

**U.S. District Court  
Southern District of New York (Foley Square)  
CIVIL DOCKET FOR CASE #: 1:10-cv-07495-RMB -MHD**

United States Of America v. LM93rd Street LLC et al  
Assigned to: Judge Richard M. Berman  
Referred to: Magistrate Judge Michael H. Dolinger  
Cause: 42:405 Fair Housing Act

Date Filed: 09/30/2010  
Date Terminated: 07/22/2011  
Jury Demand: None  
Nature of Suit: 443 Civil Rights:  
Accommodations  
Jurisdiction: U.S. Government Plaintiff

**Plaintiff**

**United States Of America**

represented by **Brian Marc Feldman**  
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V.

**Defendant**

**LM93rd Street LLC**

represented by **John M. Hadlock**  
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**Defendant****Costas Kondylis &Partners, LLP**

represented by **Christopher A. Albanese**  
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**Intervenor Defendant****Real Estate Board of New York**

represented by **Lawrence Steve Spiegel**  
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| Date Filed | #        | Docket Text  |
|------------|----------|--|
| 09/30/2010 | 1        | COMPLAINT against Costas Kondylis &Partners, LLP, LM93rd Street LLC. Document filed by United States Of America.(ama) (Entered: 10/01/2010)  |
| 09/30/2010 |          | SUMMONS ISSUED as to Costas Kondylis &Partners, LLP, LM93rd Street LLC. (ama) (Entered: 10/01/2010)  |
| 09/30/2010 |          | Magistrate Judge Michael H. Dolinger is so designated. (ama) (Entered: 10/01/2010)   |
| 09/30/2010 |          | Case Designated ECF. (ama) (Entered: 10/01/2010)   |
| 10/22/2010 | <u>2</u> | ADMINISTRATIVE ORDER the Court finds that it needs more information as set forth below in order to approve the Consent Decree. The core provisions of the Consent Decree are certainly appropriate and as further set forth in this document. The Court would appreciate the parties' submission(s) by 10/29/10. (Signed by Judge Richard M. Berman on 10/22/10) (cd) (Additional attachment(s) added on 11/1/2010: # <u>1</u> Exhibit) (jfe). (Entered: 10/22/2010)   |
| 11/01/2010 | <u>3</u> | ENDORSED LETTER addressed to Judge Richard M. Berman from John M. Hadlock dated 10/29/2010 re: Counsel request an extension of time to file their responsive letter until 11/2/2010 and further request that before counsel release their letter and expose their client to a possible breach of confidentiality counsel receive direction from the Court on this important issue. ENDORSEMENT: Extension to 11/2/10 at 4:00 P.M. granted. Include in any response copies of any building completion approvals by, e.g; any building inspections such as certification of occupancy, etc. Responses to Court's Order are not mandatory – but extension is Final. So Ordered (Signed by Judge Richard M. Berman on 11/1/2010) (jfe) (Entered: 11/01/2010) |
| 11/03/2010 | 4        | ENDORSED LETTER addressed to Judge Richard M. Berman from Sarah Light dated 11/2/10 re: The Government requests the opportunity for a conference with the Court in Chambers. ENDORSEMENT: Let's discuss all these issues at the  |

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|            |           | 11/16/10 conference @10:00 am (including the architect defendant's cd if it is received in advance.) The Court does not perceive the need for a meeting in chambers at this time, although that may become appropriate in the future. (Signed by Judge Richard M. Berman on 11/3/10) (cd) (Entered: 11/03/2010)   |
| 11/04/2010 | <u>5</u>  | ENDORSED LETTER addressed to Judge Richard M. Berman from Steven Spinola dated 11/3/2010 re: submitting this letter to bring to the Court's attention the grave concerns of New York City's real estate industry regarding the proposed consent decree that has recently been submitted for the Court's approval. ENDORSEMENT: If the parties here (Govt + Developer + Architect) wish to comment, they are respectfully request to do so by 11/9/2010 at noon. They are not required to do so. (Signed by Judge Richard M. Berman on 11/4/2010) (jar) (Entered: 11/04/2010)                          |
| 11/05/2010 | <u>6</u>  | NOTICE OF APPEARANCE by Li Yu on behalf of United States Of America (Yu, Li) (Entered: 11/05/2010)  |
| 11/16/2010 | <u>7</u>  | Letter addressed to Judge Richard M. Berman from John M. Hadlock dated 11/15/10 re: We believe the issues raised by the Corporation Counsel Cardozo are critical to the Developer's dispute with the USAO and will be a critical issue to be resolved in this litigation. (mro) (Entered: 11/16/2010)   |
| 11/16/2010 | <u>8</u>  | Letter addressed to Judge Richard M. Berman from Brian M. Feldman dated 11/15/10 re: We request that the Court advise the parties as to whether it would consider a resolution presented to the Court in this form. Document filed by United States Of America.(mro) (Entered: 11/16/2010)  |
| 11/16/2010 | <u>9</u>  | Letter addressed to Judge Richard M. Berman from Brian M. Feldman dated 10/29/10 re: The Government submits this letter in response to the Court's Administrative Order, dated October 22, 2010. Document filed by United States Of America.(mro) (Entered: 11/16/2010)   |
| 11/16/2010 | <u>10</u> | Letter addressed to Judge Richard M. Berman from Sarah E. Light dated 11/9/10 re: The Government writes in response to the letter submitted by the Real Estate Board of New York on 11/3/10. Document filed by United States Of America.(mro) (Entered: 11/16/2010)   |
| 11/16/2010 | <u>11</u> | Letter addressed to Judge Richard M. Berman from Sarah E. Light, Brian M. Feldman, Li Yu, Carina Schoenberger dated 10/29/2010 re: Submits this letter in response to the Court's Administrative Order. Document filed by United States Of America.(mbe) (Entered: 11/16/2010)  |
| 11/16/2010 | <u>12</u> | Letter addressed to Judge Richard M. Berman from Sarah E. Light, Brian M. Feldman, Li Yu, Carina Schoenberger dated 11/15/2010 re: To advise the Court of a potential resolution of this matter. Document filed by United States Of America.(mbe) (Entered: 11/16/2010)   |
| 11/16/2010 |           | Minute Entry for proceedings held before Judge Richard M. Berman: Status Conference held on 11/16/2010, ( Status Conference set for 12/16/2010 at 10:30 AM before Judge Richard M. Berman.) (mbe) (Entered: 11/18/2010)   |
| 11/17/2010 | <u>13</u> | TRANSCRIPT of proceedings held on November 10, 2010 4:50 p.m. before Judge Richard M. Berman. (ajc) (Entered: 11/19/2010)   |
| 12/10/2010 | <u>14</u> | ENDORSED LETTER addressed to Judge Richard M. Berman from Lawrence S. Spiegel, dated 12/10/10 re: counsel submits this letter to advise the Court that REBNY plans to move to intervene as a defendant in this action. ENDORSEMENT: We can discuss at the conference on 12/16. The principal issue at that time will be proposed consent decree. Plaintiff and Defendants are directed to submit a brief (joint) status letter by noon on Tuesday, 12/14/10. (Signed by Judge Richard M. Berman on 12/10/10); (djc) Modified on 12/22/2010 (djc). Modified on 12/28/2010 (djc). (Entered: 12/13/2010) |
| 12/14/2010 | <u>15</u> | ENDORSED LETTER addressed to Judge Richard M. Berman from United States Attorney, Southern District of New York, dated 12/14/2010, re: The Government writes, jointly with Costas Kondylis &Partners, LLP (the "Architect Defendant") and LM93rd Street LLC (the "Developer Defendant") to report that the parties today recommenced settlement discussions regarding the proposed consent  |

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|            |           | decrees. We anticipate that those discussions will either conclude successfully or reach an impasse within the next 45 days. The parties therefore jointly and respectfully request that the Court: (1) adjourn the conference currently scheduled for Thursday, December 16, 2010, by 45 days; and (2) extend by 45 days the time period in which the Architect Defendant and Developer Defendant must respond to the Government's complaint in this action. ENDORSEMENT: Application granted. The conference on 12/16/2010 is adjourned to 2/1/2011 at 10:00 a.m. SO ORDERED. (Status Conference set for 2/1/2011 at 10:00 AM before Judge Richard M. Berman) (Signed by Judge Richard M. Berman, Not dated) (Inl) (Entered: 12/14/2010)   |
| 12/15/2010 | <u>16</u> | ADMINISTRATIVE ORDER: The Court has reviewed the record and letter submissions, dated December 10, 2010, from the Real Estate Board of New York, December 13, 2010, from the Government and LM93rd Street LLC, respectively, and the joint status letter dated, December 14, 2010, from the Government and Costas Kondylis &Partners, LLP. Following this review, the conference scheduled for December 16, 2010 has been adjourned to February 1, 2011 at 10:00 a.m. It is the Court's understanding that, in the interim, the parties are attempting to achieve a (more) global resolution, one which endeavors to harmonize New York City and Federal housing construction obligations. Without in any way commenting upon the merits or outcome of the parties' positions, the Court fully supports this effort. Please let me know if I can be of help in achieving a resolution. (Signed by Judge Richard M. Berman on 12/15/10) (mro) (Entered: 12/15/2010) |
| 12/15/2010 | <u>17</u> | ENDORSED LETTER addressed to Judge Richard M. Berman from Lawrence S. Spiegel dated 12/14/10 re: Counsel for the Real Estate Board of New York reasserts its intention to file a formal motion to intervene. ENDORSEMENT: It's not ripe for motion practice of this time. Focus on good faith negotiations, instead. SO ORDERED. (Signed by Judge Richard M. Berman on 12/15/10) (mro) Modified on 12/15/2010 (mro). (Entered: 12/15/2010)   |
| 12/15/2010 | 18        | Letter addressed to Judge Richard M. Berman from Brian M. Feldman dated 12/13/10 re: For the reasons listed herein and in the absence of any ground supporting intervention, the Government opposes REBNY's motion to intervene. Document filed by United States Of America.(mro) (Entered: 12/15/2010)  |
| 12/15/2010 | 19        | Letter addressed to Judge Richard M. Berman from Brian M. Feldman dated 12/14/10 re: The Government writes, jointly with Costas Kondylis &Partners, LLP to provide a brief letter as to the status of settlement discussions in this proceeding. Document filed by Costas Kondylis &Partners, LLP, United States Of America.(mro) (Entered: 12/15/2010)  |
| 12/15/2010 | 20        | Letter addressed to Judge Richard M. Berman from John M. Hadlock dated 12/13/2010 re: Ls position is that discovery or other activity in this case should be deferred until it is determined whether REBNY will become a party.(mbe) (Entered: 12/20/2010)   |
| 12/20/2010 | 21        | TRANSCRIPT of proceedings held on 11/16/10, 11:30 a.m. before Judge Richard M. Berman. (rjm) (Entered: 12/21/2010)   |
| 01/06/2011 | 22        | TRANSCRIPT of proceedings held on 11/16/10 before Judge Richard M. Berman. (jw) (Entered: 01/06/2011)  |
| 01/10/2011 | <u>23</u> | WAIVER OF SERVICE RETURNED EXECUTED. LM93rd Street LLC waiver sent on 12/7/2010, answer due 2/7/2011. Document filed by United States Of America. (Feldman, Brian) (Entered: 01/10/2011)   |
| 01/18/2011 | <u>24</u> | ADMINISTRATIVE ORDER: The parties are hereby directed to file a joint letter on or before January 25, 2011 updating the Court as to the status of the parties' settlement negotiations. (Signed by Judge Richard M. Berman on 1/18/2011) (jpo) (Entered: 01/18/2011)   |
| 01/25/2011 | <u>25</u> | STATUS REPORT. <i>Letter to Judge Berman providing update concerning status of this matter</i> Document filed by Costas Kondylis &Partners, LLP.(Albanese, Christopher) (Entered: 01/25/2011)  |

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| 01/26/2011 | <u>26</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 Michael H. Dolinger. (Signed by Judge Richard M. Berman on 1/26/2011) (jpo) (Entered: 01/26/2011)  |
| 01/26/2011 | <u>27</u> | ENDORSED LETTER addressed to Judge Richard M. Berman from Brian M. Feldman dated 1/25/2011 re: Unless the Court grants the Government's outstanding request to enter the consent decrees formerly signed by all parties, to which the defendants now object, this litigation must proceed. ENDORSEMENT: The matter is referred to Magistrate Dolinger for settlement. February 1, 2011 conference adjourned to March 1, 2011 at 9:00 a.m. (Signed by Judge Richard M. Berman on 1/26/2011) (jpo) (Entered: 01/26/2011)  |
| 01/31/2011 | 28        | Letter addressed to Judge Richard M. Berman from John M. Hadlock dated 1/25/11 re: We request that you entertain REBNY's request for a briefing schedule for its expressed desire to intervene in the case. (mro) (Entered: 01/31/2011)   |
| 01/31/2011 | 29        | Letter addressed to Judge Richard M. Berman from Lawrence S. Spiegel dated 1/25/11 re: Counsel for REBNY requests that the Court set a briefing schedule for REBNY's motion to intervene. (mro) (Entered: 01/31/2011)   |
| 01/31/2011 | 30        | Letter addressed to Judge Richard M. Berman from Christopher A. Albanese dated 1/25/11 re: CKP has no objection to the Parties' request to recommence litigation. Document filed by Costas Kondylis & Partners, LLP.(mro) (Entered: 01/31/2011)   |
| 02/03/2011 | <u>31</u> | ORDER, that a settlement conference has been scheduled in the above captioned action on MONDAY, FEBRUARY 28, 2011, at 10:00 A.M., at which time you are directed to appear in Courtroom 17D, 500 Pearl Street, New York, New York 10007-1312. Additional relief as set forth in this Order. (Signed by Magistrate Judge Michael H. Dolinger on 2/2/11) Copies Sent By Chambers. (pl) (Entered: 02/03/2011)  |
| 02/25/2011 | <u>32</u> | ENDORSED LETTER addressed to Judge Richard M. Berman from The Government, dated 2/25/2011, re: The Government writes to respectfully request a brief adjournment of the conference scheduled before Your Honor on March 1, 2011. By orders dated January 26, 2011, the Court referred the parties to Magistrate Judge Dolinger for settlement discussions and for general pretrial. Magistrate Judge Dolinger has scheduled a settlement conference for February 28, 2011, i.e., just One day prior to the scheduled March 1 conference before Your Honor. The parties will likely require more than a single day to consummate, and prepare for Your Honor's review, any settlement agreements reached at the February 28 settlement conference. Accordingly, the Government respectfully requests a brief adjournment of the March 1 conference. The defendants consent to this request. ENDORSEMENT: Application granted. The status conference on 3/1/11 is adjourned to 3/14/11 at 9:00 a.m. SO ORDERED. (Status Conference set for 3/14/2011 at 09:00 AM before Judge Richard M. Berman) (Signed by Judge Richard M. Berman on 2/25/2011) (lnl) (Entered: 02/25/2011) |
| 02/25/2011 | 33        | NOTICE OF APPEARANCE by Carina Hyatt Schoenberger on behalf of United States Of America. (mbe) (Entered: 02/28/2011)  |
| 02/28/2011 | <u>34</u> | ORDER, that initial disclosures are to be made by no later than FRIDAY, APRIL 8, 2011. All fact discovery is to be completed by FRIDAY, JULY 29, 2011. All remaining expert witness discovery is to be completed by FRIDAY, SEPTEMBER 16, 2011. The parties are to submit a joint pre-trial order by FRIDAY, SEPTEMBER 30, 2011, unless a potentially dispositive motion has been served by that date. ( Discovery due by 9/16/2011., Pretrial Order due by 9/30/2011.) (Signed by Magistrate Judge Michael H. Dolinger on 2/28/11) Copies Sent By Chambers. (pl) (Entered: 02/28/2011)   |
| 03/11/2011 | <u>35</u> | ENDORSED LETTER addressed to Judge Richard M. Berman from Lawrence Spiegel and Sara Shadofsky dated 3/10/11 re: Request that the Court set a briefing schedule for REBNY's motion to intervene. ENDORSEMENT: We can discuss at the conference on 3/14/11. Discovery should proceed (vigorously). (Signed by Judge Richard M. Berman on 3/11/11) (cd) (Entered: 03/11/2011)  |



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| 03/14/2011 |           | Minute Entry for proceedings held before Judge Richard M. Berman: Status Conference held on 3/14/2011. Motion schedule set: motion to withdraw by 4/15/11; response by 4/29/11; reply by 5/13/11. Page limits apply. Oral argument to be scheduled at a later date. Motion schedule set on motion to intervene by Real Estate Board of New York: motion by 3/21/11; response by 3/28/11; reply by 4/1/11. Page limits apply. Motion to intervene to be decided on the papers submitted. See transcript of proceedings held for a complete record. (mro) (Entered: 03/14/2011)  |
| 03/21/2011 | <u>36</u> | MOTION to Intervene. Document filed by Real Estate Board of New York. (Attachments: # <u>1</u> Affidavit of Service)(Abrams, Robert) (Entered: 03/21/2011)   |
| 03/21/2011 | <u>37</u> | MEMORANDUM OF LAW in Support re: <u>36</u> MOTION to Intervene.. Document filed by Real Estate Board of New York. (Attachments: # <u>1</u> Affidavit of Service)(Abrams, Robert) (Entered: 03/21/2011)   |
| 03/24/2011 | <u>38</u> | TRANSCRIPT of proceedings held on 3/14/2011 before Judge Richard M. Berman. (ama) (Entered: 03/28/2011)  |
| 03/28/2011 | <u>39</u> | MEMORANDUM OF LAW in Opposition re: <u>36</u> MOTION to Intervene.. Document filed by United States Of America. (Schoenberger, Carina) (Entered: 03/28/2011)   |
| 03/28/2011 | <u>40</u> | DECLARATION of Carina H. Schoenberger in Opposition re: <u>36</u> MOTION to Intervene.. Document filed by United States Of America. (Attachments: # <u>1</u> Exhibit A)(Schoenberger, Carina) (Entered: 03/28/2011)  |
| 03/31/2011 | <u>41</u> | NOTICE OF APPEARANCE by Lawrence Steve Spiegel on behalf of Real Estate Board of New York (Spiegel, Lawrence) (Entered: 03/31/2011)  |
| 04/01/2011 | <u>42</u> | REPLY MEMORANDUM OF LAW in Support re: <u>36</u> MOTION to Intervene.. Document filed by Real Estate Board of New York. (Attachments: # <u>1</u> Affidavit of Service)(Spiegel, Lawrence) (Entered: 04/01/2011)  |
| 04/05/2011 | <u>43</u> | DECISION & ORDER: REBNY's motion to intervene [#36] is respectfully denied. (See DECISION & ORDER as set forth) (Signed by Judge Richard M. Berman on 4/5/2011) (lnl) (Entered: 04/05/2011)  |
| 04/15/2011 | <u>44</u> | MOTION to Withdraw <i>from the Consent Decree</i> . Document filed by LM93rd Street LLC.(Hadlock, John) (Entered: 04/15/2011)  |
| 04/15/2011 | <u>45</u> | MEMORANDUM OF LAW in Support re: <u>44</u> MOTION to Withdraw <i>from the Consent Decree</i> .. Document filed by LM93rd Street LLC. (Hadlock, John) (Entered: 04/15/2011)   |
| 04/15/2011 | <u>46</u> | DECLARATION of John M. Hadlock in Support re: <u>44</u> MOTION to Withdraw <i>from the Consent Decree</i> .. Document filed by LM93rd Street LLC. (Attachments: # <u>1</u> Exhibit A – Complaint, # <u>2</u> Exhibit B – Consent Decree, # <u>3</u> Exhibit C – 10/22/2010 Administrative Order, # <u>4</u> Exhibit D – 11/10/2010 Transcript, # <u>5</u> Exhibit E – 11/16/2010 Transcript, # <u>6</u> Exhibit F – 12/15/2010 Administrative Order, # <u>7</u> Exhibit G – 03/14/2011 Transcript, # <u>8</u> Exhibit H – 07/14/2008 letter, # <u>9</u> Exhibit I – Temporary Certificate of Occupancy)(Hadlock, John) (Entered: 04/15/2011) |
| 04/18/2011 | <u>47</u> | FILING ERROR – ELECTRONIC FILING FOR NON-ECF DOCUMENT – MOTION to Add <i>Costas Kondylis &amp; Partners in Ls Motion to Withdraw</i> . Document filed by Costas Kondylis & Partners, LLP. Return Date set for 5/13/2011 at 09:30 AM.(Albanese, Christopher) Modified on 4/19/2011 (ldi). (Entered: 04/18/2011)   |
| 04/18/2011 |           | ***NOTE TO ATTORNEY THAT THE ATTEMPTED FILING OF Document No. <u>47</u> HAS BEEN REJECTED. Note to Attorney Christopher A. Albanese : THE CLERK'S OFFICE DOES NOT ACCEPT LETTERS FOR FILING, either through ECF or otherwise, except where the judge has ordered that a particular letter be docketed. Letters may be sent directly to a judge. (ldi) (Entered: 04/19/2011)  |
| 04/19/2011 | <u>48</u> | ENDORSED LETTER: addressed to Judge Richard M. Berman from Christopher A. Albanese dated 4/18/2011 re: Counsel for the defendants write that the following is respectfully being submitted as a formal application by CKP to join in   |

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|            |           | LM's pending Motion to withdraw from the Consent Decree. As this Court is aware, CKP entered into its proposed Consent Decree with separate terms and conditions based exclusively on the terms and conditions set forth in Ls proposed Consent Decree with the United States. Based upon Ls arguments and to the extent that LM seeks withdrawal from its Consent Decree, CKP similarly seeks to withdraw its consent to entry of the proposed Consent Decree with the United States. Therefore, to the extent the Court finds that LM be permitted to withdraw from the proposed Consent Decree of its own accord or, in the alternative, that the Court decline to approve the Consent Decree, CKP similarly should be permitted to withdraw and proceed with the litigation.. ENDORSEMENT: See transcript of Proceedings dated 3/14/11 where the Court indicated that defendants motion should be "joint". It appears that the attached letter affects that the motion submitted by LM is a joint motion. So Ordered. (Signed by Judge Richard M. Berman on 4/19/11) (js) (Entered: 04/19/2011) |
| 04/27/2011 | <u>49</u> | ENDORSED LETTER addressed to Judge Richard M. Berman from Brian M. Feldman dated 4/26/11 Re: The Government writes respectfully to request a one-week extension of the briefing schedule regarding defendants' motion to withdraw from the proposed consent decree. ENDORSEMENT: Extension(s) granted. The Court encourages the parties to achieve mutually acceptable resolution. So ordered. (Responses due by 5/6/2011. Replies due by 5/20/2011.) (Signed by Judge Richard M. Berman on 4/27/2011) (rjm) (Entered: 04/27/2011)  |
| 05/05/2011 | <u>50</u> | ENDORSED LETTER addressed to Judge Richard M. Berman from Sarah E. Light dated 5/4/2011 re: The Government respectfully requests that the Court permit the Government to file its opposition papers by 5/13/11, and the defendants to file their reply papers by 5/27/11. ENDORSEMENT: Application granted. So Ordered. (Signed by Judge Richard M. Berman on 5/4/2011) (jfe) (Entered: 05/05/2011)   |
| 05/13/2011 | <u>51</u> | ENDORSED LETTER addressed to Judge Richard M. Berman from Li Yu dated 5/12/2011 re: Counsel requests an extension of time regarding the briefing schedule for defendants' motion to withdraw as follows: response due by 5/27/2011 and reply due by 6/10/2011. ENDORSEMENT: Application granted. Set Deadlines/Hearing as to <u>44</u> MOTION to Withdraw from the Consent Decree:( Responses due by 5/27/2011, Replies due by 6/10/2011.) (Signed by Judge Richard M. Berman on 5/12/2011) (tro) (Entered: 05/13/2011)   |
| 05/25/2011 | <u>52</u> | ENDORSED LETTER addressed to Judge Richard M. Berman from Brian M. Feldman dated 5/25/11 re: Request for an extension of time until June 10, 2011, to file the Government's response to the motion, with reply due by June 24, 2011. ENDORSEMENT: Application granted. So ordered. (Responses due by 6/10/2011. Replies due by 6/24/2011.) (Signed by Judge Richard M. Berman on 5/25/11) (rjm) (Entered: 05/26/2011)   |
| 06/09/2011 | <u>53</u> | ENDORSED LETTER addressed to Judge Richard M. Berman from Li Yu dated 6/8/11 re: We write respectfully to request an extension of the briefing schedule for defendants' motion to withdraw from the proposed consent decrees. ENDORSEMENT: Application granted. (Responses due by 6/21/2011. Replies due by 7/13/2011.) (Signed by Judge Richard M. Berman on 6/8/11) (rjm) (Entered: 06/09/2011)   |
| 06/22/2011 | <u>54</u> | ENDORSED LETTER addressed to Judge Richard M. Berman from Li Yu dated 6/20/2011 re: Counsel requests that the briefing schedule for defendants' motion to withdraw be adjourned indefinitely. ENDORSEMENT: The briefing schedule is suspended without prejudice. A status conference is scheduled for 6/30/11 at 10:00 a.m. (Status Conference set for 6/30/2011 at 10:00 AM before Judge Richard M. Berman.) (Signed by Judge Richard M. Berman on 6/21/2011) (tro) (Entered: 06/22/2011)  |
| 06/28/2011 | <u>55</u> | ENDORSED LETTER addressed to Judge Richard M. Berman from Christopher A. Albanese dated 6/28/2011 re: This office represents the Defendant Costas Kondylis & Partners, LLP ("CKP") in connection with the above referenced action. Due to prior commitment that this office cannot reschedule, we respectfully request that the conference presently scheduled for Thursday 6/30/2011 be adjourned to a date and time on or after 7/15/2011. The plaintiff and developer Defendants   |

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|            |           | consent to this request. ENDORSEMENT: Application respectfully denied. (Signed by Judge Richard M. Berman on 6/28/2011) (mbe) (Entered: 06/28/2011)   |
| 06/30/2011 |           | Minute Entry for proceedings held before Judge Richard M. Berman: Status Conference held on 6/30/2011. Government submission is due 7/13/11. Status Conference set for 7/20/2011 at 11:00 AM before Judge Richard M. Berman. (ft) (Entered: 06/30/2011)   |
| 07/14/2011 | <u>56</u> | ENDORSED LETTER addressed to Judge Richard M. Berman from John M. Hadlock dated 7/12/11 re: We request, with the consent of the Government and the respondent Costas, Kondylis & Partners, LLP, that the deadline for the Government to submit the revised consent decree be extended from July 13, 2011, to July 22, 2011, and that the conference, which currently is scheduled for July 20, 2011, be rescheduled to a date after the submission of the revised consent decree that is convenient for the Court. ENDORSEMENT: Application granted. The status conference on 7/20/11 is adjourned to 8/8/11 at 9:15 a.m. So ordered. (Conference set for 8/8/2011 at 09:15 AM before Judge Richard M. Berman.) (Signed by Judge Richard M. Berman on 7/13/11) (rjm) (Entered: 07/14/2011)  |
| 07/22/2011 | <u>57</u> | ENDORSED LETTER: addressed to Judge Richard M. Berman from Brian M. Feldmen dated 7/21/2011 re: respectfully submit that the terms of these decrees are procedurally and substantively fair, further the purposes of the FHA's design and construction provisions, address the questions and concerns that the Court has raised, and allow the parties to achieve a consensual resolution of this matter without the expenditure of additional resources. Accordingly, on behalf of all parties, we respectfully request that the Court approve the Revised Developer Decree and the Architect Decree. ENDORSEMENT: As the parties have been advised, the Court is approving the consent decree (relating to the developer and the architect) as modified, following by the parties good job August 8 conference vacated. So Ordered. (Signed by Judge Richard M. Berman on 7/22/2011) (js) (Entered: 07/22/2011)   |
| 07/22/2011 | <u>58</u> | JUDGMENT CONSENT DECREE BETWEEN THE UNITED STATES OF AMERICA AND DEFENDANT LM93RD STREET LLC Settling action. (Signed by Judge Richard M. Berman on 7/22/11) (Attachments: # <u>1</u> Notice of Right to Appeal)(dt) (Entered: 07/25/2011)  |
| 07/25/2011 | <u>59</u> | JUDGMENT CONSENT DECREE BETWEEN THE UNITED STATES OF AMERICA AND DEFENDANT COSTAS KONDYLIS & PARTNERS, LLP Settling action. (Signed by Judge Richard M. Berman on 7/22/11) (Attachments: # <u>1</u> Notice of Right to Appeal)(dt) (Entered: 07/25/2011)  |
| 07/26/2011 | 60        | Letter addressed to Judge Richard M. Berman from Marvin Wasserman dated 11/12/2010 re: A proposed Consent Decree submitted by the parties on September 30, 2010. (lmb) (Entered: 07/26/2011)  |
| 02/09/2012 | <u>61</u> | STIPULATION AND ORDER EXTENDING CERTAIN DEADLINES IN AND THE DURATION OF CONSENT DECREE: It is hereby Stipulated, Agreed and Ordered that: 1. The following deadlines for performance by the Developer Defendants under the Consent Decree are hereby extended, nunc pro tunc, by 150 days: (A) The date by which the Developer Defendant must distribute the Retrofit Notices, as set forth in paragraphs 7, 8, and 12 of the Consent Decree; (B) The date by which the Developer Defendant must publish the Aggrieved Persons Notice, place an electronic version of the Aggrieved Persons Notice on The Melar's website, and send a copy of the Aggrieved Persons Notice to the Fair Housing Justice Center, the United Spinal Association, and current and past residents of The Melar, in accordance with paragraph 26, 27, 28, and 29 of the Consent Decree; (C) The date by which the Developer Defendant must comply with the requirements of the Educational Program, in accordance with paragraphs 38 and 40 of the Consent Decree; (D) The date by which the Developer Defendant shall comply with the requirements of the Non-Discrimination Policy provisions of the Consent Decree, as set forth in paragraph 46 of the Consent Decree; as further set forth in this Stipulation and Order. ENDORSEMENT: On consent. (Signed by Judge Richard M. Berman on 2/9/2012) (mro) Modified on 2/10/2012 (mro). (Entered: 02/10/2012) |