

CLOSED

**U.S. District Court**  
**United States District Court for the Southern District of New York (Foley Square)**  
**CIVIL DOCKET FOR CASE #: 1:02-cv-03748-RMB**

Equal Employment v. UBS Brinson, Inc., et al  
Assigned to: Judge Richard M. Berman  
Demand: \$0  
Case in other court: 03-06078.  
Cause: 29:621 Job Discrimination (Age)

Date Filed: 05/16/2002  
Date Terminated: 01/15/2003  
Jury Demand: None  
Nature of Suit: 442 Civil Rights: Jobs  
Jurisdiction: Federal Question

**Plaintiff**

**Equal Employment Opportunity  
Commission**

represented by **Michael J. O'Brien**  
EEOC  
33 Whitehall Street  
5th Floor  
New York, NY 10004  
(212) 336-3694  
*LEAD ATTORNEY*

V.

**Defendant**

**UBS Brinson, Inc.**

**Defendant**

**UBS AG**

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
05/16/2002	1	COMPLAINT filed. Summons issued and Notice pursuant to 28 U.S.C. 636(c). (jol) (Entered: 05/17/2002)
05/16/2002		CASE REFERRED TO Judge Richard M. Berman as possibly similar 1:02cv3745. (jol) (Entered: 05/17/2002)
05/31/2002	2	Notice of Case Assignment to Judge Richard M. Berman . Copy of notice and judge's rules mailed to Attorney(s) of record: Michael J. O'Brien . (rmo) (Entered: 06/04/2002)
05/31/2002		Magistrate Judge Theodore H. Katz is so designated. (rmo) (Entered: 06/04/2002)
05/31/2002		Case accepted as related to 02cv3745. Notice of assignment to follow. (rmo) (Entered: 06/04/2002)

06/19/2002	3	(DUPLICATE ORIGINAL) STIPULATION and ORDER, reset answer to complaint due for 7/26/02 for UBS AG, for UBS Brinson, Inc. ( signed by Judge Richard M. Berman ) (ae) (Entered: 06/26/2002)
06/26/2002	4	Case Management Plan: 1 combined: moving by 7/26/02; opposing by 9/20/02; reply by 10/21/02; 30 pages for motion & response; normal page limits for reply - see rules (double space 7 normal margins). ( signed by Judge Richard M. Berman ); Copies mailed. (kw) (Entered: 06/28/2002)
07/26/2002		NOTICE OF MOTION (filed on service date) by UBS Brinson, Inc., UBS AG for an Order dismissing 02cv3745 and 02cv3748 purs. to FRCP 12(b)(6) . No Return Date. Affidavit of Kevin B. Leblang attached. Original document # 5 filed in 02cv3745. (sb) (Entered: 07/30/2002)
07/26/2002		MEMORANDUM OF LAW by UBS Brinson, Inc., UBS AG in support of [0-1] motion for an Order dismissing 02cv3745 and 02cv3748 purs. to FRCP 12(b)(6). Original document # 6 filed in 02cv3745. (sb) (Entered: 07/30/2002)
07/26/2002	5	RULE 1.9 CERTIFICATE filed by UBS Brinson, Inc., UBS AG . (pl) (Entered: 07/30/2002)
07/30/2002	6	Amended CERTIFICATE OF SERVICE of Memorandum of Lawl in support of their motion to dismiss, notice of motion with affidavit of Kevin B. Leblang and Statement purs to Local Rule 1.9 as to Equal Employment by hand and mail on 7/26/02. (djc) (Entered: 08/06/2002)
09/20/2002		MEMORANDUM OF LAW by Equal Employment in opposition to [0-1] motion for an Order dismissing 02cv3745 and 02cv3748 purs. to FRCP 12(b)(6) . Original document filed in case #02cv2745, document #7. (dle) (Entered: 09/27/2002)
09/20/2002		AFFIDAVIT of Michael J. O'Brien by Equal Employment in opposition to [0-1] motion for an Order dismissing 02cv3745 and 02cv3748 purs. to FRCP 12(b)(6) . Original document filed in case #02cv3745, document #8. (dle) (Entered: 10/03/2002)
10/21/2002		REPLY MEMORANDUM by UBS Brinson, Inc., UBS AG in support re: [0-1] motion for an Order dismissing 02cv3745 and 02cv3748 purs. to FRCP 12(b)(6). Original document filed in 02cv3745, Doc # 9. (db) Modified on 11/01/2002 (Entered: 11/01/2002)
11/18/2002	7	NOTICE of Change of Address by Equal Employment . (sac) (Entered: 11/20/2002)
01/15/2003		DECISION & ORDER; granting defendants motion for an Order dismissing 02cv3745 and 02cv3748 purs. to FRCP 12(b)(6) , plaintiffs determine that a basis exists for repleading, they are directed to file a motion and proposed amended complaint on or before 2/4/03. If a motion is not filed as of 2/4/03, the Clerk of Court is respectfully requests to close this case . ( signed by Judge Richard M. Berman ); orig. document docketed in 02cv3745 as document #10 (pl) Modified on 02/24/2003 (Entered: 01/21/2003)
01/15/2003		Case closed. (pl) (Entered: 02/24/2003)

04/11/2003	8	NOTICE OF APPEAL by Equal Employment from JUDGMENT NOT ENTERED AT THIS TIME. Copies of notice of appeal mailed to Attorney(s) of Record: Kevin B. Leblang, Kramer,Levin,Naftalis,& Frankel, LLP. (USA) (pr) (Entered: 04/14/2003)
04/11/2003		Notice of appeal and certified copy of docket to USCA: [8-1] appeal by Equal Employment; Copy of notice of appeal sent to District Judge. (pr) (Entered: 04/14/2003)
05/06/2003		USCA Case Number Re: [8-1] appeal by Equal Employment USCA NUMBER: 03-6078. (dt) (Entered: 05/06/2003)
05/12/2003	9	Text not available. (Entered: 05/12/2003)
11/18/2003	10	True Copy of Order from the USCA RE: [8-1] appeal by Equal Employment Parties stipulate that the appeal is withdrawn from active consideration, without prejudice to reactivation by 2/2/04 as indicated. CERTIFIED 11/13/03, 03-6078. MACKECHNIE, CLERK, USCA. (pr) (Entered: 11/18/2003)
01/29/2004	11	MANDATE of USCA WITHDRAWING APPEAL (Certified Copy) as to [8] Notice of Appeal filed by Equal Employment Opportunity Commission USCA Case Number 03-6078....The undersigned counsell for the parties heereby stipulate that the above-captioned appeal is hereby WITHDRAWN without costs and without attorneys' fees pursuant to Rule 42(b) of the Federal Rules of Appellate Procedure. Roseann B. Mackechnie, Clerk USCA. Certified: 1/26/04. (dt, ) (Entered: 01/29/2004)

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