

U.S. District Court
United States District Court for the Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:01-cv-04604-RCC

U.S.A., et al v. City of New York, et al
Assigned to: Judge Richard C. Casey
Demand: \$0
Case in other court: 02-06102(L)02-06112(CON)
Cause: 42:2000e Job Discrimination (Employment)

Date Filed: 05/31/2001
Date Terminated: 03/13/2002
Jury Demand: Plaintiff
Nature of Suit: 442 Civil Rights: Jobs
Jurisdiction: U.S. Government
Plaintiff

Plaintiff

United States of America

represented by **Eric B. Fisher**
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V.

Defendant

City of New York

Defendant

New York City Housing Authority

Movant

Theresa Cladwell

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Intervenor Defendant

City of New York

Intervenor Defendant

New York City Housing Authority

Intervenor Plaintiff

Tonja McGhee

Intervenor Plaintiff

Maria E. Gonzalez

Movant

Tammy Auer

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Date Filed	#	Docket Text
05/31/2001	1	COMPLAINT filed. Summons issued and Notice pursuant to 28 U.S.C. 636(c). (db) (Entered: 06/01/2001)
05/31/2001		Magistrate Judge Frank Maas is so designated. (db) (Entered: 06/01/2001)
05/31/2001	2	AFFIDAVIT OF SERVICE of S/C as to City of New York, N.Y.C. Housing Auth. by Donna Murphy/Marilyn Richter on 5/31/01 . Answer due on 6/20/01 for City of New York, for N.Y.C. Housing Auth. . (cd) (Entered: 06/05/2001)
06/26/2001	3	STIPULATION and ORDER, extending time of defts City of New York and New York City Housing Authority to serve their answer to the complaint ; reset answer to the complaint due for 7/20/01 for N.Y.C. Housing Auth., for City of New York . (signed by Judge Richard C. Casey) (kg) (Entered: 06/26/2001)
06/29/2001	5	NOTICE OF MOTION (FILED ON SERVICE DATE) by Theresa

		Cladwell, for an order giving permission for Theresa to intervene . Return date 7/11/01. (kw) (Entered: 07/02/2001)
06/29/2001	6	MEMORANDUM OF LAW by Theresa Cladwell in support of [5-1] motion for an order giving permission for Theresa to intervene. (kw) (Entered: 07/02/2001)
06/29/2001		Pretrial Conference held before Judge Richard C. Casey. (sac) (Entered: 07/11/2001)
06/29/2001		Status Conference set for 7/19/01 at 4:30 p.m. before Judge Richard C. Casey. (sac) (Entered: 07/11/2001)
07/02/2001	4	Civil Case Management Plan: it his case is to be tried by a jury; joinder of additional parties must be accomplished by 07/30/01; the parties disagree as to whether a deadline should be set for intervenor-plaintiffs. Amended pleadings may be filed until 08/30/01; First request for production of documents, if any, to be served 30 days after discovery commences; Interrogatories pursuant to Rule 46(a) of the Civil Rules of the SDNY to be served 30 days after discovery commences. depositions to be completed 270 days after discovery commences; Experts, if any, are to be designated 180 days after discovery commences, and experts reports exchanged no later than 210 days after discovery commences; Requests to Admit, if any, are to be served no later than 210 days after discovery commences; all discovery is to be completed 270 days after discovery commences. Counsel does not consent to trial by a U.S. Magistrate Judge; Next case management conference set for 07/19/01 at 4:30 p.m. (signed by Judge Richard C. Casey); Copies mailed. (djc) (Entered: 07/02/2001)
07/11/2001	7	INTERVENOR'S COMPLAINT by Tonja McGhee against City of New York, N.Y.C. Housing Authority. Summons issued. (sac) (Entered: 07/18/2001)
07/11/2001	7	DEMAND for jury trial by Tonja McGhee. (sac) (Entered: 07/18/2001)
07/19/2001		Pretrial Conference held before Judge Richard C. Casey. (tp) (Entered: 07/25/2001)
07/20/2001	8	INTERVENOR'S COMPLAINT by Maria E. Gonzalez. Summons issued. (djc) (Entered: 07/24/2001)
07/20/2001	20	NOTICE OF MOTION (filed on service date) by City of New York for an order pursuant to Rule 12(b)(1)(6) of the FRCP, dismissing the complaint on the grounds that the court lacks jurisdiction over subject matter of the complaint, and that the complaint fails to state a claim upon which relief may be granted . Return date not indicated. (moc) (Entered: 11/02/2001)

07/23/2001	19	NOTICE OF MOTION (filed on service date) by N.Y.C. Housing Auth. for an order pursuant to Rule 12(b) of the FRCP, dismissing the complaint filed in this action on the grounds that the court lacks subject matter jurisdiction . Return date not indicated. (moc) (Entered: 11/02/2001)
08/03/2001	9	AFFIRMATION of Marilyn Richter by City of New York in opposition to [5-1] motion for an order giving permission for Theresa to intervene . (cd) (Entered: 08/07/2001)
08/06/2001	10	NOTICE OF MOTION for an order to intervene by Tammy Auer ; Return date: 6/20/01. (pl) (Entered: 08/08/2001)
08/06/2001	12	REPLY by Tammy Auer Re: [11-1] opposition memorandum (pl) (Entered: 08/08/2001)
08/08/2001	11	MEMORANDUM OF LAW by N.Y.C. Housing Auth. in opposition to [10-1] motion for an order to intervene by Tammy Auer . (pl) (Entered: 08/08/2001)
08/24/2001	13	NOTICE of attorney appearance for Tammy Auer by Yolanda S. Wu. (kw) (Entered: 08/28/2001)
08/24/2001	14	NOTICE of attorney appearance for Tammy Auer by Deborah M. Baumgarten. (kw) (Entered: 08/28/2001)
08/30/2001	15	Transcript of record of proceedings before Judge Richard C. Casey for the date(s) of 7/19/01. (moc) (Entered: 08/30/2001)
08/31/2001	16	CERTIFICATE OF SERVICE of notice of appearance for Timothy Casey by mail on 8/30/01 to Marilyn Richter, Asst. Corporation Counsel; Donna Murphy, Atty for NYC Housing Authority and Eric B. Fisher, Office of the United States Attorney. (djc) (Entered: 09/05/2001)
09/05/2001	17	NOTICE of attorney appearance for Tammy Auer by Timothy Casey. (kkc) (Entered: 09/06/2001)
09/07/2001	18	NOTICE of attorney appearance for Tammy Auer by Martha F. Davis (cd) (Entered: 09/20/2001)
10/30/2001	21	MEMORANDUM OF LAW by City of New York in support of [20-1] motion for an order pursuant to Rule 12(b)(1)(6) of the FRCP, dismissing the complaint on the grounds that the court lacks jurisdiction over subject matter of the complaint, and that the complaint fails to state a claim upon which relief may be granted . (moc) (Entered: 11/02/2001)
10/30/2001	22	MEMORANDUM OF LAW by Tammy Auer in opposition to [20-1] motion for an order pursuant to Rule 12(b)(1)(6) of the FRCP,

		dismissing the complaint on the grounds that the court lacks jurisdiction over subject matter of the complaint, and that the complaint fails to state a claim upon which relief may be granted . (moc) (Entered: 11/02/2001)
10/30/2001	23	REPLY MEMORANDUM by City of New York re: [20-1] motion for an order pursuant to Rule 12(b)(1)(6) of the FRCP, dismissing the complaint on the grounds that the court lacks jurisdiction over subject matter of the complaint, and that the complaint fails to state a claim upon which relief may be granted (moc) (Entered: 11/02/2001)
10/30/2001	24	MEMORANDUM OF LAW by U.S.A. in opposition to [19-1] motion for an order pursuant to Rule 12(b) of the FRCP, dismissing the complaint filed in this action on the grounds that the court lacks subject matter jurisdiction, [20-1] motion for an order pursuant to Rule 12(b)(1)(6) of the FRCP, dismissing the complaint on the grounds that the court lacks jurisdiction over subject matter of the complaint, and that the complaint fails to state a claim upon which relief may be granted . (moc) (Entered: 11/02/2001)
11/16/2001		Pretrial Conference held on 11/6/01 before Judge Richard C. Casey. (jco) (Entered: 11/20/2001)
01/03/2002	25	Transcript of record of proceedings before Judge Richard C. Casey for the date(s) of 11/6/01 at 2:15 p.m. (jco) (Entered: 01/03/2002)
03/11/2002	26	ORDER; granting [19-1] motion for an order pursuant to Rule 12(b) of the FRCP, dismissing the complaint filed in this action on the grounds that the court lacks subject matter jurisdiction, granting [20-1] motion for an order pursuant to Rule 12(b)(1)(6) of the FRCP, dismissing the complaint on the grounds that the court lacks jurisdiction over subject matter of the complaint, and that the complaint fails to state a claim upon which relief may be granted, mootng [10-1] motion for an order to intervene by Tammy Auth. (signed by Judge Richard C. Casey); Copies mailed; (Forwarded orig. document to the Judgment Clerk) (pl) Modified on 03/13/2002 (Entered: 03/12/2002)
03/13/2002	27	JUDGMENT; That for the reasons stated in the Court's Order dated 3/8/02, defendants' motions to dismiss the complaints are granted; the Court finds it unnecessary to review Ms. Tammy Auth's motion to intervene as it is moot and the Court declines to exercise supplemental jurisdiction over plaintiff Colon's state law claims; accordingly the case is closed. (signed by James M. Parkison, Clerk of Court); Mailed copies and notice of right to appeal. Entered On Docket: 3/15/02. (tp) (Entered: 03/15/2002)
03/13/2002		Case closed. (tp) (Entered: 03/15/2002)

03/13/2002	28	JUDGMENT; that for the reasons stated in the Court's Order dated 3/8/02, defendants' motions to dismiss the complaint are granted; the Court finds it unnecessary to review Ms. Tammy Auth's motion to intervene as it is moot and the Court declines to exercise supplemental jurisdiction over plaintiff Colon's state law claims; accordingly, the case is closed. (signed by James M. Parkison, Clerk of Court); Mailed copies and notice of right to appeal. Entered On Docket: 3/19/02. (pl) (Entered: 03/19/2002)
04/10/2002	29	Memo-Endorsement on letter addressed to Judge Casey from Martha F. Davis, dated 3/28/02, as explained in the court's 3/8/02 opinion, Ms. Auer's motion was dismissed as moot (signed by Judge Richard C. Casey); Copies mailed. (cd) (Entered: 04/11/2002)
04/29/2002	30	INTERVENOR'S COMPLAINT by Maria Gonzalez. (jco) (Entered: 05/01/2002)
05/03/2002	31	NOTICE OF APPEAL by Maria E. Gonzalez from [26-1] order . Copies of notice of appeal mailed to Attorney(s) of Record: Donna Murphy, Esq. and Marilyn Richter, Esq. \$105.00 Appeal filing fee paid 5/3/02 on receipt # E 437922. (dt) (Entered: 05/07/2002)
05/07/2002		Notice of appeal and certified copy of docket to USCA: [31-1] appeal by Maria E. Gonzalez ; Copy of notice of appeal sent to District Judge. (dt) (Entered: 05/07/2002)
05/09/2002	32	NOTICE OF APPEAL by U.S.A. from [28-1] judgment order . Copies of notice of appeal mailed to Attorney(s) of Record: Marilyn Richter, Esq., Donna Murpahy, Esq., Yolanda Wu, Esq., Daniel D. Leddy, Jr., Esq., Philip E. Taubman, Esq., Jack Tuckner, Esq. and Kenneth W. Richardson, Esq. (Filed by U.S.A. No Fee). (dt) (Entered: 05/09/2002)
05/09/2002		Notice of appeal and certified copy of docket to USCA: [32-1] appeal by U.S.A. ; Copy of notice of appeal sent to District Judge. (dt) (Entered: 05/09/2002)
05/10/2002	33	NOTICE OF APPEAL by Tammy Auer from [28-1] judgment order . Copies of notice of appeal mailed to Attorney(s) of Record: Marilyn Richter and Donna Murphy. \$105.00 Appeal filing fee paid 5/10/02 on receipt # E 0439240. (dt) (Entered: 05/13/2002)
05/13/2002		Notice of appeal and certified copy of docket to USCA: [33-1] appeal by Tammy Auer ; Copy of notice of appeal sent to District Judge. (dt) (Entered: 05/13/2002)
05/14/2002	34	NOTICE OF APPEAL by Plaintiffintervenor Theresa Caldwell-Benjamin ; from ; [28-1] judgment order . Copies of notice of appeal mailed to Attorney(s) of Record: James B. Comey, Donna Murphy, Esq., Marilyn Richter, Esq., Yolanda Wu, Esq., Daniel D. Leddy, Jr.,

		Esq. and Jack Tuckner, Esq. \$105.00 Appeal filing fee paid 5/14/02 on receipt # E 0439376. (dt) (Entered: 05/17/2002)
05/14/2002	35	NOTICE OF APPEAL by Tonja McGhee from [28-1] judgment order . Copies of notice of appeal mailed to Attorney(s) of Record: Eric B. Fisher, Esq., Marilyn Richter, Esq., Donna Murphy, Esq., Yolanda Wu, Esq., Daniel D. Leddy, Jr., Esq., Jack Tuckner, Esq. and Kenneth W. Richardson, Esq. \$105.00 Appeal filing fee paid 5/14/02 on receipt # E 0439351. (dt) (Entered: 05/17/2002)
05/17/2002		Notice of appeal and certified copy of docket to USCA: [34-1] appeal ; Copy of notice of appeal sent to District Judge. (dt) (Entered: 05/17/2002)
05/17/2002		Notice of appeal and certified copy of docket to USCA: [35-1] appeal by Tonja McGhee ; Copy of notice of appeal sent to District Judge. (dt) (Entered: 05/17/2002)
07/25/2002		USCA Case Number Re: [35-1] appeal by Tonja McGhee, [34-1] appeal, [33-1] appeal by Tammy Auer, [32-1] appeal by U.S.A., [31-1] appeal by Maria E. Gonzalez USCA NUMBER: 02-6102(L) 02-6112(CON) 02-6122 (CON) 02-6124(CON) 02-6126(CON). (pr) (Entered: 07/25/2002)
09/12/2002	36	Notice that the record on appeal has been certified and transmitted to the U.S. Court of Appeals: [35-1] appeal by Tonja McGhee, [33-1] appeal by Tammy Auer. (pr) (Entered: 09/12/2002)
06/21/2004	37	MANDATE of USCA (Certified Copy) as to [33] Notice of Appeal filed by Tammy Auer, [35] Notice of Appeal, filed by Tonja McGhee, [31] Notice of Appeal filed by Maria E. Gonzalez, [32] Notice of Appeal, filed by United States of America, [34] Notice of Appeal, USCA Case Number 02-6102(L), 02-6112, 02-6122, 02-6124, 02-6126, 02-7405. Ordered, Adjudged and Decreed that the judgment of the District Court is VACATED AND REMANDED FOR FURTHER PROCEEDINGS IN ACCORDANCE WITH THE OPINION OF THIS COURT. MACKECHNIE, Clerk USCA. Issued As Mandate: 6/18/04. (pr,) (Entered: 06/21/2004)
06/21/2004		Transmission of USCA Mandate/Order to the District Judge re: [37] USCA Mandate,, (pr,) (Entered: 06/21/2004)
07/07/2004	38	ENDORSED LETTER addressed to Judge Richard C. Casey from Neil M. Corwin dated 6/23/04. The parties shall appear for a status conf. on 7/23/04 at 9:30 a.m. (Signed by Judge Richard C. Casey on 7/6/04) (kw,) (Entered: 07/11/2004)
07/07/2004		Set Deadlines/Hearings: Status Conference set for 7/23/2004 09:30 AM before Judge Richard C. Casey. (kw,) (Entered: 07/11/2004)

07/23/2004		Minute Entry for proceedings held before Judge Richard C. Casey : Status Conference held on 7/23/2004. Defendant City of New York plans to appeal to the 2nd Circuit Court. If the appeal is not granted, the City of New York will try to settle the case. The Court stays all discovery until 10/15/04. Next Status conference set for 10/15/04 at 9:30 a.m. (db,) (Entered: 08/03/2004)
07/23/2004		Set Deadlines/Hearings: Discovery due by 10/15/2004. Status Conference set for 10/15/2004 09:30 AM before Judge Richard C. Casey. (db,) (Entered: 08/03/2004)
09/21/2004	39	PLAINTIFF-INTERVENOR TAMMY AUER'S SUPPLEMENTAL MEMORANDUM OF LAW in Support of re: [10] Motion to Intervene. Document filed by Tammy Auer. (jmi,) (Entered: 09/23/2004)
09/21/2004	40	LETTER addressed to Judge Richard C. Casey from Marilyn Richter dated 9/21/04 re: Defendants hereby submit their opposition to the attempted assertion in this case of employment discrimination claims under state law, and local law by plaintiffs Colon and Auer. Document filed by City of New York, New York City Housing Authority... Received in the night deposit box on 9/21/04 at 7:54 P.M. (sac,) (Entered: 09/27/2004)
10/15/2004		Minute Entry for proceedings held before Judge Richard C. Casey : Status Conference held on 10/15/2004. City has filed petition for Layer for Caldell Benjamin not present. Court instructs plaintiff's to send certified letter to be sure he agrees with schedule. City wants to make summary motion judgment against Caldwell Benjamin, will discuss at 2/18/05 status conference after the appeal with Supreme Court. (jco,) (Entered: 10/22/2004)
10/20/2004	41	PRETRIAL SCHEDULING ORDER: Joinder of Parties due by 1/23/2004. The case is to be tried by a jury; Counsel for parties have discussed the merits of settlement in regard to this action and do not wish to request a settlement conf. before a US Magistrate; Counsel for parties have discussed the merits of mediation in regard to this action and do not wish to employ the mediation services provided by this court; Answer filed by 11/15/04; see document for further discovery deadlines; Case Management Conference set for 2/18/2005 09:30 AM before Judge Richard C. Casey. (Signed by Judge Richard C. Casey on 10/15/04) (djc,) (Entered: 10/22/2004)
02/15/2005	42	ENDORSED LETTER addressed to Judge Casey from Melanie Hallums dated 2/11/05: the 2/18 conference is adjourned to 3/18/05 at 9:30 am. (Signed by Judge Richard C. Casey on 2/19/05) copies sent by chambers.(cd,) (Entered: 02/18/2005)

02/15/2005		Set/Reset Scheduling Order Deadlines: Status Conference set for 3/18/2005 09:30 AM before Judge Richard C. Casey. (cd,) (Entered: 02/18/2005)
03/17/2005	43	ENDORSED LETTER addressed to Richard Conway Casey from Melanie R. Hallums dated 3/15/05 re: applicaiton granted; status conference moved from 3/18/05 to 4/22/05. (Signed by Judge Richard C. Casey on 3/16/05) (pl,) (Entered: 03/21/2005)
03/17/2005		Set/Reset Scheduling Order Deadlines: Status Conference set for 4/22/2005 09:30 AM before Judge Richard C. Casey. (pl,) (Entered: 03/21/2005)
04/22/2005	44	ENDORSED LETTER addressed to Jdudge Richard Conway Casey from Malanie R. Hallums dated 4/20/05 re: status conference adjourned to 5/6/05. (Signed by Judge Richard C. Casey on 4/21/05) (pl,) (Entered: 04/28/2005)
05/05/2005	45	ENDORSED LETTER addressed to Judge Richard C. Casey from Melanie Hallums dated 5/5/05 re: counsel for parties request an adjournment of the status conference. Application granted. Conference adjourned to 5/20/05. (Signed by Judge Richard C. Casey on 5/5/05) (dle,) (Entered: 05/06/2005)
05/20/2005	46	ENDORSED LETTER addressed to Judge Richard Conway Casey from Melanie R. Hallums dated 5/18/05 re: Application granted conference adjourned June 24. Please notify other parties. (Signed by Judge Richard C. Casey on 5/20/05) (pl,) (Entered: 05/23/2005)
05/20/2005		Set Deadlines/Hearings: Status Conference set for 6/24/2005 09:30 AM before Judge Richard C. Casey. (pl,) (Entered: 05/24/2005)
06/24/2005	47	ENDORSED LETTER addressed to Judge Casey from Melanie R. Hallums dated 6/22/2005 re: request status conference with the Court be rescheduled to 7/8/2005 at 9:30am. Application granted. (Signed by Judge Richard C. Casey on 6/23/2005) (jsa,) (Entered: 06/27/2005)
06/24/2005		Set/Reset Hearings: Status Conference set for 7/8/2005 09:30 AM before Judge Richard C. Casey. (jsa,) (Entered: 06/27/2005)
07/12/2005	48	ENDORSED LETTER addressed to Judge Casey from Melanie Hallums dated 7/6/05: the 7/8 status conf is adjourned to 8/5/05. (Signed by Judge Richard C. Casey on 7/12/05) (cd,) (Entered: 07/13/2005)
08/05/2005	49	ENDORSED LETTER addressed to Judge Richard C. Casey from Melanie R. Hallums dated 8/3/05 re: Application GRANTED. Status conference adjourned to 9/30/05 at 9:30 a.m. (Signed by Judge Richard C. Casey on 8/4/05) (db,) (Entered: 08/08/2005)

08/05/2005		Set/Reset Hearings: Status Conference set for 9/30/2005 09:30 AM before Judge Richard C. Casey. (db,) (Entered: 08/08/2005)
09/30/2005	50	ENDORSED LETTER addressed to Judge Richard Conway Casey from Melanie R. Hallums dated 9/28/05 re: a request for an adjournment of the status conference.ENDORSEMENT: Application granted, conference adjourned to 11/4/05 at 9:30 AM. (Signed by Judge Richard C. Casey on 9/30/05) (kco,) (Entered: 10/03/2005)
09/30/2005		Set/Reset Hearings: A Status Conference is set for 11/4/2005 at 9:30 AM before Judge Richard C. Casey. (kco,) (Entered: 10/03/2005)
11/17/2005	51	ENDORSED LETTER: addressed to Judge Richard C. Casey from Melanie R. Hallums dated 11/16/2005 re: the parties respectfully request that the status conference be adjourned to a date that is convenient for the Court after 12/18/2005. ENDORSEMENT: Application granted. Conference adjourned to 1/16/2006 at 9:30 a.m. (Signed by Judge Richard C. Casey on 11/17/2005) (lb,) (Entered: 11/17/2005)
01/13/2006	52	ENDORSED LETTER addressed to Judge Richard Conway Casey from Melanie R. Hallums dated 1/11/06 re: all parties request an adjournment of the status conference. ENDORSEMENT: Application granted, conference adjourned to 2/17/2006 at 9:30 AM. (Signed by Judge Richard C. Casey on 1/12/06) (kco,) (Entered: 01/18/2006)
02/22/2006	53	ENDORSED LETTER addressed to Judge Richard Conway Casey from Melanie R. Hallums dated 2/15/06. ENDORSEMENT: Application GRANTED conference adjourned to March 17, 2006. (Signed by Judge Richard C. Casey on 2/16/06) (js,) (Entered: 02/22/2006)
03/20/2006	54	ENDORSED LETTER addressed to Judge Richard Conway Casey from Melanie R. Hallums dated 3/16/06 re: Request that the Status conference be adjourned to a date that is convenient for the Court on or after March 31, 2006. ENDORSEMENT: Application GRANTED. Conference adjourned to April 21, 2006 at 9:30 a.m. (Signed by Judge Richard C. Casey on 3/16/06) (js,) (Entered: 03/20/2006)
04/21/2006	55	ENDORSED LETTER addressed to Judge Richard Conway Casey from Melanie R. Hallums dated 4/20/06 re: a request for an adjournment of the status conference.ENDORSEMENT: Application granted. Conference adjourned to 5/12/2006 at 9:30 a.m. (Signed by Judge Richard C. Casey on 4/20/06) (kco,) (Entered: 04/21/2006)
05/15/2006	56	CONSENT DECREE # 06,1088 in favor of Tammy Auer as against City of NY in the amount of \$ 110,000. (Signed by Judge Richard C. Casey on 5/12/06) (jf,) (Entered: 05/17/2006)

08/16/2006	57	ENDORSED LETTER addressed to Judge Richard C. Casey from Marilyn Richter dated 8/11/06 re: Counsel for defendant writes to request additional time to complete the distribution of the notice. Application granted. The defendant must complete distribution of the notice by 9/9/06. So Ordered. (Signed by Judge Richard C. Casey on 8/15/06) (jco,) (Entered: 08/16/2006)
04/18/2007	58	ORDER TO SHOW CAUSE (Duplicate Original) Show Cause Hearing set for 5/8/2007 11:30 AM before Judge John F. Keenan.,Show Cause Response due by 4/27/2007. (Signed by Judge John F. Keenan on 4/18/2007 part I) (jmi) (Entered: 04/20/2007)
05/10/2007	59	ORDER: The motion to compel the City of New York to pay the \$18,000.00 is GRANTED. The City of New York is directed to pay Ms. Caldwell-Benjamin within 10 days of the issuance of this order. The Court denies the portion of Ms. Richter's declaration filed in response to the order to show cause makes clear that she was not acting with malice or in bad faith in failing to pay Ms. Caldwell-Benjamin. Therefore, sanctions attorneys' fees and costs are not appropriate. (Signed by Judge John F. Keenan on 5/9/07) (js) (Entered: 05/10/2007)