

**U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:03-cv-06128-JSR**

Equal Employment Opp v. Amertac Holdings, In, et al
Assigned to: Judge Jed S. Rakoff
Demand: \$0
Cause: 28:451 Employment Discrimination

Date Filed: 08/14/2003
Date Terminated: 10/30/2008
Jury Demand: Plaintiff
Nature of Suit: 442 Civil Rights: Jobs
Jurisdiction: U.S. Government Plaintiff

Defendant

Amertac Holdings, Inc.

represented by **Leslie Ann Lajewski**
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Defendant

American Tack & Hardware Co., Inc.

represented by **Leslie Ann Lajewski**
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Intervenor Defendant

Ameritac Holdings, Inc.

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Intervenor Defendant

American Tack & Hardware Co., Inc.

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Intervenor Defendant

Richard Frant

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Intervenor Defendant

John Distefano

Intervenor Plaintiff

**Equal Employment Opportunity
Commission**

represented by **Katherine E. Bissell**
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Intervenor Plaintiff

Eliza Taylor

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Intervenor Plaintiff

Shana Van Dunk

represented by **Michael A. Koplen**
 (See above for address)
TERMINATED: 03/08/2007
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Parisis G. Filippatos
 (See above for address)
ATTORNEY TO BE NOTICED

Counter Claimant

American Tack & Hardware Co., Inc.

V.

Counter Defendant

Shana Van Dunk

Date Filed	#	Docket Text
08/14/2003	1	COMPLAINT filed. Summons issued and Notice pursuant to 28 U.S.C. 636(c). (jma) (Entered: 08/20/2003)
08/14/2003		Magistrate Judge Mark D. Fox is so designated. (jma) (Entered: 08/20/2003)
09/25/2003	2	Notice of Case reassignment to Judge Stephen C. Robinson . Copy of notice and judge's rules mailed to Attorney(s) of record: Katherine E. Bissell . (dh) (Entered: 09/29/2003)
10/14/2003	3	ANSWER to Complaint by Amertac Holdings, In, American Tack & Hard (Attorney Leslie A. Lajewski from the Firm: Grotta Glassman & Hoffman) . (pf) (Entered: 10/22/2003)
10/14/2003	4	RULE 7.1 CERTIFICATE filed by Amertac Holdings, In, American Tack & Hard . (pf) (Entered: 10/22/2003)
12/11/2003		Minute Entry for proceedings held before Judge Stephen C. Robinson : Interim Pretrial Conference held on 12/11/2003. Next Pretrial Conference set for 6/15/2004 at 10:00 a.m. (See transcript). (Submitted by Brandon Skolnik). (mde,) (Entered: 12/18/2003)

12/16/2003	5	SCHEDULING ORDER: Amended Pleadings due by 1/16/2004. Joinder of Parties due by 1/16/2004, including motions to intervene. Discovery due by 10/15/2004. Case Management Conference set for 6/15/2004 10:00 AM before Stephen C. Robinson. (Signed by Judge Stephen C. Robinson on 12/10/2003) "The Clerk's Office Has Mailed Copies".(mde,) (Entered: 12/30/2003)
01/16/2004	7	ENDORSED LETTER addressed to Judge Robinson from Michael A. Koplen dated 01/15/04 re: Request for an extension of two weeks from the aforementioned deadline so that I may file our motion to intervene and proceed with our cause of action. ENDORSED: Elisa Taylor and Shaura Van Donk's time to file a Motion to intervene is extended up to and including 01/30/04. SO ORDERED:(Signed by Judge Stephen C. Robinson on 01/15/04) Clerk's Office Mailed Copies..(dcr,) (Entered: 02/02/2004)
01/27/2004	6	TRANSCRIPT of proceedings held on 12/11/2003 before Judge Stephen C. Robinson.(dh,) (Entered: 01/27/2004)
01/28/2004	8	TRANSCRIPT of proceedings held on 12/11/2003 before Judge Stephen C. Robinson.(dh,) (Entered: 02/09/2004)
02/02/2004	9	MOTION to Intervene. Document filed by Eliza Taylor, Shana Van Dunk. (pf,) (Entered: 02/10/2004)
03/12/2004	15	AFFIDAVIT OF SERVICE of a true copy of Notice of Motion. American Tack & Hardware Co., Inc. served on 2/11/2004, Service was accepted by Norah Radler at the Secretary of State, 41 State Street, Albany, NY. Document filed by Eliza Taylor ; Shana Van Dunk. (dcr,) (Entered: 04/14/2004)
03/12/2004	16	AFFIDAVIT OF ATTEMPTED SERVICE of Notice of Motion. Document filed by Eliza Taylor, Shana Van Dunk. Your deponent believes that he will be unable to effect personal sevice upon the above named person(s) due to the following reasons: This Co. can not be served through the NYS Secretary of State under 306 BCL. There is no record of this company at the NYS Secretary of State, by Mark E. McClosky – Deponent. (dcr,) (Entered: 04/14/2004)
04/06/2004	10	STIPULATED PROTECTIVE ORDER:..... (see document for details)...So Ordered: (Signed by Judge Stephen C. Robinson on 4/2/04) Copies sent by Clerk's Office.(pf,) (Entered: 04/09/2004)
04/09/2004	11	DECLARATION of Leslie Lajewski in Opposition re: 9 MOTION to Intervene.. Document filed by American Tack & Hardware Co., Inc., Amertac Holdings, Inc.. (pf,) (Entered: 04/13/2004)
04/09/2004	12	DECLARATION of Jennifer Rygiel in Opposition re: 9 MOTION to Intervene.. Document filed by American Tack & Hardware Co., Inc., Amertac Holdings, Inc.. (pf,) (Entered: 04/13/2004)
04/09/2004	13	BRIEF in Opposition re: 9 MOTION to Intervene.. Document filed by American Tack & Hardware Co., Inc., Amertac Holdings, Inc.. (pf,) (Entered: 04/13/2004)
04/09/2004	14	DECLARATION of Karen Payton in Opposition re: 9 MOTION to Intervene.. Document filed by American Tack & Hardware Co., Inc., Amertac Holdings, Inc.. (pf,) (Entered: 04/13/2004)
05/28/2004		Minute Entry for proceedings held before Judge Stephen C. Robinson : Interim Pretrial Conference held on 5/28/2004. Motion to intervene, decision reserved. Order of Reference to Magistrate Judge Fox entered for discovery disputes. Next PTC–sine die. (pf,) (Entered: 06/07/2004)
06/01/2004	17	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 (includes scheduling, discovery, non–dispositive pretrial motions, and settlement). Referred to Magistrate Judge Mark D. Fox. (Signed by Judge Stephen C. Robinson on 6/1/04) Copies sent by Clerk's Office.(pf,) (Entered: 06/07/2004)
06/01/2004	18	ORDER re: 9 MOTION to Intervene. filed by Shana Van Dunk, Eliza Taylor, Motions terminated: 9 MOTION to Intervene. filed by Shana Van Dunk, Eliza Taylor.... The Motion to Intervene is granted. (Signed by Judge Stephen C. Robinson on 6/1/04) Copies sent by Clerk's Office.(pf,) (Entered: 06/08/2004)

06/08/2004	19	ORDER: In order to facilitate the progress of pretrial discovery of this litigation in a just, speedy and inexpensive manner,.... (Signed by Judge Mark D. Fox on 6/6/04) Copies sent by Chambers.(pf,) (Entered: 06/08/2004)
06/08/2004		Minute Entry for proceedings held before Judge Mark D. Fox : Discovery Hearing held on 6/8/2004. Judge's Decision: Rulings on Discovery Disputes made by Court (See Taped Transcript). Remarks: Discovery Practice Order handed to attorneys. Next Pre-Trial Conference set for 06/18/04 at 10:15 am – (IP). Submitted By: Ed Modugno, Courtroom Deputy (dcr,) (Entered: 06/09/2004)
06/14/2004	20	NOTICE of Appearance by Michael A. Koplen on behalf of Eliza Taylor, Shana Van Dunk (pf,) (Entered: 06/16/2004)
06/18/2004		Minute Entry for proceedings held before Judge Mark D. Fox : Discovery Hearing held on 6/18/2004. Remark: Any privileged documents, which is challenged will be brought before this Court on or before 7/6/2004. Next PTC set for 7/13/2004 at 8:45 (cc). (Submitted by Ed Modugno). (mde,) (Entered: 06/21/2004)
07/13/2004		Minute Entry for proceedings held before Judge Mark D. Fox : Status Conference held on 7/13/2004. Adjourned Date: 08/31/04 at 8:45 (cc). Submitted By: Ed Modugno, Courtroom Deputy (dcr,) (Entered: 07/13/2004)
08/10/2004	22	ENDORSED LETTER addressed to Judge Mark D. Fox from Jennifer Rygiel dated 8/9/04 re:...to request an extension of a number of the discovery deadline dates in this case...ENDORSEMENT: Application Granted. All discovery including experts to be completed by 3/15/05. No further extensions. So Ordered:. (Signed by Judge Mark D. Fox on 8/9/04) Copies sent by Clerk's Office.(pf,) (Entered: 08/16/2004)
08/11/2004	21	INTERVENOR COMPLAINT against American Tack & Hardware Co., Inc., Amertac Holdings, Inc..Document filed by Eliza Taylor, Shana Van Dunk.Plaintiffs-Intervenors Demand for Jury Trial.(dcr,) (Entered: 08/12/2004)
08/16/2004	23	AFFIDAVIT OF SERVICE of Summons and Complaint. American Tack & Hardware Co., Inc. served on 8/12/2004, answer due 9/1/2004; Amertac Holdings, Inc. served on 8/12/2004, answer due 9/1/2004. Service was made by MAIL. Document filed by Eliza Taylor ; Shana Van Dunk. (pf,) (Entered: 08/17/2004)
08/17/2004	24	TRANSCRIPT of proceedings held on 05/28/04 before Judge Stephen C. Robinson.(cg,) (Entered: 08/17/2004)
08/17/2004	25	TRANSCRIPT of proceedings held on 05/28/04 before Judge Stephen C. Robinson.(cg,) (Entered: 08/18/2004)
08/31/2004		Minute Entry for proceedings held before Judge Mark D. Fox : Status Conference held on 8/31/2004. Adjourned date 11/1/04 at 8:45 a.m.. (pf,) (Entered: 09/01/2004)
09/10/2004	26	ANSWER to Intervenor Complaint. Document filed by American Tack & Hardware Co., Inc., Ameritac Holdings, Inc..(dcr,) (Entered: 09/16/2004)
09/10/2004	27	ANSWER to Intervenor Complaint. Document filed by Richard Frant.(dcr,) (Entered: 09/16/2004)
10/19/2004		Minute Entry for proceedings held before Judge Mark D. Fox : Discovery Dispute held on 10/19/2004. Remark: Rulings on Discovery made by the Court. (See record). Discovery cutoff 3/15/2004 including experts. Next PTC set for 11/1/2004 at 9:00 a.m. (ip). (Submitted by Ed Modugno). (Tape #1) (mde,) (Entered: 10/20/2004)
11/01/2004		Minute Entry for proceedings held before Judge Mark D. Fox : Interim Pretrial Conference held on 11/1/2004. Both parties have until 5 pm Tuesday to submit briefs, 5 pm Wednesday for rebuttal. Submitted by: Ed Modugno, Courtroom Deputy (Tape #Tape 1 from 550 to 976) (ll,) (Entered: 11/04/2004)
12/07/2004		Minute Entry for proceedings held before Judge Mark D. Fox : Discovery Hearing held on 12/7/2004. Ruling made on the record. Fact witness be exchanged by 5:00 p.m. on 12/7/04 via fax. Agree on dates for all depositions by next week. If dates not agreed to, letter briefs we sent. Court will set dates at 12/16/04 conference. Adjourned date 12/16/04 at 9:45 a.m.. (pf,) (Entered: 12/08/2004)

12/16/2004		Minute Entry for proceedings held before Judge Stephen C. Robinson : Status Conference held on 12/16/2004. Adjourned date 1/20/05 at 8:45 a.m.. (pf,) (Entered: 12/17/2004)
02/23/2005		Minute Entry for proceedings held before Judge Mark D. Fox : Status Conference held on 2/23/2005. Adjourned date 3/25/05 at 8:45 a.m.. (pf,) (Entered: 02/25/2005)
02/28/2005	28	ENDORSED LETTER addressed to Judge Stephen C. Robinson from Louis Graziano dated 2/24/05 re: Plaintiff requests that the discovery deadline be extended; Discovery deadline is extended until 5/16/05. Discovery due by 5/16/2005. (Signed by Judge Stephen C. Robinson on 2/28/05) (ae,) (Entered: 03/02/2005)
03/25/2005		Minute Entry for proceedings held before Judge Mark D. Fox : Status Conference held on 3/25/2005. Adjourned date 4/14/05 at 8:45 a.m.. (pf,) (Entered: 03/25/2005)
04/14/2005		Minute Entry for proceedings held before Judge Mark D. Fox : Status Conference held on 4/14/2005, Telephone Conference held on 4/14/2005. Adjourned date 5/4/05 at 8:45 a.m.. (pf,) (Entered: 04/15/2005)
04/21/2005	29	MOTION for Leave to Amend to Assert Counterclaims against Plaintiff-Intervenor Shana Van Dunk. Document filed by American Tack & Hardware Co., Inc. (ae,) (Entered: 04/26/2005)
04/21/2005	30	MEMORANDUM OF LAW in Support re: 29 MOTION for Leave to Amend to Assert Counterclaims against Plaintiff-Intervenor Shana Van Dunk. Document filed by American Tack & Hardware Co., Inc. (ae,) (Entered: 04/26/2005)
04/21/2005	31	DECLARATION of Jennifer Rygiel-Boyd in Support re: 29 MOTION for Leave to Amend to Assert Counterclaims against Plaintiff-Intervenor Shana Van Dunk. Document filed by American Tack & Hardware Co., Inc., American Tack & Hardware Co., Inc., Richard Frant. (ae,) (Entered: 04/26/2005)
04/21/2005	32	MOTION for Preliminary Injunction purs. to Rule 65 of the FRCP. Document filed by American Tack & Hardware Co., Inc., American Tack & Hardware Co., Inc., Richard Frant. (ae,) (Entered: 04/26/2005)
04/21/2005	33	MEMORANDUM OF LAW in Support re: 32 MOTION for Preliminary Injunction. Document filed by American Tack & Hardware Co., Inc., American Tack & Hardware Co., Inc., Richard Frant. (ae,) (Entered: 04/26/2005)
04/21/2005	34	DECLARATION of Jennifer Rygiel-Boyd in Support re: 32 MOTION for Preliminary Injunction. Document filed by American Tack & Hardware Co., Inc., American Tack & Hardware Co., Inc., Richard Frant. (ae,) (Entered: 04/26/2005)
05/03/2005		Minute Entry for proceedings held before Judge Mark D. Fox : Status Conference & Telephone Conference held on 5/3/2005. Next PTC set for 5/17/2005 at 8:45 (cc). (Submitted by Ed Modugno). (mde,) (Entered: 05/04/2005)
05/11/2005	35	MEMORANDUM OF LAW in Opposition re: 32 MOTION for Preliminary Injunction.. Document filed by Equal Employment Opportunity Commission, Eliza Taylor. (pf,) (Entered: 05/11/2005)
05/11/2005	36	DECLARATION of Louis Graziano in Opposition re: 32 MOTION for Preliminary Injunction.. Document filed by Equal Employment Opportunity Commission. (pf,) (Entered: 05/11/2005)
05/11/2005	37	DECLARATION of Louis Graziano in Opposition re: 32 MOTION for Preliminary Injunction.. Document filed by Equal Employment Opportunity Commission. (mde,) (Entered: 05/17/2005)
05/17/2005		Minute Entry for proceedings held before Judge Mark D. Fox : Status Conference held on 5/17/2005, Telephone Conference held on 5/17/2005; adjourned date 6/10/05 at 8:45 cc. (jma,) (Entered: 05/17/2005)
05/17/2005	38	ORDER REFERRING CASE TO MAGISTRATE JUDGE. Order that case be referred to the Clerk of Court for assignment to a Magistrate Judge for Specific Non-Dispositive Motion/Dispute. Referred to Magistrate Judge Mark D. Fox. (Signed by Judge Stephen C. Robinson on 5/16/05) "The Clerk's Office Has Mailed Copies".(ae,) (Entered: 05/18/2005)

05/20/2005	39	ENDORSED LETTER addressed to Your Honor from Louis Graziano dated 5/18/2005 re: The EEOC request a short extension of the discovery cut off date...Endorsement: SO ORDERED: (Signed by Judge Stephen C. Robinson on 5/19/2005) "The Clerk's Office Has Mailed Copies".(mde,) (Entered: 05/25/2005)
05/26/2005	40	ORDER REFERRING CASE TO MAGISTRATE JUDGE. Order that case be referred to the Clerk of Court for assignment to a Magistrate Judge for Specific Non-Dispositive Motion/Dispute: Preliminary Injunction. Referred to Magistrate Judge Mark D. Fox. (Signed by Judge Stephen C. Robinson on 5/26/05) "The Clerk's Office Has Mailed Copies".(ae,) (Entered: 05/31/2005)
05/31/2005		Minute Entry for proceedings held before Judge Mark D. Fox : Interim Pretrial Conference held on 5/31/2005; decision reserved; adjourned date 6/5/05 10am IP. (jma,) (Entered: 06/02/2005)
06/22/2005		Minute Entry for proceedings held before Judge Mark D. Fox : Motion Hearing held on 6/22/2005 re: 32 MOTION for Preliminary Injunction. filed by American Tack & Hardware Co., Inc., Richard Frant,. The Courts Decision on Motion for Preliminary Injunction is Denied. (See Record of) 6/22/05. (ae,) (Entered: 06/27/2005)
09/01/2005	41	ENDORSED LETTER addressed to Judge Stephen C. Robinson from Steven J. Luckner dated 8/19/05 re: Defendants request an extension of the Court's 25-page limit for a supporting brief to a maximum of 59 pages; Defendants may file a supporting brief not to exceed 40 pages. (Signed by Judge Stephen C. Robinson on 9/1/05) "The Clerk's Office Has Mailed Copies".(ae,) (Entered: 09/06/2005)
09/16/2005		Minute Entry for proceedings held before Judge Stephen C. Robinson : Interim Pretrial Conference held on 9/16/2005. Dft to file motions by 9/23/2005; response by 10/28/2005; replies by 11/18/2005. Order of Ref. entered to Judge Fox on motion. Next PTC set for 1/27/2006 at 11:00 a.m. See transcript. (Submitted by Brandon Skolnik). (Court Reporter Albi Gorn) (mde,) (Entered: 09/21/2005)
09/23/2005	<u>42</u>	MOTION for Summary Judgment. Document filed by Amertac Holdings, Inc., American Tack & Hardware Co., Inc., Ameritac Holdings, Inc., American Tack & Hardware Co., Inc., Richard Frant. Responses due by 10/28/2005 (Attachments: # <u>1</u> Affidavit Declaration of Steven J. Luckner# <u>2</u> Exhibit Exhibits 1-7 of Luckner Dec.# <u>3</u> Exhibit Exhibits 8-10 of Luckner Dec.# <u>4</u> Exhibit Exhibits 11-13 of Luckner Dec.# <u>5</u> Exhibit Exhibits 14-16 of Luckner Dec.# <u>6</u> Exhibit Exhibits 17-19 of Luckner Dec.# <u>7</u> Exhibit Exhibits 20-21 of Luckner Dec.# <u>8</u> Exhibit Exhibits 22-25 of Luckner Dec.# <u>9</u> Exhibit Exhibits 26-29 of Luckner Dec.# <u>10</u> Exhibit Exhibits 30-38 of Luckner Dec.# <u>11</u> Affidavit Declaration of Catherine Chambers# <u>12</u> Affidavit Declaration of Richard Frant# <u>13</u> Supplement Statement of Uncontested Material Facts# <u>14</u> Supplement Memorandum of Law in Support of Motion)(Lajewski, Leslie) (Entered: 09/23/2005)
09/27/2005	43	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 including non-dispositive pretrial motions. Referred to Magistrate Judge Mark D. Fox. (Signed by Judge Stephen C. Robinson on 9/20/2005) The Clerk's Office Has Mailed Copies.(tb,) (Entered: 09/27/2005)
09/27/2005	44	MOTION for Leave to Amend to Assert Counterclaims against Plaintiff-Intervenor Shana Van Dunk. Document filed by Amertac Holdings, Inc., American Tack & Hardware Co., Inc., Richard Frant. (ae,) (Entered: 09/27/2005)
09/27/2005	45	MEMORANDUM OF LAW in REPLY to the EEOC's Opposition and in Further Support of their re: 32 MOTION for Preliminary Injunction under Rule 65. Document filed by Amertac Holdings, Inc., American Tack & Hardware Co., Inc., Richard Frant. (ae,) (Entered: 09/27/2005)
09/27/2005	46	DECLARATION of Leslie A. Lajewski in REPLY to the EEOC's Opposition in Further Support of re: 32 MOTION for Preliminary Injunction under Rule 65. Document filed by Amertac Holdings, Inc., American Tack & Hardware Co., Inc., Richard Frant. (ae,) (Entered: 09/27/2005)
09/27/2005	47	DECLARATION of Jennifer Rygiel-Boyd in REPLY to the EEOC's Opposition in Further Support of re: 32 MOTION for Preliminary Injunction under Rule 65. Document filed by Amertac Holdings, Inc., American Tack & Hardware Co., Inc.,

		Richard Frant. (ae,) (Entered: 09/27/2005)
10/03/2005	48	NOTICE of Appearance by Stella N. Yamada, Louis Graziano on behalf of Equal Employment Opportunity Commission (mde,) (Entered: 10/03/2005)
10/04/2005	49	DECLARATION of Richard Frant in Support re: <u>42</u> MOTION for Summary Judgment. Document filed by Richard Frant. (jma,) (Entered: 10/04/2005)
10/04/2005	50	STATEMENT OF UNCONTESTED MATERIAL FACTS PURSUANT TO LOCAL RULE 56.1 STATEMENT. Document filed by Amertac Holdings, Inc., American Tack & Hardware Co., Inc.. (jma,) (Entered: 10/04/2005)
10/04/2005	51	MOTION for Summary Judgment. Document filed by Amertac Holdings, Inc., American Tack & Hardware Co., Inc., Richard Frant. (jma,) (Entered: 10/04/2005)
10/04/2005	52	MEMORANDUM OF LAW in Support re: <u>42</u> MOTION for Summary Judgment.. Document filed by Amertac Holdings, Inc., American Tack & Hardware Co., Inc., Richard Frant. (jma,) (Entered: 10/04/2005)
10/04/2005	53	DECLARATION of Catherine Chambers in Support re: <u>42</u> MOTION for Summary Judgment.. (jma,) (Entered: 10/04/2005)
10/04/2005	54	DECLARATION of Steven J. Luckner in Support re: <u>42</u> MOTION for Summary Judgment. (jma,) (Entered: 10/04/2005)
10/07/2005	55	LETTER addressed to Judge Stephen C. Robinson from Leslie A. Lajewski dated 10/6/05 re: Defendants write in regards to removing the name of Jennifer Rygiel-Boyd, Esq. who has left our firm. Please add Steven J. Luckner, Esq. in her place. Document filed by Amertac Holdings, Inc., American Tack & Hardware Co., Inc., Richard Frant.(ae,) (Entered: 10/11/2005)
10/13/2005	56	ENDORSED LETTER addressed to Judge Stephen C. Robinson from Louis Graziano dated 10/7/2005 re:...that EEOC and Intervenor respond to the motion on 11/14/2005. This re-establishes the six week schedule, includes the lost days for the service confusion, and avoids the federal holiday on 11/11. Defendant then has three weeks, until 12/5/2005 to reply. SO ORDERED: (Signed by Judge Stephen C. Robinson on 10/12/2005) "The Clerk's Office Has Mailed Copies".(mde,) (Entered: 10/14/2005)
10/17/2005	57	NOTICE of Appearance by Steven J. Luckner on behalf of Amertac Holdings, Inc., American Tack & Hardware Co., Inc., Ameritac Holdings, Inc., American Tack & Hardware Co., Inc., Richard Frant (dcr,) (Entered: 10/19/2005)
10/20/2005		Minute Entry for proceedings held before Judge Mark D. Fox : Interim Pretrial Conference held on 10/20/2005. Judge's Decision: Defendant's motion to amend answer FS. Copies of Motion to be sent to Magistrate as soon as possible. Matter adjourned to 10/27/05 at 10:15 am for oral argumenet (IP/OA). Submitted By: Ed Modugno, Courtroom Deputy (dcr,) (Entered: 10/21/2005)
10/27/2005		Minute Entry for proceedings held before Judge Mark D. Fox : Oral Argument held on 10/27/2005 re: 29 MOTION for Leave to File Amend to Assert Counterclaims against Plaintiff-Intervenor Shana Van Dunk. filed by American Tack & Hardware Co., Inc., Motion to amend answer to counter claims deemed served. Plaintiff Intervenor has 10 days to answer, is granted. Responses to counter claim by 11/13/2005. 30B6 Deposition by 11/15/2005. Next PTC set for 11/16/2005 at 8:45 (cc). (Submitted by Ed Modugno). (Tape #1) (mde,) . (Entered: 10/28/2005)
11/01/2005	58	COUNTERCLAIM against Shana Van Dunk.Document filed by American Tack & Hardware Co., Inc..(dcr,) (Entered: 11/01/2005)
11/14/2005	59	EEOC COUNTER STATEMENT OF MATERIAL FACTS PURUANT TO 50 Rule 56.1 Statement. Document filed by Equal Employment Opportunity Commission. (jma,) (Entered: 11/16/2005)
11/14/2005	60	PLAINTIFF'S EEOC'S RESPONSE TO DEFENDANT'S AMERTAC HOLDINGS INC. AMERICAN TACK HARDWARE CO., INC. AND RICHARD FRANT'S MOTION FOR PARTIAL SUMMARY JUDGMENT AGAINST PLAINTIFF EEOC AND PLAINTIFF'S INTERVENORS ELISA TAYLOR AND SHANA VAN DUNK re: 51 MOTION for Summary Judgment.. Document filed by Equal Employment Opportunity Commission. (jma,) (Entered: 11/16/2005)

11/14/2005	61	DECLARATION of Louis Graziano. Document filed by Equal Employment Opportunity Commission. (jma,) (Entered: 11/16/2005)
11/16/2005		Minute Entry for proceedings held before Judge Mark D. Fox : Telephone/Status Conference held on 11/16/2005. Adjourned Date: 12/05/05 at 8:45 am (cc). Submitted By: Ed Modugno, Courtroom Deputy (dcr,) (Entered: 11/17/2005)
12/02/2005	62	REPLY MEMORANDUM OF LAW in FURTHER Support re: <u>42</u> MOTION for Summary Judgment., 51 MOTION for Summary Judgment.. Document filed by Amertac Holdings, Inc., American Tack & Hardware Co., Inc., Ameritac Holdings, Inc., American Tack & Hardware Co., Inc., Richard Frant, American Tack & Hardware Co., Inc.. (dcr,) (Entered: 12/05/2005)
12/02/2005	63	REPLY TO THE EEOC'S COUNTER STATEMENT OF MATERIAL FACTS. Document filed by Amertac Holdings, Inc., American Tack & Hardware Co., Inc., Ameritac Holdings, Inc., American Tack & Hardware Co., Inc., Richard Frant, American Tack & Hardware Co., Inc.. (dcr,) (Entered: 12/05/2005)
12/02/2005	64	DECLARATION of Leslie A. Lajewski in FURTHER Support re: <u>42</u> MOTION for Summary Judgment.. Document filed by Amertac Holdings, Inc., American Tack & Hardware Co., Inc., Ameritac Holdings, Inc., American Tack & Hardware Co., Inc., Richard Frant, American Tack & Hardware Co., Inc.. (dcr,) (Entered: 12/05/2005)
12/05/2005		Minute Entry for proceedings held before Judge Mark D. Fox : Telephone Conference & Status Conference held on 12/5/2005. Discovery complete. Closed for Magistrate purposes. (Submitted by Ed Modugno). (mde,) (Entered: 12/06/2005)
12/05/2005		CASE NO LONGER REFERRED to Magistrate Judge Mark D. Fox. (mde,) (Entered: 12/06/2005)
12/07/2005	65	RESPONSE to Motion re: 51 MOTION for partial Summary Judgment Amended Copy of Declaration of Louis Graziano. Document filed by Equal Employment Opportunity Commission. (ll,) (Entered: 12/08/2005)
12/07/2005	66	(AMENDED) EEOC COUNTER STATEMENT OF MATERIAL FACTS PURSUANT TO LOCAL RULE 56.1 STATEMENT. Document filed by Equal Employment Opportunity Commission. (jma,) (Entered: 12/09/2005)
12/13/2005	67	ENDORSED LETTER addressed to Judge Stephen C. Robinson from Steven Luckner dated 12/2/2005 re: request an extension of the Court's 10–page limit for our reply brief to a maximum to of 20 pages. We have received consent for this extension from our adversary, the EEOC... Endorsement: So Ordered. (Signed by Judge Stephen C. Robinson on 12/5/2005) The Clerk's Office Has Mailed Copies.(tb,) (Entered: 12/14/2005)
01/06/2006	68	ENDORSED LETTER addressed to Judge Stephen C. Robinson from Steven J. Luckner dated 12/21/05 re: Counsel for defendants request that Your Honor assign a new date for oral argument in this action; Oral argument scheduled for 1/27/06 is adjourned. New conference is scheduled for 3/28/06 at 9:30 a.m. Oral Argument set for 3/28/2006 09:30 AM before Stephen C. Robinson. (Signed by Judge Stephen C. Robinson on 1/4/06) "The Clerk's Office Has Mailed Copies".(ae,) (Entered: 01/09/2006)
03/28/2006		Minute Entry for proceedings held before Judge Stephen C. Robinson : Oral Argument held on 3/28/2006 re: <u>42</u> MOTION for Summary Judgment. filed by Amertac Holdings, Inc., American Tack & Hardware Co., Inc., Ameritac Holdings, Inc., Richard Frant., 51 MOTION for Summary Judgment. filed by Amertac Holdings, Inc., American Tack & Hardware Co., Inc., Richard Frant, Oral Arg. on Def't's motion for summary judgment. Decision reserved. (Court Reporter Albi Gorn) (jma,) (Entered: 03/28/2006)
05/08/2006	69	NOTICE OF CHANGE OF ADDRESS by Leslie Ann Lajewski on behalf of Amertac Holdings, Inc., American Tack & Hardware Co., Inc., Richard Frant. New Address: Grotta,Glassman & Hoffman, P.C., 75 Eisenhower Parkway, Roseland, New Jersey, 07068. (mde,) (Entered: 05/09/2006)
09/29/2006	70	MEMORANDUM DECISION AND ORDER granting in part and denying in part 51 Motion for Summary Judgment....For the reasons stated above, Defendant's motion for

		partial summary judgment is denied in part and granted in part. So Ordered. (Signed by Judge Stephen C. Robinson on 9/29/06) The Clerk's Office Has Mailed Copies.(fk,) Modified on 10/12/2006 (mde,). Modified on 10/12/2006 (fk,). (Entered: 10/03/2006)
10/30/2006	71	NOTICE of Substitution of Attorney. Document filed by Amertac Holdings, Inc., American Tack & Hardware Co., Inc., Richard Frant. Added attorney Leslie Ann Lajewski for Amertac Holdings, Inc. and American Tack & Hardware Co., Inc.. (jma,) (Entered: 11/01/2006)
01/16/2007	72	NOTICE of Substitution of Attorney. Document filed by Amertac Holdings, Inc., American Tack & Hardware Co., Inc., Richard Frant. Added attorney Leslie A. Lajewski for Amertac Holdings, Inc. and American Tack & Hardware Co., Inc.. Attorney Leslie Ann Lajewski terminated. (mde) (Entered: 01/16/2007)
01/26/2007		Minute Entry for proceedings held before Judge Stephen C. Robinson : Interim Pretrial Conference held on 1/26/2007. Plaintiff Intervenor is to file substitution of counsel by 02/02/2007, response due 02/09/2007, reply by 02/16/2007. Order of ref. to MJ Fox for settlement. (Court Reporter Sue Ghorayeb) (jma) (Entered: 01/30/2007)
01/26/2007		Set Deadlines/Hearings:substitution of counsel by 02/02/07, response due 02/09/2007, reply by 02/16/2007. (jma) (Entered: 01/30/2007)
01/30/2007	73	ORDER REFERRING CASE TO MAGISTRATE JUDGE. Order that case be referred to the Clerk of Court for assignment to a Magistrate Judge for Settlement. Referred to Magistrate Judge Mark D. Fox. (Signed by Judge Stephen C. Robinson on 01/30/2007) "The Clerk's Office Has Mailed Copies.(jma) (Entered: 01/31/2007)
02/01/2007	74	NOTICE OF APPEARANCE by Parisis G. Filippatos on behalf of Eliza Taylor, Shana Van Dunk (mde) (Entered: 02/01/2007)
03/08/2007	75	NOTICE of Substitution of Attorney. Document filed by Eliza Taylor, Shana Van Dunk. Added attorney Parisis G. Filippatos for Eliza Taylor and Shana Van Dunk. Attorney Michael A. Koplen terminated. (jma) (Entered: 03/08/2007)
03/12/2007		Minute Entry for proceedings held before Judge Mark D. Fox : Settlement Conference held on 3/12/2007. Settlement discussions taken place with no settlement agreement. Matter Adj. Adjourned date 03/27/2007 at 8:45 cc. (Tape #1) (jma) (Entered: 03/12/2007)
03/12/2007		Set Deadlines/Hearings: Telephone Conference set for 3/27/2007 08:45 AM before Magistrate Judge Mark D. Fox. (jma) (Entered: 03/12/2007)
03/27/2007		Minute Entry for proceedings held before Judge Mark D. Fox : Status Conference held on 3/27/2007. Telephone Conference set for 4/9/2007 09:00 AM before Magistrate Judge Mark D. Fox. (jma) (Entered: 03/27/2007)
04/09/2007		Minute Entry for proceedings held before Judge Mark D. Fox : Status Conference held on 4/9/2007. Adjourned Date 5/15/2007 at 8:45(cc). Submitted by David Cruz. (cg) (Entered: 04/09/2007)
05/15/2007		Minute Entry for proceedings held before Judge Mark D. Fox : Status Conference held on 5/15/2007. Adjourned date 05/31/2007 at 8:45 cc. (jma) (Entered: 05/17/2007)
05/31/2007		Minute Entry for proceedings held before Judge Mark D. Fox : Status Conference held on 5/31/2007. Adjourned date 6/14/2007 @ 2:15 p.m. (ip/settlement). (Submitted by Ed Modugno). (mde) (Entered: 06/01/2007)
06/14/2007		Minute Entry for proceedings held before Judge Mark D. Fox : Settlement Conference held on 6/14/2007. No settlement agreed upon. Closed for Magistrate Purposes. (Submitted by Ed Modugno). (Tape #1) (mde) (Entered: 06/18/2007)
06/14/2007		CASE NO LONGER REFERRED to Magistrate Judge Mark D. Fox. (mde) (Entered: 06/18/2007)
08/22/2007	76	ORDER...Upon consideration of the Plaintiff Intervenor's letter request to file 1) a Rule 59 motion for reconsideration of this Court's September 29, 2006 Memorandum Decision and Order on Deft's. Motion for Partial Summary Judgment; 2) a Rule 12 (c) motion to dismiss, Plaintiff Intervenor's request for leave to file their motion is

		granted. Plaintiff – Intervenor shall file their motions not later than September 7, 2007. Any opposition papers shall be filed by September 21, 2007. No replies shall be filed. The parties shall make their submissions by letter motion not to exceed (8) pages total for both motions. It is so ordered. (Signed by Judge Stephen C. Robinson on 08/22/2007) The Clerk's Office Has Mailed Copies.(jma) (Entered: 08/23/2007)
10/11/2007	<u>77</u>	DECISION AND ORDER...For the reasons above, Plaintiff–Intervenor's motion for reconsideration is denied. Plaintiff–Intervenor's motion for judgment on the pleadings pursuant to Rule 12(c) is denied. So Ordered. (Signed by Judge Stephen C. Robinson on 10/10/07) (fk) (Entered: 10/11/2007)
11/02/2007		Minute Entry for proceedings held before Judge Stephen C. Robinson: Interim Pretrial Conference held on 11/2/2007. Jury trial set for 11/10/2008. Next conference set for 9/5/08 at 10am. (jma) (Entered: 12/05/2007)
09/05/2008		Minute Entry for proceedings held before Judge Stephen C. Robinson: Conference held on 9/5/2008, (Conference set for 10/27/2008 at 04:00 PM before Judge Stephen C. Robinson.). FPTC set for 10/27/08 at 4PM (Court Reporter Sue Ghorayeb) (gco) (Entered: 09/10/2008)
10/09/2008	<u>78</u>	NOTICE OF CASE REASSIGNMENT to Judge Jed S. Rakoff. Judge Stephen C. Robinson is no longer assigned to the case. (fk) (Entered: 10/10/2008)
10/09/2008		Magistrate Judge Henry B. Pitman is so redesignated. (fk) (Entered: 10/10/2008)
10/16/2008	<u>79</u>	SETTLEMENT CONFERENCE. (gco) (Entered: 10/20/2008)
10/29/2008		Minute Entry for proceedings held before Judge Stephen C. Robinson: Settlement Conference held on 10/29/2008. Parties have reached a settlement. Parties will submit settlement doc's to the Court. (Court Reporter Sue Ghorayeb) (gco) (Entered: 10/30/2008)
10/30/2008	<u>80</u>	ORDER: ORDERED,that the above entitled action be hereby is discontinued, without costs to any party, subject to reopening should settlement not be concluded within thirty (30) days of the date hereof. SO ORDERED. (Signed by Judge Stephen C. Robinson on 10/29/08) The Clerk's Office Has Mailed Copies.(rj) (Entered: 10/30/2008)
12/08/2008	<u>81</u>	CONSENT DECREE: PART I GENERAL PROVISIONS Section 101 Introduction: Plaintiff Equal Employment Opportunity Commission (EEOC), Plaintiff–Intervenor Taylor and Van Dunk (Intervenor) and Defendants Amertac Holding, Inc. and American Tack & Hardware Co., Inc., have agreed to resolve this action by the terms of this Consent Decree as set forth below. On August 14, 2003, EEOC brought this action under Title VII of the Civil Rights Act of 1964, to correct unlawful employment practices on the basis of sex and to provide... ENDORSEMENT: CASE CLOSED. SO ORDERED. (Signed by Judge Stephen C. Robinson on 12/05/2008) "The Clerk's Office Has Mailed Copies".(gco) (Entered: 12/09/2008)
01/09/2009		Minute Entry for proceedings held before Judge Stephen C. Robinson: Case Management Conference held on 1/9/2009.The consent decree entered by Court and the parties is to be in effect, and even after consideration of Mr. Koplen's letter to this Court, the Court sees no reason to change any aspect of that order. It is in effect and should be followed. See transcript.(Court Reporter Angela O' Donnell) (rj) (Entered: 01/14/2009)