

U.S. District Court
United States District Court for the Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:95-cv-08594-JSR

Norris, et al v. Metro-North Comm., et al
Assigned to: Judge Jed S. Rakoff
Demand: \$0
Case in other court: 00-09423.
Cause: 42:2000e Job Discrimination (Employment)

Date Filed: 10/10/1995
Date Terminated: 12/06/2002
Jury Demand: Plaintiff
Nature of Suit: 442 Civil Rights: Jobs
Jurisdiction: Federal Question

Plaintiff

Raymond Norris
individually and on behalf of all others
similarly situated

represented by **Alan L. Fuchsberg**
The Jacob D. Fuchsberg Law Firm, L.L.P.
500 Fifth Avenue
New York, NY 10110
(212) 869-3500
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LEAD ATTORNEY

Plaintiff

Marvin Edwards
individually and on behalf of all others
similarly situated

represented by **Alan L. Fuchsberg**
(See above for address)
LEAD ATTORNEY

Plaintiff

Eric Jones
individually and on behalf of all others
similarly situated

represented by **Alan L. Fuchsberg**
(See above for address)
LEAD ATTORNEY

Plaintiff

Daniel Canada
individually and on behalf of all others
similarly situated

represented by **Alan L. Fuchsberg**
(See above for address)
LEAD ATTORNEY

Plaintiff

Giesele Miguel
individually and on behalf of all others
similarly situated

represented by **Alan L. Fuchsberg**
(See above for address)
LEAD ATTORNEY

V.

Defendant

Metro-North Commuter Railroad

represented by **Myron D. Rumeld**
Proskauer Rose LLP (New York)
1585 Broadway
New York, NY 10036
(212) 969-3000
Fax: (212) 969-2900
Email: mrumeld@proskauer.com
LEAD ATTORNEY

Date Filed	#	Docket Text
10/10/1995	1	COMPLAINT filed; Summons issued and Notice pursuant to 28 U.S.C. 636(c); Jury Trial Dem. FILING FEE \$ 120 RECEIPT # 247716 (sc) (Entered: 10/10/1995)

		10/11/1995)
10/10/1995		CASE REFERRED TO Judge Sotomayor (sc) (Entered: 10/11/1995)
10/17/1995	2	RETURN OF SERVICE executed as to Metro–North Comm. by Linda Montanino, legal dept. on 10/11/95. Answer due on 10/31/95 for Metro–North Comm. (emil) (Entered: 10/24/1995)
10/31/1995	3	STIPULATION and ORDER, answer due for 11/30/95 for Metro–North Comm. (signed by Judge Sonia Sotomayor). (cd) (Entered: 11/01/1995)
10/31/1995		Case accepted as related to 94CIV7374. Notice of assignment to follow. (ba) (Entered: 11/01/1995)
10/31/1995	4	Notice of asgmt. _ to Judge Sonia Sotomayor Copy of notice and judge's rules mailed to Attorney(s) of record: Alan L. Fuchsberg . (ba) (Entered: 11/01/1995)
12/04/1995	5	CASE MANAGEMENT PLAN setting Answer to be filed by 12/15/95 for Metro–North Comm. (signed by Judge Sonia Sotomayor) ; Copies mailed (kk) (Entered: 12/08/1995)
12/11/1995	6	Order that case be referred to the Clerk of Court for assignment to a Magistrate Judge for Discovery Motion or other Motion which does not require a report and recommendation (signed by Judge Sonia Sotomayor) Referred to Magistrate Judge Naomi R. Buchwald (kg) (Entered: 12/12/1995)
12/15/1995	7	ANSWER to Complaint by Metro–North Comm. (Attorney Myron D. Rumeld) (kw) (Entered: 12/18/1995)
12/15/1995	8	Rule 9 certificate filed by Metro–North Comm. (kw) (Entered: 12/18/1995)
01/30/1996	9	Notice of reasgmt _ to Judge Barbara S. Jones Copy of notice mailed to Attorney(s) of record: Myron D. Rumeld, Alan L. Fuchsberg . (rjm) (Entered: 01/30/1996)
11/18/1996		NOTICE OF MOTION by Raymond Norris, Marvin Edwards, Eric Jones, Giesele Miguel to certify a class purs. to the FRCP, Rule 23(b)(2) , to consolidate this case w/ 94 CV 7374 , Return date not indicated. For original entries regarding this motion see 94 CV 7374. (emil) Modified on 11/19/1996 (Entered: 11/19/1996)
02/26/1997	10	Notice of reasgmt _ to Judge Jed S. Rakoff Copy of notice and judge's rules mailed to Attorney(s) of record: Myron D. Rumeld, Alan L. Fuchsberg . (dg) (Entered: 02/26/1997)
04/08/1997		Tele–conference held before Judge Rakoff on 4/8/97 (ls) (Entered: 04/09/1997)
04/10/1997		Case Management Plan in a Standard or Complex Case: Joining of parties, amending of pleadings on 4/15/97 Deadline for filing of all motions 8/22/97 Discovery cutoff 8/7/97 (signed by Judge Jed S. Rakoff); Copies mailed. (Original doc. filed in case #94 Civ. 7374, doc. #35) (ae) (Entered: 04/11/1997)
07/11/1997		STIPULATION and ORDER, for confidentiality (signed by Judge Jed S. Rakoff). (Original doc. filed in case #94 Civ. 7374, doc. #38) (ae) (Entered: 07/14/1997)
08/06/1997		Tele–conference held before Judge Rakoff. (rag) (Entered: 08/06/1997)
08/11/1997		ORDER, plaintiffs' motion for class certification is denied (signed by Judge Jed S. Rakoff); Copies mailed (Original is docketed in 94 civ. 7374 as doc. #40)) (kw) (Entered: 08/12/1997)
08/20/1997		a telephone conference was held on 8/20/97 before Judge Rakoff in the above captioned case (ls) (Entered: 08/22/1997)
09/15/1997		NOTICE OF MOTION by Metro–North Comm. for an Order, purs. to Rule 56 of the FRCP, for summary judgment ; Return date 9/25/97. (Original filed in 94 civ 7374, doc. #42) (sac) (Entered: 09/17/1997)

09/15/1997		MEMORANDUM by Metro-North Comm. in support of [0-1] motion for an Order, purs. to Rule 56 of the FRCP, for summary judgment. (Original docket in 94 civ 7374, #43) (sac) (Entered: 09/17/1997)
09/15/1997		Rule 56.1 statement filed by Metro-North Comm. (original docketed in 94-7374,#44) (sac) Modified on 09/18/1997 (Entered: 09/17/1997)
09/15/1997		AFFIDAVIT in support of Myron D. Rumeld by Metro-North Comm. Re: [0-1] motion for an Order, purs. to Rule 56 of the FRCP, for summary judgment . (original docketed in 94-7374, #45) (sac) Modified on 09/18/1997 (Entered: 09/18/1997)
09/15/1997		AFFIDAVIT in support of Andrew J. Paul by Metro-North Comm. Re: [0-1] motion for an Order, purs. to Rule 56 of the FRCP, for summary judgment. (original docketed in 94-7374,#46) (sac) (Entered: 09/18/1997)
09/15/1997		AFFIDAVIT in support of Bova, Bownas, and Clark by Metro-North Comm. Re: [0-1] motion for an Order, purs. to Rule 56 of the FRCP, for summary judgment. (original docketed in 94-7374,#47) (sac) (Entered: 09/18/1997)
09/15/1997		AFFIDAVIT in support of Maurice J. Kiniry by Metro-North Comm. Re: [0-1] motion for an Order, purs. to Rule 56 of the FRCP, for summary judgment. (original docketed in 94-7374,#48) (sac) (Entered: 09/18/1997)
09/15/1997		MEMORANDUM by Raymond Norris, Marvin Edwards, Eric Jones, Daniele Canada, Giesele Miguel in opposition to [0-1] motion for an Order, purs. to Rule 56 of the FRCP, for summary judgment. (original in 94-7374, #49) (sac) (Entered: 09/18/1997)
09/15/1997		Rule 56.1 statement filed by Raymond Norris, Marvin Edwards, Eric Jones, Daniele Canada, Giesele Miguel. (original in 94-7374, #50) (sac) (Entered: 09/18/1997)
09/15/1997		AFFIDAVIT in opposition of Alan L. Fuchsberg, Esq.; Harriet Zellner, PH.D.; and William Bielby, PH.D. by Raymond Norris, Marvin Edwards, Eric Jones, Daniele Canada, Giesele Miguel Re: [0-1] motion for an Order, purs. to Rule 56 of the FRCP, for summary judgment. (original in 94-7374, #51) (sac) (Entered: 09/18/1997)
09/24/1997		CASE NO LONGER REFERRED TO Magistrate Judge Naomi R. Buchwald (sac) (Entered: 04/24/2000)
10/06/1997		Court Exhibit 1 of Oral Argument on 10/6/97. (Original entry docketed in 94 civ. 7374 as doc. # 52) (kw) (Entered: 10/07/1997)
10/22/1997		REPLY MEMORANDUM by Metro-North Comm. re: in support of [0-1] motion for an Order, purs. to Rule 56 of the FRCP, for summary judgment. (Orig. docketed in 94 civ 7374, #53). Received in the night deposit box on 10/22/97 at 5:34 p.m. (sac) (Entered: 10/24/1997)
10/22/1997		Reply affidavit of Myron D. Rumeld by Metro-North Comm. in support of [0-1] motion for an Order, purs. to Rule 56 of the FRCP, for summary judgment. (Orig. Docketed in 94 civ 7374, #54). Received in the night deposit box on 10/22/97 at 5:34 p.m. (sac) (Entered: 10/24/1997)
10/29/1997		REPLY MEMORANDUM by plttffs' re: in opposition to [0-1] motion for an Order, purs. to Rule 56 of the FRCP, for summary judgment. Orig. filed in 94 civ 7374, doc. #56. (sac) (Entered: 11/06/1997)
01/16/1998		ORDER; while the Court will enter the stipulation of dismissal as to all other parties and claims at this time, it must defer entering the dismissal as to Ms. Jones until and unless approval of the Bankruptcy Judge presiding over the Bankruptcy action w/ respect to any settlement of the claims brought by plttff Tammy Jones, is secured; so that the matter does not languish, the parties are ordered to jointly call Chmbrs. at 1:15 p.m. on 2/17/98 to apprise the Court whether the approval of the Bankruptcy Judge has been obtained; (signed by Judge Jed S. Rakoff); Copies mailed; note: orig. doc. fld. in case no. 94 civ 7374 (JSR) (ls) (Entered: 01/20/1998)

01/16/1998		STIPULATION and ORDER; the individual claims of plttfs Donald Hines, James Jackson, Joseph Kimbro, Sharon Mack, Raymond Norris and James Oliver are hereby dismissed with prejudice to the rights these plttfs otherwise would have: (i) to participate in the appeal of the Court's decision denying plttfs' motion for class certification; (ii) to seek to participate as names plttfs and/or class representatives, offer evidence about their personal circumstances in support of the class claims and/or receive any class-wide injunctive relief, in the event that a class is certified in these actions; and (iii) to apply for reasonable attorneys' fees and costs. In all other respects, the dismissal is w/ prejudice. (signed by Judge Jed S. Rakoff). (orig. dkt & filed in 94 civ 7374, #58) (sac) (Entered: 01/21/1998)
01/16/1998		MEMORANDUM ORDER granting in part, denying in part [0-1] motion for an Order, purs. to Rule 56 of the FRCP, for summary judgment; defendant's summary judgment motion is granted as to all claims to which it is directed except for those specified in the first sentence of this order (signed by Judge Jed S. Rakoff); Copies mailed (Original entry is docketed in 94 civ. 7374 as doc. #60) (kw) (Entered: 01/21/1998)
03/16/1998		fld Excerpts from deposition transcripts, relied upon in opposition to deft's motion for summary judgment (original in 94cv7374) (cd) (Entered: 03/19/1998)
05/01/1998		Tele-conference held before Judge Rafoff. (Original entry is docketed in 94 civ. 7374) (kw) (Entered: 05/05/1998)
05/12/1998		ORDER, the Court dismisses this action with prejudice as to Ms Jones on the terms and conditions set forth with respect to certain other plntfs in the Stip and Order dated 1/15/98; all claims in this action having therefore been resolved, the Clerk of the Court is directed to enter final judgment dismissing this action in its entirety (signed by Judge Jed S. Rakoff); Copies mailed; sent for jgmnt (original docketed in 94cv7374) (cd) (Entered: 05/13/1998)
05/13/1998		STIPULATION and ORDER for SUBSTITUTION of COUNSEL, John R. Quinn, shall be and hereby is substituted as counsel for plaintiff Veronica Caridad in this action as of 4/1/98, in place of The Jacob D. Fuchsber Lawfirm (signed by Judge Jed S. Rakoff) (orig. doc. in case #94 civ. 7374, doc. #69)(ae) Modified on 05/14/1998 (Entered: 05/14/1998)
05/14/1998		JUDGMENT; that purs. to the Court's Order dtd. 5/11/98, this action is dismissed w/ prejudice as to Ms. Jones on the terms and conditions set forth in the Stipulation and Order dtd. 1/15/98; that this action is dismissed in its entirety; (signed: James M. Parkison, Clerk); mailed copies and notice of right to appeal; EOD 5/15/98; orig. doc. fld. in case no. 94 civ 7374 (JSR) (ls) (Entered: 05/15/1998)
05/14/1998		Case closed (ls) (Entered: 05/15/1998)
06/12/1998	11	NOTICE OF APPEAL by Raymond Norris, Marvin Edwards, Eric Jones, Daniele Canada ; from [0-1] judgment order, [0-1] order the Court dismisses this action with prejudice as to Ms Jones on the terms and conditions set forth with respect to certain other plntfs in the Stip and Order dated 1/15/98; all claims in this action having therefore been resolved, the Clerk of the Court is directed to enter final judgment dismissing this action in its entirety, [0-2] relief, [0-1] order plaintiffs' motion for class certification is denied, [0-2] relief . Copies of notice of appeal mailed to Attorney(s) of Record: Myron D. Rumeld . \$105.00 Appeal filing fee paid on June 12, 1998 on receipt # E 318373. (dt) (Entered: 06/12/1998)
06/12/1998	12	NOTICE OF APPEAL ; from [0-1] order defendant's summary judgment motion is granted as to all claims to which it is directed except for those specified in the first sentence of this order, [0-2] relief, [0-1] order the Court dismisses this action with prejudice as to Ms Jones on the terms and conditions set forth with respect to certain other plntfs in the Stip and Order dated 1/15/98; all claims in this action having therefore been resolved, the Clerk of the Court is directed to enter final judgment dismissing this action in its entirety, [0-2] relief, [0-1] judgment order . Copies of notice of appeal mailed to Attorney(s) of Record: Myron D. Rumeld . \$105.00 Appeal filing fee paid on June 12, 1998 on

		receipt # E 318373. (dt) (Entered: 06/12/1998)
06/25/1998		STIPULATION AND ORDER of dismissal. The claims of plaintiffs Charles Robinson, Joan Woodberry, James K. Hunt, Elaine Ester, Cynthia Kings, Anthony Ellis, Prince Tillery, Hellen Perez, Doretha Richardson, Teresa Whyte, Dwayne Scott, and Gleroy Liburd are hereby dismissed. The dismissal shall be w/out prejudice to these plaintiffs' rights to receive any relief awarded to them as members of a class, in the event that (notwithstanding the Court's earlier ruling) a class is certified in these actions. In all other respects, the dismissal is with prejudice and w/out attorneys' fees, costs and disbursements (signed by Judge Jed S. Rakoff) (orig. doc. filed in case #94 civ. 7374, doc. #73) (ae) (Entered: 06/26/1998)
08/05/1998	13	Notice that the record on appeal has been certified and transmitted to the U.S. Court of Appeals: [12-1] appeal (as) (Entered: 08/05/1998)
10/26/1999	14	MANDATE OF USCA (certified copy) Re: affirmed/reversed [12-1] appeal, [11-1] appeal by Daniel Canada, Eric Jones, Marvin Edwards, Raymond Norris – ON CONSIDERATION WHEREOF, it is now hereby ORDERED, ADJUDGED and DECREED that the judgment of said district court be and it hereby is affirmed in part, and reversed in part in accordance with the opinion of this court – "reverse the District Court's judgment to the extent that it denied certification of the proposed class and affirm to the extent that it dismissed Caridad's sexual harassment claim." Judge Walker dissents in part with a separate opinion, disagreeing with the class certification ruling. FOR THE COURT: Karen Greve Milton, Acting Clerk by: Beth J. Meador Adm. Attorney MANDATE:10/13/99 (rag) (Entered: 10/28/1999)
10/26/1999		Case reopened (rag) (Entered: 10/29/1999)
12/13/1999		Case Management Plan; plttfs shall designate their experts, and submit expert reports (or confirm that they are relying upon expert reports or expert affdvts. previously served) by 2/28/00; deflt shall designate its experts, and submit expert reports (or confirm that it is relying upon expert reports or expert affdvts. previously served) by 3/15/00; experts may be deposed, but such depos. must occur w/in the time limit for all depos. set forth below; requests to admit, if any, are to be served by 2/22/00; all depos. (incl. any expert despos., see item 1 above) are to be completed by 3/31/00; all discovery is to be completed by 3/31/00 and all discovery requests are to be served so as to allow adequate time (as prescribed by the F.R.C.P.) for a response by the discovery deadline; interim deadlines for items 1-3 above may be extended by the parties on consent w/o application to the Court, provided the parties are certain they can still meet the discovery completion date of 3/31/00 orderd by the Court, which shall not be adjourned except upon a showing of extraordinary circumstances; (signed by Judge Jed S. Rakoff); copies mailed; orig. doc. fld. in case no. 94 Civ. 7374 (JSR) (doc. #83) (ls) (Entered: 12/13/1999)
12/17/1999		SUPPLEMENTAL MEMORANDUM OF LAW by Metro-North Comm. in opposition to Plaintiffs' Motion for Class Certification. (original docmt dktd in case no. 94 cv. 7374, docmt. 84) (djc) (Entered: 12/21/1999)
12/20/1999		NOTICE OF MOTION by Marvin Edwards, Eric Jones, Daniel Canada, Giesele Miguel, for an order granting plaintiffs' motion for class certification under a combination of rule 23(b)(2) and 23(b)(3) ; Bifurcating the trial under 42(b) with liability, injunctive and equitable relief to be decided in the first phase and compensatory damages in the second phase . Return date 1/19/00 at 3:00 p.m. (Original filed in 94 cv 7374 doc #85) (ri) Modified on 04/25/2000 (Entered: 12/22/1999)
12/20/1999		MEMORANDUM OF LAW by Marvin Edwards, Eric Jones, Daniel Canada, Giesele Miguel in support of [0-1] motion for an order granting plaintiffs' motion for class certification under a combination of rule 23(b)(2) and 23(b)(3), [0-2] motion Bifurcating the trial under 42(b) with liability, injunctive and equitable relief to be decided in the first phase and compensatory damages in the second phase. (Original filed in 94 Cv 7374 doc #86) (ri) (Entered: 12/22/1999)

01/07/2000		MEMORANDUM OF LAW by Metro-North Comm. in opposition to [0-1] motion for an order granting plaintiffs' motion for class certification under a combination of rule 23(b)(2) and 23(b)(3), [0-2] motion Bifurcating the trial under 42(b) with liability, injunctive and equitable relief to be decided in the first phase and compensatory damages in the second phase. (Original document filed under 94 cv 7374 as Doc. #88) (sn) (Entered: 01/11/2000)
09/28/2000		MEMORANDUM ORDER; plttfs' motions for class certification and bifurcation are hereby denied ; in light of the settlement stipulation quoted in this memorandum order, the effect is also to dismiss the case w/ prejudice; Clerk to enter jdgmt. ; (signed by Judge Jed S. Rakoff); Copies mailed; forwarded orig. doc. to Jdgmt. Clerk; orig. doc. fld. in case no. 94 Civ. 7374 (JSR) doc. #89 (lf) (Entered: 09/29/2000)
09/29/2000		JUDGMENT; that pursuant to the Court's Memorandum Order dated 9/27/00, plaintiffs' motion is denied and the action is dismissed with prejudice. (signed by James M. Parkison, Clerk of Court); Mailed copies and notice of right to appeal. Entered On Docket: 10/03/00; original document docketed in 94cv7374 as document #90. (pl) Modified on 10/03/2000 (Entered: 10/03/2000)
09/29/2000		Case closed. (pl) (Entered: 10/03/2000)
11/01/2000	15	NOTICE OF APPEAL by Raymond Norris, Marvin Edwards, Eric Jones, Daniel Canada ; from [0-1] judgment order, [0-1] order plttfs' motions for class certification . Copies of notice of appeal mailed to Attorney(s) of Record: John R. Quinn, Esq. and Myron Rumeld, Esq. \$105.00 Appeal filing fee paid 11/1/00 on receipt # E 388665. (dt) (Entered: 11/02/2000)
11/02/2000		Notice of appeal and certified copy of docket to USCA: [15-1] appeal by Daniel Canada, Eric Jones, Marvin Edwards, Raymond Norris ; Copy of notice of appeal sent to District Judge. (dt) (Entered: 11/02/2000)
01/09/2001		USCA Case Number Re: [15-1] appeal by Daniel Canada, Eric Jones, Marvin Edwards, Raymond Norris USCA NUMBER: 00-9423. (dt) (Entered: 01/09/2001)
02/23/2001	16	Notice that the record on appeal has been certified and transmitted to the U.S. Court of Appeals: [15-1] appeal by Daniel Canada, Eric Jones, Marvin Edwards, Raymond Norris. (dt) (Entered: 02/23/2001)
11/06/2001	17	MANDATE OF USCA (certified copy) Re: [15-1] appeal by Daniel Canada, Eric Jones, Marvin Edwards, Raymond Norris. It is ordered, adjudged, and decreed tha tht judgment of said district court be and it herey is vacated and remanded with instructions in accordance with the opinion of this Court. Issued as mandate: 10/30/01, 00-9417(L), 00-9423(C) Roseann B. MacKechnie, Clerk, U.S.C.A. (rmo) (Entered: 11/07/2001)
11/20/2001		Case reopened. (rmo) (Entered: 11/20/2001)
03/12/2002		SUPPLEMENTAL ORDER; defendanit is authorized to produce, notwithstanding the New York Personal Privacy Protectin Law, responses to Plaintiffs' discovery demand requesting the relevant portions of personnel files and/or data being demanded, namely pertaining to specific class members contending disparate treatment in either promotion or discipline of the persons named in this Order ; (signed by Judge Jed S. Rakoff); Copies mailed. (original docmt dktd in case no. 94 cv 7374, d ocmt #94) (djc) Modified on 03/14/2002 (Entered: 03/14/2002)
03/28/2002		SUPPLEMENTAL ORDER; that defendant is authorized to produce, notwithstanding the New York Personal privacy Protection Law, responses to plaintiffs' discovery demands as set forth in this Order . (signed by Judge Jed S. Rakoff); Copies mailed. Original document filed under case no. 94cv7374 (JSR), doc. # 95. (kkc) (Entered: 03/29/2002)
03/28/2002		SUPPLEMENTAL ORDER; Defendant is hereby authorized to produce, notwithstanding the New York Personal Privacy Protection Law, responses to Plaintiffs' discovery demand requesting the relevant portions of personnel files and/or date being demanded, namely pertaining to specific class members

		contending disparate treatment in either promotion or discipline, as named in this Supplemental Order ; (signed by Judge Jed S. Rakoff); Copies mailed. (original docmt dktd in case no. 94 cg 7374, docmt #96) (djc) (Entered: 04/01/2002)
05/01/2002		NOTICE OF MOTION (FILED ON SERVICE DATE) by Metro-North Comm. for an order pursuant to Rule 56 of the FRCP granting summary judgment to defendant, dismissing all claims . Return Date 5/29/02 at 9:00. Original document filed in 94-cv-7374 (JSR). (db) (Entered: 05/08/2002)
05/22/2002		REPLY BRIEF by Metro-North Comm. in support of [0-1] motion for an order pursuant to Rule 56 of the FRCP granting summary judgment defendant, dismissing all claims. Original document filed in 94-cv-7374 (JSR), Doc # 99. (db) (Entered: 05/28/2002)
05/22/2002		AFFIDAVIT of Katherine H. Parker by Metro-North Comm. in support of [0-1] motion for an order pursuant to Rule 56 of the FRCP granting summary judgment to defendant, dismissing all claims. Original document filed in 94-cv-7374 (JSR), Doc # 100. (db) (Entered: 05/28/2002)
05/22/2002		RULE 56.1 STATEMENT filed by Metro-North Comm. Received in night deposit box on 5/22/02 at 5:12 p.m. Original document filed in 94-cv-7374 (JSR), Doc # 101. (db) (Entered: 06/03/2002)
05/22/2002		MEMORANDUM OF LAW by Metro-North Comm. in opposition to [0-1] motion for an order granting plaintiffs' motion for class certification under a combination of rule 23(b)(2) and 23(b)(3), [0-2] motion Bifurcating the trial under 42(b) with liability, injunctive and equitable relief to be decided in the first phase and compensatory damages in the second phase. Received in night deposit box on 5/22/02 at 5:12 p.m. Original document filed in 94-cv-7374 (JSR), Doc # 102. (db) (Entered: 06/03/2002)
05/22/2002		MEMORANDUM OF LAW by Raymond Norris, Marvin Edwards, Eric Jones, Daniel Canada, Giesele Miguel re: [0-1] motion for an order granting plaintiffs' motion for class certification under a combination of rule 23(b)(2) and 23(b)(3), [0-2] motion Bifurcating the trial under 42(b) with liability, injunctive and equitable relief to be decided in the first phase and compensatory damages in the second phase. Recieved in night deposit box on 5/22/02 at 5:12 p.m. Original document filed in 94-cv-7374 (JSR), Doc # 103. (db) (Entered: 06/03/2002)
05/22/2002		REPLY MEMORANDUM by Raymond Norris, Marvin Edwards, Eric Jones, Daniel Canada, Giesele Miguel re: [0-1] motion for an order granting plaintiffs' motion for class certification under a combination of rule 23(b)(2) and 23(b)(3), [0-2] motion Bifurcating the trial under 42(b) with liability, injunctive and equitable relief to be decided in the first phase and compensatory damages in the second phase. Received in night deposit box on 5/22/02 at 5:12 p.m. Original document filed in 94-cv-7374 (JSR), Doc # 104. (db) (Entered: 06/03/2002)
05/22/2002		NOTICE OF MOTION (FILED ON SERVICE DATE) by Raymond Norris, Marvin Edwards, Eric Jones, Daniel Canada, Giesele Miguel for an order pursuant to Rule 15(d) of the FRCP extending time on same claims to the present time . Return Date 5/29/02 at 3:00. Received in night deposit box on 5/22/02 at 5:11 p.m. Original document filed in 94-cv-7374 (JSR), Doc 105. (db) (Entered: 06/03/2002)
05/22/2002		MEMORANDUM OF LAW by Raymond Norris, Marvin Edwards, Eric Jones, Daniel Canada, Giesele Miguel in support of [0-1] motion for an order pursuant to Rule 15(d) of the FRCP extending time on same claims to the present time. Received in night deposit box on 5/22/02 at 5:11 p.m. Original document filed in 94-cv-7374 (JSR), Doc # 106. (db) (Entered: 06/03/2002)
05/22/2002		Reply affidavit of Alan L. Fuchsberg by Raymond Norris, Marvin Edwards, Eric Jones, Daniel Canada, Giesele Miguel in support of [0-1] motion for an order pursuant to Rule 15(d) of the FRCP extending time on same claims to the present time. Received in night deposit box on 5/22/02 at 5:13 p.m. Original document filed in 94-cv-7374 (JSR), Doc # 107. (db) (Entered: 06/03/2002)

05/22/2002		REPLY MEMORANDUM by Raymond Norris, Marvin Edwards, Eric Jones, Daniel Canada, Giesele Miguel in support of [0-1] motion for an order pursuant to Rule 15(d) of the FRCP extending time on same claims to the present time. Received in night deposit box on 5/22/02 at 5:13 p.m. Original document filed in 94-cv-7374 (JSR), Doc # 108. (db) (Entered: 06/03/2002)
05/22/2002		AFFIDAVIT of Anthony J. Conti by Metro-North Comm. Re: personal knowledge. Received in night deposit box on 5/22/02 at 5:13 p.m. Original document filed in 94-cv-7374 (JSR), Doc # 109. (db) (Entered: 06/03/2002)
05/22/2002		MEMORANDUM OF LAW by Metro-North Comm. in opposition to [0-1] motion for an order pursuant to Rule 15(d) of the FRCP extending time on same claims to the present time. Recieved in night deposit box on 5/22/02 at 5:13 p.m. Original document filed in 94-cv-7374 (JSR), Doc # 110. (db) (Entered: 06/03/2002)
05/22/2002		AFFIDAVIT of Raymond Burney by Metro-North Comm. in support of [0-1] opposition memorandum. Recieved in night deposit box on 5/22/02 at 5:13 p.m. Original document filed in 94-cv-7374 (JSR), Doc # 111. (db) (Entered: 06/03/2002)
05/22/2002		AFFIDAVIT of John Militano by Metro-North Comm. Received in night deposit box on 5/22/02 at 5:13 p.m. Original document filed in 94-cv-7374 (JSR), Doc # 112. (db) (Entered: 06/03/2002)
05/22/2002		AFFIDAVIT of David A. Bownas by Metro-North Comm. Re: personal knowledge. Received in night deposit box on 5/22/02 at 5:13 p.m. Original document filed in 94-cv-7374 (JSR), Doc # 113. (db) (Entered: 06/03/2002)
05/22/2002		AFFIDAVIT of Marianna Panetta by Metro-North Comm. Re: personal knowledge. Received in night deposit box on 5/22/02 at 5:13 p.m. Original document filed in 94-cv-7374 (JSR), Doc # 114. (db) (Entered: 06/03/2002)
05/22/2002		AFFIDAVIT of Katharine H. Parker by Metro-North Comm. in support of [0-1] opposition memorandum. Receieved in night deposit box on 5/22/02 ar 5:12 p.m. Original document filed in 94-cv-7374 (JSR), Doc # 115. (db) (Entered: 06/03/2002)
05/22/2002		RULE 56.1 STATEMENT filed by Raymond Norris, Marvin Edwards, Eric Jones, Daniel Canada, Giesele Miguel. Original document filed in 94-cv-7374 (JSR), Doc # 116. (db) (Entered: 06/03/2002)
05/22/2002		MEMORANDUM OF LAW by Raymond Norris, Marvin Edwards, Eric Jones, Daniel Canada, Giesele Miguel in opposition to [0-1] motion for an order pursuant to Rule 56 of the FRCP granting summary judgment to defendant, dismissing all claims. Original document filed in 94-cv-7374 (JSR), Doc # 117. (db) (Entered: 06/03/2002)
05/22/2002		AFFIDAVIT of Raymond Burney by Metro-North Comm. in support of [0-1] motion for an order pursuant to Rule 56 of the FRCP granting summary judgment to defendant, dismissing all claims. Original document filed in 94-cv-7374 (JSR), Doc # 118. (db) (Entered: 06/03/2002)
05/22/2002		AFFIDAVIT of David A. Bownas by Metro-North Comm. in support of [0-1] motion for an order pursuant to Rule 56 of the FRCP granting summary judgment to defendant, dismissing all claims. Original document filed in 94-cv-7374 (JSR), Doc # 119. (db) (Entered: 06/03/2002)
05/22/2002		MEMORANDUM OF LAW by Metro-North Comm. in support of [0-1] motion for an order pursuant to Rule 56 of the FRCP granting summary judgment to defendant, dismissing all claims. Original document filed in 94-cv-7374 (JSR), Doc # 120. (db) (Entered: 06/03/2002)
05/22/2002		AFFIDAVIT of Katharine H. Parker by Metro-North Comm. in support of [0-1] motion for an order pursuant to Rule 56 of the FRCP granting summary judgment to defendant, dismissing all claims. Original document filed in 94-cv-7374 (JSR), Doc # 121. (db) (Entered: 06/03/2002)

05/22/2002		AFFIDAVIT of Katharine H. Parker by Metro-North Comm. in support of [0-1] motion for an order pursuant to Rule 56 of the FRCP granting summary judgment to defendant, dismissing all claims. Original document filed in 94-cv-7374 (JSR), Doc # 122. (db) (Entered: 06/03/2002)
06/24/2002		Memo-Endorsement on letter addressed to Judge Rakoff from Alan L. Fuchsberg, dated 6/11/02: Granting Mr. Fuchsberg's request to add Saud Hanif as class representative anecdotal witness . (signed by Judge Jed S. Rakoff); Copies mailed. ORIGINAL DOCUMENT ENTERED IN CASE NO. 94cv7374 (JSR), DOC. NO. 124. (tp) Modified on 06/26/2002 (Entered: 06/26/2002)
07/01/2002		NOTICE OF MOTION (FILED ON SERVICE DATE) by Metro-North Comm. for an order in limine, excluding evidence as further set forth in said motion . Return Date 7/8/02 at 9:30. Original document filed in 94cv7374 (JSR), Doc # 126. (db) (Entered: 07/18/2002)
07/01/2002		NOTICE OF MOTION (FILED ON SERVICE DATE) by Metro-North Comm. for an order in limine, excluding at trial testimony and reports of plaintiffs' experts, Professor William Bielby and Dr. Harriet Zellner . Return Date 7/19/02 at 9:30. Original document filed in 94cv7374 (JSR), Doc # 127. (db) (Entered: 07/18/2002)
07/01/2002		NOTICE OF MOTION (FILED ON SERVICE DATE) by Metro-North Comm. for an order in limine, to limit claims under the single-filing rule . Return Date 7/8/02 at 9:30. original documents filed in 94cv7374 (JSR), Doc # 128. (db) (Entered: 07/18/2002)
07/01/2002		NOTICE OF MOTION (FILED ON SERVICE DATE) by Metro-North Comm. for an order in limine, to preclude claims protected by the self-evaluative privilege . Return Date 7/8/02 at 9:30. Original document filed in 02cv7374 (JSR), Doc # 129. (db) (Entered: 07/18/2002)
07/17/2002		PRELIMINARY ORDER; that the terms of the Stipulation of Settlement are preliminarily approved, subject to further consideration thereof at the Fairness Hearing and as set forth in this Order ; a Fairness Hearing shall be held before the undersigned at 9:00 a.m. on 11/26/02 in the U.S. District Court, Southern District of N.Y., 500 Pearl Street, NY, NY 10007, Courtroom 14B, to consider the fairness, reasonableness or adequacy of the proposed settlement, and whether it should be approved by the Court . (signed by Judge Jed S. Rakoff); Copies mailed. Original document filed under case no. 94cv7374 (JSR), doc. # 130. (kkc) (Entered: 07/19/2002)
08/02/2002		Memo-Endorsement on letter addressed to Judge Rakoff from Katharine H. Parker, dated 07/31/02; Granting counsel's request for an order modifying the Court's Preliminary Order dated July 15, 2002; approving the attached amended First Notice for mailing to the Class on or before August 15, 2002; and modifying the Stipulation of Settlement consistent with the changes in the amended First Notice; (signed by Judge Jed S. Rakoff); Copies mailed. (orig. docmt dktd in case no. 94 cv 7374, docmt #131) (djc) (Entered: 08/05/2002)
08/19/2002		AFFIDAVIT of Kamau A. Coar by Metro-North Comm. Re: actions taken in connection with the mailing and publication of the "Notice of Conditional Class Certification, Proposed Settlement, Objection and Opt Out Rights, and Hearing on Proposed Settlement of Class Action" executed on behalf of plaintiffs and defendant Metro-North Commuter Railroad accordance with the Preliminary Order, dated July 15, 2002 in this matter. Original entry in 94cv7374 document number 132. (yv) Modified on 08/21/2002 (Entered: 08/21/2002)
12/06/2002		FINAL JUDGMENT AND ORDER OF DISMISSAL, that the definitions and terms set forth in the Second Amended Stipulation of Settlement dated 12/2/02, are hereby incorporated in this judgment. The Second Amended Stipulation of Settlement is approved as fair, reasonable, adequate and in the best interests of the Class and shall be consummated in accordance with the terms and conditions stated herein. Defendant shall take such steps as are necessary to effectuate the terms of the Second Amended Stipulation of Settlement as provided therein. This Action is dismissed on the merits and with prejudice against plaintiffs and all members of the Class who have not opted out, without attorneys' fees or costs to

		any party other than as provided for in the Second Amended Stipulation of Settlement. Plaintiffs and all members of the Class, on behalf of themselves and any of their respective agents, successors, heirs or assigns, for good and sufficient consideration, shall be deemed to have remised, released and forever discharged the Releasees from the Released Claims. Plaintiffs and all members of the Class who have not opted out are permanently barred and enjoined from asserting, commencing, prosecuting or continuing any of the Released Claims or from assisting or participating in the assertion, commencement, prosecution or continuation of any proceedings relating to the Released Claims. All previously executed releases and previously adjudicated bars on claims asserted by the Named Plaintiffs or any Class Member remain in full force and effect. Without affecting the finality of this Judgment in any way, the Court hereby retains continuing jurisdiction over all parties and all matters for the purpose of enforcing and administering the Second Amended Stipulation of Settlement. (signed by Judge Jed S. Rakoff) Mailed copies and notice of right to appeal. Entered On Docket: 1/16/03. Copies mailed by Chambers. ORIGINAL JUDGMENT ENTERED IN CASE #94-cv7374(JSR), DOC. #142. (tp) (Entered: 01/16/2003)
12/06/2002		Case closed. (tp) (Entered: 01/16/2003)
12/27/2002		AFFIDAVIT OF SERVICE of affidavit of Kamau Coar by Alan L. Fuchsberg on 12/27/02 . Original document filed in case #94cv7374, document #145. (dle) (Entered: 01/03/2003)
12/27/2002		AFFIDAVIT of Kamau A. Coar by Metro-North Comm.. Original document filed in case #94cv7374. (dle) Modified on 01/03/2003 (Entered: 01/03/2003)
04/14/2004		BRIEF seeking relief and/or reformation of the settlement agreement to ensure the arbitrability of claims by class members occupying the 'assistant conductor' position. (Orig. entry is docketed in 94 civ. 7374 as doc. #149). Document filed by Daniel Canada, Marvin Edwards, Eric Jones, Giesele Miguel, Raymond Norris.(kw,) (Entered: 04/16/2004)
04/14/2004		AFFIRMATION of Alan L. Fuchsberg in Support re: Brief. Orig. entry is docketed in 94 civ. 7374 as doc. #150). Document filed by Daniel Canada, Marvin Edwards, Eric Jones, Giesele Miguel, Raymond Norris. (kw,) (Entered: 04/16/2004)
04/14/2004		BRIEF in opposition to re: Brief. (Orig. entry is docketed in 94 civ. 7374 as doc. #151). Document filed by Metro-North Commuter Railroad.(kw,) (Entered: 04/16/2004)
04/14/2004		AFFIDAVIT of Christopher P. Erath. (Orig. entry is docketed in 94 civ. 7374 as doc. #152). Document filed by Metro-North Commuter Railroad. (kw,) (Entered: 04/16/2004)
04/14/2004		AFFIDAVIT of Andrew J. Paul in Opposition re: Brief. (Orig. entry is docketed in 94 civ. 7374 as doc. #153). Document filed by Metro-North Commuter Railroad. (kw,) (Entered: 04/16/2004)
04/20/2004		MOTION (FILED ON SERVICE DATE) for an Order pursuant to Rule 60(b) reforming the settlement agreement on the grounds of mutual mistake. Document filed by Veronica Caridad, Joseph Kimbro, Charles Robinson, Darryll F.Simpson, Lord Taylor, Doris Tisdale, Earl Vaughn. (jco,) Original filed in case 94cv7374, doc. #154 (Entered: 04/21/2004)
04/20/2004		Plaintiffs' reply brief seeking relief and/or reformation of the settlement agreement to ensure the arbitrability of claims by class occupying the 'Assistant Conductor' Position. Document filed by Veronica Caridad, Joseph Kimbro, Char. Original filed in case 94cv7374, doc #155. (jco,) (Entered: 04/21/2004)
05/03/2004		AFFIDAVIT of Alan L. Fuchsberg in Support re: 154 MOTION (FILED ON SERVICE DATE) for an Order reforming the settlement agreement on the grounds of mutual mistake.. Document filed by Veronica Caridad, Joseph Kimbro, Charles Robinson, Darryll F. Simpson, Lord Taylor, Doris Tisdale, Earl Vaughn. Original Document filed in 94 Civ. 7374, Doc#156. (sac,) (Entered: 05/03/2004)

		05/04/2004)
07/20/2004		ORDER re: 154 MOTION (FILED ON SERVICE DATE) for an Order reforming the settlement agreement on the grounds of mutual mistake filed by Doris Tisdale, Charles Robinson, Darryll F. Simpson, Veronica Caridad, Lord Taylor, Earl Vaughn, Joseph Kimbro. Accordingly, the Court hereby grants plaintiffs' motion and reforms Exhibit F to the Settlement Agreement to add the position of Assistant Conductor. So Ordered. Original filed in case 94-cv-7374, doc #158.(jco,) (Entered: 07/20/2004)
12/12/2005		ENDORSED LETTER: addressed to Judge Jed S. Rakoff from Alan L. Fuchsberg dated 12/9/2005 re: the parties request a further 6 month extension of the Court's jurisdiction to 6/30/2006. ENDORSEMENT: So Ordered. (Original filed in 94-cv-7374 as document #161) (Signed by Judge Jed S. Rakoff on 12/11/2005) (lb,) (Entered: 12/13/2005)
06/26/2006		ENDORSED LETTER: addressed to Judge Jed S. Rakoff from Alan L. Fuchsberg dated 6/21/06 re: Request that the Court extend its jurisdiction until December 6, 2006. ENDORSEMENT: So Ordered. Original document filed in case number 94-cv-7374 Doc.# 162 (js,) (Entered: 06/27/2006)