

STAYED,CLOSED

**U.S. District Court
Eastern District of New York (Brooklyn)
CIVIL DOCKET FOR CASE #: 1:05-cv-04486-ENV-CLP**

U.S. Equal Employment Opportunity Commission (E.E.O.C.) v. Date Filed: 09/22/2005
Home Depot U.S.A., Inc. Date Terminated: 04/23/2008
Assigned to: Judge Eric N. Vitaliano Jury Demand: Plaintiff
Referred to: Magistrate Judge Cheryl L. Pollak Nature of Suit: 442 Civil Rights: Jobs
Cause: 42:2000e Job Discrimination (Employment) Jurisdiction: U.S. Government Plaintiff

Plaintiff

**U.S. Equal Employment Opportunity
Commission (E.E.O.C.)**

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V.

Defendant

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Date Filed	#	Docket Text
09/22/2005	<u>1</u>	COMPLAINT against Home Depot U.S.A., Inc., filed by U.S. Equal Employment Opportunity Commission (E.E.O.C.). (Attachments: # <u>1</u> Civil Cover Sheet)(Bowens, Priscilla) (Entered: 09/23/2005)
09/22/2005		Summons Issued as to Home Depot U.S.A., Inc.. (Bowens, Priscilla) (Entered: 09/23/2005)
11/23/2005	<u>2</u>	ANSWER to Complaint by Home Depot U.S.A., Inc.. (Attachments: # <u>1</u> Affidavit of Service)(Burg, Michelle) (Entered: 11/23/2005)
11/23/2005	<u>3</u>	Corporate Disclosure Statement by Home Depot U.S.A., Inc.. (Burg, Michelle) (Entered: 11/23/2005)
03/23/2006		Judge Eric N. Vitaliano added. Judge Nicholas G. Garaufis no longer assigned to case. (Brown, Marc) (Entered: 03/23/2006)
03/31/2006	<u>4</u>	SCHEDULING ORDER: An initial conference has been scheduled in the above-captioned case on APRIL 20, 2006 at 9:30 a.m., before the Honorable Cheryl L. Pollak, United States Magistrate Judge, in Room 1230 at 225 Cadman Plaza East, Brooklyn, New York. Ordered by Judge Cheryl L. Pollak on 3/31/06. (Caggiano, Diana) (Entered: 03/31/2006)
04/18/2006	<u>5</u>	REPORT of Rule 26(f) Planning Meeting. (Ranis, Michael) (Entered: 04/18/2006)
04/20/2006	<u>6</u>	Minute Entry: Initial Conference held before Magistrate Cheryl L. Pollak on 4/20/2006. Defendant to serve limited interrogs by 5/19; response due 6/2. Settlement conference scheduled for 6/15/06 at 9:30 a.m. (Pollak, Cheryl) . (Entered: 04/20/2006)
05/12/2006	<u>7</u>	Notice of MOTION for Leave to Appear Pro Hac Vice for <i>Donald R. Livingston, Esq.</i> Filing fee \$ 25, receipt number 1808800. by Home Depot U.S.A., Inc.. (Burg, Michelle) (Entered: 05/12/2006)
05/12/2006	<u>8</u>	Notice of MOTION for Leave to Appear Pro Hac Vice for <i>Paul E. Mirengoff, Esq.</i> Filing fee \$ 25, receipt number 1808830. by Home Depot U.S.A., Inc.. (Burg, Michelle) (Entered: 05/12/2006)
05/12/2006	<u>9</u>	Notice of MOTION for Leave to Appear Pro Hac Vice for <i>Shannon Fink, Esq.</i> Filing fee \$ 25, receipt number 1808854. by Home Depot U.S.A., Inc.. (Burg, Michelle) (Entered: 05/12/2006)
05/18/2006	<u>10</u>	ORDER granting re <u>7</u> Notice of MOTION for Leave to Appear Pro Hac Vice for <i>Donald R. Livingston, Esq.</i> Filing fee \$ 25, receipt number 1808800. filed by Home Depot U.S.A., Inc. Ordered by Judge Cheryl L. Pollak on 5/18/06. (Pollak, Cheryl) (Entered: 05/18/2006)

05/18/2006	<u>11</u>	ORDER GRANTING re <u>8</u> Notice of MOTION for Leave to Appear Pro Hac Vice for Paul E. Mirengoff, Esq. Filing fee \$ 25, receipt number 1808830. filed by Home Depot U.S.A., Inc. Ordered by Judge Cheryl L. Pollak on 5/18/06. (Pollak, Cheryl) (Entered: 05/18/2006)
05/18/2006	<u>12</u>	ORDER GRANTING re <u>9</u> Notice of MOTION for Leave to Appear Pro Hac Vice for Shannon Fink, Esq. Filing fee \$ 25, receipt number 1808854. filed by Home Depot U.S.A., Inc. Ordered by Judge Cheryl L. Pollak on 5/18/06. (Pollak, Cheryl) (Entered: 05/18/2006)
06/16/2006	<u>13</u>	MINUTE ENTRY for Status Conference proceeding held before MJ Cheryl L. Pollak on 6/15/2006. Pursuant to court's request, EEOC produced information to defendant in effort to conciliate/settle. Defendant to send letter requesting pre-motion conference by June 23; response in any June 30. (Caggiano, Diana) (Entered: 06/16/2006)
06/23/2006	<u>14</u>	Letter to Judge Eric N. Vitaliano from Paul E. Mirengoff dated 6/23/06 requesting a pre-motion conference in order to seek leave to move for partial summary judgment, or in the alternative a stay of proceedings by Home Depot U.S.A., Inc.. (Burg, Michelle) (Entered: 06/23/2006)
06/30/2006	<u>15</u>	Letter in Response to Def. Request to Move for Summary Judgment by U.S. Equal Employment Opportunity Commission (E.E.O.C.). (Ranis, Michael) (Entered: 06/30/2006)
07/19/2006		SCHEDULING ORDER:Pre Motion Hearing for Summary Judgement Motion set for 8/3/2006 10:00 AM in Courtroom 1 before Judge Eric N. Vitaliano. Ordered by Judge Eric N. Vitaliano on 7/19/2006. (Villanueva, William) (Entered: 07/19/2006)
07/24/2006	<u>16</u>	Letter to Judge Vitaliano dated July 24th 2006 from Michelle A. Burg requesting a pre-motion conference in order to seek leave to move for partial summary judgment, or in the alternative to stay proceedings by Home Depot U.S.A., Inc.. (Burg, Michelle) (Entered: 07/24/2006)
07/25/2006	<u>17</u>	Letter to Judge Vitaliano from Michelle Burg dated 7/25/06 requesting that the Pre-Motion Hearing scheduled for August 3rd, 2006 be rescheduled by Home Depot U.S.A., Inc.. (Burg, Michelle) (Entered: 07/25/2006)
08/02/2006		NOTICE of Hearing:Pre Motion Hearing set for 8/31/2006 10:30 AM in Courtroom 6 before Judge Eric N. Vitaliano. (Villanueva, William) (Entered: 08/02/2006)
08/18/2006		NOTICE of Hearing: The conference for 8/24/2006 has been rescheduled.Pre Motion Hearing set for 8/25/2006 11:30 AM in Courtroom 6 before Judge Eric N. Vitaliano. (Villanueva, William) (Entered: 08/18/2006)
08/18/2006		NOTICE of Hearing: Pre Motion Hearing set for 8/31/2006 10:30 AM in Courtroom 6 before Judge Eric N. Vitaliano. Due to a clerical error, two pre-motion conferences were scheduled. Please do not appear for the 8/25/2006 conference.(Villanueva, William) (Entered: 08/18/2006)
08/31/2006		Pre-Motion Conference held on August 31, 2006 at 10:30a.m. before Judge Eric N. Vitaliano. Michael B. Ranis appeared for the EEOC; Paul E. Mirengoff appeared for Home Depot U.S.A., Inc. The parties discussed their efforts to date at conciliation as well as the proposed motion for partial summary judgment. The parties were instructed to continue attempts at settlement of damages. The parties were also ordered to file a joint letter via ECF by September 15, 2006 advising of their settlement course and proposing a briefing schedule for whatever remains of the legal issues in conflict. (Villanueva, William) (Entered: 09/12/2006)
09/15/2006	<u>18</u>	Letter to The Honorable Eric N. Vitaliano from Paul E. Mirengoff dated September 15, 2006 by Home Depot U.S.A., Inc.. (Burg, Michelle) (Entered: 09/15/2006)
09/22/2006	<u>19</u>	Docket Text: SCHEDULING ORDER:for summary judgment motion, Motion 10/12/06; Opposition 11/7/06; Reply 11/17/06. On ltr. dtd. 9/15/06 from Paul E. Mirengoff.. Ordered by Judge Eric N. Vitaliano on 9/20/06. (Jackson, Ramona) (Entered: 09/22/2006)
09/28/2006		ORDER granting <u>7</u> Motion for Leave to Appear, granting <u>8</u> Motion for Leave to Appear, granting <u>9</u> Motion for Leave to Appear By Mag. Pollak (see documents # 10,11,12) Terminate motions. (Jackson, Ramona) (Entered: 09/28/2006)

09/28/2006		ECF registration forms have been mailed so that all filings may be made electronically. ALL ACTIONS BEFORE THIS COURT are ECF matters. It is MANDATORY that you file all original documents electronically. From this point forward, original documents are REQUIRED to be filed electronically and forward a hard copy, labeled courtesy copy, to chambers. To avoid having your documents returned or chambers being notified of your non-compliance, please adhere to The Judges' Individual Rules of Chambers and Administrative Order 2004-08. Further information on ECF requirements and online ECF registration may be found at the website for the Eastern District of New York at www.nyed.uscourts.gov.. (Jackson, Ramona) (Entered: 09/28/2006)
10/04/2006	<u>20</u>	NOTICE of Appearance by Michael B. Ranis on behalf of U.S. Equal Employment Opportunity Commission (E.E.O.C.) (Ranis, Michael) (Entered: 10/04/2006)
11/07/2006	<u>21</u>	STIPULATION and Order on Schedule by U.S. Equal Employment Opportunity Commission (E.E.O.C.). (Attachments: # <u>1</u> Text of Proposed Order and Stipulation)(Ranis, Michael) (Entered: 11/07/2006)
11/13/2006	<u>22</u>	ORDER STIP>.Opposition to motion for summary judgment to 11/14/06; Reply Nov. 29,2006.. Ordered by Judge Eric N. Vitaliano on 11/7/06. (Jackson, Ramona) (Entered: 11/13/2006)
11/14/2006	<u>23</u>	RESPONSE in Opposition re <u>2</u> Notice of MOTION for Leave to Appear Pro Hac Vice for Shannon Fink, Esq. Filing fee \$ 25, receipt number 1808854. <i>Opposition to Undocketed Def. Motion for Sum.Judgm, not Pro Hac Vice</i> filed by U.S. Equal Employment Opportunity Commission (E.E.O.C.). (Ranis, Michael) (Entered: 11/14/2006)
11/14/2006	<u>24</u>	REPLY to Response to Motion re <u>7</u> Notice of MOTION for Leave to Appear Pro Hac Vice for Donald R. Livingston, Esq. Filing fee \$ 25, receipt number 1808800. <i>Att. Cover Letter and Disputed Facts to Def. Summ. Judgment Motion</i> filed by U.S. Equal Employment Opportunity Commission (E.E.O.C.). (Attachments: # <u>1</u>)(Ranis, Michael) (Entered: 11/14/2006)
11/14/2006	<u>25</u>	CERTIFICATE OF SERVICE by U.S. Equal Employment Opportunity Commission (E.E.O.C.) re <u>24</u> Reply to Response to Motion,, <u>23</u> Response in Opposition to Motion, and <i>Disputed Facts and Decl.</i> (Ranis, Michael) (Entered: 11/14/2006)
11/29/2006	<u>26</u>	Notice of MOTION for Partial Summary Judgment by Home Depot U.S.A., Inc.. (Attachments: # <u>1</u> Exhibits A-S# <u>2</u> Certificate of Service)(Burg, Michelle) (Entered: 11/29/2006)
11/29/2006	<u>27</u>	RESPONSE in Support re <u>26</u> Notice of MOTION for Partial Summary Judgment <i>Memorandum in Support of Defendant's Motion for Partial Summary Judgment or, in the Alternative, a Stay of Proceedings</i> filed by Home Depot U.S.A., Inc.. (Attachments: # <u>1</u> Certificate of Service)(Burg, Michelle) (Entered: 11/29/2006)
11/29/2006	<u>28</u>	REPLY to Response to Motion re <u>26</u> Notice of MOTION for Partial Summary Judgment <i>Reply Memorandum in Support of Defendant's Motion for Partial Summary Judgment or, in the Alternative, a Stay of Proceedings</i> filed by Home Depot U.S.A., Inc.. (Attachments: # <u>1</u> Certificate of Service)(Burg, Michelle) (Entered: 11/29/2006)
11/29/2006	<u>29</u>	AFFIDAVIT in Support re <u>26</u> Notice of MOTION for Partial Summary Judgment <i>Declaration of Terrence Bryant</i> filed by Home Depot U.S.A., Inc.. (Attachments: # <u>1</u> Certificate of Service)(Burg, Michelle) (Entered: 11/29/2006)
12/08/2006	<u>30</u>	Letter Regarding Notice of Appearance of Jonathan L. Sulds by Home Depot U.S.A., Inc.. (Sulds, Jonathan) (Entered: 12/08/2006)
12/08/2006	<u>31</u>	NOTICE of Appearance by Jonathan L. Sulds on behalf of Home Depot U.S.A., Inc. (Sulds, Jonathan) (Entered: 12/08/2006)
07/20/2007	<u>32</u>	MEMORANDUM AND ORDER denying the <u>26</u> Motion for Partial Summary Judgment. The case shall be stayed for a period of 60 days from the date of this Memorandum and Order to facilitate the required further good faith efforts by the parties to conciliate the class claims. Home Depot's motion is otherwise denied. Ordered by Judge Eric N. Vitaliano, on 7/19/2007. Copies mailed. (Barrett, C) (Entered: 07/20/2007)

07/20/2007		Case Stayed as per document <u>32</u> . (Barrett, C) (Entered: 07/20/2007)
10/30/2007		STATUS REPORT ORDER: The parties shall advise the Court by joint letter of the status of the conciliation. Ordered by Judge Eric N. Vitaliano on 10/30/2007. (Fink, Julie) (Entered: 10/30/2007)
10/31/2007	<u>33</u>	STATUS REPORT <i>OF CONCILIATION</i> by U.S. Equal Employment Opportunity Commission (E.E.O.C.), Home Depot U.S.A., Inc. (Mirengoff, Paul) (Entered: 10/31/2007)
11/14/2007	<u>34</u>	STATUS REPORT <i>On Conciliation</i> by U.S. Equal Employment Opportunity Commission (E.E.O.C.), Home Depot U.S.A., Inc. (Mirengoff, Paul) (Entered: 11/14/2007)
12/03/2007	<u>35</u>	STATUS REPORT <i>ON CONCILIATION</i> by U.S. Equal Employment Opportunity Commission (E.E.O.C.), Home Depot U.S.A., Inc. (Mirengoff, Paul) (Entered: 12/03/2007)
02/04/2008	<u>36</u>	STATUS REPORT <i>On Conciliation</i> by U.S. Equal Employment Opportunity Commission (E.E.O.C.), Home Depot U.S.A., Inc. (Mirengoff, Paul) (Entered: 02/04/2008)
02/19/2008	<u>37</u>	STATUS REPORT <i>on Conciliation</i> by U.S. Equal Employment Opportunity Commission (E.E.O.C.), Home Depot U.S.A., Inc. (Mirengoff, Paul) (Entered: 02/19/2008)
03/03/2008	<u>38</u>	STATUS REPORT <i>on Conciliation</i> by Home Depot U.S.A., Inc. (Mirengoff, Paul) (Entered: 03/03/2008)
04/03/2008	<u>39</u>	STIPULATION of Dismissal <i>With Prejudice</i> by U.S. Equal Employment Opportunity Commission (E.E.O.C.) (Ranis, Michael) (Entered: 04/03/2008)
04/23/2008	<u>40</u>	ORDER DISMISSING CASE: The Court having been advised that this action has been settled, Therefore, this action is discontinued without cost and with prejudice, except as to the right to reopen action if the settlement is not consummated. Ordered by Judge Eric N. Vitaliano on 4/22/2008. (Lagana, Michael) (Entered: 04/23/2008)