

CLOSED,EFILE,HBF,MOTREF,REFCNF,STAYED

U.S. District Court
United States District Court for the District of Connecticut (New Haven)
CIVIL DOCKET FOR CASE #: 3:06-cv-01287-WWE

Equal Employment Opportunity Comm v. Benni's LLC
Assigned to: Judge Warren W. Eginton
Referred to: Judge Holly B. Fitzsimmons (Settlement)
Cause: 42:2000e Job Discrimination (Employment)

Date Filed: 08/17/2006
Date Terminated: 09/26/2008
Jury Demand: Plaintiff
Nature of Suit: 442 Civil Rights: Jobs
Jurisdiction: U.S. Government Plaintiff

Plaintiff

**Equal Employment Opportunity
Comm**

represented by **Elizabeth Grossman**
Equal Employment Opportunity
Commission
33 Whitehall St., 5th Fl.
New York, NY 10004-2112
212-336-3696
Email: Elizabeth.Grossman@eeoc.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Markus Landon Penzel
Equal Employment Opportunity
Commission
JFK Federal Building
Room 475
Boston, MA 02203-0506
617-565-3193
Fax: 617-565-3196
Email: markus.penzel@eeoc.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Intervenor Plaintiff

Stefanie Horowitz

represented by **Kathryn A. Sherman**
Ricci Burnham Carta Carello & Reilly
LLP
30 Old Kings Highway South, PO Box
1107
Darien, CT 06820
203-899-3300
Fax: 203-655-4302
Email: ksherman@rucciburnham.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Mark R. Carta
Carta, McAlister & Moore, LLC
1120 Boston Post Rd
Post Office Box 83
Darien, CT 06820
203-202-3100
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Stephen P. Horner
Law Office of Stephen Horner

3 Longview Terrace
 Madison, CT 06443
 203-245-0134
 Fax: 203-779-1019
 Email: shorner@horner-law.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

Benni's LLC
doing business as
 Bennigan's

represented by **Glenn A. Duhl**
 Siegel, O'Connor, O'Donnell & Beck, P.C.
 150 Trumbull St.
 Hartford, CT 06103
 860-727-8900
 Fax: 860-527-5131
 Email: gduhl@siegelconnor.com
TERMINATED: 09/10/2007
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Meredith G. Diette
 Siegel, O'Connor, O'Donnell & Beck-NL
 14 Eugene O'Neill Dr.
 New London, CT 06320
 860-442-4747
 Fax: 860-442-4714
 Email: mdiette@siegelconnor.com
TERMINATED: 09/10/2007
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Ana I. DeMoura
 Siegel, O'Connor, O'Donnell & Beck
 150 Trumbull St.
 Hartford, CT 06103
 860-727-8900
 Fax: 860-527-5131
 Email: ademoura@siegelconnor.com
TERMINATED: 09/10/2007
ATTORNEY TO BE NOTICED

Movant

Stefanie Horowitz
TERMINATED: 02/28/2007

represented by **Mark R. Carta**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

| Date Filed | # | Docket Text |
|------------|----------|--|
| 08/17/2006 | <u>1</u> | COMPLAINT against Benni's LLC , filed by Equal Employment Opportunity Comm.(D'Andrea, S.) (Entered: 08/18/2006) |
| 08/17/2006 | <u>2</u> | Order on Pretrial Deadlines: Motions to Dismiss Due on 11/17/2006. Amended Pleadings Due by 10/16/2006. Discovery Due by 2/16/2007. Dispositive Motions Due by 3/18/2007. Signed by Clerk on 8/17/2006. (D'Andrea, S.) (Entered: 08/18/2006) |
| 08/17/2006 | <u>3</u> | ELECTRONIC FILING ORDER signed by Judge Warren W. Eginton on 8/17/2006. (D'Andrea, S.) (Entered: 08/18/2006) |
| 08/18/2006 | | Summons Issued as to Benni's LLC. (D'Andrea, S.) (Entered: 08/18/2006) |

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| 09/27/2006 | <u>4</u> | WAIVER OF SERVICE Returned Executed as to Benni's LLC waiver sent on 8/28/2006, answer due 10/27/2006. filed by Equal Employment Opportunity Comm. (Penzel, Markus) (Entered: 09/27/2006) |
| 10/20/2006 | <u>5</u> | NOTICE of Appearance by Glenn A. Duhl on behalf of Benni's LLC (Duhl, Glenn) (Entered: 10/20/2006) |
| 10/20/2006 | <u>6</u> | NOTICE of Appearance by Ana I. DeMoura on behalf of Benni's LLC (DeMoura, Ana) (Entered: 10/20/2006) |
| 10/20/2006 | <u>7</u> | First MOTION for Extension of Time until November 26, 2006 to file an answer or motion addressed to the Complaint. by Benni's LLC. (DeMoura, Ana) (Entered: 10/20/2006) |
| 10/23/2006 | 8 | ORDER granting <u>7</u> Motion for Extension of Time until November 26, 2006 to file an answer or motion addressed to the <u>1</u> Complaint . Signed by Judge Warren W. Eginton on 10/23/06. (O'Brasky, N.) (Entered: 10/23/2006) |
| 10/23/2006 | | Answer Deadline updated for Benni's LLC to 11/26/2006. (D'Andrea, S.) (Entered: 10/23/2006) |
| 11/27/2006 | <u>9</u> | ANSWER to Complaint with Affirmative Defenses by Benni's LLC.(DeMoura, Ana) (Entered: 11/27/2006) |
| 11/27/2006 | <u>10</u> | Corporate Disclosure Statement by Benni's LLC. (DeMoura, Ana) (Entered: 11/27/2006) |
| 12/12/2006 | <u>11</u> | Joint REPORT of Rule 26(f) Planning Meeting. (DeMoura, Ana) (Entered: 12/12/2006) |
| 12/12/2006 | | Set Deadlines: Discovery Due by 9/30/2007, Dispositive Motions Due by 11/2/2007. (D'Andrea, S.) (Entered: 12/13/2006) |
| 12/13/2006 | 12 | ORDER re <u>11</u> Report of Rule 26(f) Planning Meeting. Discovery shall be completed by 9/30/07. Dispositive motions shall be filed by 11/2/07. Signed by Judge Warren W. Eginton on 12/13/06. (O'Brasky, N.) (Entered: 12/13/2006) |
| 12/13/2006 | <u>13</u> | ORDER REFERRING CASE to Magistrate Judge Holly B. Fitzsimmons for Settlement Conference. Signed by Judge Warren W. Eginton on 12/13/2006. (D'Andrea, S.) (Entered: 12/14/2006) |
| 12/21/2006 | <u>14</u> | MOTION to Intervene <i>as of Right</i> by Stefanie Horowitz.Responses due by 1/11/2007 (Attachments: # <u>1</u> Exhibit)(Carta, Mark) (Entered: 12/21/2006) |
| 12/22/2006 | <u>15</u> | NOTICE OF E-FILED CALENDAR: THIS IS THE ONLY NOTICE COUNSEL/THE PARTIES WILL RECEIVE.ALL PERSONS ENTERING THE COURTHOUSE MUST PRESENT PHOTO IDENTIFICATION. Settlement Conference set for 4/4/2007 10:00 AM in Chambers Room 266 – Annex, 915 Lafayette Blvd., Bridgeport, CT before Judge Holly B. Fitzsimmons. PLEASE READ AND COMPLY WITH THE ATTACHED SETTLEMENT CONFERENCE INSTRUCTIONS (Kolesnikoff, D.) (Entered: 12/22/2006) |
| 02/28/2007 | 16 | ORDER granting <u>14</u> Motion to Intervene. Signed by Judge Warren W. Eginton on 2/28/07. (O'Brasky, N.) (Entered: 02/28/2007) |
| 03/01/2007 | <u>17</u> | ENTERED IN ERROR: Intervenor COMPLAINT, filed by Stefanie Horowitz.(Carta, Mark) Modified on 3/2/2007 – Refer to Document #14 for motion (D'Andrea, S.). (Entered: 03/01/2007) |
| 03/01/2007 | <u>18</u> | Intervenor COMPLAINT, filed by Stefanie Horowitz.(Carta, Mark) (Entered: 03/01/2007) |
| 03/07/2007 | <u>19</u> | NOTICE of Appearance by Stephen P. Horner on behalf of Stefanie Horowitz (Horner, Stephen) (Entered: 03/07/2007) |
| 03/08/2007 | 20 | NOTICE OF E-FILED CALENDAR: THIS IS THE ONLY NOTICE COUNSEL/THE PARTIES WILL RECEIVE. ALL PERSONS ENTERING THE COURTHOUSE MUST PRESENT PHOTO IDENTIFICATION. Settlement Conference scheduled for 4/4/07 rescheduled to 4/17/2007 10:00 AM in Chambers Room 266 – Annex, 915 Lafayette Blvd., Bridgeport, CT before Judge Holly B. |

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| | | Fitzsimmons. THE SETTLEMENT CONFERENCE INSTRUCTIONS PREVIOUSLY ISSUED REMAIN IN EFFECT. (Larsen, M.) (Entered: 03/08/2007) |
| 03/20/2007 | <u>21</u> | NOTICE of Appearance by Meredith G. Diette on behalf of Benni's LLC (Diette, Meredith) (Entered: 03/20/2007) |
| 03/20/2007 | <u>22</u> | ANSWER to Intervenor Complaint by Benni's LLC.(Diette, Meredith) (Entered: 03/20/2007) |
| 04/09/2007 | <u>23</u> | First MOTION for Extension of Time until May 9, 2007 to Respond to Discovery served by the EEOC by Benni's LLC. (Diette, Meredith) (Entered: 04/09/2007) |
| 04/10/2007 | 24 | ORDER granting <u>23</u> Motion for Extension of Time until May 9, 2007 to Respond to Discovery. Signed by Judge Warren W. Eginton on 4/10/07. (O'Brasky, N.) (Entered: 04/10/2007) |
| 04/10/2007 | 25 | NOTICE OF E-FILED CALENDAR: THIS IS THE ONLY NOTICE COUNSEL/THE PARTIES WILL RECEIVE. ALL PERSONS ENTERING THE COURTHOUSE MUST PRESENT PHOTO IDENTIFICATION. Settlement Conference RESCHEDULED from 4/17/07 to 6/26/2007 10:00 AM in Chambers Room 266 – Annex, 915 Lafayette Blvd., Bridgeport, CT before Judge Holly B. Fitzsimmons. THE SETTLEMENT CONFERENCE INSTRUCTIONS PREVIOUSLY ISSUED REMAIN IN EFFECT. (Larsen, M.) (Entered: 04/10/2007) |
| 06/26/2007 | 26 | Minute Entry for proceedings held before Judge Holly B. Fitzsimmons : Settlement Conference held on 6/26/2007. Case not settled. Second settlement conference to be scheduled after discovery is completed in September. Total Time: 2 hours and 20 minutes (Larsen, M.) (Entered: 07/03/2007) |
| 09/07/2007 | <u>27</u> | MOTION for Meredith G. Diette to Withdraw as Attorney by Benni's LLC. (Diette, Meredith) (Entered: 09/07/2007) |
| 09/07/2007 | <u>28</u> | MOTION for Glenn A. Duhl to Withdraw as Attorney by Benni's LLC. (Duhl, Glenn) (Entered: 09/07/2007) |
| 09/07/2007 | <u>29</u> | MOTION for Ana Isabel DeMoura to Withdraw as Attorney by Benni's LLC. (DeMoura, Ana) (Entered: 09/07/2007) |
| 09/10/2007 | 30 | ORDER granting <u>27</u> Motion to Withdraw as Attorney. Meredith G. Diette terminated; granting <u>28</u> Motion to Withdraw as Attorney. Attorney Glenn A. Duhl terminated; granting <u>29</u> Motion to Withdraw as Attorney. Ana I. DeMoura terminated. Signed by Judge Warren W. Eginton on 9/10/07. (O'Brasky, N.) (Entered: 09/10/2007) |
| 09/12/2007 | <u>31</u> | Emergency MOTION to Stay <i>Discovery</i> by Equal Employment Opportunity Comm.Responses due by 10/3/2007 (Penzel, Markus) (Entered: 09/12/2007) |
| 09/12/2007 | <u>32</u> | MOTION for Default Entry 55(a) as to Defendant, Benni's LLC by Equal Employment Opportunity Comm. (Penzel, Markus) (Entered: 09/12/2007) |
| 09/14/2007 | 33 | ORDER granting <u>31</u> Motion to Stay discovery. Signed by Judge Warren W. Eginton on 9/14/07. (Welles, T.) (Entered: 09/14/2007) |
| 09/19/2007 | <u>34</u> | AFFIDAVIT of Service for <u>32</u> Motion for Default served on Petula Sikiotis, Defendant's Agent on September 17, 2007, filed by Equal Employment Opportunity Comm. (Penzel, Markus) Modified on 9/24/2007 to create a link to doc #32 (D'Andrea, S.) (Entered: 09/19/2007) |
| 09/20/2007 | 35 | ORDER granting <u>32</u> Motion for Default Entry 55(a). Motion for default judgment due by 10/22/2007. A Motion for Default Judgment pursuant to FRCP 55(b) shall be filed or this action will be dismissed by the Clerk pursuant to Rule 41(b) FRCP.. Signed by Judge Warren W. Eginton on 9/20/07. (O'Brasky, N.) (Entered: 09/20/2007) |
| 10/08/2007 | <u>36</u> | NOTICE of Appearance by Kathryn A. O'Brien on behalf of Stefanie Horowitz (O'Brien, Kathryn) (Entered: 10/08/2007) |
| 10/12/2007 | <u>37</u> | MOTION for Entry of Judgment under Rule 54(b) by Stefanie Horowitz. (Attachments: # <u>1</u> Affidavit)(O'Brien, Kathryn) (Entered: 10/12/2007) |

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| 10/16/2007 | <u>38</u> | MOTION for Default Judgment as to Benni's LLC by Equal Employment Opportunity Comm. (Attachments: # <u>1</u> Text of Proposed Order # <u>2</u> Memorandum in Support # <u>3</u> Exhibit 1 to Memorandum in Support)(Penzel, Markus) (Entered: 10/16/2007) |
| 10/26/2007 | <u>39</u> | AFFIDAVIT of Service for Motion for Default Judgment, Memo in Support, and Proposed Order served on Petula Sikiotis, agent for Defendant on 10/23/2007, filed by Equal Employment Opportunity Comm. (Penzel, Markus) (Entered: 10/26/2007) |
| 10/26/2007 | <u>40</u> | AFFIDAVIT of Service for Motion for Default Judgment, Memo in Support, and Proposed Order served on Constantine Gianopolous, authorized agent, through Petula Sikiotis, agent on 10/23/2007, filed by Equal Employment Opportunity Comm. (Penzel, Markus) (Entered: 10/26/2007) |
| 12/11/2007 | 41 | NOTICE OF E-FILED CALENDAR: THIS IS THE ONLY NOTICE COUNSEL/THE PARTIES WILL RECEIVE.ALL PERSONS ENTERING THE COURTHOUSE MUST PRESENT PHOTO IDENTIFICATION.COUNSEL OUTSIDE OF FAIRFIELD COUNTY SHOULD CONTACT CHAMBERS REGARDING PARTICIPATION BY CONFERENCE CALL (203) 579-5819. Status Conference set for 1/9/2008 10:00 AM in Chambers Room 335, 915 Lafayette Blvd., Bridgeport, CT before Judge Warren W. Eginton (Krajcik, R.) (Entered: 12/11/2007) |
| 01/17/2008 | 42 | ORDER granting <u>38</u> Motion for Default Judgment. Signed by Judge Warren W. Eginton on 1/17/08. (O'Brasky, N.) (Entered: 01/17/2008) |
| 01/17/2008 | 43 | ORDER granting <u>37</u> Motion for Entry of Judgment under Rule 54(b). Construing this as a Motion for Entry of Judgment under Rule 55(a), the Court orders that Motion for Default Judgment be filed by 2/15/08. A Motion for Default Judgment pursuant to FRCP 55(b) shall be filed or this action will be dismissed by the Clerk pursuant to FRCP Rule 41(b). Signed by Judge Warren W. Eginton on 1/17/08. (O'Brasky, N.) (Entered: 01/17/2008) |
| 01/18/2008 | 44 | ORDER vacating as entered in error 43 Order on Motion for Entry of Judgment under Rule 54(b), Order on Motion for Entry of Judgment under Rule 54(b). This case will be referred to the magistrate for a hearing on damages. Signed by Judge Warren W. Eginton on 1/18/08. (Welles, T.) (Entered: 01/18/2008) |
| 01/18/2008 | <u>45</u> | ORDER REFERRING CASE to Magistrate Judge Holly B. Fitzsimmons for Hearing on Damages. Signed by Judge Warren W. Eginton on 1/18/08. (Cody, C.) (Entered: 01/18/2008) |
| 02/12/2008 | <u>46</u> | MOTION for Default Judgment as to Benni's, LLC d/b/a Bennigan's by Stefanie Horowitz. (O'Brien, Kathryn) (Entered: 02/12/2008) |
| 02/12/2008 | <u>47</u> | Memorandum in Support re <u>46</u> MOTION for Default Judgment as to Benni's, LLC d/b/a Bennigan's filed by Stefanie Horowitz. (O'Brien, Kathryn) (Entered: 02/12/2008) |
| 02/12/2008 | <u>48</u> | AFFIDAVIT re <u>46</u> MOTION for Default Judgment as to Benni's, LLC d/b/a Bennigan's Signed By Stefanie Horowitz filed by Stefanie Horowitz. (O'Brien, Kathryn) (Entered: 02/12/2008) |
| 02/12/2008 | <u>49</u> | PROPOSED ORDER re <u>46</u> MOTION for Default Judgment as to Benni's, LLC d/b/a Bennigan's by Stefanie Horowitz. (O'Brien, Kathryn) (Entered: 02/12/2008) |
| 02/15/2008 | <u>50</u> | ORDER REFERRING MOTION: <u>46</u> MOTION for Default Judgment as to Benni's, LLC d/b/a Bennigan's filed by Stefanie Horowitz. Signed by Judge Warren W. Eginton on 2/15/08. Motions referred to Holly B. Fitzsimmons(Simpson, T.) (Entered: 02/15/2008) |
| 02/19/2008 | 51 | NOTICE OF E-FILED CALENDAR: THIS IS THE ONLY NOTICE COUNSEL/THE PARTIES WILL RECEIVE. Telephone Status Conference set for 3/3/2008 02:00 PM before Judge Holly B. Fitzsimmons to schedule Hearing on Damages. Counsel for the plaintiff is requested to initiate this conference call. Once all parties are on the line, please contact Chambers at (203)579-5640. (Larsen, M.) (Entered: 02/19/2008) |
| 02/21/2008 | <u>52</u> | Supplemental CERTIFICATE OF SERVICE by Stefanie Horowitz re <u>48</u> Affidavit, <u>47</u> Memorandum in Support of Motion, <u>46</u> MOTION for Default Judgment as to Benni's, LLC d/b/a Bennigan's, <u>49</u> Proposed Order (O'Brien, Kathryn) (Entered: 02/21/2008) |

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| 03/03/2008 | <u>53</u> | RECOMMENDED RULING granting <u>46</u> MOTION for Default Judgment as to Benni's, LLC d/b/a Bennigan's filed by Stefanie Horowitz, 4 Pages. Objections due by 3/21/2008. Signed by Judge Holly B. Fitzsimmons on 3/3/08. (Milligan, C.) (Entered: 03/03/2008) |
| 03/03/2008 | 54 | NOTICE OF E-FILED CALENDAR: THIS IS THE ONLY NOTICE COUNSEL/THE PARTIES WILL RECEIVE. ALL PERSONS ENTERING THE COURTHOUSE MUST PRESENT PHOTO IDENTIFICATION. Hearing in Damages set for 4/23/2008 10:30 AM in Courtroom Four-Annex, 915 Lafayette Blvd., Bridgeport, CT before Judge Holly B. Fitzsimmons. (Larsen, M.) (Entered: 03/04/2008) |
| 03/28/2008 | 55 | ORDER granting <u>46</u> Motion for Default Judgment; adopting <u>53</u> Recommended Ruling. Signed by Judge Warren W. Eginton on 3/28/08. (Cepler, C.) (Entered: 03/28/2008) |
| 04/23/2008 | 56 | ORAL MOTION for Attorney Fees by Stefanie Horowitz.Responses due by 5/14/2008 (Larsen, M.) (Entered: 04/28/2008) |
| 04/23/2008 | <u>57</u> | Minute Entry. Proceedings held before Judge Holly B. Fitzsimmons: Evidentiary Hearing – Hearing in Damages held on 4/23/2008, taking under advisement 56 Motion for Attorney Fees. Total Time: 1 hour and 19 minutes(Court Reporter R. Payton) (Larsen, M.) (Entered: 04/28/2008) |
| 04/23/2008 | <u>58</u> | Marked Exhibit List by Equal Employment Opportunity Comm, Stefanie Horowitz. (Larsen, M.) (Entered: 04/28/2008) |
| 04/23/2008 | <u>59</u> | Marked Witness List by Equal Employment Opportunity Comm, Stefanie Horowitz. (Larsen, M.) (Entered: 04/28/2008) |
| 08/22/2008 | <u>60</u> | RECOMMENDED RULING on Motion for Default Judgment Damages and granting 56 MOTION for Attorney Fees filed by Stefanie Horowitz. Objections due by 9/9/2008. Signed by Judge Holly B. Fitzsimmons on 8/22/08. (Milligan, C.) (Entered: 08/22/2008) |
| 09/18/2008 | 61 | ORDER granting 56 Motion for Attorney Fees; adopting <u>60</u> Recommended Ruling. The Clerk is instructed to close this case. Signed by Judge Warren W. Eginton on 9/18/08. (Cepler, C.) (Entered: 09/18/2008) |
| 09/23/2008 | 62 | SUPPLEMENTAL ORDER re <u>60</u> RECOMMENDED RULING granting 56 MOTION for Attorney Fees filed by Stefanie Horowitz. Defendant is ordered to pay plaintiff-intervenor Stephanie Horowitz compensatory damages in the amount of \$75,000, punitive damages in the amount \$50,000, and attorneys fees in the amount of \$41,524.50 and costs in the amount of \$399.54. Defendant is also ordered to pay claimant Michelle Pagano compensatory damages in the amount of \$40,000 and punitive damages in the amount of \$25,000. Finally, defendant is ordered to undertake injunctive and non-monetary relief as previously ordered for a period of five years from the date of this Supplemental Order. The Clerk is instructed to close this case. Signed by Judge Warren W. Eginton on 9/23/08. (Cepler, C.) (Entered: 09/23/2008) |
| 09/26/2008 | <u>63</u> | JUDGMENT is entered in the amount of \$166,924.04 as to Stephanie Horowitz and in the amount of \$65,000.00 as to claimant Michele Pagano against defendant Benni's d/b/a Bennigan's. Signed by Clerk on 9/26/2008. (D'Andrea, S.) (Entered: 09/26/2008) |