

U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:07-cv-02587-SAS

Equal Employment Opportunity Commission v. New York State Department of Correctional Services
Assigned to: Judge Shira A. Scheindlin
Referred to: Magistrate Judge Henry B. Pitman (Settlement)
Related Case: 1:08-cv-04419-SAS
Cause: 29:206 FLSA: Minimum Wage

Date Filed: 03/29/2007
Date Terminated: 05/21/2008
Jury Demand: Plaintiff
Nature of Suit: 442 Civil Rights: Jobs
Jurisdiction: U.S. Government Plaintiff

Plaintiff

**Equal Employment Opportunity
Commission**

represented by **Rachel Lee Adams**
U.S. Equal Employment Opportunity
Commission
33 Whitehall St., 5th Floor
New York, NY 10004
(212) 336-3707
Fax: (212) 336-3623
Email: raechel.adams@eeoc.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

**New York State Department of
Correctional Services**

represented by **Barbara Kathryn Hathaway**
New York State Office of the Attorney
General
120 Broadway, 24th Floor
New York, NY 10271
(212)-416-8560
Fax: (212)-416-6009
Email: Barbara.Hathaway@ag.ny.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
03/29/2007	<u>1</u>	COMPLAINT against New York State Department of Correctional Services. Document filed by Equal Employment Opportunity Commission.(tro) (Entered: 03/30/2007)
03/29/2007		SUMMONS ISSUED as to New York State Department of Correctional Services. (tro) (Entered: 03/30/2007)
03/29/2007		Magistrate Judge Henry B. Pitman is so designated. (tro) (Entered: 03/30/2007)
03/29/2007		Case Designated ECF. (tro) (Entered: 03/30/2007)
05/02/2007	<u>2</u>	STIPULATION TO EXTEND TIME: It is hereby stipulated and agreed that defendant's time in which to respond to the complaint in the above titled action is extended up to and including June 15, 2007. ENDORSEMENT: So Ordered. (Signed by Judge Shira A. Scheindlin on 5/2/07) (js) (Entered: 05/03/2007)
05/02/2007		Set Answer Due Date purs. to <u>2</u> Stipulation and Order, as to New York State Department of Correctional Services answer due on 6/15/2007. (js) (Entered: 05/03/2007)
05/04/2007	<u>3</u>	NOTICE OF APPEARANCE by Barbara Kathryn Hathaway on behalf of New York State Department of Correctional Services (Hathaway, Barbara) (Entered: 05/04/2007)

05/24/2007	<u>4</u>	AMENDED COMPLAINT amending <u>1</u> Complaint against New York State Department of Correctional Services. Document filed by Equal Employment Opportunity Commission. Related document: <u>1</u> Complaint filed by Equal Employment Opportunity Commission.(jco) Additional attachment(s) added on 6/6/2007 (Correa, Julie). (Entered: 05/31/2007)
05/24/2007		***NOTE TO ATTORNEY TO E-MAIL PDF. Note to Attorney Raechel L. Adams for noncompliance with Section (3) of the S.D.N.Y. 3rd Amended Instructions For Filing An Electronic Case or Appeal and Section 1(d) of the S.D.N.Y. Procedures For Electronic Case Filing. E-MAIL the PDF for Document <u>4</u> Amended Complaint to: case_openings@nysd.uscourts.gov. (jco) (Entered: 05/31/2007)
06/15/2007	<u>5</u>	ANSWER to Amended Complaint. Document filed by New York State Department of Correctional Services. Related document: <u>4</u> Amended Complaint, filed by Equal Employment Opportunity Commission.(Hathaway, Barbara) (Entered: 06/15/2007)
08/29/2007	<u>6</u>	ORDER FOR INITIAL PRETRIAL CONFERENCE: Initial Conference set for 9/11/2007 at 10:30 AM in Courtroom 15C, 500 Pearl Street, New York, NY 10007 before Judge Shira A. Scheindlin. (Signed by Judge Shira A. Scheindlin on 8/29/07) (dle) (Entered: 08/29/2007)
09/06/2007	<u>7</u>	ENDORSED LETTER addressed to Judge Shira A. Scheindlin from Barbara Hathaway dated 9/5/07 re: Request for an adjournment of the initial pretrial conference set for 9/11/07 and of the preparation of the proposed scheduling order until the second week of October. ENDORSEMENT: Request granted. Conference adjourned to 10/23 at 4 pm. Initial Conference set for 10/23/2007 at 04:00 PM before Judge Shira A. Scheindlin. (Signed by Judge Shira A. Scheindlin on 9/5/07) (cd) (Entered: 09/06/2007)
10/15/2007	<u>8</u>	ENDORSED LETTER addressed to Judge Shira A. Scheindlin from Barbara K. Hathaway dated 10/15/2007 re: all parties request an adjournment of the initial pretrial conference currently scheduled for 10/23/2007 at 4:00 p.m. ENDORSEMENT: The parties' requests are denied. The parties must appear at the Initial Conference currently scheduled for 10/23/2007 at 4:00 p.m. (Signed by Judge Shira A. Scheindlin on 10/15/2007) (jar) (Entered: 10/16/2007)
10/23/2007	<u>9</u>	ORDER REFERRING CASE TO MAGISTRATE JUDGE. Order that case be referred to the Clerk of Court for assignment to a Magistrate Judge for Settlement. Referred to Magistrate Judge Henry B. Pitman. (Signed by Judge Shira A. Scheindlin on 10/23/07) (tro) (Entered: 10/24/2007)
12/03/2007	<u>10</u>	SCHEDULING ORDER: Depositions to be completed (from 4/1/08) by 10/30/2008. All Discovery due by 12/30/2008. (Signed by Judge Shira A. Scheindlin on 11/30/07) (db) (Entered: 12/03/2007)
05/05/2008	<u>11</u>	ENDORSED LETTER addressed to Judge Shira A. Scheindlin from Raechel L. Adams dated 5/2/2008 re: Counsel requests that the court adjourn the status conference currently scheduled for May 6, 2008. ENDORSEMENT: The May 6, 2008 Conference adjourned to May 20, 2008 at 4:30 p.m. The attorneys must appear in person at that time. (Signed by Judge Shira A. Scheindlin on 5/5/08) (mme) (Entered: 05/05/2008)
05/21/2008	<u>12</u>	ORDER AND STIPULATION PROVIDING FOR INJUNCTION AND AFFIRMATIVE RELIEF: This Order represents the entire agreement between EEOC, the United States, and DOCS. No prior agreements, oral representations, or statement shall be considered part of this Order. This Order shall not constitute an admission of fault or liability. This Order settles the claims raised in the EEOC'S Amended Complaint, the United States' action, and EEOC Charge No. 520-2007-02374. This Order shall remain in effect for five (5) years form the date of entry as to the EEOC and for three (3) years form the date of entry as to the United States. This Court shall retain jurisdiction and shall have the same powers it would have with respect to a judgment during this effective period to enforce or modify the provisions of this Order, to resolve any dispute that arises under this Order, and to entertain any application and issue any orders as may be necessary or appropriate for the effectuation of its terms and objectives. ENDORSEMENT: The Clerk is directed to close both of these cases 07 Civ 2587; 08 Civ 4419. So Ordered. (Signed by Judge Shira A. Scheindlin on 5/20/2008) (tve) (Entered: 05/21/2008)

08/10/2009	<u>13</u>	ORDER MODIFYING MAY 21, 2008 ORDER AND STIPULATION PROVIDING FOR INJUNCTION AND AFFIRMATIVE RELIEF: The May 21, 2008 Order shall be deemed amended to include Kaye Gordon as a Claimant, in accordance with paragraph 29 of the May 21, 2008 Order and as further set forth in this Order. SO ORDERED. (Signed by Judge Shira A. Scheindlin on 8/7/2009) (tve) (Entered: 08/10/2009)
12/21/2009	<u>14</u>	ORDER MODIFYING MAY 21, 2008 ORDER AND STIPULATION PROVIDING FOR INJUNCTION AND AFFIRMATIVE RELIEF: The May 21, 2008 Order shall be deemed amended to include Dawn Butler as a Claimant, in accordance with paragraph 29 of the May 21, 2008 Order. DOCS shall pay the total sum of \$35,346.59 to Dawn Butler, which sum includes back wages, the monetary value of leave accruals to be restored to Ms. Butler, along with all monetary damages to be issued to Ms. Butler, as set forth in Exhibit A hereto. Within fifteen (15) business days of the payment and leave accrual restoration to be made pursuant to this Modification Order, DOCS shall provide copies of the following documentation to Raechel L. Adams, Senior Trial Attorney, Equal Employment Opportunity Commission, 33 Whitehall Street, 5th Floor, New York, New York, 10004, and Alicia M. Simmons, Assistant United States Attorney, United States Attorney's Office for the Southern District of New York, 86 Chambers Street, 3rd Floor, New York, New York, 10007, as set forth in this stipulation. Except as amended herein, the terms, conditions and provisions of the May 21, 2008 Order are incorporated herein and remain in full force and effect, as modified by this Modification Order. (Signed by Judge Shira A. Scheindlin on 12/21/2009) (jpo) (Entered: 12/22/2009)
12/21/2009	<u>15</u>	ORDER MODIFYING MAY 21, 2008 ORDER AND STIPULATION PROVIDING FOR INJUNCTION AND AFFIRMATIVE RELIEF: The May 21, 2008 Order shall be deemed amended to include Jessica Cox as a Claimant, in accordance with paragraph 29 of the May 21, 2008 Order. DOCS shall pay the total sum of \$37,928.45 to Jessica Cox, which sum includes back wages, the monetary value of leave accruals to be restored to Ms. Cox, along with all monetary damages to be issued to Ms. Cox, as set forth in Exhibit A hereto. Within fifteen (15) business days of the payment and leave accrual restoration to be made pursuant to this Modification Order, DOCS shall provide copies of the following documentation to Raechel L. Adams, Senior Trial Attorney, Equal Employment Opportunity Commission, 33 Whitehall Street, 5th Floor, New York, New York, 10004, and Alicia M. Simmons, Assistant United States Attorney, United States Attorney's Office for the Southern District of New York, 86 Chambers Street, 3rd Floor, New York, New York, 10007, as set forth in this stipulation. Except as amended herein, the terms, conditions and provisions of the May 21, 2008 Order are incorporated herein and remain in full force and effect, as modified by this Modification Order. (Signed by Judge Shira A. Scheindlin on 12/21/2009) (jpo) (Entered: 12/22/2009)
12/21/2009	<u>16</u>	ORDER MODIFYING MAY 21, 2008 ORDER AND STIPULATION PROVIDING FOR INJUNCTION AND AFFIRMATIVE RELIEF: The May 21, 2008 Order shall be deemed amended to include Maria Gonzalez as a Claimant, in accordance with paragraph 29 of the May 21, 2008 Order. DOCS shall pay the total sum of \$29,790.48 to Maria Gonzalez, which sum includes back wages, the monetary value of leave accruals restored to Ms. Gonzalez, along with all monetary damages to be issued to Ms. Gonzalez, as set forth in Exhibit A hereto. Within fifteen (15) business days of the payment and leave accrual restoration to be made pursuant to this Modification Order, DOCS shall provide copies of the following documentation to Raechel L. Adams, Senior Trial Attorney, Equal Employment Opportunity Commission, 33 Whitehall Street, 5th Floor, New York, New York, 10004, and Alicia M. Simmons, Assistant United States Attorney, United States Attorney's Office for the Southern District of New York, 86 Chambers Street, 3rd Floor, New York, New York, 10007, as set forth in this order. Except as amended herein, the terms, conditions and provisions of the May 21, 2008 Order are incorporated herein and remain in full force and effect, as modified by this Modification Order. (Signed by Judge Shira A. Scheindlin on 12/21/2009) (jpo) (Entered: 12/22/2009)
02/24/2011	<u>17</u>	ORDER MODIFYING MAY 21, 2008 ORDER AND STIPULATION PROVIDING FOR INJUNCTION AND AFFIRMATIVE RELIEF re: (2 in 1:08-cv-04419-SAS) Stipulation and Order. The May 21, 2008 Order shall be deemed amended to include Maureen Billings as a Claimant, in accordance with paragraph 29 of the May 21, 2008 Order. DOCS shall pay the total sum of \$43,753.72 to Claimant Maureen Billings,

		which sum includes back wages, the monetary value of leave accruals restored to Maureen Billings, along with all monetary damages to be issued to Ms. Billings, as set forth in Exhibit A hereto. Except as amended herein, the terms, conditions and provisions of the May 21, 2008 Order are incorporated herein and remain in full force and effect, as modified by this Modification Order. (Signed by Judge Shira A. Scheindlin on 2/24/2011) (tro) Modified on 2/25/2011 (tro). (Entered: 02/24/2011)
04/12/2011	<u>18</u>	ORDER MODIFYING MAY 21, 2008 ORDER AND STIPULATION PROVIDING FOR INJUNCTION AND AFFIRMATIVE RELIEF: Paragraph 20 of the May 21, 2008 Order is modified as it pertains to Claimant Maureen Billings to the extent that DOCS shall pay interest on the monetary award to Ms. Billings commencing on the 121st day after receipt by DOCS of the release signed by Ms. Billings. SO ORDERED. (Signed by Judge Shira A. Scheindlin on 4/12/2011) (Inl) (Entered: 04/13/2011)