

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK
Buffalo Division**

**U.S. EQUAL EMPLOYMENT OPPORTUNITY)
COMMISSION,)**

Plaintiff,)

vs.)

BOXWOOD HOTELS, LLC,)

d/b/a Holiday Inn Express;)

SANDALWOOD HOTELS, LLC,)

d/b/a Hampton Inn & Suites;)

STAR HOTELS, LLC,)

d/b/a La Quinta Inn;)

BRADFORD HOTEL LLC,)

d/b/a Holiday Inn Express Bradford;)

HAMBURG HOTEL LLC,)

d/b/a Holiday Inn Express & Suites;)

HAMBURG LODGING INC.,)

d/b/a Hampton Inn Buffalo-Hamburg;)

FALLS HOTEL LLC,)

d/b/a Hampton Inn Niagara Falls/Blvd; and)

ROSEWOOD HOTELS LLC,)

)

Defendants.)

Case No. 1:24-cv-00902-LVJ

UNOPPOSED MOTION TO DISMISS THE EEOC’S COMPLAINT

Plaintiff, the U.S. Equal Employment Opportunity Commission (“EEOC”), respectfully requests that the Court dismiss the EEOC’s claims in this action, on the terms set forth below, in light of recent Administration policy changes. In support of this motion, the EEOC states the following:

1. On January 20, 2025, President Trump issued an Executive Order titled “Defending Women from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government,” (“the Order”).

2. On January 29, 2025, the Office of Personnel Management issued “Initial Guidance Regarding President Trump’s Executive Order Defending Women” directing that all federal employees must comply with and take actions to effectuate the Order, (“OPM Guidance”).

3. The EEOC’s continued litigation of its claims in this action may be inconsistent with the Order and OPM Guidance.

4. At this time, all Defendants have appeared in the action.

5. Defendants BOXWOOD HOTELS, LLC d/b/a Holiday Inn Express, and ROSEWOOD HOTELS, LLC, have filed Answers. *See* Dkt. Nos. 5, 15.

6. Defendants SANDALWOOD HOTELS, LLC, d/b/a Hampton Inn & Suites; STAR HOTELS, LLC, d/b/a La Quinta Inn; BRADFORD HOTEL LLC, d/b/a Holiday Inn Express Bradford; HAMBURG HOTEL LLC, d/b/a Holiday Inn Express & Suites; HAMBURG LODGING INC., d/b/a Hampton Inn Buffalo-Hamburg; and FALLS HOTEL, LLC, d/b/a Hampton Inn Niagara Falls/Blvd have not yet filed answers.

7. All Defendants have assented and agreed to the relief sought in this motion.

For the foregoing reasons, the EEOC respectfully requests that the Court dismiss with prejudice the EEOC’s claims on the following terms:

- A. Dismissal of the EEOC’s complaint shall be effective 30 days after the Court’s ruling on this motion to permit the Charging Party an opportunity to seek private counsel and intervene in this action. *See* 42 U.S.C. §2000e-5(f)(1) (“The person or persons aggrieved shall have the right to intervene in a civil action brought by the Commission . . .”).
- B. Each party to this action shall bear its own fees and costs with respect to the dismissed EEOC claims.

DATED: February 14, 2025

Respectfully submitted,

ANDREW B. ROGERS
ACTING GENERAL COUNSEL

CHRISTOPHER LAGE
DEPUTY GENERAL COUNSEL

/s/ Kimberly A. Cruz
Regional Attorney

Equal Employment Opportunity Commission
New York District Office
33 Whitehall Street, 5th Floor
New York, NY 10004
(929) 506-5345
Kimberly.Cruz@eeoc.gov

CERTIFICATE OF SERVICE

I hereby certify that a copy of this motion has been provided to Counsel of Record for all Defendants via ECF:

Jonathan M. Bernstein, Esq.
Attorneys for Boxwood Hotels, LLC
8 Southwoods Blvd., Suite 300
Albany, New York 12211
(518) 463-5400
jbernstein@goldbergsegalla.com

Ryan F. McCann, Esq.
Attorney for Rosewood Hotels, LLC
11 Main Street
Hamburg, New York 14075
(716) 648-7000
rmccann@attealaw.com

Amber E. Storr, Esq.
*Attorney for Star Hotels, LLC and
Bradford Hotel, LLC*
The Liberty Building
424 Main St, Suite 1300
Buffalo, NY 14202
716.849.8900 x118
AES@hurwitzfine.com

Nicholas Jacobson, Esq.
*Attorney for Sandalwood Hotels,
LLC, Hamburg Hotel LLC, Hamburg
Lodging Inc., and Falls
Hotel LLC*
One Lincoln Center
Syracuse, NY 13202-1355
315.218.8362
NJacobson@bsk.com

/s/ Kimberly A. Cruz
Regional Attorney

Equal Employment Opportunity Commission
New York District Office

33 Whitehall Street, 5th Floor
New York, NY 10004
(929) 506-5345
Kimberly.Cruz@eeoc.gov