsel upon entry of this Order. So Ordered; (signed by Judge Charles L. Briellant); Copies mailed (ds) (Entered: 09/08/1998) |
| 09/24/1998 | | Received - return to sender doc.#155 mailed to David Shaffer. (ec) (Entered: 09/24/1998) |
| 04/14/1999 | 156 | NOTICE OF MOTION by Bari-Ellen Roberts, Sil Chambers, Janet Leigh Williams, Marsha Harris, Beatrice Hester, Veronica Shinault for an order awarding third bi-annual installment of attorney fees and reimbursement of expenses , no Return date (pf) (Entered: 04/14/1999) |
| 04/16/1999 | 157 | ORDER: Upon all papers and proceedings had herein, the motion of plaintiffs for an order awarding the second bi-annual installment of attys' fees and reimbursement of expenses, which motion was dated 4/13/99, is granted, and It is hereby Ordered: 1. The Court has reviewed plaintiffs' counsel's third bi-annual application for an award of attys' fees and finds that it is fair and reasonable. Accordingly, plaintiffs' counsel are awarded attys' fees in the amount of \$1000,000. Said fees shall be withdrawn from the Settlement Fund and paid to plntffs' counsel upon entry of this Order.; 2. The Court has further reviewed plntffs' counsel's application for reimbursement of expenses incurred in connection with the administration of the Settlement of this action. The Court finds that such expenses, including the fees of special tax counsel and the settlement administrator, are fair, reasonable, and necessarily incurred. Accordingly, the Court awards plntffs the amount of \$99,549.55 in reimbursement for said expenses. Said expenses shall be withdrawn from the Settlement Fund and paid to plntffs' counsel upon entry of this Order. So Ordered: (signed by Judge Charles L. Briellant); Copies mailed (pf) (Entered: 04/19/1999) |
| 09/20/1999 | 158 | OATH of Office Task Force on Equality and Fairness of Dr. James M. Rosser (ds) (Entered: 09/20/1999) |
| 11/29/1999 | 159 | ORDER...It is hereby Oreded:1. The court has reviewed pltfs' counsel's fourth bi-annual application for an award of attys' fees and finds that it is fair and reasonable. Accordingly, pltfs' counsel are awarded attys' fees in the amount of \$100,000. Said fees shall be withdrawn from the Settlement Fund and paid to pltfs' counsel upon entry of this Order. The Court has further reviewed pltfs' counsel's application for reimbursement of expenses incurred in connection with the administration of the Settlement of this Action. The Court finds that such expenses, including the fees of special tax counsel and the settlement administrator, are fair, reasonable and necessarily incurred. Accordingly, the Court awards pltfs |

| | | |
|------------|-----|--|
| | | the amount of \$71,608.05 in reimbursement for said expenses. Said expenses shall be withdrawn from the Settlement Fund and paid to plttfs' counsel upon entry of this Order. So Ordered: (signed by Judge Charles L. Briant); Copies mailed. (ec) (Entered: 11/29/1999) |
| 11/29/1999 | 160 | NOTICE OF MOTION by Plaintiffs for an order awarding fourth bi-annual installment of attys' fees and reimbursement expenses No Return date (ec) (Entered: 11/29/1999) |
| 11/29/1999 | 161 | AFFIDAVIT of Daniel L. Berger by Plaintiffs in support Re: [160-1] motion for an order awarding fourth bi-annual installment of attys' fees and reimbursement expenses . (ec) (Entered: 11/29/1999) |
| 10/18/2000 | 162 | NOTICE OF MOTION by Bari-Ellen Roberts, Sil Chambers, Marsha Harris, Beatrice Hester, Veronica Shinault for an order authorizing the third and final distribution of the Settlement proceeds to Class Members , and for attorney fees and reimbursement of expenses incurred in connection with the administration of the Settlement . No Return date (pf) (Entered: 10/18/2000) |
| 10/26/2000 | | ORDER granting [162-1] motion for an order authorizing the third and final distribution of the Settlement proceeds to Class Members, granting [162-2] motion for attorney fees and reimbursement of expenses incurred in connection with the administration of the Settlement (signed by Judge Charles L. Briant); Copies mailed (ll) (Entered: 10/26/2000) |
| 10/26/2000 | 163 | ORDER (...it is hereby ordered: 2. plaintiff's counsel are awarded attorneys' fees in the amount of \$200,000. Said fees shall be withdrawn from the Settlement Fund and paid to plaintiffs' counsel upon entry of this Order....Accordingly the Court awards plaintiffs the amount of \$96,157.85 in reimbursement for said expenses...The Court further directs plaintiffs' counsel to reserve \$75,000 to cover any future expenses incurred by the claims administrator or tax counsel in connection with the Settlement. So Ordered, 10/26/00.) (signed by Judge Charles L. Briant); Copies mailed. (kz) (Entered: 10/26/2000) |
| 08/10/2001 | 164 | NOTICE OF MOTION by Bari-Ellen Roberts, Sil Chambers, Janet Leigh Williams, Marsha Harris, Beatrice Hester, Veronica Shinault for attorney fees and reimbursement of expenses . Decleration of Daniel L. Berger in support of Motion attached. No Return date indicated. (dc) (Entered: 08/15/2001) |
| 08/20/2001 | 165 | ORDER granting [164-1] motion for attorney fees and reimbursement of expenses. IT IS HEREBY ORDERED: 1. The Court has reviewed plaintiff's counsel's seventh bi-annual application for an award of attorneys fees and finds that it is fair and reasonable. Accordingly, plaintiffs' counsel are awarded attorneys' fees in the amount of \$100,000. Said fees shall be withdrawn from the Settlement Fund and paid to plaintiffs' counsel upon entry of this Order. 2. The Court has further reviewed plaintiffs' counsel's application for reimbursement of expenses incurred in connection with the administratiion of the Settlement of this Action. The Court finds that such expenses are fair, reasonable and |

| | | |
|------------|-----|--|
| | | necessarily incurred. Accordingly, the Court awards plaintiffs the amount of \$659.17 in reimbursement for said expenses. Said expenses shall be withdrawn from the Settlement Fund and paid to plaintiffs' counsel upon entry of this Order. SO ORDERED: (signed by Judge Charles L. Brieant); Copies mailed. (dc) (Entered: 08/21/2001) |
| 01/29/2002 | 166 | NOTICE OF MOTION by Bari-Ellen Roberts, Sil Chambers, Janet Leigh Williams, Marsha Harris, Beatrice Hester, Veronica Shinault for attorney fees and reimbursement of expenses . (sv) (Entered: 01/30/2002) |
| 01/30/2002 | 167 | ORDER granting [166-1] motion for attorney fees and reimbursement of expenses ...it is hereby Ordered: The Court has reviewed plntffs' counsel's eighth bi-annual application for an award of attys' fees and finds that it is fair and reasonable. Accordingly, plntffs' counsel are awarded attys' fees in the amount of \$100,000.00. Said fees shall be withdrawn from the Settlement Fund and paid to plntffs' counsel upon entry of this Order. SO Ordered: (signed by Judge Charles L. Brieant); Copies mailed. (pf) (Entered: 02/01/2002) |
| 12/03/2002 | 168 | NOTICE OF MOTION by Bari-Ellen Roberts, Sil Chambers, Janet Leigh Williams, Marsha Harris, Beatrice Hester, Veronica Shinault for an order awarding final installment of attys' fees , and authorizing distribution of remaining settlement funds . No Return Date (pf) (Entered: 12/04/2002) |
| 12/03/2002 | 169 | MEMORANDUM OF LAW by Bari-Ellen Roberts, Sil Chambers, Janet Leigh Williams, Marsha Harris, Beatrice Hester, Veronica Shinault in support of [168-1] motion for an order awarding final installment of attys' fees, [168-2] motion authorizing distribution of remaining settlement funds . (sv) (Entered: 12/04/2002) |
| 12/03/2002 | 170 | DECLARATION of Daniel L. Berger by Bari-Ellen Roberts, Sil Chambers, Janet Leigh Williams, Marsha Harris, Beatrice Hester, Veronica Shinault in support Re: [168-1] motion for an order awarding final installment of attys' fees, [168-2] motion authorizing distribution of remaining settlement funds . (sv) (Entered: 12/04/2002) |
| 12/11/2002 | 171 | ORDER;It is hereby Ordered 1. The Court has reviewed plts' counsel final application for an award of attorneys' fees and disbursements and finds that it is fair and reasonable. Accordingly, plts' counsel are awarded attonrys' fees and disbursements in the total amount of \$204,054.09. Said fees and disbursements shall be withdrawan from the Settlement Fund and paid to plaintiffs' counsel upon filing of this Memorandum and Order.....3. The balance remaining on hand in the Class Settlement Fund, after paying the legal fees and disbursements authorized by this Memorandum and Order, shall be paid forthwith into the Registry of this Court to the credit of the action, attn: Robert Rogers, Deputy Clerk of this Court, at 300 Quarropas Avenue, White Plains, NY 10601. So Ordered . (signed by Judge Charles L. Brieant); clk/m/cpys. Certified copy sent to Michael Lindner, 500 Pearl Street, New York, NY. (sv) (Entered: 12/13/2002) |
| 12/30/2002 | | Received returned mail re: [171-1] order . Mail was addressed to David J. |

| | | |
|------------|-----|---|
| | | Shaffer at 1025 conn. ave, washington, dc and was returned for the following reason(s): refused, attempted unknown. (bls) (Entered: 01/02/2003) |
| 01/08/2003 | 173 | Order of final dismissal;...It is further ORDERED that since all other obligatins and responsibilities of the Settlement Agreement have been fulfilled, the Court's supervision of this matter be and hereby is terminated except for such further orders as may be appropriate for the distriction of funds presently in custody of the Court, and the case be and hereby is closed. So Ordered (signed by Judge Charles L. Brieant) clk/m/cpys (sv) (Entered: 01/15/2003) |
| 01/08/2003 | 174 | Letter filed addressed to Dear Judge Briant from Elise M. Bloom, dated 12/23/02, re: your consideration is a proposed order submitted on behalf of ChevronTexaco..... (jma) (Entered: 01/15/2003) |
| 01/08/2003 | 175 | Letter filed by Texaco Incorporated addressed to Dear Judge Brieant from William G. Duck, dated 12/20/02, re: requet that this matter be close and an Order of Final Dismissal be entered..... (jma) (Entered: 01/17/2003) |
| 01/09/2003 | 172 | Memo-Endorsement on letter addressed to USDJ Brieant from Steven Singer, dated 12/24/02. Re:... we would appreciate it if you would authorize Mr. Rogers to issue a check from the Registry of the COURT payable to Robert J. Lewis and mailed to our attention...ENDORSEMENT: Application Ganted. So Ordered: (signed by Judge Charles L. Brieant); Copies mailed by Clerk's Office (pf) (Entered: 01/13/2003) |
| 01/24/2003 | 176 | Letter filed addressed to Judge Brieant from Elaine R. Jones, dated December 19, 2002, re: application of NAACP Legal Defense and Educational Fund, Inc. for cr pre award. (sv) (Entered: 01/24/2003) |
| 01/24/2003 | | Received returned mail re: [172-1] order . Mail was addressed to Cyrus Mehri at 2120 L. st., NW, 400, Washington DC, 20036 and was returned for the following reason(s): forward time expired. (bls) (Entered: 01/24/2003) |
| 01/27/2003 | 177 | MEMORANDUM & ORDER: ...Ordered that the Clerk of the COURT shall issue out of the aforesaid funds in deposit in the Registry to the credit of this action a check in the amount of \$35,000.00 payable to NAACP Legal Defense and Education Fund, Inc.(the "LDF") to be used for its corporate purposes, and, not by way of limitation, for assisting in historical research and education of the public with respect to the efforts of the LDF and others to implement the Constitutional principles of equality and fairness in public primary and secondary education, durin the last half century since the Supreme Court decided Brown v. Board of Education of Topeka, etc., 347 U.S. 483 (1954); for evaluating the results of such efforts; and for ascertaining and making known the current state of such implementation, all as more particularly described in a written application dated 12/19/02, filed in this action. So Ordered: (signed by Judge Charles L. Brieant); Copies of this order do not need to be mailed |

| | | |
|------------|-----|---|
| | | as per USDJ CLB. (pf) (Entered: 01/27/2003) |
| 01/30/2003 | 178 | Check # 622194 in the amount of \$35,000, payable to NAACP Legal Defense, sent to WPNS 1/31/03. . (sv) (Entered: 02/06/2003) |
| 02/03/2003 | | Received returned mail re: [172-1] order . Mail was addressed to David J. Shaffer at 1025 Connecticut Ave. Suite 500 and was returned for the following reason(s): Forwarding Order Expired. (jma) (Entered: 02/10/2003) |
| 02/06/2003 | | Copy of the Order of Final Dismissal filed 1/8/03 sent to Cyrus Mehri, Esq. , Mehri, Malkin & Ross, PLLC, 2120 L Street, NW, Suite 400, Washington, D.C> 20036 was returned (forward time expired). (sv) (Entered: 02/06/2003) |
| 02/06/2003 | | Received returned mail re: [173-1] order dismiss/dismissal . Mail was addressed to David J. Shaffer at 1025 Connecticut Ave Suite 500 and was returned for the following reason(s): Forwarding Order Expired. (jma) (Entered: 02/10/2003) |
| 11/25/2003 | 179 | MEMORANDUM & ORDER:... Ordered that this Court accepts and adopts the "Proposal for a Case Study Project" concerning the operations of the Texaco Task Force on Equity and Fairness, as transmitted to the COURT by the CPR Institute for Dispute Resolution(CPR) under date of 11/21/03, which proposal contemplates a joint study by CPR and the Fordham University School of Law, a copy of which is attached to this Order and made part hereof, and it is further Ordered that the Clerk of the COURT shall issue out of the aforesaid funds on deposit in Registry to the credit of this action a check in the amount of \$44,000 payable to Fordham University, Attn: John Lehner, Director, Office of Research and Sponsored Programs, for purposes of funding the aforesaid Proposal in accordance with its terms, and it is further Ordered that this Court finds and concludes that the aforesaid expenditure is an appropriate commitment of the unexpended funds in conformity with cy pres principles to the extent directed. So Ordered: (Signed by Judge Charles L. Brieant on 11/25/03) Copies sent by Clerk's Office.(pf,) (Entered: 12/05/2003) |
| 12/04/2003 | | Remark from the Cashiers office at 500 Pearl Street.Received Check No. 652697 in the amount of \$44,000.00, payable to Fordham University on December 4th, 2003. Sent to WPNS. (dcr,) (Entered: 12/22/2003) |

| | | | |
|-----------------------------|---------------|-------------------------|-----------------------|
| PACER Service Center | | | |
| Transaction Receipt | | | |
| 06/12/2007 16:17:29 | | | |
| PACER Login: | hs0328 | Client Code: | eeoc |
| Description: | Docket Report | Search Criteria: | 7:94-cv-02015-CLB-MDF |

| | | | |
|------------------------|----|--------------|------|
| Billable Pages: | 21 | Cost: | 1.68 |
|------------------------|----|--------------|------|
