

CLOSED

U.S. District Court
United States District Court for the Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:94-cv-03272-JGK-DFE

Jackson, et al v. N.Y. Telephone Co., et al
Assigned to: Judge John G. Koeltl
Referred to: Magistrate Judge Douglas F. Eaton
Demand: \$0
Cause: 29:626 Job Discrimination (Age)

Date Filed: 05/05/1994
Date Terminated: 01/28/1997
Jury Demand: Plaintiff
Nature of Suit: 442 Civil Rights: Jobs
Jurisdiction: Federal Question

Plaintiff

Doris Jackson

represented by **Judith P. Vladeck**
Vladeck, Waldman, Elias & Engelhard,
P.C.
1501 Broadway, Suite 800
New York, NY 10036
(212) 354-8330
LEAD ATTORNEY

Plaintiff

Jack Russek

represented by **Judith P. Vladeck**
(See above for address)
LEAD ATTORNEY

Plaintiff

Richard J. Simms

represented by **Judith P. Vladeck**
(See above for address)
LEAD ATTORNEY

Plaintiff

James M. Bunyar

represented by **Judith P. Vladeck**
(See above for address)
LEAD ATTORNEY

Plaintiff

Gerald J. Conahan

represented by **Judith P. Vladeck**
(See above for address)
LEAD ATTORNEY

Plaintiff

Thomas Osborne
on behalf of themselves and all others
similarly situated

represented by **Judith P. Vladeck**
(See above for address)
LEAD ATTORNEY

Plaintiff

Elizabeth A Cole

V.

Defendant

New York Telephone Company

represented by **William Phillip Perkins**
Epstein Becker & Green P.C.
250 Park Avenue
New York, NY 10177-0077
212-351-4500
Email: wperkins@ny.seyfarth.com

LEAD ATTORNEY

Defendant**Nynex Corporation**represented by **William Phillip Perkins**
(See above for address)
LEAD ATTORNEY

Date Filed	#	Docket Text
05/05/1994	1	COMPLAINT filed; Summons issued and Notice pursuant to 28 U.S.C. 636(c); FILING FEE \$ 120.00 RECEIPT # 215138 (jl) (Entered: 05/06/1994)
05/05/1994		CASE REFERRED TO Judge McKenna (jl) (Entered: 05/06/1994)
05/18/1994	2	Case Information Statement Addendum and Case Designation to a Magistrate Judge filed. Purs. to statement, it is suggested that the case be classified as unknown. Case is designated to Magistrate Judge B. Lee. (rjm) (Entered: 05/18/1994)
05/19/1994		Case accepted as related to 93 Cv 0178. Notice of assignment to follow. (sc) (Entered: 05/19/1994)
05/19/1994	3	Notice of asgmt _ to Judge Lawrence M. McKenna Copy of notice and judge's rules mailed to Attorney(s) of record: Judith P. Vladeck . (sc) (Entered: 05/19/1994)
07/06/1994	4	NOTICE by N.Y. Telephone Co., Nynex Corporation to take deposition of plfff, Richard Simms on 08/30/94; (kk) (Entered: 07/08/1994)
07/06/1994	5	NOTICE by N.Y. Telephone Co., Nynex Corporation to take deposition of plfff Doris Jackson on 08/16/94; (kk) (Entered: 07/08/1994)
07/06/1994	6	NOTICE by N.Y. Telephone Co., Nynex Corporation to take deposition of plfff James Bunyar on 09/06/94; (kk) (Entered: 07/08/1994)
07/06/1994	7	NOTICE by N.Y. Telephone Co., Nynex Corporation to take deposition of plfff, Thomas Osborne on 09/20/94; (kk) (Entered: 07/08/1994)
07/06/1994	8	NOTICE by N.Y. Telephone Co., Nynex Corporation to take deposition of plfff, Gerald J. Conahan on 09/13/94; (kk) (Entered: 07/08/1994)
07/06/1994	9	Rule 9 certificate filed by N.Y. Telephone Co., Nynex Corporation (kk) (Entered: 07/08/1994)
07/06/1994	10	ANSWER to Complaint by N.Y. Telephone Co., Nynex Corporation (Attorney William P. Perkins), ; by attorney William P. Perkins for defendant Nynex Corporation (kk) (Entered: 07/08/1994)
07/06/1994	11	NOTICE by N.Y. Telephone Co., Nynex Corporation to take deposition of plfff, Jack Russek on 08/23/94; (kk) (Entered: 07/08/1994)
02/17/1995	12	NOTICE OF MOTION by Doris Jackson, Jack Russek, Richard J. Simms, James M. Bunyar, Gerald J. Conahan, Thomas Osborne for an order directing defendants to provide the names, addresses and other identifying informaiton of all potential plaintiff class members; authorizing notice to such individuals; permitting communication between plaintiffs' counsel and potential class members with respect to the notice; and for such other and further relief as this Court may deem just and proper. , Return date 4/11/95 (djc) (Entered: 02/24/1995)
02/17/1995	13	MEMORANDUM OF LAW by Doris Jackson, Jack Russek, Richard J. Simms, James M. Bunyar, Gerald J. Conahan, Thomas Osborne in support of [12-1] motion for an order directing defendants to provide the names, addresses and other identifying informaiton of all potential plaintiff class members; authorizing notice to such individuals; permitting communication between plaintiffs' counsel and potential class members with respect to the notice; and for such other and further relief as this Court may deem just and proper. (djc) (Entered: 02/24/1995)

02/28/1995	14	Notice of reasgmt _ to Judge John G. Koeltl Copy of notice and judge's rules mailed to Attorney(s) of record: William P. Perkins, Judith P. Vladeck . (dg) (Entered: 03/06/1995)
05/15/1995	15	AFFIDAVIT of Richard J. Simms by Richard J. Simms Re: Attached Exhibits (ls) (Entered: 05/22/1995)
05/15/1995	16	AFFIDAVIT in support of Julian R. Birnbaum by Doris Jackson, Jack Russek, Richard J. Simms, James M. Bunyar, Gerald J. Conahan, Thomas Osborne Re: Pltffs' Motion to Notify the ADEA Class (ls) (Entered: 05/22/1995)
05/15/1995	17	REPLY MEMORANDUM by Doris Jackson, Jack Russek, Richard J. Simms, James M. Bunyar, Gerald J. Conahan, Thomas Osborne IN SUPPORT OF their Motion To Notify The class (ls) (Entered: 05/22/1995)
05/16/1995	18	AFFIDAVIT in support of Leonard N. Flamm by Doris Jackson, Jack Russek, Richard J. Simms, James M. Bunyar, Gerald J. Conahan, Thomas Osborne in support of Re: [12-1] motion to circulate a Notice of Pendency. (ae) (Entered: 05/25/1995)
05/16/1995	19	REPLY MEMORANDUM OF LAW by Doris Jackson, Jack Russek, Richard J. Simms, James M. Bunyar, Gerald J. Conahan, Thomas Osborne in support of re: [12-1] motion to circulate a Notice of Pendency. (ae) (Entered: 05/25/1995)
05/24/1995		AFFIDAVIT in opposition of Ronald M. Green by N.Y. Telephone Co., Nynex Corporation Re: Pltff's. motion for class certification. (Orig. doc. fld. in case no. 93 civ. 0178 (JGK)). (ls) (Entered: 05/25/1995)
05/24/1995		MEMORANDUM by N.Y. Telephone Co., Nynex Corporation in opposition to pltff's. motion for class certification. (Orig. doc. fld. in case no. 93 Civ. 0178)). (ls) (Entered: 05/25/1995)
05/24/1995		AFFIDAVIT in support of Judith Stoikov by N.Y. Telephone Co., Nynex Corporation Re: [0-1] opposition memorandum. (Orig. doc. fld. in case no. 93 Civ. 0178 (JGK)). (ls) (Entered: 05/25/1995)
05/24/1995		SUPPLEMENTAL MEMORANDUM by N.Y. Telephone Co., Nynex Corporation in opposition to pltff's. motion for class Certification. (Orig. doc. fld. in case no. 93 civ. 0178 (JGK)). (ls) Modified on 05/25/1995 (Entered: 05/25/1995)
06/26/1995		Settlement conference held before Magistrate Judge Lee. (rag) (Entered: 06/27/1995)
06/26/1995		Settlement conference held before Magistrate Judge Lee. (rag) (Entered: 06/28/1995)
09/29/1995	21	AFFIDAVIT of Judith P. Vladeck to inform the Court about an additional individual who has consented to join this action since February 17, 1995..... (dj) (Entered: 10/05/1995)
10/02/1995	20	MEMORANDUM OPINION # 75501 granting [12-1] motion for an order directing defendants to provide the names, addresses and other identifying information of all potential plaintiff class members; authorizing notice to such individuals; permitting communication between plaintiffs' counsel and potential class members with respect to the notice; and for such other and further relief as this Court may deem just and proper. (Signed by Judge John G. Koeltl); Copies mailed. (cd) (Entered: 10/03/1995)
10/30/1995	22	ORDER, that the notice agreed upon by all parties is approved. Counsel for the pltffs are authorized to trasmit the notice to potential class members within 15 days in accordance with this Court's 9/22/95 Opinion. (signed by Judge John G. Koeltl); Copies mailed (lam) (Entered: 10/31/1995)
03/05/1996	24	CERTIFICATE OF SERVICE that on 3/5/96, copies of four FMP Litigation consent forms and the Affdvt. of Carmen Zayas were servedd by hand on Ronald M. Green, Esq., Epstein, Becker &Green, 250 Park Ave., NY, NY 10177 and Leonard N. Flamm, Offices of Leonard N. Flamm, 880 Third Ave., NY, NY 10020 (ls) (Entered: 03/06/1996)

01/10/1997	25	AFFIDAVIT of Janice Fanning Madden by Doris Jackson, Jack Russek, Richard J. Simms, James M. Bunyar, Gerald J. Conahan, Thomas Osborne. (kg) (Entered: 01/13/1997)
01/10/1997	26	NOTICE OF MOTION by Doris Jackson, Jack Russek, Richard J. Simms, James M. Bunyar, Gerald J. Conahan, Thomas Osborne to certify as a class action purs. to FRCP 23. Return date 1/17/97 (kg) (Entered: 01/13/1997)
01/10/1997	27	AFFIDAVIT in support of Ronald G. Dunn by Doris Jackson, Jack Russek, Richard J. Simms, James M. Bunyar, Gerald J. Conahan, Thomas Osborne Re: [26-1] motion to certify as a class action purs. to FRCP 23. (kg) (Entered: 01/13/1997)
01/10/1997	28	AFFIDAVIT in support of Gitta Freed by Doris Jackson, Jack Russek, Richard J. Simms, James M. Bunyar, Gerald J. Conahan, Thomas Osborne Re: [26-1] motion to certify as a class action purs. to FRCP 23. (kg) (Entered: 01/13/1997)
01/10/1997	29	MEMORANDUM OF LAW by Doris Jackson, Jack Russek, Richard J. Simms, James M. Bunyar, Gerald J. Conahan, Thomas Osborne in support of [26-1] motion to certify as a class action purs. to FRCP 23. (kg) (Entered: 01/13/1997)
01/10/1997	30	AFFIDAVIT in support of Judith P. Vladeck by Doris Jackson, Jack Russek, Richard J. Simms, James M. Bunyar, Gerald J. Conahan, Thomas Osborne Re: [26-1] motion to certify as a class action purs. to FRCP 23. (kg) (Entered: 01/13/1997)
01/10/1997	31	Certificate of service of the Notice of Motion; Pltffs' Memorandum of Law in Support of Class Certification; the Affidavit of Judith P. Vladeck; the affidavit of Gitta Freed; the affidavit of Ronald G. Dunn; and the affidavit of Janice Fanning Madden by hand on Ronald M. Green, Esq. on 1/10/97. (kg) (Entered: 01/14/1997)
01/16/1997	34	NOTICE OF MOTION by plaintiffs for an order approving the terms of the proposed settlement of this class and collective action as provided in the Stipulation and Agreement of Settlement, dated 1/16/97 (pl) (Entered: 01/21/1997)
01/16/1997	35	MEMORANDUM by plaintiffs' in support of [34-1] motion for an order approving the terms of the proposed settlement of this class and collective action as provided in the Stipulation and Agreement of Settlement, dated 1/16/97 (pl) (Entered: 01/21/1997)
01/16/1997	42	CONFIDENTIAL – Settlement, Release, Covenant Not To Sue, Waiver and Non-Disclosure Agreement. (orig. filed in 93 Cv 178 (JGK) in error). (rag) (Entered: 04/10/1997)
01/17/1997	32	AFFIDAVIT in support of Matthew T. Miklave by N.Y. Telephone Co., Nynex Corporation of Proposed Settlement Agreement in full Settlement of Civil Action. (Also docketed in 93 civ. 178) (kw) Modified on 01/21/1997 (Entered: 01/21/1997)
01/17/1997	33	MEMORANDUM by N.Y. Telephone Co., Nynex Corporation in support of Defendants' Request for Court Approval of a Proposed Settlement Agreement in full Settlement of Civil Action. (Also docketed in 93 civ. 178) (kw) (Entered: 01/21/1997)
01/22/1997	36	STIPULATION and ORDER, to amend the action by adding plntf, Elizabeth Cole (signed by Judge John G. Koeltl). (cd) (Entered: 01/22/1997)
01/28/1997	37	ORDER APPROVING SETTLEMENT ..ORDERED, that the proposed settlement is approved.; ORDERED, that plaintiffs eligible for participation under the agreement have waived any and all rights to continue to prosecute, or to initiate or commence any lawsuits, charges, complaints or claims arising out of the Released claims. Claims of discrimination or retaliation which arise after the date of this Order are unaffected by this waiver provision; ORDERED, that any person who has failed to file objections in the manner provided for, has waived all objections and shall be barred from raising any such objections in this or any other proceeding respecting the settlement; ORDERED, that this Court retains jurisdiction over the settlement of this case and may enter additional orders to effectuate the fair and orderly administration of the settlement as may from time to time be appropriate. SO ORDERED. (signed by Judge John G. Koeltl); Copies mailed (djc) (Entered: 01/28/1997)

		01/28/1997)
01/28/1997		Case closed (djc) (Entered: 01/28/1997)
02/14/1997	38	Exhibit D. To Settlement, Release, Covenant Not To Sue, Waiver and Non-Disclosure Agreement by Doris Jackson, Jack Russek, Richard J. Simms, James Bunyar, Gerald Conahan and Thomas Osborne, on behalf of themselves and all others similarly situated (ls) (Entered: 02/19/1997)
03/17/1997	39	STIPULATION and ORDER, The Settlement, Release, Covenant Not to Sue, Waiver and Non-Disclosure Agreement approved by the Court on 1/24/97, is amended as follows: 1) under 11.b. on page 3, delete "(1) Arthur Smith ("Smith") is receiving a disability pension"; 2) Under 1.b. (4), delete "Violiotti ("Violiotti")" and insert "Vigliotti ("Vigliotti")...(see doc. for further details..So Ordered.....(signed by Judge John G. Koeltl). (pl) (Entered: 03/18/1997)
03/17/1997	40	STIPULATION AND ORDER of dismissal with prejudice pursuant to the term of the settlement. The District Court shall retain jurisdiction with respect to disputes under the Agreement. (signed by Judge John G. Koeltl) (Also docketed in 93 civ. 178) (kw) (Entered: 03/18/1997)
03/24/1997	41	Order that case be referred to the Clerk of Court for assignment to a Magistrate Judge for settlement...Redaction Dispute (signed by Judge John G. Koeltl) Referred to Magistrate Judge Douglas F. Eaton (kg) (Entered: 03/25/1997)
04/14/1997	43	MEMORANDUM ORDER, I have reviewed Ms. Raskin's 2/26/97 letter and Mr. Miklave's 3/25/97 letter (incl. the transcripts of the 1/24/97 and 3/7/97 proceedings before Judge Koeltl). I direct that both of these letters be fld. under seal. , I have also reviewed Ms. Raskin's 3/18/97 letter, which requests me to hold a conference on this redaction dispute. I find that a conference is unnecessary , I am sending Ms. Raskin and Mr. Miklave a copy of the first five pages of settlement agreement, w/ my instructions in red ink showing the redactions that must be made before the settlement agreement may be fld. ...SO ORDERED... (signed by Magistrate Judge Douglas F. Eaton); Copies mailed (ls) Modified on 04/14/1997 (Entered: 04/14/1997)
04/18/1997	44	JUDGMENT – THIS CASE HAVING BEEN SETTLED IN ACCORDANCE WITH THE STIPULATION AND ORDER DATED MARCH 18, 1997, THIS ACTION IS HEREBY DISMISSED WITH PREJUDICE; (signed by Judge John G. Koeltl); eod – 04/22/97; Mailed copies and notice of right to appeal. (djc) (Entered: 04/22/1997)
07/18/1997	45	ORDER, this Court shall retain jurisdiction over any dispute or litigation arising out of the Settlement Agreements in the Jackson and Hammill actions. Thus, if plaintiffs wish to elect the 6 & 6, they must sign its release. (signed by Judge John G. Koeltl); Copies mailed (ae) (Entered: 07/21/1997)
07/23/1997	46	ORDER sealing the Jackson settlement agreement and placing a redacted version in the public file (signed by Magistrate Judge Douglas F. Eaton); Copies mailed (af) (Entered: 07/23/1997)