

CLOSED, ECF

**U.S. District Court**  
**United States District Court for the Southern District of New York (Foley Square)**  
**CIVIL DOCKET FOR CASE #: 1:04-cv-07514-AKH**

Equal Employment Opportunity Commission v. Melrose Hotel  
Company, Inc. et al  
Assigned to: Judge Alvin K. Hellerstein  
Cause: 42:2000e Job Discrimination (Employment)

Date Filed: 09/23/2004  
Date Terminated: 02/02/2006  
Jury Demand: Plaintiff  
Nature of Suit: 442 Civil Rights: Jobs  
Jurisdiction: U.S. Government Plaintiff

**Plaintiff**

**Equal Employment Opportunity  
Commission**

represented by **Robert David Rose**  
U.S. Equal Employment Opportunity  
Commission  
33 Whitehall Street  
5th Floor  
New York, NY 10004  
(212) 336-3620  
Fax: (212) 336-3623  
Email: robert.rose@eeoc.gov  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Raechel Lee Adams**  
U.S. Equal Employment Opportunity  
Commission  
33 Whitehall St., 5th Floor  
New York, NY 10004  
(212) 336-3707  
Fax: (212) 336-3623  
Email: raechel.adams@eeoc.gov  
*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**Melrose Hotel Company, Inc.**

represented by **Christopher A D'Angelo**  
Vandenberg & Feliu, LLP  
110 East 42nd Street  
New York, NY 10017  
212-763-6800  
Fax: 212-763-6810  
Email: cdangelo@vanfeliu.com  
*ATTORNEY TO BE NOTICED*

**Defendant**

**MHC Barbizon, L.P.**represented by **Christopher A D'Angelo**  
(See above for address)  
**ATTORNEY TO BE NOTICED****Defendant****Berwind Property Group, Ltd.**represented by **Christopher A D'Angelo**  
(See above for address)  
**ATTORNEY TO BE NOTICED**

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
09/23/2004	<a href="#">1</a>	COMPLAINT against Berwind Property Group, Ltd., MHC Barbizon, L.P., Melrose Hotel Company, Inc. Document filed by Equal Employment Opportunity Commission.(db, ) Additional attachment(s) added on 9/24/2004 (db, ). (Entered: 09/23/2004)
09/23/2004		Magistrate Judge Michael H. Dolinger is so designated. (db, ) (Entered: 09/23/2004)
09/23/2004		SUMMONS ISSUED as to Berwind Property Group, Ltd., MHC Barbizon, L.P., Melrose Hotel Company, Inc. (db, ) (Entered: 09/23/2004)
09/23/2004		Case Designated ECF. (db, ) (Entered: 09/24/2004)
09/23/2004		Case Designated ECF. (gf, ) (Entered: 09/27/2004)
12/10/2004	<a href="#">2</a>	RULE 7.1 DISCLOSURE STATEMENT. Document filed by MHC Barbizon, L.P..(D'Angelo, Christopher) (Entered: 12/10/2004)
12/10/2004	<a href="#">3</a>	RULE 7.1 DISCLOSURE STATEMENT. Document filed by Melrose Hotel Company, Inc..(D'Angelo, Christopher) (Entered: 12/10/2004)
12/10/2004	<a href="#">4</a>	RULE 7.1 DISCLOSURE STATEMENT. Document filed by Berwind Property Group, Ltd..(D'Angelo, Christopher) (Entered: 12/10/2004)
12/10/2004	<a href="#">5</a>	ANSWER to Complaint. Document filed by MHC Barbizon, L.P..(D'Angelo, Christopher) (Entered: 12/10/2004)
12/10/2004	<a href="#">6</a>	ANSWER to Complaint. Document filed by Melrose Hotel Company, Inc..(D'Angelo, Christopher) (Entered: 12/10/2004)
12/10/2004	<a href="#">7</a>	MOTION to Dismiss <i>Complaint</i> . Document filed by Berwind Property Group, Ltd.. Responses due by 12/24/2004 Return Date set for 1/14/2004 09:30 AM. (Attachments: # <a href="#">1</a> Affidavit of Christopher A. D'Angelo)(D'Angelo, Christopher) (Entered: 12/10/2004)
12/10/2004	<a href="#">8</a>	BRIEF re: <a href="#">7</a> MOTION to Dismiss <i>Complaint</i> .. Document filed by Berwind Property Group, Ltd..(D'Angelo, Christopher) (Entered: 12/10/2004)
01/05/2005	<a href="#">9</a>	STIPULATION: plaintiffs time to respond to defendant Berwind Property Group, Ltd.'s motion to dismiss is extended to 1/14/05. (Signed by Judge Alvin K. Hellerstein on 1/5/05) (db, ) (Entered: 01/07/2005)

01/05/2005		Set/Reset Deadlines as to <a href="#">7</a> MOTION to Dismiss. Responses due by 1/14/2005 (db, ) (Entered: 01/07/2005)
01/14/2005	<a href="#">10</a>	ORDER; withdrawing <a href="#">7</a> Motion to Dismiss, on consent, pending discovery without prejudice. (Signed by Judge Alvin K. Hellerstein on 1/14/05) (sac, ) (Entered: 01/14/2005)
01/14/2005	<a href="#">11</a>	CASE MANAGEMENT PLAN: Amended Pleadings due by 3/28/2005. Joinder of Parties due by 2/28/2005. Discovery due by 9/14/2005. Case Management Conference set for 10/14/2005 10:00 AM before Judge Alvin K. Hellerstein. See Document for further Scheduling Deadlines. (Signed by Judge Alvin K. Hellerstein on 1/14/05) (sac, ) (Entered: 01/14/2005)
01/14/2005		Minute Entry for proceedings held before Judge Victor Marrero : Interim Pretrial Conference held on 1/14/2005. Next conf set for 10/14/05 at 10:00 a.m. (kw, ) (Entered: 01/21/2005)
01/14/2005		Set Deadlines/Hearings: Pretrial Conference set for 10/14/2005 at 10:00 AM before Judge Alvin K. Hellerstein. (kw, ) (Entered: 01/21/2005)
03/18/2005	<a href="#">12</a>	ANSWER to Complaint. Document filed by Berwind Property Group, Ltd..(D'Angelo, Christopher) (Entered: 03/18/2005)
03/31/2005	<a href="#">13</a>	STIPULATION AND ORDER that shall govern the procedures to be followed when handling confidential materials in this matter. (Signed by Judge Alvin K. Hellerstein on 3/31/05) (dle, ) (Entered: 04/04/2005)
05/18/2005	<a href="#">14</a>	MOTION for Raechel L. Adams to Appear Pro Hac Vice. Document filed by Equal Employment Opportunity Commission. (jco, ) (Entered: 05/23/2005)
06/20/2005	<a href="#">15</a>	ENDORSED LETTER addressed to Judge Alvin K. Hellerstein from Robert Rose, Raechel Adams, Christopher D'Angelo and Jane Calvin dated 6/9/05 re: counsel for parties jointly submit discovery disputes. My rulings are made in the text, alongside each numbered section. (Signed by Judge Alvin K. Hellerstein on 6/20/05) (dle, ) (Entered: 06/21/2005)
06/30/2005	<a href="#">16</a>	ORDER Plaintiff's motion for reconsideration denied. Discovery of a defendant's assets is not relevant to any issue of the lawsuit, F.R.C.P. 26(b)(1), and may not be had pre-judgment. See Clause v. Danker, 254 F. Supp 246, 249 (S.D.N.Y. 1967); Bank of China v. NBM L.L.C., 2001 WL 604083 (S.D.N.Y.); Bank v. Nuro Trans. Corp., 62 A.D. 2d 942, 404 N.Y.S. 2d 7,8 (1st Dept. 1978). I have made no ruling regarding bifurcation. Counsel is also cautioned against ex parte letter writing. So Ordered. (Signed by Judge Alvin K. Hellerstein on 6/30/05) (jco, ) (Entered: 07/01/2005)
07/20/2005		Set Deadlines/Hearings: Discovery due by 12/14/2005. (jco, ) (Entered: 07/21/2005)
07/21/2005	<a href="#">17</a>	ENDORSED LETTER addressed to Judge Alvin K. Hellerstein dated 7/19/05 re: Counsel jointly submit request to extend the fact discovery completion date until 12/14/05. So Ordered, with amendment noted on p. 2. No further adjournments. (Signed by Judge Alvin K. Hellerstein on 7/20/05) (jco, ) (Entered: 07/21/2005)
11/17/2005	<a href="#">18</a>	ORDER that deft's discovery requests, as outline and explained in the jointletter, are denied. (Signed by Judge Alvin K. Hellerstein on 11/17/05) (cd, ) (Entered: 11/17/2005)

		11/17/2005)
12/05/2005	<a href="#">19</a>	STIPULATION; re: withdrawal and discontinuance of motion to dismiss. (Signed by Judge Alvin K. Hellerstein on 12/5/05) (pl, ) (Entered: 12/06/2005)
12/06/2005	<a href="#">20</a>	ENDORSED LETTER addressed to Judge Alvin K. Hellerstein from Christopher A. D'Angelo dated 12/5/05 re: all dft's arguments were previously made. I decline to reconsider my ruling. The order is not appropriate for 28 U.S.C. section 1292(b) certificates. (Signed by Judge Alvin K. Hellerstein on 12/6/05) (pl, ) (Entered: 12/07/2005)
12/20/2005	<a href="#">21</a>	ENDORSED LETTER addressed to Judge Alvin K. Hellerstein from Robert D. Rose, etc. dated 12/16/05 re: defendants renew their request that the 11/10/2005 letter be filed with the Clerk's Office, to be made part of the record in this case. ENDORSEMENT: SO ORDERED. (Signed by Judge Alvin K. Hellerstein on 12/20/05) (kco, ) (Entered: 12/21/2005)
12/28/2005	<a href="#">22</a>	NOTICE of Joint Letter (filed with permission) re: <a href="#">18</a> Order, <a href="#">21</a> Endorsed Letter, Set Deadlines,,. Document filed by Equal Employment Opportunity Commission, Melrose Hotel Company, Inc., MHC Barbizon, L.P., Berwind Property Group, Ltd.. (Attachments: # <a href="#">1</a> Exhibit A# <a href="#">2</a> Exhibit B# <a href="#">3</a> Exhibit C# <a href="#">4</a> Exhibit D# <a href="#">5</a> Exhibit E# <a href="#">6</a> Exhibit F# <a href="#">7</a> Exhibit G# <a href="#">8</a> Exhibit H# <a href="#">9</a> Exhibit I# <a href="#">10</a> Exhibit J# <a href="#">11</a> Exhibit K# <a href="#">12</a> Exhibit L# <a href="#">13</a> Exhibit M)(Calvin, Jane) (Entered: 12/28/2005)
12/28/2005	<a href="#">23</a>	ENDORSED LETTER addressed to Judge Alvin K. Hellerstein from Robert Rose, Christopher D'Angelo, Raechel Adams and Jane Calvin dated 12/22/05 re: counsel for plaintiff requests that dfts' request to dismiss William Gomez as a claimant should be denied. The parties shall stipulate a reasonable extension of discovery schedule and fix a date certain for the deposition of Willie Gomez. (Signed by Judge Alvin K. Hellerstein on 12/27/05) (dle, ) (Entered: 12/29/2005)
01/05/2006	<a href="#">24</a>	ENDORSED LETTER addressed to Judge Alvin K. Hellerstein from Raechel L. Adams and Christopher A. D'Angelo dated 1/3/06; re: Settlement Conference set for 2/3/2006 at 9:30 AM before Judge Alvin K. Hellerstein. (Signed by Judge Alvin K. Hellerstein on 1/5/06) (sac, ) (Entered: 01/06/2006)
02/02/2006	<a href="#">25</a>	ENDORSED LETTER addressed to Judge Alvin K. Hellerstein from counsel from all parties dated 2/2/06 re: suggestion pf settlement having been made, this action is dismissed, subject to restoration by either party within thirty (30) days on notice, The Clerk is directed to close this case. (Signed by Judge Alvin K. Hellerstein on 2/2/06) (db, ) (Entered: 02/03/2006)
02/07/2006	<a href="#">26</a>	ENDORSED LETTER addressed to Judge Alvin K. Hellerstein from Robert D. Rose re: The order conveys in affect previous sufficient jurisdictional flexibility to the Courts and the parties to entertain the consent decree when filed and to retain jurisdiction to enforce the same. Motion DENIED. (Signed by Judge Alvin K. Hellerstein on 2/6/06) (kco, ) (Entered: 02/07/2006)
03/08/2006	<a href="#">28</a>	ENDORSED LETTER addressed to Judge Alvin K. Hellerstein from C. D'Angelo, J. Calvin, R. Adams and R. Rose dated 3/1/06 re: counsel for parties requests the scheduling of a status conference. The 30 day period is enlarged to 4/10/06. A conference will be considered if and when needed. (Signed by Judge Alvin K. Hellerstein on 3/7/06) (dle, ) (Entered: 03/08/2006)

03/21/2006	<a href="#">31</a>	CONSENT DECREE AND JUDGMENT settling action. (Signed by Judge Alvin K. Hellerstein on 3/20/06) (Attachments: # <a href="#">1</a> Notice of Right to Appeal)(ml, ) (Entered: 03/24/2006)
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