

**U.S. District Court
Eastern District of New York (Brooklyn)
CIVIL DOCKET FOR CASE #: 1:04-cv-03394-DLI-RML**

Cerda v. Restaurant Associates, Inc. et al
Assigned to: Judge Dora Lizette Irizarry
Referred to: Magistrate-Judge Robert M. Levy
Cause: 42:2000e Job Discrimination (Employment)

Date Filed: 08/09/2004
Date Terminated: 07/28/2006
Jury Demand: None
Nature of Suit: 442 Civil Rights: Jobs
Jurisdiction: Federal Question

Plaintiff

Gerard Cerda
*individually and on behalf of all others
similarly situated*

represented by **Eugene A. Gaer**
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V.

Defendant

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Defendant

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Date Filed	#	Docket Text
08/09/2004	<u>1</u>	COMPLAINT against RA Tennis Corp., Restaurant Associates, Inc. filing fee \$ 150, receipt number 297849, filed by Gerard Cerda. (Attachments: # <u>1</u> Civil Cover Sheet)(Villanueva, William) (Entered: 08/10/2004)
08/09/2004		Summons Issued as to RA Tennis Corp., Restaurant Associates, Inc. (Villanueva, William) (Entered: 08/10/2004)
08/12/2004	<u>2</u>	SCHEDULING ORDER:An initial conference has been scheduled for December 9, 2004 at 2:30 pm, in Courtroom 619 at 225 Cadman Plaza East, Brooklyn, New York. All counsel must be present. Plaintiff's counsel is directed to confirm with defendant's counsel that all necessary participants are aware of this conference. SEE ATTACHED ORDER Signed by Judge Robert M. Levy on 8/12/04. (Marino, Janine) (Entered: 08/12/2004)
08/16/2004		Email Test – DO NOT REPLY – All documents have to be filed electronically. http://www.nyed.uscourts.gov (Vaughn, Terry) (Entered: 08/16/2004)
09/09/2004	<u>3</u>	ANSWER to Complaint by RA Tennis Corp., Restaurant Associates, Inc.(Lee, Tiffeny) (Entered: 09/09/2004)
09/09/2004	<u>4</u>	ADMINISTRATIVE ORDER 2008-04: You are required to file all original documents electronically. In the future, please ensure that all original documents in this action are filed electronically. Clearly marked hard copy-courtesy documents should be submitted to Chambers. Courtesy copies should also indicate that the original of the submitted document has already been electronically filed. Further Hard Copy filings may not be accepted. Registration forms are also attached. Michael J. DiMattia, Esq. is directed to advise McGuire Woods, LLP Co-Counsel of Mandatory ECF Compliance in the Eastern District of New York, and forward registration forms. (Lee, Tiffeny) (Entered: 09/09/2004)

10/07/2004	<u>5</u>	Notice of MOTION for Leave to Appear Motion to Appear Pro Hac Vice by all defendants. (Sutton, Richard) (Entered: 10/07/2004)
10/15/2004	<u>6</u>	ORDER granting <u>5</u> Motion for Leave to Appear Pro Hac Vice as to Jonathan P. Harmon, Esq. and Neera Mahajan Shetty, Esq. Signed by Judge Nicholas G. Garaufis on 10/05/2004. c/em All counsel is further reminded of Administrative Order 2004-08, mandating that all filings in the Eastern District of New York are to be made electronically. Any and all counsel that has yet to register for CM/ECF is directed to do so immediately. (www.nyed.uscourts.gov) (Lee, Tiffeny) (Entered: 10/15/2004)
12/10/2004		Minute Entry for proceedings held before Robert M. Levy: Eugene Gaer, Roger Bernstein, plaintiff; Jonathan Harmon, defendants. Settlement discussions initiated. The following discovery shall be completed by 4/1/05: all document requests and interrogatories, and the deposition of the named plaintiff Gerard Cerda. The parties shall appear for a status conference on March 3, 2005 at 2:00 pm. A settlement conference with lawyers and principals will be held on April 28, 2005 from 10:00 to 12:00 to discuss resolution of the injunctive claims. Initial Conference Hearing held on 12/10/2004. (Levy, Robert) (Entered: 12/10/2004)
01/20/2005		Case reassigned to Judge Dora Lizette Irizarry. Judge Nicholas G. Garaufis no longer assigned to the case. (Villanueva, William) (Entered: 01/20/2005)
03/03/2005		Minute Entry for proceedings held before Robert M. Levy: Eugene Gaer, plaintiff; Jonathan Harmon, Larry Jones, defendants. The settlement conference on 4/28/05 will be held from 10-2. Principals shall attend, as discussed. The parties shall submit pre-conference statements to my chambers by 4/21/05. The parties shall clearly designate as confidential any portions of their statements that are for chambers' eyes only. Status Conference held on 3/3/2005. (Levy, Robert) (Entered: 03/03/2005)
04/26/2005	<u>7</u>	SCHEDULING ORDER: A telephone conference has been scheduled for May 12, 2005 at 11:30 a.m., before the Honorable Robert Levy, United States Magistrate Judge, at (718) 260-2340. All counsel must be available. Plaintiff's counsel is requested to initiate conference call and confirm with defendants' counsel that all necessary participants are aware of this conference. No request for an adjournment will be considered unless made at least forty-eight (48) hours before the scheduled conference. Ordered by Judge Robert M. Levy on 4/26/05. (Marino, Janine) (Entered: 04/26/2005)
05/12/2005		Minute Entry for proceedings held before Robert M. Levy: Eugene Gaer, Roger Bernstein, plaintiff; Jonathan Harmon, Larry Jones, defendants. Discovery is progressing. The parties will appear for a mediation on June 27, 2005 at 3:00 pm. Confidential pre-mediation submissions shall be submitted by June 17, 2005. Clients with settlement authority shall be present at the conference and available by telephone. Status Conference held on 5/12/2005. (Levy, Robert) (Entered: 05/12/2005)
05/13/2005	<u>8</u>	STIPULATION – <i>Protective Order between Plaintiff Gerard Cerda and Defendant Restaurant Associates, Inc.</i> by Restaurant Associates, Inc.. (Sutton, Richard) (Entered: 05/13/2005)
05/13/2005		ELECTRONIC ENDORSED ORDER re <u>8</u> Stipulation filed by Restaurant Associates, Inc., ——— This application for approval of a protective order which has been stipulated to by the parties is referred to Magistrate Judge Robert M. Levy as are all other discovery and non-dispositive matters. SO ORDERED by Judge Dora Lizette Irizarry on 05/13/05. (Irizarry, Dora) (Entered: 05/13/2005)
05/20/2005		ORDER re Order,, <u>8</u> Stipulation filed by Restaurant Associates, Inc. Following review of the proposed protective order, the order is hereby APPROVED. Ordered by Judge Robert M. Levy on 5/20/05. (Levy, Robert) (Entered: 05/20/2005)
06/27/2005		Minute Entry for proceedings held before Robert M. Levy: All counsel present with clients. Settlement discussions held. Parties to reformulate proposals and return for continued settlement discussions 7/15/05 at 12:00. Discovery schedule to be revised at that time, if the case does not settle. Settlement Conference held on 6/27/2005. (Levy, Robert) (Entered: 06/27/2005)

07/15/2005		Minute Entry for proceedings held before Robert M. Levy : All parties present with counsel. Detailed settlement discussions held. Some progress made. Next conference 9/13/05 at 2:15 (settlement).Settlement Conference held on 7/15/2005. (Levy, Robert) (Entered: 07/15/2005)
09/13/2005	<u>9</u>	Minute Entry for proceedings held before Robert M. Levy : Settlement Conference held on 9/13/2005. Extensive settlement discussions held. Next Conf. set for 10/20/05 at 2:15 (Permaul, Jenny) (Entered: 09/15/2005)
10/21/2005	<u>10</u>	ORDER endorsed on letter dated 10/18/05 from Jonathan Harmon to Mag. Robert M. Levy requesting a continuance of the settlement conference that is scheduled for 10/20/05. Application granted. The Conference is adjourned to 12/5/05 at 4:00 p.m. Ordered by Judge Robert M. Levy on 10/18/05. (Black, Amanda) (Entered: 10/21/2005)
11/04/2005	<u>11</u>	ENDORSED ORDER granting application to adjourn 12/5/2005 settlement conference. Conference now scheduled for 12/21/2005 @ 10:00 a.m. Ordered by Judge Robert M. Levy on 11/3/5. (Lee, Tiffeny) (Entered: 11/04/2005)
12/27/2005	<u>12</u>	ENDORSED ORDER: conference adjourned to 1/27/2006 @ 4:00 p.m. Ordered by Judge Robert M. Levy, on 12/20/2005. (Endorsed on letter dated 12/20/2005 from Jonathan P. Harmon to USMJ Levy) (Barrett, C.) (Entered: 12/27/2005)
01/25/2006		ORDER. As the parties report that they have reached agreement in principle on a settlement, the January 27, 2006 settlement conference is cancelled. The parties shall contact chambers by 2/3/06 to schedule a conference to resolve any remaining questions. The conference may be by telephone, if the parties prefer . Ordered by Judge Robert M. Levy on 1/25/06. (Levy, Robert) (Entered: 01/25/2006)
01/27/2006	13	Letter dated 1/24/2006 from Eugene A. Gaer to USMJ Levy, requesting that the conference scheduled for 1/27/2006, @ 4:00 p.m., be cancelled subject to rescheduling at a mutually convenient date. (Barrett, C.) (Entered: 01/27/2006)
03/15/2006	<u>14</u>	ORDER endorsed on letter dated 3/13/06 from Jonathan Harmon to Mag. Robert M. Levy requesting a conference to discuss a preliminary settlement of this class action. APPLICATION GRANTED. Conference scheduled for 3/23/06 at 3:00 p.m. Ordered by Judge Robert M. Levy on 3/14/06. (Black, Amanda) (Entered: 03/15/2006)
03/23/2006		Minute Entry for proceedings held before Robert M. Levy: Eugene Gaer; Jonathan Harmon, Lawrence Jones. Parties agree to settlement, submit proposed order and notice of settlement and hearing, execute consent to jurisdiction of magistrate judge. Hearing on Proposed Class Action Settlement scheduled for May 31, 2006 at 11:00 a.m. in Courtroom 11 B South.Settlement Conference held on 3/23/2006. (Levy, Robert) (Entered: 03/23/2006)
03/23/2006	<u>15</u>	SCHEDULING ORDER:The Hearing on Approval of Proposed Class Action Settlement will be held on May 31, 2006 at 11:00 a.m. in Courtroom 11 B South before Judge Robert M. Levy. Attached is the Order with Respect to Preliminary Approval of Class Action Settlement, and Notice and Hearing on Proposed Class Action Settlement and (1) the Consent to Magistrate Judge Trial. Ordered by Judge Robert M. Levy on 3/23/06. (Attachments: # 1 Consent to Magistrate Judge Trial)(Levy, Robert) Additional attachment(s) added on 3/23/2006 (Vaughn, Terry). (Entered: 03/23/2006)
03/23/2006	<u>16</u>	NOTICE of filing settlement agreement and consent to proceed before magistrate judge: SCHEDULING ORDER:The Hearing on Approval of Proposed Class Action Settlement will be held on May 31, 2006 at 11:00 a.m. in Courtroom 11 B South before Judge Robert M. Levy. Attached is the Order with Respect to Preliminary Approval of Class Action Settlement, and Notice and Hearing on Proposed Class Action Settlement and (1) the Consent to Magistrate Judge Trial. Ordered by Judge Robert M. Levy on 3/23/06. (Attachments: # 1 Consent to Proceed before Magistrate Judge)(Vaughn, Terry) (Entered: 03/23/2006)
03/29/2006	<u>17</u>	Letter <i>As to Changing Final Hearing Date to post-July 11, 2006</i> by Gerard Cerda. (Attachments: # <u>1</u>)(Bernstein, Roger) (Entered: 03/29/2006)

03/29/2006		ORDER re <u>17</u> Letter filed by Gerard Cerda. The application is GRANTED. The final hearing date is adjourned from May 31, 2006 to July 26, 2006 at 11:15 a.m. Counsel shall conform the order and class notice accordingly Ordered by Judge Robert M. Levy on 3/29/06. (Levy, Robert) (Entered: 03/29/2006)
04/19/2006	<u>18</u>	Letter dated 3/29/2006 from Roger J. Bernstein to USMJ Levy, advising that the parties are available for a final hearing on a date after 7/11/2006.(Barrett, C.) (Entered: 04/19/2006)
07/24/2006	<u>19</u>	MOTION for Settlement <i>Approval – Memorandum of Law in Support of Final Approval of Class Action Settlement</i> by Gerard Cerda. (Attachments: # <u>1</u> Affidavit Gaer Declaration as to Settlement Claims Administration 7 20 06# <u>2</u> Affidavit Jones Decl. as to Mailing of Notices)(Bernstein, Roger) (Entered: 07/24/2006)
07/26/2006	<u>20</u>	Minute Entry for proceedings held before Robert M. Levy : Settlement Conference held on 7/26/2006. Counsel for the parties present. Hearing held. Settlement approved. Case can be closed. (Permaul, Jenny) (Entered: 07/28/2006)
07/28/2006	<u>21</u>	FINAL APPROVAL ORDER of Proposed Settlement of this action. The Clerk is directed to close the file in this matter and to mark this case terminated. The Court shall retain jurisdiction for 90 days hereafter to address any questions concerning settlement fund administration and distribution. Ordered by Judge Robert M. Levy on 7/26/06. (Permaul, Jenny) (Entered: 07/28/2006)