

**U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:12-cv-02502-KBF**

United States Of America v. GFI Mortgage Bankers, Inc.
Assigned to: Judge Katherine B. Forrest
Cause: 42:3601 Fair Housing Act

Date Filed: 04/02/2012
Date Terminated: 08/23/2012
Jury Demand: Plaintiff
Nature of Suit: 443 Civil Rights:
Accommodations
Jurisdiction: U.S. Government Plaintiff

Plaintiff

United States Of America

represented by **David J Kennedy**
U.S. Attorney's Office, SDNY (Chambers
Street)
86 Chambers Street
New York, NY 10007
(212) 637-2200
Fax: (212) 637-2730
Email: david.kennedy2@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Burtis Marshall Dougherty
U.S. Department of Justice, Civil Rights
Division
950 Pennsylvania Avenue, Nw — Nwb
Washington, DC 20530
(202)-514-4737
Fax: (202)-514-1116
Email: burtis.m.dougherty@usdoj.gov
ATTORNEY TO BE NOTICED

Jean-David Barnea
U.S. Attorney's Office, SDNY (Chambers
Street)
86 Chambers Street
New York, NY 10007
(212) 637-2679
Fax: (212) 637-2717
Email: jean-david.barnea@usdoj.gov
ATTORNEY TO BE NOTICED

Sameena Shina Majeed
Doj, Civil Rights Division, Housing and
Civil Enforcement Se
1800 G Street, Nw, Ste. 7002
DC, DC 20006
(202)-305-1311
Fax: (202)-514-1116
Email: sameena.majeed@usdoj.gov
ATTORNEY TO BE NOTICED

V.

Defendant

GFI Mortgage Bankers, Inc.

represented by **Andrew R. Louis**
BuckleySandler LLP
1250 @4th Street, NW, Suite 700
Washington, DC 20037
202-349-8000

Fax: 202-349-8080
Email: alouis@buckleysandler.com
TERMINATED: 11/15/2013
PRO HAC VICE

April Michelle Rancier
Schwartz Perry & Heller LLP
3 Park Avenue
27th Floor
New York, NY 10016
(212)-889-6565
Fax: (212)-779-8208
Email: arancier@offitkurman.com
ATTORNEY TO BE NOTICED

Joseph John Reilly
Buckley Sandler LLP (DC)
1250 24th Street NW Suite 700
Washington, DC 20037
(202) 349-7965
Fax: (202) 349-8080
Email: jreilly@buckleysandler.com
TERMINATED: 11/15/2013

Kirk D. Jensen
BuckleySandler LLP
1250 24th Street, NW, Suite 700
Washington, DC 20037
202-349-8000
Fax: 202-349-8080
Email: kjensen@buckleysandler.com
TERMINATED: 11/15/2013

Date Filed	#	Docket Text
04/02/2012	<u>1</u>	COMPLAINT against GFI Mortgage Bankers, Inc. Document filed by United States Of America.(ama) (Entered: 04/04/2012)
04/02/2012		SUMMONS ISSUED as to GFI Mortgage Bankers, Inc. (ama) (Entered: 04/04/2012)
04/02/2012		Magistrate Judge Frank Maas is so designated. (ama) (Entered: 04/04/2012)
04/02/2012		Case Designated ECF. (ama) (Entered: 04/04/2012)
04/10/2012	<u>2</u>	WAIVER OF SERVICE RETURNED EXECUTED. GFI Mortgage Bankers, Inc. waiver sent on 4/2/2012, answer due 6/1/2012. Document filed by United States Of America. (Kennedy, David) (Entered: 04/10/2012)
04/19/2012	<u>3</u>	NOTICE OF APPEARANCE by Sam Shina Majeed on behalf of United States Of America (Majeed, Sam) (Entered: 04/19/2012)
04/19/2012	<u>4</u>	NOTICE OF APPEARANCE by Burtis Marshall Dougherty on behalf of United States Of America (Dougherty, Burtis) (Entered: 04/19/2012)
05/01/2012	<u>5</u>	NOTICE OF INITIAL PRETRIAL CONFERENCE: Initial Conference set for 5/29/2012 at 11:00 AM in Courtroom 15A, 500 Pearl Street, New York, NY 10007 before Judge Katherine B. Forrest. (Signed by Judge Katherine B. Forrest on 5/1/2012) (jfe) (Entered: 05/01/2012)
05/02/2012	<u>6</u>	CERTIFICATE OF SERVICE of Notice of Initial Conference served on GFI Mortgage Brokers on 5/1/12. Service was made by Email. Document filed by United States Of America. (Kennedy, David) (Entered: 05/02/2012)
05/25/2012	<u>7</u>	NOTICE OF APPEARANCE by 482959 John Reilly on behalf of GFI Mortgage Bankers, Inc. (Reilly, 482959) (Entered: 05/25/2012)

05/25/2012	<u>8</u>	NOTICE OF CHANGE OF ADDRESS by 482959 John Reilly on behalf of GFI Mortgage Bankers, Inc.. New Address: BuckleySandler LLP, 1250 24th Street NW, Suite 700, Washington, DC, USA 20037, (202) 349-7965. (Reilly, 482959) (Entered: 05/25/2012)
05/29/2012		Minute Entry for proceedings held before Judge Katherine B. Forrest: Initial Pretrial Conference held on 5/29/2012. Trial in this action is set for 1/21/2013 at 09:00 AM before Judge Katherine B. Forrest. The next Status Conference is set set for 8/27/2012 at 02:00 PM. (jp) (Entered: 05/29/2012)
05/29/2012	<u>9</u>	SCHEDULING ORDER: All parties do not consent to conducting all further proceedings before a United States Magistrate Judge, including motions and trial. Trial in this matter shall commence on Jan. 21, 2013. Trial is anticipated to take 2 weeks. Summary Judgment Motions due by 11/16/2012. Responses due by 12/13/2012 Replies due by 12/21/2012. Fact Discovery due by 10/5/2012. Expert Discovery due by 11/16/2012. Status Conference set for 8/27/2012 at 02:00 PM before Judge Katherine B. Forrest. All pretrial materials, including the Joint Pretrial Order due by 12/18/2012; Motion to Dismiss Briefing Opening - 6/1/2012; Opposition - 6/29/2012; Reply - July 13, 2012; Letters with citations: Defendant's due May 30, 2012; Government's - June 1, 2012; (Signed by Judge Katherine B. Forrest on 5/29/2012) (dj) Modified on 5/30/2012 (laq). (Entered: 05/30/2012)
05/29/2012	<u>10</u>	MOTION for Kirk D. Jensen to Appear Pro Hac Vice. Document filed by GFI Mortgage Bankers, Inc.(pgu) (Entered: 05/30/2012)
05/30/2012	<u>11</u>	MOTION for Andrew R. Louis to Appear Pro Hac Vice. Document filed by GFI Mortgage Bankers, Inc.(pgu) (Entered: 05/30/2012)
06/01/2012	<u>12</u>	ORDER FOR ADMISSION PRO HAC VICE granting <u>11</u> Motion for Andrew R. Louis to Appear Pro Hac Vice. (Signed by Judge Katherine B. Forrest on 5/31/2012) (dj) (Entered: 06/01/2012)
06/01/2012	<u>13</u>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by GFI Mortgage Bankers, Inc..(Reilly, Joseph) (Entered: 06/01/2012)
06/01/2012	<u>14</u>	MOTION to Dismiss <i>Complaint</i> . Document filed by GFI Mortgage Bankers, Inc.. Responses due by 6/29/2012(Reilly, Joseph) (Entered: 06/01/2012)
06/01/2012	<u>15</u>	MEMORANDUM OF LAW in Support re: <u>14</u> MOTION to Dismiss <i>Complaint</i> .. Document filed by GFI Mortgage Bankers, Inc.. (Reilly, Joseph) (Entered: 06/01/2012)
06/01/2012	<u>16</u>	AFFIRMATION of Joseph J. Reilly in Support re: <u>14</u> MOTION to Dismiss <i>Complaint</i> .. Document filed by GFI Mortgage Bankers, Inc.. (Reilly, Joseph) (Entered: 06/01/2012)
06/08/2012	<u>17</u>	ENDORSED LETTER addressed to Judge Katherine B. Forrest from David J. Kennedy dated 6/1/12 re: Counsel submits this letter in response to the May 30, 2012 letter of defendant GFI Mortgage Bankers, Inc. Counsel states that GFI cannot show any basis for its motion to dismiss, much less a stay of discovery. ENDORSEMENT: Order. The Court thanks the parties for the caselaw submissions. The Court's prior ruling denying a stay of discovery remains in place at this time. (Signed by Judge Katherine B. Forrest on 6/8/2012) (mro) Modified on 6/11/2012 (mro). (Entered: 06/08/2012)
06/08/2012	<u>18</u>	MEMO ENDORSEMENT on MOTION FOR ADMISSION PRO HAC VICE granting <u>10</u> Motion for Kirk D. Jensen to Appear Pro Hac Vice. (Signed by Judge Alison J. Nathan in Part I on 6/5/2012) (rjm) (Entered: 06/08/2012)
06/19/2012		CASHIERS OFFICE REMARK on <u>10</u> Motion to Appear Pro Hac Vice in the amount of \$200.00, paid on 05/29/2012, Receipt Number 1039416. (jd) (Entered: 06/19/2012)
06/20/2012		CASHIERS OFFICE REMARK on <u>11</u> Motion to Appear Pro Hac Vice in the amount of \$200.00, paid on 05/30/2012, Receipt Number 1039540. (jd) (Entered: 06/20/2012)
06/29/2012	<u>19</u>	MEMORANDUM OF LAW in Opposition re: <u>14</u> MOTION to Dismiss <i>Complaint</i> .. Document filed by United States Of America. (Kennedy, David) (Entered: 06/29/2012)

07/11/2012	<u>20</u>	STIPULATED PROTECTIVE ORDER...regarding procedures to be followed that shall govern the handling of confidential material... ENDORSEMENT: Parties to follow Judge;s individual rules. (Signed by Judge Katherine B. Forrest on 7/11/2012) (ft) (Entered: 07/11/2012)
07/13/2012	<u>21</u>	REPLY MEMORANDUM OF LAW in Support re: <u>14</u> MOTION to Dismiss <i>Complaint</i> .. Document filed by GFI Mortgage Bankers, Inc.. (Jensen, Kirk) (Entered: 07/13/2012)
07/31/2012	<u>22</u>	ENDORSED LETTER addressed to Judge Katherine B. Forrest from Kirk D. Jensen dated 7/30/2012 re: GFI Mortgage Bankers, Inc. ("GFI") has instructed us to request an extension of time to respond to Plaintiffs July 26, 2012 letter to the Court concerning discovery issues in the above referenced matter. Our law firm does not represent GFI in discovery-related matters. The company is currently in the process of identifying discovery counsel, and GFI has informed us that such counsel should be secured sometime this week. GFI expects that counsel will then make an appearance in this case and respond to Plaintiff's submission. ENDORSEMENT: GFI should have anticipated the need for additional counsel sooner. The Court will grant an extensions only to 8/2/12. (Signed by Judge Katherine B. Forrest on 7/30/2012) (lmb) (Entered: 07/31/2012)
08/06/2012	<u>23</u>	ENDORSED LETTER addressed to Judge Katherine B. Forrest from David J. Kennedy dated 8/3/2012 re: The United States respectfully requests that the Court set a conference and order both Buckley Sandler counsel and a principal of GFI to attend, and respectfully requests that the Court "so order" the schedule proposed by the United States – that GFI to respond to the Interrogatories no later than August 6, 2012; that GFI make all of its lending files, from January 1, 2005, through December 31, 2011, available for inspection beginning August 6, 2012; and that GFI produce all responsive documents no later than August 6, 2012. ENDORSEMENT: Application granted. All pertinent lending files to be made available immediately in original form and conditions. Conference in Court already set for 8/21 at 2 p.m. (Signed by Judge Katherine B. Forrest on 8/6/2012) (jfe) (Entered: 08/06/2012)
08/17/2012	<u>24</u>	ORDER: The Court is skeptical of the argument that neither the Fair Housing Act nor the Equal Credit Opportunity Act permits disparate impact claims under Smith v. City of Jackson, 544 U.S. 228 (2005). However, the Court will hear argument on that issue. Accordingly, it is hereby ORDERED that the status conference currently scheduled for August 27, 2012, at 2:00 p.m. will be heard that same day (August 27) at 1:00 p.m. and will be used both as oral argument as well as a status conference., (Status Conference set for 8/27/2012 at 01:00 PM before Judge Katherine B. Forrest.) (Signed by Judge Katherine B. Forrest on 8/17/2012) (lmb) (Entered: 08/17/2012)
08/23/2012	<u>25</u>	ORDER terminating <u>14</u> Motion to Dismiss. It having been reported to this Court that this case has been settled, it is hereby ORDERED that the above-captioned action is hereby discontinued. The Court will enter the parties proposed Consent Order separately. The Clerk of the Court is directed to terminate any pending motions and this action. (Signed by Judge Katherine B. Forrest on 8/23/2012) (ago) (Entered: 08/23/2012)
08/23/2012	<u>26</u>	ENDORSED LETTER addressed to Judge Katherine B. Forrest from David J. Kennedy dated 8/23/2012 re: Plaintiff's counsel writes on behalf of the Government and GFI, write to advise the Court that the parties have settled this matter. ENDORSEMENT: The conference scheduled for August 27 is hereby adjourned. (Signed by Judge Katherine B. Forrest on 8/23/2012) (ago) (Entered: 08/23/2012)
08/27/2012	<u>27</u>	CONSENT ORDER: The Court has jurisdiction over this action pursuant to 28 U.S.C. § 1345, 42 U.S.C. § 3614, and 15 U.S.C. § 1691e(h) and as further set forth in this order. GFI, including all of its officers, employees, agents, assignees, successors in interest, and all those in active concert or participation with any of them, is hereby enjoined from the adoption, performance, or implementation of any policy, practice, or act that results in discrimination on the basis of race or national origin in violation of the FHA or of the ECOA in the origination or pricing of residential mortgage loans. Nothing in this Order will require OFT to require loans to be originated or priced based upon the race or national origin of the borrower or prospective borrower and as further set forth in this order. (Signed by Judge Katherine B. Forrest on 8/27/2012) (lmb) (Entered: 08/27/2012)

11/08/2013	<u>28</u>	NOTICE OF APPEARANCE by April Michelle Rancier on behalf of GFI Mortgage Bankers, Inc.. (Rancier, April) (Entered: 11/08/2013)
11/14/2013	<u>29</u>	MOTION for Joseph J. Reilly, Kirk D. Jensen, and Andrew R. Louis to Withdraw as Attorney. Document filed by GFI Mortgage Bankers, Inc.. (Attachments: # <u>1</u> Text of Proposed Order)(Louis, Andrew) (Entered: 11/14/2013)
11/15/2013	<u>30</u>	MEMO ENDORSEMENT terminating <u>29</u> Motion to Withdraw as Attorney. ENDORSEMENT: Ordered: This matter has been closed since 8/23/13. No action shall be taken in this case. (Signed by Judge Katherine B. Forrest on 11/15/2013) (mro) (Entered: 11/15/2013)
11/15/2013	<u>31</u>	LETTER addressed to Judge Katherine B. Forrest from David J. Kennedy dated November 15, 2013 re: US v GFI, 12 Civ 2502. Document filed by United States Of America.(Kennedy, David) (Entered: 11/15/2013)
11/15/2013	<u>32</u>	MEMO ENDORSEMENT on re: <u>31</u> Letter filed by United States Of America. ENDORSEMENT: So ordered. (Signed by Judge Katherine B. Forrest on 11/15/2013) (mro) (Entered: 11/18/2013)
07/26/2016	<u>33</u>	LETTER addressed to Judge Katherine B. Forrest from David J Kennedy dated 7/26/16 re: Proposed Second Addendum. Document filed by United States Of America.(Kennedy, David) (Entered: 07/26/2016)
07/26/2016	<u>34</u>	SECOND ADDENDUM TO CONSENT ORDER: IT IS HEREBY ORDERED, ADJUDGED, and DECREED: 1. The Court has jurisdiction over this action pursuant to 28 U.S.C. § 1345, 42 U.S.C. § 3614, and 15 U.S.C. § 1691e(h). 2. The payment schedule under Paragraph 18 of the Consent Order is modified solely to the following extent as further set forth in this order. (Signed by Judge Katherine B. Forrest on 7/26/2016) (lmb) (Entered: 07/26/2016)