

1. EEOC Case ID#: EE-NY-0089

2. Docket number/Court of each of the related or consolidated cases: 99-CV-01732 and 99-CV-02451

3. Related or consolidated? Related, and then consolidated.

4. Docket entry # (or other location) where consolidation or relation appears: For the relation, docket entry #3 in 99-02451, but it does not have a corresponding docket entry listed in 99-01732. For the consolidation, docket entry #18 in 99-01732 and docket entry #42 in 99-02451.

5. Date of consolidation/relation? Relation: 04/20/1999, consolidation: 01/26/2000.

6. Terms of the consolidation (e.g. “consolidated for purposes of discovery only, trial to be in front of original judge” or “consolidated for purposes of discovery; decision on trial consolidation to be made later”): “In view of the interdependent aspect of the resolution of these motions now pending, the actions will be treated by the Court sua sponte as consolidated for the disposition of the motions, and an order of consolidation will be entered upon this opinion.” That is from the opinion granting consolidation; additionally, from the docket, “the following actions: 99 Civ. 1732 (RWS) and 99 Civ. 2451 (RWS) are consolidated (for all pretrial purposes (as per chmbrs. on 2/7/00)).”

7. For each case, who are the parties (include charging parties if EEOC is plaintiff) and what is the basic theory of the case? (e.g. sexual harassment, age discrimination)
99-01732: Plaintiff is EEOC; Defendants are Le Bar Bat, Inc., Die Fliedermaus L.L.C., and Laurent M. Cerrone; the following are listed as movants: Angela Boggs, Kimberly Hawkes, Shereece Holman, Staci Pollard, Rhonda Roenfeldt, Madilyn Wade. Theory—sexual harassment, racial harassment, constructive discharge.

99-02451: Plaintiffs are Angela Boggs, Kimberly Hawkes, Shereece Holman, Staci Pollard, Rhonda Roenfeldt, and Madilyn Wade; defendants are Die Fliedermaus LLP, Le Bar Bat, Inc., Gerald Shallo, Patrick Kelley, Larry Cerone, Simon Azoulay, Colin Walsh, Matt Tortoso, John Does 1-5, and Laurent M. Cerrone; theory—racial discrimination and hostile work environment, retaliation, constructive discharge.

8. Briefly describe the procedural history of each case prior to their being related or consolidated.

99-01732 was filed on 3/09/1999 by the EEOC. It does not appear that very much happened prior to consolidation other than some failed motions to dismiss.

99-02451 was filed on 4/02/1999 by the private plaintiffs. The case was quickly related to 99-01732 and after that there were some proceedings regarding a motion to dismiss, which is the only substantial activity prior to consolidation.

9. After the cases were related/consolidated, what happened? was one case designated the lead case and all subsequent activity appears on that case docket? do both dockets contain lots of subsequent entries and if so, are they mostly or entirely duplicative, or do they indicate different types of activities in the two cases? Neither case seems to be designated as lead case, but both have substantial activity, though 99.-02451 has substantially more. Some of the activity in 99-01732 is duplicative of the other case, but not all of it, so both dockets seems to have independent activity leading to different resolutions.