

CLOSED, RELATED

**U.S. District Court**  
**United States District Court for the Southern District of New York (Foley Square)**  
**CIVIL DOCKET FOR CASE #: 1:00-cv-04221-RJH**

Liu, et al v. Donna Karan Intl., et al  
Assigned to: Judge Richard J. Holwell  
Demand: \$0  
Related Case: [1:99-cv-09474-JGK-FM](#)  
Cause: 29:201 Fair Labor Standards Act

Date Filed: 06/07/2000  
Date Terminated: 03/01/2004  
Jury Demand: None  
Nature of Suit: 710 Labor: Fair  
Standards  
Jurisdiction: Federal Question

**Plaintiff****Zeng Liu**

represented by **Adam T Klein**  
Oутten & Golden,LLP (NYC)  
3 Park Avenue, 29th Floor  
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*LEAD ATTORNEY*

**Scott A. Moss**  
Oутten & Golden, L.L.P.  
1740 Broadway  
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*LEAD ATTORNEY*

**Stanley Mark**  
Asian American Legal Defense and  
Education Fund  
99 Hudson Street  
New York, NY 10013  
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**Kenneth Kimerling**  
Asian American Legal Defense  
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**Plaintiff**

**Miao Chen**

represented by **Adam T Klein**  
(See above for address)  
*LEAD ATTORNEY*

**Scott A. Moss**  
(See above for address)  
*LEAD ATTORNEY*

**Stanley Mark**  
(See above for address)  
*LEAD ATTORNEY*

**Kenneth Kimerling**  
(See above for address)

**Plaintiff**

**Feng Jiang**

represented by **Adam T Klein**  
(See above for address)  
*LEAD ATTORNEY*

**Scott A. Moss**  
(See above for address)  
*LEAD ATTORNEY*

**Stanley Mark**  
(See above for address)  
*LEAD ATTORNEY*

**Kenneth Kimerling**  
(See above for address)

**Plaintiff**

**Hong Huang**

represented by **Adam T Klein**  
(See above for address)  
*LEAD ATTORNEY*

**Scott A. Moss**  
(See above for address)  
*LEAD ATTORNEY*

**Stanley Mark**  
(See above for address)  
*LEAD ATTORNEY*

**Kenneth Kimerling**  
(See above for address)

**Plaintiff**

**Xiao Li**

*Individually, and on behalf of all others*

represented by **Adam T Klein**  
(See above for address)

*Similarly Situated and as Class  
Representatives*

*LEAD ATTORNEY*

**Scott A. Moss**  
(See above for address)  
*LEAD ATTORNEY*

**Stanley Mark**  
(See above for address)  
*LEAD ATTORNEY*

**Kenneth Kimerling**  
(See above for address)

V.

**Defendant**

**Donna Karan International, Inc.**  
*TERMINATED: 07/30/2003*  
*also known as*  
DKNY  
*doing business as*  
The Donna Karan Company

represented by **Bettina Barasch Plevan**  
Proskauer Rose LLP (New York)  
1585 Broadway  
New York, NY 10036  
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Fax: (212) 969-2900  
Email: Bplevan@proskauer.com  
*TERMINATED: 07/30/2003*  
*LEAD ATTORNEY*

**Defendant**

**Jen Chu Fashion Corp.**

represented by **Chi-Yuan Hwang**  
Chi-Yuan Hwang, Esq.  
137-08 Northern Boulevard  
Flushing, NY 11354  
(718) 445-9793  
*LEAD ATTORNEY*

**Defendant**

**Jen Chu Apparel Inc.**

represented by **Chi-Yuan Hwang**  
(See above for address)  
*LEAD ATTORNEY*

**Defendant**

**W & C Fashion Corp.**

represented by **Chi-Yuan Hwang**  
(See above for address)  
*LEAD ATTORNEY*

**Defendant**

**Wong Chai Sportswear Inc.**

represented by **Chi-Yuan Hwang**  
(See above for address)  
*LEAD ATTORNEY*

**Defendant**

**Y & C Mfg. Inc.**represented by **Chi-Yuan Hwang**  
(See above for address)  
*LEAD ATTORNEY***Defendant****Carvin Chen**represented by **Chi-Yuan Hwang**  
(See above for address)  
*LEAD ATTORNEY***Defendant****Winnie Young Chen**represented by **Chi-Yuan Hwang**  
(See above for address)  
*LEAD ATTORNEY***Defendant****Jen Jen of New York Inc.**represented by **Chi-Yuan Hwang**  
(See above for address)  
*LEAD ATTORNEY***Claimant****Yue Ming Peng**represented by **Kenneth Kimerling**  
(See above for address)**Defendant****H.L.S. Fashion Corp.**represented by **Chi-Yuan Hwang**  
(See above for address)  
*LEAD ATTORNEY*

| <b>Date Filed</b> | <b>#</b> | <b>Docket Text</b>  |
|-------------------|----------|---|
| 06/07/2000        | 1        | COMPLAINT filed. Summons issued and Notice pursuant to 28 U.S.C. 636(c). FILING FEE \$ 150.00 RECEIPT # 375299. (bm) (Entered: 06/07/2000)  |
| 06/07/2000        |          | CASE REFERRED TO Judge Whitman Knapp. (bm) (Entered: 06/07/2000)  |
| 06/07/2000        | 2        | Related case statement filed. (bm) (Entered: 06/07/2000)  |
| 06/21/2000        | 3        | Affidavit of service as to W & C Fashion Corp., Wong Chai Sportswear, Jen Chu Fashion, Winnie Young Chen, Jen Chu Apparel Inc., Y & C Mfg. Inc., Jen Jen of New York by Calvin Chen on 6/16/00. Answer due on 7/6/00 for W & C Fashion Corp., for Wong Chai Sportswear, for Jen Chu Fashion, for Winnie Young Chen, for Jen Chu Apparel Inc., for Y & C Mfg. Inc., for Jen Jen of New York. (sac) (Entered: 06/22/2000) |
| 06/21/2000        | 4        | Affidavit of service as to Calvin Chen by personal service on 6/16/00. (sac) (Entered: 06/22/2000)  |
| 06/28/2000        |          | Case accepted as related to 1:99cv 9474. Notice of assignment to follow.  |

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|            |    | (bm) (Entered: 07/10/2000)   |
| 06/28/2000 | 6  | Notice of assignment to Judge Whitman Knapp . Copy of notice and judge's rules mailed to Attorney(s) of record: Scott A. Moss, Adam T. Klein, Stanley Mark, Kenneth Kimerling . (bm) (Entered: 07/10/2000)   |
| 06/28/2000 | 7  | Case is designated to Magistrate Judge Andrew J. Peck. (bm) (Entered: 07/10/2000)  |
| 06/30/2000 | 5  | AMENDED COMPLAINT by Zeng Liu, Miao Chen, Feng Jiang, Hong Huang, and Xiao Li (Answer due 7/13/00 for Jen Jen of New York, for Winnie Young Chen, for Carvin Chen, for Y & C Mfg. Inc., for Wong Chai Sportswear, for W & C Fashion Corp., for Jen Chu Apparel Inc., for Jen Chu Fashion, and for Donna Karan Intl. ) amending [1-1] complaint against H.L.S. Fashion Corp. (kw) (Entered: 07/05/2000) |
| 08/31/2000 | 8  | RULE 1.9 CERTIFICATE filed by Donna Karan Intl. (kw) (Entered: 09/01/2000)   |
| 08/31/2000 | 9  | NOTICE OF MOTION by Donna Karan Intl.; for an order, pursuant to FRCP 12(b)(6) dismissing the amended complaint in its entirety, with prejudice . Return date 7/6/00. (kw) (Entered: 09/01/2000)   |
| 08/31/2000 | 10 | MEMORANDUM OF LAW by Donna Karan Intl. in support of [9-1] motion for an order, pursuant to FRCP 12(b)(6) dismissing the amended complaint in its entirety, with prejudice. (kw) (Entered: 09/01/2000)   |
| 09/13/2000 | 11 | STIPULATION and ORDER, reset answer to the amended class action complaint due for 8/31/00 for Donna Karan Intl. ( signed by Judge Whitman Knapp ) (kw) Modified on 09/14/2000 (Entered: 09/14/2000)  |
| 09/18/2000 | 12 | ANSWER to Complaint by Jen Chu Fashion, Jen Chu Apparel Inc., W & C Fashion Corp., Wong Chai Sportswear, Y & C Mfg. Inc., Carvin Chen, Winnie Young Chen, Jen Jen of New York, H.L.S. Fashion Corp. (Attorney Chi-Yuan Hwang from the Firm: Chi-Yuan Hwang, Esq.). (lf) (Entered: 09/19/2000)  |
| 09/18/2000 | 13 | RULE 1.9 CERTIFICATE filed by Jen Chu Fashion, Jen Chu Apparel Inc., W & C Fashion Corp., Wong Chai Sportswear, Y & C Mfg. Inc., Carvin Chen, Winnie Young Chen, Jen Jen of New York, H.L.S. Fashion Corp. (lf) (Entered: 09/19/2000)  |
| 09/18/2000 | 14 | MEMORANDUM OF LAW by Zeng Liu, Miao Chen, Feng Jiang, Hong Huang, Xiao Li in opposition to [9-1] motion for an order, pursuant to FRCP 12(b)(6) dismissing the amended complaint in its entirety, with prejudice. (lf) (Entered: 09/19/2000)   |
| 09/18/2000 | 15 | Pltffs' consents purs to Section 216 F.L.S.A. (lam) (Entered: 09/21/2000)  |
| 09/25/2000 | 16 | REPLY MEMORANDUM by Donna Karan Intl. re: [9-1] motion for an order, pursuant to FRCP 12(b)(6) dismissing the amended complaint in its entirety, with prejudice (cd) (Entered: 09/26/2000)   |
| 10/02/2000 |    | Discovery Conference held before Judge Knapp. (lam) (Entered: 10/02/2000)  |

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|            |    | 11/29/2000)   |
| 10/06/2000 | 17 | Consents purs to Section 216 F.L.S.A. (lam) (Entered: 10/11/2000)   |
| 01/02/2001 | 18 | MEMORANDUM & ORDER; denying [9-1] motion for an order, pursuant to FRCP 12(b)(6) dismissing the amended complaint in its entirety, with prejudice; ( signed by Judge Whitman Knapp ); Copies mailed. (lf) (Entered: 01/03/2001)   |
| 01/17/2001 | 19 | ANSWER to Amended Complaint by Donna Karan Intl. (Attorney Bettina B. Plevan from the Firm: Proskauer Rose LLP). (Received in the night deposit box on 1/17/01 at 6:19 p.m.) (kw) (Entered: 01/25/2001)   |
| 02/01/2001 | 20 | Transcript of record of proceedings before Judge Whitman Knapp for the date(s) of 12/5/00 @11:00am. (lam) (Entered: 02/01/2001)   |
| 03/15/2001 | 21 | Consent purs to Section 216 F.L.S.A. (lam) (Entered: 03/19/2001)  |
| 04/23/2001 | 22 | Consent purs to Section 216 F.L.S.A.; notice is hereby given to all parties that Lee, Kam To, listed on the attached form has opted in to the representative action purs to 29 U.S.C. 216(b) (consented to be a plttf) (lam) (Entered: 04/25/2001)  |
| 05/23/2001 | 23 | CONSENT pursuant to Section 216 F.L.S.A. by Wang Qi Kai to be a plaintiff. (kw) (Entered: 05/25/2001)   |
| 08/30/2001 | 24 | CONSENT TO Section 216 F.L.S.A. by Yue Ming Peng, individual wishes to opt-in to this action. (sac) (Entered: 08/31/2001)   |
| 05/07/2002 | 25 | NOTICE OF MOTION by Zeng Liu, Miao Chen, Feng Jiang, Hong Huang, Xiao Li pursuant to Rules 23 and 15 of the FRCP, for an Order conditionally certifying a Rule 23 class action for plaintiffs' New York Labor Law claims in this action and, for an Order granting plaintiffs leave to file a Second Amended Complaint . Return Date not indicated. (yv) Modified on 05/13/2002 (Entered: 05/10/2002)                           |
| 05/07/2002 | 26 | MEMORANDUM OF LAW by Zeng Liu, Miao Chen, Feng Jiang, Hong Huang, Xiao Li in support of [25-1] motion pursuant to Rules 23 and 15 of the FRCP, for an Order conditionally certifying a Rule 23 class action for plaintiffs' New York Labor Law claims in this action, [25-2] motion for an Order granting plaintiffs leave to file a Second Amended Complaint . (yv) Modified on 05/13/2002 (Entered: 05/10/2002)               |
| 05/07/2002 | 27 | DECLARATION of Kathleen Peratis by Zeng Liu, Miao Chen, Feng Jiang, Hong Huang, Xiao Li in support Re: [25-1] motion pursuant to Rules 23 and 15 of the FRCP, for an Order conditionally certifying a Rule 23 class action for plaintiffs' New York Labor Law claims in this action, [25-2] motion for an Order granting plaintiffs leave to file a Second Amended Complaint. (yv) Modified on 05/13/2002 (Entered: 05/10/2002) |
| 06/11/2002 | 29 | MEMORANDUM OF LAW by Donna Karan Intl. in opposition to [25-1] motion pursuant to Rules 23 and 15 of the FRCP, for an Order conditionally certifying a Rule 23 class action for plaintiffs' New York  |

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|            |    | Labor Law claims in this action, [25-2] motion for an Order granting plaintiffs leave to file a Second Amended Complaint . (pl) (Entered: 06/17/2002)  |
| 06/11/2002 | 30 | DECLARATION of Marc Mandelman by Donna Karan Intl. in support of Re: [25-1] motion pursuant to Rules 23 and 15 of the FRCP, for an Order conditionally certifying a Rule 23 class action for plaintiffs' New York Labor Law claims in this action, [25-2] motion for an Order granting plaintiffs leave to file a Second Amended Complaint . (pl) (Entered: 06/17/2002)                                      |
| 06/12/2002 | 28 | MEMORANDUM & ORDER, that for the reasons set forth, we deny Donna Karan's request to discover plaintiffs' immigration status at this time. If it appears at some later juncture that such discovery would be relevant, and more relevant than harmful, Donna Karan may seek leave to renew this request . ( signed by Judge Whitman Knapp ); Copies mailed. (tp) (Entered: 06/14/2002)                       |
| 06/14/2002 | 31 | Letter filed by Zeng Liu, Miao Chen, Feng Jiang, Hong Huang, Xiao Li addressed to Judge Knapp' from Adam T. Klein, dated 05/30/02, re: Letter from plaintiffs in opposition to deft. Donna Karan's request for discovery relating to Plaintiff Immigration status. (dc) Modified on 06/18/2002 (Entered: 06/18/2002)   |
| 06/14/2002 | 32 | Letter filed by Donna Karan Intl. addressed to Judge Knapp from Bettina B. Plevan, dated 05/24/02, re: Requesting discovery relating to Plaintiff immigration status. (dc) (Entered: 06/18/2002)   |
| 06/20/2002 | 33 | ORDER (Duplicate Original), that for the reasons set forth, the Court denies Donna Karan's request to discover plaintiffs' immigration status at this time. If it appears at some later juncture that such discovery would be relevant, and more relevant than harmful, Donna Karan may seek leave to renew this this request . ( signed by Judge Whitman Knapp ); Copies mailed. (tp) (Entered: 06/24/2002) |
| 06/28/2002 | 34 | Memo-Endorsement on letter addressed to Judge Knapp from Kathleen Peratis, dated 6/20/02, re plntfs motion for class certification: we hereby withdraw that portion of the motion requesting leave to file an amended complaint ( signed by Judge Whitman Knapp ); Copies mailed. (cd) (Entered: 07/02/2002)   |
| 03/14/2003 | 35 | Order that case be referred to the Clerk of Court for assignment to a Magistrate Judge for General Pretrial/After Initial Case Management Conference held by District Judge, and Dispositive Motion (i.e., motion requiring a R&R). Referred to Magistrate Judge Andrew J. Peck. ( signed by Judge Whitman Knapp ) (tp) (Entered: 03/18/2003)  |
| 03/26/2003 | 36 | ORDER; a status conference is scheduled for 3/31/03 at 3:00 p.m. before Mag. Judge Peck in Courtroom 20D (500 Pearl St.) ( signed by Magistrate Judge Andrew J. Peck ); Copies faxed by Chamber (sac) (Entered: 03/26/2003)  |
| 03/31/2003 | 37 | Memorandum to Docket Clerk: Settlement conference held on 3/31/03.   |

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|            |    | (ph) (Entered: 04/01/2003)  |
| 03/31/2003 |    | Settlement Conference held on 3/31/03 before Magistrate Judge Andrew J. Peck. (ph) (Entered: 04/01/2003)  |
| 04/01/2003 | 38 | ORDER, A settlement conference is scheduled for 10:30 a.m. on 4/15/03, before Magistrate Judge Peck in Courtroom 20D, 500 Pearl Street . ( signed by Magistrate Judge Andrew J. Peck ); Copies faxed by Chambers. (tp) (Entered: 04/02/2003)  |
| 04/03/2003 | 39 | ORDER RESCHEDULING SETTLEMENT CONFERENCE, the settlement conference is rescheduled for 2:00 p.m. on 4/7/03, before Magistrate Judge Andrew J. Peck in Courtroom 20D, 500 Pearl Street. On or before 4:00 p.m. on Friday, 4/4/04 counsel shall fax (212) 805-7933 a confidential settlement memorandum to my chambers . ( signed by Magistrate Judge Andrew J. Peck ); Copies faxed by Chambers. (tp) (Entered: 04/04/2003)  |
| 04/07/2003 | 41 | Memorandum to Docket Clerk:, Settlement conference held 4/7/03 . (ac) (Entered: 04/10/2003)   |
| 04/07/2003 |    | Settlement Conference held before Magistrate Judge Andrew J. Peck . (ac) (Entered: 04/10/2003)  |
| 04/08/2003 | 40 | RULE 16 SCHEDULING ORDER: All fact discovery must be completed by 7/15/03. All expert discovery must be completed by 8/15/03. Plaintiffs' class certification motion is due by 7/1/03. Defendants' opposition papers are due by 7/18/03 and plaintiffs' reply papers are due 7/25/03. A status conference will be held before Mag. Judge Peck on 5/6/03 at 2:00 p.m. in Courtroom 20D (500 Pearl Street). ( signed by Magistrate Judge Andrew J. Peck ); Copies faxed by Chambers. (sb) (Entered: 04/09/2003) |
| 04/11/2003 | 42 | Memo-Endorsement on letter addressed to Judge Peck from Marc A. Mendelman, dated 4/9/03. Re: requested that Donna Karan International Inc. "DKI" be granted an additional week, until 4/22/03, to report back to the Court regarding settlement. Application granted . ( signed by Magistrate Judge Andrew J. Peck ); Copies Faxed by Chambers. (db) (Entered: 04/15/2003)  |
| 04/29/2003 | 43 | ORDER, set settlement conference for 2:00 5/14/03 in Courtroom 20D, 500 Pearl Street . ( signed by Magistrate Judge Andrew J. Peck ); (ae) (Entered: 05/05/2003)  |
| 05/07/2003 | 44 | Memorandum to Docket Clerk: A settlement conference was held via telephone on 5/7/03 before Judge Peck. (moc) (Entered: 05/16/2003)   |
| 05/07/2003 |    | Settlement Conference held before Magistrate Judge Andrew J. Peck via telephone. (moc) (Entered: 05/16/2003)  |
| 05/14/2003 | 45 | Memorandum to Docket Clerk: settlement conference held (cd) (Entered: 05/16/2003)   |
| 05/14/2003 |    | Settlement Conference held before Magistrate Judge Andrew J. Peck (cd)  |



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|            |    | (Entered: 05/16/2003)  |
| 06/03/2003 | 46 | Memo-Endorsement on letter addressed to Judge Peck from John J. Courtney, dated 5/30/03. Mr. Courtney's next Status report due on 6/14/03 . ( signed by Magistrate Judge Andrew J. Peck ); Copies faxed by chambers. (kw) Modified on 06/05/2003 (Entered: 06/05/2003)   |
| 06/05/2003 | 47 | ORDER, the parties shall report in writing about the status of settlement discussions by 6/17/03 . ( signed by Magistrate Judge Andrew J. Peck ); Copies faxed by chambers. (kw) (Entered: 06/07/2003)   |
| 06/19/2003 | 48 | ORDER, The next status report on settlement is due 7/1/03. The Court warns Mr. Courtney that if he does not make progress in contacting his client, the Court will consider whether sanctions (including possibly a default) are appropriate . ( signed by Magistrate Judge Andrew J. Peck ); Copies faxed by Chambers. (sb) (Entered: 06/19/2003) |
| 07/01/2003 | 49 | ORDER, by 7/18/03, plaintiffs and the Donna Karan defendants are to submit a final executed settlement agreement, and are to report on their anticipated next step in the litigation against the non-settling Chen defendants . ( signed by Magistrate Judge Andrew J. Peck ); Copies faxed by chambers. (kw) (Entered: 07/02/2003)                |
| 07/15/2003 | 50 | ORDER; In light of the pending settlement between plaintiffs and certain defendants, all pending motions (including Dkt. No. 25) are deemed withdrawn without prejudice . ( signed by Magistrate Judge Andrew J. Peck ); Copies faxed by Chambers. (jco) (Entered: 07/16/2003)   |
| 07/17/2003 | 51 | Memorandum to Docket Clerk:, Settlement conference held via telephone on 7/17/03 . (ac) (Entered: 07/28/2003)  |
| 07/17/2003 |    | Settlement Conference held before Magistrate Judge Andrew J. Peck via telephone. (ac) (Entered: 07/28/2003)  |
| 07/29/2003 | 52 | Notice of Case reassignment to Judge Jed S. Rakoff . Copy of notice and judge's rules mailed to Attorney(s) of record: Chi-Yuan Hwang, Bettina B. Plevan, Scott A. Moss, Adam T. Klein, Stanley Mark, Kenneth Kimerling . (laq) (Entered: 07/31/2003)  |
| 07/30/2003 | 53 | STIPULATION and CONSENT ORDER, plntfs' claims against DKI are hereby dismissed with prejudice and without costs to either party ( signed by Judge Whitman Knapp ) (cd) (Entered: 08/01/2003)   |
| 07/31/2003 | 54 | Memorandum to Docket Clerk: Status Conference held on 7/31/03. (jw) (Entered: 08/01/2003)  |
| 07/31/2003 |    | Status Conference held before Magistrate Judge Andrew J. Peck . (jw) (Entered: 08/01/2003)   |
| 07/31/2003 | 55 | ORDER; that a status conference is scheduled for 9:00 a.m. on 7/31/03, in courtroom 20D, 500 Pearl Street . ( signed by Magistrate Judge Andrew J. Peck ); Copies faxed by Chambers. (jco) (Entered: 08/04/2003)   |
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| 07/31/2003 | 56 | ORDER; Mr. Courtney is to file a stipulation or motion to withdraw as counsel for Mr Chen and his companies, by 8/13/03. If Mr. Courtney's motion is granted, the remaining corporate defendants must get new counsel ; reset joint pretrial order due for 9/30/03, is due by 9/30/03, and the case is deemed trial ready thereafter on 48 hours notice , set status conference 10:30 9/3/03 Courtroom 20D (500 Pearl Street) . ( signed by Magistrate Judge Andrew J. Peck ); Copies faxed by chambers (pl) (Entered: 08/04/2003)  |
| 09/03/2003 | 57 | Memo-Endorsement on letter addressed to Judge Peck from Calvin Chen, dated 8/18/03. Mr. Courtney is to provide the Court with an address, fax number and telephone number for Mr. Chen. Mr. Chen is to appear for the 9/3/03 conf. Corporations cannot appear pro se. Mr. Chen is to arrange counsel for the corporations by 9/16/03 or plaintiffs can move for default, which will be granted. Mr. Courtney is to served this by fax on Mr. Chen today. His withdrawal is approved . ( signed by Magistrate Judge Andrew J. Peck ); Copies faxed by chambers. (kw) (Entered: 09/09/2003) |
| 09/24/2003 | 58 | ORDER TO SHOW CAUSE by Zeng Liu, Miao Chen, Feng Jiang, Hong Huang, Xiao Li Show Cause Hearing set for 10:00 10/8/03; for default judgment as to defts Jen Chu Fashion, Jen Chu Apparel, W&C Fashion, Wong Chai Sportswear, Y & C Mfg, Jen Jen of NY, and Calvin Chen ( signed by Magistrate Judge Andrew J. Peck ); copies sent by Chambers (cd) (Entered: 09/25/2003)   |
| 09/26/2003 | 59 | CERTIFICATE OF SERVICE of OSC & supporting papers as to Jen Chu Fashion, Jen Chu Apparel Inc., W & C Fashion Corp., Wong Chai Sportswear, Y & C Mfg. Inc., Jen Jen of New York by fax & mail on 9/23/03 . (moc) (Entered: 09/30/2003)   |
| 09/30/2003 | 60 | PRE TRIAL MEMORANDUM OF LAW by Zeng Liu, Miao Chen, Feng Jiang, Hong Huang, Xiao Li. (dle) (Entered: 10/01/2003)  |
| 10/01/2003 |    | Telephone Conference held before Judge Jed S. Rakoff . (cd) (Entered: 10/08/2003)   |
| 10/08/2003 | 61 | Transcript of record of proceedings before Magistrate Judge Andrew J. Peck for the date(s) of 7/31/03. (tr) (Entered: 10/08/2003)   |
| 10/08/2003 |    | PRETRIAL CONFERENCE held on 10/8/03 before Magistrate Judge Andrew J. Peck. Re: order to show cause held on October 8, 2003. Judge's Decision: Mr. Chen did not appear. A default should be entered against him and his companies. (ph) Modified on 10/28/2003 (Entered: 10/28/2003)  |
| 10/10/2003 | 62 | Order that case be referred to the Clerk of Court for assignment to Magistrate Judge Peck for Inquest After Default/Damages Hearing. ( signed by Judge Jed S. Rakoff ) (tp) (Entered: 10/14/2003)   |
| 10/10/2003 | 63 | AFFIDAVIT of John J. Courtney former counsel for Carvin Chen. (sb) (Entered: 10/15/2003)  |
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| 10/14/2003 |    | Received returned mail re: [52-1] assign judge . Mail was addressed to Scott A. Moss at 1740 Broadway, 25th Floor, NY, NY 10009 and was returned for the following reason(s): return to sender. (laq) (Entered: 10/16/2003)  |
| 10/14/2003 | 66 | CERTIFICATE OF SERVICE of 10/8 Hearing Transcript as to defts, by fax on 10/9/03 . (cd) (Entered: 10/21/2003)  |
| 10/16/2003 | 64 | ENTRY OF DEFAULT/ORDER, granting [58-1] motion for default judgment as to defts Jen Chu Fashion, Jen Chu Apparel, W&C Fashion, Wong Chai Sportswear, Y & C Mfg, Jen Jen of NY, and Calvin Chen. ( signed by Judge Jed S. Rakoff ); (kw) (Entered: 10/20/2003)  |
| 10/17/2003 | 65 | Memo-Endorsement on letter addressed to Judge Peck from John Courtney, dated 10/16/03, extension of papers to 10/24. If Mr. Courtney cannot keep track of his client's location, the court may not grant him permission to withdraw ( signed by Magistrate Judge Andrew J. Peck ); copies sent by Chambers (cd) (Entered: 10/20/2003)  |
| 11/03/2003 | 68 | ORDER; the Court denies Mr. Courtney's application to withdraw as counsel. The might reconsider if Mr. Courtney finds his client and scheduled an appearance before the Court with him and his client, long before plaintiffs' 11/25/03 deadline to file inquest motion papers . ( signed by Magistrate Judge Andrew J. Peck ); copies faxed by chambers. (pl) (Entered: 11/05/2003)   |
| 11/05/2003 | 67 | Transcript of record of proceedings before Magistrate Judge Andrew J. Peck for the date(s) of 9/3/03. (df) (Entered: 11/05/2003)   |
| 11/06/2003 | 69 | Notice of Case reassignment to Judge Richard J. Holwell . Copy of notice and judge's rules mailed to Attorney(s) of record: Chi-Yuan Hwang, Bettina B. Plevan, Scott A. Moss, Adam T. Klein, Stanley Mark, Kenneth Kimerling . (laq) (Entered: 11/13/2003)   |
| 11/13/2003 | 70 | Memo-Endorsement on letter addressed to Magistrate Judge Andrew J. Peck from Kenneth Kimerling, dated 11/7/03; Plaintiffs' Inquest papers are extended to 12/12/03; Defendants' opp. papers due 12/31. Mr. Kimerling should draft his papers as if Mrs. Chen and her company were in default. Mr. Courtney can file opp. papers for Mrs. Chen if he has not been allowed to withdraw. ( signed by Magistrate Judge Andrew J. Peck ); Copies Faxed by Chamber (sac) (Entered: 11/15/2003) |
| 11/24/2003 |    | Received returned mail re: [69] Notice of Case Assignment/Reassignment. Mail was addressed to Scott A. Moss, Esq. of Outten & Golden, L.L.P. at 1740 Broadway, 25th Floor, New York, NY 10019 and was returned for the following reason(s): address unknown. (laq, ) (Entered: 12/10/2003)   |
| 12/01/2003 | 71 | Letter addressed to Judge Peck from John Courtney dated 11/26/03 re: to be removed as attorney for Winnie Chen and HLS Fashions. Document filed by Winnie Young Chen, H.L.S. Fashion Corp..(cd, ) (Entered: 12/10/2003)  |
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| 12/15/2003 | 73 | MOTION for Default Judgment pursuant to F.R.Civ. P. 55 against defendants Calvin Chen and Jen Shu Fashions Corp., Jen Chu Apparel Inc., W&C Fashions Corp., Wong Chai Sportswear Inc., Y&C Mfg. Inc., as well as defendants Winnie Young Chen and H.L.S. Fashion Corp. and/or alternatively for Summary Judgment pursuant to F.R.Civ.P. 56 against defendants Winnie Young Chen and H.L.S. Fashions Corp. Document filed by Miao Chen, Hong Huang, Feng Jiang, Xiao Li, Zeng Liu. (Wilson, Richard) (Entered: 01/02/2004)   |
| 12/15/2003 | 74 | RULE 56.1 STATEMENT. Document filed by Miao Chen, Hong Huang, Feng Jiang, Xiao Li, Zeng Liu. (Wilson, Richard). Document ordered sealed on 1/7/04 by Magistrate Peck. Modified on 3/5/2004 (wv, ). (Entered: 01/02/2004)  |
| 12/15/2003 | 75 | MEMORANDUM OF LAW in Support re: [73] MOTION for Default Judgment against defendants Jen Chu Fashions Corp., Jen Chu Apparel Inc., W & CFashion Corp., Wong Chai Sportswear Inc., Y & C Mfg. Inc., Jen Jen of New York Inc. and Calvin Chen. Document filed by Miao Chen, Hong Huang, Feng Jiang, Xiao Li, Zeng Liu. (Wilson, Richard) (Entered: 01/02/2004)  |
| 12/15/2003 | 76 | AFFIRMATION of KENNETH KIMERLING in Support OF AN AWARD OF ATTORNEY'S FEES AND COSTS re: [73] MOTION for Default Judgment as to.. Document filed by Miao Chen, Hong Huang, Feng Jiang, Xiao Li, Zeng Liu. (Wilson, Richard) (Entered: 01/02/2004)   |
| 12/15/2003 | 77 | DECLARATION of KENNETH KIMERLING in Support re: [73] MOTION for Default Judgment as to.. Document filed by Miao Chen, Hong Huang, Feng Jiang, Xiao Li, Zeng Liu. (Wilson, Richard). Document ordered sealed on 1/7/04 by Magistrate Peck. Modified on 3/5/2004 (wv, ). Modified on 3/5/2004 (wv, ). (Entered: 01/02/2004)   |
| 12/16/2003 | 72 | TRANSCRIPT of proceedings held on 10/8/03 before Judge Andrew J. Peck.(pr, ) (Entered: 12/16/2003)  |
| 12/19/2003 | 80 | ORDER; a status conference is scheduled for 12/22/03 at 3:30 p.m. before the undersigned in Courtroom 20D (500 Pearl Street) (Signed by Judge Andrew J. Peck on 12/19/03) Copies Faxed by Chambers.(djc, ) (Entered: 01/07/2004)  |
| 12/19/2003 | 81 | ORDER; Plaintiffs' inquest papers do not address whether the plaintiffs' settlement with defendant Donna Karen has, or should have, any effect on the default judgment in this action against the Calvin Chen defendants and the Winnie Chen defendants. Plaintiffs and defendants are to simultaneously address this issue by 12/31/03. Plaintiffs request prejudgment interest on their state law claims, but do not calculate such interest. Plaintiffs are to withdraw their claim for prejudgment interest or supply reasonable interest calculations for each plaintiff by 12/31/03. Unless Mr. Courtney has "found" his lost client, or in any event intends to oppose the plaintiffs' motion for an inquest/summary judgment, the Court is inclined to allow Mr. Courtney to withdraw and have a default judgment entered against the Wimmie Chen defendants as well as the |

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|            |    | already in default Clavin Chen defendants. Mr. Courtney is to advise the Court of his position by 12/22/03. The Court intends to issue its report and recommendation on the inquest in early January 2004. (Signed by Judge Andrew J. Peck on 12/18/03) Copies Faxed By Chambers.(sb, ) (Entered: 01/08/2004)   |
| 12/22/2003 | 79 | Letter addressed to Judge Andrew J. Peck from Kenneth Kimerling dated 12/18/03 re: attached correction to page two (2) of Exhibit C, a cumulative damage chart which had been improperly formatted. Document filed by Miao Chen, Hong Huang, Feng Jiang, Xiao Li, Zeng Liu.(db, ) (Entered: 01/07/2004)   |
| 12/22/2003 |    | Minute Entry for proceedings held before Judge Andrew J. Peck : Status Conference held on 12/22/2003. (jeh, ) (Entered: 01/15/2004)   |
| 12/23/2003 | 82 | ENDORSED LETTER addressed to Judge Peck from John Courtney dated 12/22/03 re: Mr. Courtney is excused from today's conference. (Signed by Judge Andrew J. Peck on 12/22/03) copies sent by chambers. (cd, ) (Entered: 01/12/2004)   |
| 12/23/2003 | 83 | ENDORSED LETTER addressed to Mag. Judge Peck from John J. Courtney, dated 12/20/03; re: Granting [71] Letter filed by firm of John J. Courtney, Esq., to withdraw as counsel of record for Winnie Young Chen, H.L.S. Fashion Corp; (Signed by Judge Andrew J. Peck on 12/22/03) Copies Faxed by Chambers.(djc, ) (Entered: 01/13/2004)  |
| 01/07/2004 |    | CASE NO LONGER REFERRED to Magistrate Judge Andrew J. Peck. (rag, ) (Entered: 01/08/2004)   |
| 01/07/2004 | 84 | ORDER TO PLACE CERTAIN FILINGS UNDER SEAL; Plaintiffs' Rule 56.1 Statement of Facts Not in Dispute and the Declaration of Kenneth Kimerling filed on 12/12/03 is placed under seal by the Clerk of the Court and that plaintiffs file redacted versions of those documents. Plaintiffs' filings to be made on or about 12/31/03 to be entitled "Supplemental Declaration of Kenneth Kimerling" shall be filed under seal by the Clerk of the Court. (Signed by Judge Andrew J. Peck on 1/5/04) Copies Faxed By Chambers.(sac, ) (Entered: 01/15/2004) |
| 01/07/2004 | 85 | REPORT AND RECOMMENDATIONS; For the reasons set forth in the report and recommendation, the Court should enter judgment for plaintiffs against the Calvin Chen defendants and the Winnie Chen defendants, jointly and severally, for damages (including prejudgment interest) of \$556,577.07, plus \$20,355 in attorneys' fees and \$90 in costs. Objections to R&R due by 1/19/2004. (Signed by Judge Andrew J. Peck on 1/7/04) Copies Mailed By Chambers.(sb, ) (Entered: 01/20/2004)  |
| 01/15/2004 | 86 | RULE 56.1 STATEMENT.(Redacted Version) (NDB) Document filed by Miao Chen, Feng Jiang, Xiao Li, Zeng Liu. (pa, ) (Entered: 01/26/2004)   |
| 01/15/2004 | 87 | DECLARATION of Kenneth Kimerling in Support of Pltffs Damages Inquest against Defaulting Defts &/or for Summ. Judgt Against Non-Defaulting Defts. (Redacted Version) (NDB). Document filed by Miao  |

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|            |                    | Chen, Hong Huang, Feng Jiang, Xiao Li, Zeng Liu. (pa, ) (Entered: 01/26/2004)  |
| 02/05/2004 | 88                 | TRANSCRIPT of proceedings held on 12/22/03 before Judge Andrew J. Peck.(rg, ) (Entered: 02/05/2004)  |
| 02/26/2004 | 89                 | ORDER; that the Court finds that no clear error appears on the face of the record and hereby adopts the Report. The Clerk is directed to close this case and enter judgment against defendants. (Signed by Judge Richard J. Holwell on 2/25/04) (pl, ) (Entered: 02/27/2004) |
| 02/26/2004 |                    | Transmission to Judgments and Orders Clerk. Transmitted re: [89] Order, to the Judgments and Orders Clerk for preparation of Judgment. (pl, ) (Entered: 02/27/2004)  |
| 03/01/2004 | 90                 | CLERK'S JUDGMENT # 04,0393 in favor of plaintiff against and against defendants, jointly and severally in the amount of \$ 577,022.07. (Signed by J. Michael McMahon, Clerk on 03/01/04) (jf, ) (Entered: 03/01/2004)  |
| 03/01/2004 |                    | Mailed notice of Right to Appeal re: [90] Clerk's Judgment and to Attorney(s) of Record: Chi-Yuan Hwang. (jf, ) (Entered: 03/01/2004)  |
| 01/30/2006 | <a href="#">92</a> | FILING ERROR - ELECTRONIC FILING IN NON-ECF CASE - MOTION to Compel and for Contempt. Document filed by Yue Ming Peng, Zeng Liu, Miao Chen, Feng Jiang, Hong Huang, Xiao Li. (Kimerling, Kenneth) Modified on 1/31/2006 (kg). (Entered: 01/30/2006)                          |
| 01/31/2006 |                    | ***NOTE TO ATTORNEY TO RE-FILE DOCUMENT - NON-ECF CASE ERROR. Note to Attorney Kenneth Kimerling to MANUALLY RE-FILE Document Motion to Compel, Document No. 92. This case is not ECF. (kg) (Entered: 01/31/2006)  |
| 02/01/2006 | 93                 | MOTION finding Block & Lot Real Estate & Management, Inc. in contempt for failing to respond to an Information Subpoena. Document filed by Zeng Liu, Miao Chen, Feng Jiang, Hong Huang, Xiao Li. (kco, ) (Entered: 02/02/2006)   |
| 02/03/2006 | 94                 | MOTION for an order, for a Finding of Contempt and Order of Compliance with Information Subpoena. Document filed by Zeng Liu, Miao Chen, Feng Jiang, Hong Huang, Xiao Li. Declaration of Kenneth Kimerling in support attached. (sac, ) (Entered: 02/06/2006)                |
| 03/03/2006 | 95                 | ENDORSED LETTER addressed to Judge Holwell from Kenneth Kimerling dated 2/17/06: Application is granted, Clerk of the Court is directed to close motions at (93,94) (Signed by Judge Richard J. Holwell on 3/2/06) (cd, ) (Entered: 03/06/2006)                              |
| 04/03/2006 | 96                 | MOTION re contempt and order of compliance. Document filed by Zeng Liu, Miao Chen et al. (cd, ) (Entered: 04/04/2006)  |
| 06/06/2006 | 97                 | MOTION to Correct Judgment. Attached is declaration of Kenneth Kimerling in Support. Document filed by Zeng Liu, Miao Chen, Feng Jiang, Hong Huang, Xiao Li. (djc, ) (Entered: 06/07/2006)   |

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| 06/21/2006 | 98  | ORDER: Defendant Calvin Chen is ordered to appear for examination at the offices of the Asian American Legal Defense and Education Fund, on Friday, 6/23/2006 at 10:00 a.m. He is further directed to bring to the examination any and all documentation as requested in the 12/11/2005 subpoena. Defendant Chen is advised that failure to so appear will result in a finding of contempt of Court. (Signed by Judge Richard J. Holwell on 6/13/2006) Copies Faxed By Chambers(lb, ) (Entered: 06/21/2006)  |
| 07/13/2006 | 99  | ORDER; that pursuant to Rule 60(a), the Clerk of the Court is directed to amend the judgment entered in this case against dft. Winnie Young Chen to read "Winnie Young Chen a/k/a Hok Lung Yeung." (Signed by Judge Richard J. Holwell on 7/11/06) (pl, ) (Entered: 07/14/2006)  |
| 07/31/2006 | 100 | AMENDED JUDGMENT # 04,0393 amending [90] Clerk's Judgment, That for the reasons stated in the Court's Order dated February 25, 2004, judgment is hereby entered adopting in full the Report and Recommendation of Magistrate Judge Peck, awarding plaintiff statutory damages against defendants jointly and severally, in the amount of \$556,577.07, attorneys' fees of \$20,355 and costs of \$90; accordingly, this case is closed. (Signed by J. Michael McMahon, clerk on 7/31/06) (ml, ) (Entered: 07/31/2006)  |
| 08/01/2006 |     | Mailed notice of Right to Appeal re: [100] Amended Judgment, and to Attorney(s) of Record: Chi-Yuan Hwang, Kenneth Kimerling, Adam T Klein, Stanley Mark, Scott A. Moss. (lma, ) (Entered: 08/01/2006)   |
| 02/07/2007 | 101 | MOTION for an order purs. to Rule 69 of the FRCP finding dft Winnie Chen a.k.a. Hok Lung Yeung in contempt for failing to respond to a subpoena issued purs. to CPLR 5224 (a)(2) and for such further and necessary relief as justice shall require. Document filed by Zeng Liu, Miao Chen, Feng Jiang, Hong Huang, Xiao Li.(dle) (Entered: 02/16/2007)  |
| 02/28/2007 | 102 | ORDER pursuant to Rule 69 of the F.R.C.P., defendant Winnie Young Chen a.k.a. Hok Lung Yeung is ordered to appear for examination at the offices of the Asian American Legal Defense and Education Fund, 99 Hudson Street, New York, NY on 3/13/07 at 11:00 a.m. She is further directed to bring to the examination any and all documentation as requested in the 1/2/07 subpoena. Defendant Chen is advised that failure to so appear will result in a finding of contempt of court. So Ordered. (Signed by Judge Richard J. Holwell on 2/15/07) (jco) (Entered: 03/06/2007) |

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