

**U.S. District Court
Eastern District of New York (Brooklyn)
CIVIL DOCKET FOR CASE #: 1:93-cv-03354-EHN-JMA**

United States v. NYC Transit Auth., et al
Assigned to: Senior-Judge Eugene H. Nickerson
Referred to: Magistrate Judge Joan M. Azrack
Demand: \$0
Case in other court: 105.00
95-06155
Cause: 28:451 Employment Discrimination

Date Filed: 07/27/1993
Date Terminated: 05/15/1995
Nature of Suit: 442 Civil Rights: Jobs
Jurisdiction: U.S. Government
Plaintiff

Plaintiff

United States

represented by **Christopher Lehmann**
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V.

Defendant

New York City Transit Authority

represented by **Richard Schoolman**
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Date Filed	#	Docket Text
07/27/1993	1	COMPLAINT filed and no summons(es) issued for NYC Transit Authority. (fe) (Entered: 07/27/1993)
07/27/1993		ORDER REFERRING CASE to Magistrate Joan M. Azrack () (fe) (Entered: 07/27/1993)
08/19/1993	2	ORDER, set initial conference for 2:30 11/30/93 c/m (signed by Magistrate Joan M. Azrack) (fe) (Entered: 08/19/1993)
08/19/1993	3	RETURN OF SERVICE executed as to NYC Transit Authority on 8/10/93. Answer due on 8/30/93 for NYC Transit Authority. (Conte, Daniela) (Entered: 08/19/1993)
08/31/1993	4	STIPULATION dtd 8/26/93, that the defedant's time to answer the complaint is extended to 9/7/93. (signed by Judge Eugene H. Nickerson) (Roker, Michelle) (Entered: 08/31/1993)
09/08/1993	5	ANSWER to Complaint by NYC Transit Authority. (Johnson, Lorraine) (Entered: 09/09/1993)
11/17/1993	6	MOTION by NYC Transit Authorit to dismiss pursuant to Rule 12(b)(1) , Motion hearing set for 9:30 12/17/93 [6-1] motion. (Johnson, Lorraine) (Entered: 11/18/1993)
11/17/1993	7	MEMORANDUM by NYC Transit Authorit in support of [6-1] motion to dismiss pursuant to Rule 12(b)(1) as moot so much of the complaint as seeks an injunction directing the defendant to change a personnel policy it had already changed. (Johnson, Lorraine) (Entered: 11/18/1993)
12/13/1993	8	RESPONSE by United States in opposition to [6-1] motion to dismiss pursuant to Rule 12(b)(1) (Johnson, Lorraine) (Entered: 12/15/1993)
12/15/1993	9	SUPPLEMENTAL AFFIDAVIT of Richard Dreyfus, Deputy Executive Ass't General Counsel of defendant NYC Transit Re: in support of motion to dismiss so much of the complaint as seeks an injunction directed to the Authority's former EEO Division policy concerning the processing of internal discrimination complaints. (Johnson, Lorraine) (Entered: 12/16/1993)
12/15/1993	10	REPLY MEMORANDUM OF LAW by NYC Transit Authorit in further support of [6-1] motion to dismiss pursuant to Rule 12(b)(1). (Johnson, Lorraine) (Entered: 12/16/1993)
12/17/1993	11	Calendar entry: Before EHN, Court reporter H. LeGendre. Case called,

		counsel for all parties present. Motion to dismiss---argued, [6-1] motion to dismiss pursuant to Rule 12(b)(1) taken under advisement. (Johnson, Lorraine) (Entered: 12/30/1993)
02/03/1994	13	NOTICE of United States Dept. of Justice Atty. Maureen T. Dulen in substitution for Steven B. Royster as atty. of record for pltf. in this action. (Vaughn, Terry) (Entered: 02/08/1994)
02/03/1994		**Added for United States attorney Maureen T. Dulen. (Vaughn, Terry) (Entered: 02/08/1994)
02/04/1994	12	Calendar entry: Before Mag. Azrack on 2/4/94 at 9:30a.m. Case called. Settlement conference to continue. set settlement conference for 12:00 3/10/94 before Magistrate Joan M. Azrack (Dobkin, David) (Entered: 02/07/1994)
02/24/1994	14	TRANSCRIPT of proceedings before Judge Nickerson filed for dates of 12/17/93. (Johnson, Lorraine) (Entered: 02/24/1994)
03/10/1994	15	Calendar entry: Before Mag. Azrack on 3/10/94 at 2:30 for discovery conference. Discovery necessary for summary judgment motion to be conducted by 8/30/94. Plaintiff to make summary judgment motion by 9/30/94. If decide not to make motion plaintiff to contact chambers for a conference date. set discovery due for 8/30/94 (fe) (Entered: 03/14/1994)
03/14/1994	16	COPY OF A LETTER from Ellen Harrison to Mr. Barry reiterating its previous offer of \$200.00 as full and final settlement of his claim. (fe) (Entered: 03/14/1994)
03/22/1994	17	MEMO/ORDER dated 3/17/94 that the motion to dismiss as moot the portion of the complaint seeking an injunction preventing the Transit Authority from continuing an allegedly retaliatory policy of investigating discrimination complaints is denied. (signed by Judge Eugene H. Nickerson). (Greves, Liz) (Entered: 03/22/1994)
04/01/1994	18	MOTION by NYC Transit Authority for reargument of deft's original motion for dismissal. Motion hearing set for 4/22/94 [18-1] motion. (Greves, Liz) (Entered: 04/04/1994)
04/01/1994	19	MEMORANDUM by NYC Transit Authority in support of [18-1] motion for reargument of deft's original motion for dismissal. (Greves, Liz) (Entered: 04/04/1994)
04/14/1994	20	MEMORANDUM by United States in opposition to [18-1] motion for reargument of deft's original motion for dismissal. (Asreen, Wendy) (Entered: 04/15/1994)
04/20/1994	21	Deft's Reply Brief in further support of their motion for reargument. (Greves, Liz) (Entered: 04/21/1994)

04/22/1994	22	Calendar entry: Before Nickerson-Case called for [18-1] motion for reargument of deft's original motion for dismissal. No appearances. Motion taken on submission. (Glenn, Marilyn) (Entered: 04/28/1994)
05/23/1994	23	ORDER denying [18-1] motion for reargument of deft's original motion for dismissal. (signed by Judge Eugene H. Nickerson, dated May 12, 1994) (Asreen, Wendy) (Entered: 05/23/1994)
06/07/1994	24	AMENDED MEMORANDUM AND ORDER dtd 5/27/94 that the dft's motion for reargument of the order issued on 3/17/94 is DENIED. (signed by Judge Eugene H. Nickerson). (Yuen, Sui May) (Entered: 06/07/1994)
10/03/1994	25	Rule 3(g) Statement by United States in support of its motion for summary judgment. (Greves, Liz) (Entered: 10/05/1994)
10/03/1994	26	MOTION by United States for summary judgment. Motion hearing set for 9:30 10/28/94 [26-1] motion. (Greves, Liz) (Entered: 10/05/1994)
10/03/1994	27	MEMORANDUM by United States in support of [26-1] motion for summary judgment. (Greves, Liz) (Entered: 10/05/1994)
10/24/1994	28	LETTER dated 10/12/94 from Richard Schoolman to Judge Nickerson Re: requesting an adjournment of the U.S. 's recently filed summary judgment motion from 10/28/94 to 12/2/94. (Vasquez, Liz) (Entered: 10/24/1994)
11/16/1994	29	MEMORANDUM by NYC Transit Authorit in opposition to [26-1] motion for summary judgment. (Vasquez, Liz) (Entered: 11/17/1994)
11/16/1994	30	NOTICE of Cross-Motion by NYC Transit Authorit. Counsel will be heard on 12/2/94 at 9:30 (Vasquez, Liz) (Entered: 11/17/1994)
11/17/1994		Deadline updated; Motion hearing set for 9:30 12/2/94 for [26-1] motion for summary judgment. (Vasquez, Liz) (Entered: 11/17/1994)
11/23/1994	31	RESPONSE by United States in opposition to [18-1] motion for reargument of deft's original motion for dismissal. (Vasquez, Liz) (Entered: 11/25/1994)
11/30/1994	32	United States' REPLY to Defendant's opposition to U.S. motion for summary judgment. (Vasquez, Liz) (Entered: 11/30/1994)
11/30/1994	33	MEMORANDUM by NYC Transit Authorit in support of its cross-motion to dismiss the complaint. (Vasquez, Liz) (Entered: 11/30/1994)
12/01/1994	34	United States'reply to defts's opposition to [29-1] opposition memorandum for summary judgment. (Vasquez, Liz) (Entered: 12/01/1994)
12/02/1994	35	Calendar entry: Before Judge Nickerson on 12/2/94 at 9:30a.m. Case

		called for civil motions. Plaintiff moves for summary judgment. Deft cross moves to dismiss. Case called. Counsel for all parties present. Motion argued. Decision reserved. (Dobkin, David) (Entered: 12/07/1994)
04/19/1995	36	LETTER dated 4/18/95 from Richard Schoolman to Judge Nickerson, Re: Advising of a decision relevant to one of the arguments raised by the Transit Authority in support of its pending cross-motion for summary judgment motion made by the U.S. (see attachment) (Piper, Francine) (Entered: 04/19/1995)
05/02/1995	37	Memorandum and ORDER, dtd 4/21/95 granting govt's [26-1] motion for summary judgment. The Authority's motions to dismiss and for summary judgment are denied. (signed by Judge Eugene H. Nickerson) (Vasquez, Liz) (Entered: 05/02/1995)
05/03/1995	38	LETTER dated 4/24/95 from Maureen T. Dulen, Esq., to Judge Nickerson, regarding letter sent to the Court by Richard Schoolman, Counsel for the New York City Transit Authority(NYCTA), on 4/18/95. Government submits this letter in response to the assertions of the NYCTA. (DiTomasso, Mike) (Entered: 05/03/1995)
05/15/1995	39	JUDGMENT, dtd 5/11/95 entered by the Clerk of Court. Ordered and Adjudged that deft's motions to dismiss and for summary judgment are denied; that plaintiff's motion for summary judgment is granted; and, that the deft, is permanently enjoined from reinstating its former policy concerning the investigation and resolution of internally filed discrimination complaints. (signed by Judge Eugene H. Nickerson). (Appeals package mailed on 5/15/95). (Vasquez, Liz) Modified on 05/15/1995 (Entered: 05/15/1995)
05/15/1995		Case closed (Vasquez, Liz) (Entered: 05/15/1995)
05/24/1995	40	MOTION by United States request to tax costs (Jackson, Ramona) (Entered: 05/24/1995)
05/24/1995	41	Declaration of MAUREEN T. DULEN by United States Re:in support [40-1] motion request to tax costs (Jackson, Ramona) (Entered: 05/24/1995)
05/24/1995	42	Bill of costs total \$652.40 (Jackson, Ramona) (Entered: 05/24/1995)
05/26/1995	43	Deft's objections to plttf's bill of costs, dtd 5/25/95. (Vasquez, Liz) (Entered: 05/26/1995)
05/31/1995	44	Amendment to United States' Request for the Taxation of Costs. (Vasquez, Liz) (Entered: 06/07/1995)
06/19/1995		Costs are hereby taxed in the amount of \$ 466.40 for United States. (Signed by James Giokas on 6/16/95). (Vasquez, Liz) (Entered: 06/19/1995)

		06/19/1995)
06/28/1995	45	NOTICE OF APPEAL by NYC Transit Authorit. Fee Paid \$ 105.00 Receipt # 173901. Notice of Appeal and certified copy of docket sent appealing [39-1] judgment order, [37-1] order. AFF of service attached. USCA notified. (Gonzalez, Mary) (Entered: 06/29/1995)
06/29/1995		Notice of Appeal and certified copy of docket to USCA: [45-1] appeal (Gonzalez, Mary) (Entered: 06/29/1995)
08/10/1995	46	USCA Scheduling Order: [45-1] appeal Appeal record due by 8/28/95 . USCA Number: 95-6155 Appellant's brief due 9/6/95. Appellee's brief due 10/6/95. Argument set for 10/30/95. (McGee, Maryann) (Entered: 08/11/1995)
08/15/1995		Certified and transmitted INDEX on appeal to U.S. Court of Appeals: [45-1] appeal. Documents 1-46. Missing documents: 12,16,22 and 42. USCA#95-6155. Acknowledgment requested. (McGee, Maryann) (Entered: 08/15/1995)
12/16/1996	47	MANDATE OF USCA (certified copy) Re: [45-1] appeal. Judgment of District Court is AFFIRMED IN PART, REVERSED IN PART, and REMANDED to the District Court for further proceedings in accordance with the opinion of this court. Issued as Mandate 12/9/96. Acknowledgment returned to USCA. Judge notified via phone and mail, USCA#95-6155. (McGee, Maryann) (Entered: 12/17/1996)
03/19/1997		Record on appeal returned to General Files Dept. (McGee, Maryann) (Entered: 03/19/1997)