

**U.S. District Court  
Eastern District of New York (Brooklyn)  
CIVIL DOCKET FOR CASE #: 1:14-cv-06410-VMS**

The Fortune Society v. Sandcastle Towers Housing  
Development Fund Corp. et al  
Assigned to: Magistrate Judge Vera M. Scanlon  
Cause: 42:405 Fair Housing Act

Date Filed: 10/30/2014  
Jury Demand: Plaintiff  
Nature of Suit: 443 Civil Rights:  
Accomodations  
Jurisdiction: Federal Question

**Plaintiff**

**The Fortune Society**

represented by **Glenn Schlactus**  
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V.

**Defendant**

**Sandcastle Towers Housing  
Development Fund Corp.**

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**Defendant**

**Sarasota Gold LLC**

represented by **Richard T. Walsh**  
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**ATTORNEY TO BE NOTICED**

**Jann S. Brent**  
(See above for address)  
**ATTORNEY TO BE NOTICED**

**Thomas D. Shanahan**  
(See above for address)  
**ATTORNEY TO BE NOTICED**

**Defendant**

**Weissman Realty Group LLC**

represented by **Richard T. Walsh**  
(See above for address)  
**LEAD ATTORNEY**  
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**Jann S. Brent**  
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**Defendant**

**E & M Associates LLC**

represented by

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**Jann S. Brent**  
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**Interested Party**

**United States of America**  
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Date Filed	#	Docket Text
10/30/2014	<u>1</u>	COMPLAINT against Sandcastle Towers Housing Development Fund Corp., Sarasota Gold LLC, Weissman Realty Group LLC filing fee \$ 400, receipt number 0207–7301007 Was the Disclosure Statement on Civil Cover Sheet completed –YES,, filed by The Fortune Society. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Proposed Summons, # <u>3</u> Proposed Summons, # <u>4</u> Proposed Summons) (Downer, Ryan) (Entered: 10/30/2014)
10/30/2014		Case assigned to Judge Brian M. Cogan. (Bowens, Priscilla) (Entered: 10/31/2014)
10/30/2014	<u>2</u>	Summons Issued as to All Defendants. (Attachments: # <u>1</u> Sarasota summons, # <u>2</u> Weissman summons) (Bowens, Priscilla) (Entered: 10/31/2014)
10/31/2014	<u>3</u>	In accordance with Rule 73 of the Federal Rules of Civil Procedure and Local Rule 73.1, the parties are notified that <i>if</i> 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 <b>only if all</b> parties wish to consent. The form may also be accessed at the following link: <a href="http://www.uscourts.gov/uscourts/FormsAndFees/Forms/AO085.pdf">http://www.uscourts.gov/uscourts/FormsAndFees/Forms/AO085.pdf</a> . <b>You may withhold your consent without adverse substantive consequences. Do NOT return or file the consent unless all parties have signed the consent.</b> (Bowens, Priscilla) (Entered: 10/31/2014)
10/31/2014	<u>4</u>	This attorney case opening filing has been checked for quality control. See the attachment for corrections that were made, if any. (Bowens, Priscilla) (Entered: 10/31/2014)
10/31/2014		SCHEDULING ORDER: Counsel for all parties are directed to appear before the Honorable Brian M. Cogan for an Initial Status Conference on 12/11/2014 at 11:30 am in Chambers 704S. Principal trial counsel must appear at this and all subsequent conferences. Plaintiff's counsel is directed to notify all attorneys in this action of the conference schedule in writing. Defendants' counsel is Ordered to ECF file a pre-conference letter that explains their anticipated legal and factual bases for defending this action.  Counsel is directed to review Judge Cogan's Individual Practices, which may be obtained on the Court's website at <a href="https://www.nyed.uscourts.gov/content/judge-brian-m-cogan">https://www.nyed.uscourts.gov/content/judge-brian-m-cogan</a> . Requests for adjournment of the conference will be considered only if made in writing and

		otherwise in accordance with Judge Cogan's Rules. Ordered by Judge Brian M. Cogan on 10/31/2014. (Weisberg, Peggy)  (Entered: 10/31/2014)
11/13/2014	<u>5</u>	SUMMONS Returned Executed by The Fortune Society. Sarasota Gold LLC served on 11/13/2014, answer due 12/4/2014. (Downer, Ryan) (Entered: 11/13/2014)
11/13/2014	<u>6</u>	SUMMONS Returned Executed by The Fortune Society. Sandcastle Towers Housing Development Fund Corp. served on 11/13/2014, answer due 12/4/2014. (Downer, Ryan) (Entered: 11/13/2014)
11/13/2014	<u>7</u>	SUMMONS Returned Executed by The Fortune Society. Weissman Realty Group LLC served on 11/13/2014, answer due 12/4/2014. (Downer, Ryan) (Entered: 11/13/2014)
11/13/2014	<u>8</u>	Letter <i>Regarding Treatment As a Related Case</i> by The Fortune Society (Attachments: # <u>1</u> Certificate of Service) (Downer, Ryan) (Entered: 11/13/2014)
11/14/2014		ORDER REASSIGNING CASE. Case reassigned to Judge Margo K. Brodie and Magistrate Judge Vera M. Scanlon as related to 14cv5716 for all further proceedings. Judge Brian M. Cogan no longer assigned to case. Ordered by Chief Judge Carol Bagley Amon on 11/14/2014. (Bowens, Priscilla) (Entered: 11/14/2014)
11/24/2014	<u>9</u>	NOTICE of Appearance by Richard T. Walsh on behalf of Sandcastle Towers Housing Development Fund Corp., Sarasota Gold LLC (aty to be noticed) (Walsh, Richard) (Entered: 11/24/2014)
12/04/2014	<u>10</u>	MOTION for Leave to Appear Pro Hac Vice by <i>Jia Cobb</i> Filing fee \$ 25, receipt number 0207-7376083. by The Fortune Society. (Attachments: # <u>1</u> Affidavit Affidavit of Jia Cobb in Support of Motion to Admit Counsel Pro Hac Vice, # <u>2</u> Supplement Certificate of Good Standing for Jia Cobb, # <u>3</u> Certificate of Service Certificate of Service, # <u>4</u> Proposed Order Proposed Order Granting Pro Hac Vice Application) (Downer, Ryan) (Entered: 12/04/2014)
12/04/2014	<u>11</u>	MOTION for Leave to Appear Pro Hac Vice by <i>John P. Relman</i> Filing fee \$ 25, receipt number 0207-7376172. by The Fortune Society. (Attachments: # <u>1</u> Affidavit Affidavit of John Relman in Support of Motion to Admit Counsel Pro Hac Vice, # <u>2</u> Supplement Certificate of Good Standing for John Relman, # <u>3</u> Certificate of Service Certificate of Service, # <u>4</u> Proposed Order Proposed Order Granting Pro Hac Vice Application) (Downer, Ryan) (Entered: 12/04/2014)
12/05/2014		ORDER granting <u>10</u> Motion for Leave to Appear Pro Hac Vice. Ordered by Magistrate Judge Vera M. Scanlon on 12/5/2014. (Priftakis, Tina) (Entered: 12/05/2014)
12/05/2014		ORDER granting <u>11</u> Motion for Leave to Appear Pro Hac Vice. Ordered by Magistrate Judge Vera M. Scanlon on 12/5/2014. (Priftakis, Tina) (Entered: 12/05/2014)
12/11/2014	<u>12</u>	MOTION for Leave to Appear Pro Hac Vice Filing fee \$ 25, receipt number 0207-7391375. by The Fortune Society. (Attachments: # <u>1</u> Affidavit Affidavit of Glenn Schlactus in Support of Motion to Admit Counsel Pro Hac Vice, # <u>2</u> Supplement Certificate of Good Standing for Glenn Schlactus from the District Court of Columbia Court of Appeals, # <u>3</u> Supplement Certificate of Good Standing for Glenn Schlactus from the California State Bar, # <u>4</u> Certificate of Service Certificate of Service, # <u>5</u> Proposed Order Proposed Order Granting Pro Hac Vice Application for Glenn Schlactus) (Downer, Ryan) (Entered: 12/11/2014)
12/13/2014	<u>13</u>	First MOTION for Extension of Time to File Answer <i>per stipulation on consent</i> by Sandcastle Towers Housing Development Fund Corp., Sarasota Gold LLC. (Walsh, Richard) (Entered: 12/13/2014)
12/15/2014		ORDER granting <u>12</u> Motion for Leave to Appear Pro Hac Vice. Ordered by Magistrate Judge Vera M. Scanlon on 12/15/2014. (Priftakis, Tina) (Entered: 12/15/2014)

12/15/2014		ORDER granting <u>13</u> Motion for Extension of Time to Answer. All Defendants must answer or otherwise respond to the Plaintiff's complaint on or before 12/18/2014. Ordered by Magistrate Judge Vera M. Scanlon on 12/15/2014. (Priftakis, Tina) (Entered: 12/15/2014)
12/18/2014	<u>14</u>	ANSWER to <u>1</u> Complaint, by All Defendants. (Walsh, Richard) (Entered: 12/18/2014)
12/18/2014	<u>15</u>	ANSWER to <u>1</u> Complaint, by All Defendants. (Walsh, Richard) (Entered: 12/18/2014)
12/23/2014	<u>16</u>	SCHEDULING ORDER: Initial Conference set for 1/19/2015 03:30 PM in Courtroom 504 North before Magistrate Judge Vera M. Scanlon. The parties must review the attached initial conference order and complete the proposed initial scheduling order before coming to the initial conference. Ordered by Magistrate Judge Vera M. Scanlon on 12/23/2014. (Priftakis, Tina) (Entered: 12/23/2014)
12/29/2014		Scheduling Order: Set/Reset Hearings: The 1/19/2015 Initial Conference is adjourned to a later date due to the fact that the Court is closed on 1/19/2015 for the Martin Luther King, Jr. Birthday holiday. Initial Conference reset for 1/21/2015 05:00 PM in Courtroom 504 North before Magistrate Judge Vera M. Scanlon. (Priftakis, Tina) (Entered: 12/29/2014)
01/06/2015	<u>17</u>	Consent MOTION to Adjourn Conference by The Fortune Society. (Downer, Ryan) (Entered: 01/06/2015)
01/07/2015		Scheduling Order: Set/Reset Hearings: The 1/21/2015 Initial Conference is adjourned to a later date at Plaintiff's request with consent from defendants. Initial Conference reset for 2/5/2015 10:00 AM in Courtroom 504 North before Magistrate Judge Vera M. Scanlon. (Priftakis, Tina) (Entered: 01/07/2015)
02/04/2015	<u>18</u>	Emergency MOTION to Adjourn Conference on 02/05/2015 by Sandcastle Towers Housing Development Fund Corp., Sarasota Gold LLC. (Walsh, Richard) (Entered: 02/04/2015)
02/04/2015		ORDER granting in part and denying in part <u>18</u> Motion to Adjourn Conference. On consent, defendants' counsel's request to adjourn the 2/5/2015 Initial Conference is granted. Initial Conference reset for 2/12/2015 at 09:00 AM in Courtroom 504 North before Magistrate Judge Vera M. Scanlon. Ordered by Magistrate Judge Vera M. Scanlon on 2/4/2015. (Priftakis, Tina) (Entered: 02/04/2015)
02/06/2015		ORDER: Defendants' counsel requested an adjournment of the 2/5/15 conference in light of a family medical emergency. The request was granted, and the conference was rescheduled at counsel's request to 2/12/15. The Court notes, however, that counsel's request asked that the conference be scheduled at a time before or after counsel's conference with District Judge Feuerstein. It is unclear from the correspondence whether counsel is aware that District Judge Feuerstein sits in the EDNY courthouse in Central Islip while the Magistrate Judge sits in the EDNY courthouse in Brooklyn. On or before 2/10/2015, counsel should confirm that he wishes the 2/12/2015 conference in Brooklyn to proceed. If there is a conflict in the conferences, counsel may request an additional adjournment of the Brooklyn conference. Ordered by Magistrate Judge Vera M. Scanlon on 2/6/2015. (Scanlon, Vera) (Entered: 02/06/2015)
02/09/2015		SCHEDULING ORDER: The Initial Conference set for 2/12/2015 is rescheduled to 2/18/2015 at 02:30 PM before Magistrate Judge Vera M. Scanlon. Ordered by Magistrate Judge Vera M. Scanlon on 2/9/2015. (Rice, Liane) (Entered: 02/09/2015)
02/09/2015	<u>19</u>	NOTICE of Appearance by Jann S. Brent on behalf of All Defendants (aty to be noticed) (Brent, Jann) (Entered: 02/09/2015)
02/18/2015	<u>20</u>	Minute Entry for proceedings held before Magistrate Judge Vera M. Scanlon:Initial Conference Hearing held on 2/18/2015. Please see attached for appearances. (Tape #2:50-3:43.) (Priftakis, Tina) (Entered: 02/19/2015)
02/18/2015	<u>21</u>	SCHEDULING ORDER: Having held an initial conference as noted in the separate minute entry, the Court has made certain scheduling decisions in this action. The attached Scheduling Order must be reviewed and complied with by all counsel and/or any pro se parties participating in this action. On or before 4/23/2015, the parties must file a joint status letter of no more than 3 pages describing the status of discovery and any outstanding discovery disputes. Telephone Conference set for 4/30/2015 02:15 PM



		before Magistrate Judge Vera M. Scanlon. Plaintiff's counsel is to initiate a conference call with counsel then call Chambers at (718) 613-2300 at the designated time. On or before 9/24/2015, the parties must file on ECF a joint letter confirming that discovery is concluded. Ordered by Magistrate Judge Vera M. Scanlon on 2/18/2015. (Priftakis, Tina) (Entered: 02/19/2015)
02/24/2015	<u>22</u>	TRANSCRIPT of Proceedings held on February 18, 2015, before Judge Scanlon. Court Transcriber: ARIA SERVICES, INC, Telephone number 845-260-1377. Transcript may be viewed at the court public terminal or purchased through the Court Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. File redaction request using event "Redaction Request - Transcript" located under "Other Filings - Other Documents". Redaction Request due 3/17/2015. Redacted Transcript Deadline set for 3/27/2015. Release of Transcript Restriction set for 5/25/2015. (Rocco, Christine) (Entered: 02/24/2015)
02/25/2015	<u>23</u>	CONSENT to Jurisdiction by US Magistrate Judge by Sandcastle Towers Housing Development Fund Corp., Sarasota Gold LLC, Weissman Realty Group LLC. (Brent, Jann) (Entered: 02/25/2015)
03/31/2015	<u>24</u>	Joint MOTION for Protective Order by The Fortune Society. (Attachments: # <u>1</u> Proposed Order) (Downer, Ryan) (Entered: 03/31/2015)
04/02/2015	<u>25</u>	ORDER granting as modified <u>24</u> Motion for Protective Order. Please see attached for the document with modifications. Ordered by Magistrate Judge Vera M. Scanlon on 4/2/2015. (Lozar, Ryan) (Entered: 04/02/2015)
04/15/2015	<u>26</u>	CONSENT to Jurisdiction by US Magistrate Judge Scanlon for all purposes including judgment. Case reassigned to Magistrate Judge Vera M. Scanlon. Judge Brodie no longer assigned. (Guzzi, Roseann) (Entered: 04/15/2015)
04/17/2015	<u>27</u>	Letter MOTION to Amend/Correct/Supplement <u>1</u> Complaint, by The Fortune Society. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Certificate of Service) (Downer, Ryan) (Entered: 04/17/2015)
04/20/2015		ORDER. On or before 4/23/2015, Defendants must respond to Plaintiff's motion to amend with a letter indicating the extent to which they consent or oppose the motion. A 4/30/2015 conference is already scheduled with the Court and the Parties should expect to discuss the complaint amendment issue on that date. Once Defendants file their response on 4/23/2015, the Parties should meet and confer about any points of opposition and alert the Court if any disputed issues have been resolved with a filing on ECF on or before the close of business on 4/28/2015. Ordered by Magistrate Judge Vera M. Scanlon on 4/20/2015. (Lozar, Ryan) (Entered: 04/20/2015)
04/23/2015	<u>28</u>	Letter <i>re: Status of Discovery</i> by The Fortune Society (Attachments: # <u>1</u> Certificate of Service) (Downer, Ryan) (Entered: 04/23/2015)
04/24/2015		ORDER. Defendants failed to comply with the Court's Order that they file a letter by 4/23/2015 indicating their position relative to Plaintiff's motion to amend at <u>27</u> . At present the Court assumes that the motion is unopposed. Ordered by Magistrate Judge Vera M. Scanlon on 4/24/2015. (Lozar, Ryan) (Entered: 04/24/2015)
05/01/2015		Minute Entry for proceedings held before Magistrate Judge Vera M. Scanlon: Telephone Conference held on 4/30/2015. Appearances by Ryan Downer and Glenn Schlactus for Plaintiff and Richard Walsh for Defendants. Mr. Schlactus must file a notice of appearance. See separate docket entry for Order issuing from this proceeding. (Tape #2:18-2:40.) (Rice, Liane) (Entered: 05/01/2015)
05/01/2015	<u>29</u>	ORDER granting <u>27</u> Motion to Amend/Correct/Supplement; SCHEDULING ORDER: As discussed during the 4/30/2015 conference (see attached order for additional detail), the <u>27</u> motion is granted on consent. Plaintiff to file an amended complaint. A Telephone Conference is set for 7/30/2015 at 09:30 AM before Magistrate Judge Vera M. Scanlon. Defendants' counsel is to organize a conference call, then phone Chambers at (718) 613-2300 with all counsel on the line. Ordered by Magistrate Judge Vera M. Scanlon on 4/30/2015. (Rice, Liane) (Entered: 05/01/2015)
05/01/2015	<u>30</u>	AMENDED COMPLAINT against All Defendants, filed by The Fortune Society. (Attachments: # <u>1</u> Proposed Summons, # <u>2</u> Certificate of Service) (Downer, Ryan) (Entered: 05/01/2015)

05/04/2015	<u>31</u>	NOTICE of Appearance by John P. Relman on behalf of The Fortune Society (aty to be noticed) (Attachments: # <u>1</u> Certificate of Service) (Relman, John) (Entered: 05/04/2015)
05/04/2015	<u>32</u>	NOTICE of Appearance by Glenn Schlactus on behalf of The Fortune Society (aty to be noticed) (Attachments: # <u>1</u> Certificate of Service) (Schlactus, Glenn) (Entered: 05/04/2015)
05/04/2015	<u>33</u>	NOTICE of Appearance by Jia Cobb on behalf of The Fortune Society (aty to be noticed) (Attachments: # <u>1</u> Certificate of Service) (Cobb, Jia) (Entered: 05/04/2015)
05/06/2015	<u>34</u>	TRANSCRIPT of Proceedings held on April 30, 2015, before Judge SCANLON. Court Reporter/Transcriber Transcriptions Plus II, Inc.. Email address: laferrara44@gmail.com. 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.File redaction request using event "Redaction Request – Transcript" located under "Other Filings – Other Documents". Redaction Request due 5/27/2015. Redacted Transcript Deadline set for 6/8/2015. Release of Transcript Restriction set for 8/4/2015. (Hong, Loan) (Entered: 05/06/2015)
05/12/2015	<u>35</u>	Amended Summons Issued as to E & M Associates LLC. (Brucella, Michelle) (Entered: 05/12/2015)
05/18/2015	<u>36</u>	SUMMONS Returned Executed by The Fortune Society. E & M Associates LLC served on 5/14/2015, answer due 6/4/2015. (Downer, Ryan) (Entered: 05/18/2015)
05/21/2015	<u>37</u>	ANSWER to <u>30</u> Amended Complaint by All Defendants. (Attachments: # <u>1</u> Affidavit of Service of Answer) (Walsh, Richard) (Entered: 05/21/2015)
05/26/2015	<u>38</u>	Corporate Disclosure Statement by E & M Associates LLC, Sandcastle Towers Housing Development Fund Corp., Sarasota Gold LLC, Weissman Realty Group LLC (Walsh, Richard) (Entered: 05/26/2015)
06/25/2015		ORDER: During the 7/30/2015 conference, counsel should be prepared to discuss the impact on the strength of their respective positions, their settlement positions and the scope of discovery of today's United States Supreme Court decision, Texas Dep't of Housing & Community Affairs v. Inclusive Communities Project, Inc. (13–1371). Ordered by Magistrate Judge Vera M. Scanlon on 6/25/2015. (Scanlon, Vera) (Entered: 06/25/2015)
06/30/2015	<u>39</u>	Letter MOTION to Compel <i>Discovery Responses</i> by The Fortune Society. (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> Certificate of Service) (Downer, Ryan) (Entered: 06/30/2015)
07/10/2015	<u>40</u>	Consent MOTION for Hearing <i>on Discovery in Person</i> by The Fortune Society. (Attachments: # <u>1</u> Certificate of Service) (Downer, Ryan) (Entered: 07/10/2015)
07/10/2015	<u>41</u>	Letter MOTION for Extension of Time to File Response/Reply as to <u>39</u> Letter MOTION to Compel <i>Discovery Responses</i> by E & M Associates LLC, Sandcastle Towers Housing Development Fund Corp., Sarasota Gold LLC, Weissman Realty Group LLC. (Attachments: # <u>1</u> Exhibit) (Brent, Jann) (Entered: 07/10/2015)
07/13/2015		ORDER granting <u>40</u> Motion for Hearing and granting <u>41</u> Motion for Extension of Time to File Response/Reply. The 7/30/2015 conference will now take in person in Room 504 North as requested by the Parties. Ordered by Magistrate Judge Vera M. Scanlon on 7/13/2015. (Lozar, Ryan) (Entered: 07/13/2015)
07/13/2015	<u>42</u>	RESPONSE in Opposition re <u>39</u> Letter MOTION to Compel <i>Discovery Responses</i> filed by All Defendants. (Brent, Jann) (Entered: 07/13/2015)
07/13/2015	<u>43</u>	Joint MOTION for Protective Order by The Fortune Society. (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Proposed Order, # <u>3</u> Certificate of Service) (Downer, Ryan) (Entered: 07/13/2015)
07/13/2015	<u>44</u>	Letter to Supplement Plaintiff's Motion to Compel by The Fortune Society (Attachments: # <u>1</u> Exhibit 6, # <u>2</u> Exhibit 7, # <u>3</u> Certificate of Service) (Downer, Ryan) (Entered: 07/13/2015)

07/28/2015	<u>45</u>	Letter MOTION to Compel <i>Discovery Responses</i> by The Fortune Society. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Certificate of Service) (Downer, Ryan) (Entered: 07/28/2015)
07/30/2015		Minute Entry for proceedings held before Magistrate Judge Vera M. Scanlon:Telephone Conference held on 7/30/2015 in Room 504 North. Glenn Schlactus, John Relman, Ryan Downer appearing for Plaintiff. Richard Walsh and Jann Brent appearing for Defendants. See separate docket entry for Order issuing from this proceeding. (Tape #9:33-10:27.) (Quinlan, Krista) (Entered: 07/30/2015)
07/30/2015	<u>46</u>	ORDER granting <u>39</u> Motion to Compel; granting <u>43</u> Motion for Protective Order; STATUS REPORT ORDER: As discussed during the 7/30/2015 conference (see attached order for additional detail and deadlines), Plaintiff's motion for discovery at <u>39</u> is granted. Plaintiff have established that based on the temporal history of the policies development of Defendant entities, documents from 2006 forward may contain relevant policy information. Defendants will respond to the motion at <u>45</u> by 8/3/2015. No reply needed. The order at <u>43</u> is granted. By 8/7/2015, counsel will submit a letter with a proposed detailed discovery plan. Counsel are strongly encouraged to discuss settlement possibilities. Ordered by Magistrate Judge Vera M. Scanlon on 7/30/2015. (Quinlan, Krista) (Entered: 07/30/2015)
07/31/2015	<u>47</u>	First MOTION for Extension of Time to Complete Discovery <i>to extend time to seek expert witness</i> by E & M Associates LLC, Sandcastle Towers Housing Development Fund Corp., Sarasota Gold LLC, Weissman Realty Group LLC. (Attachments: # <u>1</u> Appendix, # <u>2</u> Appendix) (Walsh, Richard) (Entered: 07/31/2015)
08/03/2015	<u>48</u>	Letter <i>re Intent to File Opposition</i> by The Fortune Society (Downer, Ryan) (Entered: 08/03/2015)
08/03/2015	<u>49</u>	First MOTION for Protective Order <i>concerning financial information</i> , First MOTION for Extension of Time to File <i>and serve answers to interrogatories and request to produce served on Defendant E&amp;M</i> by E & M Associates LLC, Sandcastle Towers Housing Development Fund Corp., Sarasota Gold LLC, Weissman Realty Group LLC. (Attachments: # <u>1</u> Declaration of service) (Walsh, Richard) (Entered: 08/03/2015)
08/03/2015	<u>50</u>	RESPONSE to Motion re <u>45</u> Letter MOTION to Compel <i>Discovery Responses</i> filed by E & M Associates LLC, Sandcastle Towers Housing Development Fund Corp., Sarasota Gold LLC, Weissman Realty Group LLC. (Attachments: # <u>1</u> Declaration of service) (Walsh, Richard) (Entered: 08/03/2015)
08/03/2015	<u>51</u>	AFFIDAVIT/DECLARATION in Support re <u>45</u> Letter MOTION to Compel <i>Discovery Responses Corercted Declaration of Service of opposition to motion</i> filed by E & M Associates LLC, Sandcastle Towers Housing Development Fund Corp., Sarasota Gold LLC, Weissman Realty Group LLC. (Walsh, Richard) (Entered: 08/03/2015)
08/05/2015	<u>52</u>	RESPONSE in Opposition re <u>47</u> First MOTION for Extension of Time to Complete Discovery <i>to extend time to seek expert witness</i> filed by The Fortune Society. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Certificate of Service) (Downer, Ryan) (Entered: 08/05/2015)
08/07/2015	<u>53</u>	Joint MOTION for Extension of Time to Complete Discovery by The Fortune Society. (Attachments: # <u>1</u> Exhibit A) (Downer, Ryan) (Entered: 08/07/2015)
08/10/2015		ORDER granting <u>47</u> Motion for Extension of Time to Complete Expert discovery. On or before 8/26/2015, Defendants should serve their rebuttal expert report. Expert discovery will be extended in general as per the Parties' motion at <u>53</u> (see separate docket entry). Ordered by Magistrate Judge Vera M. Scanlon on 8/10/2015. (Lozar, Ryan) Modified on 8/17/2015 (Lozar, Ryan). (Entered: 08/10/2015)
08/10/2015		ORDER granting <u>53</u> Motion for Extension of Time to Complete Discovery. The Parties' proposed modified pretrial schedule at [53-1] is so ordered. Ordered by Magistrate Judge Vera M. Scanlon on 8/10/2015. (Lozar, Ryan) (Entered: 08/10/2015)
08/14/2015	<u>54</u>	MOTION to Amend/Correct/Supplement Order on Motion for Extension of Time to Complete Discovery, ( <i>Unopposed Motion for Clarification</i> ) by The Fortune Society. (Attachments: # <u>1</u> Certificate of Service) (Downer, Ryan) (Entered: 08/14/2015)



08/17/2015		ORDER granting <u>54</u> Motion to Amend/Correct/Supplement. The typographical error in the 8/10/2015 Docket Entry is now corrected to state that Defendants made the motion at <u>47</u> . In light of the Parties' need for clarification of that entry, Defendants may have an additional week to comply with the order contained therein, and must now file their expert rebuttal report on or before 9/4/2015. As previously ordered, expert discovery remains set to close on 12/11/2015. Ordered by Magistrate Judge Vera M. Scanlon on 8/17/2015. (Lozar, Ryan) (Entered: 08/17/2015)
08/27/2015		ORDER granting <u>45</u> Motion to Compel; denying <u>49</u> Motion for Protective Order; granting <u>49</u> Motion for Extension of Time to File. As better supported by the federal cases cited by Plaintiff in its motion, the Court's preferred practice is that all discovery be completed during the discovery period, including discovery relating to punitive damages, which could conceivably be awarded in this case were Plaintiff to be successful on its causes of action for housing discrimination. Defendants must produce information and documentation related to their net worth by 9/8/2015. If Defendants object to a particular request, they must confer with Plaintiff, and only raise the dispute with the Court if they cannot resolve it among themselves.//Defendants may have the additional time requested to respond to the outstanding requests. Ordered by Magistrate Judge Vera M. Scanlon on 8/27/2015. (Scanlon, Vera) (Entered: 08/27/2015)
09/02/2015	<u>55</u>	Letter MOTION for Extension of Time to Complete Discovery <i>to provide Rebuttal Expert Witness Report</i> by E & M Associates LLC, Sandcastle Towers Housing Development Fund Corp., Sarasota Gold LLC, Weissman Realty Group LLC. (Attachments: # <u>1</u> Affidavit of Service Declaration of Service) (Walsh, Richard) (Entered: 09/02/2015)
09/06/2015	<u>56</u>	RESPONSE in Opposition re <u>55</u> Letter MOTION for Extension of Time to Complete Discovery <i>to provide Rebuttal Expert Witness Report</i> filed by The Fortune Society. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Certificate of Service) (Downer, Ryan) (Entered: 09/06/2015)
09/21/2015		ORDER granting <u>55</u> Motion for Extension of Time to Complete Discovery. The requested extension is so ordered. Ordered by Magistrate Judge Vera M. Scanlon on 9/21/2015. (Quinlan, Krista) (Entered: 09/21/2015)
09/21/2015	<u>57</u>	NOTICE of Appearance by Thomas D. Shanahan on behalf of All Defendants (aty to be noticed) (Shanahan, Thomas) (Entered: 09/21/2015)
10/08/2015	<u>58</u>	MOTION to Compel <i>to Enforce Court's August 10 and August 27 Orders</i> by The Fortune Society. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Certificate of Service) (Downer, Ryan) (Entered: 10/08/2015)
10/09/2015		SCHEDULING ORDER: A Telephone Conference is set for 10/15/2015 at 2:15 PM before Magistrate Judge Vera M. Scanlon. The Court will address Plaintiff's motion at <u>58</u> . Ordered by Magistrate Judge Vera M. Scanlon on 10/9/2015. (Quinlan, Krista) (Entered: 10/09/2015)
10/15/2015		Minute Entry for proceedings held before Magistrate Judge Vera M. Scanlon:Telephone Conference held on 10/15/2015 in Room 504 North. Glenn Schlactus, Jia Cobb and Ryan Downer appearing for Plaintiff. Richard Walsh, Jann Brent and Thomas Shanahan appearing for Defendants. See separate docket entry for Order issuing from this proceeding. (Tape #2:28-2:58.) (Quinlan, Krista) (Entered: 10/16/2015)
10/15/2015	<u>59</u>	ORDER granting in part and denying in part <u>58</u> Motion to Compel as noted in the attachment; SCHEDULING ORDER: As discussed during the 10/15/2015 conference (see attached order for additional detail and deadlines), a Telephone Conference is set for 11/23/2015 at 10:00 AM before Magistrate Judge Vera M. Scanlon. Plaintiff's counsel is to organize a conference call, then phone Chambers at (718) 613-2300 with all counsel on the line. Defendants must meet deadlines or face sanctions, including possible monetary sanctions, for failure to comply with the Court's deadlines. Ordered by Magistrate Judge Vera M. Scanlon on 10/15/2015. (Quinlan, Krista) (Entered: 10/16/2015)
10/26/2015	<u>60</u>	MOTION for Sanctions <i>and to Enforce the Court's Order</i> by The Fortune Society. (Attachments: # <u>1</u> Certificate of Service) (Downer, Ryan) (Entered: 10/26/2015)

10/27/2015		ORDER: Defendants are directed to respond to Plaintiff's 10/26/2015 letter at <u>60</u> by 10/29/2015. Ordered by Magistrate Judge Vera M. Scanlon on 10/27/2015. (Weingarten, Richard) (Entered: 10/27/2015)
10/29/2015	<u>61</u>	RESPONSE in Opposition re <u>60</u> MOTION for Sanctions <i>and to Enforce the Court's Order</i> filed by All Defendants. (Brent, Jann) (Entered: 10/29/2015)
10/30/2015		ORDER denying <u>60</u> Motion for Sanctions. In light of defense counsel's representation at <u>61</u> that all discovery due as per the Court's 10/15/2015 Order has been produced, Plaintiff's request for sanctions is denied. Defendants, however, are reminded that, as per the Court's 10/15/2015 Order, defendants must comply with their discovery obligations or risk monetary sanctions. Ordered by Magistrate Judge Vera M. Scanlon on 10/30/2015. (Weingarten, Richard) (Entered: 10/30/2015)
11/05/2015		RE-SCHEDULING ORDER: Due to a scheduling conflict, the Telephone Conference set for 11/23/2015 has been rescheduled to 11/16/2015 at 9:30 AM before Magistrate Judge Vera M. Scanlon. Counsel are to confirm amongst themselves that all are aware of this change. Ordered by Magistrate Judge Vera M. Scanlon on 11/5/2015. (Quinlan, Krista) (Entered: 11/05/2015)
11/16/2015		Minute Entry for proceedings held before Magistrate Judge Vera M. Scanlon:Telephone Conference held on 11/16/2015 in Room 504 North. John Relman and Ryan Downer appearing for Plaintiff. Richard Walsh appearing for Defendants. See separate docket entry for Order issuing from this proceeding. (Tape #9:53-10:10 (sealed); 10:11-10:25.) (Quinlan, Krista) (Entered: 11/17/2015)
11/16/2015	<u>62</u>	STATUS REPORT ORDER: As discussed during the 11/16/2015 conference (see attached order for additional detail and deadlines), counsel are at an impasse with regard to settlement discussions. Counsel are encouraged to discuss with their clients as to their respective risks, attorneys' fees, exposure and business considerations. Counsel are also encouraged to consider alternative structures to any settlement, including whether one or more party could settle individually. Counsel are proceeding with discovery. Counsel are to discuss their summary judgment motions briefing and submit a proposed scheduled by 12/18/2015. Ordered by Magistrate Judge Vera M. Scanlon on 11/16/2015. (Quinlan, Krista) (Entered: 11/17/2015)
11/23/2015	<u>63</u>	MOTION for Leave to Appear Pro Hac Vice by <i>Margaret Burgess</i> Filing fee \$ 150, receipt number 0207-8188976. by The Fortune Society. (Attachments: # <u>1</u> Affidavit, # <u>2</u> Supplement Certificate of Good Standing for Margaret Burgess, # <u>3</u> Certificate of Service, # <u>4</u> Proposed Order) (Downer, Ryan) (Entered: 11/23/2015)
11/30/2015		ORDER granting <u>63</u> Motion for Leave to Appear Pro Hac Vice. Ms. Burgess may appear in this action pro hac vice. Ordered by Magistrate Judge Vera M. Scanlon on 11/30/2015. (Quinlan, Krista) (Entered: 11/30/2015)
12/01/2015	<u>64</u>	NOTICE of Appearance by Margaret Burgess on behalf of The Fortune Society (notification declined or already on case) (Attachments: # <u>1</u> Certificate of Service) (Burgess, Margaret) (Entered: 12/01/2015)
12/18/2015	<u>65</u>	Letter ( <i>Joint</i> ) re: <i>Discovery Deadlines and Summary Judgment Briefing Schedule</i> by The Fortune Society (Downer, Ryan) (Entered: 12/18/2015)
12/23/2015		SCHEDULING ORDER: The parties proposed discovery schedule at <u>65</u> in So-Ordered. However, while the parties are free to modify interim deadlines amongst themselves, all discovery, including expert discovery, must be completed by 2/5/2016. No extensions of the 2/5/2016 deadline are permitted without leave of the Court. Discovery due by 2/5/2016. Ordered by Magistrate Judge Vera M. Scanlon on 12/23/2015. (Weingarten, Richard) (Entered: 12/23/2015)
12/29/2015	<u>66</u>	TRANSCRIPT of Proceedings held on July 30, 2015, before Judge SCANLON. Court Reporter/Transcriber TypeWrite Word Processing Service, Telephone number 718-966-1401. Email address: transcripts@typewp.com. 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.File redaction request using event "Redaction Request - Transcript" located under "Other Filings - Other Documents". Redaction Request due 1/19/2016. Redacted Transcript Deadline set for 1/29/2016. Release of Transcript Restriction set for 3/28/2016. (Hong, Loan) (Entered: 12/29/2015)

01/14/2016	<u>67</u>	Letter MOTION to Compel <i>Discovery Responses</i> by The Fortune Society. (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> Certificate of Service) (Burgess, Margaret) (Entered: 01/14/2016)
01/15/2016		ORDER: In light of Plaintiff's motion at <u>67</u> , Defendants must file a response, if any, by 1/18/2016. A telephone conference to discuss the issues raised therein will be held on 1/20/2016 at 3:30 p.m. Plaintiff's counsel is to organize a conference call, then phone Chambers at (718) 613-2300 with all counsel on the line. The parties are also reminded of the upcoming discovery deadline on 2/5/2016 and are encouraged to confer and work out the issues raised in <u>67</u> amongst themselves. (Telephone Conference set for 1/20/2016 03:30 PM before Magistrate Judge Vera M. Scanlon). Ordered by Magistrate Judge Vera M. Scanlon on 1/15/2016. (Weingarten, Richard) (Entered: 01/15/2016)
01/18/2016	<u>68</u>	RESPONSE in Opposition re <u>67</u> Letter MOTION to Compel <i>Discovery Responses</i> filed by All Defendants. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Declaration of service) (Walsh, Richard) (Entered: 01/18/2016)
01/20/2016		Minute Entry for proceedings held before Magistrate Judge Vera M. Scanlon: Telephone Conference held on 1/20/2016 in Room 504 North. Glenn Schlactus appearing for Plaintiff. Richard Walsh and Thomas Shanahan appearing for Defendants. See separate docket entry for Order issuing from this proceeding. (Tape #3:40-4:00.) (Quinlan, Krista) (Entered: 01/20/2016)
01/20/2016	<u>69</u>	ORDER granting <u>67</u> Motion to Compel in part and moot in part. As discussed during the 1/20/2016 conference (see attached order for additional detail and deadlines), as to the briefing schedule in the 12/18/2015 letter, only fully briefed motions should be submitted. The dates in the letter are to be treated as service dates. Ordered by Magistrate Judge Vera M. Scanlon on 1/20/2016. (Quinlan, Krista) (Entered: 01/20/2016)
01/26/2016	<u>70</u>	TRANSCRIPT of Proceedings held on January 20, 2016, before Judge Scanlon. Court Transcriber: TypeWrite Word Processing Service, Telephone number 718-966-1401. Transcript may be viewed at the court public terminal or purchased through the Court Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. File redaction request using event "Redaction Request - Transcript" located under "Other Filings - Other Documents". Redaction Request due 2/16/2016. Redacted Transcript Deadline set for 2/26/2016. Release of Transcript Restriction set for 4/25/2016. (Rocco, Christine) (Entered: 01/26/2016)
02/02/2016	<u>71</u>	Letter MOTION for Extension of Time to Complete Discovery by E & M Associates LLC, Sandcastle Towers Housing Development Fund Corp., Sarasota Gold LLC, Weissman Realty Group LLC. (Attachments: # <u>1</u> Exhibit Expert Witness Notices, # <u>2</u> Exhibit Fact Witness Notices, # <u>3</u> Exhibit Email Correspondence, # <u>4</u> Exhibit Withdrawal of Notices, # <u>5</u> Exhibit Third Party Subpoenas, # <u>6</u> Exhibit HRA Responsive Docs, # <u>7</u> Exhibit Dept. of Planning Responsive Docs) (Brent, Jann) (Entered: 02/02/2016)
02/03/2016		ORDER: To the extent Plaintiff intends to respond to Defendants' motion at <u>71</u> , it must do so by 2/5/2016. Ordered by Magistrate Judge Vera M. Scanlon on 2/3/2016. (Weingarten, Richard) (Entered: 02/03/2016)
02/05/2016	<u>72</u>	RESPONSE in Opposition re <u>71</u> Letter MOTION for Extension of Time to Complete Discovery filed by The Fortune Society. (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, # <u>10</u> Exhibit 10, # <u>11</u> Certificate of Service) (Burgess, Margaret) (Entered: 02/05/2016)
02/16/2016		ORDER granting in part and denying in part <u>71</u> Motion for Extension of Time to Complete Discovery. At <u>71</u> , Defendants request a discovery extension in order to permit them to depose two expert witnesses and three fact witnesses. Defendants' motion is granted insofar as they seek to depose Plaintiff's two expert witnesses, but is denied in all other respects.  Fed. R. Civ. P. 16 allows a party to obtain a modification of a scheduling order "only for good cause and with the judge's consent." Fed. R. Civ. P. 16(b)(4). It is the

		<p>movant's burden to establish good cause. See <u>Parker v. Columbia Pictures Indus.</u>, 204 F.3d 326, 340 (2d Cir. 2000); <u>Nairobi Holdings Ltd. v. Brown Bros. Harriman &amp; Co.</u>, 02 Civ. 1230 (LMM), 2006 U.S. Dist. LEXIS 54171, at *9 (S.D.N.Y. Aug. 3, 2006). "Whether good cause exists turns on the diligence of the moving party." <u>Holmes v. Grubman</u>, 568 F.3d 329, 335 (2d Cir. 2009) (internal quotations and citations omitted). "With respect to a request to extend discovery, the moving party must show why it could not have completed the necessary discovery within the time frame established under the existing scheduling order." <u>Kintetsu World Express (USA), Inc. v. Johnson Controls Inc.</u>, 14 Civ. 4947 (KAM), 2015 U.S. Dist. LEXIS 169190, at *6 (E.D.N.Y. Dec. 17, 2015).</p> <p>As per the Court's 12/23/2015 Order, depositions of fact witnesses were to be noticed by 12/31/2015, depositions of expert witnesses were to be noticed by 1/22/2016, and all discovery, including depositions, was to be completed by 2/5/2016. Defendants noticed the five requested depositions on 1/29/2016. According to Defendants' counsel, notice was provided at such a late stage because: (1) deposition testimony of their own clients and witnesses provided a sudden need to depose the three fact witnesses; and (2) documents belatedly received via subpoena from third-parties provided a need to depose Plaintiff's two expert witnesses. Plaintiff counters that the three fact witnesses Defendants seek to depose were identified long ago in Plaintiff's Fed. R. Civ. P. 26(a) disclosures and that the documents just recently received by Defendants are irrelevant to the assertions made by their experts.</p> <p>Defendants have not shown good cause to allow them to belatedly depose the three fact witnesses. Plaintiff identified these three fact witnesses in its Fed. R. Civ. P. 26(a) disclosures and, to the extent deposition testimony from Defendants or witnesses on their behalf provided some type of amorphous reason to depose these three fact witnesses, Defendants' counsel otherwise knew, or should have known, of this information prior to said depositions. This Court, however, will credit Defendants' counsel's claim that the documents just recently received via subpoena had an effect on their decision to depose Plaintiff's experts, thus triggering good cause to extend the discovery schedule only in that regard.</p> <p>In light of the foregoing, Defendants may depose Plaintiff's two experts by or before 3/11/2016. The parties' briefing schedule, as previously Ordered by the Court on 12/23/2015, is modified as follows: opening summary judgment briefs, including the statement of material facts, must be submitted to the party in opposition by 4/11/2016. Briefs in opposition to summary judgment must be submitted by 5/9/2016. Reply briefs, if any, must be submitted by 5/23/2016. On the due date prescribed, briefs will be submitted to the party in opposition only. No brief will be filed with the Court until the close of the briefing period on 5/23/2016. At the close of the briefing period, any party who filed affirmatively for summary judgment will file its opening brief, the brief in opposition, and its reply brief. Ordered by Magistrate Judge Vera M. Scanlon on 2/16/2016. (Weingarten, Richard) (Entered: 02/16/2016)</p>
03/17/2016	<u>73</u>	First MOTION for Leave to File Excess Pages <i>of ten in total on proposed discovery motion</i> by E & M Associates LLC, Sandcastle Towers Housing Development Fund Corp., Sarasota Gold LLC. (Shanahan, Thomas) (Entered: 03/17/2016)
03/18/2016		ORDER granting <u>73</u> Motion for Leave to File Excess Pages. Defendants are encouraged to be as succinct as possible in their motion papers. Plaintiffs may oppose with a submission of up to ten pages. No reply permitted. Ordered by Magistrate Judge Vera M. Scanlon on 3/18/2016. (Scanlon, Vera) (Entered: 03/18/2016)
03/18/2016	<u>74</u>	MEMORANDUM in Opposition re Order on Motion for Leave to File Excess Pages, , REPLY in Opposition , RESPONSE in Opposition re <u>73</u> First MOTION for Leave to File Excess Pages <i>of ten in total on proposed discovery motion</i> filed by The Fortune Society. (Attachments: # <u>1</u> Certificate of Service) (Downer, Ryan) (Entered: 03/18/2016)
03/18/2016	<u>75</u>	First MOTION to Take Deposition from Dr. Parnell, John and Jane Doe's, agents of Relman who participated in the creation of the Spreadsheet at Issue in the Motion by E & M Associates LLC, Sandcastle Towers Housing Development Fund Corp., Sarasota Gold LLC. (Attachments: # <u>1</u> Exhibit Good-Faith Attempt to Resolve Dispute, # <u>2</u> Exhibit Prior Ordering Permitting Depositions of Experts, # <u>3</u> Exhibit Deposition



		Transcript of Dr. Parnell, # <u>4</u> Exhibit Supplemental Report of Dr. Parnell, # <u>5</u> Exhibit Spread Sheet – Parnell Exhibit D at Deposition of Dr. Parnell, # <u>6</u> Exhibit Email of Attorney Downer Transmitting Dr. Parnell's Report and the Spreadsheet, # <u>7</u> Exhibit Sandcastle Application for Prospective Tenants, # <u>8</u> Exhibit Email of Attorney Cole Correcting Mathematical Error by Dr. Parnell, # <u>9</u> Exhibit Census Block Data for Sandcastle Provided Pursuant to Subpoena by NYC Planning Department) (Shanahan, Thomas) (Entered: 03/18/2016)
03/18/2016	<u>76</u>	Letter MOTION for Extension of Time to File Response/Reply by The Fortune Society. (Burgess, Margaret) (Entered: 03/18/2016)
03/18/2016		ORDER granting <u>76</u> Motion for Extension of Time to File Response/Reply. Ordered by Magistrate Judge Vera M. Scanlon on 3/18/2016. (Scanlon, Vera) (Entered: 03/18/2016)
03/21/2016		SCHEDULING ORDER: An in person Status Conference is set for 4/15/2016 at 12:00 PM in Courtroom 504 North before Magistrate Judge Vera M. Scanlon. Ordered by Magistrate Judge Vera M. Scanlon on 3/21/2016. (Quinlan, Krista) (Entered: 03/21/2016)
03/24/2016	<u>77</u>	MEMORANDUM in Opposition re <u>75</u> First MOTION to Take Deposition from Dr. Parnell, John and Jane Doe's, agents of Relman who participated in the creation of the Spreadsheet at Issue in the Motion filed by The Fortune Society. (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> Certificate of Service Certificate of Service) (Downer, Ryan) (Entered: 03/24/2016)
03/25/2016	<u>78</u>	Consent MOTION to Adjourn Conference <i>and Advance Conference Date</i> by The Fortune Society. (Attachments: # <u>1</u> Certificate of Service) (Downer, Ryan) (Entered: 03/25/2016)
03/25/2016	<u>79</u>	EXHIBIT <i>1 Corrected</i> by The Fortune Society. Related document: <u>77</u> Memorandum in Opposition, filed by The Fortune Society. (Attachments: # <u>1</u> Certificate of Service) (Downer, Ryan) (Entered: 03/25/2016)
03/25/2016		ORDER granting <u>78</u> Motion to Adjourn Conference. The in person status conference previously scheduled for 4/15/2015 is rescheduled for 4/4/2016 at 4:30 p.m. The parties should be prepared to discuss the motion at <u>75</u> as well as the possibility of altering the parties' current dispositive motion briefing schedule. (Status Conference set for 4/4/2016 04:30 PM before Magistrate Judge Vera M. Scanlon.) Ordered by Magistrate Judge Vera M. Scanlon on 3/25/2016. (Weingarten, Richard) (Entered: 03/25/2016)
04/04/2016		Minute Entry for proceedings held before Magistrate Judge Vera M. Scanlon: Status Conference held on 4/4/2016 in Room 504 North. John Relman appearing for Plaintiff. Ryan Downer, Richard Walsh, Jann Brent and Thomas Shanahan appearing for Defendants. See separate docket entry for Order issuing from this proceeding. (Tape #4:30–6:05.) (Gillespie, Saudia) (Entered: 04/25/2016)
04/07/2016	<u>80</u>	First MOTION to Adjourn Conference <i>and to Adjourn Submissions on Dispositive Motions currently due on April 11, 2016</i> by E & M Associates LLC, Sandcastle Towers Housing Development Fund Corp., Sarasota Gold LLC, Weissman Realty Group LLC. (Shanahan, Thomas) (Entered: 04/07/2016)
04/08/2016		ORDER granting in part and denying in part <u>80</u> Motion to Adjourn Conference. The conference previously scheduled for 4/15/2016 was already rescheduled for, and held on, 4/4/2016, <i>see</i> 3/25/2016 Order, and thus, there is no currently scheduled conference to adjourn. The parties' summary judgment briefing schedule as previously ordered, <i>see</i> 2/16/2016 Order, is held in abeyance pending a decision on Defendants' motion at <u>75</u> . Ordered by Magistrate Judge Vera M. Scanlon on 4/8/2016. (Weingarten, Richard) (Entered: 04/08/2016)
04/25/2016	<u>81</u>	ORDER granting in part and denying in part <u>75</u> Motion to Take Deposition. Ordered by Magistrate Judge Vera M. Scanlon on 4/25/2016. (Quinlan, Krista) (Entered: 04/25/2016)
06/01/2016		ORDER: The Court previously ordered dispositive briefing to commence by 6/24/16. The parties are to file a joint letter with their proposed complete briefing schedule by 6/8/16. If the parties would like a referral to Court–annexed mediation, they should so



		request a referral by letter. Ordered by Magistrate Judge Vera M. Scanlon on 6/1/2016. (Scanlon, Vera) (Entered: 06/01/2016)
06/06/2016	<u>82</u>	Joint MOTION for Extension of Time to File <i>Summary Judgment Briefs</i> by The Fortune Society. (Cobb, Jia) (Entered: 06/06/2016)
06/07/2016		ORDER granting <u>82</u> Motion for Extension of Time to File. The briefing schedule proposed by the Parties in <u>82</u> is So-Ordered. Opening briefs must be served by 7/15/2016; oppositions must be served by 8/15/2016; reply briefs must be served by 9/6/2016. At the close of the briefing period, any party who filed affirmatively for summary judgment will file its opening brief, the brief in opposition, and its reply brief by 9/7/2016. In addition, any party who filed affirmatively for summary judgment must provide the Court with a courtesy copy of the bundled motion papers as soon as practicable after filing. Ordered by Magistrate Judge Vera M. Scanlon on 6/7/2016. (Weingarten, Richard) (Entered: 06/07/2016)
07/05/2016	<u>83</u>	Joint MOTION for Leave to File Excess Pages by The Fortune Society. (Attachments: # <u>1</u> Certificate of Service) (Downer, Ryan) (Entered: 07/05/2016)
07/06/2016		ORDER granting in part and denying in part <u>83</u> Motion for Leave to File Excess Pages. The Parties may file opening briefs of up to 35 pages. Ordered by Magistrate Judge Vera M. Scanlon on 7/6/2016. (Weingarten, Richard) (Entered: 07/06/2016)
07/27/2016	<u>84</u>	First MOTION to Strike <i>Improper Portions of Plaintiff's Notice of Motion, Entire Defective Rule 56.1 Statement and Summary judgment Brief</i> by E & M Associates LLC, Sandcastle Towers Housing Development Fund Corp., Sarasota Gold LLC. (Attachments: # <u>1</u> Exhibit Email to Plaintiff's Counsel Requesting Voluntarily Withdrawal of Plaintiff's Improper Notice of Motion, Rule 56.1 Statement and Portions of Summary Judgment Brief, # <u>2</u> Exhibit Email of Plaintiff's Counsel Rejecting Request by Defendants, # <u>3</u> Exhibit Improper Plaintiff's Notice of Motion of Plaintiff's Counsel, # <u>4</u> Exhibit Improper Plaintiff's Rule 56.1 Statement, # <u>5</u> Exhibit Plaintiff's Summary Judgement Brief with Citations to Defective and Fatally Flawed Rule 56.1 Statement) (Shanahan, Thomas) (Entered: 07/27/2016)
07/28/2016	<u>85</u>	REPLY in Opposition to <i>Defendants' Motion to Strike Plaintiff's Opening Summary Judgment Papers</i> filed by The Fortune Society. (Attachments: # <u>1</u> Exhibit Email correspondence) (Schlactus, Glenn) (Entered: 07/28/2016)
07/29/2016	<u>86</u>	REPLY to Response to Motion re <u>84</u> First MOTION to Strike <i>Improper Portions of Plaintiff's Notice of Motion, Entire Defective Rule 56.1 Statement and Summary judgment Brief</i> filed by E & M Associates LLC, Sandcastle Towers Housing Development Fund Corp., Sarasota Gold LLC. (Attachments: # <u>1</u> Exhibit Excerpt, Rose Campbell Deposition) (Shanahan, Thomas) (Entered: 07/29/2016)
07/29/2016	<u>87</u>	MOTION to Strike <u>86</u> Reply to Response to Motion, by The Fortune Society. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Certificate of Service) (Schlactus, Glenn) (Entered: 07/29/2016)
07/29/2016		SCHEDULING ORDER: A telephone conference is scheduled for 8/1/2016 at 4:30 p.m. in order to discuss the motion at <u>84</u> . All counsel are directed to thoroughly review the entirety of Local Rule 56.1 prior to the conference. Counsel are to confirm amongst themselves that all parties are aware of the conference. Defendants' counsel is to initiate a conference call with counsel then call Chambers at (718) 613-2300 at the designated time. Telephone Conference set for 8/1/2016 04:30 PM before Magistrate Judge Vera M. Scanlon. Ordered by Magistrate Judge Vera M. Scanlon on 7/29/2016. (Weingarten, Richard) (Entered: 07/29/2016)
08/01/2016		Minute Entry for proceedings held before Magistrate Judge Vera M. Scanlon:Telephone Conference held on 8/1/2016 in Room 504 North. Glenn Schlactus, Margaret Burgess and Ryan Downer appearing for Plaintiff. Richard Walsh and Thomas Shanahan appearing for Defendants. See separate docket entry for Order issuing from this proceeding (Tape #4:40-5:07.) (Gillespie, Saudia) Modified attorney appearances on 8/5/2016 (Gillespie, Saudia). (Entered: 08/04/2016)
08/01/2016	<u>89</u>	ORDER: As discussed during the 8/1/2016 conference (see attached order for additional detail and deadlines), <u>84</u> & <u>87</u> Motion to Strike is DENIED. The revised briefing schedule is Motion: 8/12/2016, Opposition: 9/7/2016, Reply: 9/21/2016 and

		filing: 9/22/2016. Ordered by Magistrate Judge Vera M. Scanlon on 8/1/2016. (Gillespie, Saudia) (Entered: 08/04/2016)
08/04/2016	<u>88</u>	TRANSCRIPT of Proceedings held on August 1, 2016, before Judge SCANLON. Court Reporter/Transcriber ARIA SERVICES, INC., Telephone number 845-260-1377. Email address: aria@leinen.net. 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. File redaction request using event "Redaction Request – Transcript" located under "Other Filings – Other Documents". Redaction Request due 8/25/2016. Redacted Transcript Deadline set for 9/5/2016. Release of Transcript Restriction set for 11/2/2016. (Hong, Loan) (Entered: 08/04/2016)
08/22/2016	<u>90</u>	Joint MOTION for Extension of Time to File Response/Reply to <i>Motions for Summary Judgment</i> , Joint MOTION for Leave to File Excess Pages for <i>Summary Judgment Opposition Briefs</i> by The Fortune Society. (Schlactus, Glenn) (Entered: 08/22/2016)
08/23/2016		ORDER granting <u>90</u> Motion for Extension of Time to File Response/Reply; granting <u>90</u> Motion for Leave to File Excess Pages. The revised briefing schedule is as follows: opposition papers to served by 9/14/2016; reply papers to be served by 9/28/2016; and all motion papers to be filed by 9/30/2016. In addition, opposition papers may be up to 35 pages in length. Ordered by Magistrate Judge Vera M. Scanlon on 8/23/2016. (Weingarten, Richard) (Entered: 08/23/2016)
08/29/2016	<u>91</u>	TRANSCRIPT of Proceedings held on April 4, 2016, before Judge SCANLON. Court Reporter/Transcriber TypeWrite Word Processing Service, Telephone number 718-966-1401. Email address: transcripts@typewp.com. 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. File redaction request using event "Redaction Request – Transcript" located under "Other Filings – Other Documents". Redaction Request due 9/19/2016. Redacted Transcript Deadline set for 9/29/2016. Release of Transcript Restriction set for 11/28/2016. (Hong, Loan) (Entered: 08/29/2016)
09/01/2016	<u>92</u>	Letter of <i>Thomas D. Shanahan Advising the Court of Decision of the Northern District of Texas</i> by E & M Associates LLC, Sandcastle Towers Housing Development Fund Corp., Sarasota Gold LLC (Attachments: # <u>1</u> Exhibit Dec. of Northern District of Texas dated August 26, 2016) (Shanahan, Thomas) (Entered: 09/01/2016)
09/15/2016	<u>93</u>	MOTION to Withdraw as Attorney <i>Margaret Burgess</i> by The Fortune Society. (Attachments: # <u>1</u> Certificate of Service) (Downer, Ryan) (Entered: 09/15/2016)
09/16/2016		ORDER granting <u>93</u> Motion to Withdraw as Attorney. As Mr. Downer notes at <u>93</u> , this does not constitute a change in representation. Attorney Margaret Burgess terminated. Ordered by Magistrate Judge Vera M. Scanlon on 9/16/2016. (Quinlan, Krista) (Entered: 09/16/2016)
09/30/2016	<u>94</u>	MOTION for Partial Summary Judgment <i>and to Exclude Expert Reports</i> by The Fortune Society. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Rule 56.1 Statement of Material Facts, # <u>3</u> Declaration of Ryan C. Downer, # <u>4</u> Exhibit Exs. 1-7, # <u>5</u> Exhibit Exs. 8-17, # <u>6</u> Exhibit Ex. 18, # <u>7</u> Exhibit Exs. 19-21, # <u>8</u> Exhibit Ex. 22, # <u>9</u> Exhibit Ex. 23, # <u>10</u> Exhibit Ex. 24, # <u>11</u> Exhibit Exs. 25-26, # <u>12</u> Exhibit Ex. 27, # <u>13</u> Exhibit Exs. 28-57, # <u>14</u> Exhibit Ex. 58, # <u>15</u> Exhibit Exs. 59-77, # <u>16</u> Exhibit Exs. 78-83, # <u>17</u> Exhibit Exs. 84-86, # <u>18</u> Exhibit Exs. 87-90, # <u>19</u> Certificate of Service) (Downer, Ryan) (Entered: 09/30/2016)
09/30/2016	<u>95</u>	RESPONSE in Opposition re <u>94</u> MOTION for Partial Summary Judgment <i>and to Exclude Expert Reports (Defendants)</i> filed by The Fortune Society. (Attachments: # <u>1</u> Rule 56.1 Statement Response to Plaintiff's Rule 56.1 Statement) (Downer, Ryan) (Entered: 09/30/2016)
09/30/2016	<u>96</u>	REPLY in Support re <u>95</u> Response in Opposition to Motion, <i>for Partial Summary Judgment and to Exclude Expert Reports</i> filed by The Fortune Society. (Attachments: # <u>1</u> Declaration of Ryan C. Downer, # <u>2</u> Certificate of Service) (Downer, Ryan) (Entered: 09/30/2016)

09/30/2016	<u>97</u>	MOTION for Summary Judgment ( <i>Defendants</i> ) by The Fortune Society. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Rule 56.1 Statement of Material Facts, # <u>3</u> Declaration of Thomas D. Shanahan, # <u>4</u> Exhibit A, # <u>5</u> Exhibit B, # <u>6</u> Exhibit C, # <u>7</u> Exhibit D, # <u>8</u> Exhibit E, # <u>9</u> Exhibit F, # <u>10</u> Exhibit G, # <u>11</u> Exhibit H, # <u>12</u> Exhibit I, # <u>13</u> Exhibit J, # <u>14</u> Exhibit K, # <u>15</u> Exhibit L, # <u>16</u> Exhibit M, # <u>17</u> Exhibit N, # <u>18</u> Exhibit O, # <u>19</u> Exhibit P, # <u>20</u> Exhibit Q, # <u>21</u> Exhibit R, # <u>22</u> Exhibit S, # <u>23</u> Exhibit T, # <u>24</u> Exhibit U, # <u>25</u> Exhibit V, # <u>26</u> Exhibit V, # <u>27</u> Exhibit W, # <u>28</u> Exhibit X, # <u>29</u> Exhibit Y, # <u>30</u> Exhibit Z, # <u>31</u> Exhibit AA, # <u>32</u> Exhibit CC, # <u>33</u> Exhibit DD, # <u>34</u> Exhibit EE, # <u>35</u> Exhibit GG, # <u>36</u> Exhibit HH, # <u>37</u> Certificate of Service) (Downer, Ryan) (Entered: 09/30/2016)
09/30/2016	<u>98</u>	RESPONSE in Opposition re <u>97</u> MOTION for Summary Judgment filed by The Fortune Society. (Attachments: # <u>1</u> Rule 56.1 Statement of Material Facts, # <u>2</u> Rule 56.1 Statement in Response to Defendants' Statement of Material Facts, # <u>3</u> Declaration of Ryan C. Downer, # <u>4</u> Certificate of Service) (Downer, Ryan) (Entered: 09/30/2016)
09/30/2016	<u>99</u>	REPLY in Support re <u>98</u> Response in Opposition to Motion, ( <i>Defendants</i> ) filed by The Fortune Society. (Attachments: # <u>1</u> Declaration of Thomas D. Shanahan, # <u>2</u> Certificate of Service) (Downer, Ryan) (Entered: 09/30/2016)
09/30/2016	<u>100</u>	Letter <i>Regarding Summary Judgment Motions</i> by The Fortune Society (Downer, Ryan) (Entered: 09/30/2016)
10/07/2016	<u>101</u>	Consent MOTION to Amend/Correct/Supplement <i>Defendant's Reply Brief and Exhibits</i> by E & M Associates LLC, Sandcastle Towers Housing Development Fund Corp., Sarasota Gold LLC. (Attachments: # <u>1</u> Memorandum in Support Modified Reply Memorandum of Defendants, # <u>2</u> Exhibit Exhibit CC, # <u>3</u> Exhibit Exhibit DD, # <u>4</u> Exhibit Exhibit JJ, # <u>5</u> Exhibit Exhibit KK) (Shanahan, Thomas) (Entered: 10/07/2016)
10/12/2016		ORDER granting <u>101</u> Motion to Amend/Correct/Supplement. The record is deemed amended. Ordered by Magistrate Judge Vera M. Scanlon on 10/12/2016. (Stackhouse, Noreen) (Entered: 10/12/2016)
10/18/2016	<u>102</u>	Amicus Curiae APPEARANCE entered by Michael J. Goldberger on behalf of United States of America (Goldberger, Michael) (Entered: 10/18/2016)
10/20/2016	<u>103</u>	First MOTION to Amend/Correct/Supplement <i>in Response to Statement of Interest of the United States of America</i> by E & M Associates LLC, Sandcastle Towers Housing Development Fund Corp., Sarasota Gold LLC. (Shanahan, Thomas) (Entered: 10/20/2016)
10/21/2016	<u>104</u>	RESPONSE in Opposition re <u>103</u> First MOTION to Amend/Correct/Supplement <i>in Response to Statement of Interest of the United States of America</i> filed by The Fortune Society. (Attachments: # <u>1</u> Certificate of Service) (Downer, Ryan) (Entered: 10/21/2016)
10/24/2016		ORDER granting <u>103</u> Motion to Amend/Correct/Supplement. The Parties may respond to the Statement of Interest filed by the United States of America on or before 10/31/2016. The Parties' responses shall be limited to five double-spaced pages. Ordered by Magistrate Judge Vera M. Scanlon on 10/24/2016. (Stackhouse, Noreen) (Entered: 10/24/2016)
10/31/2016	<u>105</u>	REPLY in Support re <u>102</u> Amicus Curiae Appearance <i>of the United States of America</i> filed by The Fortune Society. (Attachments: # <u>1</u> Certificate of Service) (Downer, Ryan) (Entered: 10/31/2016)
11/01/2016	<u>106</u>	REPLY in Opposition <i>to Amicus of the United States of America</i> filed by All Defendants. (Attachments: # <u>1</u> Declaration Declaration of Service, # <u>2</u> Exhibit Washington Post Article, # <u>3</u> Exhibit Texas District Court Decision, # <u>4</u> Exhibit Accepted Applicants with Criminal Records, # <u>5</u> Exhibit Partial List of Rejected Applicants, # <u>6</u> Exhibit Spreadsheet Containing Rejected Applicants) (Shanahan, Thomas) (Entered: 11/01/2016)