

U.S. District Court
United States District Court for the Southern District of New York (Foley
Square)
CIVIL DOCKET FOR CASE #: 1:02-cv-04699-DC-MHD

U.S.A. v. City of New York, et al
Assigned to: Judge Denny Chin
Referred to: Magistrate Judge Michael H. Dolinger
Demand: \$0
Lead case: [1:01-cv-04437-DC-MHD](#)
Member case: ([View Member Case](#))
Cause: 42:1981 Job Discrimination (Race)

Date Filed: 06/19/2002
Date Terminated: 06/09/2005
Jury Demand: Plaintiff
Nature of Suit: 442 Civil Rights: Jobs
Jurisdiction: U.S. Government
Plaintiff

Plaintiff

United States Of America

represented by **Lisa R. Zornberg**
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ATTORNEY TO BE NOTICED

V.

Defendant

City of New York

Defendant

New York City Department of
Parks and Recreation

Intervenor Defendant

City of New York

Intervenor Defendant

New York City Department of
Parks and Recreation

Intervenor Plaintiff

Carrie Anderson

Intervenor Plaintiff

Walter Beach

Intervenor Plaintiff

Jacqueline Brown

Intervenor Plaintiff

Angelo Colon

Intervenor Plaintiff

Paula Loving

Intervenor Plaintiff

Odessa Portlette

Intervenor Plaintiff

David Ray

Intervenor Plaintiff

Elizabeth Rogers

Intervenor Plaintiff

Henry Roman

Intervenor Plaintiff

Kathleen Walker

Intervenor Plaintiff

Robert R Wright

represented by **Lewis M. Steel**
Outten & Golden LLP
3 Park Avenue
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(212) 245-1000
LEAD ATTORNEY

Date Filed	#	Docket Text
06/18/2002	1	COMPLAINT filed. Summons issued and Notice pursuant to 28 U.S.C. 636(c). (rmo) (Entered: 06/21/2002)
06/18/2002		CASE REFERRED TO Judge Denny Chin as possibly related to 1:01cv4437. (rmo) (Entered: 06/21/2002)
06/24/2002	2	RETURN OF SERVICE of summons and complaint executed as to City of New York by Shaniqua Carr on 6/21/02 . Answer due on 7/11/02 for City of New York . (dle) (Entered: 06/26/2002)
07/08/2002	5	Notice of Case Assignment to Judge Denny Chin . Copy of notice and judge's rules mailed to Attorney(s) of record: Ramon E. Reyes Jr., Lisa Zornberg . (rmo) Modified on 07/17/2002 (Entered: 07/17/2002)
07/12/2002		Case accepted as related to 01cv4437. Notice of assignment to follow. (rmo) Modified on 07/22/2002 (Entered: 07/17/2002)
07/12/2002		Magistrate Judge Kevin N. Fox is so designated. (rmo) (Entered: 07/17/2002)

		07/17/2002)
07/15/2002	3	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. Referred to Magistrate Judge Michael H. Dolinger . (signed by Judge Denny Chin) (jp) (Entered: 07/16/2002)
07/15/2002		STIPULATION and ORDER; that this action is consolidated with action #02 cv 4437(DC) for all purposes, including discovery and trial . (signed by Judge Denny Chin) Original document filed under case number 02 cv 4437, document number 24. (jp) (Entered: 07/16/2002)
07/15/2002		Consolidated Member Case. Lead Case Number: 1:02cv4437 . (jp) (Entered: 07/16/2002)
07/15/2002		**Remove referral flag. Case no longer referred. (jp) (Entered: 07/16/2002)
07/16/2002	4	ORDER, regarding procedures to be followed that shall govern the handling of confidential material . (signed by Judge Denny Chin); Copies mailed. (jp) (Entered: 07/16/2002)
07/17/2002	6	ORDER, that a pretrial conference has been scheduled in this action for 10:00 a.m. on Tueasday, 8/13/02, at which time you are directed to appear in Courtroom 17D, 500 Pearl Street, New York, NY 10007-1312 . (signed by Magistrate Judge Michael H. Dolinger); Copies mailed. (tp) (Entered: 07/18/2002)
07/23/2002	7	Memo-Endorsement on letter addressed to Judge Chin from Stuart I. Parker, dated 7/17/02. Counsel for defendants writes to request permission to respond to the complaint by July 31, 2002. Approved. . (signed by Judge Denny Chin); Copies mailed. (sb) (Entered: 07/23/2002)
07/26/2002		ORDER, plntfs in 01 cv 4437, having requested permission to intervene in 02 cv 4699, the application is hereby granted and plntfs are granted leave to intervene (signed by Judge Denny Chin); Copies mailed; orig docketed in 01 cv 4437, doc #30 (cd) (Entered: 07/29/2002)
07/26/2002		SECOND AMENDED COMPLAINT by Carrie Anderson, Walter Beach, Jacqueline Brown, Angelo Colon, Paula Loving, Odessa Portlette, David Ray, Elizabeth Rogers, Henry Roman, Kathleen Walker, Robert R Wright (Answer due 8/5/02 for New York City Dept., for City of New York) (Government Answer due 8/5/02 for New York City Dept., for City of New York) amending [1-1] complaint . Summons issued. Original document # 31 filed in 01cv4437. (sb) (Entered: 07/31/2002)

08/02/2002		AFFIDAVIT OF SERVICE of intervenor's complaint as to U.S.A., City of New York, New York City Dept. by U.S. Mail on 7/30/02 . Original document filed in case # 01cv4437, document #34. (dle) (Entered: 08/12/2002)
08/02/2002		INTERVENOR'S COMPLAINT by Robert Wright, Kathleen Walker, Henry Roman, Elizabethe Rogers, david Lee Ray, Odessa Portlette, Paula Loving, Angelo Colon, Jacqueline Brown, and Carrie L. Anderson against City of New York, New York City Dept.. Original document filed in case #01cv4437, document #33. Summons issued. (dle) (Entered: 08/12/2002)
10/28/2002	8	Transcript of record of proceedings before Magistrate Judge Michael H. Dolinger for the date(s) of 8/13/02. (cd) (Entered: 10/31/2002)
11/13/2002	9	Transcript of record of proceedings before Magistrate Judge Michael H. Dolinger for the date(s) of 8/13/02. (dt) (Entered: 11/13/2002)
12/06/2002	10	Memorandum to Docket Clerk:, for a conference held before Magistrate Judge Dolinger on 12/6/02 . (dle) (Entered: 12/12/2002)
02/03/2003		Transcript of record of proceedings before Magistrate Judge Michael H. Dolinger for the date(s) of 12/6/02. (Original Doc. # 58 Filed In 01 Civ. 4437). (dt) (Entered: 02/03/2003)
03/03/2003		Transcript of record of proceedings before Magistrate Judge Michael H. Dolinger for the date(s) of January 23, 2003. (Original Doc. # 60 Filed In 01 Civ. 4473). (dt) (Entered: 03/03/2003)
03/10/2003	11	Transcript of record of proceedings before Magistrate Judge Michael H. Dolinger for the date(s) of March 3, 2003. (dj) (Entered: 03/12/2003)
05/27/2003	12	Transcript of record of proceedings before Magistrate Judge Michael H. Dolinger for the date(s) of March 3, 2003. (dt) (Entered: 05/27/2003)
06/10/2003	13	Memo-Endorsement on letter addressed to Mag. Judge Dolinger from Ramon E. Reyes, Jr., dated 06/06/03; Re: counsel requests a further extension of discovery until 11/12/03; With the understanding that the parties will continue to pursue discovery while settlement discussions are ongoing, this application is granted. The deadline for fact discovery is extended to 11/12/03 ; (signed by Magistrate Judge Michael H. Dolinger); Copies faxed by Chambers; (dj) (Entered: 06/11/2003)
11/05/2003	14	Transcript of record of proceedings before Magistrate Judge Michael H. Dolinger for the date(s) of 9/24/03. (df) (Entered: 11/05/2003)
12/30/2003		ENDORSED LETTER addressed to Magistrate Judge Dolinger from Sherri R. Rosenberg dated 12/22/03 re: Counsel requests that defendants have until 12/29/03 to respond to the letter dated 12/18/03 from counsel for Wright plaintiffs regarding discovery issues requiring

		court intervention. Application granted. (Signed by Judge Michael H. Dolinger on 12/22/03) (sb,) (Entered: 01/15/2004)
12/30/2003		MEMORANDUM & ORDER; The Court directs that plaintiffs' counsel advise defendants' attorneys in writing of the names and positions (if known) of any current employees of the Department whom they may wish to interview, as further set forth on this order. The Court directs taht plaintiffs' counsel refrain from seeking to elicit from any present or former Department employee any attorney-client communications, and (2) that defendants refrain from any suggestion or instruction to a Department employee who is to be interviewed by plaintiffs' representatives that the employee should not do so. Plaintiffs' counsel is to advise the employee that he or she is free to decline. (Signed by Judge Michael H. Dolinger on 12/24/03) Copies Mailed By Chambers.(sb,) Original document # 85 filed in 1:01-cv-4437 Modified on 1/15/2004 (sb,). Original document # 84 filed in 1:01-cv-4437. (Entered: 01/15/2004)
01/29/2004		TRANSCRIPT of proceedings held on 1/7/04 before Judge Michael H. Dolinger.ORIGINAL DOCUMENT # 86 FILED IN 01CV-4437.(pr,) (Entered: 01/29/2004)
03/22/2004	15	ENDORSED LETTER addressed to Judge Dolinger from Russell Yankwitt dated 3/16/04, re parties agreed upon schedule with respect to Requests to Admit. (Signed by Judge Michael H. Dolinger on 3/16/04) copies sent by chambers.(cd,) (Entered: 03/25/2004)
03/25/2004		TRANSCRIPT of proceedings held on 1/7/04 before Judge Michael H. Dolinger.(See original transcript in case number 01civ4437, document #88.)(tr,) (Entered: 03/25/2004)
03/29/2004		ORDER the application by plaintiffs for further examination of David Stark on topics other than those specified in theendorsed order dated 3/24/04 is denied. So Ordered. (Signed by Judge Michael H. Dolinger on 3/25/04) Original filed in case 01cv4437, doc #89.(jco,) (Entered: 03/30/2004)
03/29/2004	16	ENDORSED LETTER addressed to Judge Michael H. Dolinger from Kathleen M. Confrey dated 3/24/04 re: Counsel for defendants request the Court's approval of a two-week extension of all of the deadlines for requests for admission, expert discovery and the plaintiffs' motion for sanctions. Plaintiffs have consented to these modifications. Defendants also wish to correct a factual representation made by defendants in a letter to the Court dated 3/20/04 and at the February 24th conference. Application for amendment of the pretrial schedule is granted. The proposed schedule is adopted. (Signed by Judge Michael H. Dolinger on 3/25/04) (jco,) (Entered: 03/31/2004)

05/04/2004	17	ENDORSED LETTER addressed to Judge Dolinger from Russell Yankwitt dated 5/3/04: granting plntf's request for a two day extension of time to serve sanctions' motions. (Signed by Judge Michael H. Dolinger on 5/3/04) (cd,) (Entered: 05/05/2004)
05/10/2004	18	NOTICE OF MOTION for Sanctions.against defts...answering papers be served by 6/7/04..reply by 6/21/04. (nite dep. box) Document filed by United States Of America. (pa,) (Entered: 05/11/2004)
05/10/2004	19	MEMORANDUM OF LAW in Support re: [18] MOTION for Sanctions..(nite dep. box) Document filed by United States Of America. (pa,) (Entered: 05/11/2004)
05/10/2004	20	DECLARATION of Lisa Zornberg in Support re: [18] MOTION for Sanctions.. Document filed by United States Of America. (cd,) (Entered: 05/11/2004)
05/10/2004	21	DECLARATION of Allan Ingraham in Support re: [18] MOTION for Sanctions. Document filed by United States Of America. (cd,) (Entered: 05/11/2004)
05/12/2004		ORDER; upon the declaration of Lewis M. Steel and the consent of the parties it is Ordered that Lewis M. Steel is substituted for the law firm of Steel Bellman Ritz and Clark, P.C. as one of the attorneys for the plaintiffs and the class they represent. (Signed by Judge Denny Chin on 5/11/04) copies faxed by chambers.(dj,) (Entered: 05/14/2004 (Signed by Judge Denny Chin on 5/11/04); (orig. docmt dktd in case no. 01 cv 4437, docmt #98) copies faxed by chambers. (Entered: 05/14/2004)
06/23/2004		TRANSCRIPT of proceedings held on 6/8/04 before Judge Michael H. Dolinger. Original filed in 01-CV-4437 doc. # 99.(dfe,) (Entered: 06/23/2004)
07/07/2004		TRANSCRIPT of proceedings held on 6/8/04 at 4:00 p.m. before Judge Michael H. Dolinger. (Refer to 01-cv-4437, document #100). (ph,) (Entered: 07/23/2004)
09/03/2004		ORDER: the government and class plaintiffs to serve letter/briefs by 9/10/04; defendants to serve responses by 9/24/04; defendants response to motion for sanctions due 10/1/04; movants reply due 10/15/04. Original document filed in 01cv4437 (DC), document # 101. (Signed by Judge Michael H. Dolinger on 9/1/04) Copies Mailed by Chambers.(db,) (Entered: 09/08/2004)
09/03/2004		Set/Reset Deadlines as to [18] MOTION for Sanctions.. Responses due by 10/1/2004 Replies due by 10/15/2004. (db,) (Entered: 09/08/2004)
09/15/2004	22	ENDORSED LETTER addressed to Magistrate Judge Dolinger from Lisa R. Zornberg dated 9/10/2004 re: The Government and plaintiff's

		submission to be filed by no later then 9/17/2004. Defendant's response is due by 10/15/2005. So Ordered (Signed by Judge Michael H. Dolinger on 9/10/2004) (jsa,) (Entered: 09/17/2004)
09/15/2004		Set Deadlines/Hearings: Brief due by 9/17/2004. Responses due by 10/15/2004 (jsa,) (Entered: 09/17/2004)
09/30/2004		ORDER; Conference set for 10/15/2004 10:00 AM before Magistrate Judge Michael H. Dolinger. (Signed by Judge Michael H. Dolinger on 9/29/2004) Original document filed under case number 01-cv-4437, document number 103.(jp,) (Entered: 10/01/2004)
11/05/2004	23	REPLY MEMORANDUM OF LAW in Support re: [18] MOTION for Sanctions.. Document filed by United States Of America. (pa,) (Entered: 11/08/2004)
11/05/2004		NOTICE of Change of Address by Lewis M. Steel on behalf of Robert R Wright. New Address: Outten & Golden LLP, 3 Park Avenue, 29th Floor, New York, New York, 10016, (212) 245-1000. (orig. document docketed in 01cv4437 as document #114). (pl,) (Entered: 11/10/2004)
11/23/2004		LETTER addressed to Judge Dolinger from Russell Yankwit dated 11/10/2004 re: a response to defts letter brief challenging nine categories of the Governments response to certain requests for admissions. Document filed by United States Of America. Original document filed under case number 01-cv-4437, document number 118.(jp,) (Entered: 11/23/2004)
12/08/2004	24	TRANSCRIPT of proceedings held on 11/12/04 before Judge Michael H. Dolinger.(Gonzalez, Jose) (Entered: 12/08/2004)
12/17/2004	25	LETTER addressed to Judge Dolinger from Kathleen Comfrey dated 12/15/2004 Document filed by City of New York, New York City Department of Parks and Recreation.(jp,) (Entered: 12/23/2004)
12/27/2004		ENDORSED LETTER addressed to Magistrate Judge Dolinger from Russell M. Yankwitt dated 12/22/2004 re: the government will submit their revised responses to defendants by 1/7/2005 and if defendants still wish to challenge the responses, defendants will submit a letter brief to the Court by 1/21/2005. signed by Magistrate Judge Michael H. Dolinger 12/122/2004 copies mailed to counsel by chambersOriginal filed on 01 cv 4437 (Entered: 12/29/2004)
12/29/2004		Memorandum and Order The class plaintiffs seek an order compelling defendants to respond to their contention interrogatories 22 and 23. (Dec. 13, 2004 letter to the Court from Lewis M. Steel.Esq.). The application is granted. Copies mailed by chambers. Original filed on 01 cv 4437 (Signed by Judge Michael H. Dolinger on 12/23/2004) (Entered: 01/03/2005)

02/03/2005		ENDORSED LETTER addressed to Magistrate Judge Dolinger from Kathleen M. Comfrey re: application granted. Defendant's have an extension until 2/11/2005 to supplement their responses to the class plaintiffs' and the federal government's request for admissions which are not subject to the pending appeal ("RFAs") Original filed on 01cv4437 (Signed by Judge Michael H. Dolinger on 1/28/2005) (jsa,) Modified on 2/7/2005 (jsa,). copies mailed to counsel by chambers. (Entered: 02/07/2005)
02/03/2005		Set/Reset Deadlines: Defendants Supplemental Responses due by 2/11/2005 (jsa,) (Entered: 02/07/2005)
02/03/2005		ENDORSED LETTER addressed to ENDORSED LETTER addressed to Magistrate Judge Dolinger from Lewis M. Steel dated 1/28/2005 re: application granted. The Wright plaintiff's may have until 2/11/2005 to supplement their responses to certain of the defendant's request to admit. Original filed in 01cv4437Copies mailed to counsel by chambers. (Signed by Judge Michael H. Dolinger on 1/28/2005) (jsa,) (Entered: 02/07/2005)
02/03/2005		Set/Reset Deadlines: Wright plaintiffs supplemental Responses due by 2/11/2005 (jsa,) (Entered: 02/07/2005)
06/08/2005	26	CONSENT DECREE AND JUDGMENT in favor of United States of America against City of New York and New York City Department of Parks and Recreation settling this action. (Signed by Judge Denny Chin on 6/8/05) (ml,) (Entered: 06/09/2005)
06/13/2005		Mailed notice of Right to Appeal re: [26] Consent Judgment and to Attorney(s) of Record: Ramon E. Reyes, Jr, Lewis M. Steel, Russell Marc Yankwitt, Lisa R. Zornberg. (lma,) (Entered: 06/14/2005)