

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
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DATE FILED: 5/28/2010

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UNITED STATES OF AMERICA,
Plaintiff,

- v -

CITY OF NEW YORK and NEW YORK CITY
DEPARTMENT OF TRANSPORTATION,
Defendants.
----- x

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: 07 Civ. 2083 (WHP)(HP)
:
: ECF Case
:
: JUDGMENT
:
:

WHEREAS, On March 12, 2007, plaintiff the United States of America filed a complaint in this action, alleging that the New York City Department of Transportation (the "Department of Transportation") and the City of New York (collectively, the "Defendants") engaged in a pattern or practice of employment discrimination by refusing to hire qualified female applicants for the position of Bridge Painter on the basis of their sex, in violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e ("Title VII"); and

WHEREAS, on June 27, 2007, the Court approved the request of four female applicants for the Bridge Painter position – JoAnn Rush, Helen Jackson, Efrosini Katanakis, and Luzia Oliskovicz (collectively, the "Female Bridge Painter Applicants") – and Local Union No. 806 (collectively with the Female Bridge Painter Applicants, the "Intervenors") to intervene in this action; and

WHEREAS, on July 2, 2009, the Court granted Defendants' motion for summary judgment insofar as it pertained to the claims of the Intervenors and dismissed such claims; and

WHEREAS, a bench trial was held on the United States's claims from October 13 to October 19, 2009 before this Court; and

WHEREAS, following the trial, the United States submitted a Proposed Order of Remedial Relief (the "Proposed Remedial Order") [Dkt. No. 66, Ex. A], seeking two types of

relief: (i) *compliance relief*, consisting of provisions designed to change Defendants' policies, procedures and practices relating to the recruitment and hiring for the position of Bridge Painter so as to ensure their compliance with Title VII; and (ii) *equitable/compensatory relief*, including the appointment of JoAnn Rush, Helen Jackson, and Efrosini Katanakis to the Bridge Painter position, the award of backpay to JoAnn Rush, Helen Jackson, Efrosini Katanakis, and Luzia Oliskovicz, the fourth woman applicant (collectively, the "Female Bridge Painter Applicants"), and such other relief that the Court deems appropriate; and

WHEREAS, on May 13, 2010, the Court issued an Opinion and Order (the "Decision" or "Trial Op.") [Dkt. No. 73], holding that "the United States established its pattern-or-practice disparate treatment claim," *see* Trial Op. at 39, and;

WHEREAS, the Court adopted "Sections I, II, III, V, VI, and VII" of the Proposed Remedial Order, which pertain to the compliance relief sought by the United States, *see* Trial Op. at 39 at 43, and also directed that further proceedings be held to determine the appropriate equitable/compensatory relief for the Female Bridge Painter Applicants, *see id.* at 41-42.

NOW, THEREFORE, IT IS ORDERED, ADJUDGED, and DECREED that the United States's request for compliance relief is granted in all respects; and it is further

ORDERED, ADJUDGED, and DECREED that the United States shall have judgment against Defendants with respect to its request for compliance relief, as set forth in the attached Compliance Injunction; and it is further


ORDERED, ADJUDGED, and DECREED that the only remaining issue in this action is the appropriate equitable/compensatory relief for the Female Bridge Painter Applicants, which shall be resolved in subsequent proceedings; and it is further

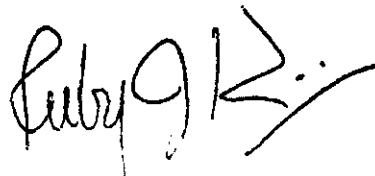
ORDERED, ADJUDGED, and DECREED that the foregoing constitutes the judgment of the Court pursuant to Rule 54(b) of the Federal Rules of Civil Procedure partially adjudicating the claims before this Court. The Court finds that there is no just reason for delay

in entering this judgment because the remaining claims in this action are sufficiently separate and distinct from those upon which judgment has been granted.

Dated: New York, New York
May 28, 2010

SO ORDERED:


WILLIAM H. PAULEY
UNITED STATES DISTRICT JUDGE


CLERK OF THE COURT