

CLOSED

**U.S. District Court
Eastern District of New York (Central Islip)
CIVIL DOCKET FOR CASE #: 2:01-cv-01541-RJD-ETB**

EEOC v. Zale Corporation, et al
Assigned to: Chief Judge Raymond J. Dearie
Referred to: Magistrate-Judge E. Thomas Boyle
Demand: \$0
Cause: 42:2000 Job Discrimination (Sex)

Date Filed: 03/13/2001
Date Terminated: 02/11/2002
Jury Demand: Plaintiff
Nature of Suit: 442 Civil Rights: Jobs
Jurisdiction: U.S. Government Plaintiff

Plaintiff**EEOC**

represented by **Katherine E. Bissell**
Equal Employment Opportunity
Commission
NY District Office
33 Whitehall Street
5th Floor
New York, NY 10004
Fax: (212) 336-3623
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant**Zale Corporation**

represented by **Carrie B. Hoffman**
Gardere Wynne Sewell LLP
3000 Thanksgiving Tower
1601 Elm Street
Dallas, TX 75201
(214) 999-3000
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

David Dunn

Hogan & Hartson LLP
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Ronald M. Gaswirth

Gardere & Wynne, L.L.P.
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Dallas, TX 75201
(214) 999-3000
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Defendant

Zale Delaware, Inc.
doing business as
Bailey, Banks & Biddle Fine Jewelers

represented by **Carrie B. Hoffman**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

David Dunn
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Ronald M. Gaswirth
(See above for address)
LEAD ATTORNEY
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Intervenor Plaintiff

Debbie Averso

represented by **Deborah N.F. Truhowsky**
Steven J. Schwartaffel, P.C.
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Philip Taubman
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Intervenor Plaintiff

Emmanuella Bien-Aime

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(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Philip Taubman
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Intervenor Plaintiff

Lorraine Dorso

represented by **Deborah N.F. Truhowsky**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Philip Taubman
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Intervenor Plaintiff

Alyse Larkin

represented by **Deborah N.F. Truhowsky**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Philip Taubman
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Intervenor Plaintiff

Danielle Pittelli

represented by **Deborah N.F. Truhowsky**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Philip Taubman
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Intervenor Plaintiff

Lori Vilinsky
individually

represented by **Deborah N.F. Truhowsky**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Philip Taubman
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

Kevin Mantell

Date Filed	#	Docket Text
03/13/2001	1	COMPLAINT filed and summons(es) issued for Zale Corporation, Zale Delaware, Inc. (Romano, Dan) (Entered: 03/21/2001)
05/03/2001	2	ORDER, set initial scheduling conference for 9:30 8/3/01 before Magistrate E. T. Boyle (signed by Magistrate E. T. Boyle on 5/3/01). c/m (Coleman, Laurie) (Entered: 05/07/2001)
05/11/2001	3	ANSWER to Complaint by Zale Corporation, Zale Delaware, Inc. (Coleman, Laurie) (Entered: 05/11/2001)
05/11/2001	4	Disclosure of interested parties by Zale Corporation, Zale Delaware, Inc. (Coleman, Laurie) (Entered: 05/11/2001)
06/20/2001	14	MOTION by Zale Corporation, Zale Delaware, Inc.; for an order purs. to Local Rule 1.3(c) of the Eastern District of New York, for an order admitting Ronald M. Gaswirth of the firm of Gardere Wynne Sewell LLP, 3000 Thanksgiving Tower, 1601 Elm Street, Dallas, Texas 75201, to practice before the Court pro hac vice as counsel for defts Zale Corporation and Zale Delaward, Inc.; Fee: \$25.00 Receipt #: 003305 ; Motion hearing not scheduled . Motion file stamped: 6/20/01 and mailed/served: 6/19/01 (Fagan, Linda) (Entered: 10/09/2001)
06/20/2001	15	AFFIRMATION by David Dunn on behalf of Zale Corp. and Zale Delaward, Inc. in support of [14-1] motion for an order purs. to Local Rule 1.3(c) of Eastern District of New York, for an order admitting Ronald M. Gaswirth of the firm of Gardere Wynne Sewell LLP, 3000 Thanksgiving Tower, 1601 Elm Street, Dallas, Texas 75201, practice before the Court pro hac vice as counsel for defts Zale Corporation and Zale Delaward, Inc.; Fee: \$25.00 Receipt #: 003305 (Fagan, Linda) (Entered: 10/09/2001)
06/20/2001	16	MOTION by Zale Corporation, Zale Delaware, Inc.; for an order admitting Carrie B. Hoffman of the firm of Gardere Wyne Sewell LLP, 3000 Thanksgiving Tower, 1601 Elm Street, Dallas, Texas 75201, to practice before the Court pro hac vice as counsel for defts.; Fee: \$25.00; Receipt #: 003305 ; Motion hearing for [16-1] motion not scheduled Motion file stamped: 6/20/01 and mailed/served: 6/19/01 (Fagan, Linda) (Entered: 10/09/2001)
06/20/2001	17	AFFIRMATION by David Dunn on behalf of Zale Corporation, Zale Delaware, Inc. Re: in support of [16-1] motion for an order admitting Carrie B. Hoffman of the firm of Gardere Wyne Sewell LLP, 3000 Thanksgiving Tower, 1601 Elm Street, Dallas, Texas 75201, to practice before the Court pro hac vice as counsel for defts.; Fee: \$25.00; Receipt #: 003305 (Fagan, Linda) (Entered: 10/09/2001)
06/20/2001		Motion(s) no longer referred: [14-1] motion for an order purs. to Local Rule 1.3(c) of the Eastern District of New York, for an order admitting Ronald M. Gaswirth of the firm of Gardere Wynne Sewell LLP, 3000 Thanksgiving Tower, 1601 Elm Street, Dallas, Texas 75201, to practice before the Court pro hac vice as counsel for defts Zale Corporation and Zale Delaward, Inc.; Fee: \$25.00 Receipt #: 003305 (Lundy, Lisa) (Entered: 02/05/2002)

06/29/2001	8	LETTER dated 6/25/01 from Philip E. Taubman, Esq. to Magistrate Judge Boyle re: to request a pre-motion conference with respect to the filing of an Intervening Complaint to intervene as plffs in this action. (Fagan, Linda) (Entered: 08/06/2001)
07/03/2001	9	LETTER dated 7/2/01 from Connie Owens to Magistrate Judge Boyle re: to advise the Court that Mr. Gaswirth and Ms. Hoffman will not be able to respond to the 6/25/01 correspondence to the Court, if needed, before 7/9/01. (Fagan, Linda) (Entered: 08/06/2001)
07/11/2001	5	LETTER dated 7/9/01 from Robert D. Rose to Judge Boyle Re: In response to Philip e. Taubman's 6/25/01 submission to the Court requesting a pre-motion conference regarding the proposed intervention of individual plffs in this matter. (Coleman, Laurie) (Entered: 07/16/2001)
07/11/2001		Endorsement on [5-1] letter; This matter will be taken up at the initial conference which will take place on 8/3/02 @ 9:30 a.m. (Signed by Magistrate E. T. Boyle, on 7/11/01). So Ordered. EOD #5. c/f (Coleman, Laurie) (Entered: 07/16/2001)
07/24/2001	6	JOINT PROPOSED SCHEDULING ORDER: All motions to join other parties or amend the pleadings shall be filed by 12/3/01; A Final and Settlement Conference on 6/4/02 @ 11:00; Discovery cutoff 5/31/02. (Signed by Magistrate E. T. Boyle, on 7/24/01). So Ordered. c/f (Coleman, Laurie) (Entered: 07/26/2001)
08/03/2001		Initial conference held (Fagan, Linda) (Entered: 08/03/2001)
08/03/2001	7	Calendar entry: before Magistrate Judge Boyle on 8/3/01 at 9:30 a.m.; for Civil Cause For Initial Conference; appearances: for plff.: Robert D. Rose; Philip E. Taubman; Deborah Truhowsky. Final & Settlement conf. 6/25/01 at 11:00 a.m. before Magistrate E. T. Boyle . The intervenors shall file a proposed pleading and stip or a motion for leave to intervene by 8/17/01 . (signed: E. Thomas Boyle, U.S. Magistrtate Judge on 8/3/01). c/g (Fagan, Linda) (Entered: 08/03/2001)
08/03/2001		Deadline updated; Reset motion filing deadline for 8/17/01 (Fagan, Linda) (Entered: 08/03/2001)
08/17/2001	10	LETTER dated 8/16/01 from Philip E. Taubbman to Magistrate Judge Boyle re: the enclosed proposed order allowing the intervention of the proposed interveners without objection (Fagan, Linda) (Entered: 08/20/2001)
08/17/2001	11	ORDER; that the amended Intervening Complaint be filed without opposition and that the individual plffs be deemed intervenors . (signed by Magistrate E. T. Boyle, on 8/17/01) c/f (Fagan, Linda) (Entered: 08/20/2001)
08/24/2001	12	AMENDED INTERVENING COMPLAINT by EEOC, (Answer due 9/3/01 for Zale Delaware, Inc., for Zale Corporation) amending [1-1] complaint adding Debbie Averso, Emmanuella Bien-Aime, Lorraine Dorso, Alyse Larkin, Danielle Pittelli, Lori Vilinsky as intervenors, Kevin Mantell as deft. (Fagan, Linda) (Entered: 08/24/2001)
09/06/2001	13	ANSWER by Zale Corporation, Zale Delaware, Inc. to amended intervening complaint (Fagan, Linda) (Entered: 09/06/2001)

10/05/2001	18	ORDER; granting [16-1] motion for an order admitting Carrie B. Hoffman of the firm of Gardere Wyne Sewell LLP, 3000 Thanksgiving Tower, 1601 Elm Street, Dallas, Texas 75201, practice before the Court pro hac vice as counsel for defts.; Fee: \$25.00; Receipt #: 003305 (signed by Senior Judge Jacob Mishler, on 10/5/01) (Fagan, Linda) (Entered: 10/09/2001)
11/19/2001	19	NOTICE OF CHANGE OF ADDRESS by EEOC (Fagan, Linda) (Entered: 11/19/2001)
02/11/2002	20	LETTER dated 2/6/02 from Ronald M. Gaswirth to Judge Mishler re: request to enter the enclosed Agreed Order of Dismissal. (Fagan, Linda) (Entered: 02/11/2002)
02/11/2002	21	AGREED ORDER OF DISMISSAL; that all claims, demands and causes of action asserted or assertable herein by Intervenors Danielle Pitelli, Lorraine Dorso, Emmanuella Bien-Aime, Deborah Averso, Lori Vilinsky and Alyse Larkin against Defts Zale Corporation and Zale Delaware, Inc. d/b/a Bailey Banks & Biddle Fine Jewelers are dismissed with prejudice . (signed by Senior Judge Jacob Mishler on 2/11/02) c/m (Fagan, Linda) (Entered: 02/11/2002)
02/11/2002		Case closed. (Fagan, Linda) (Entered: 02/11/2002)
05/07/2002	22	LETTER dated 2/15/02 from Lisa Sirkin to Judge Mishler re: to request that the Court render nulland void any private agreement between Pltff-intervenors and Defts that restricts EEOC's availability to communicate with the charging parties and deny Defts' request for Court approval of the Agreed Order Disimissal. (Fagan, Linda) (Entered: 05/07/2002)
05/07/2002	23	LETTER dated 2/18/02 from Ronald M. Gaswirth to Judge Mishler re: request that the Court deny the EEOC's request to deny the Agreed Order of Dismissal and that the Court enforce the settlement agreement between Zale and the Pltff-Intervenors. (Fagan, Linda) (Entered: 05/07/2002)
05/07/2002	24	LETTER dated 2/20/02 from Robert D. Rose; Lisa Sirkin to Judge Mishler re: request that the Court render null and void any private agreement between Pltff-intervenors and Defts that restricts EEOC's ability to communicate with the charging parties and deny Defts' request for Court approval of the Agreed Order of Dismissal, or, alternatively, conduct a hearing on those issues. (Fagan, Linda) (Entered: 05/07/2002)
05/07/2002	25	LETTER dated 2/25/02 from Philip E. Taubman, Esq.; Deborah N.F. Truhowsky to Judge Mishler re: the EEOC should not be allowed to prejudice the ability of the intervenors to protect their interests. (Fagan, Linda) Modified on 05/07/2002 (Entered: 05/07/2002)
05/07/2002	26	LETTER dated 3/5/02 from Carrie B. Hoffman to Judge Mishler re: the EEOC's request to have the agreement declared null and void is moot. Pltff-Intervenors. (Fagan, Linda) Modified on 05/07/2002 (Entered: 05/07/2002)
05/07/2002	27	LETTER dated 5/7/02 from Robert D. Rose; Lisa Sirkin to Judge Mishler re: to request that the Court deny Defts' request for an Agreed Order of Dismissal and hold the separate agreement in abeyance while EEOC and Zale work towards a final resolution of the case. (Fagan, Linda) (Entered: 05/07/2002)

05/07/2002	28	ORDER; That deft Zale Corporation is directed to produce to the Court, within 10 days hereof, for in camera review, copies of any settlement agreements entered into with the Pltff-intervenors . (signed by Senior Judge Jacob Mishler, on 5/7/02) (Fagan, Linda) (Entered: 05/07/2002)
06/10/2002	29	Letter MOTION by EEOC; to extend the 5/31/02 discovery deadline; and, to postpone the 6/4/02 at 11:00 a.m. settlement conference, until discovery is complete . Motion hearing not scheduled . (Fagan, Linda) (Entered: 06/10/2002)
06/10/2002	30	LETTER dated 6/10/02 from Ronald M. Gaswirth to Magistrate Judge Boyle re: to advise the Court that in response to Mr. Rose's correspondence of 5/28/02, they agree with the four month extension requested for discovery; However, they do not agree that the settlement conference scheduled for 6/25/02 (Not 6/4) should be rescheduled. (Fagan, Linda) (Entered: 06/10/2002)
06/10/2002		Endorsed order; denying [29-1] motion to extend the 5/31/02 discovery deadline; and, to postpone the 6/4/02 at 11:00 a.m. settlement conference, until discovery is complete. Application is denied with leave to renew at the appearance on 6/25/02. (Signed by Magistrate E. T. Boyle, on 5/31/02) c/f EOD #29 (Fagan, Linda) (Entered: 06/10/2002)
06/11/2002		CASE reassigned to Judge Raymond J. Dearie from Judge Jacob M. Mishler. Parties notified. (Bowens, Priscilla) (Entered: 06/11/2002)
06/13/2002	31	ORDER: Counsel is advised that the case has been reassigned to Judge Dearie. Counsel for all parties are directed to advise this court by letter the status of this case by 6/28/02. C/M by chambers. (signed by Judge Raymond J. Dearie , on 6/12/02) (Chee, Alvin) (Entered: 06/13/2002)
06/25/2002	32	Calendar entry: before MJ Boyle on 6/25/02 for final conference. Counsel for parties present. Next conference set for 7/25/02 at 10 AM. PTO to be filed by 7/25/02. (Chee, Alvin) (Entered: 06/28/2002)
06/27/2002	33	LETTER dated 6/26/02 from Ronald Gaswirth, Esq. to Hon. Raymond Dearie providing status pursuant to the Court's 6/12/02 order. (Chee, Alvin) (Entered: 07/08/2002)
07/08/2002	34	LETTER dated 6/27/02 from Robert Rose, Esq. to Hon. Raymond Dearie providing status pursuant to the Court's 6/12/02 order. (Chee, Alvin) (Entered: 07/08/2002)
07/22/2002	36	ORDER endorsed on letter dated 7.19.2 from Ronald M. Gaswirth to USMJ Boyle. The pre-trial conf is rescheduled to 8.29.2 @ 11:30am. (signed by Magistrate E. T. Boyle on 7.22.2). (Noh, Kenneth) (Entered: 07/25/2002)
07/24/2002	35	LETTER dated 7/2/02 from Ronald Gaswirth, Esq. to Hon. Raymond Dearie responding to the EEOC status report of 6/27/02. (Chee, Alvin) (Entered: 07/24/2002)
08/26/2002	37	LETTER dated 8/23/02 from Ronald Gaswirth, Esq. to MJ Boyle requesting the cancellation of the 8/29/02 status conference in light of settlement. (Chee, Alvin) (Entered: 09/04/2002)
08/26/2002		Endorsed order: The final conference scheduled for 8/29/02 is cancelled. Endorsed on document #37. (Signed by Magistrate E. T. Boyle , on 8/26/02)

		(Chee, Alvin) (Entered: 09/04/2002)
09/18/2002	38	Consent Decree: Ordered that this consent decree resolves all issues raised in EEOC Charge numbers 160-A0-0635, 160-A0-0636, 160-A0-0637, 160-A0-0638, 160-A0-0639, 160-A0-0754, and 160-A0-0755 and all issues that were raised in the complaints filed by EEOC and plaintiff-intervenors in this case and covered by the EEOC's determination dated 8/31/00 and 6/6/01. The decree does not resolve any charge of discrimination currently pending before the EEOC, or any charge that may be filed in the future, except for those charges that served as the jurisdictional prerequisites in this case and the EEOC's determinations dated 8/31/00 and 6/6/01. As full consideration for their respective agreements to release all claims arising against Zale from their respective EEOC Charges and this Lawsuit, including their complaint in Intervention, Zale has already paid Alyse Larkin the total sum of \$52,000 (inclusive of costs and attorneys' fees), Danielle Pitelli the total sum of \$52,000, Lorraine Dorso the total sum of \$21,000, Emmanuella Bein-Aime the total sum of \$21,000, Deborah Averso the total sum of \$52,000, and Lori Vilinsky the total sum of \$52,000. The Court has already dismissed their claims with prejudice. The parties agree to bear their own attorneys' fees and costs associated with this case. See order for further details on Non-Discrimination Provision, Posting of Notices, Sexual Harassment Policy, Training, Monitoring and Reporting, and Miscellaneous provisions. C/M. (signed by Judge Raymond J. Dearie , on 9/9/02) (Chee, Alvin) (Entered: 09/18/2002)
09/18/2002		Case closed as per document #38. (Chee, Alvin) (Entered: 09/18/2002)

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