

CLOSED

**U.S. District Court**  
**United States District Court for the Southern District of New York (Foley Square)**  
**CIVIL DOCKET FOR CASE #: 1:88-cv-01234-KTD**

Waisome v. Port Authority of NY  
Assigned to: Judge Kevin Thomas Duffy  
Demand: \$0  
Cause: 42:1983 Civil Rights Act

Date Filed: 02/22/1988  
Date Terminated: 09/28/1992  
Jury Demand: Plaintiff  
Nature of Suit: 442 Civil Rights: Jobs  
Jurisdiction: Federal Question

**Plaintiff**

**Felix Waisome**

**Plaintiff**

**Freddie McMillian**

**Plaintiff**

**Richard Keith**

**Plaintiff**

**Robert L Bethea**

**Plaintiff**

**Ellsworth Corum, Jr**

**Plaintiff**

**Hilary A King**

**Plaintiff**

**Roderick W Upshur**

V.

**Defendant**

**Port Authority of NY &NJ**

represented by **Joseph Lesser**  
One World Trade Center  
New York, NY 10048  
(212) 466-8765  
*LEAD ATTORNEY*

**Defendant**

**Board of Commissioners**

represented by **Joseph Lesser**  
(See above for address)  
*LEAD ATTORNEY*

**Defendant**

**Stephen Berger**

represented by **Joseph Lesser**  
(See above for address)  
*LEAD ATTORNEY*

**Defendant**

**Henry Degeneste**

represented by **Joseph Lesser**  
(See above for address)  
*LEAD ATTORNEY*

**Defendant**

**Port Auth Police Benevolent Assoc.,  
Inc.**

represented by **Michael Charles Axelrod**  
Certilman, Balin, Adler & Hyman  
90 Merrick Avenue  
East Meadow, NY 11554  
(516)-296-7172  
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Email: [maxelrod@certilmanbalin.com](mailto:maxelrod@certilmanbalin.com)  
**LEAD ATTORNEY**

**Intervenor Defendant**

**Anthony Fitzgerald**

**Intervenor Defendant**

**Rudolph Caroloe**

**Intervenor Defendant**

**Laura Nastro**

**Intervenor Defendant**

**Michael Palermo**

**Intervenor Defendant**

**Michael Honovich**

**Intervenor Defendant**

**Rocco J. Cuccio**

**Intervenor Defendant**

**Brian Tierney**

**Intervenor Defendant**

**Michael Mirrer**

**Intervenor Defendant**

**Kenneth Whelan**

**Intervenor Defendant**

**Charles Torres**

**Intervenor Defendant**

**Dennis Frederick**

**Intervenor Defendant**

**Kevin Florkowski**

**Intervenor Defendant**

**John Maresca**

**Intervenor Defendant**

**Mark O'Neill**

**Intervenor Defendant**

**Mark K. Potepa**

**Intervenor Defendant**

Nicholas Tagarelli

**Intervenor Defendant**

K. Yeglinski

**Intervenor Defendant**

George D. Rostrup

**Intervenor Defendant**

Kevin Murphy

**Intervenor Defendant**

Michael Florie

**Intervenor Defendant**

Joseph St. King

**Intervenor Defendant**

David Hanna

**Intervenor Defendant**

Christopher Trucillo

**Intervenor Defendant**

Fred Concepcion

**Intervenor Defendant**

David Carbonaro

**Intervenor Defendant**

Ronald F. Sulewski

**Intervenor Defendant**

Mark K. Potepa

**Intervenor Defendant**

Nicholas A. Tagarelli

**All Plaintiffs**

All Plaintiffs

Date Filed	#	Docket Text
02/22/1988	1	COMPLAINT filed; Summons issued and Notice pursuant to 28 U.S.C. 636(c); RECEIPT # 161508 (do) (Entered: 02/27/1992)
02/26/1988	2	AMENDED COMPLAINT by Felix Waisome, Roderick W Upshur, Freddie McMillian, Hilary A King, Richard Keith, Ellsworth Corum Jr, Robert L Bethea , (Answer due 3/7/88 for Stephen Berger, for Board of Commissione, for Henry Degeneste, for Port Auth Police Ben, for Port Authority of NY ) amending [1-1] complaint ; Summons issued. (do) (Entered: 02/27/1992)
04/18/1988	10	ANSWER by Port Authority of NY, Henry Degeneste, Board of Commissione, Stephen Berger (Attorney Joseph Lesser) to amended complaint; jury demand ; by attorney Joseph Lesser for defendant Port Authority of NY (do) (Entered: 02/27/1992)

		02/27/1992)
02/11/1991		Case closed (kg) (Entered: 02/14/1991)
12/17/1991		Case reopened. (kg) (Entered: 12/19/1991)
12/17/1991	28	MANDATE ORDER, OPINION, & STATEMENT OF COSTS ATTACHED OF USCA (certified copy) Re: that the judgment of said district court be and it hereby is reversed and the action be and it hereby is remanded to the said district court for further proceedings in accordance with the opinion of this court with costs to be taxed against the appellees. STA OF COSTS: Taxed in the amount of \$1145.00 in favor of Appellants, Felix Walsome, Freddie McMillan et al., EOD:12/19/91. SO ORDERED ELAINE B. GOLDSMITH. cm (kg) (Entered: 12/19/1991)
06/26/1992	29	NOTICE OF MOTION by All Plaintiffs and the Port Authority to implement consent decree. No Return date. (kg) (Entered: 06/30/1992)
06/26/1992	29	ORDER, that the Court will hold a hearing on 7/27/92, at 10:00am in room 705, to determine whether to approve the proposed Consent Decree and Distribution Plan and whether to grant plttfs' motion regarding seniority relief. The propsoed Notice of Proposed Consent Decree and Distribution Plan and Notice of Intent to Object are hereby approved. Counsel for plttfs and Port Authority will w/in 10 days mail by first class mail to each member of the two subclasses in these actions a copy of the Notice of Proposed Consent Decree and Distribution Plan, the Consent Decree,,the Distribution Plan and the Notice of Intent to Object. ( signed by Judge Kevin T. Duffy ); Copies mailed (kg) (Entered: 06/30/1992)
07/06/1992	30	ORDER, that the Order Regarding Notice and Fairness Hearing, dtd 6/24/92, is hereby amended to change the date of the hearing from 7/27/92 to 7/28/92 at 10:00 in Room 705. ( signed by Judge Kevin T. Duffy ); Copies mailed (kg) (Entered: 07/07/1992)
07/13/1992	31	Affidavit of service of Order Regarding Notice & Fairness Hearing dtd 6/24/92 as to Port Authority of NY and NJ by mail on 7/8/92. (kg) (Entered: 07/13/1992)
07/14/1992	32	NOTICE of INTENT TO OBJECT BY INTERVENORS. (all so docketed in 91 Civ.4365) (kg) (Entered: 07/15/1992)
07/17/1992	33	NOTICE OF CROSS MOTION by AnthonY Fitzgerald, Rudolph Caroloe, Laura Nastro, Michael Palermo, Michael Honovich, Rocco J. Cuccio, Brian Tierney, Michael Mirrer, Kenneth Whelan, Charles Torres, Dennis Frederick, Kevin Florkowski, John Maresca, Mark O'Neill, Mark K. Potepa, Nicholas Tagarelli, K. Yeglinski, George D. Rostrup, Kevin Murphy, Michael Florie, Joseph St. King, David Hanna, Christopher Trucillo, Fred Concepcion, David Carbonaro, Ronald F. Sulewski, Mark K. Potepa, Nicholas A. Tagarelli for order declaring the proposed Consent Decree offered by the plttfs in the above-captioned cases to be in violation of Title VII of the Civil Rights of 1964. Return date 7/28/92. (also docketed in 91 Civ.4365) (kg) (Entered: 07/17/1992)
07/17/1992	34	MEMORANDUM OF LAW by AnthonY Fitzgerald, Rudolph Caroloe, Laura Nastro, Michael Palermo, Michael Honovich, Rocco J. Cuccio, Brian Tierney, Michael Mirrer, Kenneth Whelan, Charles Torres, Dennis Frederick, Kevin Florkowski, John Maresca, Mark O'Neill, Mark K. Potepa, Nicholas Tagarelli, K. Yeglinski, George D. Rostrup, Kevin Murphy, Michael Florie, Joseph St. King, David Hanna, Christopher Trucillo, Fred Concepcion, David Carbonaro, Ronald F. Sulewski, Mark K. Potepa, Nicholas A. Tagarelli in support of [33-1] cross motion for order declaring the proposed Consent Decree offered by the plttfs in the above-captioned cases to be in violation of Title VII of the Civil Rights of 1964. (also docketed in 91 Civ., 4365) (kg) (Entered: 07/17/1992)
07/24/1992	35	REPLY MEMORANDUM by All Plaintiffs re: in support of Consent Decree and Distribution Plan. (Also docketed in 91 Civ.4365) (kg) (Entered: 07/27/1992)
07/28/1992	36	MEMORANDUM OF LAW by Port Authority of NY in support of Proposed COnsent Decree. (kg) (Entered: 07/28/1992)
07/28/1992	36	MEMORANDUM OF LAW by Port Authority of NY in opposition to Objections filed against the Decree. (kg) (Entered: 07/28/1992)

08/11/1992	37	Affidavit of personal service of Gennaro Aprile by Sargent Ken Campbell on 7/2/92. (kg) (Entered: 08/11/1992)
08/11/1992	37	Affidavit of personal service of Notice of Proposed Consent Decree & Distribution Plan upon Detective Garuin Bacchus by mail on 7/2/92. (kg) (Entered: 08/11/1992)
09/28/1992	38	CONSENT DECREE JUDGMENT,..... The Port Authority will pay to the NAACP Legal Defense and Educational Fund, Inc., w/in 30 days after this consent decree is approved by the court, the sum of \$250,000.00, to be distributed in accordance with a Distribution Plan approved by the Court. EOD:9/30/92. ( signed by Judge Kevin T. Duffy ) (also docketed in 91 Civ.4365) (kg) Modified on 09/30/1992 (Entered: 09/30/1992)
09/28/1992		Case closed. (kg) (Entered: 09/30/1992)
09/28/1992	39	DISTRIBUTION PLAN ORDER, that all funds paid to the NAACP Legal Defense and Educational Fund, Inc. for distribution to members of either subclass shall be placed in an interest bearing bank account, and shall not be comingled with any other funds. Except as provided in the following sentence, all members of subclass A (as defined in the Consent Decree) shall be eligible to receive monetary relief from funds paid to LDF for distribution to subclass A. ( signed by Judge Kevin T. Duffy ); Copies mailed (also docketed in 91 Civ. 4365 KTD) (kg) (Entered: 09/30/1992)
09/28/1992	40	ORDER, that no stay pending appeal will be granted. (also docketed in 91 Civ.4365) ( signed by Judge Kevin T. Duffy ); Copies mailed (kg) (Entered: 09/30/1992)
10/06/1992	41	NOTICE OF APPEAL by Port Auth Police Ben ; from part of the consent decree dtd: 9/25/92 . Copies of notice of appeal mailed to Attorney(s) of Record: Joseph Lesser; Eric Schnapper; Lowell Johnston; Milton Pachter; H. Gary Zaslov; Jack Murphy; Mark Isenberg. . (jf) (Entered: 10/07/1992)
10/07/1992		Notice of appeal and certified copy of docket to USCA: [41-1] appeal by Port Auth Police Ben ; Copy of notice of appeal sent to District Judge. (jf) (Entered: 10/07/1992)
10/14/1992	42	MANDATE OF USCA NOTICE OF MOTION AID OF IMPLEMENTATION OF DISTRICT COURT ORDER APPROVING CONSENT DECREE (certified copy) Re: it is hereby ordered that a temporary stay is granted pending hearing of this motion before a panel of this Court at 10:00am, Tuesday, 10/13/92. EOD:10/15/92. SO ORDERED ELAINE B. GOLDSMITH. (kg) (Entered: 10/15/1992)
10/22/1992	43	MANDATE OF USCA (certified copy) Re: [41-1] appeal by Port Auth Police Ben, that it is hereby ordered that the motion be and hereby is denied. EOD:10/23/92. SO ORDERED ELAINE B. GOLDSMITH. (kg) (Entered: 10/23/1992)
01/29/1993	44	ANSWER by Port Auth Police Ben (Attorney Michael C. Axelrod) to amended complaint ; by attorney Michael C. Axelrod for defendant Port Auth Police Ben. (kg) (Entered: 01/29/1993)
01/29/1993	45	Notice that the original record on appeal has been certified and transmitted to the U.S. Court of Appeals: (kg) (Entered: 02/02/1993)
08/03/1993	46	MANDATE OF USCA (certified copy) Re: the appeal from the order is dismissed in part, remanded in part and reversed in part in accordance with the opinion of the court...CLERK, U.S.C.A. 2nd cir...copy to Judge. (gb) (Entered: 08/03/1993)
10/13/1993	47	Statement of costs taxed in the amount of \$871.00 in favor of Appellee, Port Authority of New York & New Jersey docketed as a judgment #93,2324 on 10/14/93. EOD:10/15/93. SO ORDERED ELAINE B. GOLDSMITH. (kg) (Entered: 10/15/1993)
12/07/1993	48	MEMORANDUM OF LAW by Port Authority of NY and NJ in opposition to the motion seeking clarification of the order regarding seniority filed by the Sergeant's Benevolent Association. (ND: 12/7/93 at 6:22P) (kg) (Entered: 12/08/1993)

12/07/1993	49	AFFIDAVIT in opposition of James M. Begley by Port Authority of NY and NJ Re: to the motion of the Port Authority Sergants Benevolent Association seeking an order clarifying the Order Regarding Retroactive Seniority issued by the court on 9/24/92. (ND: 12/7/93 at 6:22P) (kg) (Entered: 12/08/1993)
12/07/1993	49	AFFIDAVIT of Bernhard F. Meyer by Port Authority of NY and NJ. (kg) (Entered: 12/08/1993)
12/07/1993	49	AFFIDAVIT of Gerald R. Drasheff by Port Authority of NY and NJ. (kg) (Entered: 12/08/1993)
12/07/1993	50	RESPONSE by Plaintiffs to Motion for Clarification of the Order Regarding Retroactive Seniority. (ND: 12/7/93 at 5:37P) (kg) Modified on 12/08/1993 (Entered: 12/08/1993)
12/16/1993	51	Affidavit of service of affidavits in opposition with exhibits and memorandum of law upon Marc N. Isenberg by mail on 12/14/93. (kg) (Entered: 12/20/1993)
01/04/1994	52	ORDER withdrawing [29-1] motion to implement consent decree. ( signed by Judge Kevin T. Duffy ); Copies mailed (kg) (Entered: 01/04/1994)