

**U.S. District Court
Eastern District of New York (Brooklyn)
CIVIL DOCKET FOR CASE #: 1:12-cv-04808-NG-RLM**

Equal Employment Opportunity Commission v. The Silvercrest Center for Nursing and Rehabilitation
Assigned to: Judge Nina Gershon
Referred to: Magistrate Judge Roanne L. Mann
Cause: 42:1201 Civil Rights (Disability)

Date Filed: 09/26/2012
Date Terminated: 01/07/2014
Jury Demand: Plaintiff
Nature of Suit: 442 Civil Rights: Jobs
Jurisdiction: U.S. Government Plaintiff

Mediator

Peter H Woodin

represented by **Peter H. Woodin**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

**Equal Employment Opportunity
Commission**

represented by **Michael J. O'Brien**
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TERMINATED: 07/09/2013
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V.

Defendant

**The Silvercrest Center for Nursing and
Rehabilitation**
also known as
Silvercrest Extended Care Facility

represented by **Tara L. Eyer Daub**
Nixon Peabody LLP
50 Jericho Quadrangle
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TERMINATED: 09/05/2013
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Date Filed	#	Docket Text
09/26/2012	<u>1</u>	COMPLAINT against The Silvercrest Center for Nursing and Rehabilitation Disclosure Statement on Civil Cover Sheet completed –Yes,, filed by Equal Employment Opportunity Commission. (Attachments: # <u>1</u> Civil Cover Sheet) (Davis, Kimberly) (Entered: 10/02/2012)
09/26/2012		Summons Issued as to The Silvercrest Center for Nursing and Rehabilitation. (Davis, Kimberly) (Entered: 10/02/2012)
10/02/2012	<u>2</u>	In accordance with Rule 73 of the Federal Rules of Civil Procedure and Local Rule 73.1, the parties are notified that if all parties consent a United States magistrate judge of this court is available to conduct all proceedings in this civil action including a (jury or nonjury) trial and to order the entry of a final judgment. Attached to the Notice is a blank copy of the consent form that should be filled out, signed and filed electronically only if all parties wish to consent. The form may also be accessed at the following link: http://www.uscourts.gov/uscourts/FormsAndFees/Forms/AO085.pdf . You may withhold your consent without adverse substantive consequences. Do NOT return or file the consent unless all parties have signed the consent. (Davis, Kimberly) (Entered: 10/02/2012)
12/03/2012	<u>3</u>	REQUEST FOR WAIVER of Service sent to Alesia Kantor, as counsel for Defendant Silvercrest on 11/19/2012 by Equal Employment Opportunity Commission. Waiver of Service due by 12/26/2012. (O'Brien, Michael) (Entered: 12/03/2012)
01/09/2013	<u>4</u>	WAIVER OF SERVICE Returned Executed by Equal Employment Opportunity Commission. The Silvercrest Center for Nursing and Rehabilitation waiver sent on 11/19/2012, answer due 1/18/2013. (O'Brien, Michael) (Entered: 01/09/2013)
01/18/2013	<u>5</u>	NOTICE of Appearance by Alesia J. Kantor on behalf of The Silvercrest Center for Nursing and Rehabilitation (aty to be noticed) (Kantor, Alesia) (Entered: 01/18/2013)
01/18/2013	<u>6</u>	Corporate Disclosure Statement by The Silvercrest Center for Nursing and Rehabilitation (Kantor, Alesia) (Entered: 01/18/2013)
01/18/2013	<u>7</u>	ANSWER to <u>1</u> Complaint, by The Silvercrest Center for Nursing and Rehabilitation. (Kantor, Alesia) (Entered: 01/18/2013)
01/22/2013	<u>8</u>	SCHEDULING ORDER: Initial Conference set for 2/19/2013 at 12:00 PM in Courtroom 13C South before Magistrate Judge Roanne L. Mann. SEE ATTACHED MANDATORY REQUIREMENTS FOR CONFERENCE. Ordered by Magistrate Judge Roanne L. Mann on 1/22/2013. (Maynard, Pat) (Entered: 01/22/2013)
01/25/2013	<u>9</u>	Letter MOTION to Adjourn Conference <i>Set for 2/19 and to Reschedule</i> by Equal Employment Opportunity Commission. (O'Brien, Michael) (Entered: 01/25/2013)
01/25/2013	<u>10</u>	ENDORSED ORDER granting, on consent <u>9</u> Motion to Adjourn Conference. The February 19th conference is adjourned to March 8, 2013, at 3:30 p.m. Ordered by Magistrate Judge Roanne L. Mann on 1/25/2013. (Maynard, Pat) (Entered: 01/25/2013)

03/08/2013	<u>11</u>	Minute Entry for proceedings held before Magistrate Judge Roanne L. Mann: Initial Conference Hearing held on 3/8/2013. Next settlement conference scheduled for June 24, 2013 at 10:00 a.m. Fact discovery to be completed by July 31, 2013. (Maynard, Pat) (Entered: 03/08/2013)
03/28/2013	<u>12</u>	NOTICE of Appearance by Tara L. Eyer Daub on behalf of The Silvercrest Center for Nursing and Rehabilitation (aty to be noticed) (Eyer Daub, Tara) (Entered: 03/28/2013)
04/16/2013		Set/Reset Hearings: Due to a scheduling conflict, the June 24th Settlement Conference is adjourned to 7/8/2013 at 3:00 PM before Magistrate Judge Roanne L. Mann. The discovery schedule remains unchanged. (Maynard, Pat) (Entered: 04/16/2013)
05/28/2013	<u>13</u>	TRANSCRIPT of Proceedings held on 3/8/13, before Judge Mann. Court Reporter/Transcriber ARIA SERVICES, INC., Telephone number 845-260-1377. 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 6/18/2013. Redacted Transcript Deadline set for 6/28/2013. Release of Transcript Restriction set for 8/26/2013. (Hong, Loan) (Entered: 05/28/2013)
07/02/2013	<u>14</u>	MOTION for Leave to Appear Pro Hac Vice Filing fee \$ 25. by Equal Employment Opportunity Commission. (Attachments: # <u>1</u> Exhibit Certificate) (Lepak, Thomas) (Entered: 07/02/2013)
07/03/2013	<u>15</u>	ORDER granting <u>14</u> Motion for Leave to Appear Pro Hac Vice for Attorney Thomas Scott Lepak. Ordered by Magistrate Judge Roanne L. Mann on 7/2/2013. (Fernandez, Erica) (Entered: 07/03/2013)
07/08/2013	<u>16</u>	Minute Entry for Settlement Conference held before Magistrate Judge Roanne L. Mann on 7/8/2013. The parties are narrowing their differences in terms of settlement. The complaining party's medical and educational records are critical to continued settlement discussions. Although the parties have not yet reached agreement on a Confidentiality Stipulation to govern discovery generally, they will agree upon an interim stipulation limited to the aforesaid records related to the complaining party, and will file it by close of business tomorrow, so that those records can be produced by Wednesday. The parties will then have further settlement discussions and will file, by July 15, 2013, an updated status report (which may be filed under seal). Fact discovery is extended to September 30, 2013. (Williams, Jennifer) (Entered: 07/08/2013)
07/09/2013	<u>17</u>	MOTION for Protective Order <i>Interim Stipulation and Order of Confidentiality for Purposes of Settlement</i> by Equal Employment Opportunity Commission. (Lepak, Thomas) (Entered: 07/09/2013)
07/09/2013	<u>18</u>	MOTION to Withdraw as Attorney by <i>Michael O'Brien</i> by Equal Employment Opportunity Commission. (O'Brien, Michael) (Entered: 07/09/2013)
07/09/2013	<u>19</u>	ORDER granting, with modification, <u>17</u> Motion for Protective Order. So Ordered by Magistrate Judge Roanne L. Mann on 7/9/2013. (Powers, Emily) (Entered: 07/09/2013)
07/09/2013	<u>20</u>	ORDER granting <u>18</u> Motion to Withdraw as Attorney. Attorney Michael J. O'Brien terminated. So Ordered by Magistrate Judge Roanne L. Mann on 7/9/2013. (Powers, Emily) (Entered: 07/09/2013)
07/15/2013	<u>21</u>	STATUS REPORT <i>Regarding Settlement</i> by Equal Employment Opportunity Commission (Lepak, Thomas) (Entered: 07/15/2013)
07/16/2013	<u>22</u>	ENDORSED ORDER re <u>21</u> Status Report. The parties are directed to confer and, by August 2, 2013, to file a joint proposed schedule for expert discovery and/or for requesting a pre-motion conference before Judge Gershon. Ordered by Magistrate Judge Roanne L. Mann on 7/16/2013. (Williams, Jennifer) (Entered: 07/16/2013)
07/17/2013	<u>23</u>	Letter MOTION to Compel <i>EEOC's Compliance With Discovery Obligations</i> by The Silvercrest Center for Nursing and Rehabilitation. (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, # <u>6</u> Exhibit F, # <u>7</u>

		Exhibit G, # <u>8</u> Exhibit H, # <u>9</u> Exhibit I) (Eyer Daub, Tara) (Entered: 07/17/2013)
07/23/2013		ORDER re <u>23</u> Letter MOTION to Compel. The EEOC's response to defendant Silvercrest's letter-motion for a compulsion order (DE #23) was due yesterday. See S.D.N.Y./E.D.N.Y. Local Civ. R. 37.3(c) (response to letter-motion regarding discovery dispute must be filed within four days of receipt). If no response has been filed by noon tomorrow, defendant's motion to compel will be deemed unopposed. Ordered by Magistrate Judge Roanne L. Mann on 7/23/2013. (Williams, Jennifer) (Entered: 07/23/2013)
07/24/2013	<u>24</u>	REPLY in Opposition re <u>23</u> Letter MOTION to Compel <i>EEOC's Compliance With Discovery Obligations</i> filed by Equal Employment Opportunity Commission. (Attachments: # <u>1</u> Exhibit J, # <u>2</u> Exhibit K, # <u>3</u> Exhibit L, # <u>4</u> Exhibit M) (Lepak, Thomas) (Entered: 07/24/2013)
07/29/2013	<u>25</u>	Letter MOTION to Compel <i>Silvercrest's Compliance with Discovery Obligations</i> by Equal Employment Opportunity Commission. (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, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G, # <u>8</u> Exhibit H, # <u>9</u> Exhibit I, # <u>10</u> Exhibit J) (Lepak, Thomas) (Entered: 07/29/2013)
07/29/2013	<u>26</u>	ENDORSED ORDER re <u>25</u> Letter MOTION to Compel <i>Silvercrest's Compliance with Discovery Obligations</i> filed by Equal Employment Opportunity Commission. Defendant Silvercrest's response to this letter-motion is due by August 2, 2013. Ordered by Magistrate Judge Roanne L. Mann on 7/29/2013. (Maynard, Pat) (Entered: 07/29/2013)
07/31/2013	<u>27</u>	RESPONSE in Opposition re <u>25</u> Letter MOTION to Compel <i>Silvercrest's Compliance with Discovery Obligations</i> filed by The Silvercrest Center for Nursing and Rehabilitation. (Eyer Daub, Tara) (Entered: 07/31/2013)
08/01/2013	<u>28</u>	Proposed Scheduling Order <i>For Expert Discovery and Requesting Pre-Motion Conference</i> by Equal Employment Opportunity Commission (Lepak, Thomas) (Entered: 08/01/2013)
08/01/2013	<u>29</u>	ORDER re <u>28</u> Proposed Scheduling Order filed by Equal Employment Opportunity Commission. SO-ORDERED. Ordered by Magistrate Judge Roanne L. Mann on 8/1/2013. (Maynard, Pat) (Entered: 08/01/2013)
08/02/2013	<u>30</u>	Letter <i>Filed Jointly on Behalf of Both Parties Regarding Status of Protective Order</i> by The Silvercrest Center for Nursing and Rehabilitation (Eyer Daub, Tara) (Entered: 08/02/2013)
08/09/2013	<u>31</u>	Minute Order for Telephone Conference held before Magistrate Judge Roanne L. Mann on 8/9/2013, granting in part and denying in part <u>23</u> Motion to Compel; granting in part and denying in part <u>25</u> Motion to Compel. The Court addresses with the parties their cross-motions to compel (DE #23, #25) and, for the reasons stated on the record, grants each in part and denies each in part. Defendant is directed to file a proposed confidentiality order no later than Monday morning (August 12, 2013).(Williams, Jennifer) (Entered: 08/09/2013)
08/10/2013	<u>32</u>	MOTION for Protective Order <i>Defendant's Submission of Proposed Protective Order Pursuant to 8/9/13 Court Order</i> by The Silvercrest Center for Nursing and Rehabilitation. (Eyer Daub, Tara) (Entered: 08/10/2013)
08/12/2013	<u>33</u>	ORDER granting, with modifications <u>32</u> Motion for Protective Order. See attached. Ordered by Magistrate Judge Roanne L. Mann on 8/12/2013. (Maynard, Pat) (Entered: 08/12/2013)
09/03/2013	<u>34</u>	Letter MOTION for Extension of Time to Complete Discovery by Equal Employment Opportunity Commission. (Lepak, Thomas) (Entered: 09/03/2013)
09/05/2013	<u>35</u>	ORDER granting <u>34</u> Motion for Extension of Time to Complete Discovery. The parties' application for an extension of the Court's previously set deadlines is granted in substantial part (see attached Order). All other deadlines remain unchanged. Ordered by Magistrate Judge Roanne L. Mann on 9/5/2013. (Maynard, Pat) (Entered: 09/05/2013)

09/20/2013		SELECTION OF MEDIATOR Peter H Woodin selected as Mediator. The first mediation session will take place on 10/10/2013 beginning at 9:30AM in the Courthouse of the Eastern District of New York, 225 Cadman Plaza East, Conference Room 402 South, Brooklyn, NY 11201. Participants should go directly to Conference Room 402 South. On or before 10/03/2013 Counsel shall file with the Mediator their client's mediation statement summarizing the facts, legal issues, particulars of any prior settlement discussions, and the name and title of the client or client representative with full settlement authority who will attend the mediation in person. Attendance in person is required of the trial attorney, insurance adjuster, and client or client representative with full settlement authority. The Confidentiality Stipulation will be signed at the mediation session by all participants and the Mediator and returned to the ADR Administrator, Gerald Lepp, by fax (718) 613-2368. Contact for the Mediator is: Peter H. Woodin, JAMS, The New York Times Building, 620 Eighth Avenue, 34th floor, New York, NY 10018; telephone (212) 607-2736; fax (212) 751-4099; email: pwoodin@jamsadr.com". Questionnaire for Attorneys in Mediated Cases (www.nyed.uscourts.gov/mediation) to be filed with ADR Administrator within two weeks following mediation session. (Lepp, Gerald) (Entered: 09/20/2013)
09/23/2013		STATUS REPORT ORDER re Selection of Mediator. The parties are directed to file a Status Report by 11/1/2013. Ordered by Magistrate Judge Roanne L. Mann on 9/23/2013. (Maynard, Pat) (Entered: 09/23/2013)
10/01/2013	<u>36</u>	MOTION to Continue <i>Due to Government Shutdown</i> by Equal Employment Opportunity Commission. (Attachments: # <u>1</u> Proposed Order) (Lepak, Thomas) (Entered: 10/01/2013)
10/02/2013	<u>37</u>	ENDORSED ORDER granting in substantial part <u>36</u> Motion to Continue. All pending deadlines are stayed until Congress has appropriate funds for the EEOC. The mediator is respectfully requested to reschedule the October 10th mediation session to a date later in October or early November. Ordered by Magistrate Judge Roanne L. Mann on 10/2/2013. (Maynard, Pat) (Entered: 10/02/2013)
10/30/2013	<u>38</u>	Letter MOTION for Extension of Time to Complete Discovery by Equal Employment Opportunity Commission. (Lepak, Thomas) (Entered: 10/30/2013)
10/30/2013	<u>39</u>	NOTICE of Appearance by Thomas Lepak on behalf of Equal Employment Opportunity Commission (notification declined or already on case) (Lepak, Thomas) (Entered: 10/30/2013)
10/30/2013	<u>40</u>	ENDORSED ORDER granting <u>38</u> Motion for Extension of Time to Complete Discovery. The Court adopts the parties' proposed revised schedule. This is the final extension. The parties are directed to file a status report by 12/2/2013. Ordered by Magistrate Judge Roanne L. Mann on 10/30/2013. (Maynard, Pat) (Entered: 10/30/2013)
11/04/2013		MEDIATION SESSION RE-SCHEDULED FOR 11/25/2013. The first mediation session will take place on 11/25/2013 beginning at 9:30AM in the Courthouse of the Eastern District of New York, 225 Cadman Plaza East, Conference Room 402 South, Brooklyn, NY 11201. Participants should go directly to Conference Room 402 South. On or before 11/18/2013 Counsel shall file with the Mediator their client's mediation statement summarizing the facts, legal issues, particulars of any prior settlement discussions, and the name and title of the client or client representative with full settlement authority who will attend the mediation in person. Attendance in person is required of the trial attorney, insurance adjuster, and client or client representative with full settlement authority. The Confidentiality Stipulation will be signed at the mediation session by all participants and the Mediator and returned to the ADR Administrator, Gerald Lepp, by fax (718) 613-2368. Contact for the Mediator is: Peter H. Woodin, JAMS, The New York Times Building, 620 Eighth Avenue, 34th floor, New York, NY 10018; telephone (212) 607-2736; fax (212) 751-4099; email: pwoodin@jamsadr.com". Questionnaire for Attorneys in Mediated Cases (www.nyed.uscourts.gov/mediation) to be filed with ADR Administrator within two weeks following mediation session (Lepp, Gerald) (Entered: 11/04/2013)
12/02/2013	<u>41</u>	STATUS REPORT by Equal Employment Opportunity Commission (Lepak, Thomas) (Entered: 12/02/2013)

12/02/2013	<u>42</u>	ENDORSED ORDER re <u>41</u> Status Report filed by Equal Employment Opportunity Commission. Counsel are reminded that requests for a promotion conference are due by January 17, 2014, and responses are due by January 24, 2014. Ordered by Magistrate Judge Roanne L. Mann on 12/2/2013. (Maynard, Pat) (Entered: 12/02/2013)
12/10/2013		REPORT of Mediation UNSETTLED One mediation session took place but the case did not settle. Accordingly, the case is returned to the assigned Judges. Questionnaire for Attorneys in Mediated Cases (www.nyed.uscourts.gov/mediation) to be filed with ADR Administrator within two weeks following mediation session. (Lepp, Gerald) (Entered: 12/10/2013)
12/30/2013	<u>43</u>	SETTLEMENT AGREEMENT <i>AND CONSENT DECREE</i> by Equal Employment Opportunity Commission (Attachments: # <u>1</u> Exhibit A (Policy), # <u>2</u> Exhibit B (Notice)) (Lepak, Thomas) (Entered: 12/30/2013)
01/07/2014	<u>44</u>	CONSENT DECREE: The EEOC and Silvercrest (hereinafter "the Parties") desire to resolve this matter without further litigation and adjudication in order to avoid the expensive and protracted costs incident to litigation; (see order for details). Ordered by Judge Nina Gershon on 1/7/2014. (Fernandez, Erica) (Entered: 01/07/2014)