

**U.S. District Court**  
**United States District Court for the Southern District of New York (Foley Square)**  
**CIVIL DOCKET FOR CASE #: 1:97-cv-07168-KMW-MHD**

E.E.O.C. v. Simat, Helliesen, et al  
Assigned to: Judge Kimba M. Wood  
Referred to: Magistrate Judge Michael H. Dolinger  
Demand: \$0  
Related Case: 1:00-cv-07296-KMW-MHD  
Cause: 42:2000e Job Discrimination (Employment)

Date Filed: 09/24/1997  
Date Terminated: 06/10/2002  
Jury Demand: Plaintiff  
Nature of Suit: 442 Civil Rights: Jobs  
Jurisdiction: U.S. Government Plaintiff

**Plaintiff**

**Equal Employment Opportunity  
Commission**

represented by **Deborah Reik**  
Equal Employment Opportunity  
Commission  
New York District Office  
7 World Trade Center  
18th Floor  
New York , NY 10048-1102  
(212) 748-8512  
**LEAD ATTORNEY**

V.

**Defendant**

**Simat, Helliesen &Eichner, Inc.**

represented by **Mark D. Lurie**  
Epstein, Becker &Greeg, P.C.  
250 Park Avenue  
New York , NY 10177  
(212) 351-4500  
**LEAD ATTORNEY**

**Mark D. Lurie**  
Epstein, Becker &Green, P.C.  
Two Gateway Center, 12th Fl.  
Newark , NJ 07102-5003  
(973) 642-1900  
**LEAD ATTORNEY**

**Defendant**

**Reed Elsevier, Inc.**

Date Filed	#	Docket Text
09/24/1997	1	COMPLAINT filed; Summons issued and Notice pursuant to 28 U.S.C. 636(c); FILING FEE \$ USA (bm) (Entered: 09/25/1997)
09/24/1997		Magistrate Judge Dolinger is so Designated. (bm) (Entered: 09/25/1997)
10/01/1997	2	Order that case be referred to the Clerk of Court for assignment to a Magistrate Judge for general pretrial/including initial case management conference and dispositive motion (i.e. motion requiring a report and requiring a report and recommendation). ( signed by Judge Kimba M. Wood ) Referred to Magistrate Judge Michael H. Dolinger. (kw) Modified on 10/02/1997 (Entered: 10/02/1997)

12/09/1997	3	NOTICE OF MOTION by Simat, Helliesen, Reed Telepublishing; for an order for the pro hac vice admission of Robert H. Bernstein, Esq. and Carmen J. DiMaria, Esq. to the bar of this Court for the purposes of representing defts in this litigation ; affdvs' (2) in support attached to motion; return date not advised (ls) (Entered: 12/15/1997)
12/19/1997	4	Memo endorsed on (courtesy copy) motion for admission pro hac vice; granting [3-1] motion for the pro hac vice admission of Robert H. Bernstein, Esq. and Carmen J. DiMaria, Esq. to the bar of this Court for purposes of representing defts in this litigation ( signed by Magistrate Judge Michael H. Dolinger ); Copies mailed; sent original to Ruth on 12/19/97. (ae) (Entered: 12/19/1997)
12/19/1997	6	ANSWER to Complaint by Simat, Helliesen, Reed Telepublishing (Attorney Mark D. Lurie). (jp) (Entered: 12/23/1997)
12/19/1997	7	Rule 9 certificate filed by Simat, Helliesen, Reed Telepublishing (jp) (Entered: 12/23/1997)
12/22/1997	5	ORDER, set pretrial conference for 2:15 1/26/98 ; any requests for adjournment of this scheduled conference must be in writing, with copies to all other parties, and must be preceded by reasonable efforts by the requesting party to obtain the consent of those parties ( signed by Magistrate Judge Michael H. Dolinger ); Copies mailed (ae) (Entered: 12/22/1997)
01/28/1998	8	ORDER; all fact discovery is to be completed by 4/30/98 ; plttf is to designate its expert witnesses and provide the information required under FRCP 26(a)(2)(B) by 4/30/98. Defts are to provide the equivalent information by 5/29/98; All remaining expert witness discovery is to be completed by 7/17/98 ; the parties are to submit a joint pre-trial order by 9/11/98, unless a potentially dispositive motion has been served and filed by that date ( signed by Magistrate Michael H. Dolinger ); Copies mailed (sac) (Entered: 01/29/1998)
04/27/1998	9	ORDER, reset scheduling order deadlines: all fact discovery is to be completed by 8/31/98; plaintiff is to designate its expert witnesses and provide the information required under FRCP 26(a)(2)(B) by 8/31/98. Defendants are to provide the equivalent information by 9/30/98; all remaining expert witness discovery is to be completed by 11/17/98; no further extensions of these deadlines should be expected; joint pretrial order to be submitted on or before 1/11/99, unless a potentially dispositive motion has been served and filed by that date; all discovery is consolidated with Tesoro v. Simat, Helliesen & Eichner, 97 Civ. 7176 ( signed by Magistrate Judge Michael H. Dolinger ); Copies mailed (ae) Modified on 04/28/1998 (Entered: 04/28/1998)
04/27/1998	10	ORDER, set pretrial conference for 10:00 a.m. on 6/10/98 ( signed by Magistrate Judge Michael H. Dolinger ); Copies mailed (kw) (Entered: 04/28/1998)
07/10/1998	11	ORDER, adjourning the conference in the action to 7/15/98 at 2:00 p.m. Any requests for adjournment of this scheduled conference must be in writing, with copies to all other parties, and must be preceded by reasonable efforts by the requesting party to obtain the consent of those parties ( signed by Magistrate Judge Michael H. Dolinger ); Copies mailed (also docketed in 97cv7176) (cd) (Entered: 07/13/1998)
07/17/1998	12	ORDER; defts are to produce within two weeks (1) documents sufficient to show the date when Reed acquired an ownership interest in or control of Simat, Helliesen & Eichman, Inc. ("SH) and the date when it relinquished such ownership or control; (2) all documents reflecting any participation by Reed officers, employees or other agents in decisions affecting compensation, pay structure,

		<p>or other personnel matters at SHE (3) all documents reflecting a policy or practice concerning the role of Reed officers, employees or other agents, in determining personnel policies or decisions affecting SHE (4) all documents relating to any complaints by SHE employees about compensation, pay structure, sexual harassment or retaliation, and (5) all documents received by Reed Telepublishing or Reed Travel concerning sexual harassment or retaliation by any officers, employees or other agents of any Reed entity during the period when Reed had an ownership interest in or control of SHAt this time the Court will not order production of documents reflecting compensation structure or policies or individual salary or benefit decisions pertaining only to employees of Reed entities other than SHThis ruling may be reexamined upon a showing of need by plttf ; the parties are to produce all other documents that they had agreed to produce by 7/24/98 ; all fact discovery is to be completed by 10/30/98 ; plttfs are to designate their expert witnesses and provide the information required under FRCP 26(a)(2)(B) by 11/16/98. Defts are to provide the equivalent information by 12/7/98. All remaining expert witness discovery is to be completed by 12/31/98 ; the parties are to submit a joint pre-trial order by 2/1/99, unless a potentially dispositive motion has been served and filed by that date ; the Court will conduct a telephone status conference with counsel for the parties on Friday, 7/31/98 at 10:00 a.m. ( signed by Magistrate Judge Michael H. Dolinger ); Copies mailed (sac) (Entered: 07/17/1998)</p>
08/05/1998	13	<p>ORDER, that the documents required to be produced by deft pursuant to our 7/16/98 order are to be made available, in their entirety, by no later than 8/21/98. No further extensions should be expected ( signed by Magistrate Judge Michael H. Dolinger ); Copies mailed (also docketed in 97cv7176) (cd) (Entered: 08/05/1998)</p>
09/14/1998	14	<p>CONFIDENTIALITY ORDER, regarding procedures that will govern the handling of confidential information ( signed by Magistrate Judge Michael H. Dolinger ); Copies mailed (also docketed in 97cv7176) (cd) Modified on 09/16/1998 (Entered: 09/15/1998)</p>
09/14/1998	15	<p>ORDER, within seventy-two hours after the court enters a protective order, defendants are to produce all previously withheld documents, and also are to produce in unredacted form any non privileged documents previously produced in redacted form ; counsel for both sides are to provide to each other the dates on which their clients are available for depositions and are to negotiate a prompt deposition schedule. If that task cannot be completed by close of business on 9/11/98, counsel are to inform the court, which will then conduct a conference at which it will establish a deposition schedule. The prior schedule for completion of discovery and other pre-trial proceedings remains in force ( signed by Magistrate Judge Michael H. Dolinger ); Copies mailed (kw) (Entered: 09/15/1998)</p>
11/09/1998	16	<p>ORDER, defendants may, at their resumed deposition of plaintiff Rosemary Barenz, ask solely the listed questions concerning the preparation of Exhibit D-1 as set forth in this Order; the previous schedule for completion of pre-trial proceedings remains in effect ( signed by Magistrate Judge Michael H. Dolinger ); Copies mailed (ae) (Entered: 11/12/1998)</p>
12/23/1998	17	<p>ORDER, the employment documents of Ms. Tesoro are to be produced by 12/24/98 ; regarding depositions as set forth in this document ; all fact discovery, except as noted, is deemed to have been completed ; set joint pretrial order due for 2/16/99, unless a potentially dispositive motion has been served by that date ( signed by Magistrate Judge Michael H. Dolinger ); Copies mailed (kw) (Entered: 12/28/1998)</p>

02/18/1999	18	Filed Memo–Endorsement on letter to Mag. Judge Dolinger from Mark D. Lurie dated 02/17/99, reset defendants' dispositive motion filing deadline for 3/3/99 (signed by Magistrate Judge Michael H. Dolinger) (dj) (Entered: 02/18/1999)
03/15/1999	19	ORDER, set telephone conference for 11:00 3/22/99. Counsel for depts is directed to make the necessary arrangements for the conference call ( signed by Magistrate Judge Michael H. Dolinger ); Copies mailed (also docketed in 97cv7176) (cd) Modified on 03/16/1999 (Entered: 03/15/1999)
03/23/1999	20	ORDER; that depts are to serve their summary judgment motion by no later than 4/12/99; that plaintiffs are to serve their responding papers by no later than 5/12/99; that reply papers, if any, are to be served by no later than 5/21/99 ; ( signed by Magistrate Judge Michael H. Dolinger ); copies mailed (ls) (Entered: 03/25/1999)
05/07/1999	21	Filed Memo–Endorsement on letter addressed to Magistrate Judge Dolinger from James Frank, dated 5/6/99; plaintiffs respectfully request a two week extensions from 5/12 to and until 5/26/99 to submit their papers in opposition to depts' motion for summary judgment. Application granted. Depts may serve and file within ten days after receipt of plaintiffs' papers. ( signed by Magistrate Judge Michael H. Dolinger ) (sac) (Entered: 05/10/1999)
05/13/1999	22	Filed Memo–Endorsement on letter addressed to magistrate Judge Dolinger from Robert H. Bernstein, dated 5/13/99; counsel for the depts writes to request that the Court reconsider its 5/6/99 Order granting plaintiffs' request for an extension of time to serve opposition papers to depts summary judgment motion. Reconsideration denied. If depts counsel requires additional time to prepare reply papers, he may take until 6/30/99 to do so. ( signed by Magistrate Judge Michael H. Dolinger ) (jp) (Entered: 05/14/1999)
05/26/1999	23	RESPONSE by E.E.O.C. Re: depts Simat, Helliesen & Eichner, Inc's and David Treitel's Statement of Undisputed Material Facts Purs. to Local Rule 56.1 (ls) (Entered: 05/28/1999)
05/26/1999	24	RESPONSE by E.E.O.C. Re: dept Reed Elsevier Inc's Statement of Undisputed Facts Purs. to Local Rule 56.1 (ls) (Entered: 05/28/1999)
05/26/1999	25	RESPONSE AND MEMORANDUM OF LAW in opposition to depts' motion for summary judgment. by E.E.O.C. (ls) (Entered: 05/28/1999)
05/26/1999	26	DECLARATION in opposition by Rose R. McKiernan for E.E.O.C. re depts' motion for summary judgment. (ls) (Entered: 05/28/1999)
06/30/1999	27	SUPPLEMENTAL AFFIDAVIT of Robert H. Bernstein by Simat, Helliesen, Reed Telepublishing in further support of Defendants' motion for summary judgment (dj) (Entered: 07/02/1999)
06/30/1999	28	REPLY MEMORANDUM OF LAW by Simat, Helliesen, Reed Telepublishing in Further Support of Motion for Summary Judgment (dj) (Entered: 07/02/1999)
01/16/2001	29	REPORT AND RECOMMENDATIONS of Magistrate Judge Michael H. Dolinger; It is recommended that defendants' summary judgment motion be denied except with respect to (1)the claims of Barenz, Keating and Bradt for gender discrimination in pay, (2) the claims of plaintiffs (except Tesoro) for discrimination in promotions or, more generally, job opportunities, (3) plaintiffs' state–law claims against Reed Elsevier, (4) Bradt's federal claims against Reed Elsevier, and (5) plaintiffs' request for front pay; Objections to R and R due by 1/30/01 . (dj) (Entered: 01/17/2001)

01/24/2001	30	Memo-Endorsement on letter addressed to Judge Wood from Mark D. Lurie, dated 01/23/01; Defendants' Objections reset to 2/23/01 for [29-1] report and recommendations. No further extensions are likely ; ( signed Judge Kimba M. Wood ); Copies mailed. (dj) (Entered: 01/25/2001)
01/26/2001	31	Memo-Endorsement on letter addressed to Judge Wood from Nora E. Curtin, dated 1/24/01. Re: E.E.O.C. respectfully requests that it and the private plaintiffs be given an equal amount of time to respond to Mag. Judge Dolinger's Report and Recommendation in actions 97cv7168 & 97cv7176 and also requests that the plaintiffs be granted an extension to respond by 3/27/01; objections reset to 3/23/01 for [29-1] report and recommendations . ( signed by Judge Kimba M. Wood ); Copies mailed. (pl) Modified on 01/31/2001 (Entered: 01/29/2001)
02/23/2001		OBJECTIONS by plaintiffs re: to [29-1] report and recommendations; original document filed in 97cv7176 as document #26. (pl) (Entered: 02/26/2001)
02/23/2001		AFFIDAVIT of Judith S. Rogh by plaintiffs in support of [0-1] objection; original filed in 97cv7176 as document #27. (pl) (Entered: 02/26/2001)
02/23/2001		OBJECTIONS by defendants to [29-1] report and recommendations; original docketed in 97cv7176 as document #28. (pl) (Entered: 02/26/2001)
02/26/2001	32	OBJECTIONS AND MEMORANDUM OF LAW in support of its objections by E.E.O.C. to [29-1] report and recommendations. (sn) (Entered: 02/27/2001)
03/23/2001	33	AFFIDAVIT of Mark D. Lurie by Simat, Helliesen, Reed Telepublishing in support of dft.'s reply to the EEOC's and the individual plaintiff's objections to the Mag. Judge's Report and Recommendation. (pl) (Entered: 03/26/2001)
03/23/2001	34	REPLY by Simat, Helliesen, Reed Telepublishing Re: [32-1] objection (pl) (Entered: 03/26/2001)
03/23/2001	35	RESPONSE by E.E.O.C. Re: defendants objections to the Report & Recommendation of Mag. Judge Dolinger. (pl) (Entered: 03/26/2001)
03/23/2001		RESPONSE by E.E.O.C. Re: dft's objections to the Report and Recommendation of Mag. Judge Dolinger; original document docketed in 97cv7168 as document #35. (pl) (Entered: 03/26/2001)
03/23/2001		REPLY by Simat, Helliesen, Reed Telepublishing Re: [32-1] objection; original document docketed in 97cv7176 as document #34. (pl) Modified on 03/26/2001 (Entered: 03/26/2001)
03/23/2001	36	MEMORANDUM OF LAW by E.E.O.C. in opposition to [0-1] objection . (pl) (Entered: 03/27/2001)
05/30/2001	37	ORDER, for a general conference on 6/8/01 @ 10:00 a.m. in Courtroom 17D, 500 Pearl St., NY NY . ( signed by Magistrate Judge Michael H. Dolinger ); Copies mailed. (kg) (Entered: 05/30/2001)
06/11/2001	38	ORDER, all proceedings in this case will be stayed until 7/16/01; the parties may apply for an extension of the stay, if needed, by no later than 7/16/01 ( signed by Magistrate Judge Michael H. Dolinger ); Copies mailed. (cd) (Entered: 06/12/2001)
10/30/2001	39	NOTICE of Change of Address by E.E.O.C. new address is 201 Varick Street, Room 1009, New york, New York 10014. (db) (Entered: 10/31/2001)

03/29/2002		DUPLICATE ORIGINAL ORDER filed; see case number 97 cv 7176 (KMW), document number 36 . ( signed by Judge Kimba M. Wood ); Copies mailed. Original document filed under case number 97 cv 7176, document #36. (jp) (Entered: 06/16/2002)
04/24/2002		NOTICE OF MOTION by David Treitel, Simat, Helliesen, Reed Telepublishing for an order pursuant to Rules 21 and 42(b) of the FRCP granting defendant's motion for separate trials for all plaintiffs . Return Date not indicated. Original document filed in 97cv7176 (KMW), Doc # 30. (moc) (Entered: 04/30/2002)
04/24/2002		MEMORANDUM OF LAW by David Treitel, Simat, Helliesen, Reed Telepublishing in support of [0-1] motion for an order pursuant to Rules 21 and 42(b) of the FRCP granting defendant's motion for separate trials for all plaintiffs. Original document filed in 97cv7176 (KMW), Doc # 31. (moc) (Entered: 04/30/2002)
04/25/2002	40	Memo-Endorsement on letter addressed to Judge Wood from Christopher M. Farella, dated 4/23/02. Re: defendants requests a one-day adjournment of the due date for the severance/separate trial motion; reset defendants pretrial motion filing deadline for 4/24/02 . ( signed by Judge Kimba M. Wood ); Copies mailed. (pl) (Entered: 04/30/2002)
05/06/2002	41	MEMORANDUM OF LAW by E.E.O.C. in opposition to [0-1] motion for an order pursuant to Rules 21 and 42(b) of the FRCP granting defendant's motion for separate trials for all plaintiffs . (bai) (Entered: 05/08/2002)
05/15/2002		MEMO-ENDORSEMENT on Plaintiffs' and EEOC's Preliminary witness chart in compliance with the Court's 4/16/02 Pre-Trial Conference Direction and 4/16/02; that the Court notes that all parties may wish to present more voluminous testimony than this Court expects to be appropriate. The Court will decide at trial the appropriate length of each witness' testimony. The Court notes that trial before a Mag. Judge is likely to give the parties more flexibility in selecting the trial dates . ( signed by Judge Kimba M. Wood ); Copies mailed; orig. document docketed in 97cv7168 as document #32. (pl) (Entered: 05/20/2002)
05/15/2002	42	Memo-Endorsement on letter addressed to Judge Wood from Robert H. Bernstein, dated 5/13/02. Re: defendants writes in pursuant to The Court's instruction. The Court reserves the right to curtail testimony, pursuant to FRCP 1, at trial, on behalf of plaintiffs and defendants . ( signed by Judge Kimba M. Wood ); Copies mailed. (kw) (Entered: 05/23/2002)
05/23/2002	43	ORDER, that a conference has been scheduled on 5/28/02, at 11:00 a.m., at which time the parties are directed to appear in Courtroom 17D, 500 Pearl Street, New York, NY 10007-1312 . ( signed by Magistrate Judge Michael H. Dolinger ); Copies mailed. (tp) (Entered: 05/28/2002)
05/24/2002		Order that case be referred to the Clerk of Court for assignment to a Magistrate Judge for Settlement. Referred to Magistrate Judge Michael H. Dolinger. ( signed by Judge Kimba M. Wood ) Original document filed under case no. 97cv7176 (KMW), doc. #33. (kkc) (Entered: 05/28/2002)
06/04/2002		Status Conference held before Magistrate Judge Michael H. Dolinger. (ph) (Entered: 06/12/2002)
06/05/2002	44	ORDER; that a settlement conference has been scheduled in the action on Tuesday, June 4, 2002, at 9:30 a.m. in Courtroom 17D, 500 Pearl Street, New York, NY ( signed by Magistrate Judge Michael H. Dolinger ); Copies mailed. (jco) (Entered: 06/07/2002)

06/10/2002	46	<p>CONSENT/DECREE JUDGMENT #02,1069. This Consent Decree is final and binding between the parties signatory hereto and resolves all issues and claims raised in EEOC charge number 16097166 and that were raised in the Complaint herein regarding Brenda Bradt. The terms of this Decree represents the full and complete agreement of the parties with respect to Brenda Bradt. This Decree in no way affects thae ability of EEOC to pursue victim-specific relief on behalf of individuals in this action other than Brenda Bradt and equitable relief necessary to vindicate the public interest. In settlement of this dispute, SHEshall pay to Brenda Bradt the sum of \$150,000. Each of the parties to this Decree shall bear its own attorney's fees and costs incurred in this action; ( signed by Judge Kimba M. Wood ) Entered On Docket: 06/14/02. (dj) (Entered: 06/14/2002)</p>
06/10/2002		Case closed. (dj) (Entered: 06/14/2002)
06/10/2002		Case reopened. (Partial Stip. of Dismissal; Case closed out in error). (ae) (Entered: 07/24/2002)
06/10/2002		Case closed. (dj) (Entered: 02/03/2003)
06/12/2002	45	<p>Memorandum to Docket Clerk: A conference was held in the following case on 6/4/02 before Magistrate Judge Michael H. Dolinger. (ph) (Entered: 06/12/2002)</p>
11/26/2002	47	<p>Memorandum to Docket Clerk: A conference was held on 11/18/02 before Mag. Judge Dolinger . (ae) (Entered: 11/26/2002)</p>
02/18/2003	48	<p>CONSENT JUDGMENT: In settlement of this dispute, Reed, on behalf of the defendants, shall pay claimants a total sum of \$2,300,000, which sum includes payment of claimants' attorneys' fees and costs. Defendants will not discriminate against any individual because of the individual's sex or subject any employee to sexual harassment as set forth in this document. This Decree will remain in effect for period of two years. The Clerk of Court is directed to close case 97 civ. 7168. Any pending motions are moot. ( signed by Judge Kimba M. Wood ) Entered On Docket: 2/20/03. Copies mailed by chambers. (kw) Modified on 02/24/2003 (Entered: 02/20/2003)</p>