

1. EEOC Case ID#: EE-NY-0178

2. Docket number/Court of each of the related or consolidated cases: 02-CV-03748 and 02-CV-03745 (Southern District of New York). They also both have appellate dockets, respectively 03-6078 and 03-7192 (2nd Circuit).

3. Related or consolidated? Related

4. Docket entry # (or other location) where consolidation or relation appears: Docket entry #2 of 02-03748. There is no corresponding entry in the other docket.

5. Date of consolidation/relation? 5/31/2002

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”): “Case accepted as related to 02cv3745. Notice of assignment to follow.”

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)
02-03748: Plaintiff is EEOC; defendants are UBS Brinson, Inc. and UBS AG; theory—Age Discrimination in Employment Act violations and retaliation.

02:03745: Plaintiff is Kinne S. Yon; defendants are UBS Brinson, Inc. and UBS AG; theory—Age Discrimination in Employment Act violations and retaliation (while there is no complaint or information in the docket indicating the theory of this case, plaintiff is the complainant in the EEOC case and the defendants are the same, so this seems to be the private party action relating to the same specific claims)

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

02-03748 was filed on 5/16/2002 by EEOC and there is no substantial activity prior to the date of the relation.

02-03745 was filed on 5/16/2002 by private party Kinne S. Yon and there is no substantial activity prior to the date of the relation.

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?

There is no designation of the lead case, but most of the activity is the same on both dockets. There are a few exceptions on both cases, but many of the duplicative entries specifically reference the corresponding entry on the other docket, but the referencing

goes in both directions and are not consistent for all entries, indicating that some activity is original to one docket and some to the other. Both dockets have a 1/15/2003 entry granting motion to dismiss both suits. 02-03748 closes that same date, but 02-03745 also has a 2/10/2003 entry for judgment related to the same dismissal and closes on this latter date. The cases have separate appellate histories, however, and individual appellate dockets.