

CLOSED

**U.S. District Court
Eastern District of New York (Brooklyn)
CIVIL DOCKET FOR CASE #: 1:02-cv-03499-CPS-SMG**

Bennett et al v. New York City Housing Authority et al
Assigned to: Judge Charles P. Sifton
Referred to: Chief Mag. Judge Steven M. Gold
Demand: \$0
Cause: 29:0794 Job Discrimination (Handicap)

Date Filed: 06/17/2002
Date Terminated: 05/23/2005
Jury Demand: None
Nature of Suit: 443 Civil Rights:
Accommodations
Jurisdiction: Federal Question

Plaintiff

Karen Bennett

represented by **Yisroel Schulman**
New York Legal Assistance Group
450 West 33 Street
New York, NY 10001
212-613-5050
Email: yschulman@nylag.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Susana Lopez Lira

represented by **Yisroel Schulman**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

Deborah Paulin
*individually and on behalf of all others
similarly situated*

represented by **Yisroel Schulman**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

New York City Housing Authority

represented by **Ricardo Elias Morales**
New York City Housing Authority
250 Broadway
9th Floor
New York, NY 10007
(212) 776-5190
LEAD ATTORNEY

Defendant

Tino Hernandez
*in his capacity as Chairperson of the New
York City Housing Authority*

represented by **Ricardo Elias Morales**
(See above for address)
LEAD ATTORNEY

Defendant

**United States Department of Housing
and Urban Development**

represented by **Charles Steven Kleinberg**
United States Attorneys Office
Eastern District of New York
One Pierrepont Plaza, 14th Floor
Brooklyn, NY 11201
(718)254-6012
Fax: (718)254-6012
Email: Charles.Kleinberg@usdoj.gov
LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Defendant

Mel Martinez
*in his capacity as Secretary of Housing
and Urban Development*

represented by **Charles Steven Kleinberg**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
06/17/2002	<u>1</u>	Complaint filed as to defendant(s) Tino Hernandez, Mel Martinez, New York City Housing Authority, United States Department of Housing and Urban Development. Filing fee \$150.00. Receipt number: 263076.. Filed by Yisroel Schulman on behalf of Karen Bennett, Susana Lopez Lira, Deborah Paulin. (Attachments: # <u>1</u> Civil Cover Sheet)(Bowens, Priscilla) (Entered: 06/17/2002)
07/02/2002	2	UNSIGNED otsc (Jackson, Ramona) (Entered: 07/02/2002)
07/02/2002	3	Pltff's memo. of law in support OTSC. (Jackson, Ramona) (Entered: 07/02/2002)
07/10/2002	4	Letter filed by Jane Greengold Stevens to Judge Sifton request an opportunity to be heard on pending motion. (Jackson, Ramona) (Entered: 07/10/2002)
07/16/2002	5	Notice of Motion For Class Certification filed by Yisroel Schulman on behalf of Karen Bennett. (Jackson, Ramona) (Entered: 07/16/2002)
07/16/2002	6	Declaration Memo. of Law in support of motion for a TRO; and Certification of the Class filed by Yisroel Schulman on behalf of Karen Bennett. (Jackson, Ramona) (Entered: 07/16/2002)
08/20/2002	7	Answer to complaint. filed by Ricardo Elias Morales on behalf of Tino Hernandez, New York City Housing Authority. (Jackson, Ramona) (Entered: 08/20/2002)
09/05/2002	8	By Judge Sifton Order extending time Answer due by 9/18/2002. On ltr. dtd. 8/22/02 from Charles S Kleinberg.(Jackson, Ramona) (Entered: 09/05/2002)
09/13/2002	9	Motion to dismiss <i>or, in the alternative, for summary judgment</i> filed by Charles Kleinberg on behalf of Mel Martinez, United States Department of Housing and Urban Development. (Rodriguez, Angela) (Entered: 09/18/2002)
09/13/2002	10	Memorandum in support of motion to dismiss filed by Charles Kleinberg on behalf of Mel Martinez, United States Department of Housing and Urban Development. (Related document(s) 9) (Rodriguez, Angela) (Entered: 09/18/2002)
09/24/2002	11	Order dtd. 9/12/02 Adjourned to 11/21/02 motion for class certification. On ltr. dtd. 9/10/02 from Henry Schoenfeld. (Jackson, Ramona) (Entered: 09/24/2002)
09/26/2002	12	Memorandum in support <i>Corrected Copy</i> filed by Charles Kleinberg on behalf of United States Department of Housing and Urban Development. (Jackson, Ramona) (Entered: 09/26/2002)
10/24/2002	13	Revised Scheduling Order dtd. 10/11/02 Pltff's opposition to motion to 10/29/02; Reply to motion to dismiss 11/18/02; Motion adjourned to 11/22/02 @ 4:30. (Jackson, Ramona) (Entered: 10/24/2002)
10/29/2002	28	NOTICE / PROPOSED AMENDED CLASS ACTION COMPLAINT by Karen Bennett (Plaintiff's) (Jackson, Ramona) (Entered: 01/22/2003)
10/30/2002	14	Motion to amend/correct <i>the complaint</i> filed by Yisroel Schulman on behalf of Karen Bennett, Susana Lopez Lira, Deborah Paulin. (Jackson, Ramona) (Entered: 10/30/2002)
10/30/2002	15	Memorandum in opposition to <i>Federal def't's motion to dismiss or summary judgment and for leave to amend the complaint</i> filed by Yisroel Schulman on behalf of Karen Bennett, Susana Lopez Lira, Deborah Paulin. (Jackson, Ramona) (Entered: 10/30/2002)

11/01/2002	16	ORDER Pltff's motion for class certification to 12/19/02; Opposition 11/22/02; Reply 12/13/02. On ltr. dtd. 10/25/02 from Henry Schoenfeld.. Signed by Judge Charles P. Sifton on 10/29/02. (Jackson, Ramona) (Entered: 11/01/2002)
11/21/2002	17	Reply Memo. of Law in support of Federal Deft's motion to dismiss, or, in the alternative, for summary judgment and in opposition to pltff's motion to amend. filed by United States Department of Housing and Urban Development. (Jackson, Ramona) (Entered: 11/21/2002)
11/25/2002	18	Minute Entry Before Judge Sifton Civil Cause for motion conf. Case called. Motions argued. Decsiion RESERVED on all motions for proceedings held before Charles P. Sifton : Motion Hearing held on 11/25/2002 re 14 Motion to amend/correct <i>the complaint</i> filed by Karen Bennett, Susana Lopez Lira, Deborah Paulin, 9 Motion to dismiss <i>or, in the alternative, for summary judgment</i> filed by United States Department of Housing and Urban Development, Mel Martinez. (Court Reporter Loan Hong.) (Jackson, Ramona) (Entered: 12/02/2002)
12/04/2002	19	Letter from Charles S. Kleinberg to Judge Sifton request extension of time to file reply papers to 11/19/02. (Jackson, Ramona) (Entered: 12/04/2002)
12/04/2002	20	Letter from Charles S.Kleinberg to Judge Sifton request extension of time for filing reply papers to 11/20/02. (Jackson, Ramona) (Entered: 12/04/2002)
12/18/2002	21	Letter from Jane Greengold Stevens dtd 12/12/02 In regard to the letter sent to the court on 12/11/02 by the Deft. Plaintiff's submit that the federal deft remain a critical party to the case, crucial to provision of a full remedy for the plaintiffs. (Sica, Michele) (Entered: 12/18/2002)
12/18/2002	22	Memorandum And Order: For the foregoing reasons, federal defendants' Motion to dismiss for lack of subject matter jurisdiction is granted. I therefore have no occasion to consider its motion to dismiss for failure to state a claim or its alternative motion for summary judgment. Plaintiffs' motion for leave to amend the complaint is denied as futile. granting 14 Motion to Amend/Correct. (forwarded for Judgment)(C/M). Signed by JudgeCharles P. Sifton on 12/16/02. (Sica, Michele) (Entered: 12/18/2002)
12/19/2002	23	ENDORSED ORDER: GRANTING an adjournment of the Motion to 02/19/03 at 4:30p.m.(Stipulation of Settlement attached) . Signed by Judge Charles P. Sifton on 12/16/02. (Sica, Michele) (Entered: 12/19/2002)
12/23/2002	24	Amendment to 22 Memorandum and Order: The final 2 paragraphs of the Memorandum and Order dated 12/16/02 are amended to read as follows: "Conclusion-For the foregoing reasons, federal dfts' motion to dismiss for lack of subject matter jurisdiction is granted. I therefore have no occasion to consider its motion to dismiss for failure to state a claim or its alternative motion for summary judgment. Pltfs' motion for leave to amend the complaint is denied as futile. The Clerk is directed to furnish a filed copy of the within to all parties and to the Magistrate Judge." Signed by Judge Charles P. Sifton on 12/20/02. C/M.(Fahey, Lauren) (Entered: 12/23/2002)
12/30/2002	<u>25</u>	JUDGMENT That the plaintiff take nothing of defendants; that the federal defendants' motion to diamiss for lack of subject matter jurisduction is granted; that plaintiffs' motion to amend to complaint is denied; and that the complaint is dismissed . Signed by Judge Charles P. Sifton on 12/20/02. (Sica, Michele) (Entered: 12/30/2002)
01/21/2003	27	Letter from Charles Kleinberg to Judge Sifton dtd 11/22/02, writing to correct an error in "Reply Memorandum of Law In Support Of Federal Defendant's Motion To Dismiss, Etc." dtd 11/20/02. (Sica, Michele) (Entered: 01/21/2003)
02/12/2003	<u>29</u>	ORDER Clerk directed to vacate judgment entered 12/30/03. Signed by Judge Charles P. Sifton on 1/6/03. (Jackson, Ramona) (Entered: 02/12/2003)
02/13/2003	30	ORDER So ordered. On ltr. dtd. 1/5/03 from Rosanne R. Pisem the parties decided to postpone the Bennett class certification motion to allow settlement discussions to proceed.. Signed by Judge Charles P. Sifton on 2/10/03. (Jackson, Ramona) (Entered: 02/13/2003)
04/16/2003	31	Letter from Rosanne R. Pisen to Judge Sifton Regarding Class certification motion to May 30,2003. We have decided to postpone the class certification motion to allow

		settlemnt discussions to proceed.. (Jackson, Ramona) (Entered: 04/16/2003)
04/24/2003	<u>32</u>	ORDER re 5 Motion For Class Certification be deemed WITHDRAWN without prejudice to reinstatement if settlement break down. On ltr. dtd. 4/15/03 from Jane Greengold Stevens.. Signed by Judge Charles P. Sifton on 4/21/03. (Jackson, Ramona) (Entered: 04/24/2003)
06/17/2004	<u>33</u>	Letter from Jane Greengold Stevens to Mag. Gold dtd. 5/21/04 Regarding address change. (Jackson, Ramona) (Entered: 06/17/2004)
08/18/2004	<u>34</u>	ORDER plttf's counsel is directed to submit a written report on status of this case to Mag. Judge no later than AUGuet 31,2004. Signed by Judge Steven M. Gold on 8/17/04. (Jackson, Ramona) Copies Mailed. (Entered: 08/18/2004)
08/27/2004	<u>35</u>	ORDER dated 8/20/04 on letter dated 8/18/04 from Jane Greengold Stevens to Judge Sifton and Magistrate Gold re: Status Letter; endorsed: counsel shall submit an updated status report by 10/1/04. (Signed by Judge Steven M. Gold on 8/20/04)(Guzzi, Roseann) (Entered: 08/27/2004)
10/05/2004	<u>36</u>	ORDER Counsel shall submit an updated status report by 11/1/04. On ltr. dtd. 10/1/04 from Elissa M. Krell.. Signed by Judge Steven M. Gold on 10/1/01. (Jackson, Ramona) (Entered: 10/05/2004)
11/01/2004	<u>37</u>	SCHEDULING ORDER: Status Conference set for 12/8/2004 10:00 AM in Courtroom A before Magistrate-Judge Steven M. Gold. Signed by Judge Steven M. Gold on 11/1/2004. (Vasquez, Lea) (Entered: 11/01/2004)
12/06/2004	<u>38</u>	Letter from Lea Vasquez to all counsel regarding re-scheduling status conference scheduled for 12/8/2004. (Vasquez, Lea) (Entered: 12/06/2004)
12/15/2004		Minute Entry for proceedings held before Steven M. Gold : Status Conference held on 12/14/2004. Greengold-Stevens, Rosenbloom and Davis for plaintiffs, Rappaport and Krell for defendants. Parties will discuss issues regarding settlement agreement raised today among themselves, and advise court on whether they are able to reach final agreement at or before the next conference. NEXT CONF: JANUARY 3, 2005 AT 12 NOON. (Vasquez, Lea) (Entered: 12/15/2004)
01/06/2005		Minute Entry for proceedings held before Steven M. Gold : Telephone Conference held on 1/3/2005. Greengold-Stevens and Rosenbloom for plaintiffs, Rappaport and Krell for defendants. Counsel report that they have resolved the issues discussed at the conference on 12/14 and are close to reaching a final settlement agreement. Counsel will submit a final proposed consent decree or a written status report by 2/1/05. (Vasquez, Lea) (Entered: 01/06/2005)
01/31/2005	<u>39</u>	Letter from Defendants New York City Housing Authority and Tino Hernandez to Magistrate Judge Gold Regarding Recent Developments. (Krell, Elissa) (Entered: 01/31/2005)
01/31/2005		STATUS REPORT ORDERAn updated status report is due by 2/28/2005. Signed by Judge Steven M. Gold on 01/31/2005. (Vasquez, Lea) (Entered: 01/31/2005)
03/01/2005	<u>40</u>	Letter from Jane Greengold Stevens to Mag. Judge Gold Regarding status report. (Stevens, Jane) (Entered: 03/01/2005)
04/29/2005		ORDER: In a letter dated March 1, 2005, plaintiffs' counsel indicated that they hoped to file a Stipulation of Discontinuance in a few days. As of today's date, the Court's records show that no Stipulation has been filed. Accordingly, plaintiff shall immediately file with the Court via ECF the Stipulation or a status report explaining the delay. So Ordered. Ordered by Judge Steven M. Gold on 04/29/2005. (O'Connor, Erin) (Entered: 04/29/2005)
05/04/2005	<u>41</u>	STIPULATION AND ORDER OF SETTLEMENT by Karen Bennett. (Attachments: # <u>1</u>)(Stevens, Jane) (Entered: 05/04/2005)
05/23/2005		Case transferred to District of SDNY. certified copy of transfer order, and docket sheet sent.. Ordered by Judge Charles P. Sifton on 5/16/05. (Jackson, Ramona) (Entered: 05/23/2005)

05/23/2005	<u>42</u>	ORDER Clerk directed to transfer case to SDNY for consolidation with CV 80-1196 (RWS). Ordered by Judge Charles P. Sifton on 5/16/05. (Jackson, Ramona)Copies mailed. (Entered: 05/23/2005)
06/02/2005	<u>43</u>	.Record certified to SDNY. Ackn. requested. (Jackson, Ramona) (Entered: 06/02/2005)