

CLOSED

**U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:92-cv-04873-PNL**

U.S.A. v. N.Y.C. Housing
Assigned to: Judge Pierre N. Leval
Demand: \$0
Cause: 42:405 Fair Housing Act

Date Filed: 07/01/1992
Date Terminated: 11/16/1992
Jury Demand: None
Nature of Suit: 443 Civil Rights:
Accommodations
Jurisdiction: U.S. Government Plaintiff

Plaintiff**United States of America**

represented by **Claude M Millman**
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V.

Defendant**The New York City Housing Authority**

Date Filed	#	Docket Text
07/01/1992	1	COMPLAINT filed; Summons issued and Notice pursuant to 28 U.S.C. 636(c); (jl) (Entered: 07/01/1992)
07/01/1992	2	Case information Statement Addendum filed. Purs. to statement, it is suggested that the case be classified as Standard. (jl) (Entered: 07/01/1992)
07/01/1992		CASE REFERRED TO Judge Leval (jl) (Entered: 07/01/1992)
07/02/1992		Case accepted as related to . Notice of assignment to follow. (la) (Entered: 07/06/1992)
07/06/1992	3	Notice of asgmt _ to Judge Pierre N. Leval Copy of notice and judge's rules mailed to Attorney(s) of record: Claude M Millman, Gabriel W. Gorenstein . (la) (Entered: 07/06/1992)
11/16/1992		Case closed (cd) (Entered: 11/19/1992)
11/04/1993	4	REPLY MEMORANDUM OF LAW by U.S.A. in support of motion to enforce the Consent Decree. (jr) (Entered: 11/12/1993)
12/27/1993		ORDER, Submit Order for settlement on 12-27-93 (signed by Judge Robert W. Sweet); Copies mailed (Orig, fld. in 90 civ 628 PNL) (mk) (Entered: 12/28/1993)
01/04/1994		Letter filed by U.S.A. dated 12/20/93 re Pltffs' counter-proposal to defendants' proposed order (sc) (Entered: 01/06/1994)

01/04/1994		Fld. Defendant's Proposed Order. (orig. filed in 90 Civ. 0628) (sc) (Entered: 01/06/1994)
05/02/1994		Transcript of record of proceedings filed for dates of November 18, 1993 (also filed in 90 cv 628 as document # 85). (dd) (Entered: 05/03/1994)
10/01/1996		Letter *(see below) filed to Judge Sweet from Scott A. Rosenberg for plttf. class in Davis v. NYC Housing Auth. dated 7/19/96 re Accordingly, HUD's failure to complete its review of NYCHA's proposed TSAP changes constitutes good cause for extending the time for filing formal objections to them w/in the meaning of par. 6(b). since NYCHA has not consented to such an extension, we are requesting that the Court so-order an extension of 60 dys beyond the date that HUD renders a decision on NYCHA's request for modifications. (docket &file as per chmbrs.) *Note: orig. doc. fld. in caseno. 90 civ 628 (RWS) (ls) (Entered: 10/02/1996)
10/01/1996		Letter filed *(see below) to Judge Sweet from Neil M. Corwin for plttf. U.S.A. dated 7/26/96 re For the reasons stated in the 7/19/96 letter, the U.S. respectfully supports the request to afford the plttf. class additional time to respond to NYCHA's proposed modifications to the TSAP. (docket &file as per chmbrs.) *Note: orig. doc. fld. in case no. 90 civ 628 (RWS) (ls) (Entered: 10/02/1996)
10/01/1996		Letter filed *(see below) to Judge Sweet from Scott A. Rosenberg for plttf. class in Davis v. NYCHA dated 8/29/96 re If these proposals are agreeable, we would consent to the disposition of the motion along these lines. Otherwise, we request 60 days from the return date of the motion to file any objections to the change concerning local preferences, and an extension of time to file objections, if any, to the change concerning project choice to 60 days after we receive any notice that HUD approved it. We request prompt notification of any such change approved by HUD. In either event, of course, we reserve our right to bring to the Court's attention any instance in which NYCA fails to comply w/ the terms of the HUD letter dtd. 7/31/96. (docket &file as per chmbrs.) *Note: orig. doc. fld. in case no. 90 civ 628 (RWS) (ls) (Entered: 10/02/1996)
10/01/1996		Letter filed *(see below) to Judge Sweet from Stephen W. Goodmay for N.Y.C. Housing dated 9/4/96 re Due to HUD's delay, the Housing Auth. has been forced to wait more than a yr. to begin implementing changes essential to its statutory mission and its cont'd. vitality. Pltffs. now ask the Court to rewrite the consent decree to give them a second opportunity to oppose these changes. For all the reasons set forth above, the Court should deny their motion. (docket &file as per chmbrs.) *Note: orig.doc. fld. in case no. 90 civ 628 (RWS) (ls) (Entered: 10/02/1996)
10/01/1996		Letter filed *(see below) to Judge Sweet from Scott A. Rosenberg for plttf. class in Davis v. NYCHA dated 10/1/96 re Accordingly, we ask that the Court approve the procedure outlined in my letter of 8/29...see doc. (docket &file as per chmbrs.) *Note: orig. doc. fld. in case no. 90 civ 628 (RWS) (ls) (Entered: 10/02/1996)
10/01/1996		Letter *(see below) filed to Judge Sweet from Stephen W. Goodman for N.Y.C. Housing dated 9/11/96 re I take the unusual step of writing a sur-reply in response to Scott Rosenberg's reply letter to you dtd. 9/9/96... This sur-reply will address only this new claim, dealing first w/ plttfs' procedural impropriety, and then w/ the lack of merit to plttfs' new claim... (docket &file as per chmbrs.) *Note: orig. doc. fld. in case no. 90 civ 628 (RWS) (ls) (Entered: 10/02/1996)
10/01/1996		Letter filed *(see below) to Judge Sweet from Stephen W. Goodman by N.Y.C. Housing dated 9/12/96 re This is to supplement my letter to the Court from yesterday....In my rush to prepare that letter for the Court before oral argument, I did not have time to explain why the Housing Auth. changed its mind between 11/18/94, and 7/13/95, about the timing of its notice to plttfs. Since that explanation goes to the heart of the issue before the Court, it is important for the Court to have that explanation before rendering a decision... (docket &file as per chmbrs.) *Note: orig. doc. fld. in case no. 90 civ 628 (RWS) (ls) (Entered: 10/02/1996)
10/01/1996		Letter filed to Judge Sweet from Scott A. Rosenberg for plttf. class in Davis v. NYC Housing Auth. dated 9/17/96 re I write in brief reply to what has blossomed into a full flowering of surreply letters in these actions from the NYC Housing

		Auth. NYCHA now admits that it "changed its mind" about the timing of judicial review over TSAP changes... (docket and file as per chmbrs.) *Note: orig. doc. fld. in case no. 90 civ 628 (RWS) (ls) (Entered: 10/02/1996)
11/15/1996		NOTICE OF MOTION by plaintiffs for an order preliminarily enjoining modifications to the Tenant Selection and Assignment Plan ("TSAP") of the N.Y.C. Housing Authority until plaintiffs' objections to such modifications can be resolved..... , Return date 12/18/96 (orig. dkt. in 90cv628 as doc#99) (pl) (Entered: 11/19/1996)
11/15/1996		AFFIDAVIT of Leonard A. Cupingood, Ph.D. Re: [0-1] motion for an order preliminarily enjoining modifications to the Tenant Selection and Assignment Plan ("TSAP") of the N.Y.C. Housing Authority until plaintiffs' objections to such modifications can be resolved.....(orig. dkt. in 90cv628 as doc#99) (pl) Modified on 11/19/1996 (Entered: 11/19/1996)
11/15/1996		DECLARATION of Scott A. Rosenberg Re: [0-1] motion for an order preliminarily enjoining modifications to the Tenant Selection and Assignment Plan ("TSAP") of the N.Y.C. Housing Authority until plaintiffs' objections to such modifications can be resolved.....(orig. dkt. in 90cv628 as doc#99) (pl) (Entered: 11/19/1996)
12/04/1996	4	Letter to Judge Sweet filed by N.Y.C. Housing dated 12/3/96 re: extension of time to oppose plaintiffs' motion for a preliminary injunction. (kw) (Entered: 12/05/1996)
07/18/1997		OPINION # 78950 denying [0-1] motion for an order preliminarily enjoining modifications to the Tenant Selection and Assignment Plan ("TSAP") of the N.Y.C. Authority until plaintiffs' objections to such modifications can be resolved..... (Signed by Judge Robert W. Sweet); Copies mailed. (ae) (Entered: 07/21/1997)
08/04/1997		NOTICE OF MOTION by N.Y.C. Housing for reconsideration of [0-1] order (Original is docketed in 90 civ. 628 as doc. #118) (kw) (Entered: 08/06/1997)
08/04/1997		MEMORANDUM by N.Y.C. Housing in support of [0-1] motion for reconsideration of [0-1] order. (Original is docketed in 90 civ. 628 as doc. #119) (kw) Modified on 08/06/1997 (Entered: 08/06/1997)
08/15/1997		MEMORANDUM OF LAW by U.S.A. in opposition to [0-1] motion for reconsideration of [0-1] order. See original document in 90 civ 628 (#121). (sac) (Entered: 08/19/1997)
08/25/1997		REPLY MEMORANDUM OF LAW by N.Y.C. Housing in Further Support of [0-1] motion for reconsideration of [0-1] order; (original docketed in case no. 90 cv. 628, document #122) (dj) (Entered: 08/27/1997)
10/24/1997		ORDER, extending time for plntf to respond to defts' Notice of Settlement and Proposed Order to 10/30/97 (signed by Judge Robert W. Sweet); Copies mailed; original fld in 90cv628, doc #123 (cd) (Entered: 10/27/1997)
10/31/1997		MEMORANDUM OF LAW by U.S.A. in opposition to defendant's proposed order and in support of plaintiffs' proposed order. (original doc. filed in case #90 civ. 628, doc. #124) (ae) Modified on 11/05/1997 (Entered: 11/05/1997)
10/31/1997		AFFIDAVIT in further support of Leonard A. Cupingood by U.S.A. to Re: plaintiffs' objections to proposed changes to the N.Y.C.H.A.'s (TSAP). (original doc. filed in case #90 civ. 628, doc. #125) (ae) Modified on 11/05/1997 (Entered: 11/05/1997)
11/13/1997		UNSIGNED ORDER, regarding steps to be taken by Housing Authority (original doc. filed in case #90 civ. 628, doc. #128) (ae) (Entered: 11/17/1997)
11/13/1997		UNSIGNED ORDER, the Housing Authority may implement the work-family preference as proposed, provided that families with priority code L3 and F3 may not select or be certified to any project where white families constitute more than 30% of the families as the project, and the Housing Authority may extend limited project choice to families requiring three or four-bedroom apartments ;(orig.

		docketed in 90 Civ.628 doc.#133) (kg) (Entered: 11/20/1997)
11/17/1997		OPINION #79624 denying [0-1] motion for reconsideration of [0-1] order; the preliminary injunction is modified as set forth in this Opinion (Signed by Judge W. Sweet); Copies mailed (original doc. filed in case #90 civ. 628, doc. #131). (ae) Modified on 11/20/1997 (Entered: 11/17/1997)
11/20/1997		AMENDMENT/MEMORANDUM OPINION #79624, the opinion of this Court in this action dated 11/13/97, is amended as follow: on page 5, second paragraph, line 4, after the word "overlooked," footnote 1 will be deleted (Signed by Judge Robert W. Sweet); Copies mailed. (Original entry is docketed in 90 civ. 628 as doc. #137) (kw) (Entered: 11/21/1997)
03/18/1999		MEMORANDUM of law by N.Y.C. Housing to lift the preliminary injunction barring the working-family preference. (jp) (Entered: 03/19/1999)
03/19/1999		BRIEF (by plaintiff Class in Davis) in Support of the Application of the Plaintiff Class to Make the Injunction in this Action Permanent. Orig. Docmt dktd in case no. 90 628, docmt #142 (djc) (Entered: 03/24/1999)
03/19/1999		AFFIDAVIT of Leonard A. Cupingood. Original docmt dktd in case no. 98 cv 628. (djc) (Entered: 03/25/1999)
05/05/1999		AFFIDAVIT of David W. Peterson by N.Y.C. Housing Re: in response to [0-1] affidavit of Leonard A. Cupingood, PhD dtd. 3/18/99; orig. doc. fld. in case no 90 civ 628 (ls) (Entered: 05/06/1999)
05/05/1999		MEMORANDUM by N.Y.C. Housing in opposition to plttfs' application for a premanent injunction, and in further support of the Housing Auth's. application to lift the prelim. injunction (ls) (Entered: 05/06/1999)
06/24/1999		AFFIDAVIT of David W. Peterson by N.Y.C. Housing Re: a response to the 6/17/99 Affidavit of Leonard A. Cupingood. Original document filed under case number 90 cv 628, document number 149. (jp) (Entered: 06/24/1999)
07/01/1999		FIFTHAFFIDAVIT of David W. Peterson Re: a response to the 6/25/99 affidavit of Dr. Cupingood. Original document filed under case number 90 cv 628, document number 150. (jp) Modified on 07/06/1999 (Entered: 07/06/1999)
07/28/1999		AFFIDAVIT of Leonard A. Cupingood by plttfs Re: in response to the Third Affdvt. of David W. Peterson, dtd. 5/3/99; orig. doc. fld. in case no. 90 Civ. 628 (RWS) (ls) Modified on 07/29/1999 (Entered: 07/29/1999)
07/28/1999		AFFIDAVIT of Leonard A. Cupingood by plttfs Re: in response to assertions made by Dr. David Peterson in his affdvt. dtd. 6/22/99, re the operation of the N.Y.C.H.A's Working Family Preference during 1998; orig. doc. fld. in case no. 90 Civ. 628 (RWS) (ls) (Entered: 07/29/1999)
07/28/1999		AFFIDAVIT of Leonard A Cupingood by plttfs Re: in response to new calculations set forth by Dr. David Peterson in his affdvt. dtd. 6/30/99 in which he attempts to eliminate the "Pipeline Effect" that Leonard A. Cupingood discussed in his 6/25/99 affdvt.; orig. doc. fld. in case no. 90 Civ. 628 (RWS) (ls) (Entered: 07/29/1999)
08/09/1999		Expert Report of Leonard Cupingood; original filed in 90cv628 as document #155. (pl) Modified on 08/13/1999 (Entered: 08/13/1999)
08/16/1999		AFFIDAVIT of David W. Peterson, Phd. by N.Y.C. Housing (original filed in 90 Civ 628 doc #156) (ri) (Entered: 08/17/1999)
08/18/1999		OPINION #82726, once again before the Court, this time on remand, is the motion by Pauline Davis, et al (the Davis plaintiffs) to enjoin the defendant New York City Housing Authority from implementing the Working Family Preference contained in its proposed changes to its Tenant Selection and Assignment Plan incorporated by reference in the Consent Decree in this action. In addition, NYCHA has moved to lift the preliminary injunction previously issued. Upon the findings and conclusions set forth in this the motion of the Davis plaintiffs is granted, and preliminary injunction is made permanent. The NYCHA's is denied (Signed by Judge Robert W. Sweet); Copies (Original filed in 90 Civ 628 Doc #157) (ri)

		Modified on 08/23/1999 (Entered: 08/19/1999)
09/03/1999		NOTICE OF APPEAL by N.Y.C. Housing ; from [0-1] order once again before the Court, this time on remand, is the motion by Pauline Davis, et al (the Davis plaintiffs) to enjoin the defendant New York City Housing Authority from implementing the Working Family Preference contained in its proposed changes to its Tenant Selection and Assignment Plan incorporated by reference in the Consent Decree in this action. In addition, NYCHA has moved to lift the preliminary injunction previously issued. Upon the findings and conclusions set forth in this the motion of the Davis plaintiffs is granted, and preliminary injunction is made permanent. The NYCHA's is denied, [0-2] order . Copies of notice of appeal mailed to Attorney(s) of Record: Scott A. Rosenberg, Esq. and Neil M. Corwin, Esq. \$105.00 Appeal filing fee paid September 3, 1999 on receipt # E 353794. *(Original Doc. # 158 Filed in 90 Civ. 628)*. (dt) (Entered: 09/03/1999)
09/03/1999		Notice of appeal and certified copy of docket to USCA: [0-1] appeal by N.Y.C. Housing ; Copy of notice of appeal sent to District Judge. (dt) (Entered: 09/03/1999)
04/18/2000		STIPULATION and ORDER; in response to the Second Circuit's summary order filed 2/23/00, the parties will serve their initial submissions by personal delivery or facsimile transmission by 4/13/00. Responsive submissions, if any, shall be served by personal delivery or facsimile transmission by 4/28/00 . The District Court will hear oral argument on 5/3/00 . (signed by Judge Robert W. Sweet) (Original document filed under 90 cv 628 as Doc. #167) (sn) (Entered: 04/20/2000)
05/01/2000		EIGHTH AFFIDAVIT of David W. Peterson. Original document filed under case number 90 cv 628, document number 169. Received in night deposit on 5/1/00 at 5:13 p.m. (jp) (Entered: 05/02/2000)
05/02/2000		REPLY AFFIDAVIT of Leonard A. Cupingood Re: Seventh affidavit of David W. Peterson dated 4/12/00. (Original document filed under 90 cv 628 as Doc. #170) (sn) Modified on 05/03/2000 (Entered: 05/03/2000)
05/02/2000		PLTFFS' REPLY MEMORANDUM of law on remand from the Second Circuit Court of Appeals. (Original document filed under 90 cv 628 as Doc. #171) (sn) (Entered: 05/03/2000)
09/15/2000		NOTICE of change of address of counsel to by N.Y.C. Housing; (original docmt dktd in case no. 90 cv 628, docmt #173) (djc) Modified on 09/18/2000 (Entered: 09/18/2000)
09/03/2002		MEMORANDUM OF LAW by N.Y.C. Housing in opposition to plaintiffs' application for attorney's fees, cost, and expenses. Original document filed in case 90 cv 628 as doc # 178. (gf) (Entered: 09/06/2002)
09/03/2002		DECLARATION of Henry Schoenfeld by N.Y.C. Housing in opposition Re: to the plaintiffs' application for fees, costs, and expenses. (gf) (Entered: 09/06/2002)
10/21/2002		Plaintiff's Reply Declaration of Scott A. Rosenberg to rovide a factual foundation for certain arguments set forth in plaintiffs' Reply Memorandum of Law dated 10/18/02; (original document dktd in case no. 90 cv 628, docmt #182) (djc) (Entered: 10/24/2002)
10/21/2002		Plaintiffs' REPLY MEMORANDUM of Law in support of Application for an award of attorney's fees, costs, and expenses; (original docmt dktd in case no. 90 cv 628, docmt #183) (djc) (Entered: 10/24/2002)
12/11/2002		OPINION #87808; In light of the foregoing, as stated in this Opinion, the plaintiffs shall receive \$306,467.75 in attorney's fees, \$2,273.74 in Westlaw fees, \$70.33 in long distance telephone charges, and \$84.50 in travel and postage charges, for a total of \$308,896.32 in attorney's fees, costs and expenses ; (signed by Judge Robert W. Sweet); (orig. docmt dktd in case no. 90 cv 628, docmt #185) (djc) (Entered: 12/19/2002)