

**U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:06-cv-10197-LTS-HBP**

Duling et al v. Gristede's Operating Corp. et al
Assigned to: Judge Laura Taylor Swain
Referred to: Magistrate Judge Henry B. Pitman
Cause: 42:2000e-2e Job Discrimination (Unlawful Employment Practices)

Date Filed: 10/23/2006
Date Terminated: 08/14/2013
Jury Demand: Plaintiff
Nature of Suit: 442 Civil Rights: Jobs
Jurisdiction: Federal Question

Plaintiff

Vanessa Hill

*on behalf of themselves and all others
similarly situated
TERMINATED: 06/21/2007*

represented by **Adam T Klein**
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Plaintiff

Margaret Anderson

*on behalf of themselves and all others
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Plaintiff

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Plaintiff

Lakeya Sewer
*on behalf of herself and all others
similarly situated*

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V.

Defendant

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represented by

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Defendant

Red Apple Group, Inc.
doing business as
Gristede's

represented by **Kevin J. Nash**
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Amanda Nicole Slatin

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Joseph Ted Donovan
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Michael Jonathan Puma
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Defendant

Gristede's Foods, Inc.

represented by **Kevin J. Nash**
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Defendant

Gristede's Delivery Service, Inc.

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Defendant

Gristede's Foods NY, Inc.

represented by **Kevin J. Nash**
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Defendant

Gristede's NY, LLC

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Defendant

Namdor, Inc.

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Defendant**John Catsimatidis**

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Miscellaneous**White Rose Incorporated**

| Date Filed | # | Docket Text |
|------------|----------|--|
| 10/23/2006 | <u>1</u> | COMPLAINT against Gristede's Operating Corp., Red Apple Group, Inc., Gristede's Foods, Inc., Gristede's Delivery Service, Inc., Gristede's Foods NY, Inc., Gristede's NY, LLC, Namdor, Inc. (Filing Fee \$ 350.00, Receipt Number 594123)Document filed by Vanessa Hill, Margaret Anderson.(mbe,) (Entered: 10/25/2006) |
| 10/23/2006 | | SUMMONS ISSUED as to Gristede's Operating Corp., Red Apple Group, Inc., Gristede's Foods, Inc., Gristede's Delivery Service, Inc., Gristede's Foods NY, Inc., Gristede's NY, LLC, Namdor, Inc.. (mbe,) (Entered: 10/25/2006) |
| 10/23/2006 | | Magistrate Judge Henry B. Pitman is so designated. (mbe,) (Entered: 10/25/2006) |
| 10/24/2006 | | Case Designated ECF. (mbe,) (Entered: 10/25/2006) |
| 11/03/2006 | <u>2</u> | ORDER RE SCHEDULING AND INITIAL PRETRIAL CONFERENCE: Initial Conference set for 2/2/2007 11:00 AM before Judge Laura Taylor Swain, in courtroom 17C. (Signed by Judge Laura Taylor Swain on 11/2/06) (cd,) (Entered: 11/03/2006) |
| 11/20/2006 | <u>3</u> | AFFIDAVIT OF SERVICE of Summons and Complaint,. Gristede's Delivery Service, Inc. served on 11/13/2006, answer due 12/4/2006. Service was accepted by Emily Panhow, attorney. Document filed by Vanessa Hill; Margaret Anderson. (Greene, Cara) (Entered: 11/20/2006) |
| 11/20/2006 | <u>4</u> | AFFIDAVIT OF SERVICE of Summons and Complaint,. Gristede's Foods, Inc. served on 11/13/2006, answer due 12/4/2006. Service was accepted by Emily Panhow, attorney. Document filed by Vanessa Hill; Margaret Anderson. (Greene, |

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| | | Cara) (Entered: 11/20/2006) |
| 11/20/2006 | <u>5</u> | AFFIDAVIT OF SERVICE of Summons and Complaint,. Gristede's Foods NY, Inc. served on 11/13/2006, answer due 12/4/2006. Service was accepted by Emily Panhow, attorney. Document filed by Vanessa Hill; Margaret Anderson. (Greene, Cara) (Entered: 11/20/2006) |
| 11/20/2006 | <u>6</u> | AFFIDAVIT OF SERVICE of Summons and Complaint,. Gristede's NY, LLC served on 11/13/2006, answer due 12/4/2006. Service was accepted by Emily Panhow, attorney. Document filed by Vanessa Hill; Margaret Anderson. (Greene, Cara) (Entered: 11/20/2006) |
| 11/20/2006 | <u>7</u> | AFFIDAVIT OF SERVICE of Summons and Complaint,. Namdor, Inc. served on 11/13/2006, answer due 12/4/2006. Service was accepted by Emily Panhow, attorney. Document filed by Vanessa Hill; Margaret Anderson. (Greene, Cara) (Entered: 11/20/2006) |
| 11/20/2006 | <u>8</u> | AFFIDAVIT OF SERVICE of Summons and Complaint,. Red Apple Group, Inc. served on 11/13/2006, answer due 12/4/2006. Service was accepted by Emily Panhow, attorney. Document filed by Vanessa Hill; Margaret Anderson. (Greene, Cara) (Entered: 11/20/2006) |
| 11/20/2006 | <u>9</u> | AFFIDAVIT OF SERVICE of Summons and Complaint,. Gristede's Operating Corp. served on 11/13/2006, answer due 12/4/2006. Service was accepted by Emily Panhow, attorney. Document filed by Vanessa Hill; Margaret Anderson. (Greene, Cara) (Entered: 11/20/2006) |
| 12/08/2006 | <u>10</u> | STIPULATION AND ORDER; defendants' time to answer or otherwise respond to the complaint is extended to and including December 8, 2006. (Signed by Judge Laura Taylor Swain on 12/8/06) (djc,) (Entered: 12/11/2006) |
| 12/11/2006 | <u>11</u> | STIPULATION EXTENDING TIME TO ANSWER: Defendants' time to answer or otherwise respond to the complaint is further extended to and including 12/15/2006. (Signed by Judge Laura Taylor Swain on 12/8/2006) (lb,) (Entered: 12/12/2006) |
| 12/11/2006 | | Set Answer Due Date purs. to <u>11</u> Stipulation and Order as to Gristede's Operating Corp. answer due on 12/15/2006; Red Apple Group, Inc. answer due on 12/15/2006; Gristede's Foods, Inc. answer due on 12/15/2006; Gristede's Delivery Service, Inc. answer due on 12/15/2006; Gristede's Foods NY, Inc. answer due on 12/15/2006; Gristede's NY, LLC answer due on 12/15/2006; Namdor, Inc. answer due on 12/15/2006. (lb,) (Entered: 12/12/2006) |
| 12/15/2006 | <u>12</u> | RULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by Gristede's Operating Corp., Red Apple Group, Inc., Gristede's Foods, Inc., Gristede's Delivery Service, Inc., Gristede's Foods NY, Inc., Gristede's NY, LLC, Namdor, Inc..(Nash, Kevin) (Entered: 12/15/2006) |
| 12/15/2006 | <u>13</u> | ANSWER to Complaint. Document filed by Gristede's Operating Corp., Red Apple Group, Inc., Gristede's Foods, Inc., Gristede's Delivery Service, Inc., Gristede's Foods NY, Inc., Gristede's NY, LLC, Namdor, Inc.. (Attachments: # <u>1</u> Exhibit A)(Nash, Kevin) (Entered: 12/15/2006) |
| 01/09/2007 | <u>14</u> | CERTIFICATE OF SERVICE of Initial Conference Order served on Kevin J. Nash, Esq. on 01/04/07. Service was made by Mail. Document filed by Vanessa Hill. (Hoffman, Piper) (Entered: 01/09/2007) |
| 01/19/2007 | <u>15</u> | RULE 26 DISCLOSURE.Document filed by Gristede's Operating Corp., Red Apple Group, Inc., Gristede's Foods, Inc., Gristede's Delivery Service, Inc., Gristede's Foods NY, Inc., Gristede's NY, LLC, Namdor, Inc.. (Attachments: # <u>1</u> Affidavit of Service)(Brozik, Matthew) (Entered: 01/19/2007) |
| 01/26/2007 | <u>16</u> | PRELIMINARY PRETRIAL STATEMENT. Document filed by Gristede's Operating Corp., Red Apple Group, Inc., Gristede's Foods, Inc., Gristede's Delivery Service, Inc., Gristede's Foods NY, Inc., Gristede's NY, LLC, Namdor, Inc..(Brozik, Matthew) (Entered: 01/26/2007) |

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| 01/29/2007 | <u>17</u> | NOTICE OF APPEARANCE by Kevin J. Nash on behalf of Gristede's Operating Corp., Red Apple Group, Inc., Gristede's Foods, Inc., Gristede's Delivery Service, Inc., Gristede's Foods NY, Inc., Gristede's NY, LLC, Namdor, Inc. (Nash, Kevin) (Entered: 01/29/2007) |
| 02/02/2007 | <u>18</u> | PRE-TRIAL SCHEDULING ORDER:Amended Pleadings due by 3/30/2007.,Motions due by 1/4/2008.,Discovery due by 10/31/2007., Final Pretrial Conference set for 3/28/2008 10:00 AM before Judge Laura Taylor Swain. (Signed by Judge Laura Taylor Swain on 2/2/07) (js) (Entered: 02/05/2007) |
| 02/02/2007 | <u>19</u> | ORDER REFERRING CASE TO MAGISTRATE JUDGE. Order that case be referred to the Clerk of Court for assignment to a Magistrate Judge for General Pretrial (includes scheduling, discovery, non-dispositive pretrial motions, and settlement). Referred to Magistrate Judge Henry B. Pitman. (Signed by Judge Laura Taylor Swain on 2/2/07) (js) (Entered: 02/05/2007) |
| 02/02/2007 | | Minute Entry for proceedings held before Judge Laura Taylor Swain : Interim Pretrial Conference held on 2/2/2007. Parties referred to MJ for GPT - ptc adj to 3/28/08 at 10:00 a.m. (ae) (Entered: 02/06/2007) |
| 03/26/2007 | <u>20</u> | FILING ERROR - WRONG PDF FILE ASSOCIATED WITH DOCKET ENTRY - MOTION for Leave to File Amended Complaint. Document filed by Vanessa Hill, Margaret Anderson.Motions referred to Henry B. Pitman. (Attachments: # <u>1</u> Exhibit Proposed Amended Complaint)(Greene, Cara) Modified on 3/27/2007 (KA). (Entered: 03/26/2007) |
| 03/27/2007 | | ***NOTE TO ATTORNEY TO RE-FILE DOCUMENT - PDF ERROR. Note to Attorney Cara Elizabeth Greene to RE-FILE Document <u>20</u> MOTION for Leave to File Amended Complaint. (KA) (Entered: 03/27/2007) |
| 03/27/2007 | <u>21</u> | MOTION for Leave to File Amended Complaint. Document filed by Vanessa Hill, Margaret Anderson.Motions referred to Henry B. Pitman.(Greene, Cara) (Entered: 03/27/2007) |
| 03/27/2007 | <u>22</u> | MEMORANDUM OF LAW in Support re: <u>21</u> MOTION for Leave to File Amended Complaint.. Document filed by Vanessa Hill, Margaret Anderson. (Attachments: # <u>1</u> Exhibit Ex. A Proposed Amended Complaint)(Greene, Cara) (Entered: 03/27/2007) |
| 04/06/2007 | <u>23</u> | ORDER counsel are directed to confer promptly and in good faith in an effort to resolve their differences concerning plaintiffs' document requests 6 and 11. Unless I receive notification from counsel that their differences concerning these items has been resolved, a conference to resolve the parties disputes will be held on April 19,2007 at 2:00 p.m. in Courtroom 18A, United States Courthouse, 500 Pearl Street, New York, New York 10007. Defendants are directed to produce a witness or witnesses prepared to testify concerning the topics identified in plaintiffs' notice of deposition pursuant to Fed.R.Civ.P. 30 (b)(6) on a mutually convenient date, said to be no later than april 26, 2007. SO ORDERED. (Signed by Judge Henry B. Pitman on 4/5/2007) (jmi) (Entered: 04/09/2007) |
| 04/10/2007 | <u>24</u> | ENDORSED LETTER addressed to Judge Laura T. Swain from Sarit Shmulevitz dated 4/9/2007 re: to we respectfully request an extension by which to file and serve our objection until Friday, April 13, 2007.Objections to RRdue by 4/13/2007. ENDORSEMENT: The request is granted. SO ORDERED. (Signed by Judge Laura Taylor Swain on 4/9/2007) (jmi) (Entered: 04/11/2007) |
| 04/11/2007 | <u>25</u> | AFFIDAVIT OF SERVICE of Endorsed Memo served on Vanessa Hill, Margaret Anderson on 4/10/07. Service was accepted by Piper Hoffman, Esq.. Document filed by Gristede's Operating Corp., Red Apple Group, Inc., Gristede's Foods, Inc., Gristede's Delivery Service, Inc., Gristede's Foods NY, Inc., Gristede's NY, LLC, Namdor, Inc.. (Attachments: # <u>1</u> Endorsed Memo)(Donovan, Joseph) (Entered: 04/11/2007) |
| 04/18/2007 | <u>26</u> | ENDORSED LETTER addressed to Judge Laura Taylor Swain from Sarit Shmulevitz dated 4/13/07 re: We request an extension by which to file our reply until April 27, 2007. ENDORSEMENT: Application Granted. (Signed by Judge Henry B. Pitman on 4/17/07) (js) (Entered: 04/19/2007) |

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| 04/18/2007 | | Set Deadlines/Hearings: Replies due by 4/27/2007. (js) (Entered: 04/19/2007) |
| 04/30/2007 | <u>27</u> | ENDORSED LETTER addressed to Mag. Judge Henry Pitman from Sarit Shmulevitz dated 4/26/07 re: dfts requests that the Court permit them to submit their reply papers to Plaintiffs motion for leave to Amended Complaint by 5/1/07 rather than 4/27/07. So Ordered. Application Granted. (Signed by Judge Henry B. Pitman on 4/30/07) (pl) (Entered: 05/01/2007) |
| 05/01/2007 | <u>28</u> | DECLARATION of Kevin J. Nash in Opposition re: <u>21</u> MOTION for Leave to File Amended Complaint.. Document filed by Gristede's Operating Corp., Red Apple Group, Inc., Gristede's Foods, Inc., Gristede's Delivery Service, Inc., Gristede's Foods NY, Inc., Gristede's NY, LLC, Namdor, Inc.. (Attachments: # <u>1</u> Exhibit "A"# <u>2</u> Exhibit "B"# <u>3</u> Exhibit "C"# <u>4</u> Gristede's Memorandum of Law in Opposition to Motion to Amend the Complaint)(Nash, Kevin) (Entered: 05/01/2007) |
| 05/02/2007 | <u>29</u> | AFFIDAVIT OF SERVICE of Declaration of Kevin J. Nash in Support of Gristede's Opposition to Plaintiffs' Motion to Amend their Complaint and Gristede's Memorandum of Law in Opposition to Motion to Amend the Complaint served on Attorneys for the Plaintiffs, Outten & Golden, LLP on 5/1/2007. Service was made by Mail. Document filed by Gristede's Operating Corp., Red Apple Group, Inc., Gristede's Foods, Inc., Gristede's Delivery Service, Inc., Gristede's Foods NY, Inc., Gristede's NY, LLC, Namdor, Inc.. (Nash, Kevin) (Entered: 05/02/2007) |
| 05/07/2007 | <u>30</u> | REPLY MEMORANDUM OF LAW in Support re: <u>21</u> MOTION for Leave to File Amended Complaint.. Document filed by Vanessa Hill, Margaret Anderson. (Attachments: # <u>1</u> Exhibit Exhibit A)(Hoffman, Piper) (Entered: 05/07/2007) |
| 05/07/2007 | <u>31</u> | AFFIDAVIT OF SERVICE of Affidavit of Service served on Attorney of the Defendants on 050707. Service was made by Mail. Document filed by Vanessa Hill, Margaret Anderson. (Hoffman, Piper) (Entered: 05/07/2007) |
| 05/29/2007 | <u>32</u> | ORDER; no later than 6/19/2007, defendants are to produce the following information in electronic format: (1) name (2) employer i.d. (3) whether a current or former employee (4) start and end date of employment (5) sex and (6) payroll information stored on the ABRA system. Motions due by 11/19/2007. (Signed by Judge Henry B. Pitman on 5/29/07) (kco) (Entered: 05/30/2007) |
| 06/12/2007 | <u>33</u> | FIRST MOTION for Reconsideration re; <u>32</u> Order, Set Deadlines/Hearings,, Document filed by Vanessa Hill, Margaret Anderson. (Attachments: # <u>1</u> Memorandum of Law in Support of Plaintiffs' Motion for Reconsideration and Expansion)(Greene, Cara) (Entered: 06/12/2007) |
| 06/12/2007 | <u>34</u> | CERTIFICATE OF SERVICE of Notice of Motion and Memorandum of Law served on Attorney for Defendants on June 12, 2007. Document filed by Vanessa Hill, Margaret Anderson. (Greene, Cara) (Entered: 06/12/2007) |
| 06/14/2007 | <u>35</u> | NOTICE OF APPEARANCE by Joseph Ted Donovan on behalf of Gristede's Operating Corp., Red Apple Group, Inc., Gristede's Foods, Inc., Gristede's Delivery Service, Inc., Gristede's Foods NY, Inc., Gristede's NY, LLC, Namdor, Inc. (Donovan, Joseph) (Entered: 06/14/2007) |
| 06/18/2007 | <u>36</u> | MEMORANDUM OPINION AND ORDER #94803; that plaintiffs' motion to file an amended complaint is granted in all respects. Plaintiffs are directed to serve and file their amended complaint within ten days of the date of this order. (Signed by Judge Henry B. Pitman on 6/17/07) (dle) Modified on 6/20/2007 (Martin, Leslie). (Entered: 06/19/2007) |
| 06/18/2007 | <u>37</u> | MEMO ENDORSEMENT : the application in the attached letter for an extension of time is denied for the reasons set forth in this endorsement. (Signed by Judge Henry B. Pitman on 6/15/07) (dle) (Entered: 06/19/2007) |
| 06/21/2007 | <u>38</u> | AMENDED COMPLAINT amending <u>1</u> Complaint, against Gristede's Operating Corp., Red Apple Group, Inc., Gristede's Foods, Inc., Gristede's Delivery Service, Inc., Gristede's Foods NY, Inc., Gristede's NY, LLC, Namdor, Inc. Document filed by Susan Duling, Margaret Anderson. Related document: <u>1</u> Complaint, filed by Vanessa Hill, Margaret Anderson.(jco) (Entered: 06/25/2007) |

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| 06/26/2007 | <u>39</u> | DECLARATION of Kevin J. Nash in Opposition re: <u>33</u> FIRST MOTION for Reconsideration re; <u>32</u> Order, Set Deadlines/Hearings,... Document filed by Gristede's Operating Corp., Red Apple Group, Inc., Gristede's Foods, Inc., Gristede's Delivery Service, Inc., Gristede's Foods NY, Inc., Gristede's NY, LLC, Namdor, Inc.. (Nash, Kevin) (Entered: 06/26/2007) |
| 06/29/2007 | <u>40</u> | CERTIFICATE OF SERVICE of Summons and Amended Complaint,. Gristede's Operating Corp. served on 6/21/2007, answer due 7/11/2007; Red Apple Group, Inc. served on 6/21/2007, answer due 7/11/2007; Gristede's Foods, Inc. served on 6/21/2007, answer due 7/11/2007; Gristede's Delivery Service, Inc. served on 6/21/2007, answer due 7/11/2007; Gristede's Foods NY, Inc. served on 6/21/2007, answer due 7/11/2007; Gristede's NY, LLC served on 6/21/2007, answer due 7/11/2007; Namdor, Inc. served on 6/21/2007, answer due 7/11/2007. Service was made by Mail. Document filed by Susan Duling; Margaret Anderson. (Greene, Cara) (Entered: 06/29/2007) |
| 07/03/2007 | <u>41</u> | ANSWER to Amended Complaint. Document filed by Gristede's Operating Corp., Red Apple Group, Inc., Gristede's Foods, Inc., Gristede's Delivery Service, Inc., Gristede's Foods NY, Inc., Gristede's NY, LLC, Namdor, Inc.. Related document: <u>38</u> Amended Complaint, filed by Susan Duling, Margaret Anderson.(Nash, Kevin) (Entered: 07/03/2007) |
| 07/03/2007 | 43 | CERTIFICATE OF SERVICE of Summons and Amended Complaint,. Service was made by Mail. Document filed by Susan Duling, Vanessa Hill, Margaret Anderson. (jp) (Entered: 07/06/2007) |
| 07/05/2007 | <u>42</u> | AMENDED ANSWER to <u>38</u> Amended Complaint,. Document filed by Gristede's Operating Corp., Red Apple Group, Inc., Gristede's Foods, Inc., Gristede's Delivery Service, Inc., Gristede's Foods NY, Inc., Gristede's NY, LLC, Namdor, Inc.. (Nash, Kevin) (Entered: 07/05/2007) |
| 07/09/2007 | <u>44</u> | ORDER; defendant is directed to produce the data from the ABRA system taht it previously produc in PDF form in EXCEL or another or another format that can be read and analyzed by computer by no later than 7/13/2007. Plaintiff's motion for re-argument is granted. No later than 8/6/2007, defendant shall produce the employment histories for defendants' employees for the class period. (Signed by Judge Henry B. Pitman on 7/9/07) (kco) (Entered: 07/11/2007) |
| 08/30/2007 | <u>45</u> | STIPULATION AND ORDER SETTING DEPOSITION AND PRODUCTION DATES EXTENDING DISCOVERY DEADLINES: 1. It is hereby ordered as follows: The deposition of Chris Lang will take place on 8/20/07 at 1:00 p.m. 2. The deposition of Debbie Clusan which will also be the 30(b)(6) deposition regarding electronic data, will take place on Tuesday, August 21st at 10:00 a.m. The deposition of Jim Monos will take place on Friday, August 31st, beginning at 11 a.m. So Ordered. (Signed by Judge Henry B. Pitman on 8/17/07) (js) (Entered: 08/30/2007) |
| 11/21/2007 | <u>46</u> | ENDORSED LETTER addressed to Magistrate Judge Henry B Pitman from Piper Hoffman dated 11/14/07 re: Request for an extension of the deadlne for expert discovery to 12/21/07. ENDORSEMENT: Application granted on consent. (Signed by Judge Henry B. Pitman on 11/20/07) (cd) (Entered: 11/21/2007) |
| 11/21/2007 | | Set Deadlines/Hearings: Expert Discovery due by 12/21/2007. (cd) (Entered: 11/21/2007) |
| 12/17/2007 | <u>47</u> | ORDER no later than December 28, 2007, defendants are to identify to plaintiffs' counsel their three largest stores that opened before 1999. Defendants are to make all personnel files for the stores identified in response to paragraph 1 available for inspection and copying by plaintiffs' counsel no later than January 4, 2008. Defendants are to produce for deposition the managers of the three stores identified in response to paragraph 1 on dates mutually convenient to all counsel, said dates to be no later than January 25, 2008. Plaintiffs shall make all their Rules 26 (a) (2) disclosures concerning class certification issues no later than February 8, 2008. Defendants shall make all their Rule 26 (a) (2) disclosures concerning class certification issues no later than March 7, 2008. Plaintiff motion for class certification shall be served no later than April 11, 2008. If Counsel wish to depose any experts proffered with respect to class certification issues, they are directed to |

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| | | do so between February 9 and April 10, 2008. I shall set a schedule for the remaining matters in this case after it is determined whether the action will be certified as a class. Counsel are directed to advise my chambers promptly of Judge Swain's decision on the motion for class certification. SO ORDERED (Signed by Magistrate Judge Henry B. Pitman on 12/17/2007) Copies Transmitted By Chambers.(jmi) (Entered: 12/18/2007) |
| 02/01/2008 | <u>48</u> | MEMO ENDORSEMENT: Plaintiff's application to compel discovery the addresses and telephone numbers of women who worked for Gristede's between July 8, 2002 and the present is granted. Since Caridad v. Metro N. Commuter R.R., 191 F. 3d 283, 292 (2d Cir. 1999) unmistakably teaches that anecdotal evidence can be relevant to the issue of class certification, the request is reasonably calculated to lead to the discovery of relevant evidence. Although my prior Order appears to have been contrary to Caridad and erroneous. See generally Henslee v. Union Planters Nat. Bank & Trust Co., 335 U.S. 595, 600 (1949) (Frankfurter, J., dissenting) ("Wisdom too often never comes, and so one ought not to reject it merely because it comes late.") Defendants are directed to provide he contact information by February 8, 2008. Defendants are not being ordered to produce Social Security numbers because it appears from Mr. Nash's January 29, 2008 letter, that information has already been provided. (Signed by Magistrate Judge Henry B. Pitman on 2/1/08) Copies Transmitted.(js) (Entered: 02/01/2008) |
| 02/13/2008 | <u>49</u> | ENDORSED LETTER addressed to Magistrate Judge Henry Pitman from Cara E. Greene dated 2/7/08 re: counsel to plaintiffs asks for an extension of the deadlines for discovery and for their motion for class certification, due to delays in discovery. For these reasons, Plaintiffs request an extension until April 8th for the disclosure of their expert discovery; until May 7th for disclosure of Defendant's expert discovery; and until June 11th for the class certification motion. ENDORSEMENT: Application Granted. (Discovery due by 4/8/2008., Motions due by 6/11/2008.) (Signed by Magistrate Judge Henry B. Pitman on 2/8/08) (dj) (Entered: 02/13/2008) |
| 03/17/2008 | <u>50</u> | ORDER: It is hereby ordered that: 1. Defendants shall serve a formal, written response to plaintiff's Second request for Production of Documents, electronically stored Information and things no later than March 24, 2008. 2. Defendants shall complete their production of documents in response to Plaintiffs' Second Request no later than March 31, 2008. I strongly recommend that defendants number their document production so that documents can be referred in a simple, fail-safe method. to the extent responsive documents have been produced to plaintiffs' counsel in other litigations, the documents need not be produced a second time so long as responsive documents produced in other litigations are expressly identified by defendants in clear unambiguous manner. So Ordered. (Signed by Magistrate Judge Henry B. Pitman on 3/14/08) Copies transmitted.(js) . (Entered: 03/17/2008) |
| 04/22/2008 | <u>51</u> | ENDORSED LETTER addressed to Magistrate Judge Henry B. Pitman from Kevin J. Nash dated 4/21/08 re: counsel requests that the time for the Gristede defendants to submit their expert report be extended for 45 days from the current date of May 7, 2008 to June 23, 2008. The parties also request with consent that Plaintiffs' time to serve and file their motion for class certification be extended 45 days as well, from June 11, 2008 to July 28, 2008. ENDORSEMENT: Application Granted. (Motions due by 7/28/2008.) (Signed by Magistrate Judge Henry B. Pitman on 4/22/08) (dj) (Entered: 04/22/2008) |
| 06/18/2008 | <u>52</u> | ENDORSED LETTER addressed to Magistrate Judge Henry B. Pitman from Kevin J. Nash dated June 16, 2008 re: I write to request an additional extension of time from June 23, 2008 through July 31, 2008 for the Gristede's defendants to complete and file a rebuttal expert report. We are compelled to formally make this request to Your Honor because plaintiffs' counsel has refused to consent to our request for an extension. A copy of the parties' recent correspondence relating to the extension is attached hereto. ENDORSEMENT: APPLICATION GRANTED. NO FURTHER EXTENSIONS. (Signed by Magistrate Judge Henry B. Pitman on 6/17/08) (rw) (Entered: 06/18/2008) |
| 06/25/2008 | <u>53</u> | ENDORSED LETTER addressed to Magistrate Judge Henry B. Pitman from Cara E. Greene dated 6/19/08 re: counsel for plaintiffs request an extension of expert discovery until 8/31/08. ENDORSEMENT: Application Granted. (Signed by |

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| | | Magistrate Judge Henry B. Pitman on 6/24/08) (dle) (Entered: 06/25/2008) |
| 08/15/2008 | <u>54</u> | ENDORSED LETTER addressed to Magistrate Judge Henry Pitman from Piper Hoffman dated 8/7/08 re: Counsel requests a 30-day extension of time to complete expert discovery and move for class certification. ENDORSEMENT: Application Granted. (Signed by Magistrate Judge Henry B. Pitman on 8/14/08) (mme) (Entered: 08/15/2008) |
| 09/18/2008 | <u>55</u> | ENDORSED LETTER addressed to Magistrate Judge Henry B. Pitman from Piper Hoffman dated 9/16/2008 re: Counsel writes on behalf of both Defendants and Plaintiffs to request a 45-day extension of time, to 11/17/2008, to complete expert discovery and move for class certification. ENDORSEMENT: Application Granted. SO ORDERED. (Discovery due by 11/17/2008.) (Signed by Magistrate Judge Henry B. Pitman on 9/17/2008) (tve) (Entered: 09/18/2008) |
| 11/06/2008 | <u>56</u> | ENDORSED LETTER addressed to Magistrate Judge Henry Pitman from Kevin J. Nash dated 11/4/2008 re: Counsel for defendants writes with consent of plaintiff's counsel to respectfully request a further extension of the discovery deadline from 11/17/2008 to 12/31/2008. ENDORSEMENT: As required by paragraph 1(E) of my rule of practice, counsel is directed to submit a proposed revised scheduling order. This Order does not grant this application. SO ORDERED. (Signed by Magistrate Judge Henry B. Pitman on 11/5/2008) (tve) Modified on 11/6/2008 (tve). (Entered: 11/06/2008) |
| 11/17/2008 | <u>57</u> | MOTION to Certify Class. Document filed by Susan Duling, Margaret Anderson. Responses due by 12/17/2008 Return Date set for 1/7/2009 at 12:00 PM.(Hoffman, Piper) (Entered: 11/18/2008) |
| 11/18/2008 | <u>58</u> | MEMORANDUM OF LAW in Support re: <u>57</u> MOTION to Certify Class.. Document filed by Susan Duling, Margaret Anderson. (Hoffman, Piper) (Entered: 11/18/2008) |
| 11/18/2008 | <u>59</u> | AFFIDAVIT OF SERVICE of Plaintiffs' Motion for Class Certification served on Kevin J. Nash on 11/17/2008. Service was made by Mail. Document filed by Susan Duling, Margaret Anderson. (Hoffman, Piper) (Entered: 11/18/2008) |
| 11/18/2008 | <u>60</u> | DECLARATION of Adam T. Klein in Support re: <u>57</u> MOTION to Certify Class.. Document filed by Susan Duling, Margaret Anderson. (Attachments: # <u>1</u> Exhibit A- B)(Hoffman, Piper) (Entered: 11/18/2008) |
| 11/18/2008 | <u>61</u> | DECLARATION of Piper Hoffman in Support re: <u>57</u> MOTION to Certify Class.. Document filed by Susan Duling, Margaret Anderson. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3-4, # <u>4</u> Exhibit 5- 6, # <u>5</u> Exhibit 7- Part 1, # <u>6</u> Exhibit 7- Part 2, # <u>7</u> Exhibit 8- 9, # <u>8</u> Exhibit 10, # <u>9</u> Exhibit 11, # <u>10</u> Exhibit 12- 19, # <u>11</u> Exhibit 20- 26, # <u>12</u> Exhibit 27, # <u>13</u> Exhibit 28, # <u>14</u> Exhibit 29, # <u>15</u> Exhibit 30, # <u>16</u> Exhibit 31, # <u>17</u> Exhibit 32, # <u>18</u> Exhibit 33- 35, # <u>19</u> Exhibit 36, # <u>20</u> Exhibit 37- 38, # <u>21</u> Exhibit 39- 40, # <u>22</u> Exhibit 41, # <u>23</u> Exhibit 42, # <u>24</u> Exhibit 43)(Hoffman, Piper) (Entered: 11/18/2008) |
| 11/20/2008 | <u>62</u> | ORDER It is hereby ordered, that the above referenced motion is hereby Terminated for purposes of the Courts docket, without prejudice to reinstatement upon application, upon notice to adverse parties and accompanied by the requisite certification; and it is further ordered that no response to the motion is required unless a reinstatement application is granted, in which case the time to respond to any adverse party shall be calculated from the date of service of the order of reinstatement and in accordance with Local Civil Rule 6.1 of the United States District Court for the Southern District of New York.. (Signed by Judge Laura Taylor Swain on 11/20/08) (mme) (Entered: 11/20/2008) |
| 11/25/2008 | <u>63</u> | MOTION to Certify Class. Document filed by Susan Duling, Margaret Anderson.(Hoffman, Piper) (Entered: 11/25/2008) |
| 11/26/2008 | <u>64</u> | ENDORSEMENT: My individual rules, which are available on the Court's web site, limit faxes to my chambers to ten pages in length. Although I routinely grant attorneys reasonable leeway on the page limit, the annexed submission is excessively long and cannot be considered to fall within an allowance for reasonable leeway. The annexed letter and its exhibits total 113 pages in length and |

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| | | were sent by fax without permission from my chambers. Since the annexed letter violates my rules by more than 1,000%, I have not read the attached letter and shall not consider it. This order is without prejudice to plaintiff's resubmitting the letter in a matter that is consistent with my rules, i.e., either by hand or by mail. (Signed by Magistrate Judge Henry B. Pitman on 11/26/2008) Copies Mailed By Chambers.(jpo) (Entered: 11/26/2008) |
| 12/05/2008 | <u>65</u> | REVISED SCHEDULING ORDER: it is hereby ORDERED, that the prior scheduling Order of this Court dated December 17, 2007, as amended by Endorsed Letters dated February 13, 2008; April 22, 2008; June 18, 2008, June 25, 2008, August 15, 2008 and September 18, 2008 is hereby further amended, and the deadline for the completion of expert discovery and the filing of a motion for class certification is hereby extended from November 17, 2008 to December 31, 2008. Plaintiffs' application to Defendants subpoena to plaintiffs experts is denied. So Ordered (Signed by Magistrate Judge Henry B. Pitman on 12/5/08) (js) (Entered: 12/05/2008) |
| 12/19/2008 | <u>66</u> | ENDORSED LETTER addressed to Judge Laura T. Swain from Cara E. Greene dated 12/18/2008 re: Requesting that the motion for class certification be withdrawn. ENDORSEMENT: The Clerk is requested to terminate docket event #63. (Signed by Judge Laura Taylor Swain on 12/18/2008) (jpo) (Entered: 12/19/2008) |
| 12/19/2008 | <u>67</u> | ENDORSED LETTER addressed to Magistrate Judge Henry Pitman from Piper Hoffman dated 11/25/08 re: Counsel requests that the Court deny Defendants request for an additional extension of discovery since it will only serve to prejudice Plaintiffs. Counsel also requests that the Court quash the subpoenas of William Bielby and David Crawford since discovery has closed and Plaintiffs have already filed their motion for class certification. ENDORSEMENT: Magistrate Judge Pitman's individual rules, which are available on the Court's web site, limit faxes to his chambers to ten pages in length. Although he routinely grants attorneys reasonable leeway on the page limit, the annexed submission is excessively long and cannot be considered to fall within an allowance for reasonable leeway. The annexed letter and its exhibits total 113 pages in length and were sent by fax without permission from this chambers. Since the annexed letter violates my rules by more than 1,000%, Magistrate Judge Pitman has not read the attached letter and shall not consider it. This order is without prejudice to plaintiff's resubmitting the letter in a matter that is consistent with his rules, i.e., either by hand or by mail. (Signed by Magistrate Judge Henry B. Pitman on 11/25/08) Copies Mailed By Chambers.(mme) (Entered: 12/19/2008) |
| 01/13/2009 | <u>68</u> | REVISED SCHEDULING ORDER FOR CERTAIN DEPOSITIONS AND PLAINTIFFS' CLASS CERTIFICATION MOTION: Class certification motion due 1/30/2009. Expert depositions 1/30/2009. Depositions of declarants named herein 1/30/2009. Other motions, including but not limited to motions in limine relating to evidentiary issues, must be filed by 5/27/2009. Preliminary conference – no later than 5/15/2009. Joint pre–trial statement – no later than 6/12/2009. Parties to file Joint requests to charge 6/19/2009. Proposed findings and fact and conclusions of law – 5 business days before Final Pre – Trial Conference 6/19/2009. Final Pre–Trial Conference – parties are directed to appear before The Honorable Laura Taylor Swain in Courtroom No. 17C, 500 Pearl St, NY, NY 10007 7/3/2009. (Signed by Magistrate Judge Henry B. Pitman on 1/13/2009) (tve) (Entered: 01/13/2009) |
| 01/30/2009 | <u>69</u> | MOTION to Certify Class. Document filed by Susan Duling, Margaret Anderson.(Greene, Cara) (Entered: 01/30/2009) |
| 01/30/2009 | <u>70</u> | MEMORANDUM OF LAW in Support re: <u>69</u> MOTION to Certify Class.. Document filed by Susan Duling, Margaret Anderson. (Greene, Cara) (Entered: 01/30/2009) |
| 01/30/2009 | <u>71</u> | DECLARATION of Adam T. Klein in Support re: <u>69</u> MOTION to Certify Class.. Document filed by Susan Duling, Margaret Anderson. (Attachments: # <u>1</u> Exhibit A and B)(Greene, Cara) (Entered: 01/30/2009) |

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| 01/30/2009 | <u>72</u> | DECLARATION of Cara E. Greene in Support re: <u>69</u> MOTION to Certify Class.. Document filed by Susan Duling, Margaret Anderson. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3-4, # <u>4</u> Exhibit 5-6, # <u>5</u> Exhibit 7 Part 1, # <u>6</u> Exhibit 7 Part 2, # <u>7</u> Exhibit 8-9, # <u>8</u> Exhibit 10, # <u>9</u> Exhibit 11, # <u>10</u> Exhibit 12-19, # <u>11</u> Exhibit 20-26, # <u>12</u> Exhibit 27, # <u>13</u> Exhibit 28, # <u>14</u> Exhibit 29, # <u>15</u> Exhibit 30, # <u>16</u> Exhibit 31, # <u>17</u> Exhibit 32, # <u>18</u> Exhibit 33-35, # <u>19</u> Exhibit 36, # <u>20</u> Exhibit 37-38, # <u>21</u> Exhibit 39-40, # <u>22</u> Exhibit 41, # <u>23</u> Exhibit 42, # <u>24</u> Exhibit 43)(Greene, Cara) (Entered: 01/30/2009) |
| 01/30/2009 | <u>73</u> | AFFIDAVIT OF SERVICE of Plaintiffs' Motion for Class Certification served on Kevin J. Nash on 01/30/09. Document filed by Susan Duling, Margaret Anderson. (Greene, Cara) (Entered: 01/30/2009) |
| 02/12/2009 | <u>74</u> | NOTICE OF APPEARANCE by Lewis M. Steel on behalf of Susan Duling, Margaret Anderson (Steel, Lewis) (Entered: 02/12/2009) |
| 02/13/2009 | <u>75</u> | REVISED SCHEDULING ORDER: Defendants Opposition to Class Certification: March 9, 2009; Plaintiffs Reply for Class Certification: March 30, 2009. (Signed by Magistrate Judge Henry B. Pitman on 2/13/09) (mme) (Entered: 02/13/2009) |
| 03/09/2009 | <u>76</u> | NOTICE OF APPEARANCE by Michael Jonathan Puma on behalf of Gristede's Operating Corp., Red Apple Group, Inc., Gristede's Foods, Inc., Gristede's Delivery Service, Inc., Gristede's Foods NY, Inc., Gristede's NY, LLC, Namdor, Inc. (Puma, Michael) (Entered: 03/09/2009) |
| 03/09/2009 | <u>77</u> | MOTION to Strike Document No. [72 (Exh. 29)] (<i>Proposed Expert Report of David L. Crawford</i>). Document filed by Gristede's Operating Corp., Red Apple Group, Inc., Gristede's Foods, Inc., Gristede's Delivery Service, Inc., Gristede's Foods NY, Inc., Gristede's NY, LLC, Namdor, Inc.. (Attachments: # <u>1</u> Text of Proposed Order)(Puma, Michael) (Entered: 03/09/2009) |
| 03/09/2009 | <u>78</u> | MEMORANDUM OF LAW in Support re: <u>77</u> MOTION to Strike Document No. [72 (Exh. 29)] (<i>Proposed Expert Report of David L. Crawford</i>). MOTION to Strike Document No. [72 (Exh. 29)] (<i>Proposed Expert Report of David L. Crawford</i>).. Document filed by Gristede's Operating Corp., Red Apple Group, Inc., Gristede's Foods, Inc., Gristede's Delivery Service, Inc., Gristede's Foods NY, Inc., Gristede's NY, LLC, Namdor, Inc.. (Puma, Michael) (Entered: 03/09/2009) |
| 03/09/2009 | <u>79</u> | DECLARATION of Michael J. Puma in Support re: <u>77</u> MOTION to Strike Document No. [72 (Exh. 29)] (<i>Proposed Expert Report of David L. Crawford</i>). MOTION to Strike Document No. [72 (Exh. 29)] (<i>Proposed Expert Report of David L. Crawford</i>).. Document filed by Gristede's Operating Corp., Red Apple Group, Inc., Gristede's Foods, Inc., Gristede's Delivery Service, Inc., Gristede's Foods NY, Inc., Gristede's NY, LLC, Namdor, Inc.. (Attachments: # <u>1</u> Exhibit A (6/11/07 Lupinetti to Crawford E-mail), # <u>2</u> Exhibit B [1 of 2] (Relevant portions of deposition of Dr. Crawford), # <u>3</u> Exhibit B [2 of 2] (Relevant portions of deposition of Dr. Crawford), # <u>4</u> Exhibit C (2/25/08 Lupinetti to Crawford E-mail), # <u>5</u> Exhibit D (11/10/07 Lupinetti to Crawford E-mail), # <u>6</u> Exhibit E (Relevant portions of the deposition of Dr. Bielby), # <u>7</u> Exhibit F (Relevant portions of the deposition of Plaintiff Duling), # <u>8</u> Exhibit G (Relevant portions of the deposition of James Monos), # <u>9</u> Exhibit H (Relevant portions of the deposition of Angelo Mendoza), # <u>10</u> Exhibit I (Relevant portions of the deposition of Mitchell Moore), # <u>11</u> Exhibit J (Relevant Portions of Dr. Bielby's 5/02 Report in Goshu v. U.S. Bancorp), # <u>12</u> Exhibit K (Relevant portions of Dr. Bielby's 5/2/95 report in Butler v. Home Depot))(Puma, Michael) (Entered: 03/09/2009) |
| 03/09/2009 | <u>80</u> | DECLARATION of Emily Pankow in Support re: <u>77</u> MOTION to Strike Document No. [72 (Exh. 29)] (<i>Proposed Expert Report of David L. Crawford</i>). MOTION to Strike Document No. [72 (Exh. 29)] (<i>Proposed Expert Report of David L. Crawford</i>).. Document filed by Gristede's Operating Corp., Red Apple Group, Inc., Gristede's Foods, Inc., Gristede's Delivery Service, Inc., Gristede's Foods NY, Inc., Gristede's NY, LLC, Namdor, Inc.. (Attachments: # <u>1</u> Exhibit 1 (Chart of Gristede's Applicants))(Puma, Michael) (Entered: 03/09/2009) |
| 03/09/2009 | <u>81</u> | CERTIFICATE OF SERVICE of Motion to Strike Expert Report of Dr. Crawford, and supporting pleadings served on Plaintiffs on 3/9/09. Service was made by Mail. Document filed by Gristede's Operating Corp., Red Apple Group, Inc., Gristede's |

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| | | Foods, Inc., Gristede's Delivery Service, Inc., Gristede's Foods NY, Inc., Gristede's NY, LLC, Namdor, Inc.. (Puma, Michael) (Entered: 03/09/2009) |
| 03/09/2009 | <u>82</u> | MOTION to Strike Document No. [72 (Exh. 28)] (<i>Expert Report of William T. Bielby</i>). Document filed by Gristede's Operating Corp., Red Apple Group, Inc., Gristede's Foods, Inc., Gristede's Delivery Service, Inc., Gristede's Foods NY, Inc., Gristede's NY, LLC, Namdor, Inc.. (Attachments: # <u>1</u> Text of Proposed Order)(Puma, Michael) (Entered: 03/09/2009) |
| 03/09/2009 | <u>83</u> | MEMORANDUM OF LAW in Support re: <u>82</u> MOTION to Strike Document No. [72 (Exh. 28)] (<i>Expert Report of William T. Bielby</i>). MOTION to Strike Document No. [72 (Exh. 28)] (<i>Expert Report of William T. Bielby</i>).. Document filed by Gristede's Operating Corp., Red Apple Group, Inc., Gristede's Foods, Inc., Gristede's Delivery Service, Inc., Gristede's Foods NY, Inc., Gristede's NY, LLC, Namdor, Inc.. (Puma, Michael) (Entered: 03/09/2009) |
| 03/09/2009 | <u>84</u> | DECLARATION of Michael J. Puma in Support re: <u>82</u> MOTION to Strike Document No. [72 (Exh. 28)] (<i>Expert Report of William T. Bielby</i>). MOTION to Strike Document No. [72 (Exh. 28)] (<i>Expert Report of William T. Bielby</i>).. Document filed by Gristede's Operating Corp., Red Apple Group, Inc., Gristede's Foods, Inc., Gristede's Delivery Service, Inc., Gristede's Foods NY, Inc., Gristede's NY, LLC, Namdor, Inc.. (Attachments: # <u>1</u> Exhibit A [1 of 2] (Relevant portions of the deposition of William T. Bielby), # <u>2</u> Exhibit A [2 of 2] (Relevant portions of the deposition of Willaim T. Bielby), # <u>3</u> Exhibit B (Relevant portions of article by Dr. Bielby), # <u>4</u> Exhibit C (3/6/05 Report of Dr. Bielby in Nelson v. Wal-Mart), # <u>5</u> Exhibit D (Relevant portions of deposition of Deborah Clusan), # <u>6</u> Exhibit E (CBA between Gristede's and Local 338), # <u>7</u> Exhibit F (CBA between Gristede's and Local 1500), # <u>8</u> Exhibit G (Relevant portions of the deposition of Angelo Mendoza), # <u>9</u> Exhibit H (Relevant portions of the deposition of James Monos), # <u>10</u> Exhibit I (Relevant portions of the deposition of Charles Criscuolo))(Puma, Michael) (Entered: 03/09/2009) |
| 03/09/2009 | <u>85</u> | DECLARATION of Emily Pankow in Support re: <u>82</u> MOTION to Strike Document No. [72 (Exh. 28)] (<i>Expert Report of William T. Bielby</i>). MOTION to Strike Document No. [72 (Exh. 28)] (<i>Expert Report of William T. Bielby</i>).. Document filed by Gristede's Operating Corp., Red Apple Group, Inc., Gristede's Foods, Inc., Gristede's Delivery Service, Inc., Gristede's Foods NY, Inc., Gristede's NY, LLC, Namdor, Inc.. (Attachments: # <u>1</u> Exhibit 1 (Chart of Gristede's Applicants))(Puma, Michael) (Entered: 03/09/2009) |
| 03/09/2009 | <u>86</u> | CERTIFICATE OF SERVICE of Motion to Strike Expert Report of William T. Bielby, together with all supporting pleadings served on Plaintiffs on 3/9/09. Service was made by Mail. Document filed by Gristede's Operating Corp., Red Apple Group, Inc., Gristede's Foods, Inc., Gristede's Delivery Service, Inc., Gristede's Foods NY, Inc., Gristede's NY, LLC, Namdor, Inc.. (Puma, Michael) (Entered: 03/09/2009) |
| 03/09/2009 | <u>87</u> | MEMORANDUM OF LAW in Opposition re: <u>69</u> MOTION to Certify Class.. Document filed by Gristede's Operating Corp., Red Apple Group, Inc., Gristede's Foods, Inc., Gristede's Delivery Service, Inc., Gristede's Foods NY, Inc., Gristede's NY, LLC, Namdor, Inc.. (Puma, Michael) (Entered: 03/09/2009) |
| 03/09/2009 | <u>88</u> | DECLARATION of Michael J. Puma in Opposition re: <u>69</u> MOTION to Certify Class.. Document filed by Gristede's Operating Corp., Red Apple Group, Inc., Gristede's Foods, Inc., Gristede's Delivery Service, Inc., Gristede's Foods NY, Inc., Gristede's NY, LLC, Namdor, Inc.. (Attachments: # <u>1</u> Exhibit A (Chart of Representative Portions of Declarants' Deposition Testimony), # <u>2</u> Exhibit B (Plaintiff Duling's Employment Application), # <u>3</u> Exhibit C (Plaintiff Anderson's Employment Application), # <u>4</u> Exhibit D (Plaintiff Anderson's EEOC Charge), # <u>5</u> Exhibit E (Plaintiff Duling's EEOC Charge), # <u>6</u> Exhibit F (Expert report of Dr. Bielby in Publix class action), # <u>7</u> Exhibit G (Relevant portions of Plaintiff Duling's deposition), # <u>8</u> Exhibit H (Relevant portions of Plaintiff Anderson's deposition), # <u>9</u> Exhibit I (Relevant portions of deposition of Deborah Clusan), # <u>10</u> Exhibit J (Relevant portions of deposition of Charles Criscuolo), # <u>11</u> Exhibit K (Relevant portions of deposition of Michael McCormick), # <u>12</u> Exhibit L (Relevant portions of deposition of James Monos), # <u>13</u> Exhibit M (Relevant portions of |

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| | | deposition of Mitchell Moore), # <u>14</u> Exhibit N (Relevant portions of deposition of Angelo Mendoza), # <u>15</u> Exhibit O (Relevant portions of deposition of Faustino Ferdinand), # <u>16</u> Exhibit P (Plaintiff Anderson's Interview Responses), # <u>17</u> Exhibit Q (Plaintiff Anderson's Disciplinary and Termination Notices), # <u>18</u> Exhibit R (Plaintiff Duling's Disciplinary Notices), # <u>19</u> Exhibit S (Deposition of Declarant Yesenia Santiago), # <u>20</u> Exhibit T (Deposition of Declarant Opalita Echevarria), # <u>21</u> Exhibit U (Deposition of Declarant Ebony Singleton), # <u>22</u> Exhibit V (Deposition of Declarant Lakeya Sewer))(Puma, Michael) (Entered: 03/09/2009) |
| 03/09/2009 | <u>89</u> | DECLARATION of Emily Pankow in Opposition re: <u>69</u> MOTION to Certify Class.. Document filed by Gristede's Operating Corp., Red Apple Group, Inc., Gristede's Foods, Inc., Gristede's Delivery Service, Inc., Gristede's Foods NY, Inc., Gristede's NY, LLC, Namdor, Inc.. (Attachments: # <u>1</u> Exhibit 1 (Chart of Gristede's Applicants))(Puma, Michael) (Entered: 03/09/2009) |
| 03/09/2009 | <u>90</u> | CERTIFICATE OF SERVICE of Opposition to Motion for Class Certification, together with supporting declarations and exhibits thereto served on Plaintiffs on 3/9/09. Service was made by Mail. Document filed by Gristede's Operating Corp., Red Apple Group, Inc., Gristede's Foods, Inc., Gristede's Delivery Service, Inc., Gristede's Foods NY, Inc., Gristede's NY, LLC, Namdor, Inc.. (Puma, Michael) (Entered: 03/09/2009) |
| 03/17/2009 | <u>91</u> | MOTION to Amend/Correct <i>the First Amended Complaint</i> . Document filed by Susan Duling, Margaret Anderson.(Greene, Cara) (Entered: 03/17/2009) |
| 03/17/2009 | <u>92</u> | MEMORANDUM OF LAW in Support re: <u>91</u> MOTION to Amend/Correct <i>the First Amended Complaint</i> .. Document filed by Susan Duling, Margaret Anderson. (Attachments: # <u>1</u> Second Amended Complaint)(Greene, Cara) (Entered: 03/17/2009) |
| 03/20/2009 | <u>93</u> | REVISED SCHEDULING ORDER: Plaintiffs' Motion to Amended the Complaint, March 17, 2009. Defendants' Opposition to Motion to Amended the Complaint March 31, 2009. Plaintiffs' Reply to Motion to Amend the Complaint April 7, 2009. Plaintiffs' Opposition to Motions to Exclude Expert Witnesses 4/16/2009. Plaintiffs' Reply on Class Certification 3/30/2009. Defendants' Sur-Reply on Class Certification, NONE TO BE FILED UNLESS ORDERED BY THE COURT. Defendants' Reply on Motion to Exclude Expert Witnesses 5/7/09. After the Court's decision on class certification, all non-expert witness discovery within 90 days after the Court's ruling on class certification. After close of witness discovery, court conference to discuss further proceedings TBD. Counsel should not have schedule trips that conflicted with the schedule set in the 2/13/09 order. To the extent there is burden resulting from the motion to amend, that is a burden of plaintiffs' own making. (Signed by Magistrate Judge Henry B. Pitman on 3/19/2009) (rw) (Entered: 03/23/2009) |
| 03/30/2009 | <u>94</u> | REPLY MEMORANDUM OF LAW in Support re: <u>69</u> MOTION to Certify Class.. Document filed by Susan Duling, Margaret Anderson. (Greene, Cara) (Entered: 03/30/2009) |
| 03/30/2009 | <u>95</u> | DECLARATION of Cara E. Greene in Support re: <u>69</u> MOTION to Certify Class.. Document filed by Susan Duling, Margaret Anderson. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Errata 5, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7, # <u>8</u> Exhibit 8, # <u>9</u> Exhibit 9, # <u>10</u> Exhibit 10, # <u>11</u> Exhibit 11, # <u>12</u> Exhibit 12, # <u>13</u> Exhibit 13, # <u>14</u> Exhibit 14, # <u>15</u> Exhibit 15)(Greene, Cara) (Entered: 03/30/2009) |
| 03/31/2009 | <u>96</u> | MEMORANDUM OF LAW in Opposition re: <u>91</u> MOTION to Amend/Correct <i>the First Amended Complaint</i> .. Document filed by Gristede's Operating Corp., Red Apple Group, Inc., Gristede's Foods, Inc., Gristede's Delivery Service, Inc., Gristede's Foods NY, Inc., Gristede's NY, LLC, Namdor, Inc.. (Puma, Michael) (Entered: 03/31/2009) |
| 03/31/2009 | <u>97</u> | CERTIFICATE OF SERVICE of Memorandum of Law in Opposition to Motion for Leave to Amend the Amended Complaint served on Plaintiffs on March 31, 2009. Service was made by Mail. Document filed by Gristede's Operating Corp., Red Apple Group, Inc., Gristede's Foods, Inc., Gristede's Delivery Service, Inc., Gristede's Foods NY, Inc., Gristede's NY, LLC, Namdor, Inc.. (Puma, Michael) |

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| 04/07/2009 | <u>98</u> | REPLY MEMORANDUM OF LAW in Support re: <u>91</u> MOTION to Amend/Correct <i>the First Amended Complaint</i> .. Document filed by Susan Duling, Margaret Anderson. (Greene, Cara) (Entered: 04/07/2009) |
| 04/07/2009 | <u>99</u> | DECLARATION of Cara E. Greene in Support re: <u>91</u> MOTION to Amend/Correct <i>the First Amended Complaint</i> .. Document filed by Susan Duling, Margaret Anderson. (Attachments: # <u>1</u> Exhibit 2, # <u>2</u> Exhibit 1, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5)(Greene, Cara) (Entered: 04/07/2009) |
| 04/16/2009 | <u>100</u> | NOTICE OF APPEARANCE by Rachel Megan Bien on behalf of Susan Duling, Margaret Anderson (Bien, Rachel) (Entered: 04/16/2009) |
| 04/16/2009 | <u>101</u> | MEMORANDUM OF LAW in Opposition re: <u>77</u> MOTION to Strike Document No. [72 (Exh. 29)] (<i>Proposed Expert Report of David L. Crawford</i>). MOTION to Strike Document No. [72 (Exh. 29)] (<i>Proposed Expert Report of David L. Crawford</i>).. Document filed by Susan Duling, Margaret Anderson. (Bien, Rachel) (Entered: 04/16/2009) |
| 04/16/2009 | <u>102</u> | MEMORANDUM OF LAW in Opposition re: <u>82</u> MOTION to Strike Document No. [72 (Exh. 28)] (<i>Expert Report of William T. Bielby</i>). MOTION to Strike Document No. [72 (Exh. 28)] (<i>Expert Report of William T. Bielby</i>).. Document filed by Susan Duling, Margaret Anderson. (Bien, Rachel) (Entered: 04/16/2009) |
| 04/16/2009 | <u>103</u> | DECLARATION of Rachel M. Bien in Opposition re: <u>77</u> MOTION to Strike Document No. [72 (Exh. 29)] (<i>Proposed Expert Report of David L. Crawford</i>). MOTION to Strike Document No. [72 (Exh. 29)] (<i>Proposed Expert Report of David L. Crawford</i>).., <u>82</u> MOTION to Strike Document No. [72 (Exh. 28)] (<i>Expert Report of William T. Bielby</i>). MOTION to Strike Document No. [72 (Exh. 28)] (<i>Expert Report of William T. Bielby</i>).. Document filed by Susan Duling, Margaret Anderson. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4)(Bien, Rachel) (Entered: 04/16/2009) |
| 05/07/2009 | <u>104</u> | REPLY MEMORANDUM OF LAW in Support re: <u>82</u> MOTION to Strike Document No. [72 (Exh. 28)] (<i>Expert Report of William T. Bielby</i>). MOTION to Strike Document No. [72 (Exh. 28)] (<i>Expert Report of William T. Bielby</i>).. Document filed by Gristede's Operating Corp., Red Apple Group, Inc., Gristede's Foods, Inc., Gristede's Delivery Service, Inc., Gristede's Foods NY, Inc., Gristede's NY, LLC, Namdor, Inc.. (Puma, Michael) (Entered: 05/07/2009) |
| 05/07/2009 | <u>105</u> | DECLARATION of Michael J. Puma in Support re: <u>82</u> MOTION to Strike Document No. [72 (Exh. 28)] (<i>Expert Report of William T. Bielby</i>). MOTION to Strike Document No. [72 (Exh. 28)] (<i>Expert Report of William T. Bielby</i>).. Document filed by Gristede's Operating Corp., Red Apple Group, Inc., Gristede's Foods, Inc., Gristede's Delivery Service, Inc., Gristede's Foods NY, Inc., Gristede's NY, LLC, Namdor, Inc.. (Attachments: # <u>1</u> Exhibit J (Portions of Dr. Bielby's Deposition Cited In Reply Brief), # <u>2</u> Exhibit K (Article Regarding Statisticians' Use Of Samples))(Puma, Michael) (Entered: 05/07/2009) |
| 05/07/2009 | <u>106</u> | CERTIFICATE OF SERVICE of Reply Brief and supporting Declaration (and Exhibits thereto) served on Plaintiffs on May 7, 2009. Service was made by Mail. Document filed by Gristede's Operating Corp., Red Apple Group, Inc., Gristede's Foods, Inc., Gristede's Delivery Service, Inc., Gristede's Foods NY, Inc., Gristede's NY, LLC, Namdor, Inc.. (Puma, Michael) (Entered: 05/07/2009) |
| 05/07/2009 | <u>107</u> | REPLY MEMORANDUM OF LAW in Support re: <u>77</u> MOTION to Strike Document No. [72 (Exh. 29)] (<i>Proposed Expert Report of David L. Crawford</i>). MOTION to Strike Document No. [72 (Exh. 29)] (<i>Proposed Expert Report of David L. Crawford</i>).. Document filed by Gristede's Operating Corp., Red Apple Group, Inc., Gristede's Foods, Inc., Gristede's Delivery Service, Inc., Gristede's Foods NY, Inc., Gristede's NY, LLC, Namdor, Inc.. (Puma, Michael) (Entered: 05/07/2009) |
| 05/07/2009 | <u>108</u> | DECLARATION of Michael J. Puma in Support re: <u>77</u> MOTION to Strike Document No. [72 (Exh. 29)] (<i>Proposed Expert Report of David L. Crawford</i>). MOTION to Strike Document No. [72 (Exh. 29)] (<i>Proposed Expert Report of</i> |

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| | | <i>David L. Crawford</i>).. Document filed by Gristede's Operating Corp., Red Apple Group, Inc., Gristede's Foods, Inc., Gristede's Delivery Service, Inc., Gristede's Foods NY, Inc., Gristede's NY, LLC, Namdor, Inc.. (Attachments: # <u>1</u> Exhibit L (Portions of Dr. Crawford's Deposition Cited In Reply Brief), # <u>2</u> Exhibit M (Portions of Michael McCormick's Deposition Cited In Reply Brief), # <u>3</u> Exhibit N (Article Regarding Statisticians' Use Of Samples), # <u>4</u> Exhibit O (Portion of Dr. Bielby's Deposition Cited In Reply Brief))(Puma, Michael) (Entered: 05/07/2009) |
| 05/07/2009 | <u>109</u> | CERTIFICATE OF SERVICE of Reply Brief and supporting Declaration (and exhibits thereto) served on Plaintiffs on May 7, 2009. Service was made by Mail. Document filed by Gristede's Operating Corp., Red Apple Group, Inc., Gristede's Foods, Inc., Gristede's Delivery Service, Inc., Gristede's Foods NY, Inc., Gristede's NY, LLC, Namdor, Inc.. (Puma, Michael) (Entered: 05/07/2009) |
| 05/08/2009 | <u>110</u> | MOTION for Protective Order. Document filed by Gristede's Operating Corp., Red Apple Group, Inc., Gristede's Foods, Inc., Gristede's Delivery Service, Inc., Gristede's Foods NY, Inc., Gristede's NY, LLC, Namdor, Inc..(Puma, Michael) (Entered: 05/08/2009) |
| 05/08/2009 | <u>111</u> | MEMORANDUM OF LAW in Support re: <u>110</u> MOTION for Protective Order.. Document filed by Gristede's Operating Corp., Red Apple Group, Inc., Gristede's Foods, Inc., Gristede's Delivery Service, Inc., Gristede's Foods NY, Inc., Gristede's NY, LLC, Namdor, Inc.. (Puma, Michael) (Entered: 05/08/2009) |
| 05/08/2009 | <u>112</u> | DECLARATION of Michael J. Puma in Support re: <u>110</u> MOTION for Protective Order.. Document filed by Gristede's Operating Corp., Red Apple Group, Inc., Gristede's Foods, Inc., Gristede's Delivery Service, Inc., Gristede's Foods NY, Inc., Gristede's NY, LLC, Namdor, Inc.. (Puma, Michael) (Entered: 05/08/2009) |
| 05/08/2009 | <u>113</u> | CERTIFICATE OF SERVICE of Motion for Protective Order, supporting Memorandum of Law, supporting Declaration of Michael Puma (and Exhibits A-I thereto) served on Plaintiffs on May 8, 2009. Service was made by Mail. Document filed by Gristede's Operating Corp., Red Apple Group, Inc., Gristede's Foods, Inc., Gristede's Delivery Service, Inc., Gristede's Foods NY, Inc., Gristede's NY, LLC, Namdor, Inc.. (Puma, Michael) (Entered: 05/08/2009) |
| 05/22/2009 | <u>114</u> | MEMORANDUM OF LAW in Opposition re: <u>110</u> MOTION for Protective Order.. Document filed by Susan Duling, Margaret Anderson. (Steel, Lewis) (Entered: 05/22/2009) |
| 05/22/2009 | <u>115</u> | DECLARATION of Lewis M. Steel in Opposition re: <u>110</u> MOTION for Protective Order.. Document filed by Susan Duling, Margaret Anderson. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7, # <u>8</u> Exhibit 8, # <u>9</u> Exhibit 9)(Steel, Lewis) (Entered: 05/22/2009) |
| 05/22/2009 | <u>116</u> | CERTIFICATE OF SERVICE of Plaintiffs' Memorandum of Law in Opposition to Defendants' Motion for Protective Order and the Declaration of Lewis M. Steel in Opposition to Defendants' Motion for Protective Order served on Kevin J. Nash and Michael J. Puma on May 22, 2009. Service was made by FedEx. Document filed by Susan Duling, Margaret Anderson. (Steel, Lewis) (Entered: 05/22/2009) |
| 06/01/2009 | <u>117</u> | REPLY MEMORANDUM OF LAW in Support re: <u>110</u> MOTION for Protective Order.. Document filed by Gristede's Operating Corp., Red Apple Group, Inc., Gristede's Foods, Inc., Gristede's Delivery Service, Inc., Gristede's Foods NY, Inc., Gristede's NY, LLC, Namdor, Inc.. (Attachments: # <u>1</u> Certificate of Service)(Puma, Michael) (Entered: 06/01/2009) |
| 06/01/2009 | <u>118</u> | DECLARATION of Michael J. Puma in Support re: <u>110</u> MOTION for Protective Order.. Document filed by Gristede's Operating Corp., Red Apple Group, Inc., Gristede's Foods, Inc., Gristede's Delivery Service, Inc., Gristede's Foods NY, Inc., Gristede's NY, LLC, Namdor, Inc.. (Puma, Michael) (Entered: 06/01/2009) |
| 01/08/2010 | <u>119</u> | OPINION AND ORDER. #98439 Accordingly, for all the foregoing reasons, plaintiffs' motion for leave to file an amended complaint (Doc. No. 91 filed 3/17/09) is granted, and as further set forth. (Signed by Magistrate Judge Henry B. Pitman on 1/8/10) (rjm) Modified on 1/11/2010 (ajc). (Entered: 01/08/2010) |

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| 01/19/2010 | <u>120</u> | SECOND AMENDED COMPLAINT amending <u>38</u> Amended Complaint, against Gristede's Operating Corp., Red Apple Group, Inc., Gristede's Foods, Inc., Gristede's Delivery Service, Inc., Gristede's Foods NY, Inc., Gristede's NY, LLC, Namdor, Inc., John Catsimatidis. Document filed by Susan Duling, Lakeya Sewer, Margaret Anderson. Related document: <u>38</u> Amended Complaint, filed by Susan Duling, Margaret Anderson. (Attachments: # <u>1</u> affidavit of service)(ama) (Entered: 01/21/2010) |
| 02/18/2010 | <u>121</u> | NOTICE of Notice Of Supplemental Authority re: <u>83</u> Memorandum of Law in Support of Motion, <u>82</u> MOTION to Strike Document No. [72 (Exh. 28)] (<i>Expert Report of William T. Bielby</i>). MOTION to Strike Document No. [72 (Exh. 28)] (<i>Expert Report of William T. Bielby</i>). Document filed by Gristede's Operating Corp., Red Apple Group, Inc., Gristede's Foods, Inc., Gristede's Delivery Service, Inc., Gristede's Foods NY, Inc., Gristede's NY, LLC, Namdor, Inc.. (Pankow, Emily) (Entered: 02/18/2010) |
| 02/18/2010 | <u>122</u> | CERTIFICATE OF SERVICE of Notice of Supplemental Authority served on Plaintiff on 2/18/2010. Service was made by MAIL. Document filed by Gristede's Operating Corp., Gristede's Foods, Inc., Gristede's Delivery Service, Inc., Gristede's Foods NY, Inc., Gristede's NY, LLC. (Pankow, Emily) (Entered: 02/18/2010) |
| 02/26/2010 | <u>123</u> | ANSWER to Amended Complaint. Document filed by Gristede's Operating Corp., Red Apple Group, Inc., Gristede's Foods, Inc., Gristede's Delivery Service, Inc., Gristede's Foods NY, Inc., Gristede's NY, LLC, Namdor, Inc., John Catsimatidis. Related document: <u>120</u> Amended Complaint, filed by Lakeya Sewer, Susan Duling, Margaret Anderson.(Pankow, Emily) (Entered: 02/26/2010) |
| 02/26/2010 | <u>124</u> | CERTIFICATE OF SERVICE of Answer served on PLAINTIFFS on 2/26/10. Service was made by UPS MAIL. Document filed by Gristede's Operating Corp., Red Apple Group, Inc., Gristede's Foods, Inc., Gristede's Delivery Service, Inc., Gristede's Foods NY, Inc., Gristede's NY, LLC, Namdor, Inc., John Catsimatidis. (Pankow, Emily) (Entered: 02/26/2010) |
| 03/04/2010 | <u>125</u> | ORDER, In the light of the amendment of the Complaint to add Plaintiff Sewer and Defendant Catsimatidis, the Clerk of Court is respectfully directed to change the caption in this action to read as set forth above. (Signed by Judge Laura Taylor Swain on 3/4/10) (cd) (Entered: 03/04/2010) |
| 03/05/2010 | 126 | LETTER addressed to Judge Laura Taylor Swain from Cara E. Greene dated 2/25/2010 re: Counsel for Plaintiffs write in response to Defendants' Notice of Supplemental Authority, filed on 2/18/2010, attaching the decision in EEOC v. WalMart Stores, Inc. 6:01-cv-339-KKC, 2010 U.S. Dist. LEXIS 13192 (E.D. Ky. Feb. 16, 2010). That decision, relating to sexual discrimination matter, excluded one of Plaintiffs' experts in this case, Dr. William Bielby, on the ground that his opinion did not reach the ultimate fact issue of whether WalMart intended to discriminate against women. For the reasons stated in Plaintiffs' Memorandum of Law in Opposition to Defendants' Motion to Strike the Expert Report of William T. Bielby, dated 4/16/2009 (Docket No. 102), and Plaintiffs' Memorandum of Law in Support of Motion for Class Certification, dated 1/30/2009, (Docket No. 70), and Reply Memorandum of Law in Support of Plaintiffs' Motion for Class Certification, dated 3/30/2009, (Docket No. 94), the WalMart decision adds nothing to Gristede's misguided arguments and was wrongly decided for the reasons and precedents set forth in those memoranda. Document filed by Susan Duling, Lakeya Sewer, Margaret Anderson.(tro) (Entered: 03/08/2010) |
| 03/08/2010 | | Motion No Longer Referred: re: <u>77</u> MOTION to Strike Document No. [72 (Exh. 29)] (<i>Proposed Expert Report of David L. Crawford</i>). MOTION to Strike Document No. [72 (Exh. 29)] (<i>Proposed Expert Report of David L. Crawford</i>) filed by Red Apple Group, Inc., Gristede's Operating Corp., Gristede's Foods NY, Inc., Gristede's Delivery Service, Inc., Gristede's Foods, Inc., Gristede's NY, LLC, Namdor, Inc., <u>82</u> MOTION to Strike Document No. [72 (Exh. 28)] (<i>Expert Report of William T. Bielby</i>). MOTION to Strike Document No. [72 (Exh. 28)] (<i>Expert Report of William T. Bielby</i>) filed by Red Apple Group, Inc., Gristede's Operating Corp., Gristede's Foods NY, Inc., Gristede's Delivery Service, Inc., Gristede's Foods, Inc., Gristede's NY, LLC, Namdor, Inc.. (ad) (Entered: 03/08/2010) |

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| 03/08/2010 | <u>127</u> | OPINION AND ORDER, # 98638 that for the foregoing reasons set forth in this Order, the Court denies Defendants' motions to strike the expert reports of William T. Bielby and David L. Crawford, and grants Plaintiffs' motion to certify, pursuant to Fed. R. Civ. P. 23(b)(2), a class consisting of "all current and former female Gristede's employees who worked for Gristede's at any time between November 2, 2004 and the date of final judgment in this matter" with respect to Plaintiffs' claims for injunctive and declaratory relief based on Defendants' alleged systemic pattern or practice intentional discrimination, and the allegedly disparate impact of Defendants' hiring, promotion and compensation policies. Plaintiffs' motion for class certification is denied without prejudice in all other respects. The parties are directed to proceed in accordance with Judge Pitman's Order of March 19,2009. (Docket entry no. 93.) This Opinion and Order resolves docket entry nos. 69, 77, and 82. re: <u>77</u> MOTION to Strike Document No. [72 (Exh. 29)] (<i>Proposed Expert Report of David L. Crawford</i>). MOTION to Strike Document No. [72 (Exh. 29)] (<i>Proposed Expert Report of David L. Crawford</i>). filed by Red Apple Group, Inc., Gristede's Operating Corp., Gristede's Foods NY, Inc., Gristede's Delivery Service, Inc., Gristede's Foods, Inc., Gristede's NY, LLC, Namdor, Inc., <u>69</u> MOTION to Certify Class. filed by Susan Duling, Margaret Anderson, <u>82</u> MOTION to Strike Document No. [72 (Exh. 28)] (<i>Expert Report of William T. Bielby</i>). MOTION to Strike Document No. [72 (Exh. 28)] (<i>Expert Report of William T. Bielby</i>). filed by Red Apple Group, Inc., Gristede's Operating Corp., Gristede's Foods NY, Inc., Gristede's Delivery Service, Inc., Gristede's Foods, Inc., Gristede's NY, LLC, Namdor, Inc.. (Signed by Judge Laura Taylor Swain on 3/8/10) (pl) Modified on 3/9/2010 (ajc). (Entered: 03/08/2010) |
| 03/30/2010 | <u>128</u> | OPINION AND ORDER #98762 that for the reasons set forth herein defendants' motion is granted. The specific provisions of the Protective Order are outlines as further set forth herein. Defendants are directed to produce any personnel files they have not yet produced from the three largest stores going back to 1999 within fifteen days of the date of this Opinion and Order. (Signed by Magistrate Judge Henry B. Pitman on 3/30/10) Copies sent by chambers.(dle) Modified on 3/31/2010 (ajc). (Entered: 03/30/2010) |
| 05/03/2010 | <u>129</u> | STIPULATION AND ORDER STAYING DISCOVERY: It is hereby stipulated and agreed by and between the parties that all proceedings including formal discovery, will be stayed pending mediation of this action, as set forth in this Stipulation and Order. (Signed by Magistrate Judge Henry B. Pitman on 4/28/2010) (jpo) (Entered: 05/03/2010) |
| 02/14/2011 | <u>130</u> | ENDORSED LETTER: addressed to Magistrate Judge Henry B. Pitman from Cara E. Greene dated 2/8/2011 re: Counsel for plaintiffs requests that the Court continue to stay discovery pursuant to the Court's May 3, 2010 Order while the parties seek a resolution of this matter. ENDORSEMENT: Application Granted. So Ordered. (Signed by Magistrate Judge Henry B. Pitman on 2/11/11) (js) (Entered: 02/14/2011) |
| 04/15/2011 | <u>131</u> | ENDORSED LETTER addressed to Magistrate Judge Henry B. Pitman from Rachel Bien dated April 14, 2011 re: We represent the Plaintiffs and the class in the above-referenced matter. We write to inform the Court that the parties' settlement negotiations have reached an impasse. Accordingly, we respectfully request that the Court lift the stay that it ordered on May 3, 2010, so that the parties can resume litigation. ENDORSEMENT: The stay of Discovery previously entered in this matter is hereby vacated. SO ORDERED. (Signed by Magistrate Judge Henry B. Pitman on 4/15/2011) (jmi) Modified on 4/21/2011 (jmi). (Entered: 04/18/2011) |
| 05/10/2011 | <u>132</u> | NOTICE OF APPEARANCE by Mariko Hirose on behalf of Margaret Anderson, Susan Duling, Lakeya Sewer (Hirose, Mariko) (Entered: 05/10/2011) |
| 05/11/2011 | | Minute Entry for proceedings held before Magistrate Judge Henry B. Pitman: Discovery Hearing held on 5/11/2011. Order to follow. (mbe) (Entered: 05/13/2011) |
| 05/13/2011 | <u>133</u> | SCHEDULING ORDER: Dispositive Motions due by 12/31/2011. Fact discovery due by 9/30/2011. Expert Discovery due by 10/31/2011. Deposition due by 12/15/2011, and as further set forth in this Order. (Signed by Magistrate Judge Henry B. Pitman on 5/13/2011) Copies Sent By Chambers. (tro) (Entered: 05/13/2011) |

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| 05/16/2011 | <u>134</u> | NOTICE OF APPEARANCE by Christopher Alan Parlo on behalf of Gristede's Delivery Service, Inc., Gristede's Foods NY, Inc., Gristede's Foods, Inc., Gristede's NY, LLC, Gristede's Operating Corp., Namdor, Inc., Red Apple Group, Inc. (Parlo, Christopher) (Entered: 05/16/2011) |
| 05/16/2011 | <u>135</u> | NOTICE OF APPEARANCE by Amanda Nicole Slatin on behalf of Gristede's Delivery Service, Inc., Gristede's Foods NY, Inc., Gristede's Foods, Inc., Gristede's NY, LLC, Gristede's Operating Corp., Namdor, Inc., Red Apple Group, Inc. (Slatin, Amanda) (Entered: 05/16/2011) |
| 05/20/2011 | <u>136</u> | TRANSCRIPT of Proceedings re: status conference held on 5/12/2011 before Magistrate Judge Henry B. Pitman. Court Reporter/Transcriber: Shari Riemer, (518) 581-8973. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 6/13/2011. Redacted Transcript Deadline set for 6/23/2011. Release of Transcript Restriction set for 8/22/2011.(tro) (Entered: 05/20/2011) |
| 05/20/2011 | <u>137</u> | NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a status conference proceeding held on 5/12/2011 has been filed by the court reporter/transcriber in the above-captioned matter. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days...(tro) (Entered: 05/20/2011) |
| 06/10/2011 | <u>138</u> | NOTICE OF APPEARANCE by Delyanne Barros on behalf of Margaret Anderson, Susan Duling, Lakeya Sewer (Barros, Delyanne) (Entered: 06/10/2011) |
| 06/21/2011 | <u>139</u> | MOTION to Quash Subpoenas Directed to White Rose, Inc. and Wakefern Food Corp.. Document filed by John Catsimatidis, Gristede's Delivery Service, Inc., Gristede's Foods NY, Inc., Gristede's Foods, Inc., Gristede's NY, LLC, Gristede's Operating Corp., Namdor, Inc., Red Apple Group, Inc.. (Attachments: # <u>1</u> Certificate of Service)(Slatin, Amanda) (Entered: 06/21/2011) |
| 06/21/2011 | <u>140</u> | MEMORANDUM OF LAW in Support re: <u>139</u> MOTION to Quash Subpoenas Directed to White Rose, Inc. and Wakefern Food Corp... Document filed by John Catsimatidis, Gristede's Delivery Service, Inc., Gristede's Foods NY, Inc., Gristede's Foods, Inc., Gristede's NY, LLC, Gristede's Operating Corp., Namdor, Inc., Red Apple Group, Inc.. (Slatin, Amanda) (Entered: 06/21/2011) |
| 06/21/2011 | <u>141</u> | AFFIDAVIT of Amanda N. Slatin in Support re: <u>139</u> MOTION to Quash Subpoenas Directed to White Rose, Inc. and Wakefern Food Corp... Document filed by John Catsimatidis, Gristede's Delivery Service, Inc., Gristede's Foods NY, Inc., Gristede's Foods, Inc., Gristede's NY, LLC, Gristede's Operating Corp., Namdor, Inc., Red Apple Group, Inc.. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2)(Slatin, Amanda) (Entered: 06/21/2011) |
| 06/21/2011 | <u>142</u> | AFFIDAVIT of Robert Zorn in Support re: <u>139</u> MOTION to Quash Subpoenas Directed to White Rose, Inc. and Wakefern Food Corp... Document filed by John Catsimatidis, Gristede's Delivery Service, Inc., Gristede's Foods NY, Inc., Gristede's Foods, Inc., Gristede's NY, LLC, Gristede's Operating Corp., Namdor, Inc., Red Apple Group, Inc.. (Slatin, Amanda) (Entered: 06/21/2011) |
| 06/24/2011 | | Minute Entry for proceedings held before Magistrate Judge Henry B. Pitman: Telephone Conference held on 6/24/2011. (ft) (Entered: 06/27/2011) |
| 06/27/2011 | <u>143</u> | MEMORANDUM OF LAW in Opposition re: <u>139</u> MOTION to Quash Subpoenas Directed to White Rose, Inc. and Wakefern Food Corp... Document filed by Margaret Anderson, Susan Duling, Lakeya Sewer. (Bien, Rachel) (Entered: 06/27/2011) |
| 06/27/2011 | <u>144</u> | DECLARATION of Rachel Bien in Opposition re: <u>139</u> MOTION to Quash Subpoenas Directed to White Rose, Inc. and Wakefern Food Corp... Document filed by Margaret Anderson, Susan Duling, Lakeya Sewer. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Bien, Rachel) (Entered: 06/27/2011) |

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| 06/29/2011 | <u>145</u> | AFFIDAVIT of Sharon Konzelman in Support re: <u>139</u> MOTION to Quash Subpoenas Directed to White Rose, Inc. and Wakefern Food Corp... Document filed by White Rose Incorporated. (Banerjee, Nabeena) (Entered: 06/29/2011) |
| 07/01/2011 | <u>146</u> | ENDORSED LETTER addressed to Magistrate Judge Henry H. Pitman from Christopher A. Parlo dated 6/30/11 re: counsel for defendants request a brief extension of time, until Thursday, July 7, 2011, to submit our reply memorandum, which is currently due Tuesday, July 5, 2011, with regard to Defendants' Motion to Quash Subpoenas directed to White Rose, Inc. and Wakefern Food Corp. ENDORSEMENT: Application Granted. (Replies due by 7/7/2011.) (Signed by Magistrate Judge Henry B. Pitman on 6/30/11) (pl) Modified on 7/1/2011 (pl). (Entered: 07/01/2011) |
| 07/07/2011 | <u>147</u> | REPLY MEMORANDUM OF LAW in Support re: <u>139</u> MOTION to Quash Subpoenas Directed to White Rose, Inc. and Wakefern Food Corp... Document filed by John Catsimatidis, Gristede's Delivery Service, Inc., Gristede's Foods NY, Inc., Gristede's Foods, Inc., Gristede's NY, LLC, Gristede's Operating Corp., Namdor, Inc., Red Apple Group, Inc.. (Attachments: # <u>1</u> Certificate of Service)(Slatin, Amanda) (Entered: 07/07/2011) |
| 07/07/2011 | <u>148</u> | DECLARATION of Amanda N. Slatin, Esq. in Support re: <u>139</u> MOTION to Quash Subpoenas Directed to White Rose, Inc. and Wakefern Food Corp... Document filed by John Catsimatidis, Gristede's Delivery Service, Inc., Gristede's Foods NY, Inc., Gristede's Foods, Inc., Gristede's NY, LLC, Gristede's Operating Corp., Namdor, Inc., Red Apple Group, Inc.. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E)(Slatin, Amanda) (Entered: 07/07/2011) |
| 07/13/2011 | <u>149</u> | TRANSCRIPT of Proceedings re: telephone conference held on 6/24/2011 before Magistrate Judge Henry B. Pitman. Court Reporter/Transcriber: Shari Riemer, (518) 581-8973. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 8/8/2011. Redacted Transcript Deadline set for 8/18/2011. Release of Transcript Restriction set for 10/14/2011.(tro) (Entered: 07/13/2011) |
| 07/13/2011 | <u>150</u> | NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a telephone conference proceeding held on 6/24/2011 has been filed by the court reporter/transcriber in the above-captioned matter. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days...(tro) (Entered: 07/13/2011) |
| 07/18/2011 | <u>151</u> | STIPULATION TO WITHDRAW SUBPOENAS AND MOTION TO QUASH:IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned counsel for the Plaintiffs and Defendants in the above-captioned action that: 1.Plaintiffs hereby withdraw the subpoenas that they served on White Rose, Inc. ("White Rose") and Wakefern Food Corp. ("Wakefern") on June 13, 2011; 2.In exchange for Plaintiffs' withdrawal of the subpoenas. Defendants have agreed to provide Plaintiffs with certain agreements (with proprietary information redacted and subject to a confidentiality agreement) Gristede's' Foods, Inc. entered into with Wakefern, have stipulated to certain facts regarding those agreements and the relationship with Wakefern, and will withdraw their motion to quash, filed on June 21, 2011. (Signed by Magistrate Judge Henry B. Pitman on 7/18/11) (js) Modified on 7/18/2011 (js). (Entered: 07/18/2011) |
| 08/03/2011 | <u>152</u> | ORDER. Accordingly, the draft protective order submitted by defendants with their letter dated July 6, 2011 is approved provided the following sentence is added at the end of numbered paragraph 2: "If Plaintiffs' challenge to defendants' designation is successful, plaintiffs shall be awarded their reasonable attorneys' fees." Defendants are directed to submit an amended proposed Protective Order. (Signed by Magistrate Judge Henry B. Pitman on 8/3/11) Copies Sent By Chambers. (rjm) (Entered: 08/03/2011) |
| 08/10/2011 | <u>153</u> | REVISED SCHEDULING ORDER: All remaining fact discovery shall completed no later than 12/30/11. If plaintiff wish to supplement their expert disclosures, they are directed to do so no later than: 12/30/11. Defendants are to complete their |

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| | | expert disclosures not later than: 2/29/12. If Defendants' expert disclosures raise any new matters, Plaintiffs may serve reply expert reports limited to those new matters no later than:3/15/12. Depositions of expert witnesses are to be completed no later than: 4/16/12. Dispositive motions, if any, shall be served and filed no later than 4/30/12. (Signed by Magistrate Judge Henry B. Pitman on 8/10/2011) (jfe) (Entered: 08/10/2011) |
| 08/10/2011 | <u>154</u> | PROTECTIVE ORDER...regarding procedures to be followed that shall govern the handling of confidential material... (Signed by Magistrate Judge Henry B. Pitman on 8/10/2011) (jfe) (Entered: 08/10/2011) |
| 11/23/2011 | | Minute Entry for proceedings held before Magistrate Judge Henry B. Pitman: Discovery Hearing held on 11/23/2011. A follow up Telephone Conference set for 11/29/2011 at 03:00 PM before Magistrate Judge Henry B. Pitman. (rjm) (Entered: 11/28/2011) |
| 11/29/2011 | <u>155</u> | ORDER: A conference having been held on November 23, 2011, during which various discovery disputes were discussed, for the reasons stated on the record in open court, it is hereby ORDERED that: Plaintiffs' application to compel defendants to produce the names of female employees who expressed interest in (1) a promotion to management or a full-time, or (2) a different position at Gristede's supermarkets in response to a registration of interest survey that defendants instituted in approximately April or May 2011 is granted. (Signed by Magistrate Judge Henry B. Pitman on 11/29/2011) Copies Sent By Chambers. (mro) (Entered: 11/29/2011) |
| 11/29/2011 | <u>156</u> | REVISED SCHEDULING ORDER:All fact discovery (except with respect to Defendants' production of emails and any depositions related thereto) shall be completed no later than: 12/30/2011. Fact discovery with respect to Defendants' production of emails and any depositions related thereto shall be completed no later than: 1/31/2012. Plaintiffs shall move for summary judgment and make expert disclosures not later than 2/29/2012. Defendants' opposition to Plaintiffs' motion for summary judgment and any expert disclosures shall be filed not later than: Depositions of Plaintiffs' expert(s) shall also be completed no later than: 4/18/2012. Plaintiffs' reply in support of summary judgment and any rebuttal expert reports shall be filed no later than: 5/16/2012. (Signed by Magistrate Judge Henry B. Pitman on 11/29/2011) (mro) (Entered: 11/29/2011) |
| 11/29/2011 | | Set/Reset Deadlines: Deposition due by 4/18/2012. (mro) (Entered: 11/29/2011) |
| 11/29/2011 | | Minute Entry for proceedings held before Magistrate Judge Henry B. Pitman: Telephone Conference held on 11/29/2011. (js) (Entered: 12/08/2011) |
| 12/28/2011 | <u>157</u> | REVISED SCHEDULING ORDER: All fact discovery (including with respect to Defendants' production of emails and any depositions related thereto) shall be completed no later than: January 31, 2012; Plaintiffs shall move for summary judgment and make expert disclosures not later than: February 29, 2012;Defendants' opposition to Plaintiffs' motion for summary judgment and any expert disclosures shall be filed not later than: Depositions of Plaintiffs' expert(s) shall also be completed no later than: April 18, 2012 Plaintiffs' reply in support of summary judgment and any rebuttal expert reports shall be filed no later than: Plaintiffs' depositions of Defendants' experts shall also be completed no later than: June 6, 2012. The pretrial order in the form required by Judge Swain's rules, along with all other submissions required by Judge Swain's rules, shall be filed: 30 days after the decision on motion(s) for summary judgment, if such documents are still necessary after the resolution of such motion(s). (Motions due by 2/29/2012. Responses due by 4/18/2012. Replies due by 6/6/2012. Deposition due by 1/31/2012. Fact Discovery due by 1/31/2012). (Signed by Magistrate Judge Henry B. Pitman on 12/28/2011) (djc) (Entered: 12/28/2011) |
| 01/23/2012 | <u>158</u> | REVISED SCHEDULING ORDER: Summary Judgment Motions due by 4/11/2012; Defendants' Responses due by 5/30/2012; Plaintiffs' Replies due by 7/18/2013. All Fact Discovery due by 3/16/2012. (Signed by Magistrate Judge Henry B. Pitman on 1/23/2012) (djc) (Entered: 01/23/2012) |
| 02/16/2012 | <u>159</u> | NOTICE TO WITHDRAW AS ATTORNEY. Plaintiffs, by and through their attorneys, hereby notify the Court that Mariko Hirose is no longer associated with |

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| | | the law firm of Outten & Golden LLP and should be withdrawn as attorney of record in the above-captioned matter. The undersigned requests that all further electronic notices to Mariko Hirose in the above-referenced matter be terminated. Plaintiffs continue to be represented by the undersigned counsel Outten & Golden LLP. Annexed is the Declaration of Adam T. Klein in Support of Motion to Withdraw as Attorney. Attorney Mariko Hirose terminated. (Signed by Judge Laura Taylor Swain on 2/16/2012) (rjm) (Entered: 02/16/2012) |
| 03/23/2012 | <u>160</u> | REVISED SCHEDULING ORDER: Motion for summary judgment due by 5/14/2012. Responses due by 7/6/2012. Replies due by 7/24/2012. Plaintiffs' Depositions of Defendants' experts due by 7/24/2012. All Fact Discovery due by 4/20/2012, and as further set forth. (Signed by Magistrate Judge Henry B. Pitman on 3/23/2012) (rjm) (Entered: 03/23/2012) |
| 04/18/2012 | <u>161</u> | ENDORSED LETTER addressed to Magistrate Judge Henry B. Pitman from Rachel Bien dated 4/13/2012 re: Counsel writes jointly with Defendants to respectfully request a one-month stay of litigation in order for the parties to continue engaging in settlement negotiations. ENDORSEMENT: APPLICATION GRANTED. (Signed by Magistrate Judge Henry B. Pitman on 4/17/2012) (djc) (Entered: 04/18/2012) |
| 07/25/2012 | <u>162</u> | ENDORSED LETTER addressed to Judge Laura Taylor Swain and Magistrate Judge Henry B. Pitman from Lewis M. Steel dated 7/24/2012 re: Counsel ask that the Court also approve an extension of discovery and the pretrial procedure issues to run on the same time schedule as the present schedule if the Court enters an order denying final approval of the settlement. ENDORSEMENT: Application granted. (Signed by Magistrate Judge Henry B. Pitman on 7/25/2012) (jfe) (Entered: 07/25/2012) |
| 08/07/2012 | <u>163</u> | ENDORSED LETTER addressed to Magistrate Judge Henry Pitman from Delyanne D. Barros dated 8/1/2012 re: Class counsel requests that the current deadline to file their Motion for Preliminary Approval of settlement be extended to Friday, August 10, 2012. ENDORSEMENT: Application granted. (Signed by Magistrate Judge Henry B. Pitman on 8/2/2012) (ago) (Entered: 08/07/2012) |
| 08/07/2012 | | Set/Reset Deadlines: Motions due by 8/10/2012. (ago) (Entered: 08/09/2012) |
| 08/10/2012 | <u>164</u> | MOTION for Settlement <i>Notice of Motion for Preliminary Approval of Settlement</i> . Document filed by Margaret Anderson, Susan Duling, Lakeya Sewer. (Attachments: # <u>1</u> Exhibit A)(Bien, Rachel) (Entered: 08/10/2012) |
| 08/10/2012 | <u>165</u> | MEMORANDUM OF LAW in Support re: <u>164</u> MOTION for Settlement <i>Notice of Motion for Preliminary Approval of Settlement</i> .. Document filed by Margaret Anderson, Susan Duling, Lakeya Sewer. (Bien, Rachel) (Entered: 08/10/2012) |
| 08/10/2012 | <u>166</u> | DECLARATION of Rachel Bien in Support re: <u>164</u> MOTION for Settlement <i>Notice of Motion for Preliminary Approval of Settlement</i> .. Document filed by Margaret Anderson, Susan Duling, Lakeya Sewer. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D)(Bien, Rachel) (Entered: 08/10/2012) |
| 09/17/2012 | <u>167</u> | ORDER. The Court has received the motion requesting preliminary approval of settlement. Plaintiffs' Counsel is directed to supplement the application within 14 days by providing a revised proposed order and related documents reflecting the revisions as further specified in this order. (Signed by Judge Laura Taylor Swain on 9/14/2012) (rjm) (Entered: 09/17/2012) |
| 10/01/2012 | <u>168</u> | ENDORSED LETTER addressed to Judge Laura Taylor Swain from Delyanne D. Barros dated 9/28/2012 re: We are Class Counsel in the above-referenced matter. We write to respectfully request an extension of Plaintiffs' deadline to supplement their Motion For Preliminary Approval of the Settlement pursuant to the Court's Order issued on September 17, 2012. The current deadline is Monday, October 1, 2012. We request that the Court extend this deadline to Friday, October 5, 2012. ENDORSEMENT: The request is granted. (Signed by Judge Laura Taylor Swain on 9/28/2012) (djc) (Entered: 10/01/2012) |
| 10/05/2012 | <u>169</u> | DECLARATION of Rachel Bien in Support re: <u>164</u> MOTION for Settlement <i>Notice of Motion for Preliminary Approval of Settlement</i> .. Document filed by |

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| | | Margaret Anderson, Susan Duling, Lakeya Sewer. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5)(Bien, Rachel) (Entered: 10/05/2012) |
| 11/15/2012 | <u>170</u> | ORDER GRANTING PLAINTIFFS' MOTION FOR PRELIMINARY APPROVAL OF SETTLEMENT, CONDITIONAL CERTIFICATION OF THE SETTLEMENT CLASS, APPOINTMENT OF PLAINTIFFS' COUNSEL AS CLASS COUNSEL, AND APPROVAL OF THE PROPOSED NOTICE OF SETTLEMENT AND CLASS ACTION SETTLEMENT PROCEDURE granting <u>164</u> Motion for Settlement. Based upon the Court's review of the Motion for Preliminary Approval and with the modifications requested in the Court's September 17, 2012 Order, the Court grants preliminary approval of the settlement memorialized in the Term Sheet, attached to the Declaration of Rachel Bien, ECF No. 166 ("Bien Decl.") as Exhibit B. The Court hereby adopts the enclosed settlement approval process. No sooner than 100 days of the date of this Order, the Court will hold a final fairness hearing on March 15, 2013 at 3:00 p.m. at the United States District Court for the Southern District of New York, 500 Pearl Street, New York, New York, in Courtroom 11C. (Signed by Judge Laura Taylor Swain on 11/15/2012) (ft) (Entered: 11/16/2012) |
| 11/15/2012 | | Set/Reset Hearings: Fairness Hearing set for 3/15/2013 at 03:00 PM in Courtroom 11C, 500 Pearl Street, New York, NY 10007 before Judge Laura Taylor Swain. (ft) (Entered: 11/16/2012) |
| 12/03/2012 | <u>171</u> | ENDORSED LETTER: addressed to Judge Laura Taylor Swain from Christopher A. Parlo dated 11/29/2012 re: Defendants request a brief extension of the deadline to send out the settlement notice to class members until December 4, 2012 in order to complete a final review of the contents of the notice that the Court previously approved. Plaintiffs consent to the brief extension. ENDORSEMENT: The request is granted. So Ordered. (Signed by Judge Laura Taylor Swain on 11/30/2012) (js) (Entered: 12/03/2012) |
| 12/05/2012 | <u>172</u> | ENDORSED LETTER addressed to Judge Laura Taylor Swain from Christopher A. Parlo dated 12/3/2012 re: Defense counsel writes that Plaintiffs' counsel agreed to permit one final review of the proposed notice to be sent to putative settlement class participants in the above-reference matter. The parties have agreed to a few small, additional changes which are noted in an attached red-lined copy of the notice which the Court previously approved. We have also attached a clean copy of the revised notice with the changes included. The parties respectfully ask for the Court's approval to send out the revised notice. ENDORSEMENT: The revisions are approved except as noted on page 2 of the attached red-lined version. So Ordered. (Signed by Judge Laura Taylor Swain on 12/5/2012) (ago) Modified on 12/20/2012 (ago). (Entered: 12/05/2012) |
| 02/15/2013 | <u>173</u> | ENDORSED LETTER addressed to Judge Laura Taylor Swain from Delyanne D. Barros dated 2/14/2013 re: We write to respectfully request an extension of Plaintiffs' deadline to file their Motion For Final Approval of the Settlement pursuant to the Court's Order issued on November 15, 2012. The parties are currently finalizing the terms of the injunctive relief. The current deadline is Friday, February 22, 2013. We request that the Court extend this deadline to Friday, March 1, 2013. ENDORSEMENT: The extension is Granted. SO ORDERED., (Motions due by 3/1/2013.) (Signed by Judge Laura Taylor Swain on 2/15/2013) (ama) (Entered: 02/15/2013) |
| 03/01/2013 | <u>174</u> | MOTION for Settlement <i>Final Approval</i> . Document filed by Margaret Anderson, Susan Duling, Lakeya Sewer. (Attachments: # <u>1</u> Exhibit A)(Bien, Rachel) (Entered: 03/01/2013) |
| 03/01/2013 | <u>175</u> | MEMORANDUM OF LAW in Support re: <u>174</u> MOTION for Settlement <i>Final Approval</i> .. Document filed by Margaret Anderson, Susan Duling, Lakeya Sewer. (Bien, Rachel) (Entered: 03/01/2013) |
| 03/01/2013 | <u>176</u> | MOTION to Approve Class Representative Service Awards. Document filed by Margaret Anderson, Susan Duling, Lakeya Sewer.(Bien, Rachel) (Entered: 03/01/2013) |

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| 03/01/2013 | <u>177</u> | MEMORANDUM OF LAW in Support re: <u>176</u> MOTION to Approve Class Representative Service Awards.. Document filed by Margaret Anderson, Susan Duling, Lakeya Sewer. (Bien, Rachel) (Entered: 03/01/2013) |
| 03/01/2013 | <u>178</u> | DECLARATION of Rachel Bien in Support re: <u>174</u> MOTION for Settlement <i>Final Approval.</i> , <u>176</u> MOTION to Approve Class Representative Service Awards.. Document filed by Margaret Anderson, Susan Duling, Lakeya Sewer. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D)(Bien, Rachel) (Entered: 03/01/2013) |
| 03/15/2013 | | Minute Entry for proceedings held before Judge Laura Taylor Swain: Fairness Hearing held on 3/15/2013. FAIRNESS HEARING held. All motions are reserved. Parties are directed to submit a revised proposed final order. (lan) (Entered: 03/15/2013) |
| 05/28/2013 | <u>179</u> | TRANSCRIPT of Proceedings re: Settlement held on 3/15/2013 before Judge Laura Taylor Swain. Court Reporter/Transcriber:Ruth Ann Hager. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 6/21/2013. Redacted Transcript Deadline set for 7/1/2013. Release of Transcript Restriction set for 8/29/2013.(sdi) (Entered: 05/28/2013) |
| 05/28/2013 | <u>180</u> | NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a Settlement proceeding held on 03/15/2013 has been filed by the court reporter/transcriber in the above-captioned matter. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days...(sdi) (Entered: 05/28/2013) |
| 06/19/2013 | <u>181</u> | LETTER addressed to Judge Laura Taylor Swain from Christopher A. Parlo dated 6/18/2013 re: Pursuant to 28 U.S.C. § 1715(d), "[a]n order giving final approval of a proposed settlement may not be issued earlier than 90 days" after notice has been given. The 90 day period expired on June 15, 2013 and, accordingly, the Court may now grant final approval of the proposed settlement in this matter. Document filed by Gristede's Delivery Service, Inc., Gristede's Foods NY, Inc., Gristede's Foods, Inc., Gristede's NY, LLC, Gristede's Operating Corp., Namdor, Inc., Red Apple Group, Inc. (ft) (Entered: 06/20/2013) |
| 06/19/2013 | <u>182</u> | ORDER GRANTING PLAINTIFFS' MOTION FOR CERTIFICATION OF THE SETTLEMENT CLASS, FINAL APPROVAL OF THE CLASS ACTION SETTLEMENT, AND CLASS REPRESENTATIVE SERVICE AWARDS AND INDIVIDUAL AWARDS granting <u>174</u> Motion for Settlement; granting <u>176</u> Motion to Approve Class Representative Service Awards. The Court certifies the following class, under Federal Rule of Civil Procedure 23(e), for settlement purposes only: all women who worked for Gristede's for at least 90 days in one or more of its stores in New York at any time between November 2, 2004 and November 15, 2012. Plaintiffs meet all of the requirements for class certification under Fed. R. Civ. P. 23(a) and 23(b)(2) and (3) for the reasons stated in the Preliminary Approval Order, which the Court hereby incorporates into this Order. The Court retains jurisdiction over this action for the purpose of enforcing the corrective measures, overseeing the distribution of the Settlement Fund, and to resolve any issues relating to Class Counsel's award of attorneys' fees and costs, including in the event that the parties are unable to reach an agreement. The parties shall abide by all terms of this Order. (Signed by Judge Laura Taylor Swain on 6/19/2013) (ft) Modified on 6/20/2013 (ft). (Entered: 06/20/2013) |
| 08/14/2013 | <u>183</u> | ORDER: WHEREAS the Court approved the settlement of this matter on June 19, 2013 (docket entry no. 182), it is hereby requested that the Clerk of Court close this case. (Signed by Judge Laura Taylor Swain on 8/14/2013) (ft) (Entered: 08/15/2013) |
| 09/06/2013 | <u>184</u> | ENDORSED LETTER addressed to Judge Laura Taylor Swain from Delyanne D. Barros dated 9/3/2013 re: Counsel requests that the Court allow the matter to remain open until the issue of attorneys' fee, costs, and expenses is resolved. ENDORSEMENT: Jurisdiction of the attorneys' fees issues has been retained. It is |

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| | | not necessary to reopen the case on the docket at this juncture. (Signed by Judge Laura Taylor Swain on 9/5/2013) (ft) Modified on 9/10/2013 (ft). (Entered: 09/06/2013) |
| 10/16/2013 | <u>185</u> | ENDORSED LETTER: addressed to Judge Laura Taylor Swain from Emily R. Pankow dated 10/15/2013 re: The parties request an extension of their current deadline to mediate to November 30, 2013 And then if the parties are unable to reach a mediated agreement, Plaintiffs will file a motion letter fees, costs, and expenses within 30 days of providing written notice that mediation has failed in accordance with the deadlines set forth in the Court's Final Approval Order, ECF No. 182 paragraph 27 the mediation is successful, Plaintiffs will file a motion for approval of the negotiated resolution ENDORSEMENT: The requested extension id granted. So Ordered. (Signed by Judge Laura Taylor Swain on 10/15/2013) (js) Modified on 10/16/2013 (js). (Entered: 10/16/2013) |
| 12/03/2013 | <u>186</u> | ENDORSED LETTER addressed to Judge Laura Taylor Swain from Emily R. Pankow dated 11/27/2013 re: Counsel for defendants are respectfully requesting an extension of time by which to mediate the Plaintiffs' fee request from November 30th to January 30th. ENDORSEMENT: The extension request is granted. (Signed by Judge Laura Taylor Swain on 12/2/2013) (rsh) (Entered: 12/03/2013) |
| 12/13/2013 | <u>187</u> | LETTER addressed to Judge Laura Taylor Swain from Rachel Bien dated 12/12/2013 re: Delay in mailing of settlement awards to class members. Document filed by Susan Duling.(cd) (Entered: 12/13/2013) |
| 05/20/2014 | <u>188</u> | MOTION for Attorney Fees . Document filed by Margaret Anderson, Susan Duling, Lakeya Sewer. (Attachments: # <u>1</u> Exhibit A)(Bien, Rachel) (Entered: 05/20/2014) |
| 05/20/2014 | <u>189</u> | MEMORANDUM OF LAW in Support re: <u>188</u> MOTION for Attorney Fees . . Document filed by Margaret Anderson, Susan Duling, Lakeya Sewer. (Bien, Rachel) (Entered: 05/20/2014) |
| 05/20/2014 | <u>190</u> | DECLARATION of Rachel M. Bien in Support re: <u>188</u> MOTION for Attorney Fees .. Document filed by Margaret Anderson, Susan Duling, Lakeya Sewer. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D)(Bien, Rachel) (Entered: 05/20/2014) |
| 06/06/2014 | <u>191</u> | ORDER GRANTING PLAINTIFFS' MOTION FOR AN AWARD OF ATTORNEYS' FEES AND COSTS: granting <u>188</u> Motion for Attorney Fees. The Court hereby approves the parties' settlement of Class Counsel's attorneys' fees and costs in the amount of \$1,500,000.00, and as further set forth in this document. (Signed by Judge Laura Taylor Swain on 6/5/2014) (cd) (Entered: 06/06/2014) |