

CASREF, CLOSED, ECF

**U.S. District Court**  
**United States District Court for the Southern District of New York (White Plains)**  
**CIVIL DOCKET FOR CASE #: 7:04-cv-06198-SCR-LMS**

Equal Employment Opportunity Commission v. Heather's  
Hospitalities, Inc  
Assigned to: Stephen C. Robinson  
Referred to: Magistrate Judge Lisa Margaret Smith  
Cause: 42:1981 Civil Rights

Date Filed: 08/11/2004  
Date Terminated: 05/09/2007  
Jury Demand: Plaintiff  
Nature of Suit: 442 Civil Rights: Jobs  
Jurisdiction: U.S. Government Plaintiff

**Plaintiff**

**Equal Employment Opportunity  
Commission**

represented by **Monique Joy Roberts**  
U.S. Equal Employment Opportunity  
Commission  
33 Whitehall St., 5th Floor  
New York, NY 10004  
(212) 336-3721  
Fax: (212) 336-3623  
Email: monique.roberts@eeoc.gov  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

V.

**Defendant**

**Heather's Hospitalities, Inc**  
*d/b/a Heather's Open Cucina and  
Lushane's Restaurants*

represented by **Kevin Brian Faga**  
Faga Savino, LLP  
1200 Waters Place  
Suite 301  
Bronx, NY 10461  
(718)-931-6000  
Fax: (718)-931-6056  
Email: kfaga@yahoo.com  
**TERMINATED: 01/12/2007**  
**ATTORNEY TO BE NOTICED**

**Susanne Kantor**  
Jackson Lewis LLP  
One North Broadway  
White Plains, NY 10601  
914-328-0404  
Fax: 914-328-1882  
Email: kantors@jacksonlewis.com  
**TERMINATED: 02/15/2006**  
**ATTORNEY TO BE NOTICED**

**Intervenor Defendant****Heather's Hospitalities, Inc.**

represented by **Susanne Kantor**  
(See above for address)  
*TERMINATED: 02/15/2006*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Intervenor Defendant****OPUS 15, INC.**

*doing business as*  
HEATHER'S OPEN CUCINA AND  
LUSHANE'S RESTAURANTS

represented by **Susanne Kantor**  
(See above for address)  
*TERMINATED: 02/15/2006*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Intervenor Defendant****OPUS ACQUISITION, INC.**

*doing business as*  
HEATHER'S OPEN CUCINA AND  
LUSHANE'S RESTAURANTS

represented by **Susanne Kantor**  
(See above for address)  
*TERMINATED: 02/15/2006*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Intervenor Defendant****Henry Hovorka**

*doing business as*  
HEATHER'S OPEN CUCINA AND  
LUSHANE'S RESTAURANTS

represented by **Susanne Kantor**  
(See above for address)  
*TERMINATED: 02/15/2006*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Intervenor Defendant****Patrick Kelly****Intervenor Plaintiff****Rebecca Desselle**

represented by **Joseph James Savino**  
Faga Savino, L.L.P.  
1200 Waters Place  
Bronx, NY 10461  
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Fax: (718) 931-6056  
Email: [jsavino@fagasavino.com](mailto:jsavino@fagasavino.com)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Michael R. Scolnick**  
Michael R. Scolnick, P.C.  
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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
08/11/2004	<a href="#"><u>1</u></a>	COMPLAINT against Heather's Hospitalities, Inc. Document filed by Equal Employment Opportunity Commission.(mov, ) (Entered: 08/16/2004)
08/11/2004		Magistrate Judge Lisa M. Smith is so designated. (mov, ) (Entered: 08/16/2004)
08/11/2004		Case Designated ECF. (mov, ) (Entered: 08/16/2004)
10/13/2004	<a href="#"><u>2</u></a>	NOTICE of Appearance by Susanne Kantor on behalf of Heather's Hospitalities, Inc (Kantor, Susanne) (Entered: 10/13/2004)
10/13/2004	<a href="#"><u>3</u></a>	RULE 7.1 DISCLOSURE STATEMENT. Document filed by Heather's Hospitalities, Inc.(Kantor, Susanne) (Entered: 10/13/2004)
10/13/2004	<a href="#"><u>4</u></a>	FIRST MOTION for More Definite Statement. Document filed by Heather's Hospitalities, Inc. Responses due by 10/28/2004 Return Date set for 11/12/2004 11:00 AM. (Kantor, Susanne) (Entered: 10/13/2004)
10/13/2004	<a href="#"><u>5</u></a>	AFFIRMATION of Susanne Kantor in Support re: <a href="#"><u>4</u></a> FIRST MOTION for More Definite Statement.. Document filed by Heather's Hospitalities, Inc. (Attachments: # <a href="#"><u>1</u></a> Exhibit A to Affirmation of Susanne Kantor in Support of Motion for More Definite Statement)(Kantor, Susanne) (Entered: 10/13/2004)
10/13/2004	<a href="#"><u>6</u></a>	MEMORANDUM OF LAW in Support re: <a href="#"><u>4</u></a> FIRST MOTION for More Definite Statement.. Document filed by Heather's Hospitalities, Inc. (Kantor, Susanne) (Entered: 10/13/2004)
10/26/2004	<a href="#"><u>7</u></a>	FIRST MEMORANDUM OF LAW in Opposition re: <a href="#"><u>4</u></a> FIRST MOTION for More Definite Statement.. Document filed by Equal Employment Opportunity Commission. (Roberts, Monique) (Entered: 10/26/2004)
10/26/2004	<a href="#"><u>8</u></a>	AFFIRMATION of Monique J. Roberts in Opposition re: <a href="#"><u>4</u></a> FIRST MOTION for More Definite Statement.. Document filed by Equal Employment Opportunity Commission. (Attachments: # <a href="#"><u>1</u></a> Exhibit A# <a href="#"><u>2</u></a> Exhibit A# <a href="#"><u>3</u></a> # <a href="#"><u>4</u></a> # <a href="#"><u>5</u></a> # <a href="#"><u>6</u></a> # <a href="#"><u>7</u></a> # <a href="#"><u>8</u></a> )(Roberts, Monique) (Entered: 10/26/2004)
10/27/2004	<a href="#"><u>9</u></a>	ENDORSED LETTER addressed to Judge robinson from Michael R. Scolnick dated 10/18/2004 re:...permission to peper file a motion in the above matter....to be able to file eletronicallly as per the rules of the Court within a matter of weeks....ENDORSMENT: So Ordered (Signed by Judge Stephen C. Robinson on 10/26/2004) (mov, ) (Entered: 10/28/2004)
10/27/2004	<a href="#"><u>10</u></a>	MOTION to Intervene. Document filed by Rebeccah Desselle. (Attachments:, # <a href="#"><u>1</u></a> Exhibits to Moiton)(pf, ) (Entered: 10/29/2004)
10/27/2004	<a href="#"><u>11</u></a>	MEMORANDUM OF LAW in Support re: <a href="#"><u>10</u></a> MOTION to Intervene.. Document filed by Rebeccah Desselle. (pf, ) (Entered: 10/29/2004)

11/08/2004	<a href="#"><u>13</u></a>	ENDORSED LETTER addressed to Judge Stephen C. Robinson from Susanne Kantor dated 11/5/04 re: Request for an extension of time to serve Reply papers until 11/10/04. Endorsment: So Ordered.. (Signed by Judge Stephen C. Robinson on 11/8/04) (fk, ) (Entered: 11/16/2004)
11/10/2004	<a href="#"><u>12</u></a>	REPLY MEMORANDUM OF LAW in Support re: <a href="#"><u>4</u></a> FIRST MOTION for More Definite Statement.. Document filed by Heather's Hospitalities, Inc. (Kantor, Susanne) (Entered: 11/10/2004)
11/16/2004	<a href="#"><u>14</u></a>	ENDORSED LETTER addressed to Judge Stephen C. Robinson from Susanne Kantor dated 11/5/04 re: Request for an extension of time to serve reply papers. Endorsement: So Ordered.. (Signed by Judge Stephen C. Robinson on 11/15/04 (nunc pro tunc 10/08/04)) (fk, ) (Entered: 11/17/2004)
01/06/2005	<a href="#"><u>15</u></a>	ENDORSED LETTER addressed to Mr. Skolnik from Michael R. Scolnick dated 12/17/04 re: Request for the Court's permission to adjourn the upcoming conference scheduled for January 7, 2005. ENDORSED: New Conference is scheduled for April 1, 2005. SO ORDERED: (Signed by Judge Stephen C. Robinson on 01/05/05) Clerk's Office Mailed Copies..(dcr, ) (Entered: 01/07/2005)
01/31/2005	<a href="#"><u>16</u></a>	MOTION to Intervene <i>Inquiry as to status of motion. Request for decision..</i> Document filed by Rebeccah Desselle. (Scolnick, Michael) (Entered: 01/31/2005)
03/31/2005	<a href="#"><u>17</u></a>	ORDER granting <a href="#"><u>10</u></a> Motion to Intervene . The caption of the case shall be amended to reflect this order. (Signed by Judge Stephen C. Robinson on 3/30/05) (ae, ) (Entered: 04/01/2005)
04/01/2005	<a href="#"><u>18</u></a>	MEMORANDUM DECISION & ORDER re: <a href="#"><u>4</u></a> FIRST MOTION for More Definite Statement. filed by Heather's Hospitalities, Inc., Motions terminated: <a href="#"><u>4</u></a> FIRST MOTION for More Definite Statement. filed by Heather's Hospitalities, Inc.,.... Dft's FRCP 12(e) motion is denied. ThePlntff EEOC is granted leave to amend its complaint. The Amended Complaint must be filed on or by 4/29/05. So Ordered: (Signed by Judge Stephen C. Robinson on 3/31/05) Copies sent by Clerk's Office.(pf, ) (Entered: 04/01/2005)
04/01/2005		Minute Entry for proceedings held before Judge Stephen C. Robinson : Interim Pretrial Conference held on 4/1/2005. Scheduling order entered. Next PTC set for 10/14/05 at 10:00 am. Submitted by: Brandon Skolnik, Courtroom Deputy (Court Reporter Albi Gorn) (ll, ) (Entered: 04/06/2005)
04/04/2005	<a href="#"><u>19</u></a>	CASE MANAGEMENT PLAN: Answer and Rule 26 Initial Disclosure due 4/29/05; Amended Pleadings due by 5/27/2005. Joinder of Parties due by 5/27/2005. Discovery due by 10/28/2005. Case Management Conference set for 10/14/2005 10:00 AM before Stephen C. Robinson. (Signed by Judge Stephen C. Robinson on 4/1/05) (ae, ) (Entered: 04/04/2005)
04/28/2005	<a href="#"><u>20</u></a>	ENDORSED LETTER addressed to Judge Stephen C. Robinson from Susanne Kantor dated 4/28/05 re: Defendants requests a one week extension for the parties' to serve their initial disclosures and for the aforementioned Defendants to serve their Answers to the Complaints in this action, from 4/29/05 to and including 5/6/05. (Signed by Judge Stephen C. Robinson on 4/28/05) (ae, ) (Entered: 05/02/2005)

04/28/2005		Set Answer Due Date purs. to <a href="#">20</a> Endorsed Letter, as to Heather's Hospitalities, Inc answer due on 5/6/2005. (ae, ) (Entered: 05/02/2005)
05/06/2005	<a href="#">21</a>	ANSWER to Complaint. Document filed by Heather's Hospitalities, Inc.(Kantor, Susanne) (Entered: 05/06/2005)
05/10/2005	<a href="#">22</a>	ENDORSED LETTER addressed to Brandon Skolnik from Michael R. Scolnick dated 5/6/05 re: requests a one week adjournment of the Rule 26 Disclosure.....ENDORSED, SO ORDERED.. (Signed by Judge Stephen C. Robinson on 5/9/05) "The Clerk's Office Has Mailed Copies".(jma, ) (Entered: 05/10/2005)
05/13/2005	<a href="#">23</a>	RULE 26 DISCLOSURE.Document filed by Rebeccah Desselle.(Scolnick, Michael) (Entered: 05/13/2005)
05/31/2005	<a href="#">24</a>	ENDORSED LETTER addressed to Judge Stephen C. Robinson from Michael R. Scolnick dated 5/27/05 re: Granting Plaintiff-Intervenor's request that the Scheduling Order be adjourned as set forth in this Endorsed Letter. Amended Pleadings due by 6/10/2005. Answer to Interrogatories due by 7/10/2005. Discovery due by 11/11/2005. Interrogatories due by 6/10/2005. Joinder of Parties due by 6/10/2005. Request for Production of Documents due by 6/10/2005. Case Management Conference set for 10/28/2005 09:00 AM before Stephen C. Robinson. (Signed by Judge Stephen C. Robinson on 5/31/05) (ae, ) (Entered: 06/01/2005)
06/07/2005	25	INTERVENOR COMPLAINT against Heather's Hospitalities, Inc..Document filed by Rebeccah Desselle.(jma, ) (Entered: 06/09/2005)
08/23/2005	<a href="#">26</a>	ENDORSED LETTER addressed to Judge Stephen C. Robinson from Susanne Kantor dated 8/16/05 re:....request an extension of the internal discovery deadline for the completion of depositions from 8/31/05 to 10/28/05...ENDORSEMENT: So Ordered:. (Signed by Judge Stephen C. Robinson on 8/22/05) Copies sent by Clerk's Office.(pf, ) (Entered: 08/23/2005)
11/03/2005		Minute Entry for proceedings held before Judge Stephen C. Robinson : Interim Pretrial Conference held on 11/3/2005. Settlement conference set for 12/13/05 at 2:00 p.m.. Parties to submit settlement conference letters by. See transcript. (Court Reporter Sue Ghorayeb) (pf, ) (Entered: 11/04/2005)
12/15/2005		Minute Entry for proceedings held before Judge Stephen C. Robinson : Settlement Conference held on 12/15/2005; plaintiff intervenar to produce interrogatories request by 01/13/2006; amended scheduling order entered; plaintiff intervenor to serve defendant intervenor by 12/23/05; no court reporter; submitted by Brandon Skolnik. (jma, ) (Entered: 12/16/2005)
12/21/2005	<a href="#">27</a>	CERTIFICATE OF SERVICE of Summons and Intervenor Complaint. Patrick Kelly served on 12/20/2005, answer due 1/9/2006. Service was accepted by Patrick Kelly. Document filed by Rebeccah Desselle. (Scolnick, Michael) (Entered: 12/21/2005)
01/05/2006	<a href="#">28</a>	AFFIDAVIT OF SERVICE of Summons and Intervenor Complaint. Service was accepted by Patrick Kelly. Document filed by Rebeccah Desselle. (Scolnick, Michael) (Entered: 01/05/2006)

01/06/2006	<a href="#">29</a>	STATUS REPORT. <i>Consent, subject to Court approval, to request of Defendant Kelly for extension of time to answer.</i> Document filed by Rebecca Desselle.(Scolnick, Michael) (Entered: 01/06/2006)
01/20/2006	<a href="#">30</a>	AMENDED CASE MANAGEMENT PLAN: Depositions to be completed by 4/28/06; Discovery due by 6/16/2006. (Signed by Judge Stephen C. Robinson on 1/20/06) "The Clerk's Office Has Mailed Copies".(ae, ) (Entered: 01/24/2006)
02/15/2006	<a href="#">31</a>	MOTION for Susanne Kantor, Joseph A. Saccomano, Jr., Jackson Lewis LLP to Withdraw as Attorney. Document filed by Heather's Hospitalities, Inc, Heather's Hospitalities, Inc., OPUS 15, INC., OPUS ACQUISITION, INC., Henry Hovorka. (Kantor, Susanne) (Entered: 02/15/2006)
02/15/2006	<a href="#">32</a>	AFFIRMATION of Susanne Kantor in Support re: <a href="#">31</a> MOTION for Susanne Kantor, Joseph A. Saccomano, Jr., Jackson Lewis LLP to Withdraw as Attorney.. Document filed by Heather's Hospitalities, Inc, Heather's Hospitalities, Inc., OPUS 15, INC., OPUS ACQUISITION, INC., Henry Hovorka. (Kantor, Susanne) (Entered: 02/15/2006)
02/28/2006	<a href="#">33</a>	RESPONSE to Motion re: <a href="#">31</a> MOTION for Susanne Kantor, Joseph A. Saccomano, Jr., Jackson Lewis LLP to Withdraw as Attorney. <i>Response in Partial Opposition to Defendant's Motion to Withdraw as Counsel pursuant to Local Rule 1.4.</i> Document filed by Equal Employment Opportunity Commission. (Roberts, Monique) (Entered: 02/28/2006)
03/31/2006		Minute Entry for proceedings held before Judge Stephen C. Robinson : Ex Parte held on 3/31/2006. Judge's Decision: Dft's & Dft's counsel present. Court grants defense counsel to withdraw as counsel. Next PTC set for 5/26/2006 at 11:00 a.m. See transcript. (Submitted by Brandon Skolnik). (Court Reporter Albi Gorn) (mde, ) (Entered: 04/05/2006)
07/05/2006		Minute Entry for proceedings held before Judge Stephen C. Robinson : Interim Pretrial Conference held on 7/5/2006. Def't's. to have any atty's. by Aug. 7, 2006. Next PTC set for 9/1/06 at 11am. (Court Reporter Mary Staten) (jma, ) (Entered: 07/06/2006)
10/06/2006		Minute Entry for proceedings held before Judge Stephen C. Robinson : Interim Pretrial Conference held on 10/6/2006. Dft has until 10/27/2006 to have an attorney file an appearance if not, the Pla. may file motion by 10/27/2006, responses due 11/10/2006, replies due 11/17/2006. See transcript. (Submitted by Brandon Skolnik). (Court Reporter Sue Ghorayeb) (mde, ) . (Entered: 10/12/2006)
10/27/2006	<a href="#">34</a>	NOTICE OF APPEARANCE by Kevin Brian Faga on behalf of Heather's Hospitalities, Inc (Faga, Kevin) (Entered: 10/27/2006)
12/20/2006	<a href="#">35</a>	ORDER REFERRING CASE TO MAGISTRATE JUDGE. Order that case be referred to the Clerk of Court for assignment to a Magistrate Judge for General Pretrial. Referred to Magistrate Judge Lisa Margaret Smith. (Signed by Judge Stephen C. Robinson on 12/20/06) (fk, ) (Entered: 12/21/2006)
01/12/2007	<a href="#">36</a>	LETTER MOTION discharging and releasing as the corporation's attorney. Document filed by Heather's Hospitalities, Inc.Motions referred to Lisa Margaret Smith.(mde) (Entered: 01/16/2007)



01/12/2007		ORDER granting <a href="#">36</a> Motion for Discharging as the corporation's attorney. ENDORSED: Motion granted. Conference rescheduled to 1/30/2007 at 4:30 p.m. Defendant must appear by counsel absent further Order of the Court. SO ORDERED:(Signed by Judge Lisa Margaret Smith on 1/10/2007) (mde) (Entered: 01/16/2007)
01/16/2007		Minute Entry for proceedings held before Judge Lisa Margaret Smith : Interim Pretrial Conference held on 01/16/07. Adjourned Date: 03/01/07 at 2:00 pm. Submitted By: James Galvin, Courtroom Deputy (dcr) (Entered: 02/21/2007)
01/30/2007		Minute Entry for proceedings held before Judge Lisa Margaret Smith : Pretrial Conference held on 1/30/2007. Oral Motion made by Joseph J. Savino Pro Hac Vice. Application granted, fee due. Adjourned to 2/16/2007 at 2:00 p.m.(Submitted by David Cruz). (Tape #1) (mde) (Entered: 01/31/2007)
01/30/2007	<a href="#">37</a>	ORDER...to facilitate the progress of pre-trial discovery of this litigation in a just, speedy and inexpensive manner, to insure compliance with the case managment plan, and to prevent the accumulation of unresolved discovery issues, the following procedures will be followed for the resolution of discovery disputes.....see doc. for more details. (Signed by Judge Lisa Margaret Smith on 01/30/2007) Copies Hand By Chambers.(jma) Additional attachment(s) added on 2/2/2007 (Keegan, Fiona). (Entered: 01/31/2007)
02/08/2007	<a href="#">38</a>	TRANSCRIPT REQUEST <i>Minutes previously requested are e-filed hereby for distribution to all parties and the Court, i.e., Magistrate Judge Smith</i> for proceedings held on 04/01/05 before Judge Hon. Stephen C. Robinson. Document filed by Rebeccah Desselle.(Scolnick, Michael) (Entered: 02/08/2007)
02/26/2007	39	TRANSCRIPT of proceedings held on 4/1/2005 at 10:00 a.m. before Judge Stephen C. Robinson. (aba) (Entered: 02/26/2007)
03/01/2007		Minute Entry for proceedings held before Judge Lisa Margaret Smith : Interim Pretrial Conference held on 3/1/2007. Adjourned Date: 04/10/07 at 10:00 am (IP). Submitted By: James Galvin, Courtroom Deputy. (dcr) (Entered: 03/05/2007)
04/03/2007	<a href="#">40</a>	SCHEDULING ORDER:Conference re-scheduled for 4/20/2007 09:15 AM before Magistrate Judge Lisa Margaret Smith. (Signed by Judge Lisa Margaret Smith on 4/3/07) (fk) (Entered: 04/04/2007)
05/09/2007	<a href="#">41</a>	ORDER Robinson, J. The court having been advised that all claims asserted in the above entitled action having been settled, Ordered, that the above entitled action be and hereby is discontinued, without costs to any party, subject to reopening should the settlement not be concluded within thirty (30) days of the date hereof. So Ordered. (Signed by Judge Stephen C. Robinson on 5/8/2007) (cg) (Entered: 05/09/2007)
06/19/2007	<a href="#">42</a>	CONSENT DECREE...Case Closed. So Ordered (Signed by Judge Stephen C. Robinson on 6/14/07) (fk) (Entered: 06/21/2007)

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