

CLOSED_2004, LEAD

**U.S. DISTRICT COURT
WESTERN DISTRICT OF NEW YORK [LIVE] (Buffalo)
CIVIL DOCKET FOR CASE #: 1:01-cv-00809-HKS**

Equal Employment v. U.S. Signs, Inc.
Assigned to: Hon. H. Kenneth Schroeder, Jr
Demand: \$0
Cause: 28:451 Employment Discrimination

Date Filed: 11/15/2001
Jury Demand: Plaintiff
Nature of Suit: 442 Civil Rights: Jobs
Jurisdiction: U.S. Government Plaintiff

Plaintiff

**Equal Employment Opportunity
Commission**

represented by **Raechel L. Adams**
U.S. Equal Employment Opportunity
Commission
New York District Office
33 Whitehall Street
5th Floor
New York, NY 10004-2112
212-336-3707
Fax: 212-336-3623
Email: raechel.adams@eeoc.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Consol Plaintiff

Joseph A. DePronio

represented by **Jonathan A. Bernstein**
Levy Davis & Maher, LLP
880 Third Avenue
9th Floor
New York, NY 10022
(212) 371-0033
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

U.S. Signs, Inc.

represented by **Greg A. Riolo**
Jackson Lewis LLP
One North Broadway, 15th Floor
White Plains, NY 10601-2305
914-514-6123
Fax: 914-328-0541
Email: riolog@jacksonlewis.com

LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Lori D. Bauer
Jackson Lewis LLP
59 Maiden Lane
New York, NY 10038-4502
(212) 545-4025
Fax: 212-972-3213
Email: bauerl@jacksonlewis.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Consol Defendant

Administaff Companies, Inc.

represented by **Christopher J. Belter**
Goldberg Segalla LLP
665 Main Street
Suite 400
Buffalo, NY 14203
716-566-5400
Fax: 716-566-5401
Email: cbelter@goldbergsegalla.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Intervenor Defendant

U.S. Signs, Inc.

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

Lori D. Bauer
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Intervenor Defendant

Corey Perez

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

Intervenor Plaintiff

Joseph A. DeProniorepresented by **Jonathan A. Bernstein**

(See above for address)

*LEAD ATTORNEY**ATTORNEY TO BE NOTICED*

Date Filed	#	Docket Text
11/15/2001	1	COMPLAINT filed; JURY TRIAL DEMANDED (DLC) (Entered: 11/16/2001)
11/15/2001		SUMMONS(ES) issued for U.S. Signs, Inc. (DLC) (Entered: 11/16/2001)
11/19/2001	2	ORDER, Jurisdiction and power to participate as a facilitator in Settlement discussions is Granted to USMJ Schroeder, Jr. (Signed by Senior USDJ John T. Elfvin) Notice and copy of order sent to Raechel L. Adams (DLC) (Entered: 11/20/2001)
11/20/2001	3	MOTION to Intervene by Joseph A. DePronio (DLC) (Entered: 11/21/2001)
11/20/2001	4	MEMORANDUM by Joseph A. DePronio in support of [3-1] motion to Intervene by Joseph A. DePronio (DLC) (Entered: 11/21/2001)
11/26/2001		NOTICE from chambers (JTE); Response to Motion set to 12/14/01 for [3-1] motion to Intervene by Joseph A. DePronio , Reply to Response to Motion set to 12/19/01 , Motion Hearing set for 3:00 on 12/21/01 . (DLC) (Entered: 11/26/2001)
12/03/2001	5	RESPONSE by Equal Employment to [3-1] motion to Intervene by Joseph A. DePronio (DLC) (Entered: 12/03/2001)
12/17/2001		NOTICE from chambers (JTE); Response to Motion set to 1/4/02 for [3-1] motion to Intervene by Joseph A. DePronio , Reply to Response to Motion set to 1/10/02 , Motion Hearing set for 3:00 on 1/11/02 (DLC) (Entered: 12/17/2001)
12/21/2001	8	Minute entry: Motion to intervene adjourned to 3:00pm on 1/11/02. JTE (JMD) (Entered: 01/10/2002)
01/07/2002	6	MEMORANDUM OF LAW by U.S. Signs, Inc. in opposition to [3-1] motion to Intervene by Joseph A. DePronio (DLC) (Entered: 01/08/2002)
01/07/2002	7	AFFIDAVIT by attorney for U.S. Signs, Inc. in opposition to [3-1] motion to Intervene by Joseph A. DePronio (DLC) (Entered: 01/08/2002)
01/10/2002	9	REPLY MEMORANDUM OF LAW by Joseph A. DePronio in further support of [3-1] motion to Intervene by Joseph A. DePronio (DLC) (Entered: 01/11/2002)
01/11/2002	11	Minute entry: Joseph A. DePrinio's [3-1] motion to Intervene is argued and submitted. JTE (JMD) (Entered: 01/22/2002)
01/15/2002	10	ANSWER to Complaint by U.S. Signs, Inc. (Attorney Lori D. Bauer, Greg A. Riolo), (JMD) (Entered: 01/15/2002)
05/28/2002	12	ORDER, set Settlement Conference for 2:00 on 6/11/02 . (Signed by USMJ H. K. Schroeder Jr.) Notice and copy of order sent to Jonathan A. Bernstein, Greg A. Riolo, Lori D. Bauer, Raechel L. Adams (DLC) (Entered: 05/31/2002)

05/30/2002	13	ORDER granting [3-1] motion to Intervene by Joseph A. DePronio and the caption shall now read Equal Employment Opportunity Commission, Plaintiff and Joseph A. DePronio, Intervenor -vs- U.S. Signs, Inc., Defendant.(signed by Senior USDJ John T. Elfvin) Notice and copy of order sent to Jonathan A. Bernstein, Greg A. Riolo, Lori D. Bauer, Raechel L. Adams (JMD) (Entered: 05/31/2002)
06/27/2002	15	Settlement conference held, attorneys will contact Judge Elfvin for purpose of obtaining date for Rule 16 conference and establishment of case management order. HKS (JMD) (Entered: 07/10/2002)
07/01/2002	14	Intervenor's COMPLAINT by Joseph A. DePronio against U.S. Signs, Inc.. JURY TRIAL DEMANDED. (DLC) (Entered: 07/01/2002)
07/23/2002	16	ANSWER to Complaint by Corey Perez (Attorney Greg A. Riolo), (DLC) (Entered: 07/25/2002)
07/23/2002	17	ANSWER to Complaint by U.S. Signs, Inc. (Attorney Greg A. Riolo), (DLC) (Entered: 07/25/2002)
08/20/2002		NOTICE (JTE) Rule 16(b) conference set for 4:15pm on 9/17/02 (JMD) (Entered: 08/21/2002)
09/17/2002	19	Rule 16(b) conference held. Court to issue order. JTE (JMD) (Entered: 09/27/2002)
09/21/2002	18	ORDER, set Discovery deadline on 7/4/03; Deadline for filing a motion or motions for summary judgment by 8/4/03; Trial Date Status Conference 3:00 on 8/8/03 , Jurisdiction and power to participate as a facilitator in settlement discussions is GRANTED to USMJ Schroeder. (Signed by Senior USDJ John T. Elfvin) Notice and copy of order sent to Greg A. Riolo, Lori D. Bauer, Jonathan A. Bernstein, Raechel L. Adams (DLC) (Entered: 09/21/2002)
03/06/2003	20	NOTICE of Motion by Equal Employment, Joseph A. DePronio to amend complaints. (DLC) (Entered: 03/06/2003)
03/06/2003	21	JOINT MOTION by Equal Employment to Amend [1-1] complaint (DLC) (Entered: 03/07/2003)
03/06/2003	22	MEMORANDUM OF LAW by Equal Employment, Joseph A. DePronio in support of [21-1] joint motion to Amend [1-1] complaint by Equal Employment (DLC) (Entered: 03/07/2003)
03/06/2003	23	AFFIRMATION/DECLARATION by Equal Employment Re: [21-1] joint motion to Amend [1-1] complaint by Equal Employment (DLC) (Entered: 03/07/2003)
03/06/2003	24	CERTIFICATE OF SERVICE by Equal Employment [21-1] joint motion to Amend [1-1] complaint by Equal Employment, [22-1] support memorandum by Joseph A. DePronio, Equal Employment, [23-1] affirmation by Equal Employment, [20-1] notice by Joseph A. DePronio, Equal Employment (DLC) (Entered: 03/07/2003)
03/11/2003		NOTICE from chambers (JTE); Response to Motion set to 4/18/03 for [21-1] joint motion to Amend [1-1] complaint , Reply to Response to Motion set to

		4/23/03 , Motion Hearing set for 3:00 on 4/25/03 (DLC) (Entered: 03/11/2003)
04/10/2003	25	ORDER, that Niagara Frontier Psychiatric Association provide copies of any and all records responsive to the authorization executed by Joseph DePronio to Jackson Lewis LLP, attorneys for defendant in this aciton, upon payment of the reasonable copying costs incurred by Niagara Frontier Psychiatric Accociates . (Signed by USMJ H. K. Schroeder Jr.) Notice and copy of order sent to Greg A. Riolo, Lori D. Bauer, Jonathan A. Bernstein, Raechel L. Adams (DLC) (Entered: 04/14/2003)
04/18/2003	26	AFFIDAVIT by U.S. Signs, Inc., Corey Perez in opposition to [21-1] joint motion to Amend [1-1] complaint by Equal Employment (DLC) (Entered: 04/18/2003)
04/18/2003	27	CERTIFICATE OF SERVICE by U.S. Signs, Inc., Corey Perez [26-1] opposition affidavit by Corey Perez, U.S. Signs, Inc. (DLC) (Entered: 04/18/2003)
04/23/2003	28	MEMORANDUM by Equal Employment, Joseph A. DePronio in support of [21-1] joint motion to Amend [1-1] complaint by Equal Employment (DLC) (Entered: 04/23/2003)
04/25/2003	29	Tele-conference held. Plaintiff's motion to amend complaints is argued and submitted. (JTE) (DLC) (Entered: 05/02/2003)
05/14/2003	30	ORDER denying [21-1] joint motion to Amend [1-1] complaint (Signed by Senior USDJ John T. Elfvin) Notice and copy of order sent to Greg A. Riolo, Lori D. Bauer, Jonathan A. Bernstein, Raechel L. Adams (DLC) (Entered: 05/14/2003)
06/11/2003		NOTICE from chambers (JTE) Pre-trial conference set at 4:30 on 6/24/03. (DLC) (Entered: 06/11/2003)
06/24/2003	32	Pre-trial conference held. Court to issue Order held. Court to issue Order. (JTE) (DLC) (Entered: 07/15/2003)
06/27/2003	31	ORDER, set Discovery deadline on 1/9/04; Deadline for filing dispositive motions by 2/9/04; Trial Date Status Conference 3:00 on 2/13/04 , Jurisdiction and power to participate as a facilitator in settlement discussions is Granted to USMJ Schroeder, Jr. . (Signed by Senior USDJ John T. Elfvin) Notice and copy of order sent to Greg A. Riolo, Lori D. Bauer, Jonathan A. Bernstein, Raechel L. Adams (DLC) (Entered: 06/30/2003)
07/24/2003	33	ORDER, set Status/Settlement Conference for 11:00 on 8/7/03 . (Signed by USMJ H. K. Schroeder Jr.) Notice and copy of order sent to Greg A. Riolo, Lori D. Bauer, Jonathan A. Bernstein, Raechel L. Adams (DLC) (Entered: 07/25/2003)
07/28/2003	34	ORDER, to Consolidate Cases 03-cv-411 with 01-cv-809. (signed by USMJ H. K. Schroeder Jr.) Notice and copy of order sent to Greg A. Riolo, Lori D. Bauer, Jonathan A. Bernstein, Raechel L. Adams (JMD) (Entered: 07/28/2003)
07/28/2003		Consolidated Lead Case (JMD) (Entered: 07/28/2003)
07/28/2003	36	SCHEDULING ORDER setting deadlines: compliance with requirements of Rule 26(a)(1) of the FRCP by 8/15/03; Motions to Join Parties/Amend Pleadings

		by 9/30/03; fact depositions completed by 11/21/03; filing of all dispositive motions 6/18/04; Discovery cutoff is 12/12/03; Defendant's expert witness ID deadline on 1/16/04; Plaintiff's expert witness ID deadline for 12/19/03; expert depositions to be completed by 3/26/04; expert discovery completed by 4/9/04; Plaintiff to submit a written demand to Defendant by 4/16/04 and Defendant to respond in writing by 4/30/04; subsequent pretrial conference for 2:00 on 5/10/04 (signed by USMJ H. K. Schroeder Jr.). Notice and copy of order sent to Greg A. Riolo, Lori D. Bauer, Jonathan A. Bernstein, Raechel L. Adams (CMD) (Entered: 07/31/2003)
07/29/2003	35	ORDER, Referring Case to USMJ H. K. Schroeder Jr., for all pre-trial matters, SHALL NOT hear and report upon dispositive motions, but can hear any motion for injunctive relief and thereafter to file a report and recommendation . (Signed by Senior USDJ John T. Elfvin). Notice and copy of order sent to Greg A. Riolo, Lori D. Bauer, Jonathan A. Bernstein, Raechel L. Adams (DLC) (Entered: 07/30/2003)
09/30/2003	37	MOTION by Equal Employment to Amend [1-1] complaint (DLC) (Entered: 10/01/2003)
09/30/2003	38	MEMORANDUM by Equal Employment in support of [37-1] motion to Amend [1-1] complaint by Equal Employment (DLC) (Entered: 10/01/2003)
09/30/2003	39	AFFIRMATION/DECLARATION by Raechel Adams, Esq., attorney for Equal Employment Re: [37-1] motion to Amend [1-1] complaint by Equal Employment (DLC) (Entered: 10/01/2003)
10/02/2003	40	ORDER, Response to Motion set to 10/24/03 for [37-1] motion to Amend [1-1] complaint , Reply to Response to Motion set to 10/31/03 , Motion Hearing set for 2:00 on 11/6/03 . (Signed by USMJ H. K. Schroeder Jr.). Notice and copy of order sent to Greg A. Riolo, Lori D. Bauer, Jonathan A. Bernstein, Raechel L. Adams. (DLC) (Entered: 10/02/2003)
10/24/2003	42	MEMORANDUM IN OPPOSITION to plaintiff's [37] Motion to Amend/Correct the complaint by Administaff Companies, Inc.. (DLC) (Entered: 10/29/2003)
10/24/2003	43	AFFIDAVIT in opposition to [37] Motion to Amend/Correct the Complaint by attorney for Administaff Companies, Inc.. (DLC) (Entered: 10/29/2003)
10/24/2003	44	ATTORNEY AFFIDAVIT in opposition to [37] Motion to Amend/Correct Complaint by Administaff Companies, Inc.. (DLC) (Entered: 10/29/2003)
10/27/2003	41	AFFIDAVIT in opposition to [37] Motion to Amend/Correct by Corey Perez, U.S. Signs, Inc.. (DLC) (Entered: 10/28/2003)
10/30/2003	45	Minute Entry for proceedings held before Judge H. Kenneth Schroeder Jr.: Telephone Conference held on 10/30/2003, regarding issue raised in deposition of plaintiff. Resolved issue. (DLC) (Entered: 11/03/2003)
11/03/2003	46	AFFIDAVIT with Reply Declaration and Reply Memorandum of Law included re [37] Motion to Amend/Correct by Joseph A. DePronio. (DLC) (Entered: 11/04/2003)
11/03/2003	47	CERTIFICATE OF SERVICE by Joseph A. DePronio re [46] Affidavit (DLC) (Entered: 11/04/2003)

11/06/2003	49	Minute Entry for proceedings held before Judge H. Kenneth Schroeder Jr.: Motion Hearing held on 11/6/2003 re [37] Motion to Amend/Correct filed by Equal Employment Opportunity Commission. Decision reserved. Counsel jointly requested 45-day extension of dates in Case Management Order. Amended Case Management Order issued. (DLC) (Entered: 11/17/2003)
11/07/2003	48	AMENDED CASE MANAGEMENT ORDER, All Fact Depositions by 1/5/04; All Fact Discovery due by 1/26/2004. Plaintiff's shall identify expert witnesses by 2/2/04; Defendant expert witnesses by 3/1/04. All Expert Depositions by 5/10/04. All Expert Discovery 5/24/04. Plaintiff's counsel shall submit a formal written settlement demand to defendants' by 5/31/04; Defendant's counsel shall respond by 6/14/04. Motions due by 8/2/2004. Pretrial Conference set for 6/28/2004 at 10:00 AM before Hon. H. Kenneth Schroeder Jr.. Signed by Judge H. Kenneth Schroeder Jr. on 11/6/03. (DLC,) (Entered: 11/10/2003)
11/17/2003		Mail Returned as Undeliverable. Mail sent to Christopher J. Belter, Esq. Remailed to new address. (DLC) (Entered: 11/17/2003)
12/03/2003	50	AFFIDAVIT by Joseph A. DePronio in support of plaintiff/plaintiff-intervenor's application for a protective order (application for a protective order not on docket as referenced). (DLC) (Entered: 12/04/2003)
12/12/2003	51	Letter from Christopher J. Belter, Esq., dated 12/12/3, to Judge Schroeder (JMD,) (Entered: 12/12/2003)
01/22/2004	52	ORDER: Settlement conference set for 2/24/2004 at 02:30 PM before Hon. H. Kenneth Schroeder, Jr. Deadlines set forth in [48] Amended Case Management Order re ID of and production of reports by expert witnesses stayed pending completion of settlement conference. Signed by Hon. H. Kenneth Schroeder Jr. on 01/22/04. (LMG) (Entered: 01/22/2004)
02/24/2004	53	Minute Entry for proceedings held before Judge H. Kenneth Schroeder Jr.: Settlement Conference held on 2/24/2004. After lengthy discussions, case settled. Parties have consented to my jurisdiction and will submit Rule 41 stipulation. (LMG) (Entered: 02/25/2004)
03/24/2004	54	ORDER OF REFERENCE -- This matter is referred to Magistrate Judge Schroeder for entry of the Consent Decree. Signed by Hon. John T. Elfvin on 3/24/24.(RAZ) (Entered: 03/24/2004)
05/20/2004	55	ORDER that this action and 03-CV-0411E(Sr) shall be consolidated into a single action under the case number 01-CV-0809E(Sr), all documentation from 03-CV-0411E(Sr) shall be physically transferred to 01-CV-0809E(Sr) and that 03-CV-0411E(Sr) shall be closed. Signed by Hon. John T. Elfvin on 5/18/04.(RAZ) Clerk to proceed with any other action necessary. (Entered: 05/20/2004)
06/28/2004	56	CONSENT to Jurisdiction by US Magistrate Judge. Case reassigned to Magistrate Judge H. Kenneth Schroeder. (DLC) (Entered: 06/29/2004)
06/29/2004	57	CONSENT DECREE Signed by Hon. H. Kenneth Schroeder Jr. on 06/29/04. (LMG) (Entered: 06/29/2004)

06/30/2004	58	ORDER DISMISSING CASE with prejudice. Signed by Hon. H. Kenneth Schroeder Jr. on 06/30/04. The Clerk of the Court is directed to take steps necessary to close file. (LMG) (Entered: 06/30/2004)
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