

**1. EEOC Case ID#:** EE-NY-0001

**2. Docket number/Court of each of the related or consolidated cases:** 05-CV-00692 and 05-CV-00896

**3. Related or consolidated?** Consolidated

**4. Docket entry # (or other location) where consolidation or relation appears:** The actual consolidation is not listed in 05-00692, though pre-consolidation events are listed in entries 12-14. In 05-00896, the consolidation is granted by the magistrate judge in docket entry 16, but the order is stayed pending resolution of a jurisdictional dispute. The consolidation is then denied by the district judge in docket entry 22 after which the cases proceed separately.

**5. Date of consolidation/relation?** 6/16/2006

**6. Terms of the consolidation (e.g. “consolidated for purposes of discovery only, trial to be in front of original judge” or “consolidated for purposes of discovery; decision on trial consolidation to be made later”):** “The consolidated action must be under a joint caption and common case number, EEOC v. Adesa New York, Inc., Noble, Metz v. Adesa, Inc., Adesa New York LLC, Allete, Inc., Case No. 05CV692S (Consolidated). The Court Clerk shall note any filings going forward in either case shall be noted in the docket for the consolidated action. This Order, however, is hereby **stayed** pending ultimate disposition of this Report & Recommendations.”

**7. For each case, who are the parties (include charging parties if EEOC is plaintiff) and what is the basic theory of the case? (e.g. sexual harassment, age discrimination)**

05-00692: Plaintiff is EEOC; defendant is ADESA New York, Inc.; theory—age discrimination in firing and refusal to provide opportunities for transfer or reemployment.

05-00896: Plaintiffs are Sharon Noble and Susan Metz; Defendants are Adesa, Inc., Adesa New York, LLC, and Allete, Inc.; theory—age discrimination in firing and replacement.

**8. Briefly describe the procedural history of each case prior to their being related or consolidated.**

05-00692 was filed by the EEOC on 9/30/2005; little activity other than scheduling conferences prior to consolidation.

05-00896 was filed by Noble and Metz on 12/13/2005; little substantial activity prior to consolidation.

**9. After the cases were related/consolidated, what happened? was one case designated the lead case and all subsequent activity appears on that case docket? do both dockets contain lots of subsequent entries and if so, are they mostly or entirely duplicative, or do they indicate different types of activities in the two cases?**

The magistrate judge’s report designated 05-00692 as the lead case, but the actual consolidation does not appear there. From that point until the district court judge denies consolidation, most of

the activity is actually in the docket for 05-00896, with the exception of one docket entry in 05-00692, though all seem to be related to whether the district judge will accept the magistrate judge's recommendations on other issues and whether the consolidation order will be implemented. The 05-00896 docket indicates that on 08/25/06, the district judge denied consolidation and on 08/28/06 a judgment was entered dismissing the case in its entirety. A notice of appeal was filed and withdrawn. The docket for 05-00692 resumes activity after the consolidation was denied, though that is not recorded on this docket, after which the parties enter mediation and a consent decree is entered on 5/31/06.