

CLOSED

**U.S. District Court
Eastern District of New York (Central Islip)
CIVIL DOCKET FOR CASE #: 2:03-cv-02900-ADS-ARL**

Equal Employment Opportunity Commission v. Mr. Gold, Inc.
Assigned to: Senior-Judge Arthur D. Spatt
Referred to: Magistrate-Judge Arlene R. Lindsay
Cause: 42:2000 Job Discrimination (Sex)

Date Filed: 06/12/2003
Date Terminated: 08/19/2004
Jury Demand: Plaintiff
Nature of Suit: 442 Civil Rights: Jobs
Jurisdiction: U.S. Government Plaintiff

Plaintiff**Equal Employment Opportunity
Commission**

represented by **Katherine E. Bissell**
Equal Employment Opportunity
Commission
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Intervenor Plaintiff**Barbara Marion****Intervenor Plaintiff****Susan Mullagan****Intervenor Plaintiff****Natalia Puteri****Intervenor Plaintiff****Kim Rico**

V.

Defendant

Mr. Gold, Inc.
doing business as
 La Piazza

represented by **Richard M. Howard**
 Kaufman, Schneider & Bianco, LLP
 190 Willis Avenue
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Interested Party

Kim Rico

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Interested Party

Natalia Puteria

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Interested Party

Susan Mullagan

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Interested Party

Barbara Marion

represented by **David M. Fish**
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Date Filed	#	Docket Text
06/12/2003	<u>1</u>	COMPLAINT against Mr. Gold, Inc. filing fee \$ 150, receipt number 986 Summons Issued, filed by Equal Employment Opportunity Commission.

		(Attachments: # <u>1</u> Civil Cover Sheet)(Romano, Daniel) (Entered: 06/20/2003)
07/11/2003	2	MOTION to Intervene <i>as plttfs</i> by Kim Rico, Natalia Puteria, Susan Mullagan, Barbara Marion. (Coleman, Laurie) (Entered: 07/17/2003)
07/11/2003	3	AFFIRMATION of David M. Fish, Esq. on behalf of Proposed Intervenor-Plttfs Barbara Marion, Susan Mullagan, Natalia Puteria, Kim Rico Re: In Support of their [2] MOTION to Intervene <i>as plttfs</i> .(Coleman, Laurie) (Entered: 07/17/2003)
07/11/2003	4	NOTICE of PROPOSED Intervening Complaint by Proposed Intervenor-Plttfs Barbara Marion, Susan Mullagan, Natalia Puteria, Kim Rico. (Coleman, Laurie) (Entered: 07/17/2003)
07/11/2003	5	NOTICE of Appearance by Richard M. Howard on behalf of Mr. Gold, Inc. d/b/a La Piazza. (Dachille, Patty) (Entered: 08/12/2003)
07/16/2003	6	ORDER signed by Judge Arthur D. Spatt on 7/16/03: Consent to change attorney - it is hereby consented that Kaufman, Schneider & Bianco, LLP be substituted as attorney of record for Mr. gold, Inc., d/b/a La Piazza, in place and stead of the undersigned attorney, Carabba Locke, LLP. So Ordered by Judge Spatt on 7/16/03.(Dachille, Patty) (Entered: 08/12/2003)
08/14/2003	7	DISCLOSURE of Interested Parties by Mr. Gold, Inc..(Coleman, Laurie) (Entered: 08/22/2003)
08/14/2003	8	ANSWER to <u>1</u> Complaint by Mr. Gold, Inc..(Coleman, Laurie) (Entered: 08/22/2003)
09/25/2003	9	ORDER - A conference will be held in this case on 10/21/03 @ 2:00 p.m. before USMJ Lindsay. All counsel must be present. (Signed by Judge Arlene R. Lindsay on 9/25/03). C/M(Coleman, Laurie) (Entered: 09/30/2003)
10/21/2003	10	Calendar Entry for proceedings held before Arlene R. Lindsay on 10/21/03 at 2:00 p.m. for Civil Cause for Initial Conference; Counsel for all sides present. Pretrial Scheduling Order adopted. (Fagan, Linda) (Entered: 11/04/2003)
10/21/2003	11	PRETRIAL SCHEDULING ORDER; At a regularly scheduled conference before the undersigned, all counsel being present, the following Pretrial Scheduling Order for this action was adopted: Joinder of additional parties to be completed: concluded; Amendment of pleadings completed: concluded; All discovery, inclusive of expert discovery, to be concluded: 6/30/04; Rule 56.1 statement to be served by moving party: 7/15/04; (Responding party shall have seven days to serve responsive 56.1 statement); Settlement conference before the undersigned: 8/12/04 at 11:30 a.m.; All claimants in this case to be identified by no late than 12/31/03; Set Discovery due by 6/30/04.(Signed by Judge Arlene R. Lindsay on 10/21/03.) c/g (Fagan, Linda) Modified on 11/4/2003 (Fagan, Linda). (Entered: 11/04/2003)
10/21/2003		Set Deadlines/Hearings: Settlement Conference set for 8/12/04 at 11:30 a.m. before Magistrate-Judge Arlene R. Lindsay. (see docl #11) (Fagan, Linda) (Entered: 11/04/2003)
11/26/2003	12	MEMORANDUM OF DECISION AND ORDER granting the intervenor's [2] motion to intervene in this case pursuant to Rule 24(a)(1) is GRANTED.

		Ordered, that the intervenors are directed to file and serve their Intervening Complaint within 20 days of the date of this Order. Ordered, that the parties are directed to continue with discovery forthwith. Ordered, that the Clerk of the Court is directed to amend the caption accordingly to read pursuant to the caption set forth herein. (Signed by Judge Arthur D. Spatt on 11/26/03). C/M (Coleman, Laurie) (Entered: 12/03/2003)
12/12/2003	20	ANSWER to Intervenor Complaint by Mr. Gold, Inc..(Coleman, Laurie) (Entered: 04/28/2004)
12/29/2003	13	LETTER dated 12/23/03 from Richard Howard to Judge Lindsay Re: In response to the letter of same date from Anjuli Kelotra, Esq., of the EEOC. It is submitted that dft is not obligated to search for records from over seven years ago. Records for a period of four years provide an ample basis to establish a pattern and practice, should such a pattern exist. (Coleman, Laurie) (Entered: 03/22/2004)
01/26/2004	14	LETTER MOTION dated 12/23/04 from Anjuli Kelotra to Judge Lindsay Re: EEOC asks the Court to compel production of complete employee data for the years 1996 to the present, and consequently for an extension of time in which to provide dft with the identities of Claimants. (Coleman, Laurie) (Entered: 03/22/2004)
01/26/2004		ENDORSED ORDER granting [14] letter application - The plttf is entitled to complete employee data for the years 1996 to the present under FRCP 26(b)(1). The dft shall produce records from 1/1/96 to 1/1/99 on or before 2/9/04. The plttf shall identify all claimants in this case on or before 3/1/04. (Signed by Judge Arlene R. Lindsay on 1/26/04). EOD #14. C/F(Coleman, Laurie) (Entered: 03/22/2004)
02/05/2004	15	LETTER MOTION dated 1/26/04 from Richard Howard to Judge Lindsay Re: I write on behalf of the dft to request that your Honor's Order of 1/26/04 be reconsidered. (Coleman, Laurie) (Entered: 03/22/2004)
02/05/2004		ENDORSED ORDER denying dft's [15] letter application requesting reconsideration the Court's 1/26/04 Order. (Signed by Judge Arlene R. Lindsay on 2/5/04). EOD #15. C/F(Coleman, Laurie) (Entered: 03/22/2004)
03/05/2004	18	Letter APPLICATION dtd. 3/1/04 from Lisa Sirkin, Supervisory Trial Attorney to Mag. J. Lindsay advising that the EEOC requests this court not close the claimant class at this time; to do so wold reward the dft for failing to produce employee information, and would thwart EEOC's obligation to redress discrimination on behalf of the class of women who were discriminated against both prior to 1999 and currently. (Barhome, Sydelle) (Entered: 04/20/2004)
03/05/2004		ENDORSED ORDER re [18] Letter: Counsel appears to be confusing this Court's ruling in limiting the number of claimants. As this Court previously expressed it is necessary that the EEOC identify which plfs and facts they intend to rely on in proving this case. Dfts are entitled to know what specific claims they must defend against. This would not preclude the commencement of a separate action on behalf of later identified claimants. If appropriate these actions may be consolidated. This will ensure that the plf in this action will receive a fairly expeditious trial of their claims rather than have endless extensions of discovery as "new" plfs are added. Accordingly this court denies the request to permit joinder of new partiews without limitation. So Ordered. . Signed by Judge Arlene

		R. Lindsay on 3/5/04. (Barhome, Sydelle) (Entered: 04/20/2004)
03/07/2004	19	Letter dtd. 3/3/04 from Richard M Howard to Mag. J. Lindsay responding to 3/1/04 letter of Lisa Sirkin, Esq. of Plf EEOC and outlining to the Court the events leading up to his advising Plf and intervenors' counsel that the requested records were not in the possession, custody or control of the Dft. (Barhome, Sydelle) (Entered: 04/21/2004)
03/16/2004	17	Letter from Anjuli Kelotra to the Honorable Judge Arthur D. Spatt, dated 3/15/04 re: To seek reconsideration of the Order issued by Magistrate Jude Arlene R. Lindsay on 3/5/04 requiring that any future claimants identified by EEOC in this class case be part of a separate action and effectively closing the class. (Fagan, Linda) (Entered: 04/19/2004)
04/19/2004	16	Letter from Richard M. Howard to The Honorable Arthur D. Spatt, dated 3/18/04 re: To respond to the 3/1/04 letter of Anjuli Kelotra, Esq. of the Pltff EEOC, seeking reconsideration of the Magistrate Judge Lindsay's order of 3/5/04; and to request that said order be affirmed. (Fagan, Linda) (Entered: 04/19/2004)
06/01/2004	21	LETTER dated 5/27/04 from Monique Roberts to Judge Lindsay Re: EEOC requests that Your Honor assist the parties in reaching settlement in this case by scheduling a court date for a settlement conference. (Coleman, Laurie) (Entered: 06/17/2004)
06/09/2004	22	LETTER dated 5/28/04 from Richard Howard to Judge Lindsay Re: In response to the letter of today's date from Pltff's counsel. While the dfts agree with the request for the Court's assistance in resolving this matter (having previously requested same in prior correspondence), I feel that certain implications of said letter must be clarified. Dft has remained ready, willing and able to resolve this matter in an expedited fashion. (Coleman, Laurie) (Entered: 06/17/2004)
06/09/2004		ENDORSED ORDER on [22] letter - My review of this correspondence suggests that the parties should have one more meeting prior to Court intervention. Accordingly, all counsel are directed to meet and confer on settlement on or before 7/1/04. A telephone conference will be held 7/2/04 @ 11:00 a.m. Pltff is to initiate the call. (Signed by Judge Arlene R. Lindsay on 6/9/04). EOD #22. C/M(Coleman, Laurie) (Entered: 06/17/2004)
06/09/2004		Set/Reset Hearings: Telephone Conference set for 7/2/2004 @ 11:00 a.m. before Magistrate-Judge Arlene R. Lindsay. (Coleman, Laurie) (Entered: 06/17/2004)
06/25/2004	23	Letter dated 6/23/04 from Richard M. Howard to Mag. Judge Lindsay re: I write on behalf of all counsel in this action to request a brief extension of the Court's order directing that the parties meet to discuss settlement on or before 7/1/04, to 7/12/04. (Dachille, Patti) (Entered: 06/30/2004)
06/25/2004		ENDORSED ORDER re granting [23] Letter: Application granted. The parties shall meet on or before 7/12/04 to discuss settlement. A telephone status conference will be held on 7/26/2004 at 11:30 A.M. before Magistrate-Judge Arlene R. Lindsay. The plaintiff is to initiate the call to (631) 712-5730. So Ordered. Signed by Judge Arlene R. Lindsay on 6/25/04. (Dachille, Patti) (Entered: 06/30/2004)

07/19/2004	24	LETTER dated 7/13/04 from Monique Roberts to Judge Spatt Re: To inform the Court that Anjuli Kelotra, the original attorney on the above referenced case, has transferred to another district office within the Commission and will no longer be the attorney of record in this case. Monique J. Roberts, trial attorney for the Equal Employment Opportunity Commission, will be the attorney of record henceforth. (Coleman, Laurie) (Entered: 07/20/2004)
07/22/2004	25	MEMORANDUM OF DECISION AND ORDER - Ordered, that the plttf's motion to set aside Judge Lindsay's 3/5/04 Order is DENIED. Ordered, that the parties are directed to appear in courtroom 1024, Long Island Federal Courthouse, Central Islip, NY 11722, on 9/9/04 @ 9:00 a.m. to set a date for trial. (Signed by Judge Arthur D. Spatt on 7/22/04). C/M(Coleman, Laurie) (Entered: 07/26/2004)
07/26/2004	26	MINUTE ENTRY before Judge Arlene R. Lindsay on 7/26/04 @ 11:30 a.m., for Civil Cause for Settlement Conference. Counsel for all sides present. The parties have reached a settlement with respect to the monetary terms, but are unable to agree on the issue of confidentiality. Accordingly, a settlement is not possible at this time. The parties' scheduling order is amended as follows: All Discovery, inclusive of Expert Discovery, shall be completed by 8/20/04. Rule 56.1 Statements shall be served on or before 9/3/04. The Final Conference scheduled for 8/12/04 is cancelled. The parties are scheduled to appear before Judge Spatt on 9/9/04 and the case will be returned ready for Trial that day. (Coleman, Laurie) (Entered: 07/28/2004)
08/19/2004	27	LETTER MOTION dated 8/17/04 from Richard Howell to Judge Spatt and Judge Lindsay Re: To advise the Court that we have reached a settlement of this action and we are in the process of documenting the same. We request that the 9/9/04 conference be adjourned to permit the parties to complete the settlement in this matter. (Coleman, Laurie) (Entered: 08/20/2004)
08/19/2004		ENDORSED ORDER granting 27 Letter Application requesting that the 9/9/04 conference be adjourned - CASE CLOSED subject to the terms of the Stipulation of Settlement. (Signed by Judge Arthur D. Spatt on 8/19/04). EOD #27. C/M.(Coleman, Laurie) (Entered: 08/20/2004)
08/31/2004	28	Letter dated 8/25/04 from Monique J. Roberts to Hon. Arthur D. Spatt re: EEOC respectfully brings to the Court's attention that this matter will not be resolved in the form of a stipulation of settlement, but as a Consent Decree, w/the Court retaining jurisdiction throughout the life of the Decree. The same will be forward to the Court when completed. Thus, closure of the action at this time may not be warranted. (Dachille, Patti) (Entered: 09/17/2004)
10/25/2004	29	Letter from David Fish to Judge Spatt Regarding Settlement Agreement. (Fish, David) (Entered: 10/25/2004)
10/25/2004	30	Letter from Richard Howard to Judge Spatt Regarding settlement compliance. (Howard, Richard) (Entered: 10/25/2004)
10/27/2004	32	LETTER dtd 10/26/04 from Richard M. Howard to Judge Spatt re: Response to the letter of today's date from David Fish, Esq. attorney for the Plaintiff-interveners in this action. It is obvious that the parties have reached agreement. The only issue is the date from which the Defendant's payments to the

		interveners are due. the Defendant contends said payments are due beginning 75 days from October 19, 2004 and the interveners contend said payments are due beginning 75 days from September 2, 2004. The terms of the agreement appear strikingly clear to the Defendant. We welcome the court's assistance to compel compliance with said terms. (Mierzejewski, Elizabeth) (Entered: 12/02/2004)
11/19/2004	31	SETTLEMENT AGREEMENT <i>Final Consent Decree</i> by Equal Employment Opportunity Commission. (Roberts, Monique) (Entered: 11/19/2004)
11/20/2004	33	CONSENT DECREE: This Consent Decree resolves all issues raised in EEOC Charge #s 160-A2-00714, 160-A2-00715, 160-A2-00717 and all issues that were raised in the complaint filed by EEOC. The Decree does not resolve any charge of discrimination currently pending before EEOC, or any charge that may be filed in the future, except for the above ref charges that served as the jurisdictional prerequisite in this case. (see order for additional details) (Signed by Judge Arthur D. Spatt on 11/20/04). c/m(Montero, Edher) (Entered: 12/08/2004)

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