

**U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:18-cv-02993-DCF**

Times et al v. Target Corporation
Assigned to: Magistrate Judge Debra C. Freeman
Cause: 42:2000e-2e Job Discrimination (Unlawful Employment Practices)

Date Filed: 04/05/2018
Date Terminated: 12/04/2019
Jury Demand: Plaintiff
Nature of Suit: 442 Civil Rights: Jobs
Jurisdiction: Federal Question

Plaintiff

Carnella Times

*On behalf of herself and all others
similarly situated*

represented by **Cheryl-Lyn Deon Bentley**
Outten & Golden, LLP (NYC)
685 Third Avenue, 25th Floor
New York, NY 10017
(212)-245-1000
Fax: (646)-509-2060
Email: cbentley@outtengolden.com
TERMINATED: 09/09/2019

Christopher McNerney
Outten & Golden, LLP (NYC)
685 Third Avenue, 25th Floor
New York, NY 10017
(212)-245-1000
Fax: (646)-509-2060
Email: cmcnerney@outtengolden.com
ATTORNEY TO BE NOTICED

Coty Rae Montag
NAACP Legal Defense and Educational
Fund, Inc.
700 14th Street N.W.
Suite 600
Washington, DC 20005
202-682-1300
Fax: 202-682-1312
Email: cmontag@naacpldf.org
PRO HAC VICE
ATTORNEY TO BE NOTICED

Giovanna Shay
Greater Hartford Legal Aid
999 Asylum Ave., 3rd Floor
Hartford, CT 06105
(860)-541-5061
Fax: (860)-541-5050
Email: gshay@ghla.org
ATTORNEY TO BE NOTICED

Lisa Ann Levy
Greater Hartford Legal Aid, Inc.
999 Asylum Avenue, 3rd Fl.
Hartford, CT 06105
(860)-541-5021
Fax: (860)-541-5050
Email: llevy@ghla.org
ATTORNEY TO BE NOTICED

Ossai Miazad
Outten & Golden, LLP (NYC)
685 Third Avenue, 25th Floor

New York, NY 10017
(212)–245–1000
Fax: (646)–509–2060
Email: omiazad@outtengolden.com
ATTORNEY TO BE NOTICED

Samuel Spital
NAACP Legal Defense & Educational
Fund, Inc.
40 Rector Street, 5th Floor
New York, NY 10006
212–965–2200
Fax: 212–226–7592
Email: SSpital@naacpldf.org
ATTORNEY TO BE NOTICED

Sherrilyn A. Ifill
NAACP Legal Defense & Educational
Fund, Inc.
40 Rector Street 5th Floor
New York, NY 10006
(212)–965–2200
Email: sifill@naacpldf.org
ATTORNEY TO BE NOTICED

Adam T Klein
Outten & Golden, LLP (NYC)
685 Third Avenue, 25th Floor
New York, NY 10017
212 245–1000
Fax: (646)–509–2060
Email: atk@outtengolden.com
ATTORNEY TO BE NOTICED

Plaintiff

Erving Smith
*On behalf of himself and all others
similarly situated*

represented by **Cheryl–Lyn Deon Bentley**
(See above for address)
TERMINATED: 09/09/2019

Christopher McNerney
(See above for address)
ATTORNEY TO BE NOTICED

Coty Rae Montag
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Ossai Miazad
(See above for address)
ATTORNEY TO BE NOTICED

Samuel Spital
(See above for address)
ATTORNEY TO BE NOTICED

Sherrilyn A. Ifill
(See above for address)
ATTORNEY TO BE NOTICED

Adam T Klein
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

The Fortune Society, Inc.

represented by **Cheryl–Lyn Deon Bentley**
(See above for address)
TERMINATED: 09/09/2019

Christopher McNerney
(See above for address)
ATTORNEY TO BE NOTICED

Coty Rae Montag
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Ossai Miazad
(See above for address)
ATTORNEY TO BE NOTICED

Samuel Spital
(See above for address)
ATTORNEY TO BE NOTICED

Sherrilyn A. Ifill
(See above for address)
ATTORNEY TO BE NOTICED

Adam T Klein
(See above for address)
ATTORNEY TO BE NOTICED

V.

Defendant

Target Corporation

represented by **Joseph George Schmitt**
Nilan Johnson Lewis Pa
120 South Sixth Street, Suite 400
Minneapolis, MN 55402
(612)–305–7577
Fax: (612)–305–7501
Email: jschmitt@nilanjohnson.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Donald Marion Lewis
Nilan Johnson Lewis Pa
120 South Sixth Street, Suite 400
Minneapolis, MN 55402
612–305–7500
Fax: 612–305–7501
Email: dlewis@nilanjohnson.com
ATTORNEY TO BE NOTICED

Mark Girouard
Nilan Johnson Lewis Pa
120 South Sixth Street, Suite 400
Minneapolis, MN 55402
(612)–305–7579
Email: mgirouard@nilanjohnson.com
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
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04/05/2018	<u>1</u>	COMPLAINT against Target Corporation. (Filing Fee \$ 400.00, Receipt Number 0208-14902103) Document filed by Carnella Times, The Fortune Society, Inc., Erving Smith. (Klein, Adam) (Entered: 04/05/2018)
04/05/2018	<u>2</u>	REQUEST FOR ISSUANCE OF SUMMONS as to Target Corporation, re: <u>1</u> Complaint. Document filed by Erving Smith, The Fortune Society, Inc., Carnella Times. (Klein, Adam) (Entered: 04/05/2018)
04/05/2018	<u>3</u>	CIVIL COVER SHEET filed. (Klein, Adam) (Entered: 04/05/2018)
04/05/2018	<u>4</u>	MOTION to Approve Notice of Plaintiffs' Unopposed Motion for Preliminary Approval of Class Action Settlement, Conditional Certification of Settlement Class, Appointment of Class Counsel, and Approval of Plaintiffs' Proposed Notice of Settlement . Document filed by Erving Smith, The Fortune Society, Inc., Carnella Times. (Miazad, Ossai) (Entered: 04/05/2018)
04/05/2018	<u>5</u>	MEMORANDUM OF LAW in Support re: <u>4</u> MOTION to Approve Notice of Plaintiffs' Unopposed Motion for Preliminary Approval of Class Action Settlement, Conditional Certification of Settlement Class, Appointment of Class Counsel, and Approval of Plaintiffs' Proposed Notice of Settle . Document filed by Erving Smith, The Fortune Society, Inc., Carnella Times. (Miazad, Ossai) (Entered: 04/05/2018)
04/05/2018	<u>6</u>	DECLARATION of Ossai Miazad in Support re: <u>4</u> MOTION to Approve Notice of Plaintiffs' Unopposed Motion for Preliminary Approval of Class Action Settlement, Conditional Certification of Settlement Class, Appointment of Class Counsel, and Approval of Plaintiffs' Proposed Notice of Settle. Document filed by Erving Smith, The Fortune Society, Inc., Carnella Times. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C) (Miazad, Ossai) (Entered: 04/05/2018)
04/05/2018	<u>7</u>	DECLARATION of Coty Montag in Support re: <u>4</u> MOTION to Approve Notice of Plaintiffs' Unopposed Motion for Preliminary Approval of Class Action Settlement, Conditional Certification of Settlement Class, Appointment of Class Counsel, and Approval of Plaintiffs' Proposed Notice of Settle. Document filed by Erving Smith, The Fortune Society, Inc., Carnella Times. (Miazad, Ossai) (Entered: 04/05/2018)
04/05/2018	<u>8</u>	NOTICE OF APPEARANCE by Sherrilyn A. Ifill on behalf of Erving Smith, The Fortune Society, Inc., Carnella Times. (Ifill, Sherrilyn) (Entered: 04/05/2018)
04/05/2018	<u>9</u>	NOTICE OF APPEARANCE by Samuel Spital on behalf of Erving Smith, The Fortune Society, Inc., Carnella Times. (Spital, Samuel) (Entered: 04/05/2018)
04/06/2018		CASE OPENING INITIAL ASSIGNMENT NOTICE: The above-entitled action is assigned to Judge Deborah A. Batts. Please download and review the Individual Practices of the assigned District Judge, located at http://nysd.uscourts.gov/judges/District . Attorneys are responsible for providing courtesy copies to judges where their Individual Practices require such. Please download and review the ECF Rules and Instructions, located at http://nysd.uscourts.gov/ecf_filing.php . (pne) (Entered: 04/06/2018)
04/06/2018		Magistrate Judge Debra C. Freeman is so designated. Pursuant to 28 U.S.C. Section 636(c) and Fed. R. Civ. P. 73(b)(1) parties are notified that they may consent to proceed before a United States Magistrate Judge. Parties who wish to consent may access the necessary form at the following link: http://nysd.uscourts.gov/forms.php . (pne) (Entered: 04/06/2018)
04/06/2018		Case Designated ECF. (pne) (Entered: 04/06/2018)
04/09/2018	<u>10</u>	ELECTRONIC SUMMONS ISSUED as to Target Corporation. (pne) (Entered: 04/09/2018)
04/11/2018	<u>11</u>	WAIVER OF SERVICE RETURNED EXECUTED. Target Corporation waiver sent on 4/5/2018, answer due 6/4/2018. Document filed by Carnella Times; The Fortune Society, Inc.; Erving Smith. (Miazad, Ossai) (Entered: 04/11/2018)
04/30/2018	<u>12</u>	FILING ERROR – DEFICIENT DOCKET ENTRY – PROPOSED MOTION for Coty Rae Montag to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number 0208-15005365. Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by Erving Smith, The Fortune Society, Inc., Carnella Times. (Attachments: # <u>1</u> Affidavit Affidavit of Coty R. Montag, # <u>2</u> Supplement Cert. of

		Good Standing, # <u>3</u> Text of Proposed Order Proposed Order)(Montag, Coty) Modified on 4/30/2018 (bcu). (Entered: 04/30/2018)
04/30/2018		>>>NOTICE REGARDING DEFICIENT MOTION TO APPEAR PRO HAC VICE. Notice to RE-FILE Document No. <u>12</u> PROPOSED MOTION for Coty Rae Montag to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number 0208-15005365. Motion and supporting papers to be reviewed by Clerk's Office staff... The filing is deficient for the following reason(s): missing Certificate of Good Standing from Supreme Court of California and please do not put the word "PROPOSED" in the filing;. Re-file the motion as a Corrected Motion to Appear Pro Hac Vice – attach the correct signed PDF – select the correct named filer/filers – attach valid Certificates of Good Standing issued within the past 30 days – attach Proposed Order.. (bcu) (Entered: 04/30/2018)
05/04/2018	<u>13</u>	MOTION for Giovanna Shay to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number 0208-15029199. Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by Carnella Times. (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Affidavit Declaration of Attorney, # <u>3</u> Exhibit Certificate of Good Standing D.C. (inactive), # <u>4</u> Exhibit Certificate of Good Standing Connecticut, # <u>5</u> Exhibit Certificate of Good Standing Massachusetts)(Shay, Giovanna) (Entered: 05/04/2018)
05/04/2018		>>>NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. <u>13</u> MOTION for Giovanna Shay to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number 0208-15029199. Motion and supporting papers to be reviewed by Clerk's Office staff.. The document has been reviewed and there are no deficiencies. (jc) (Entered: 05/04/2018)
05/07/2018	<u>14</u>	MOTION for Coty Rae Montag to Appear Pro Hac Vice <i>CORRECTED</i> . Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by Erving Smith, The Fortune Society, Inc., Carnella Times. (Attachments: # <u>1</u> Affidavit of Coty R. Montag, # <u>2</u> District of Columbia Cert of Good Standing, # <u>3</u> Maryland Cert of Good Stan, # <u>4</u> California Cert of Good Standing, # <u>5</u> Text of Proposed Order)(Montag, Coty) (Entered: 05/07/2018)
05/07/2018		>>>NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. <u>14</u> MOTION for Coty Rae Montag to Appear Pro Hac Vice <i>CORRECTED</i>. Motion and supporting papers to be reviewed by Clerk's Office staff.. The document has been reviewed and there are no deficiencies. (wb) (Entered: 05/07/2018)
05/07/2018	<u>15</u>	MOTION for Lisa Ann Levy to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number 0208-15037416. Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by Carnella Times. (Attachments: # <u>1</u> Affidavit Attorney Declaration, # <u>2</u> Exhibit Certificate of Good Standing Mass, # <u>3</u> Exhibit Certificate of Good Standing CT, # <u>4</u> Text of Proposed Order)(Levy, Lisa) (Entered: 05/07/2018)
05/07/2018		>>>NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. <u>15</u> MOTION for Lisa Ann Levy to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number 0208-15037416. Motion and supporting papers to be reviewed by Clerk's Office staff.. The document has been reviewed and there are no deficiencies. (jc) (Entered: 05/07/2018)
05/07/2018	<u>16</u>	MOTION for Mark J. Girouard to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number 0208-15038251. Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by Target Corporation. (Attachments: # <u>1</u> Affidavit Affidavit of Girouard re Motion for Pro Hac Vice, # <u>2</u> Exhibit Certificate of Good Standing for Girouard, # <u>3</u> Text of Proposed Order Order for Motion Pro Hac Vice)(Girouard, Mark) (Entered: 05/07/2018)
05/08/2018		>>>NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. <u>16</u> MOTION for Mark J. Girouard to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number 0208-15038251. Motion and supporting papers to be reviewed by Clerk's Office staff.. The document has been reviewed and there are no deficiencies. (wb) (Entered: 05/08/2018)
05/08/2018	<u>17</u>	MOTION for Joseph G. Schmitt to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number 0208-15041228. Motion and supporting papers to be reviewed by Clerk's

		Office staff. Document filed by Target Corporation. (Attachments: # <u>1</u> Affidavit of Joseph Schmitt, # <u>2</u> Exhibit Certificate of Good Standing for Schmitt, # <u>3</u> Text of Proposed Order Order for Motion Pro Hac Vice)(Schmitt, Joseph) (Entered: 05/08/2018)
05/08/2018	<u>18</u>	CONSENT TO JURISDICTION BY A US MAGISTRATE JUDGE by Erving Smith, Target Corporation, The Fortune Society, Inc., Carnella Times. (Case No Longer Referred to Magistrate Judge) CASE ASSIGNED to Magistrate Judge Debra C. Freeman. (Signed by Judge Deborah A. Batts on 5/7/2018) (kgo) (Entered: 05/08/2018)
05/08/2018		>>>NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. <u>17</u> MOTION for Joseph G. Schmitt to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number 0208-15041228. Motion and supporting papers to be reviewed by Clerk's Office staff.. The document has been reviewed and there are no deficiencies. (wb) (Entered: 05/08/2018)
05/11/2018	<u>19</u>	ORDER FOR ADMISSION PRO HAC VICE granting <u>13</u> Motion for Giovanna Shay to Appear Pro Hac Vice. (Signed by Magistrate Judge Debra C. Freeman on 5/11/2018) (rjm) (Entered: 05/11/2018)
05/11/2018	<u>20</u>	ORDER FOR ADMISSION PRO HAC VICE OF MARK J.GIROUARD granting <u>16</u> Motion for Mark J. Girouard to Appear Pro Hac Vice. (Signed by Magistrate Judge Debra C. Freeman on 5/11/2018) (ne) (Entered: 05/11/2018)
05/11/2018	<u>21</u>	ORDER FOR ADMISSION PRO HAC VICE OF JOSEPH G. SCHMITT granting <u>17</u> Motion for Joseph G. Schmitt to Appear Pro Hac Vice. (Signed by Magistrate Judge Debra C. Freeman on 5/11/2018) (ne) Modified on 7/19/2018 (ne). (Entered: 05/11/2018)
05/11/2018	<u>22</u>	ORDER FOR ADMISSION PRO HAC VICE granting <u>14</u> Motion for Coty R. Montag to Appear Pro Hac Vice. (Signed by Magistrate Judge Debra C. Freeman on 5/11/2018) (ne) (Entered: 05/11/2018)
05/11/2018	<u>23</u>	ORDER FOR ADMISSION PRO HAC VICE granting <u>15</u> Motion for Lisa Ann Levy to Appear Pro Hac Vice. (Signed by Magistrate Judge Debra C. Freeman on 5/11/2018) (ne) (Entered: 05/11/2018)
05/14/2018	<u>24</u>	ORDER GRANTING PLAINTIFFS' UNOPPOSED MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT, CONDITIONAL CERTIFICATION OF SETTLEMENT CLASS, APPOINTMENT OF CLASS COUNSEL, AND APPROVAL OF PLAINTIFFS' PROPOSED NOTICE OF SETTLEMENT: granting <u>4</u> Motion to Approve. Having reviewed Plaintiffs' Notice of Motion and Motion For: (1) Preliminary Approval of Class Action Settlement; (2) Provisional Certification of Settlement Classes; (3) Approval and Distribution of Notice of Settlement; and (4) Appointment of Plaintiffs' counsel as Class Counsel; Plaintiffs' Memorandum of Law in Support thereof, and the proposed Settlement Agreement, along with the files and records of this case, the Court now FINDS, CONCLUDES, and ORDERS as follows: This Court has jurisdiction over the subject matter of the litigation and over all parties to this litigation, including all members of the Settlement Class, as defined below. As used below, "Defendant" means Target Corporation. Based on review of those papers, the Court concludes that the proposed Settlement Agreement was reached after Class Counsel thoroughly investigated the claims and defenses and became familiar with the strengths and weaknesses of Plaintiffs' case and was a result of extensive, arm's length negotiations between counsel well-versed in the prosecution of complex employment class actions. It is therefore ORDERED: That the Settlement Agreement is hereby PRELIMINARILY APPROVED. Final approval and entry of the Settlement Agreement is subject to a final hearing of any objections of members of the class to the proposed Settlement Agreement. Defendant will transfer Three Million Seven Hundred and Forty-Two Thousand, Five Hundred and Noll 00 Dollars (\$3,742,500.00) to the Settlement Fund within fourteen days of the effective date of the settlement (which is defined as the later of: (a) the expiration of time for appeal of the Court Order finally approving the Settlement; or (b) if there is an appeal of the Court's decision granting final approval, the day after all appeals are finally resolved in favor of final approval). This amount shall be placed into an interest-bearing escrow account established by the settlement administrator, as escrow agent. Target has agreed to individual monetary awards not to

		<p>exceed One Thousand Dollars (\$1,000.00). The settlement administrator will oversee a simplified claims process. Settlement Class Members will be entitled to a single, pro rata award based on number of participants. Defendant's total contribution toward cash awards will not exceed One Million Two Hundred Thousand Dollars (\$1,200,000.00) of the Settlement Fund. The parties have also agreed that Six Hundred Thousand Dollars (\$600,000.00) of the Settlement Fund will be granted to not-for-profit organizations that provide re-entry support to individuals with criminal history records, with the goal of supporting those organizations' efforts to develop a pipeline of qualified applicants who have successfully completed work ready programs at such organizations (the "Pipeline Project"). These organizations will receive written information about the Pipeline Project and an invitation to submit statements of interest and other materials to assist in the selection of participant organizations. Settlement Class Members will receive notice of the selected work ready programs participating in the Pipeline Project, and as further set forth in this order. The Court CONDITIONALLY CERTIFIES the Settlement Class under Rules 23(a) and 23(b)(3). (Signed by Magistrate Judge Debra C. Freeman on 5/14/2018) (ap) Modified on 5/15/2018 (ap). (Entered: 05/14/2018)</p>
07/13/2018	<u>25</u>	<p>JOINT LETTER addressed to Magistrate Judge Debra C. Freeman from Ossai Miazad dated July 13, 2018 re: Status Update regarding Industrial Organizational Expert Work. Document filed by Erving Smith, The Fortune Society, Inc., Carnella Times.(Miazad, Ossai) (Entered: 07/13/2018)</p>
07/13/2018	<u>26</u>	<p>NOTICE OF APPEARANCE by Christopher McNerney on behalf of Erving Smith, The Fortune Society, Inc., Carnella Times. (McNerney, Christopher) (Entered: 07/13/2018)</p>
07/13/2018	<u>27</u>	<p>NOTICE OF APPEARANCE by Cheryl-Lyn Deon Bentley on behalf of Erving Smith, The Fortune Society, Inc., Carnella Times. (Bentley, Cheryl-Lyn) (Entered: 07/13/2018)</p>
07/16/2018	<u>28</u>	<p>MEMO ENDORSEMENT on re: <u>25</u> Letter Status Update, filed by Erving Smith, The Fortune Society, Inc., Carnella Times. ENDORSEMENT: Granted. So Ordered. (Signed by Magistrate Judge Debra C. Freeman on 7/16/18) (yv) (Entered: 07/17/2018)</p>
09/27/2018	<u>29</u>	<p>LETTER addressed to Magistrate Judge Debra C. Freeman from Ossai Miazad dated September 27, 2018 re: Second Status Update regarding Industrial Organizational Expert Work. Document filed by Erving Smith, The Fortune Society, Inc., Carnella Times.(Miazad, Ossai) (Entered: 09/27/2018)</p>
10/12/2018	<u>30</u>	<p>MEMO ENDORSEMENT on re: <u>29</u> Letter, filed by Erving Smith, The Fortune Society, Inc., Carnella Times. Granted. SO ORDERED. (Signed by Magistrate Judge Debra C. Freeman on 10/12/2018) (jca) (Entered: 10/12/2018)</p>
11/30/2018	<u>31</u>	<p>LETTER addressed to Magistrate Judge Debra C. Freeman from Ossai Miazad dated November 30, 2018 re: Third Status Update regarding Industrial Organizational Expert Work. Document filed by Erving Smith, The Fortune Society, Inc., Carnella Times.(Miazad, Ossai) (Entered: 11/30/2018)</p>
07/11/2019	<u>32</u>	<p>JOINT LETTER addressed to Magistrate Judge Debra C. Freeman from Ossai Miazad dated July 11, 2019 re: Status Update Regarding Industrial Organizational Expert Work. Document filed by Erving Smith, The Fortune Society, Inc., Carnella Times. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D)(Miazad, Ossai) (Entered: 07/11/2019)</p>
07/18/2019	<u>33</u>	<p>ORDER APPROVING ADDENDUM TO SETTLEMENT AGREEMENT AND RELEASE, REVISED NOTICE OF CLASS ACTION SETTLEMENT AND CLAIM FORM, AND SCHEDULE FOR NOTICE DISTRIBUTION AND FINAL APPROVAL re: <u>24</u> Order on Motion to Approve. The Court ORDERS: 1. The Settlement Addendum is hereby APPROVED. Final approval and entry of the Settlement Agreement and Settlement Addendum is subject to a final hearing of any objections of members of the class to the proposed Settlement Agreement. In its May 14, 2018 Preliminary Approval Order, the Court approved the form of Notice of Class Action Settlement and Claim Form and the manner for distribution. ECF No. 24 at 4-7. The parties have submitted for this Court's approval a revised Notice of Class Action Settlement and Claim Form for Group A Filers attached as Exhibit A to the</p>

		Joint Status Report and a revised Notice of Class Action Settlement and Claim Form for Group B Filers attached as Exhibit B to the Joint Status Report (collectively, "revised Notices and Claim Forms"). The Court FINDS and CONCLUDES as follows: 1. The revised Notices and Claim Forms are the best notice practicable under the circumstances and allows Settlement Class Members a full and fair opportunity to consider the proposed settlement. 2. The revised Notices and Claim Forms provide separate notices and claims forms for Class Members who are eligible to be either Group A or Group B Filers and Class Members who are eligible only as Group B Filers. The revised Notices and Claim Forms will provide specific information regarding the date, time, and place of the final approval hearing and how to object to or exclude oneself from the settlement. This information is adequate to put Class Members on notice of the proposed settlement and is well within the requirements of Rule 23(c)(2)(B). (as further set forth in this Order). It is SO ORDERED. (Signed by Magistrate Judge Debra C. Freeman on 7/18/2019) (kv) (Entered: 07/18/2019)
07/22/2019	<u>34</u>	NOTICE OF CHANGE OF ADDRESS by Coty Rae Montag on behalf of Erving Smith, The Fortune Society, Inc., Carnella Times. New Address: NAACP Legal Defense and Educational Fund, Inc., 700 14th St. N.W., Suite 600, Washington, DC, United States 20005, 202-682-1300. (Montag, Coty) (Entered: 07/22/2019)
09/06/2019	<u>35</u>	LETTER addressed to Magistrate Judge Debra C. Freeman from Cheryl-Lyn D. Bentley dated September 06, 2019 re: Withdrawal of Cheryl-Lyn D. Bentley as Attorney of Record. Document filed by Erving Smith, The Fortune Society, Inc., Carnella Times.(Bentley, Cheryl-Lyn) (Entered: 09/06/2019)
09/09/2019	<u>36</u>	MEMO ENDORSEMENT on re: <u>35</u> Letter, filed by Erving Smith, The Fortune Society, Inc., Carnella Times. ENDORSEMENT: SO ORDERED. Attorney Cheryl-Lyn Deon Bentley terminated. (Signed by Magistrate Judge Debra C. Freeman on 9/9/2019) (kv) (Entered: 09/09/2019)
09/27/2019	<u>37</u>	LETTER addressed to Magistrate Judge Debra C. Freeman from Mark J. Girouard dated September 27, 2019 re: Issue with the claims administration process. Document filed by Target Corporation. (Attachments: # <u>1</u> Exhibit A – Notice (Clean), # <u>2</u> Exhibit B – Claim (Clean), # <u>3</u> Exhibit C – Marked Up Notice, # <u>4</u> Exhibit D – Marked Up Claim)(Girouard, Mark) (Entered: 09/27/2019)
10/04/2019	<u>38</u>	MEMO ENDORSEMENT on re: <u>37</u> Letter, filed by Target Corporation. ENDORSEMENT: The parties proposed approach, as outline on page 3 of this letter, is approved. SO ORDERED. (Signed by Magistrate Judge Debra C. Freeman on 10/4/2019) (kv) (Entered: 10/04/2019)
10/04/2019	<u>39</u>	FILING ERROR – DEFICIENT DOCKET ENTRY – MOTION for Donald M. Lewis to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number ANYSDC-17718058. Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by Target Corporation.(Lewis, Donald) Modified on 10/4/2019 (bcu). (Entered: 10/04/2019)
10/04/2019	<u>40</u>	FILING ERROR – DEFICIENT DOCKET ENTRY – AFFIDAVIT of Donald M. Lewis in Support re: <u>39</u> MOTION for Donald M. Lewis to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number ANYSDC-17718058. Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by Target Corporation. (Lewis, Donald) Modified on 10/4/2019 (bcu). (Entered: 10/04/2019)
10/04/2019		>>>NOTICE REGARDING DEFICIENT MOTION TO APPEAR PRO HAC VICE. Notice to RE-FILE Document No. <u>39</u> MOTION for Donald M. Lewis to Appear Pro Hac Vice . Filing fee \$ 200.00, receipt number ANYSDC-17718058. Motion and supporting papers to be reviewed by Clerk's Office staff... The filing is deficient for the following reason(s): missing Certificate of Good Standing from Supreme Court of Minnesota. We do not except certificates from state bar associations.; missing Proposed Order; Attorney Affidavit/Declaration missing per local rule 1.3;. Re-file the motion as a Corrected Motion to Appear Pro Hac Vice – attach the correct signed PDF – select the correct named filer/filers – attach valid Certificates of Good Standing issued within the past 30 days – attach Proposed Order.. (bcu) (Entered: 10/04/2019)
10/04/2019	<u>41</u>	MOTION for Donald M. Lewis to Appear Pro Hac Vice . Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by Target

		Corporation. (Attachments: # <u>1</u> Affidavit Affidavit of Donald M. Lewis in Support of Motion for Admission Pro Hac Vice, # <u>2</u> Exhibit Certificate of Good Standing, # <u>3</u> Text of Proposed Order)(Lewis, Donald) (Entered: 10/04/2019)
10/04/2019		>>>NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. <u>41</u> MOTION for Donald M. Lewis to Appear Pro Hac Vice . Motion and supporting papers to be reviewed by Clerk's Office staff.. The document has been reviewed and there are no deficiencies. (bcu) (Entered: 10/04/2019)
10/09/2019	<u>42</u>	MOTION to Approve Motion for Certification of the Settlement Class and Final Approval of Class Action Settlement . Document filed by Erving Smith, The Fortune Society, Inc., Carnella Times.(Miazad, Ossai) (Entered: 10/09/2019)
10/09/2019	<u>43</u>	MEMORANDUM OF LAW in Support re: <u>42</u> MOTION to Approve Motion for Certification of the Settlement Class and Final Approval of Class Action Settlement . . Document filed by Erving Smith, The Fortune Society, Inc., Carnella Times. (Miazad, Ossai) (Entered: 10/09/2019)
10/09/2019	<u>44</u>	MOTION to Approve Motion for Approval of Service Awards . Document filed by Erving Smith, The Fortune Society, Inc., Carnella Times.(Miazad, Ossai) (Entered: 10/09/2019)
10/09/2019	<u>45</u>	MEMORANDUM OF LAW in Support re: <u>44</u> MOTION to Approve Motion for Approval of Service Awards . . Document filed by Erving Smith, The Fortune Society, Inc., Carnella Times. (Miazad, Ossai) (Entered: 10/09/2019)
10/09/2019	<u>46</u>	MOTION to Approve Motion for Approval of Attorneys' Fees and Costs . Document filed by Erving Smith, The Fortune Society, Inc., Carnella Times.(Miazad, Ossai) (Entered: 10/09/2019)
10/09/2019	<u>47</u>	MEMORANDUM OF LAW in Support re: <u>46</u> MOTION to Approve Motion for Approval of Attorneys' Fees and Costs . . Document filed by Erving Smith, The Fortune Society, Inc., Carnella Times. (Miazad, Ossai) (Entered: 10/09/2019)
10/09/2019	<u>48</u>	DECLARATION of Ossai Miazad in Support re: <u>46</u> MOTION to Approve Motion for Approval of Attorneys' Fees and Costs ., <u>44</u> MOTION to Approve Motion for Approval of Service Awards ., <u>42</u> MOTION to Approve Motion for Certification of the Settlement Class and Final Approval of Class Action Settlement .. Document filed by Erving Smith, The Fortune Society, Inc., Carnella Times. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G, # <u>8</u> Exhibit H)(Miazad, Ossai) (Entered: 10/09/2019)
10/09/2019	<u>49</u>	DECLARATION of Coty Montag in Support re: <u>46</u> MOTION to Approve Motion for Approval of Attorneys' Fees and Costs ., <u>44</u> MOTION to Approve Motion for Approval of Service Awards ., <u>42</u> MOTION to Approve Motion for Certification of the Settlement Class and Final Approval of Class Action Settlement .. Document filed by Erving Smith, The Fortune Society, Inc., Carnella Times. (Miazad, Ossai) (Entered: 10/09/2019)
10/09/2019	<u>50</u>	DECLARATION of Lisa Levy in Support re: <u>46</u> MOTION to Approve Motion for Approval of Attorneys' Fees and Costs ., <u>44</u> MOTION to Approve Motion for Approval of Service Awards ., <u>42</u> MOTION to Approve Motion for Certification of the Settlement Class and Final Approval of Class Action Settlement .. Document filed by Erving Smith, The Fortune Society, Inc., Carnella Times. (Miazad, Ossai) (Entered: 10/09/2019)
10/09/2019	<u>51</u>	DECLARATION of Joanne Page in Support re: <u>44</u> MOTION to Approve Motion for Approval of Service Awards .. Document filed by Erving Smith, The Fortune Society, Inc., Carnella Times. (Miazad, Ossai) (Entered: 10/09/2019)
10/10/2019	<u>52</u>	ORDER FOR ADMISSION PRO HAC VICE OF DONALD M. LEWIS granting <u>41</u> Motion for Donald M. Lewis to Appear Pro Hac Vice. IT IS HEREBY ORDERED that Applicant is admitted to practice Pro Hac Vice in the above-captioned case in the United States District Court for the Southern District of New York. All attorneys appearing before this Court are subject to the Local Rules of this Court, including the Rules governing discipline of attorneys. (Signed by Magistrate Judge Debra C. Freeman on 10/10/2019) (kv) (Entered: 10/10/2019)

10/16/2019	<u>53</u>	ORDER FOR ADMISSION PRO HAC VICE OF DONALD M. LEWIS: The motion of Donald M. Lewis for admission to practice Pro Hac Vice in the above-captioned action is GRANTED. IT IS HEREBY ORDERED that Applicant is admitted to practice Pro Hac Vice in the above-captioned case in the United States District Court for the Southern District of New York. All attorneys appearing before this Court are subject to the Local Rules of this Court, including the Rules governing discipline of attorneys. (Signed by Magistrate Judge Debra C. Freeman on 10/16/2019) (kv) (Entered: 10/16/2019)
10/28/2019	<u>54</u>	SUPPLEMENTAL MEMORANDUM OF LAW in Support re: <u>46</u> MOTION to Approve Motion for Approval of Attorneys' Fees and Costs ., <u>44</u> MOTION to Approve Motion for Approval of Service Awards ., <u>42</u> MOTION to Approve Motion for Certification of the Settlement Class and Final Approval of Class Action Settlement . . Document filed by Erving Smith, The Fortune Society, Inc., Carnella Times. (Attachments: # <u>1</u> Exhibit 1: Updated Fees Summary, # <u>2</u> Exhibit 2: Updated Costs Summary)(Miazad, Ossai) (Entered: 10/28/2019)
10/29/2019		Minute Entry for proceedings held before Magistrate Judge Debra C. Freeman: Fairness Hearing held on 10/29/2019. (aba) (Entered: 10/29/2019)
10/29/2019	<u>55</u>	ORDER GRANTING PLAINTIFFS' UNOPPOSED MOTIONS FOR CERTIFICATION OF THE SETTLEMENT CLASS AND CONDITIONALLY GRANTING FINAL APPROVAL OF THE CLASS ACTION SETTLEMENT, APPROVAL OF ATTORNEYS' FEES AND COSTS, AND APPROVAL OF SERVICE AWARD granting <u>42</u> Motion to Approve Motion for Certification of the Settlement Class and Final Approval of Class Action Settlement; granting <u>44</u> Motion to Approve Motion for Approval of Service Awards ; granting <u>46</u> Motion to Approve Motion for Approval of Attorneys' Fees and Costs. Based upon the Court's review of the motions, memorandum, declarations, and other papers submitted in connection with the Motions for Final Approval and conditioned on no additional class members who were belatedly given notice of the proposed settlement coming forward with objections, the Court grants final approval of the settlement memorialized in the Settlement Agreement and "so orders" all of its, terms, which are incorporated herein. Capitalized terms used in this Order shall have the same meanings as set forth in the Settlement Agreement, unless otherwise defined herein. IT IS HEREBY ORDERED AS FOLLOWS: Pursuant to Rule 23, the Court certifies the following Settlement Class: all African-American and Latino applicants who were denied employment from a Target Stores Job due to a final adjudication on a pre-employment background check that did not clear the applicant to proceed based on their criminal history record, from May 11, 2006, to May 14, 2018, except: (1) individuals are excluded if Target can establish they were, or would have been, denied employment for reasons other than their criminal history records; (2) individuals are excluded if they have convictions that would have rendered them unqualified for employment under the Interim Criteria, if those criteria had been effect at the time of their application; and (3) individuals are excluded if they are current Target Team Members. The Court hereby conditionally finally approves the Settlement as set forth in the Settlement Agreement. The Court has reviewed the terms of the proposed Settlement Agreement along with its exhibits, including specifically the programmatic and class member relief, and Plaintiffs' Motions for Final Approval. The parties have also agreed that Six Hundred Thousand Dollars (\$600,000.00) will be granted to not-for-profit organizations that provide re-entry support to individuals with criminal history records, with the goal of supporting those organizations' efforts to develop a pipeline of qualified applicants who have successfully completed work ready programs at such organizations (the "Pipeline Project"). These organizations will receive written information about the Pipeline Project and an invitation to submit statements of interest and other materials to assist in the selection of participant organizations. Settlement Class Members will receive notice of the selected work ready programs participating in the Pipeline Project. Within fourteen (14) days of the Effective Date of the Settlement, Defendant will pay to Class Counsel Three Million Seven Hundred and Forty-Two Thousand, Five Hundred and No/100 Dollars (\$3,742,500.00), which shall fully resolve and satisfy the programmatic, individualized, and organizational relief, any claim for attorneys' fees and costs approved by the Court, and any Court-approved Service Awards to Named Plaintiffs. The Settlement is hereby APPROVED and incorporated herein and shall become effective according to its terms. Upon the Effective Date of the Settlement, each Settlement Class Member who has not excluded him or herself

		<p>will release the Defendant from: all claims, demands, causes of action, and liabilities, known and unknown, that they had, have, or may have under any legal or equitable theory, against Defendant arising from or relating to or concerning their denial of a Target Stores Job based on criminal history records under Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e, et seq. and parallel state and local laws, rules, regulations and ordinances. The Class Release will not include claims under the federal Fair Credit Reporting Act, which is the subject of a separate, unrelated settlement. The Court awards Class Counsel an award of \$1,900,000.00 in fees and in costs for their efforts in support of this litigation. The award to Class Counsel of \$1,900,000 in less than their total loadstar as of September 22, 2019, and does not include all the work that Class Counsel has done since September 22, 2019, or will do in the future. In light of the above, the award of \$1,900,000.00 in fees and costs is a reasonable award. The award shall be paid by Defendant. The Court finds that service awards of \$20,000 to Named Plaintiff Camella Times and the Fortune Society, and a service award of \$2,500 to Named Plaintiff Erving Smith, are reasonable. Without affecting the finality of this Settlement Order and Final Judgment, the Court retains continuing jurisdiction over: (a) implementation of the Settlement Agreement and programmatic relief contemplated by the Settlement Agreement, until all acts agreed to be performed pursuant to the Settlement Agreement have been performed; and (b) all parties to this action and Settlement Class Members for the purpose of enforcing and administering the Settlement Agreement. This final order grants certification of the settlement class, but the Court's approval of the terms of the settlement agreement is conditioned on this Court's being informed by counsel that, by the expiration of the opt-out period for any class members who were belatedly served with notice of the proposed settlement, no such class members stepped forward with any objections to the settlement, or expressed a desire to be heard by the Court as to the settlement agreement's adequacy and fairness. Counsel are directed to provide a written update to the Court by 12/19/19, to inform the Court if any such claim members wish to be heard. The Clerk of Court is directed to keep this case open, pending further order of the Court and as further set forth in this Order. It is so ORDERED. (Signed by Magistrate Judge Debra C. Freeman on 10/29/19) (yv) (Entered: 10/30/2019)</p>
11/19/2019	<u>56</u>	<p>TRANSCRIPT of Proceedings re: SETTLEMENT CONFERENCE held on 10/29/2019 before Magistrate Judge Debra C. Freeman. Court Reporter/Transcriber: Carole Ludwig, (212) 420-0771. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 12/10/2019. Redacted Transcript Deadline set for 12/20/2019. Release of Transcript Restriction set for 2/18/2020.(kgo) (Entered: 11/19/2019)</p>
11/19/2019	<u>57</u>	<p>NOTICE OF FILING OF OFFICIAL TRANSCRIPT Notice is hereby given that an official transcript of a SETTLEMENT CONFERENCE proceeding held on 10/29/2019 has been filed by the court reporter/transcriber in the above-captioned matter. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days...(kgo) (Entered: 11/19/2019)</p>
12/03/2019	<u>58</u>	<p>LETTER addressed to Magistrate Judge Debra C. Freeman from Ossai Miazad dated December 3, 2019 re: Supplemental Notice Status Update. Document filed by Erving Smith, The Fortune Society, Inc., Carnella Times. (Attachments: # <u>1</u> Exhibit 1: Objection, # <u>2</u> Exhibit 2: Proposed Order)(Miazad, Ossai) (Entered: 12/03/2019)</p>
12/04/2019	<u>59</u>	<p>ORDER FINALLY APPROVING SETTLEMENT AGREEMENT: Having reviewed Plaintiffs' December 3, 2019 Status Report providing the requested information, and having reviewed the single additional objections received (Dkt. 58-1), the Court now FINDS, CONCLUDES, and ORDERS as follows: The Court's October 29, 2019 Order Conditionally Granting Final Approval of the Class Action Settlement, Approval of Attorneys' Fees and Costs, And Approval of Service Award is adopted herein and Finally Approved. The Clerk of Court is directed to close this matter. (Signed by Magistrate Judge Debra C. Freeman on 12/4/2019) (mro) (Entered: 12/04/2019)</p>
12/26/2019	<u>60</u>	<p>MEMORANDUM OF LAW IN SUPPORT OF PLAINTIFF'S MOTION TO INTERVENE AS A CLASS MEMBER. Document filed by Isaac J. Rodriguez, non-party. (sc) Modified on 12/30/2019 (sc). (Entered: 12/30/2019)</p>

01/08/2020	<u>61</u>	LETTER addressed to Magistrate Judge Debra C. Freeman from Ossai Miazad dated January 8, 2020 re: Response to Motion to Intervene as Class Member filed by Isaac Rodriguez on December 26, 2019, ECF. No. 60. Document filed by Erving Smith, The Fortune Society, Inc., Carnella Times.(Miazad, Ossai) (Entered: 01/08/2020)
01/16/2020	<u>62</u>	MEMO ENDORSEMENT on MEMORANDUM OF LAW IN SUPPORT OF PLAINTIFF'S MOTION TO INTERVENE AS A CLASS MEMBER re: <u>60</u> Memorandum of Law in Support. ENDORSEMENT: The prose motion of Isaac Rodriguez to intervene in this action is denied as moot, in light of the stated agreement of the parties to include Mr. Rodriguez as a class member. (See Dkt. 61). SO ORDERED. (Signed by Magistrate Judge Debra C. Freeman on 1/16/2020) (ks) (Entered: 01/16/2020)