

CLOSED,MAGAPP

**U.S. District Court
Eastern District of New York (Brooklyn)
CIVIL DOCKET FOR CASE #: 1:07-cv-00981-SMG**

Ramos et al v. SimplexGrinnell LP et al
Assigned to: Chief Mag. Judge Steven M. Gold
Cause: 28:1441 Notice of Removal

Date Filed: 03/07/2007
Date Terminated: 08/17/2015
Jury Demand: Plaintiff
Nature of Suit: 190 Contract: Other
Jurisdiction: Diversity

Plaintiff

Roberto Ramos

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Plaintiff

Omar Florez
*individually and on behalf of all other
persons similarly situated who are or
were employed by SimplexGrinnell LP
with respect to Public Works Project
mentioned in this Complaint*

represented by **Bruce E. Menken**
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Defendant

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Defendant

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Date Filed	#	Docket Text
03/07/2007	<u>1</u>	NOTICE OF REMOVAL from the Supreme Court of the State of New York, Kings County by SimplexGrinnell LP (Filing fee \$ 350) (Attachments: # <u>1</u> Civil Cover Sheet # <u>2</u> declar# <u>3</u> proof) (Bowens, Priscilla) (Entered: 03/07/2007)
03/07/2007	<u>2</u>	NOTICE of Appearance by Jennifer A. Rygiel-Boyd on behalf of SimplexGrinnell LP (notification declined) (Bowens, Priscilla) (Entered: 03/07/2007)
03/14/2007	<u>3</u>	First MOTION for Extension of Time to File Answer <i>filed with plaintiff's consent</i> by SimplexGrinnell LP. (Rygiel-Boyd, Jennifer) (Entered: 03/14/2007)
03/14/2007		ORDER granting <u>3</u> Motion for Extension of Time to Answer SimplexGrinnell LP answer due 3/30/2007. So Ordered by Magistrate Judge Steven M. Gold on 3/14/2007. (Vasquez, Lea) (Entered: 03/14/2007)

03/16/2007	<u>4</u>	SCHEDULING ORDER Attached:Initial Conference set for 5/3/2007 at 2:00 PM in 13D South before Magistrate–Judge Steven M. Gold. (Vasquez, Lea) (Entered: 03/16/2007)
03/29/2007	<u>5</u>	ANSWER to Complaint by SimplexGrinnell LP. (Rygiel–Boyd, Jennifer) (Entered: 03/29/2007)
03/29/2007	<u>6</u>	CERTIFICATE OF SERVICE by SimplexGrinnell LP re <u>5</u> Answer to Complaint (Rygiel–Boyd, Jennifer) (Entered: 03/29/2007)
04/24/2007	<u>7</u>	MOTION for Leave to Appear Pro Hac Vice <i>David A. Copus</i> by SimplexGrinnell LP. (Clarke, Melonie) (Entered: 04/25/2007)
04/24/2007	<u>8</u>	FILING FEE: \$ 25.00, receipt number 338346 for David A. Copus. (Clarke, Melonie) (Entered: 04/25/2007)
04/24/2007		ORDER granting <u>7</u> Motion for Leave to Appear Pro Hac Vice. Ordered by Judge Steven M. Gold on 4/24/2007. (Clarke, Melonie) (Entered: 04/25/2007)
05/04/2007		Minute Entry for proceedings held before Steven M. Gold : Initial Conference Hearing held on 5/3/2007. Menken and Bierman for plaintiffs, Copus and Capozzola for defendant. The setting of a case management schedule will be deferred until the next conference to permit counsel additional time to investigate certain fundamental underlying facts, including whether the contracts at issue had prevailing wage schedules attached. Counsel agree that no potential class members will be approached by defendant, and none presented with releases of claims that might be asserted in this lawsuit, for at least one week, and that counsel will either agree on the circumstances under which releases may be sought and obtained or advise this court within one week that they are unable to do so. Plaintiffs may issue subpoenas to obtain contracts and attached schedules, if any, from non–parties. Defendant will promptly advise plaintiff whether any surety companies provided bonds in connection with any of the contracts at issue in this case. NEXT CONFERENCE: MAY 31 AT 2 PM. (Vasquez, Lea) (Entered: 05/04/2007)
05/25/2007	<u>9</u>	Letter <i>requesting change in conference time</i> by Chris Maietta, Randy Wray, Rogelio Smith, Agban Agban, Yadira Gonzalez, Maximo Estrella, Jr, Jaime Oy Arvide, Nacim Bennekaa, Breno Zimerer, Omar Florez, Roberto Ramos, Frank Rodriguez, Jose Luis Maldonado, Jose Fernandez (Menken, Bruce) (Entered: 05/25/2007)
05/29/2007		ORDER re <u>9</u> Letter, filed by Rogelio Smith, Agban Agban, Breno Zimerer, Jaime Oy Arvide, Jose Luis Maldonado, Frank Rodriguez, Omar Florez, Jose Fernandez, Randy Wray, Yadira Gonzalez, Maximo Estrella, Jr., Nacim Bennekaa, Chris Maietta, Roberto Ramos. The conference previously scheduled for 2:30 p.m. on May 31st will instead be held at 10:00 a.m. at counsels' request. So Ordered by Chief Magistrate Judge Steven M. Gold on 5/29/2007. (Vasquez, Lea) (Entered: 05/29/2007)
06/01/2007		Minute Entry for proceedings held before Steven M. Gold : Status Conference held on 5/31/2007. Menken for plaintiffs, Copus for defendant. The parties will complete their automatic disclosures by June 29, serve interrogatories and document demands by July 16 and responses by August 15, and complete fact discovery by December 31. Plaintiffs will either amend their complaint, or state that they do not intend to do so, by June 29, and file their demand for a jury trial by that same date. NEXT CONFERENCE: JANUARY 10, 2008, AT 10 AM. Counsel shall be prepared to state their position on settlement, with principals present or available by telephone, to articulate the basis for any anticipated summary judgment motions, and to state whether they will agree to assignment of this case to a magistrate judge for all purposes, including jury trial and entry of final judgment. (Vasquez, Lea) (Entered: 06/01/2007)
06/29/2007	<u>10</u>	DEMAND for Trial by Jury by Chris Maietta, Randy Wray, Rogelio Smith, Agban Agban, Yadira Gonzalez, Maximo Estrella, Jr, Jaime Oy Arvide, Nacim Bennekaa, Breno Zimerer, Omar Florez, Roberto Ramos, Frank Rodriguez, Jose Luis Maldonado, Jose Fernandez (Menken, Bruce) (Entered: 06/29/2007)
06/29/2007	<u>11</u>	Letter <i>in compliance with Magistrate Judge Gold's Order</i> by Chris Maietta, Randy Wray, Rogelio Smith, Agban Agban, Yadira Gonzalez, Maximo Estrella, Jr, Jaime Oy Arvide, Nacim Bennekaa, Breno Zimerer, Omar Florez, Roberto Ramos, Frank Rodriguez, Jose Luis Maldonado, Jose Fernandez (Menken, Bruce) (Entered: 06/29/2007)

		06/29/2007)
07/03/2007	<u>12</u>	Letter <i>with proposed order</i> by Chris Maietta, Randy Wray, Rogelio Smith, Agban Agban, Yadira Gonzalez, Maximo Estrella, Jr, Jaime Oy Arvide, Nacim Bennekaa, Breno Zimerer, Omar Florez, Roberto Ramos, Frank Rodriguez, Jose Luis Maldonado, Jose Fernandez (Attachments: # <u>1</u> Proposed Order) (Menken, Bruce) (Entered: 07/03/2007)
07/05/2007		ORDER re <u>12</u> Letter, filed by Rogelio Smith, Agban Agban, Breno Zimerer, Jaime Oy Arvide, Jose Luis Maldonado, Frank Rodriguez, Omar Florez, Jose Fernandez, Randy Wray, Yadira Gonzalez, Maximo Estrella, Jr., Nacim Bennekaa, Chris Maietta, Roberto Ramos : The parties' proposed order is hereby entered by the court. Ordered by Judge Steven M. Gold on 07/05/07. (Gold, Steven) (Entered: 07/05/2007)
08/31/2007	<u>13</u>	Letter <i>seeking assistance with discovery.</i> by Chris Maietta, Randy Wray, Rogelio Smith, Agban Agban, Yadira Gonzalez, Maximo Estrella, Jr, Jaime Oy Arvide, Nacim Bennekaa, Breno Zimerer, Omar Florez, Roberto Ramos, Frank Rodriguez, Jose Luis Maldonado, Jose Fernandez (Attachments: # <u>1</u> Exhibit A) (Menken, Bruce) (Entered: 08/31/2007)
09/03/2007		SCHEDULING ORDER:An in-person discovery conference will be held at 11:30 on September 11, 2007 before Chief Magistrate Judge Steven M. Gold in courtroom 13-D. So Ordered by Chief Magistrate Judge Steven M. Gold on 9/3/2007. (Vasquez, Lea) (Entered: 09/03/2007)
09/11/2007	<u>14</u>	Proposed Pretrial Order <i>Regarding Confidentiality of Discovery Materials</i> by SimplexGrinnell LP (Attachments: # <u>1</u> Cover letter for proposed order) (Capozzola, Dominick) (Entered: 09/11/2007)
09/11/2007	<u>15</u>	NOTICE of Appearance by Dominick Cameron Capozzola on behalf of SimplexGrinnell LP (aty to be noticed) (Capozzola, Dominick) (Entered: 09/11/2007)
09/11/2007		ORDER re <u>14</u> Proposed Pretrial Order filed by SimplexGrinnell LP, entering the proposed order as an order of the court. Ordered by Judge Steven M. Gold on 09/11/07. (Gold, Steven) (Entered: 09/11/2007)
09/12/2007		Minute Entry for proceedings held before Steven M. Gold : Discovery Hearing held on 9/11/2007. Menken for plaintiffs, Copus for defendants. Defendant will file protective order, which the court will enter, in its current form, without prejudice to plaintiff's right to seek relief if they believe defendants are abusing the right to designate documents as confidential. (Vasquez, Lea) (Entered: 09/12/2007)
12/14/2007	<u>16</u>	Letter <i>Seeking a Conference</i> by Chris Maietta, Randy Wray, Rogelio Smith, Agban Agban, Yadira Gonzalez, Maximo Estrella, Jr, Jaime Oy Arvide, Nacim Bennekaa, Breno Zimerer, Omar Florez, Roberto Ramos, Frank Rodriguez, Jose Luis Maldonado, Jose Fernandez (Attachments: # <u>1</u> Exhibit Exhibit A, # <u>2</u> Exhibit Exhibit B, # <u>3</u> Exhibit Exhibit C, # <u>4</u> Exhibit Exhibit D, # <u>5</u> Exhibit Exhibit E, # <u>6</u> Exhibit Exhibit F) (Menken, Bruce) (Entered: 12/14/2007)
01/11/2008		Minute Entry for proceedings held before Chief Magistrate Judge Steven M. Gold:Status Conference held on 1/10/2008. Menken and Rozger for plaintiffs, Copus and Capozzola for defendants. By January 24, plaintiffs will provide a letter setting forth their complaints about the adequacy of defendants' privilege log; defendants shall supplement their log and provide the verification in issue by February 7. Defendants, by January 24, will produce, or provide prompt dates to inspect, documents responsive to items 11, 12, 19, 23, and 25-27 from plaintiffs' first document demands, and will produce those items not yet provided that are responsive to plaintiffs' second set of document demands. Discovery will be concluded by April 30. NEXT CONFERENCE, IN-PERSON: MAY 9, 2008 AT 11:00 AM. (Vasquez, Lea) (Entered: 01/11/2008)
03/04/2008	<u>17</u>	Letter <i>to Magistrate Judge Gold</i> by Chris Maietta, Randy Wray, Rogelio Smith, Agban Agban, Yadira Gonzalez, Maximo Estrella, Jr, Jaime Oy Arvide, Nacim Bennekaa, Breno Zimerer, Omar Florez, Roberto Ramos, Frank Rodriguez, Jose Luis Maldonado, Jose Fernandez (Menken, Bruce) (Entered: 03/04/2008)
03/05/2008	<u>18</u>	Letter <i>to Magistrate Judge Gold</i> by SimplexGrinnell LP (Capozzola, Dominick) (Entered: 03/05/2008)

03/14/2008	<u>19</u>	SCHEDULING ORDER: A Telephone Conference has been scheduled for 3/19/2008 at 2:00 PM before Chief Magistrate Judge Steven M. Gold. Counsel are to refer to the attached Order for further information. (Vasquez, Lea) (Entered: 03/14/2008)
03/14/2008	<u>20</u>	Letter MOTION to Adjourn Conference to <i>March 18 or March 21</i> by Chris Maietta, Randy Wray, Rogelio Smith, Agban Agban, Yadira Gonzalez, Maximo Estrella, Jr, Jaime Oy Arvide, Nacim Bennekaa, Breno Zimerer, Omar Florez, Roberto Ramos, Frank Rodriguez, Jose Luis Maldonado, Jose Fernandez. (Menken, Bruce) (Entered: 03/14/2008)
03/17/2008		ORDER granting <u>20</u> Motion to Adjourn Conference. The telephone conference will be held at 10:30 a.m. on Friday, March 21, 2008. So Ordered by Chief Magistrate Judge Steven M. Gold on 3/17/2008. (Vasquez, Lea) (Entered: 03/17/2008)
03/20/2008	<u>21</u>	Letter <i>regarding March 21, 2008 telephone conference</i> by Chris Maietta, Randy Wray, Rogelio Smith, Agban Agban, Yadira Gonzalez, Maximo Estrella, Jr, Jaime Oy Arvide, Nacim Bennekaa, Breno Zimerer, Omar Florez, Roberto Ramos, Frank Rodriguez, Jose Luis Maldonado, Jose Fernandez (Finlon, Kristen) (Entered: 03/20/2008)
03/24/2008		Minute Entry for proceedings held before Chief Magistrate Judge Steven M. Gold:Telephone Conference held on 3/21/2008. (1) Depositions noticed by plaintiffs of defendant's witnesses will be held where the witnesses reside. Reasonable travel expenses of plaintiff's counsel will be a taxable cost in the event plaintiffs obtain a judgment. (2) Defendant will response to the payment issue raised in the letter filed by plaintiffs on March 20th by March 25th, and the court will hold an in-person conference to resolve the issue, at 3:00 p.m. on March 28, 2008. (3) If plaintiffs seek leave to file an amended complaint, they shall submit a pre-motion conference application by April 4th. (Tape #FTR 10:32-10:56.) (Vasquez, Lea) (Entered: 03/24/2008)
03/24/2008	<u>22</u>	Letter <i>Requesting a Pre-Motion Conference</i> by Chris Maietta, Randy Wray, Rogelio Smith, Agban Agban, Yadira Gonzalez, Maximo Estrella, Jr, Jaime Oy Arvide, Nacim Bennekaa, Breno Zimerer, Omar Florez, Roberto Ramos, Frank Rodriguez, Jose Luis Maldonado, Jose Fernandez (Menken, Bruce) (Entered: 03/24/2008)
03/25/2008	<u>23</u>	Letter <i>to Magistrate Judge Steven M Gold</i> by SimplexGrinnell LP (Capozzola, Dominick) (Entered: 03/25/2008)
03/29/2008		Minute Entry for proceedings held before Chief Magistrate Judge Steven M. Gold:Status Conference held on 3/28/2008. Menken for plaintiffs, Copus for defendants. With respect to the issues raised by plaintiffs and defendants in their respective letters of March 20 and 25, docket entries 21 and 23, it is hereby ordered that defendants are to hold the additional funds due to named plaintiffs as a result of the audit conducted by defendants until April 11, 2008. Any authorizations or instructions received by defendant by that date, directing that the funds due to any particular plaintiff be paid to counsel, will be honored. If, with respect to any individual named plaintiff, no such authorization or instructions are received by that date, the payment due to that plaintiff shall be made directly to him or her. (Vasquez, Lea) (Entered: 03/29/2008)
04/02/2008	<u>24</u>	Letter <i>Responding to Plaintiffs' Request for a Pre-Motion Conference</i> by SimplexGrinnell LP (Capozzola, Dominick) (Entered: 04/02/2008)
04/02/2008	<u>25</u>	Consent MOTION for Extension of Time to Complete Discovery (<i>Made via Letter Request</i>) by SimplexGrinnell LP. (Capozzola, Dominick) (Entered: 04/02/2008)
04/03/2008		ORDER granting <u>25</u> Motion for Extension of Time to Complete Discovery. Counsel shall advise the court whether they seek to proceed with the conference currently set for May 9, or whether they prefer to adjourn that conference until a date after the completion of discovery. The conference will proceed as scheduled on May 9 absent an order adjourning it. Ordered by Chief Magistrate Steven M. Gold on 04/03/08. (Gold, Steven) (Entered: 04/03/2008)
04/04/2008	<u>26</u>	APPEAL OF MAGISTRATE JUDGE DECISION to District Court by Chris Maietta, Randy Wray, Rogelio Smith, Agban Agban, Yadira Gonzalez, Maximo Estrella, Jr, Jaime Oy Arvide, Nacim Bennekaa, Breno Zimerer, Omar Florez, Roberto Ramos, SimplexGrinnell LP, Frank Rodriguez, Jose Luis Maldonado, Jose Fernandez re

		Telephone Conference,, (Attachments: # <u>1</u> Exhibit A, 30(b)(6) deposition notice, # <u>2</u> Exhibit B, email between counsel, # <u>3</u> Exhibit C, 2/28/08 letter from Defendants' counsel, # <u>4</u> Exhibit D, 2/29/08 letter from Defendants' counsel, # <u>5</u> Exhibit E, 3/4/08 letter to Magistrate Gold, # <u>6</u> Exhibit 3/21/08 text only order) (Menken, Bruce) (Entered: 04/04/2008)
04/04/2008	<u>27</u>	Consent MOTION for Leave to File <i>Additional Briefing Relating to Plaintiffs' Objections to Magistrate Judge Steven Gold's March 24, 2008 Order</i> by SimplexGrinnell LP. (Capozzola, Dominick) (Entered: 04/04/2008)
04/11/2008	<u>28</u>	ORDER granting <u>27</u> Motion for Leave to File; Deft will file a Response to Plaintiffs' Objections on or before 4/25/08; Plaintiffs will file a Reply on or before 5/5/08; So Ordered by Judge Nina Gershon on 4/9/08. (Fernandez, Erica) (Entered: 04/11/2008)
04/11/2008	<u>29</u>	Joint MOTION to Adjourn Conference <i>Presently Set for May 9, 2008</i> by SimplexGrinnell LP. (Capozzola, Dominick) (Entered: 04/11/2008)
04/16/2008	<u>30</u>	ORDER: Plaintiffs' request is referred to Mag Gold. It is within Judge Gold's discretion to hold or deny a pre-motion conference. Any motion for leave to amend is referred to Mag Gold to hear and determine. Ordered by Judge Nina Gershon on 4/15/08. (Fernandez, Erica) (Entered: 04/16/2008)
04/17/2008	<u>31</u>	SCHEDULING ORDER: A telephone conference has been scheduled for 4/23/2008 at 2:00 PM before Chief Magistrate Judge Steven M. Gold. Counsel are to refer to the attached Order for further information. (Vasquez, Lea) (Entered: 04/17/2008)
04/18/2008	<u>32</u>	Letter to Magistrate Judge Gold by Chris Maietta, Randy Wray, Rogelio Smith, Agban Agban, Yadira Gonzalez, Maximo Estrella, Jr, Jaime Oy Arvide, Nacim Bennekaa, Breno Zimerer, Omar Florez, Roberto Ramos, Frank Rodriguez, Jose Luis Maldonado, Jose Fernandez (Menken, Bruce) (Entered: 04/18/2008)
04/18/2008		SCHEDULING ORDER: The Telephone Conference set for 4/23/08 will instead be held on 4/28/2008 at 3:00 PM before Chief Magistrate Steven M. Gold. Future requests for adjournment must be filed as MOTIONS but may remain in letter form. So Ordered by Chief Magistrate Judge Steven M. Gold on 4/18/2008. (Vasquez, Lea) (Entered: 04/18/2008)
04/25/2008	<u>33</u>	MEMORANDUM in Opposition re <u>26</u> Appeal of Magistrate Judge Decision to District Court,, filed by SimplexGrinnell LP. (Capozzola, Dominick) (Entered: 04/25/2008)
04/25/2008	<u>34</u>	MEMORANDUM in Opposition re <u>26</u> Appeal of Magistrate Judge Decision to District Court,, <i>EXHIBIT A IN SUPPORT OF MEMORANDUM (Docket Entry 33)</i> filed by SimplexGrinnell LP. (Capozzola, Dominick) (Entered: 04/25/2008)
04/29/2008		Minute Entry for proceedings held before Chief Magistrate Judge Steven M. Gold:Telephone Conference held on 4/28/2008. Rozger for plaintiffs, Copus and Capozzola for defendants. Plaintiffs will file their motion for leave to amend the complaint by May 9, addressing inter alia the issues discussed today. Defendant's opposition is due May 23, and plaintiff's reply is due June 3. The motion will be decided on the papers unless oral argument is requested. (Vasquez, Lea) (Entered: 04/29/2008)
05/05/2008	<u>35</u>	REPLY to Response to Motion re <u>27</u> Consent MOTION for Leave to File <i>Additional Briefing Relating to Plaintiffs' Objections to Magistrate Judge Steven Gold's March 24, 2008 Order Plaintiffs' Reply to Defendant's Response to Plaintiffs' Objections to Magistrate's Order</i> filed by all plaintiffs. (Attachments: # <u>1</u> Exhibit Exhibit A: Plaintiffs' Objections to Magistrate's Order) (Menken, Bruce) (Entered: 05/05/2008)
05/07/2008		ORDER granting <u>29</u> Motion to Adjourn Conference. The conference previously scheduled for May 9th will instead be held at 10:00 a.m. on September 8, 2008. So Ordered by Chief Magistrate Judge Steven M. Gold on 5/7/2008. (Vasquez, Lea) (Entered: 05/07/2008)
05/09/2008	<u>36</u>	MOTION to Amend/Correct Telephone Conference, by Chris Maietta, Randy Wray, Rogelio Smith, Agban Agban, Yadira Gonzalez, Maximo Estrella, Jr, Jaime Oy Arvide, Nacim Bennekaa, Breno Zimerer, Omar Florez, Roberto Ramos, Frank Rodriguez, Jose Luis Maldonado, Jose Fernandez. (Attachments: # <u>1</u> Affidavit of

		Bruce Menken, # <u>2</u> Exhibit A., documents produced by defendants, # <u>3</u> Exhibit B, proposed amended complaint, # <u>4</u> Exhibit C, Declaration of Rogelio Smith, # <u>5</u> Exhibit D., letter from defense counsel, # <u>6</u> Exhibit E., declaration of Shawn Love, # <u>7</u> Memorandum in Support) (Rozger, Jason) (Entered: 05/09/2008)
05/23/2008	<u>37</u>	MEMORANDUM in Opposition re <u>36</u> MOTION to Amend/Correct Telephone Conference, filed by SimplexGrinnell LP. (Capozzola, Dominick) (Entered: 05/23/2008)
05/23/2008	<u>38</u>	AFFIDAVIT/DECLARATION in Opposition re <u>36</u> MOTION to Amend/Correct Telephone Conference, filed by SimplexGrinnell LP. (Attachments: # <u>1</u> Exhibit A-C, # <u>2</u> Exhibit D, part one, # <u>3</u> Exhibit D, part two, # <u>4</u> Exhibit D, part three) (Capozzola, Dominick) (Entered: 05/23/2008)
05/23/2008	<u>39</u>	AFFIDAVIT/DECLARATION in Opposition re <u>36</u> MOTION to Amend/Correct Telephone Conference, (<i>Affidavit of David Copus</i>) filed by SimplexGrinnell LP. (Capozzola, Dominick) (Entered: 05/23/2008)
06/03/2008	<u>40</u>	MOTION for Discovery <i>and cost shifting</i> by Chris Maietta, Randy Wray, Rogelio Smith, Agban Agban, Yadira Gonzalez, Maximo Estrella, Jr, Jaime Oy Arvide, Nacim Bennekaa, Breno Zimerer, Omar Florez, Roberto Ramos, Frank Rodriguez, Jose Luis Maldonado, Jose Fernandez. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B., # <u>3</u> Exhibit D, # <u>4</u> Exhibit E, # <u>5</u> Exhibit F, # <u>6</u> Exhibit G, # <u>7</u> Exhibit H, # <u>8</u> Exhibit J, # <u>9</u> Exhibit K) (Rozger, Jason) (Entered: 06/03/2008)
06/03/2008	<u>41</u>	REPLY in Support of <i>Plaintiffs' Motion to Amend</i> filed by all plaintiffs. (Attachments: # <u>1</u> Affidavit Grunfeld Affirmation in Further Support of Plaintiffs' Motion to Amend, # <u>2</u> Exhibit A to Grunfeld Affirmation, # <u>3</u> Exhibit B to Grunfeld Affirmation, # <u>4</u> Exhibit C to Grunfeld Affirmation, # <u>5</u> Exhibit D to Grunfeld Affirmation, # <u>6</u> Exhibit E to Grunfeld Affirmation, # <u>7</u> Exhibit F to Grunfeld Affirmation, # <u>8</u> Exhibit G to Grunfeld Affirmation) (Grunfeld, Nicole) (Entered: 06/03/2008)
06/05/2008	<u>42</u>	Consent MOTION for Extension of Time to File Response/Reply as to <u>40</u> MOTION for Discovery <i>and cost shifting</i> by SimplexGrinnell LP. (Capozzola, Dominick) (Entered: 06/05/2008)
06/05/2008		ORDER granting <u>42</u> Motion for Extension of Time to File Response/Reply re <u>42</u> Consent MOTION for Extension of Time to File Response/Reply as to <u>40</u> MOTION for Discovery <i>and cost shifting</i> Response due by 6/9/2008 . Ordered by Chief Magistrate Judge Steven M. Gold on 6/5/2008. (Vasquez, Lea) (Entered: 06/05/2008)
06/09/2008	<u>43</u>	RESPONSE in Opposition re <u>40</u> MOTION for Discovery <i>and cost shifting</i> filed by SimplexGrinnell LP. (Attachments: # <u>1</u> Declaration of Christie Hext, # <u>2</u> Declaration of John Moretto, # <u>3</u> Declaration of David Copus) (Capozzola, Dominick) (Entered: 06/09/2008)
06/11/2008	<u>44</u>	Letter <i>regarding email discovery dispute</i> by Chris Maietta, Randy Wray, Rogelio Smith, Agban Agban, Yadira Gonzalez, Maximo Estrella, Jr, Jaime Oy Arvide, Nacim Bennekaa, Breno Zimerer, Omar Florez, Roberto Ramos, Frank Rodriguez, Jose Luis Maldonado, Jose Fernandez (Grunfeld, Nicole) (Entered: 06/11/2008)
06/12/2008	<u>45</u>	ORDER: On this appeal, plaintiffs renew arguments made before Judge Gold. They fail to show that his conclusion was clearly erroneous, contrary to law, or an abuse of his broad discretion in resolving discovery disputes. Their appeal is denied, and Judge Gold's order is affirmed. Ordered by Judge Nina Gershon on 6/9/08. (Fernandez, Erica) (Entered: 06/12/2008)
06/23/2008	<u>46</u>	MOTION for Extension of Time to Complete Discovery by Chris Maietta, Randy Wray, Rogelio Smith, Agban Agban, Yadira Gonzalez, Maximo Estrella, Jr, Jaime Oy Arvide, Nacim Bennekaa, Breno Zimerer, Omar Florez, Roberto Ramos, Frank Rodriguez, Jose Luis Maldonado, Jose Fernandez. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D) (Rozger, Jason) (Entered: 06/23/2008)
06/23/2008	<u>47</u>	Letter MOTION for Leave to File <i>Motion for Judgment on the Pleadings</i> by SimplexGrinnell LP. (Capozzola, Dominick) (Entered: 06/23/2008)
06/23/2008	<u>48</u>	Letter MOTION for Leave to File <i>Motion for Judgment on the Pleadings</i> (<i>ATTACHMENT TO LETTER MOTION</i>) by SimplexGrinnell LP. (Capozzola,

		Dominick) (Entered: 06/23/2008)
06/23/2008	<u>49</u>	Letter MOTION for Leave to File <i>Motion to Compel</i> by SimplexGrinnell LP. (Capozzola, Dominick) (Entered: 06/23/2008)
06/24/2008	<u>50</u>	RESPONSE in Opposition re <u>48</u> Letter MOTION for Leave to File <i>Motion for Judgment on the Pleadings (ATTACHMENT TO LETTER MOTION)</i> , <u>47</u> Letter MOTION for Leave to File <i>Motion for Judgment on the Pleadings</i> filed by all plaintiffs. (Attachments: # <u>1</u> Exhibit A., Complaint, # <u>2</u> Exhibit B, email from defense counsel) (Rozger, Jason) (Entered: 06/24/2008)
06/24/2008	<u>51</u>	Letter <i>in response to Defednant's request for leave to file motion to compel</i> by Chris Maietta, Randy Wray, Rogelio Smith, Agban Agban, Yadira Gonzalez, Maximo Estrella, Jr, Jaime Oy Arvide, Nacim Bennekaa, Breno Zimerer, Omar Florez, Roberto Ramos, Frank Rodriguez, Jose Luis Maldonado, Jose Fernandez (Attachments: # <u>1</u> Exhibit A – NYS Dept of Labor Opinion Letter, # <u>2</u> Exhibit B – Department of Labor Bureau of Public Work Case Contacts Report, # <u>3</u> Exhibit C – SimplexGrinnell/NYS Office of Mental Hygiene Contract) (Grunfeld, Nicole) (Entered: 06/24/2008)
06/26/2008	<u>52</u>	RESPONSE in Opposition re <u>46</u> MOTION for Extension of Time to Complete Discovery filed by SimplexGrinnell LP. (Capozzola, Dominick) (Entered: 06/26/2008)
06/30/2008		ORDER granting in part and denying in part <u>46</u> Motion for Extension of Time to Complete Discovery. In light of the volume of documents produced and the various disputes between the parties concerning payment for electronic discovery, location of depositions, and the plaintiffs' efforts to amend their complaint, plaintiffs' application for additional time to complete discovery is reasonable. Because the current schedule does not cut off discovery until August 15, however, the ninety-day extension sought does not seem necessary. DISCOVERY IS EXTENDED TO OCTOBER 17, 2008. THE CONFERENCE PREVIOUSLY SET FOR SEPTEMBER 8 IS ADJOURNED TO OCTOBER 29, 2008 at 2:00 PM. Ordered by Chief Magistrate Steven M. Gold on 06/30/08. (Gold, Steven) (Entered: 06/30/2008)
07/02/2008		ORDER: I will hear argument on the various motions pending before me at 3:00 pm on July 11, 2008. It appears that the motions pending before me are (1) Plaintiffs' motion for leave to file an amended complaint, docket entries 36, 37 and 41; (2) Defendant's motion to compel plaintiffs to produce documents relating to their work for other employers, docket entries 49 and 51; and (3) Plaintiffs' motion seeking to require defendant to bear the cost of electronic discovery, docket entries 40 and 43. If there are other motions pending, or if additional documents have been submitted in support of the pending motions listed above, counsel shall promptly so inform the court. Although the parties seem to have stated their positions in detail with respect to motions (2) and (3) above in the letters they have already submitted, they also seem to seek leave to file formal memoranda in connection with these motions. Any additional submissions in connection with the above-referenced pending motions, should the parties wish to make them, shall be limited to ten pages and filed simultaneously no later than July 7, 2008. Replies limited to five pages may be submitted by July 9, 2008. Ordered by Chief Magistrate Steven M. Gold on 07/02/08. (Gold, Steven) (Entered: 07/02/2008)
07/07/2008	<u>53</u>	REPLY in Support re <u>40</u> MOTION for Discovery <i>and cost shifting</i> , <u>36</u> MOTION to Amend/Correct Telephone Conference, filed by all plaintiffs. (Attachments: # <u>1</u> Exhibit A, 7/1/08 letter to defense counsel, # <u>2</u> Exhibit B, Defendant's privilege log, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E) (Rozger, Jason) (Entered: 07/07/2008)
07/09/2008	<u>54</u>	REPLY in Opposition re <u>40</u> MOTION for Discovery <i>and cost shifting</i> , <u>36</u> MOTION to Amend/Correct Telephone Conference, filed by SimplexGrinnell LP. (Attachments: # <u>1</u> Exhibit A–D) (Capozzola, Dominick) (Entered: 07/09/2008)
07/10/2008	<u>55</u>	SCHEDULING ORDER: Pre motion conference scheduled for 9/9/2008 at 10:00 a.m. in courtroom 6D South before Judge Nina Gershon. All parties involved in the action are directed to appear at this conference, whether or not they are involved in the proposed motion(s). The parties are reminded to adhere to the Individual Motion Practices of Judge Nina Gershon which are attached. Ordered by Judge Nina Gershon on 7/10/2008. (Joe, Victor) (Entered: 07/10/2008)

07/11/2008		ORDER granting <u>36</u> Motion to Amend/Correct/Supplement; denying <u>40</u> Motion for Discovery; denying <u>49</u> Motion for Leave to File. See minute entry of today's date for additional details and qualifications, and the minutes of today's proceedings for a statement of the reasons for each ruling. Ordered by Chief Magistrate Steven M. Gold on 07/11/08. (Gold, Steven) (Entered: 07/11/2008)
07/14/2008	<u>56</u>	AMENDED COMPLAINT against SimplexGrinnell LP, filed by all plaintiffs. (Menken, Bruce) (Entered: 07/14/2008)
07/14/2008		Minute Entry for proceedings held before Chief Magistrate Steven M. Gold: Motion Hearing held on 7/11/2008 re <u>40</u> MOTION for Discovery, <u>36</u> MOTION to Amend. (1) Counsel will submit a letter by July 25 informing the court whether they have been able to resolve by agreement the issues raised by the pre-motion conference letters submitted to Judge Gershon, particularly in light of the decision of the New York Court of Appeals in Cox v Nap Construction. (2) Defendant's motion to compel information about plaintiffs' other employment is denied, except that defendant may inquire at plaintiffs' depositions about plaintiffs' other work and whether plaintiffs were paid prevailing wages. In no event may defendant contact any plaintiffs' current employer absent prior application to the court. (3) Plaintiffs' motion to compel production of Hext's emails at defendant's expense is denied without prejudice to the discovery and reapplication discussed on the record today, except that plaintiffs may designate two days for which defendant will restore the Hext emails at its own expense. The purpose of this discovery is to help determine whether each of defendant's back-up tapes reflects all email traffic to date that has not been deleted, or only the email traffic transmitted or received on the date of the tape. (4) Plaintiffs' motion for leave to amend is granted for reasons stated on the record. Defendant will answer the amended complaint in twenty days. Plaintiffs' alarm and detection claims relate back to the date of the original complaint, but plaintiffs' sprinkler system and fire suppression claims do not. (5) The conference previously set for October 29 will proceed as scheduled absent further application to the court. (Tape #3:02-3:58.) (O'Connor, Erin) (Entered: 07/14/2008)
07/25/2008	<u>57</u>	Letter <i>re pre-motion conference pending before Judge Gershon</i> by Chris Maietta, Randy Wray, Rogelio Smith, Agban Agban, Yadira Gonzalez, Maximo Estrella, Jr, Jaime Oy Arvide, Nacim Bennekaa, Breno Zimerer, Omar Florez, Roberto Ramos, Frank Rodriguez, Jose Luis Maldonado, Jose Fernandez (Menken, Bruce) (Entered: 07/25/2008)
08/04/2008	<u>58</u>	ANSWER to <u>56</u> Amended Complaint by SimplexGrinnell LP. (Capozzola, Dominick) (Entered: 08/04/2008)
09/04/2008	<u>59</u>	MOTION for Discovery <i>or for pre-motion conference</i> by Chris Maietta, Randy Wray, Rogelio Smith, Agban Agban, Yadira Gonzalez, Maximo Estrella, Jr, Jaime Oy Arvide, Nacim Bennekaa, Breno Zimerer, Omar Florez, Roberto Ramos, Frank Rodriguez, Jose Luis Maldonado, Jose Fernandez. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2) (Rozger, Jason) (Entered: 09/04/2008)
09/08/2008	<u>60</u>	Transcript of Proceedings held on 7/11/2008, before Judge Gold. Court Reporter/Transcriber Aria Transcription, Telephone number 215-767-7700. 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 9/29/2008. Redacted Transcript Deadline set for 10/9/2008. Release of Transcript Restriction set for 12/8/2008. (Sanders, Melanie) (Entered: 09/08/2008)
09/09/2008	<u>61</u>	RESPONSE to Motion re <u>59</u> MOTION for Discovery <i>or for pre-motion conference</i> filed by SimplexGrinnell LP. (Capozzola, Dominick) (Entered: 09/09/2008)
09/10/2008		SCHEDULING ORDER: A telephone conference will be held at 3:00 p.m. on September 15th to address plaintiff's motion filed September 4th. Counsel for plaintiff is directed to arrange the call with all parties as well as confirm with defendants counsel that they are aware of this conference date and time. Requests for adjournment will not be considered unless made at least forty-eight (48) hours before the scheduled conference on consent of all parties. So Ordered by Chief Magistrate Steven M. Gold on 9/10/2008. (Vasquez, Lea) (Entered: 09/10/2008)

09/16/2008		Minute Order for telephone conference held on September 16, 2008 before Chief Magistrate Judge Steven M. Gold: DENYING <u>59</u> Plaintiff's motion to compel deposition of defendant's general counsel, Mr. D'Orsi for reasons stated on the record. Upon the joint application of the parties, discovery is extended to December 15, 2008. <u>THE CONFERENCE PREVIOUSLY SCHEDULED FOR OCTOBER 19TH IS ADJOURNED TO JANUARY 6, 2009 AT 10:00 A.M.</u> (Tape #FTR 3:03-3:14 Courtroom 13-A.) (Vasquez, Lea) (Entered: 09/16/2008)
10/20/2008	<u>62</u>	Letter to District Judge Nina Gershon by SimplexGrinnell LP (Capozzola, Dominick) (Entered: 10/20/2008)
10/22/2008	<u>63</u>	ORDER OF RECUSAL. Senior Judge Nina Gershon recused. Case reassigned to Judge Dora Lizette Irizarry for all further proceedings. Ordered by Chief Judge Raymond J. Dearie on 10/22/2008. (Bowens, Priscilla) (Entered: 10/23/2008)
12/19/2008	<u>64</u>	MOTION for Extension of Time to Complete Discovery <i>for the purpose of taking the deposition of Christopher Alund</i> , by Chris Maietta, Randy Wray, Rogelio Smith, Agban Agban, Yadira Gonzalez, Maximo Estrella, Jr, Jaime Oy Arvide, Nacim Bennekaa, Breno Zimerer, Omar Florez, Roberto Ramos, Frank Rodriguez, Jose Luis Maldonado, Jose Fernandez. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4) (Rozger, Jason) (Entered: 12/19/2008)
12/22/2008	<u>65</u>	RESPONSE in Opposition re <u>64</u> MOTION for Extension of Time to Complete Discovery <i>for the purpose of taking the deposition of Christopher Alund</i> , filed by SimplexGrinnell LP. (Capozzola, Dominick) (Entered: 12/22/2008)
12/22/2008		ORDER granting <u>64</u> Motion for Extension of Time to Complete Discovery. Although defendants object on the grounds that plaintiffs failed to comply with the deadlines set by the court, plaintiffs have satisfactorily explained that they seek to take discovery beyond the previously set deadline because of recent events. Moreover, defendants have not identified any prejudice they will suffer if discovery is extended to permit the single remaining deposition plaintiffs seek to conduct. Counsel shall confer and attempt to agree on a prompt date for the Alund deposition, and shall advise the court as soon as possible if they seek to adjourn the conference set for January 6 in light of the extension of time to complete discovery. Ordered by Chief Magistrate Steven M. Gold on 12/22/08. (Gold, Steven) (Entered: 12/22/2008)
01/07/2009		Minute Entry for Status Conference held on 1/6/2009 before Chief Magistrate Judge Steven M. Gold: Menken and Rozger for plaintiffs, Copus and Capozzola for defendants. (1) Counsel report that they have completed fact depositions and most of fact discovery, but that they intend to confer on January 9 with respect to certain outstanding interrogatories and document demands. If all remaining issues concerning fact discovery are not resolved by then, counsel may file a motion to compel no later than January 23. (2) Plaintiffs report that they intend to move for class certification and partial summary judgment, and defendants report that they intend to move for summary judgment and dismissal on preemption grounds. Counsel shall file pre-motion conference applications pursuant to Judge Irizarry's motion practices by February 6. (3) Counsel shall promptly contact my chambers if they seek a settlement conference or agree to consent to reassignment of this matter to a magistrate judge for all purposes. (Vasquez, Lea) (Entered: 01/07/2009)
01/13/2009	<u>66</u>	Letter MOTION for Extension of Time to File <i>motions to compel and pre-motion letter applications for class certification and summary judgment/dismissal</i> by Chris Maietta, Randy Wray, Rogelio Smith, Agban Agban, Yadira Gonzalez, Maximo Estrella, Jr, Jaime Oy Arvide, Nacim Bennekaa, Breno Zimerer, Omar Florez, Roberto Ramos, Frank Rodriguez, Jose Luis Maldonado, Jose Fernandez. (Menken, Bruce) (Entered: 01/13/2009)
01/15/2009		ORDER granting <u>66</u> Motion for Extension of Time to File. Counsel may contact my chambers at any time to schedule a settlement conference. Ordered by Chief Magistrate Steven M. Gold on 1/15/2009. (Gold, Steven) (Entered: 01/15/2009)
01/20/2009	<u>67</u>	CONSENT to Jurisdiction by US Magistrate Judge by SimplexGrinnell LP. (Capozzola, Dominick) (Entered: 01/20/2009)
01/20/2009		ORDER re <u>67</u> Consent to Jurisdiction by US Magistrate Judge filed by SimplexGrinnell LP -- The parties have consented by stipulation to submit themselves to the jurisdiction of the magistrate judge assigned to this matter for all

		purposes. The stipulation is SO ORDERED by Judge Dora Lizette Irizarry on 1/20/2009. (Irizarry, Dora) (Entered: 01/20/2009)
01/22/2009		Chief Magistrate Steven M. Gold added. Judge Dora Lizette Irizarry no longer assigned to case. (Vaughn, Terry) (Entered: 01/22/2009)
02/04/2009	<u>68</u>	Emergency MOTION for Extension of Time to File <i>Motion to Compel</i> by SimplexGrinnell LP. (Capozzola, Dominick) (Entered: 02/04/2009)
02/04/2009		ORDER granting <u>68</u> Motion for Extension of Time to File. Ordered by Chief Magistrate Steven M. Gold on 2/4/2009. (Gold, Steven) (Entered: 02/04/2009)
02/12/2009	<u>69</u>	MOTION to Compel <i>Further Discovery Responses</i> by SimplexGrinnell LP. (Attachments: # <u>1</u> Exhibits 1-4, # <u>2</u> Exhibits 5-7, # <u>3</u> Exhibits 8-9, # <u>4</u> Exhibit 10, # <u>5</u> Exhibit 11, # <u>6</u> Exhibits 12-13) (Capozzola, Dominick) (Entered: 02/12/2009)
02/12/2009	<u>70</u>	MOTION to Compel by Chris Maietta, Randy Wray, Rogelio Smith, Agban Agban, Yadira Gonzalez, Maximo Estrella, Jr, Jaime Oy Arvide, Nacim Bennekaa, Breno Zimerer, Omar Florez, Roberto Ramos, Frank Rodriguez, Jose Luis Maldonado, Jose Fernandez. (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, Crandall deposition, # <u>7</u> Exhibit G, spreadsheet, # <u>8</u> Exhibit H, email correspondence, # <u>9</u> Exhibit I, correspondence with counsel, # <u>10</u> Exhibit J, correspondence from defense counsel, # <u>11</u> Exhibit K, 1-26-09 privilege log, # <u>12</u> Exhibit L, 1-29-09 privilege log, # <u>13</u> Exhibit M, proposed subpoena) (Rozger, Jason) (Entered: 02/12/2009)
02/18/2009	<u>71</u>	RESPONSE in Opposition re <u>70</u> MOTION to Compel filed by SimplexGrinnell LP. (Attachments: # <u>1</u> Exhibits A-B, # <u>2</u> Exhibits C-D) (Capozzola, Dominick) (Entered: 02/18/2009)
02/18/2009	<u>72</u>	Letter MOTION for Extension of Time to File <i>opposition to Defendant's Motion to Compel and Pre-Motion Letters</i> by Chris Maietta, Randy Wray, Rogelio Smith, Agban Agban, Yadira Gonzalez, Maximo Estrella, Jr, Jaime Oy Arvide, Nacim Bennekaa, Breno Zimerer, Omar Florez, Roberto Ramos, Frank Rodriguez, Jose Luis Maldonado, Jose Fernandez. (Menken, Bruce) (Entered: 02/18/2009)
02/19/2009	<u>73</u>	RESPONSE in Opposition re <u>72</u> Letter MOTION for Extension of Time to File <i>opposition to Defendant's Motion to Compel and Pre-Motion Letters</i> filed by SimplexGrinnell LP. (Capozzola, Dominick) (Entered: 02/19/2009)
02/19/2009	<u>74</u>	REPLY to Response to Motion re <u>72</u> Letter MOTION for Extension of Time to File <i>opposition to Defendant's Motion to Compel and Pre-Motion Letters</i> filed by all plaintiffs. (Menken, Bruce) (Entered: 02/19/2009)
02/23/2009		Minute Entry for proceedings held before Chief Magistrate Judge Steven M. Gold: Telephone Conference held on 2/20/2009. Menken for plaintiffs, Copus for defendants. The parties may respond to the letter motions to compel filed on February 12th and February 26th. Pre-motion conference letters are due March 18th. The court will hold an in-person conference on March 25th at 3:00 p.m. to address all outstanding issues. Counsel may request, by March 23rd, that the conference be held by telephone provided they are able to represent that they are in agreement as to the procedures by which the case should proceed. (Vasquez, Lea) (Entered: 02/23/2009)
02/26/2009	<u>75</u>	REPLY in Opposition to <i>Defendant's Motion to Compel and in Further Support of Plaintiffs' Motion to Compel</i> filed by all plaintiffs. (Menken, Bruce) (Entered: 02/26/2009)
02/27/2009		ORDER terminating as moot <u>47</u> Motion for Leave to File; terminating <u>48</u> Motion for Leave to File. Docket Entry 48 is not a motion but an attachment to Docket Entry 47. Ordered by Chief Magistrate Steven M. Gold on 2/27/2009. (O'Connor, Erin) (Entered: 02/27/2009)
02/27/2009	<u>76</u>	REPLY in Support re <u>69</u> MOTION to Compel <i>Further Discovery Responses</i> filed by SimplexGrinnell LP. (Capozzola, Dominick) (Entered: 02/27/2009)
02/27/2009	<u>77</u>	REPLY in Opposition re <u>75</u> Reply in Opposition to <i>Defendant's Motion to Compel and in Further Support of Plaintiffs' Motion to Compel</i> - EXHIBIT A filed by all plaintiffs. (Menken, Bruce) (Entered: 02/27/2009)

03/18/2009	<u>78</u>	Letter MOTION for pre motion conference <i>regarding motion for summary judgment</i> by SimplexGrinnell LP. (Capozzola, Dominick) (Entered: 03/18/2009)
03/18/2009	<u>79</u>	Letter MOTION for Leave to File <i>Motions for class certification and summary judgment</i> by Chris Maietta, Randy Wray, Rogelio Smith, Agban Agban, Yadira Gonzalez, Maximo Estrella, Jr, Jaime Oy Arvide, Nacim Bennekaa, Breno Zimerer, Omar Florez, Roberto Ramos, Frank Rodriguez, Jose Luis Maldonado, Jose Fernandez. (Menken, Bruce) (Entered: 03/18/2009)
03/19/2009	<u>80</u>	RESPONSE to Motion re <u>79</u> Letter MOTION for Leave to File <i>Motions for class certification and summary judgment</i> filed by SimplexGrinnell LP. (Capozzola, Dominick) (Entered: 03/19/2009)
03/25/2009		ORDER granting in part and denying in part <u>69</u> Motion to Compel; granting in part and denying in part <u>70</u> Motion to Compel; denying as moot <u>72</u> Motion for Extension of Time to File; denying as moot <u>78</u> Motion for Pre Motion Conference; denying as moot <u>79</u> Motion for Leave to File. See minutes of proceedings held on this date, during which various rulings on the parties' discovery motions were made and a schedule for briefing the parties' anticipated motions was set. Ordered by Chief Magistrate Steven M. Gold on 3/25/2009. (Gold, Steven) (Entered: 03/25/2009)
03/26/2009		Minute Entry for proceedings held before Chief Magistrate Judge Steven M. Gold: Status Conference held on 3/25/2009. Mencken, Rozger and Grunfeld for plaintiffs, Copus and Cappazolla for defendant. Various discovery rulings on the record. The parties shall file their cross-motions by June 30. Opposition papers are due July 30 and reply papers are due September 18. Counsel shall indicate whether oral argument is desired. If so, the court will schedule a date after the motions are fully briefed. (Tape #FTR 3:09-4:58.) (Vasquez, Lea) (Entered: 03/26/2009)
04/24/2009	<u>81</u>	TRANSCRIPT of Proceedings held on 3/25/09, before Judge Gold. Court Transcriber TYPEWRITE WORD PROCESSING SERVICE, Telephone number 718-966-1401. Transcript may be viewed at the court public terminal or purchased through the Court Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 5/15/2009. Redacted Transcript Deadline set for 5/26/2009. Release of Transcript Restriction set for 7/23/2009. (Hong, Loan) (Entered: 04/24/2009)
05/20/2009	<u>82</u>	MOTION for Extension of Time to Complete Discovery by SimplexGrinnell LP. (Capozzola, Dominick) (Entered: 05/20/2009)
05/22/2009		ORDER granting <u>82</u> Motion for Extension of Time to Complete Discovery. So Ordered by Chief Magistrate Judge Steven M. Gold on 5/22/2009. (Vasquez, Lea) (Entered: 05/22/2009)
06/04/2009	<u>83</u>	MOTION for pre motion conference <i>re discovery issues</i> by SimplexGrinnell LP. (Capozzola, Dominick) (Entered: 06/04/2009)
06/11/2009		SCHEDULING ORDER: A telephone conference will be held at 11:00 a.m. on June 16th. Counsel for defendant is directed to arrange the call with all parties as well as confirm with plaintiffs' counsel that they are aware of this conference date and time. So Ordered by Chief Magistrate Judge Steven M. Gold on 6/11/2009. (Vasquez, Lea) (Entered: 06/11/2009)
06/12/2009	<u>84</u>	Letter MOTION to Adjourn Conference <i>by telephone on June 16, 2009</i> , Letter MOTION for Extension of Time to File <i>Motions for Summary Judgment and Class Certification</i> by Chris Maietta, Randy Wray, Rogelio Smith, Agban Agban, Yadira Gonzalez, Maximo Estrella, Jr, Jaime Oy Arvide, Nacim Bennekaa, Breno Zimerer, Omar Florez, Roberto Ramos, Frank Rodriguez, Jose Luis Maldonado, Jose Fernandez. (Menken, Bruce) (Entered: 06/12/2009)
06/15/2009		ORDER granting <u>84</u> Motion to Adjourn Conference; granting <u>84</u> Motion for Extension of Time to File. The parties shall file their cross-motions by September 30th, opposition papers are due October 30th and reply papers are due December 30th. Counsel shall indicate whether oral argument is desired. If so, the court will schedule a date after the motions are fully briefed. So Ordered by Chief Magistrate Judge Steven M. Gold on 6/15/2009. (Vasquez, Lea) (Entered: 06/15/2009)

08/07/2009	<u>85</u>	MOTION for Leave to Appear Pro Hac Vice <i>of Raymond C. Fay</i> by Agban Agban, Jaime Oy Arvide, Nacim Bennekaa, Maximo Estrella, Jr, Jose Fernandez, Omar Florez, Yadira Gonzalez, Chris Maietta, Jose Luis Maldonado, Roberto Ramos, Frank Rodriguez, Rogelio Smith, Randy Wray, Breno Zimerer. (Fay, Raymond) (Entered: 08/07/2009)
08/07/2009	<u>86</u>	NOTICE of Appearance by Kerin E. Coughlin on behalf of Agban Agban, Jaime Oy Arvide, Nacim Bennekaa, Maximo Estrella, Jr, Jose Fernandez, Omar Florez, Yadira Gonzalez, Chris Maietta, Jose Luis Maldonado, Roberto Ramos, Frank Rodriguez, Rogelio Smith, Randy Wray, Breno Zimerer (aty to be noticed) (Coughlin, Kerin) (Entered: 08/07/2009)
08/07/2009		ORDER granting <u>85</u> Motion for Leave for Raymond C. Fay to Appear Pro Hac Vice provided any necessary fees associated with this application are promptly paid to the Clerk of Court. So Ordered by Chief Magistrate Judge Steven M. Gold on 8/7/2009. (Vasquez, Lea) (Entered: 08/07/2009)
08/10/2009	<u>87</u>	Letter MOTION for pre motion conference <i>regarding plaintiffs' responses to defendant's requests for production and interrogatories</i> by SimplexGrinnell LP. (Capozzola, Dominick) (Entered: 08/10/2009)
08/13/2009	<u>88</u>	RESPONSE in Opposition re <u>87</u> Letter MOTION for pre motion conference <i>regarding plaintiffs' responses to defendant's requests for production and interrogatories</i> filed by Agban Agban, Jaime Oy Arvide, Nacim Bennekaa, Maximo Estrella, Jr, Jose Fernandez, Omar Florez, Yadira Gonzalez, Chris Maietta, Jose Luis Maldonado, Roberto Ramos, Frank Rodriguez, Rogelio Smith, Randy Wray, Breno Zimerer. (Attachments: # <u>1</u> Exhibit A, May 29, 2009 letter from defense counsel, # <u>2</u> Exhibit B, June 10, 2009 email from plaintiff's counsel, # <u>3</u> Exhibit C, June 16, 2009 letter from defense counsel) (Rozger, Jason) (Entered: 08/13/2009)
08/26/2009		ORDER deferring ruling on <u>87</u> Motion for Pre Motion Conference. Plaintiffs' response to defendants' letter motion indicates that plaintiffs will be providing supplemental information by August 30, 2009. (Because August 30 falls on a Sunday, the court assumes plaintiffs intend to supplement their responses by August 31.) Counsel shall confer after plaintiffs complete their responses on August 31. The court will hold a telephone conference, with the conference call arranged by counsel, at 3:00 p.m. on September 11, 2009. In the event defendants still seek to file a formal motion to compel, a briefing and argument schedule will be set at that time. Ordered by Chief Magistrate Judge Steven M. Gold on 8/26/2009. (Gold, Steven) (Entered: 08/26/2009)
08/28/2009	<u>89</u>	Consent MOTION to Adjourn Conference by SimplexGrinnell LP. (Capozzola, Dominick) (Entered: 08/28/2009)
08/31/2009		ORDER granting <u>89</u> Motion to Adjourn Conference. The conference previously scheduled for September 11th will instead be held at 11:00 a.m. on September 8, 2009. So Ordered by Chief Magistrate Judge Steven M. Gold on 8/31/2009. (Vasquez, Lea) (Entered: 08/31/2009)
09/04/2009	<u>90</u>	MOTION to Amend/Correct/Supplement, MOTION for Extension of Time to File <i>Class certification and summary judgment motions, and to modify expert disclosure schedule, on consent of all parties</i> , by Agban Agban, Jaime Oy Arvide, Nacim Bennekaa, Maximo Estrella, Jr, Jose Fernandez, Omar Florez, Yadira Gonzalez, Chris Maietta, Jose Luis Maldonado, Roberto Ramos, Frank Rodriguez, Rogelio Smith, Randy Wray, Breno Zimerer. (Rozger, Jason) (Entered: 09/04/2009)
09/07/2009		ORDER deferring ruling on <u>90</u> Motion to Amend/Correct/Supplement; deferring ruling on <u>90</u> Motion for Extension of Time to File. The motion will be discussed during the September 8th conference. So Ordered by Chief Magistrate Judge Steven M. Gold on 9/7/2009. (Vasquez, Lea) (Entered: 09/07/2009)
09/08/2009		ORDER denying as moot <u>83</u> Motion for Pre Motion Conference; denying as moot <u>87</u> Motion for Pre Motion Conference; denying as moot <u>90</u> Motion to Amend/Correct/Supplement; granting <u>90</u> Motion for Extension of Time to File. See minute entry for telephone conference held on September 8, 2009. Ordered by Chief Magistrate Judge Steven M. Gold on 9/8/2009. (Gold, Steven) (Entered: 09/08/2009)
09/11/2009		Minute Entry for Telephone Conference held on 9/8/2009 before Chief Magistrate Judge Steven M. Gold: Menken et al for plaintiffs, Copus et al for defendants. The

		schedule jointly proposed by the parties in plaintiffs' letter dated September 4, 2009 is approved. In the event defendants do not seek to bring a discovery motion after receiving plaintiffs' expert disclosure, the court will hear oral argument on the parties' cross motions for class certification and summary judgment at 2:00 pm on March 11, 2010. If defendants do seek to bring a discovery motion after reviewing plaintiffs' expert disclosures, they shall do so by October 16, and may file a formal motion in excess of three pages setting forth their position. Plaintiffs' response will be due October 23, and defendants' reply will be due October 26. The schedule set forth in plaintiffs' September 4, 2009 letter will then be revisited accordingly. (Vasquez, Lea) (Entered: 09/11/2009)
10/13/2009	<u>91</u>	Emergency MOTION for Extension of Time to File <i>Motion to Compel</i> by SimplexGrinnell LP. (Capozzola, Dominick) (Entered: 10/13/2009)
10/13/2009		ORDER granting <u>91</u> Motion for Extension of Time to File. Ordered by Chief Magistrate Steven M. Gold on 10/13/2009. (Gold, Steven) (Entered: 10/13/2009)
10/16/2009	<u>92</u>	MOTION for Extension of Time to Complete Discovery <i>Relating to Expert Witnesses</i> , MOTION for Extension of Time to File <i>Motions for Summary Judgment and Class Certification</i> by SimplexGrinnell LP. (Capozzola, Dominick) (Entered: 10/16/2009)
10/19/2009	<u>93</u>	MEMORANDUM in Opposition re <u>92</u> MOTION for Extension of Time to Complete Discovery <i>Relating to Expert Witnesses</i> MOTION for Extension of Time to File <i>Motions for Summary Judgment and Class Certification</i> filed by Agban Agban, Jaime Oy Arvide, Nacim Bennekaa, Maximo Estrella, Jr, Jose Fernandez, Omar Florez, Yadira Gonzalez, Chris Maietta, Jose Luis Maldonado, Roberto Ramos, Frank Rodriguez, Rogelio Smith, Randy Wray, Breno Zimerer. (Fay, Raymond) (Entered: 10/19/2009)
10/19/2009		ORDER granting <u>92</u> Motion for Extension of Time to Complete Discovery; granting <u>92</u> Motion for Extension of Time to File. While the court agrees with plaintiffs that defendant's explanation of the need for additional time is not completely clear or entirely compelling, the amount of time sought is relatively brief, and plaintiffs have failed to identify any significant prejudice they will suffer if the additional time is granted. Accordingly, the motion for additional time is granted. THE MOTION HEARING PREVIOUSLY SET FOR MARCH 11 WILL BE HELD INSTEAD AT 2:00 P.M. ON APRIL 8, 2010. Ordered by Chief Magistrate Steven M. Gold on 10/19/2009. (Gold, Steven) (Entered: 10/19/2009)
11/09/2009	<u>94</u>	MOTION for Protective Order by Agban Agban, Jaime Oy Arvide, Nacim Bennekaa, Maximo Estrella, Jr, Jose Fernandez, Omar Florez, Yadira Gonzalez, Chris Maietta, Jose Luis Maldonado, Roberto Ramos, Frank Rodriguez, Rogelio Smith, Randy Wray, Breno Zimerer. (Attachments: # <u>1</u> Exhibit A, emails between counsel) (Rozger, Jason) (Entered: 11/09/2009)
11/11/2009	<u>95</u>	RESPONSE in Opposition re <u>94</u> MOTION for Protective Order filed by SimplexGrinnell LP. (Capozzola, Dominick) (Entered: 11/11/2009)
11/23/2009	<u>96</u>	MOTION to Compel <i>Further Responses to SimplexGrinnell's Third Set of Interrogatories</i> by SimplexGrinnell LP. (Attachments: # <u>1</u> Exhibit B-C, # <u>2</u> Exhibit E, # <u>3</u> Exhibit A,D,F (cover letter for documents filed under seal)) (Capozzola, Dominick) (Entered: 11/23/2009)
11/30/2009	<u>97</u>	Consent MOTION for Extension of Time to Complete Discovery <i>With Respect to Certain Discovery Dates</i> by Agban Agban, Jaime Oy Arvide, Nacim Bennekaa, Maximo Estrella, Jr, Jose Fernandez, Omar Florez, Yadira Gonzalez, Chris Maietta, Jose Luis Maldonado, Roberto Ramos, Frank Rodriguez, Rogelio Smith, Randy Wray, Breno Zimerer. (Fay, Raymond) (Entered: 11/30/2009)
12/01/2009		ORDER granting <u>97</u> Motion for Extension of Time to Complete Discovery. So Ordered by Chief Magistrate Judge Steven M. Gold on 12/1/2009. (Vasquez, Lea) (Entered: 12/01/2009)
12/11/2009	<u>98</u>	MOTION for Discovery <i>to compel production of wage data</i> , by Agban Agban, Jaime Oy Arvide, Nacim Bennekaa, Maximo Estrella, Jr, Jose Fernandez, Omar Florez, Yadira Gonzalez, Chris Maietta, Jose Luis Maldonado, Roberto Ramos, Frank Rodriguez, Rogelio Smith, Randy Wray, Breno Zimerer. (Rozger, Jason) (Entered: 12/11/2009)

		12/11/2009)
12/11/2009	<u>99</u>	RESPONSE in Opposition re <u>96</u> MOTION to Compel <i>Further Responses to SimplexGrinnell's Third Set of Interrogatories</i> filed by Agban Agban, Jaime Oy Arvide, Nacim Bennekaa, Maximo Estrella, Jr, Jose Fernandez, Omar Florez, Yadira Gonzalez, Chris Maietta, Jose Luis Maldonado, Roberto Ramos, Frank Rodriguez, Rogelio Smith, Randy Wray, Breno Zimerer. (Attachments: # <u>1</u> Exhibit A., cover letter for sealed report, # <u>2</u> Exhibit B, email from defense counsel, # <u>3</u> Exhibit C, excerpts from 30(b)(6) deposition of Breau and Keene, # <u>4</u> Exhibit D, excerpts from deposition of David Crawford, # <u>5</u> Exhibit E, Defendant's initial and supplemental initial disclosures, # <u>6</u> Exhibit F, May 21, 2009 letter from defense counsel, # <u>7</u> Exhibit G, excerpts from 30(b)(6) deposition of Rob Crandall, # <u>8</u> Exhibit H, excerpts from Shawn Love deposition, # <u>9</u> Exhibit I, excerpts from Ai'mee Bourgoin deposition) (Rozger, Jason) (Entered: 12/11/2009)
12/14/2009		SCHEDULING ORDER: re <u>99</u> Response in Opposition to Motion,,, filed by Rogelio Smith, Agban Agban, Breno Zimerer, Jaime Oy Arvide, Jose Luis Maldonado, Frank Rodriguez, Omar Florez, Jose Fernandez, Randy Wray, Yadira Gonzalez, Maximo Estrella, Jr., Nacim Bennekaa, Chris Maietta, Roberto Ramos, <u>98</u> MOTION for Discovery to <i>compel production of wage data</i> , filed by Rogelio Smith, Agban Agban, Breno Zimerer, Jaime Oy Arvide, Jose Luis Maldonado, Frank Rodriguez, Omar Florez, Randy Wray, Jose Fernandez, Maximo Estrella, Jr., Yadira Gonzalez, Nacim Bennekaa, Chris Maietta, Roberto Ramos, <u>94</u> MOTION for Protective Order filed by Rogelio Smith, Agban Agban, Breno Zimerer, Jaime Oy Arvide, Jose Luis Maldonado, Frank Rodriguez, Omar Florez, Randy Wray, Jose Fernandez, Maximo Estrella, Jr., Yadira Gonzalez, Nacim Bennekaa, Chris Maietta, Roberto Ramos, <u>95</u> Response in Opposition to Motion filed by SimplexGrinnell LP, <u>96</u> MOTION to Compel <i>Further Responses to SimplexGrinnell's Third Set of Interrogatories</i> filed by SimplexGrinnell LP. All pending discovery motions will be heard at an in-person hearing at 12:00 p.m. on January 11, 2010. Counsel for plaintiffs is directed to confirm this conference date and time with defendants' counsel. So Ordered by Chief Magistrate Judge Steven M. Gold on 12/14/2009. (Vasquez, Lea) (Entered: 12/14/2009)
12/16/2009	<u>100</u>	MOTION for Extension of Time to File Response/Reply as to <u>96</u> MOTION to Compel <i>Further Responses to SimplexGrinnell's Third Set of Interrogatories</i> by Agban Agban, Jaime Oy Arvide, Nacim Bennekaa, Maximo Estrella, Jr, Jose Fernandez, Omar Florez, Yadira Gonzalez, John Doe Bonding Companies, Chris Maietta, Jose Luis Maldonado, Roberto Ramos, Frank Rodriguez, SimplexGrinnell LP, Rogelio Smith, Randy Wray, Breno Zimerer. (Menken, Bruce) (Entered: 12/16/2009)
12/17/2009		ORDER granting <u>100</u> Motion for Extension of Time to File Response/Reply. The application is granted. The conference previously scheduled for January 11th will instead be held on January 13th at 3:00, not 12:00 p.m. as requested as the Court is unavailable at that time. So Ordered by Chief Magistrate Judge Steven M. Gold on 12/17/2009. (Vasquez, Lea) (Entered: 12/17/2009)
12/18/2009	<u>101</u>	REPLY in Support re <u>96</u> MOTION to Compel <i>Further Responses to SimplexGrinnell's Third Set of Interrogatories</i> filed by SimplexGrinnell LP. (Capozzola, Dominick) (Entered: 12/18/2009)
12/18/2009	<u>102</u>	RESPONSE to Motion re <u>98</u> MOTION for Discovery to <i>compel production of wage data</i> , filed by SimplexGrinnell LP. (Capozzola, Dominick) (Entered: 12/18/2009)
01/08/2010	<u>103</u>	Letter MOTION for pre motion conference <i>regarding Daubert motion to exclude testimony and report of plaintiffs' expert</i> by SimplexGrinnell LP. (Capozzola, Dominick) (Entered: 01/08/2010)
01/11/2010	<u>104</u>	REPLY in Support re <u>96</u> MOTION to Compel <i>Further Responses to SimplexGrinnell's Third Set of Interrogatories (Supplemental Reply to Include New Evidence)</i> filed by SimplexGrinnell LP. (Capozzola, Dominick) (Entered: 01/11/2010)
01/12/2010	<u>105</u>	STATUS REPORT by Agban Agban, Jaime Oy Arvide, Nacim Bennekaa, Maximo Estrella, Jr, Jose Fernandez, Omar Florez, Yadira Gonzalez, Chris Maietta, Jose Luis Maldonado, Roberto Ramos, Frank Rodriguez, Rogelio Smith, Randy Wray, Breno Zimerer (Attachments: # <u>1</u> Exhibit A, NYSDOL 12/31/09 opinion letter) (Rozger, Jason) (Entered: 01/12/2010)

01/14/2010		ORDER denying <u>96</u> Motion to Compel; denying <u>98</u> Motion for Discovery; terminating <u>103</u> Motion for Pre Motion Conference. The court ruled on the discovery motions, and set a briefing schedule with respect to the motion for which a premotion conference was sought, during the hearing held on January 13, 2010. Ordered by Chief Magistrate Steven M. Gold on 1/14/2010. (Gold, Steven) (Entered: 01/14/2010)
01/14/2010		ORDER terminating <u>94</u> Motion for Protective Order in that the issues raised by the motion were addressed during the hearing held on January 13, 2010. Ordered by Chief Magistrate Steven M. Gold on 1/14/2010. (Gold, Steven) (Entered: 01/14/2010)
01/14/2010		Minute Entry for proceedings held before Chief Magistrate Steven M. Gold: Motion Hearing held on 1/13/2010 re <u>103</u> Letter MOTION for pre motion conference regarding Daubert motion to exclude testimony and report of plaintiffs' expert filed by SimplexGrinnell LP, <u>98</u> MOTION for Discovery to compel production of wage data, filed by Rogelio Smith, Agban Agban, Breno Zimerer, Jaime Oy Arvide, Jose Luis Maldonado, Frank Rodriguez, Omar Florez, Jose Fernandez, Randy Wray, Yadira Gonzalez, Maximo Estrella, Jr., Nacim Bennekaa, Chris Maietta, Roberto Ramos, <u>96</u> MOTION to Compel Further Responses to SimplexGrinnell's Third Set of Interrogatories filed by SimplexGrinnell LP: Menken, Fay and Rozger for plaintiffs, Copus and Capazzola for defendant. Plaintiff will provide the specification of additional proof described on the record today by January 20. Plaintiff's motion for class certification will be filed by March 17. Defendant's motions in limine and for summary judgment will, absent further application to the court, be filed by March 24, with defendant reserving its right to move with respect to the individually named plaintiffs at a later date if class certification is not granted and/or its Daubert/in limine motion is granted. Opposition to the motions made by both sides will be filed by May 3, and replies will be filed by May 17. THE COURT WILL HEAR THE MOTIONS ARGUED AT 2:00 PM ON JUNE 10, 2010. (Tape #FTR 3:11-3:55.) (Vasquez, Lea) (Entered: 01/14/2010)
01/19/2010	<u>106</u>	Second Revised Amended Expert Report of David L. Crawford, PhD. Sealed by request to Judge Gold, per 9/11/2007 protective order (Docket Entry No. <u>14</u>) (Barrett, C) (Entered: 01/19/2010)
03/15/2010	<u>107</u>	MOTION for Leave to File Excess Pages for Plaintiffs' brief in support of class certification and summary judgment by Agban Agban, Jaime Oy Arvide, Nacim Bennekaa, Maximo Estrella, Jr, Jose Fernandez, Omar Florez, Yadira Gonzalez, Chris Maietta, Jose Luis Maldonado, Roberto Ramos, Frank Rodriguez, Rogelio Smith, Randy Wray, Breno Zimerer. (Rozger, Jason) (Entered: 03/15/2010)
03/15/2010		ORDER granting <u>107</u> Motion for Leave to File Excess Pages. Ordered by Chief Magistrate Steven M. Gold on 3/15/2010. (O'Connor, Erin) (Entered: 03/15/2010)
03/18/2010	<u>108</u>	MOTION for Extension of Time to File Plaintiffs' Motions for Class Certification and Summary Judgment by Roberto Ramos. (Menken, Bruce) (Entered: 03/18/2010)
03/18/2010		ORDER granting <u>108</u> Motion for Extension of Time to File. So Ordered by Chief Magistrate Judge Steven M. Gold on 3/18/2010. (Vasquez, Lea) (Entered: 03/18/2010)
03/18/2010	<u>109</u>	First MOTION to Certify Class and Summary Judgment by Agban Agban, Jaime Oy Arvide, Nacim Bennekaa, Maximo Estrella, Jr, Jose Fernandez, Omar Florez, Yadira Gonzalez, Chris Maietta, Jose Luis Maldonado, Roberto Ramos, Frank Rodriguez, Rogelio Smith, Randy Wray, Breno Zimerer. Responses due by 5/3/2010 (Attachments: # <u>1</u> Memorandum in Support Memorandum of Law in Support of Motions for Class Certification and Summary Judgment, # <u>2</u> Affidavit in Support Declaration of David L. Crawford, PH.D, # <u>3</u> Exhibit Exhibit 1, # <u>4</u> Exhibit Exhibit 2 1/4, # <u>5</u> Exhibit Exhibit 2 2/4, # <u>6</u> Exhibit Exhibit 2 3/4, # <u>7</u> Exhibit Exhibit 2 4/4, # <u>8</u> Affidavit in Support Declaration of Kerin E. Coughlin, Esq., # <u>9</u> Exhibit Exhibit 3, # <u>10</u> Exhibit Exhibit 4, # <u>11</u> Exhibit Exhibit 5, # <u>12</u> Exhibit Exhibit 6, # <u>13</u> Exhibit Exhibit 7, # <u>14</u> Exhibit Exhibit 8, # <u>15</u> Exhibit Exhibit 9, # <u>16</u> Exhibit Exhibit 10, # <u>17</u> Exhibit Exhibit 11, # <u>18</u> Exhibit Exhibit 12, # <u>19</u> Exhibit Exhibit 13, # <u>20</u> Exhibit Exhibit 14, # <u>21</u> Exhibit Exhibit 15, # <u>22</u> Exhibit Exhibit 16, # <u>23</u> Exhibit Exhibit 17, # <u>24</u> Exhibit Exhibit 18, # <u>25</u> Exhibit Exhibit 19, # <u>26</u> Exhibit Exhibit 20, # <u>27</u> Exhibit Exhibit 21, # <u>28</u> Exhibit Exhibit 22, # <u>29</u> Exhibit Exhibit 23, # <u>30</u> Exhibit Exhibit 24, # <u>31</u> Exhibit Exhibit 25, # <u>32</u> Exhibit Exhibit 26, # <u>33</u> Exhibit Exhibit 27, # <u>34</u> Exhibit Exhibit 28, # <u>35</u> Exhibit Exhibit 29, # <u>36</u> Exhibit Exhibit 30, # <u>37</u> Exhibit Exhibit 31, # <u>38</u> Exhibit Exhibit 32, # <u>39</u> Exhibit Exhibit 33, # <u>40</u> Exhibit Exhibit 34, # <u>41</u> Exhibit

		Exhibit 35, # <u>42</u> Exhibit Exhibit 36, # <u>43</u> Exhibit Exhibit 37, # <u>44</u> Exhibit Exhibit 38, # <u>45</u> Exhibit Exhibit 39, # <u>46</u> Exhibit Exhibit 40, # <u>47</u> Exhibit Exhibit 41, # <u>48</u> Exhibit Exhibit 42, # <u>49</u> Exhibit Exhibit 43, # <u>50</u> Exhibit Exhibit 44, # <u>51</u> Exhibit Exhibit 45, # <u>52</u> Exhibit Exhibit 46, # <u>53</u> Exhibit Exhibit 47, # <u>54</u> Exhibit Exhibit 48, # <u>55</u> Exhibit Exhibit 49, # <u>56</u> Exhibit Exhibit 50, # <u>57</u> Exhibit Exhibit 51, # <u>58</u> Exhibit Exhibit 52, # <u>59</u> Exhibit Exhibit 53, # <u>60</u> Exhibit Exhibit 54, # <u>61</u> Exhibit Exhibit 55, # <u>62</u> Exhibit Exhibit 56, # <u>63</u> Exhibit Exhibit 57, # <u>64</u> Exhibit Exhibit 58, # <u>65</u> Exhibit Exhibit 59, # <u>66</u> Exhibit Exhibit 60, # <u>67</u> Exhibit Exhibit 61, # <u>68</u> Exhibit Exhibit 62, # <u>69</u> Exhibit Exhibit 63, # <u>70</u> Exhibit Exhibit 64, # <u>71</u> Exhibit Exhibit 65, # <u>72</u> Exhibit Exhibit 66, # <u>73</u> Exhibit Exhibit 67, # <u>74</u> Exhibit Exhibit 68, # <u>75</u> Exhibit Exhibit 69, # <u>76</u> Exhibit Exhibit 70, # <u>77</u> Exhibit Exhibit 71, # <u>78</u> Exhibit Exhibit 72, # <u>79</u> Exhibit Exhibit 73, # <u>80</u> Exhibit Exhibit 74, # <u>81</u> Exhibit Exhibit 75, # <u>82</u> Exhibit Exhibit 76, # <u>83</u> Exhibit Exhibit 77, # <u>84</u> Exhibit Exhibit 78, # <u>85</u> Rule 56.1 Statement Plaintiffs' Local Rule 56.1 Statement of Undisputed Facts) (Coughlin, Kerin) (<i>Modified: Attachment 34 replaced on 5/3/2010</i>) (Entered: 03/18/2010)
03/25/2010	<u>110</u>	MOTION in Limine -- <i>Daubert Motion to Exclude the Testimony of Plaintiffs' Expert, Dr. David Crawford</i> by SimplexGrinnell LP. (Attachments: # <u>1</u> Memorandum in Support of Daubert Motion to Exclude the Testimony of Plaintiffs' Expert, Dr. David Crawford, Part One, # <u>2</u> Memorandum in Support of Daubert Motion to Exclude the Testimony of Plaintiffs' Expert, Dr. David Crawford, Part Two, # <u>3</u> Affidavit of David Copus, # <u>4</u> Exhibit 1-10 of Copus Affidavit, # <u>5</u> Exhibit 11-12 of Copus Affidavit, # <u>6</u> Exhibit 13-14 of Copus Affidavit, # <u>7</u> Exhibit 15 of Copus Affidavit, # <u>8</u> Exhibit 16-19 of Copus Affidavit) (Capozzola, Dominick) (Entered: 03/25/2010)
03/25/2010	<u>111</u>	MOTION for Summary Judgment by SimplexGrinnell LP. Responses due by 5/3/2010 (Attachments: # <u>1</u> Memorandum in Support Part 1, # <u>2</u> Memorandum in Support Part 2, # <u>3</u> Affidavit of Marion Rivera, # <u>4</u> Affidavit of Richard Zammitti, # <u>5</u> Rule 56.1 Statement, # <u>6</u> Affidavit of Dominick Capozzola, # <u>7</u> Exhibit 1-7, # <u>8</u> Exhibit 8-1, # <u>9</u> Exhibit 8-2, # <u>10</u> Exhibit 9-11, # <u>11</u> Exhibit 12-15, # <u>12</u> Exhibit 16-17, # <u>13</u> Exhibit 18, # <u>14</u> Exhibit 19-31, # <u>15</u> Exhibit 32-46, # <u>16</u> Exhibit 47-56, # <u>17</u> Exhibit 57-64, # <u>18</u> Exhibit 65) (Capozzola, Dominick) (Entered: 03/25/2010)
03/31/2010	112	Sealed Document containing confidential exhibits to defendant's <u>110</u> Daubert motion to exclude the testimony of plaintiff's expert, Dr. David Crawford; submitted by SimplexGrinnell LP on 3/26/10. (Chee, Alvin) (Entered: 04/22/2010)
03/31/2010	113	Sealed document containing confidential exhibits to plaintiffs' <u>109</u> motions for class certification and summary judgment; submitted by plaintiffs on 3/18/10. (Chee, Alvin) (Entered: 04/22/2010)
03/31/2010	114	Sealed document containing confidential exhibits to defendant's <u>111</u> motion for summary judgment; submitted by SimplexGrinnell LP on 3/26/10. (Chee, Alvin) (Entered: 04/22/2010)
05/03/2010	<u>115</u>	RESPONSE to Motion re <u>109</u> First MOTION to Certify Class and Summary Judgment (<i>Main Document: Memorandum in Opposition Part One</i>) filed by SimplexGrinnell LP. (Attachments: # <u>1</u> Memorandum in Opposition Part Two, # <u>2</u> Rule 56.1 Statement, # <u>3</u> Affidavit in Opposition by Richard Zammitti, # <u>4</u> Affidavit in Opposition by Christie Hext, # <u>5</u> Affidavit in Opposition by Marion Rivera, # <u>6</u> Affidavit in Opposition by David Copus) (Capozzola, Dominick) (Entered: 05/03/2010)
05/03/2010	<u>116</u>	MEMORANDUM in Opposition re <u>110</u> MOTION in Limine -- <i>Daubert Motion to Exclude the Testimony of Plaintiffs' Expert, Dr. David Crawford</i> filed by Agban Agban, Jaime Oy Arvide, Nacim Bennekaa, Maximo Estrella, Jr, Jose Fernandez, Omar Florez, Yadira Gonzalez, Chris Maietta, Jose Luis Maldonado, Roberto Ramos, Frank Rodriguez, Rogelio Smith, Randy Wray, Breno Zimerer. (Attachments: # <u>1</u> Declaration Declaration of David L. Crawford, PhD, # <u>2</u> Exhibit 1, # <u>3</u> Exhibit 2, # <u>4</u> Declaration Declaration of Kerin E. Coughlin, # <u>5</u> Exhibit 3, # <u>6</u> Exhibit 4, # <u>7</u> Exhibit 5, # <u>8</u> Exhibit 6, # <u>9</u> Exhibit 7, # <u>10</u> Exhibit 8, # <u>11</u> Exhibit 9, # <u>12</u> Exhibit 10, # <u>13</u> Exhibit 11, # <u>14</u> Exhibit 12, # <u>15</u> Exhibit 13) (Coughlin, Kerin) (Entered: 05/03/2010)
05/04/2010	<u>117</u>	RULE 56.1 STATEMENT re <u>111</u> MOTION for Summary Judgment <i>responding to Defendant's Rule 56.1 statement</i> filed by Agban Agban, Jaime Oy Arvide, Nacim Bennekaa, Maximo Estrella, Jr, Jose Fernandez, Omar Florez, Yadira Gonzalez, Chris Maietta, Jose Luis Maldonado, Roberto Ramos, Frank Rodriguez, Rogelio Smith,

		Randy Wray, Breno Zimerer. (Rozger, Jason) (Entered: 05/04/2010)
05/04/2010	<u>118</u>	AFFIDAVIT/DECLARATION in Opposition re <u>111</u> MOTION for Summary Judgment filed by Agban Agban, Jaime Oy Arvide, Nacim Bennekaa, Maximo Estrella, Jr, Jose Fernandez, Omar Florez, Yadira Gonzalez, Chris Maietta, Jose Luis Maldonado, Roberto Ramos, Frank Rodriguez, Rogelio Smith, Randy Wray, Breno Zimerer. (Attachments: # <u>1</u> Exhibit PX 79, Hext depo excerpts, # <u>2</u> Exhibit PX 80, tade agreement, # <u>3</u> Exhibit PX81, Florez depo excerpts, # <u>4</u> Exhibit PX 82, Zimerer depo excerpts, # <u>5</u> Exhibit PX 83, timesheet samples, # <u>6</u> Exhibit PX 84Love depo excerpts, # <u>7</u> Exhibit PX 85, D'Orsi email, # <u>8</u> Exhibit PX 86, Alund depo excerpts, # <u>9</u> Exhibit PX 87, Defendant's submitted checklist, # <u>10</u> Exhibit PX 88, rescinded checklist, # <u>11</u> Exhibit PX 89, email from Bouchard, # <u>12</u> Exhibit PX 90, Crandall depo excerpts, # <u>13</u> Exhibit PX 91, letter to Court, # <u>14</u> Exhibit PX 92, Crawford depo excerpts, # <u>15</u> Exhibit PX 93, Bourgoin depo excerpts, # <u>16</u> Exhibit PX 94, Keene depo excerpts, # <u>17</u> Exhibit PX 95, DOL website screen, # <u>18</u> Exhibit PX 96, DOL correspondence, # <u>19</u> Exhibit PX 97, NYC refuse removal classification, # <u>20</u> Exhibit PX 98, letter to Alund, # <u>21</u> Exhibit PX 99, Ward check stubs, # <u>22</u> Exhibit PX 100, Breau depo excerpts, # <u>23</u> Exhibit PX 101, service reports, # <u>24</u> Exhibit PX 102, Comer depo excerpts, # <u>25</u> Exhibit PX 103, NYC PW schedule for alarm service tech, # <u>26</u> Exhibit PX 104, Frederick letter, # <u>27</u> Exhibit PX 105, Comer declaration, # <u>28</u> Exhibit PX 106, Zammitti depo excerpts, # <u>29</u> Exhibit PX 107, Roberts depo excerpts, # <u>30</u> Exhibit PX 108, Smith depo excerpts) (Rozger, Jason) (Entered: 05/04/2010)
05/04/2010	<u>119</u>	MEMORANDUM in Opposition re <u>111</u> MOTION for Summary Judgment filed by Agban Agban, Jaime Oy Arvide, Nacim Bennekaa, Maximo Estrella, Jr, Jose Fernandez, Omar Florez, Yadira Gonzalez, Chris Maietta, Jose Luis Maldonado, Roberto Ramos, Frank Rodriguez, Rogelio Smith, Randy Wray, Breno Zimerer. (Rozger, Jason) (Entered: 05/04/2010)
05/04/2010	<u>120</u>	MOTION for Extension of Time to File Response/Reply as to <u>118</u> Affidavit in Opposition to Motion,,,,, <u>117</u> Rule 56.1 Statement, <u>119</u> Memorandum in Opposition, <i>for one day extension nunc pro tunc</i> by Agban Agban, Jaime Oy Arvide, Nacim Bennekaa, Maximo Estrella, Jr, Jose Fernandez, Omar Florez, Yadira Gonzalez, Chris Maietta, Jose Luis Maldonado, Roberto Ramos, Frank Rodriguez, Rogelio Smith, Randy Wray, Breno Zimerer. (Rozger, Jason) (Entered: 05/04/2010)
05/04/2010		ORDER granting <u>120</u> Motion for Extension of Time to File Response/Reply. So Ordered by Chief Magistrate Judge Steven M. Gold on 5/4/2010. (Vasquez, Lea) (Entered: 05/04/2010)
05/06/2010	<u>121</u>	Sealed document containing confidential exhibits to Affidavits of Richard Zammitti and Marion Rivera in Opposition to Plaintiffs' Motion for Class Certification and Summary Judgment; submitted by SimplexGrinnell LP on 3/26/10. (Chee, Alvin) (Entered: 05/06/2010)
05/06/2010	<u>122</u>	EXHIBIT Amended Exhibit PX 93 to AFFIDAVIT/DECLARATION in Opposition re <u>111</u> MOTION for Summary Judgment by Agban Agban, Jaime Oy Arvide, Nacim Bennekaa, Maximo Estrella, Jr, Jose Fernandez, Omar Florez, Yadira Gonzalez, Chris Maietta, Jose Luis Maldonado, Roberto Ramos, Frank Rodriguez, Rogelio Smith, Randy Wray, Breno Zimerer. Related document: <u>118</u> Affidavit in Opposition to Motion,,,,, filed by Rogelio Smith, Agban Agban, Breno Zimerer, Jaime Oy Arvide, Jose Luis Maldonado, Frank Rodriguez, Omar Florez, Jose Fernandez, Randy Wray, Yadira Gonzalez, Maximo Estrella, Jr., Nacim Bennekaa, Chris Maietta, Roberto Ramos. (Coughlin, Kerin) (Entered: 05/06/2010)
05/13/2010	<u>123</u>	TRANSCRIPT of Proceedings held on 1/13/10, before Judge Gold. Court Transcriber ARIA TRANSCRIPTIONS, Telephone number 215-767-7700. Transcript may be viewed at the court public terminal or purchased through the Court Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 6/3/2010. Redacted Transcript Deadline set for 6/14/2010. Release of Transcript Restriction set for 8/11/2010. (Hong, Loan) (Entered: 05/13/2010)
05/17/2010		ORDER: Since the scheduling of the oral argument, the undersigned has been assigned criminal duty the week of June 7, 2010. Accordingly, the oral argument that was previously scheduled for June 10th will be held instead at 2:00 p.m. on June 28, 2010 . Ordered by Chief Magistrate Steven M. Gold on 5/17/2010. (O'Connor, Erin)

		(Entered: 05/17/2010)
05/17/2010	<u>124</u>	REPLY in Support re <u>110</u> MOTION in Limine -- <i>Daubert Motion to Exclude the Testimony of Plaintiffs' Expert, Dr. David Crawford</i> filed by SimplexGrinnell LP. (Attachments: # <u>1</u> Affidavit of David Copus in Support of Reply) (Capozzola, Dominick) (Entered: 05/17/2010)
05/17/2010	<u>125</u>	REPLY in Support re <u>111</u> MOTION for Summary Judgment filed by SimplexGrinnell LP. (Attachments: # <u>1</u> Rule 56.1 Statement in Response to Plaintiffs' Opposition Statement, # <u>2</u> Affidavit of Christie Hext) (Capozzola, Dominick) (Entered: 05/17/2010)
05/18/2010	<u>126</u>	REPLY in Support re <u>109</u> First MOTION to Certify Class <i>and Summary Judgment</i> filed by Agban Agban, Jaime Oy Arvide, Nacim Bennekaa, Maximo Estrella, Jr, Jose Fernandez, Omar Florez, Yadira Gonzalez, Chris Maietta, Jose Luis Maldonado, Roberto Ramos, Frank Rodriguez, Rogelio Smith, Randy Wray, Breno Zimerer. (Attachments: # <u>1</u> Declaration of David L. Crawford, PhD, # <u>2</u> Declaration of Kerin E. Coughlin, Esq., # <u>3</u> Exhibit 1, # <u>4</u> Exhibit 2, # <u>5</u> Exhibit 3, # <u>6</u> Exhibit 4, # <u>7</u> Declaration of Mariana Castaneda, # <u>8</u> Declaration of Bruce E. Menken, Esq., # <u>9</u> Exhibit 5, # <u>10</u> Exhibit 6, # <u>11</u> Exhibit 7, # <u>12</u> Exhibit 8, # <u>13</u> Exhibit 9, # <u>14</u> Exhibit 10, # <u>15</u> Exhibit 11) (Coughlin, Kerin) (Entered: 05/18/2010)
05/18/2010	<u>127</u>	Letter MOTION for Extension of Time to File Response/Reply as to <u>126</u> Reply in Support,, by Agban Agban, Jaime Oy Arvide, Nacim Bennekaa, Maximo Estrella, Jr, Jose Fernandez, Omar Florez, Yadira Gonzalez, Chris Maietta, Jose Luis Maldonado, Roberto Ramos, Frank Rodriguez, Rogelio Smith, Randy Wray, Breno Zimerer. (Coughlin, Kerin) (Entered: 05/18/2010)
05/18/2010		ORDER granting <u>127</u> Motion for Extension of Time to File Response/Reply. So Ordered by Chief Magistrate Judge Steven M. Gold on 5/18/2010. (Vasquez, Lea) (Entered: 05/18/2010)
05/18/2010	<u>128</u>	MOTION to Amend/Correct/Supplement <u>126</u> Reply in Support,, <i>of Plaintiffs' Motion for Class Certification and Summary Judgment</i> by Agban Agban, Jaime Oy Arvide, Nacim Bennekaa, Maximo Estrella, Jr, Jose Fernandez, Omar Florez, Yadira Gonzalez, Chris Maietta, Jose Luis Maldonado, Roberto Ramos, Frank Rodriguez, Rogelio Smith, Randy Wray, Breno Zimerer. (Coughlin, Kerin) (Entered: 05/18/2010)
05/18/2010		Motions terminated, docketed incorrectly: <u>128</u> This is an amended version of plaintiffs' reply and not a motion to amend. (O'Connor, Erin) (Entered: 05/18/2010)
05/18/2010	<u>129</u>	REPLY in Support re <u>109</u> First MOTION to Certify Class <i>and Summary Judgment AMENDED Reply in Support</i> filed by Agban Agban, Jaime Oy Arvide, Nacim Bennekaa, Maximo Estrella, Jr, Jose Fernandez, Omar Florez, Yadira Gonzalez, Chris Maietta, Jose Luis Maldonado, Roberto Ramos, Frank Rodriguez, Rogelio Smith, Randy Wray, Breno Zimerer. (Coughlin, Kerin) (Entered: 05/18/2010)
05/18/2010	<u>130</u>	EXHIBIT <i>Amended Exhibit 60 to Declaration of Kerin E. Coughlin in Support of Motion for Class Certification and Summary Judgment</i> by Agban Agban, Jaime Oy Arvide, Nacim Bennekaa, Maximo Estrella, Jr, Jose Fernandez, Omar Florez, Yadira Gonzalez, Chris Maietta, Jose Luis Maldonado, Roberto Ramos, Frank Rodriguez, Rogelio Smith, Randy Wray, Breno Zimerer. Related document: <u>109</u> First MOTION to Certify Class <i>and Summary Judgment</i> filed by Rogelio Smith, Agban Agban, Breno Zimerer, Jaime Oy Arvide, Jose Luis Maldonado, Frank Rodriguez, Omar Florez, Jose Fernandez, Randy Wray, Yadira Gonzalez, Maximo Estrella, Jr., Nacim Bennekaa, Chris Maietta, Roberto Ramos. (Coughlin, Kerin) (Entered: 05/18/2010)
05/18/2010	<u>131</u>	EXHIBIT <i>Amended Exhibit 64 to Declaration of Kerin E. Coughlin in Support of Motion for Class Certification and Summary Judgment</i> by Agban Agban, Jaime Oy Arvide, Nacim Bennekaa, Maximo Estrella, Jr, Jose Fernandez, Omar Florez, Yadira Gonzalez, Chris Maietta, Jose Luis Maldonado, Roberto Ramos, Frank Rodriguez, Rogelio Smith, Randy Wray, Breno Zimerer. Related document: <u>109</u> First MOTION to Certify Class <i>and Summary Judgment</i> filed by Rogelio Smith, Agban Agban, Breno Zimerer, Jaime Oy Arvide, Jose Luis Maldonado, Frank Rodriguez, Omar Florez, Jose Fernandez, Randy Wray, Yadira Gonzalez, Maximo Estrella, Jr., Nacim Bennekaa, Chris Maietta, Roberto Ramos. (Coughlin, Kerin) (Entered: 05/18/2010)

05/18/2010	<u>132</u>	EXHIBIT Amended Exhibit 67 to Declaration of Kerin E. Coughlin in Support of Motion for Class Certification and Summary Judgment by Agban Agban, Jaime Oy Arvide, Nacim Bennekaa, Maximo Estrella, Jr, Jose Fernandez, Omar Florez, Yadira Gonzalez, Chris Maietta, Jose Luis Maldonado, Roberto Ramos, Frank Rodriguez, Rogelio Smith, Randy Wray, Breno Zimerer. Related document: <u>109</u> First MOTION to Certify Class and Summary Judgment filed by Rogelio Smith, Agban Agban, Breno Zimerer, Jaime Oy Arvide, Jose Luis Maldonado, Frank Rodriguez, Omar Florez, Jose Fernandez, Randy Wray, Yadira Gonzalez, Maximo Estrella, Jr., Nacim Bennekaa, Chris Maietta, Roberto Ramos. (Coughlin, Kerin) (Entered: 05/18/2010)
05/18/2010	<u>133</u>	EXHIBIT Amended Exhibit 70 to Declaration of Kerin E. Coughlin in Support of Motion for Class Certification and Summary Judgment by Agban Agban, Jaime Oy Arvide, Nacim Bennekaa, Maximo Estrella, Jr, Jose Fernandez, Omar Florez, Yadira Gonzalez, Chris Maietta, Jose Luis Maldonado, Roberto Ramos, Frank Rodriguez, Rogelio Smith, Randy Wray, Breno Zimerer. Related document: <u>109</u> First MOTION to Certify Class and Summary Judgment filed by Rogelio Smith, Agban Agban, Breno Zimerer, Jaime Oy Arvide, Jose Luis Maldonado, Frank Rodriguez, Omar Florez, Jose Fernandez, Randy Wray, Yadira Gonzalez, Maximo Estrella, Jr., Nacim Bennekaa, Chris Maietta, Roberto Ramos. (Coughlin, Kerin) (Entered: 05/18/2010)
06/07/2010		SCHEDULING ORDER: The court will hold a telephone conference at 10:30 a.m. on June 11, 2010. Plaintiffs are directed to arrange the call and to confer immediately with defendant to ensure that it is aware of the conference date and time. Ordered by Chief Magistrate Steven M. Gold on 6/7/2010. (O'Connor, Erin) (Entered: 06/07/2010)
06/11/2010		Minute Entry for Telephone Conference held on 6/11/2010 before Chief Magistrate Judge Steven M. Gold: The court discussed with the parties certain issues to address in connection with the various pending motions. The parties agree that they do not seek an evidentiary hearing in connection with the pending Daubert motion. The court scheduled additional time at 10:00 on July 1, 2010 for the oral argument, if it is not completed on June 28th. In addition to the issues raised today, the court also directs the parties' attention to the overtime issue, and specifically the following issues: 1) plaintiffs shall clarify the legal basis upon which they seek unpaid overtime wages -- is it pursuant to statute, and if so, which one, or is it brought as a breach of contract claim, and 2) what is the proper method for calculating the overtime rate, which should be one-and-a-half the "regular rate," see, e.g., Bay Ridge Operating Co. v. Aaron, 334 U.S. 446, 460 (1948). The parties shall submit simultaneous letters of no more than five pages addressing the issues raised by the court today by June 21, 2010. (Tape #FTR: 10:00 - 10:31.) (Vasquez, Lea) (Entered: 06/11/2010)
06/15/2010	<u>134</u>	TRANSCRIPT of Proceedings held on 6/11/10, before Judge Gold. Court Transcriber TYPEWRITE WORD PROCESSING SERVICE, Telephone number 718-966-1401. Transcript may be viewed at the court public terminal or purchased through the Court Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 7/6/2010. Redacted Transcript Deadline set for 7/16/2010. Release of Transcript Restriction set for 9/13/2010. (Hong, Loan) (Entered: 06/15/2010)
06/18/2010	<u>135</u>	MOTION for Extension of Time to File <i>supplemental letter regarding pending motions until Tuesday June 22, 2010, on consent</i> by Agban Agban, Jaime Oy Arvide, Nacim Bennekaa, Maximo Estrella, Jr, Jose Fernandez, Omar Florez, Yadira Gonzalez, Chris Maietta, Jose Luis Maldonado, Roberto Ramos, Frank Rodriguez, Rogelio Smith, Randy Wray, Breno Zimerer. (Rozger, Jason) (Entered: 06/18/2010)
06/18/2010		ORDER granting <u>135</u> Motion for Extension of Time to File. Ordered by Chief Magistrate Steven M. Gold on 6/18/2010. (O'Connor, Erin) (Entered: 06/18/2010)
06/22/2010	<u>136</u>	Letter to J. Gold per June 11, 2010 conference by Agban Agban, Jaime Oy Arvide, Nacim Bennekaa, Maximo Estrella, Jr, Jose Fernandez, Omar Florez, Yadira Gonzalez, Chris Maietta, Jose Luis Maldonado, Roberto Ramos, Frank Rodriguez, Rogelio Smith, Randy Wray, Breno Zimerer (Attachments: # <u>1</u> Exhibit 6.17.10 ltr from R. Fay to D. Copus, # <u>2</u> Exhibit 6.22.10 D. Crawford Declaration) (Coughlin, Kerin) (Entered: 06/22/2010)
06/22/2010	<u>137</u>	Letter to Judge Gold regarding June 11, 2010 conference by SimplexGrinnell LP (Capozzola, Dominick) (Entered: 06/22/2010)

06/29/2010		Minute Entry for proceedings held before Chief Magistrate Steven M. Gold: Motion Hearing held on 6/28/2010 re <u>110</u> MOTION in Limine -- Daubert, <u>111</u> MOTION for Summary Judgment filed by SimplexGrinnell LP, <u>109</u> First MOTION to Certify Class and Summary Judgment filed by Roberto Ramos. Fay for plaintiffs, Copus for defendant. Argument held on pending motions. Plaintiffs may submit a letter responding to the Court's inquiries by July 2. Decision reserved. (FTR 2:04 – 4:44.) (O'Connor, Erin) (Entered: 06/29/2010)
06/29/2010		ORDER: During yesterday's oral argument, plaintiffs contended that Stop 'N' Shop is a public works project requiring the payment of prevailing wages. In addition to Stop 'N' Shop, plaintiffs' Table of Public Works Projects, Exhibit 2, Docket Entries 109–4, 109–5, 109–6, 109–7, includes various private entities, such as Abercrombie & Fitch, Row 89; Bravo Cucina Italiana, Row 1282; and EGL Realty Partnership, LP, Row 3278. The court does not understand how contracts with these private entities are within the ambit of New York's Prevailing Wage Laws. In their letter due July 2nd, plaintiffs shall more fully explain the basis for their contention that work done for private entities are public works projects. Ordered by Chief Magistrate Steven M. Gold on 6/29/2010. (O'Connor, Erin) (Entered: 06/29/2010)
07/01/2010	<u>138</u>	MOTION for Extension of Time to File <i>Letter Responding to the Court's Inquiries</i> by Agban Agban, Jaime Oy Arvide, Nacim Bennekaa, Maximo Estrella, Jr, Jose Fernandez, Omar Florez, Yadira Gonzalez, Chris Maietta, Jose Luis Maldonado, Roberto Ramos, Frank Rodriguez, Rogelio Smith, Randy Wray, Breno Zimerer. (Coughlin, Kerin) (Entered: 07/01/2010)
07/01/2010		ORDER granting <u>138</u> Motion for Extension of Time to File. Plaintiffs' letter responding to the Court's inquiries shall be submitted no later than July 13, 2010. Ordered by Chief Magistrate Steven M. Gold on 7/1/2010. (O'Connor, Erin) (Entered: 07/01/2010)
07/02/2010	<u>139</u>	TRANSCRIPT of Proceedings held on 6/28/10, before Judge Gold. Court Transcriber TRANSCRIPTION PLUS II, Telephone number 516–358–7352. Transcript may be viewed at the court public terminal or purchased through the Court Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 7/23/2010. Redacted Transcript Deadline set for 8/2/2010. Release of Transcript Restriction set for 9/30/2010. (Hong, Loan) (Entered: 07/02/2010)
07/13/2010	<u>140</u>	Letter <i>responding to questions raised by the Court at oral argument</i> by Agban Agban, Jaime Oy Arvide, Nacim Bennekaa, Maximo Estrella, Jr, Jose Fernandez, Omar Florez, Yadira Gonzalez, Chris Maietta, Jose Luis Maldonado, Roberto Ramos, Frank Rodriguez, Rogelio Smith, Randy Wray, Breno Zimerer (Attachments: # <u>1</u> Declaration of Dr. David L. Crawford, # <u>2</u> Exhibit 1) (Coughlin, Kerin) (Entered: 07/13/2010)
07/16/2010	<u>141</u>	ORDER: Attached is a copy of the exhibit used by the court during the oral argument held on June 28, 2010. Ordered by Chief Magistrate Steven M. Gold on 7/16/2010. (O'Connor, Erin) (Entered: 07/16/2010)
07/19/2010	<u>142</u>	Letter MOTION to Take Deposition from Dr. David Crawford by SimplexGrinnell LP. (Capozzola, Dominick) (Entered: 07/19/2010)
07/20/2010	<u>143</u>	RESPONSE in Opposition re <u>142</u> Letter MOTION to Take Deposition from Dr. David Crawford <i>Letter in Opposition of SimplexGrinnells Request to Take Deposition from Dr. David Crawford</i> filed by Agban Agban, Jaime Oy Arvide, Nacim Bennekaa, Maximo Estrella, Jr, Jose Fernandez, Omar Florez, Yadira Gonzalez, Chris Maietta, Jose Luis Maldonado, Roberto Ramos, Frank Rodriguez, Rogelio Smith, Randy Wray, Breno Zimerer. (Coughlin, Kerin) (Entered: 07/20/2010)
07/23/2010		ORDER granting <u>142</u> Motion to Take Deposition from Dr. Crawford for reasons stated on the record of today's proceeding. Ordered by Chief Magistrate Steven M. Gold on 7/23/2010. (Gold, Steven) (Entered: 07/23/2010)
07/23/2010		Minute Entry for Telephone Conference held on 7/23/2010 before Chief Magistrate Judge Steven M. Gold: Fay for plaintiffs; Copus for defendant. Defendant's motion for an additional 90–minute deposition of Dr. Crawford is granted. By July 28, 2010, the parties shall submit a schedule indicating the date of the deposition and dates for further submissions. (Tape #FTR 10:35 – 10:54.) (Vasquez, Lea) (Entered: 07/23/2010)

07/27/2010	<u>144</u>	TRANSCRIPT of Proceedings held on 7/23/10, before Judge Gold. Court Transcriber TRANSCRIPTION PLUS II, Telephone number 516-358-7352. Transcript may be viewed at the court public terminal or purchased through the Court Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 8/17/2010. Redacted Transcript Deadline set for 8/27/2010. Release of Transcript Restriction set for 10/25/2010. (Hong, Loan) (Entered: 07/27/2010)
07/28/2010	<u>145</u>	Letter indicating the date of David Crawford's deposition and dates for further submissions by Agban Agban, Jaime Oy Arvide, Nacim Bennekaa, Maximo Estrella, Jr, Jose Fernandez, Omar Florez, Yadira Gonzalez, Chris Maietta, Jose Luis Maldonado, Roberto Ramos, Frank Rodriguez, Rogelio Smith, Randy Wray, Breno Zimerer (Coughlin, Kerin) (Entered: 07/28/2010)
07/29/2010		ORDER re <u>145</u> Letter, filed by Rogelio Smith, Agban Agban, Breno Zimerer, Jaime Oy Arvide, Jose Luis Maldonado, Frank Rodriguez, Omar Florez, Jose Fernandez, Randy Wray, Yadira Gonzalez, Maximo Estrella, Jr., Nacim Bennekaa, Chris Maietta, Roberto Ramos: The schedule for the deposition and further dates for submissions is approved and hereby entered as an Order of the Court. So Ordered by Chief Magistrate Judge Steven M. Gold on 7/29/2010. (Vasquez, Lea) (Entered: 07/29/2010)
07/29/2010	<u>146</u>	Letter responding to the questions raised by the Court during the July 23, 2010 telephone conference by Agban Agban, Jaime Oy Arvide, Nacim Bennekaa, Maximo Estrella, Jr, Jose Fernandez, Omar Florez, Yadira Gonzalez, Chris Maietta, Jose Luis Maldonado, Roberto Ramos, Frank Rodriguez, Rogelio Smith, Randy Wray, Breno Zimerer (Attachments: # <u>1</u> Declaration of Dr. David L. Crawford, # <u>2</u> Exhibit 1 & 2) (Coughlin, Kerin) (Entered: 07/29/2010)
08/16/2010	<u>147</u>	NOTICE of Change of Firm and Address by Raymond C. Fay (Fay, Raymond) (Entered: 08/16/2010)
08/17/2010	<u>148</u>	REPLY in Support re <u>110</u> MOTION in Limine -- <i>Daubert Motion to Exclude the Testimony of Plaintiffs' Expert, Dr. David Crawford</i> , <u>111</u> MOTION for Summary Judgment filed by SimplexGrinnell LP. (Attachments: # <u>1</u> Affidavit of David Copus in Support of Defendants' Supplemental Submission, # <u>2</u> Exhibit 1-3 to Copus Affidavit, # <u>3</u> Exhibit 4-17 to Copus Affidavit, # <u>4</u> Exhibit 18-29 to Copus Affidavit, # <u>5</u> Affidavit of Christie Hext in Support of Defendant's Supplemental Submission, # <u>6</u> Affidavit of Dominick C. Capozzola in Support of Defendant's Supplemental Submission) (Capozzola, Dominick) (Entered: 08/17/2010)
08/24/2010	<u>149</u>	RESPONSE in Opposition re <u>110</u> MOTION in Limine -- <i>Daubert Motion to Exclude the Testimony of Plaintiffs' Expert, Dr. David Crawford</i> Response to Defendant's 8/17/10 additional submission filed by Agban Agban, Jaime Oy Arvide, Nacim Bennekaa, Maximo Estrella, Jr, Jose Fernandez, Omar Florez, Yadira Gonzalez, Chris Maietta, Jose Luis Maldonado, Roberto Ramos, Frank Rodriguez, Rogelio Smith, Randy Wray, Breno Zimerer. (Attachments: # <u>1</u> Declaration of David Crawford, # <u>2</u> Exhibit Modified Table 4 to Dr. Crawford's declaration, # <u>3</u> Declaration of Jason Rozger, # <u>4</u> Exhibit 1, Hext deposition excerpts, # <u>5</u> Exhibit 2, Legacy codes, # <u>6</u> Exhibit 3, Legacy field descriptions) (Rozger, Jason) (Entered: 08/24/2010)
09/07/2010	150	Sealed document containing Confidential Exhibit (Exhibit 1) to Affidavit of Dominick C. Capozzola; submitted by SimplexGrinnell LP. (Chee, Alvin) (Entered: 09/09/2010)
09/07/2010	151	Sealed document containing Confidential Exhibits (Exhibits 5-21) to Affidavit of David Copus; submitted by SimplexGrinnell LP. (Chee, Alvin) (Entered: 09/09/2010)
09/07/2010	152	Sealed document containing Confidential Exhibits (Exhibits 22-28) to Affidavit of David Copus; submitted by SimplexGrinnell LP. (Chee, Alvin) (Entered: 09/09/2010)
10/06/2010	<u>153</u>	MOTION to Withdraw as Attorney by Agban Agban, Jaime Oy Arvide, Nacim Bennekaa, Maximo Estrella, Jr, Jose Fernandez, Omar Florez, Yadira Gonzalez, Chris Maietta, Jose Luis Maldonado, Roberto Ramos, Frank Rodriguez, Rogelio Smith, Randy Wray, Breno Zimerer. (Attachments: # <u>1</u> Declaration in Support of Constantine Cannon's Motion for Leave to Withdraw as Counsel) (Coughlin, Kerin) (Entered: 10/06/2010)
10/06/2010		ORDER granting <u>153</u> Motion to Withdraw as Attorney. Attorney Kerin E. Coughlin terminated. So Ordered by Chief Magistrate Judge Steven M. Gold on 10/6/2010.

		(Vasquez, Lea) (Entered: 10/06/2010)
06/21/2011	<u>154</u>	ORDER granting in part and denying in part <u>109</u> Motion to Certify Class and plaintiffs' Motion for Summary Judgment; denying <u>110</u> Motion in Limine; granting in part and denying in part <u>111</u> Motion for Summary Judgment, for the reasons stated in the attached MEMORANDUM AND ORDER. More specifically, plaintiffs' motion for class certification is granted. Defendant's motion for summary judgment is granted with respect to TI work and plaintiffs' fifth cause of action and denied in all other respects. Defendant's Daubert motion is denied. Plaintiffs' motion for summary judgment is denied. Ordered by Chief Magistrate Steven M. Gold on 6/21/2011. (O'Connor, Erin) (Entered: 06/21/2011)
06/21/2011	<u>155</u>	SCHEDULING ORDER: See attached Order for instructions. Next conference: 10:00 a.m. on August 2, 2011. Ordered by Chief Magistrate Judge Steven M. Gold on 6/21/2011. (O'Connor, Erin) (Entered: 06/21/2011)
07/06/2011	<u>156</u>	MOTION for pre motion conference <i>regarding proposed Motion for Leave to File Interlocutory Appeal</i> by SimplexGrinnell LP. (Capozzola, Dominick) (Entered: 07/06/2011)
07/08/2011	<u>157</u>	RESPONSE in Opposition re <u>156</u> MOTION for pre motion conference <i>regarding proposed Motion for Leave to File Interlocutory Appeal</i> filed by Agban Agban, Jaime Oy Arvide, Nacim Bennekaa, Maximo Estrella, Jr, Jose Fernandez, Omar Florez, Yadira Gonzalez, Chris Maietta, Jose Luis Maldonado, Roberto Ramos, Frank Rodriguez, Rogelio Smith, Randy Wray, Breno Zimerer. (Fay, Raymond) (Entered: 07/08/2011)
07/13/2011	<u>158</u>	Consent MOTION for Extension of Time to File <i>/Serve Revised Expert Report</i> by Agban Agban, Jaime Oy Arvide, Nacim Bennekaa, Maximo Estrella, Jr, Jose Fernandez, Omar Florez, Yadira Gonzalez, John Doe Bonding Companies, Chris Maietta, Jose Luis Maldonado, Roberto Ramos, Frank Rodriguez. (Fay, Raymond) (Entered: 07/13/2011)
07/14/2011		ORDER granting <u>158</u> Motion for Extension of Time to File. So Ordered by Chief Magistrate Judge Steven M. Gold on 7/14/2011. (Vasquez, Lea) (Entered: 07/14/2011)
07/15/2011	<u>159</u>	NOTICE by Agban Agban, Jaime Oy Arvide, Nacim Bennekaa, Maximo Estrella, Jr, Jose Fernandez, Omar Florez, Yadira Gonzalez, Chris Maietta, Jose Luis Maldonado, Roberto Ramos, Frank Rodriguez, Rogelio Smith, Randy Wray, Breno Zimerer of <i>Plaintiffs' proposed class notice, pursuant to the Court's order of 6/21/11</i> (Rozger, Jason) (Entered: 07/15/2011)
07/24/2011	<u>160</u>	REPLY in Opposition re <u>159</u> Notice(Other), <i>(response to proposed class notice)</i> filed by SimplexGrinnell LP. (Capozzola, Dominick) (Entered: 07/24/2011)
08/02/2011		Minute Entry for proceedings held before Chief Magistrate Steven M. Gold: Status Conference held on 8/2/2011: Menken, Faye, & Rozger for plaintiffs; Copus, Capozzola, & Merced for defendant. (1) The parties rest on the papers already submitted with respect to defendant's 1292(b) motions, and the Court reserves decision. (2) With respect to Dr. Crawford's final report, defendant will produce additional data to plaintiffs by August 15th, and Dr. Crawford's final report will be served no later than September 8th. (3) With respect to the proposed class notice, plaintiffs shall provide defendant with a revised class notice that comports with the rulings made today by August 15th. The parties shall then confer with respect to any disputed aspects of the notice and attempt to submit an agreed-upon revised class notice by August 30th. THE COURT WILL HOLD A TELEPHONE CONFERENCE, TO BE ARRANGED BY DEFENDANT, AT 12:00 NOON ON SEPTEMBER 13, 2011 TO REVIEW THE NOTICE. Any additional pre-trial motions shall be identified and described in a letter to the court no later than September 15th. Plaintiffs shall serve their portion of the pre-trial order on defendant by October 14th; defendant shall serve its portion by November 4th; plaintiffs shall file the joint pre-trial order by November 18th. THE COURT WILL HOLD A FINAL PRE-TRIAL CONFERENCE AT 2:00 P.M. ON NOVEMBER 29, 2011. (FTR # 10:01 - 11:13.) (O'Connor, Erin) (Entered: 08/02/2011)
08/08/2011	<u>161</u>	ORDER denying <u>156</u> Motion for Pre Motion Conference; MEMORANDUM AND OPINION: For the reasons stated in the attached M&O, defendant's motion pursuant to

		Section 1292(b) is denied. So Ordered by Chief Magistrate Judge Steven M. Gold on 8/8/2011. (O'Connor, Erin) (Entered: 08/08/2011)
09/12/2011	<u>162</u>	NOTICE by Agban Agban, Jaime Oy Arvide, Nacim Bennekaa, Maximo Estrella, Jr, Jose Fernandez, Omar Florez, Yadira Gonzalez, John Doe Bonding Companies, Chris Maietta, Jose Luis Maldonado, Roberto Ramos, Frank Rodriguez, SimplexGrinnell LP, Rogelio Smith, Randy Wray, Breno Zimerer <i>Proposed Notice of Pendency of Class Action</i> (Menken, Bruce) (Entered: 09/12/2011)
09/13/2011	<u>163</u>	NOTICE by Agban Agban, Jaime Oy Arvide, Nacim Bennekaa, Maximo Estrella, Jr, Jose Fernandez, Omar Florez, Yadira Gonzalez, Chris Maietta, Jose Luis Maldonado, Roberto Ramos, Frank Rodriguez, Rogelio Smith, Randy Wray, Breno Zimerer – <i>Notice of Pendency of Class Action</i> (Rozger, Jason) (Entered: 09/13/2011)
09/14/2011		Minute Entry for Telephone Conference held on 9/13/2011 before Chief Magistrate Judge Steven M. Gold: Menken, Fay and Rozger for plaintiffs, Capozzola for defendants. Plaintiffs will submit a revised class notice with an opt-out date of November 18, and a proposed order attaching the Crawford report, forthwith. The parties shall use their best efforts to send the notice out by September 19. (Vasquez, Lea) (Entered: 09/14/2011)
09/14/2011	<u>164</u>	NOTICE by Agban Agban, Jaime Oy Arvide, Nacim Bennekaa, Maximo Estrella, Jr, Jose Fernandez, Omar Florez, Yadira Gonzalez, Chris Maietta, Jose Luis Maldonado, Roberto Ramos, Frank Rodriguez, Rogelio Smith, Randy Wray, Breno Zimerer <i>of expert report</i> (Attachments: # <u>1</u> Proposed Order) (Rozger, Jason) (Entered: 09/14/2011)
09/14/2011		ORDER, addressing class notice and the proposed Order attaching Dr. Crawford's Expert Report: 1) The court may have erroneously informed counsel that court orders could be viewed by class members for free. Only court orders viewed from a public ECF terminal at the courthouses are free. Accordingly, paragraph 12 of the proposed notice should be revised to read as follows:"You may also access court documents electronically through the PACER system. Registration and log-in are required, and there is a nominal per-page charge to review the docket sheet and to access documents. Dr. Crawford's report appears as Item 164 on the court's docket sheet. You may register for PACER online at http://pacer.psc.uscourts.gov and the PACER log-in site for the Eastern District of New York is https://ecf.nyed.uscourts.gov/cgi-bin/login.pl ." Paragraph 10 should strike the phrase "free of charge" in reference to Dr. Crawford's Report and the sentence "Class members are listed alphabetically" should be amended to state as follows:"Class members are listed alphabetically, with class members with no estimated damages listed alphabetically at the end of Table 4." 2) In light of the above, the court will not be entering a separate order attaching Dr. Crawford's Report. 3) With these modifications, the class notice is hereby approved for distribution. SO ORDERED by Chief Magistrate Judge Steven M. Gold on 9/14/2011. (O'Connor, Erin) (Entered: 09/14/2011)
09/15/2011	<u>165</u>	MOTION for pre motion conference <i>concerning various pretrial motions</i> by SimplexGrinnell LP. (Capozzola, Dominick) (Entered: 09/15/2011)
09/16/2011	<u>166</u>	RESPONSE in Opposition re <u>165</u> MOTION for pre motion conference <i>concerning various pretrial motions</i> filed by Agban Agban, Jaime Oy Arvide, Nacim Bennekaa, Maximo Estrella, Jr, Jose Fernandez, Omar Florez, Yadira Gonzalez, Chris Maietta, Jose Luis Maldonado, Roberto Ramos, Frank Rodriguez, Rogelio Smith, Randy Wray, Breno Zimerer. (Rozger, Jason) (Entered: 09/16/2011)
09/16/2011	<u>167</u>	RESPONSE in Opposition re <u>165</u> MOTION for pre motion conference <i>concerning various pretrial motions CORRECTED FOR MISSING PAGE</i> filed by All Plaintiffs. (Rozger, Jason) (Entered: 09/16/2011)
10/04/2011	<u>168</u>	MEMORANDUM AND OPINION: For the reasons stated in the attached Memorandum & Order, defendant's application for leave to bring a motion for reconsideration or a second motion for summary judgment is denied. So Ordered by Chief Magistrate Judge Steven M. Gold on 10/4/2011. (O'Connor, Erin) (Entered: 10/04/2011)

10/05/2011	<u>169</u>	TRANSCRIPT of Proceedings held on 8/2/11, before Judge Gold. Court Transcriber ARIA TRANSCRIPTIONS, Telephone number 845-260-1377. Transcript may be viewed at the court public terminal or purchased through the Court Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 10/26/2011. Redacted Transcript Deadline set for 11/7/2011. Release of Transcript Restriction set for 1/3/2012. (Hong, Loan) (Entered: 10/05/2011)
10/13/2011	<u>170</u>	MOTION to Adjourn Conference <i>and pre-trial schedule so that the parties can engage in private mediation, on consent</i> , by Agban Agban, Jaime Oy Arvide, Nacim Bennekaa, Maximo Estrella, Jr, Jose Fernandez, Omar Florez, Yadira Gonzalez, Chris Maietta, Jose Luis Maldonado, Roberto Ramos, Frank Rodriguez, Rogelio Smith, Randy Wray, Breno Zimerer. (Rozger, Jason) (Entered: 10/13/2011)
10/13/2011		ORDER granting <u>170</u> Motion to Adjourn Conference: The schedule is extended as proposed in counsels' letter. The conference previously scheduled for November 29th will instead be held at 10:00 a.m. on January 10, 2012. So Ordered by Chief Magistrate Judge Steven M. Gold on 10/13/2011. (Vasquez, Lea) (Entered: 10/13/2011)
10/31/2011	<u>171</u>	MOTION for Extension of Time to File <i>pretrial order on consent</i> by Agban Agban, Jaime Oy Arvide, Nacim Bennekaa, Maximo Estrella, Jr, Jose Fernandez, Omar Florez, Yadira Gonzalez, Chris Maietta, Jose Luis Maldonado, Roberto Ramos, Frank Rodriguez, Rogelio Smith, Randy Wray, Breno Zimerer. (Rozger, Jason) (Entered: 10/31/2011)
11/01/2011		ORDER granting <u>171</u> Motion for Extension of Time to File: So Ordered by Chief Magistrate Judge Steven M. Gold on 11/1/2011. (Vasquez, Lea) (Entered: 11/01/2011)
11/23/2011	<u>172</u>	Notice of MOTION for Leave to Appear Pro Hac Vice <i>of Grant D. Petersen, Esq.</i> Filing fee \$ 25, receipt number 0207-5157090. by SimplexGrinnell LP. (Attachments: # <u>1</u> Affidavit Affidavit of Dominic C. Capozzola, Esq. In Support of Motion To Admit Grant D. Petersen, Esq. Pro Hac Vice, # <u>2</u> Affidavit Affidavit of Grant D. Petersen, Esq. In Support of Motion to Admit Pro Hac Vice, # <u>3</u> Exhibit Exhibit A To Affidavit of Grant D. Petersen, Esq. Motion To Admit Pro Hac Vice, # <u>4</u> Proposed Order Proposed Order To Admit Grant D. Petersen, Esq. Pro Hac Vice) (Capozzola, Dominick) (Entered: 11/23/2011)
11/28/2011		ORDER granting <u>172</u> Motion for Leave to Appear Pro Hac Vice GRANT D. PETERSEN for Simplex Grinnell. So Ordered by Chief Magistrate Judge Steven M. Gold on 11/28/2011. (Vasquez, Lea) (Entered: 11/28/2011)
11/28/2011	<u>173</u>	MOTION for Extension of Time to File <i>Plaintiffs' portion of pre-trial order</i> by Agban Agban, Jaime Oy Arvide, Nacim Bennekaa, Maximo Estrella, Jr, Jose Fernandez, Omar Florez, Yadira Gonzalez, Chris Maietta, Jose Luis Maldonado, Roberto Ramos, Frank Rodriguez, Rogelio Smith, Randy Wray, Breno Zimerer. (Rozger, Jason) (Entered: 11/28/2011)
11/28/2011	<u>174</u>	Amended MOTION for Extension of Time to File <i>pre-trial order, corrected</i> , by Agban Agban, Jaime Oy Arvide, Nacim Bennekaa, Maximo Estrella, Jr, Jose Fernandez, Omar Florez, Yadira Gonzalez, Chris Maietta, Jose Luis Maldonado, Roberto Ramos, Frank Rodriguez, Rogelio Smith, Randy Wray, Breno Zimerer. (Rozger, Jason) (Entered: 11/28/2011)
11/29/2011		ORDER terminating as moot <u>173</u> Motion for Extension of Time to File. Plaintiff filed an amended motion. Ordered by Chief Magistrate Judge Steven M. Gold on 11/29/2011. (O'Connor, Erin) (Entered: 11/29/2011)
11/29/2011		ORDER granting <u>174</u> Motion for Extension of Time to File. So Ordered by Chief Magistrate Judge Steven M. Gold on 11/29/2011. (O'Connor, Erin) (Entered: 11/29/2011)
12/30/2011	<u>175</u>	Proposed Pretrial Order by Agban Agban, Jaime Oy Arvide, Nacim Bennekaa, Maximo Estrella, Jr, Jose Fernandez, Omar Florez, Yadira Gonzalez, Chris Maietta, Jose Luis Maldonado, Roberto Ramos, Frank Rodriguez, SimplexGrinnell LP, Rogelio Smith, Randy Wray, Breno Zimerer (Attachments: # <u>1</u> Exhibit A, Plaintiffs' witness list, # <u>2</u> Exhibit B, Plaintiffs' exhibit list, # <u>3</u> Exhibit C, Defendant's witness list, # <u>4</u> Exhibit D, Defendant's exhibit list) (Rozger, Jason) (Entered: 12/30/2011)

01/03/2012	<u>176</u>	NOTICE by Jaime Oy Arvide, Maximo Estrella, Jr, Jose Fernandez, Omar Florez, Yadira Gonzalez, Chris Maietta, Jose Luis Maldonado, Roberto Ramos, Frank Rodriguez, Rogelio Smith, Randy Wray re <u>175</u> Proposed Pretrial Order,, <i>Plaintiffs' objections to Defendant's witness and exhibit lists</i> (Rozger, Jason) (Entered: 01/03/2012)
01/09/2012	<u>177</u>	NOTICE by SimplexGrinnell LP re <u>176</u> Notice(Other), <i>Defendant SimplexGrinnell LP's Reply to Plaintiffs' Objections to Defendant's Pre-Trial Submission</i> (Attachments: # <u>1</u> Certificate of Service) (Capozzola, Dominick) (Entered: 01/09/2012)
01/10/2012	<u>178</u>	Minute Entry for Final Pretrial Conference held on 1/10/2012 before Chief Magistrate Judge Steven M. Gold: Menken, Fay, and Rozger for plaintiffs; Peterson, Copus, and Capozzola for defendant. Trial schedule set. A separate scheduling order identifying dates set during today's conference will follow separately. Jury selection scheduled for June 4, 2012 with the trial commencing June 11, 2012. (Tape #FTR 10:02-10:50.) (Vasquez, Lea) (Entered: 01/10/2012)
01/11/2012	<u>179</u>	PRETRIAL & TRIAL SCHEDULING ORDER: See attached Order for schedule. So Ordered by Chief Magistrate Judge Steven M. Gold on 1/11/2012. (O'Connor, Erin) (Entered: 01/11/2012)
01/24/2012	<u>180</u>	NOTICE OF MOTION TO ADMIT COUNSEL PRO HAC VICE as to Taryn Wilgus Null by SimplexGrinnell LP. (Manuel, Germaine) (Entered: 01/24/2012)
01/24/2012		ORDER granting <u>180</u> Motion for Taryn Wilgus Null Leave to Appear Pro Hac Vice for plaintiff. So Ordered by Chief Magistrate Judge Steven M. Gold on 01/24/2012. (Vasquez, Lea) (Entered: 01/24/2012)
01/24/2012	<u>181</u>	Proposed Scheduling Order <i>Re: Proposed Trial Outline</i> by Agban Agban, Jaime Oy Arvide, Nacim Bennekaa, Maximo Estrella, Jr, Jose Fernandez, Omar Florez, Yadira Gonzalez, John Doe Bonding Companies, Chris Maietta, Jose Luis Maldonado, Roberto Ramos, Frank Rodriguez, SimplexGrinnell LP, Rogelio Smith, Randy Wray, Breno Zimerer (Fay, Raymond) (Entered: 01/24/2012)
02/01/2012	<u>182</u>	Letter by Agban Agban, Jaime Oy Arvide, Nacim Bennekaa, Maximo Estrella, Jr, Jose Fernandez, Omar Florez, Yadira Gonzalez, Chris Maietta, Jose Luis Maldonado, Roberto Ramos, Frank Rodriguez, Rogelio Smith, Randy Wray, Breno Zimerer (Menken, Bruce) (Entered: 02/01/2012)
02/01/2012	<u>183</u>	Letter by Agban Agban, Jaime Oy Arvide, Nacim Bennekaa, Maximo Estrella, Jr, Jose Fernandez, Omar Florez, Yadira Gonzalez, Chris Maietta, Jose Luis Maldonado, Roberto Ramos, Frank Rodriguez, Rogelio Smith, Randy Wray, Breno Zimerer (Menken, Bruce) (Entered: 02/01/2012)
02/22/2012	<u>184</u>	MOTION to Compel <i>Discovery</i> by Agban Agban, Jaime Oy Arvide, Nacim Bennekaa, Maximo Estrella, Jr, Jose Fernandez, Omar Florez, Yadira Gonzalez, Chris Maietta, Jose Luis Maldonado, Roberto Ramos, Frank Rodriguez, Rogelio Smith, Randy Wray, Breno Zimerer. (Attachments: # <u>1</u> Exhibit Attachments A-F) (Fay, Raymond) (Entered: 02/22/2012)
02/27/2012	<u>185</u>	RESPONSE to Motion re <u>184</u> MOTION to Compel <i>Discovery</i> filed by SimplexGrinnell LP. (Capozzola, Dominick) (Entered: 02/27/2012)
02/28/2012	<u>186</u>	MOTION for Discovery <i>Letter providing case authority in advance of 2:00 PM conference call on privilege disputes at Robert Crandall's deposition</i> by Agban Agban, Jaime Oy Arvide, Nacim Bennekaa, Maximo Estrella, Jr, Jose Fernandez, Omar Florez, Yadira Gonzalez, Chris Maietta, Jose Luis Maldonado, Roberto Ramos, Frank Rodriguez, Rogelio Smith, Randy Wray, Breno Zimerer. (Rozger, Jason) (Entered: 02/28/2012)
02/28/2012		Minute Entry for proceedings held before Chief Magistrate Steven M. Gold:Telephone Conference held on 2/28/2012: Menken for plaintiffs; Copus for defendant. Rulings made on deposition dispute. (O'Connor, Erin) (Entered: 02/28/2012)
03/01/2012		ORDER finding as moot <u>186</u> Motion for Discovery. The Court assumes that defendant's letter of February 27, 2012 renders plaintiff's motion moot. If plaintiffs contend otherwise, they may submit a letter seeking to reinstate their motion. Ordered

		by Chief Magistrate Steven M. Gold on 3/1/2012. (Gold, Steven) (Entered: 03/01/2012)
03/01/2012	<u>187</u>	Letter to Judge Gold by SimplexGrinnell LP (Capozzola, Dominick) (Entered: 03/01/2012)
03/08/2012	<u>188</u>	MOTION to Compel Discovery by Agban Agban, Jaime Oy Arvide, Nacim Bennekaa, Maximo Estrella, Jr, Jose Fernandez, Omar Florez, Yadira Gonzalez, Chris Maietta, Jose Luis Maldonado, Roberto Ramos, Frank Rodriguez, Rogelio Smith, Randy Wray, Breno Zimerer. (Attachments: # <u>1</u> Exhibit Exhibit A-B of Motion) (Fay, Raymond) (Entered: 03/08/2012)
03/13/2012	<u>189</u>	RESPONSE in Opposition re <u>188</u> MOTION to Compel Discovery filed by SimplexGrinnell LP. (Capozzola, Dominick) (Entered: 03/13/2012)
03/14/2012	<u>190</u>	REPLY in Support re <u>188</u> MOTION to Compel Discovery filed by All Plaintiffs. (Fay, Raymond) (Entered: 03/14/2012)
03/15/2012		SCHEDULING ORDER re <u>189</u> Response in Opposition to Motion filed by SimplexGrinnell LP, <u>188</u> MOTION to Compel Discovery filed by Rogelio Smith, Agban Agban, Breno Zimerer, Jaime Oy Arvide, Jose Luis Maldonado, Frank Rodriguez, Omar Florez, Jose Fernandez, Randy Wray, Yadira Gonzalez, Maximo Estrella, Jr., Nacim Bennekaa, Chris Maietta, Roberto Ramos, <u>190</u> Reply in Support filed by Rogelio Smith, Agban Agban, Breno Zimerer, Jaime Oy Arvide, Jose Luis Maldonado, Frank Rodriguez, Omar Florez, Randy Wray, Jose Fernandez, Maximo Estrella, Jr., Yadira Gonzalez, Nacim Bennekaa, Chris Maietta, Roberto Ramos: A TELEPHONE CONFERENCE WILL BE HELD AT 3:00 P.M. ON MARCH 26, 2012. COUNSEL FOR PLAINTIFFS IF DIRECTED TO ARRANGE THE CALL WITH ALL PARTIES AS WELL AS CONFIRM THIS CONFERENCE DATE AND TIME WITH DEFENDANTS' COUNSEL. So Ordered by Chief Magistrate Judge Steven M. Gold on 3/15/2012. (Vasquez, Lea) (Entered: 03/15/2012)
03/20/2012	<u>191</u>	Supplemental MOTION to Compel Discovery by Agban Agban, Jaime Oy Arvide, Nacim Bennekaa, Maximo Estrella, Jr, Jose Fernandez, Omar Florez, Yadira Gonzalez, Chris Maietta, Jose Luis Maldonado, Roberto Ramos, Frank Rodriguez, Rogelio Smith, Randy Wray, Breno Zimerer. (Fay, Raymond) (Entered: 03/20/2012)
03/21/2012		Motions terminated, docketed incorrectly: <u>191</u> Supplemental MOTION to Compel Discovery: This is not a new motion but a Reply to plaintiffs' original motion to compel. (O'Connor, Erin) (Entered: 03/21/2012)
03/26/2012		ORDER granting in part and denying in part <u>184</u> Motion to Compel; granting in part and denying in part <u>188</u> Motion to Compel as indicated on the record of the telephone conference held today. Ordered by Chief Magistrate Steven M. Gold on 3/26/2012. (Gold, Steven) (Entered: 03/26/2012)
03/27/2012	<u>192</u>	Minute Entry for Telephone Conference held on 3/26/2012 before Chief Magistrate Judge Steven M. Gold: Various discovery rulings on the record. Defendant to submit a letter by March 30 setting forth a brief time frame for completing the production of documents and information discussed today. (Tape #FTR 3:03-3:46.) (Vasquez, Lea) (Entered: 03/27/2012)
03/30/2012	<u>193</u>	Letter to Judge Gold regarding the Court's Order of March 26, 2012 by SimplexGrinnell LP (Capozzola, Dominick) (Entered: 03/30/2012)
04/02/2012	<u>194</u>	Letter Settlement Update by Agban Agban, Jaime Oy Arvide, Nacim Bennekaa, Maximo Estrella, Jr, Jose Fernandez, Omar Florez, Yadira Gonzalez, John Doe Bonding Companies, Chris Maietta, Jose Luis Maldonado, Roberto Ramos, Frank Rodriguez, SimplexGrinnell LP, Rogelio Smith, Randy Wray, Breno Zimerer (Menken, Bruce) (Entered: 04/02/2012)
04/25/2012	<u>195</u>	MOTION to Compel discovery by Agban Agban, Jaime Oy Arvide, Nacim Bennekaa, Maximo Estrella, Jr, Jose Fernandez, Omar Florez, Yadira Gonzalez, Chris Maietta, Jose Luis Maldonado, Roberto Ramos, Frank Rodriguez, Rogelio Smith, Randy Wray, Breno Zimerer. (Rozger, Jason) (Entered: 04/25/2012)
04/26/2012		ORDER re <u>195</u> MOTION to Compel discovery filed by Rogelio Smith, Agban Agban, Breno Zimerer, Jaime Oy Arvide, Jose Luis Maldonado, Frank Rodriguez, Omar

		Florez, Jose Fernandez, Randy Wray, Yadira Gonzalez, Maximo Estrella, Jr., Nacim Bennekaa, Chris Maietta, Roberto Ramos: The timing of plaintiff's identification of the three witnesses in question is not a sufficient basis to preclude the depositions. If defendant objects on some other basis, it shall submit a letter setting forth that basis by the close of business today. Ordered by Chief Magistrate Steven M. Gold on 4/26/2012. (Gold, Steven) (Entered: 04/26/2012)
05/01/2012	<u>196</u>	Letter to Judge Gold by SimplexGrinnell LP (Capozzola, Dominick) (Entered: 05/01/2012)
05/01/2012	<u>197</u>	MOTION in Limine #1 (<i>Contracts Between State Agencies and Prime Contractors</i>) by SimplexGrinnell LP. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Affidavit of Dominick C. Capozzola, # <u>3</u> Exhibit 1) (Capozzola, Dominick) (Entered: 05/01/2012)
05/01/2012	<u>198</u>	MOTION in Limine #2 (<i>Technical Requirements of Prevailing Wage Act</i>) by SimplexGrinnell LP. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Affidavit of Dominick C. Capozzola, # <u>3</u> Exhibit 1-2) (Capozzola, Dominick) (Entered: 05/01/2012)
05/01/2012	<u>199</u>	MOTION in Limine #3 (<i>Programming and Other Non-Covered Tasks</i>) by SimplexGrinnell LP. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Affidavit of Dominick C. Capozzola, # <u>3</u> Exhibit 1, # <u>4</u> Exhibit 2-9) (Capozzola, Dominick) (Entered: 05/01/2012)
05/01/2012	<u>200</u>	MOTION in Limine #4 (<i>Plaintiffs' Expert Report</i>) by SimplexGrinnell LP. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Affidavit of Dominick C. Capozzola, # <u>3</u> Exhibit 1, # <u>4</u> Exhibit 2, # <u>5</u> Exhibit 3) (Capozzola, Dominick) (Entered: 05/01/2012)
05/01/2012	<u>201</u>	MOTION in Limine #5 (<i>Witness Kenneth Jackson</i>) by SimplexGrinnell LP. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Affidavit of Dominick C. Capozzola, # <u>3</u> Exhibit 1) (Capozzola, Dominick) (Entered: 05/01/2012)
05/01/2012	<u>202</u>	MOTION in Limine #6 (<i>Witnesses John Bodine and Jeremiah Comer</i>) by SimplexGrinnell LP. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Affidavit of Dominick C. Capozzola, # <u>3</u> Exhibit 1-2) (Capozzola, Dominick) (Entered: 05/01/2012)
05/01/2012	<u>203</u>	MOTION in Limine #9 (<i>"Lobbyist"</i>) by SimplexGrinnell LP. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Affidavit of Dominick C. Capozzola, # <u>3</u> Exhibit 1) (Capozzola, Dominick) (Entered: 05/01/2012)
05/01/2012	<u>204</u>	MOTION in Limine #7 (<i>Contracts with no Prevailing Wage Language</i>) by SimplexGrinnell LP. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Affidavit of Dominick C. Capozzola, # <u>3</u> Exhibit 1) (Capozzola, Dominick) (Entered: 05/01/2012)
05/01/2012	<u>205</u>	MOTION in Limine #8 (<i>Suffolk County Investigation</i>) by SimplexGrinnell LP. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Affidavit of Dominick C. Capozzola, # <u>3</u> Exhibit 1-2) (Capozzola, Dominick) (Entered: 05/01/2012)
05/01/2012	<u>206</u>	MOTION in Limine by Agban Agban, Jaime Oy Arvide, Nacim Bennekaa, Maximo Estrella, Jr, Jose Fernandez, Omar Florez, Yadira Gonzalez, Chris Maietta, Jose Luis Maldonado, Roberto Ramos, Frank Rodriguez, Rogelio Smith, Randy Wray, Breno Zimerer. (Attachments: # <u>1</u> Memorandum in Support Memorandum of Law in Support of Motion in Limine, # <u>2</u> Declaration Declaration of Ian Hawkins, # <u>3</u> Declaration Declaration of Raymond Fay, # <u>4</u> Exhibit Exhibits A-F, # <u>5</u> Exhibit Exhibits G-R) (Fay, Raymond) (Entered: 05/01/2012)
05/01/2012	<u>207</u>	MOTION in Limine <i>Daubert Motion to Exclude Testimony and Report of Robert Crandall</i> by Agban Agban, Jaime Oy Arvide, Nacim Bennekaa, Maximo Estrella, Jr, Jose Fernandez, Omar Florez, Yadira Gonzalez, Chris Maietta, Jose Luis Maldonado, Roberto Ramos, Frank Rodriguez, Rogelio Smith, Randy Wray, Breno Zimerer. (Attachments: # <u>1</u> Memorandum in Support Memorandum of Law in Support of Motion to Exclude Testimony of Robert Crandall, # <u>2</u> Declaration Declaration of Taryn Wilgus Null, # <u>3</u> Exhibit Exhibits 1-2) (Fay, Raymond) (Entered: 05/01/2012)
05/01/2012	<u>208</u>	Proposed Jury Instructions by Agban Agban, Jaime Oy Arvide, Nacim Bennekaa, Maximo Estrella, Jr, Jose Fernandez, Omar Florez, Yadira Gonzalez, Chris Maietta,

		Jose Luis Maldonado, Roberto Ramos, Frank Rodriguez, Rogelio Smith, Randy Wray, Breno Zimerer (Fay, Raymond) (Entered: 05/01/2012)
05/01/2012	<u>209</u>	Proposed Jury Instructions by Agban Agban, Jaime Oy Arvide, Nacim Bennekaa, Maximo Estrella, Jr, Jose Fernandez, Omar Florez, Yadira Gonzalez, Chris Maietta, Jose Luis Maldonado, Roberto Ramos, Frank Rodriguez, Rogelio Smith, Randy Wray, Breno Zimerer (Fay, Raymond) (Entered: 05/01/2012)
05/01/2012	<u>210</u>	Proposed Voir Dire by Agban Agban, Jaime Oy Arvide, Nacim Bennekaa, Maximo Estrella, Jr, Jose Fernandez, Omar Florez, Yadira Gonzalez, Chris Maietta, Jose Luis Maldonado, Roberto Ramos, Frank Rodriguez, Rogelio Smith, Randy Wray, Breno Zimerer (Fay, Raymond) (Entered: 05/01/2012)
05/02/2012	<u>211</u>	CERTIFICATE OF SERVICE by SimplexGrinnell LP <i>for Defendant's Motions in Limine one through nine</i> (Capozzola, Dominick) (Entered: 05/02/2012)
05/04/2012		ORDER: The parties shall provide courtesy copies of the May 1st motions and documents forthwith. So Ordered by Chief Magistrate Judge Steven M. Gold on 5/4/2012. (O'Connor, Erin) (Entered: 05/04/2012)
05/07/2012	<u>212</u>	TRANSCRIPT of Proceedings held on January 10, 2012, before Judge Gold. Court Transcriber: Transcription Plus II, Telephone number 718-987-4285. Transcript may be viewed at the court public terminal or purchased through the Court Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 5/29/2012. Redacted Transcript Deadline set for 6/7/2012. Release of Transcript Restriction set for 8/6/2012. (Rocco, Christine) (Entered: 05/07/2012)
05/10/2012	<u>213</u>	Letter MOTION for Discovery <i>regarding AS400 data</i> by Agban Agban, Jaime Oy Arvide, Nacim Bennekaa, Maximo Estrella, Jr, Jose Fernandez, Omar Florez, Yadira Gonzalez, Chris Maietta, Jose Luis Maldonado, Roberto Ramos, Frank Rodriguez, Rogelio Smith, Randy Wray, Breno Zimerer. (Rozger, Jason) (Entered: 05/10/2012)
05/11/2012	<u>214</u>	Letter <i>to Judge Gold</i> by SimplexGrinnell LP (Capozzola, Dominick) (Entered: 05/11/2012)
05/15/2012	<u>215</u>	Minute Entry for Telephone Conference held on 5/14/2012 before Chief Magistrate Judge Steven M. Gold: By MAY 18, 1) Defendant shall clarify its position with regard to its prior disclosure of the AS400 codes; and 2) the parties shall submit a joint status report on the progress of settlement discussions. (Tape #FTR: # 1:49-2:06.) (Vasquez, Lea) (Entered: 05/15/2012)
05/15/2012	<u>216</u>	MEMORANDUM in Opposition re <u>197</u> MOTION in Limine #1 (<i>Contracts Between State Agencies and Prime Contractors</i>), <u>198</u> MOTION in Limine #2 (<i>Technical Requirements of Prevailing Wage Act</i>), <u>199</u> MOTION in Limine #3 (<i>Programming and Other Non-Covered Tasks</i>), <u>205</u> MOTION in Limine #8 (<i>Suffolk County Investigation</i>), <u>204</u> MOTION in Limine #7 (<i>Contracts with no Prevailing Wage Language</i>), <u>201</u> MOTION in Limine #5 (<i>Witness Kenneth Jackson</i>), <u>202</u> MOTION in Limine #6 (<i>Witnesses John Bodine and Jeremiah Comer</i>), <u>203</u> MOTION in Limine #9 (<i>"Lobbyist"</i>), <u>200</u> MOTION in Limine #4 (<i>Plaintiffs' Expert Report</i>) filed by All Plaintiffs. (Rozger, Jason) (Entered: 05/15/2012)
05/15/2012	<u>217</u>	AFFIDAVIT/DECLARATION in Opposition re <u>197</u> MOTION in Limine #1 (<i>Contracts Between State Agencies and Prime Contractors</i>), <u>198</u> MOTION in Limine #2 (<i>Technical Requirements of Prevailing Wage Act</i>), <u>205</u> MOTION in Limine #8 (<i>Suffolk County Investigation</i>), <u>204</u> MOTION in Limine #7 (<i>Contracts with no Prevailing Wage Language</i>), <u>201</u> MOTION in Limine #5 (<i>Witness Kenneth Jackson</i>), <u>202</u> MOTION in Limine #6 (<i>Witnesses John Bodine and Jeremiah Comer</i>), <u>203</u> MOTION in Limine #9 (<i>"Lobbyist"</i>), <u>199</u> MOTION in Limine #3 (<i>Programming and Other Non-Covered Tasks</i>), <u>200</u> MOTION in Limine #4 (<i>Plaintiffs' Expert Report</i>) filed by All Plaintiffs. (Attachments: # <u>1</u> Exhibit 1-4, # <u>2</u> Exhibit 5-6, # <u>3</u> Exhibit 7, # <u>4</u> Exhibit 8, # <u>5</u> Exhibit 9-10, # <u>6</u> Exhibit 11, # <u>7</u> Exhibit 12, # <u>8</u> Exhibit 13) (Rozger, Jason) (Entered: 05/15/2012)
05/15/2012	<u>218</u>	Proposed Voir Dire by SimplexGrinnell LP (Capozzola, Dominick) (Entered: 05/15/2012)

05/15/2012	<u>219</u>	Proposed Jury Instructions by SimplexGrinnell LP (Capozzola, Dominick) (Entered: 05/15/2012)
05/15/2012	<u>220</u>	NOTICE by SimplexGrinnell LP <i>Defendant's Proposed Jury Verdict Form</i> (Capozzola, Dominick) (Entered: 05/15/2012)
05/15/2012	<u>221</u>	MEMORANDUM in Opposition to <i>Plaintiffs' Motion In Limine to Exclude the Testimony and Report of Robert W. Crandall</i> filed by SimplexGrinnell LP. (Capozzola, Dominick) (Entered: 05/15/2012)
05/15/2012	<u>222</u>	MEMORANDUM in Opposition to <i>Plaintiffs' Motion In Limine</i> filed by SimplexGrinnell LP. (Attachments: # <u>1</u> Affidavit of Dominick C. Capozzola, # <u>2</u> Exhibit A, # <u>3</u> Exhibit B, # <u>4</u> Exhibit C, # <u>5</u> Exhibit D, # <u>6</u> Exhibit E, # <u>7</u> Exhibit F) (Capozzola, Dominick) (Entered: 05/15/2012)
05/17/2012		ORDER finding as moot <u>195</u> Motion to Compel in light of the order entered on April 26, 2012 and the absence of any ensuing objection by defendant. Ordered by Chief Magistrate Steven M. Gold on 5/17/2012. (Gold, Steven) (Entered: 05/17/2012)
05/18/2012	<u>223</u>	STATUS REPORT by Agban Agban, Jaime Oy Arvide, Nacim Bennekaa, Maximo Estrella, Jr, Jose Fernandez, Omar Florez, Yadira Gonzalez, John Doe Bonding Companies, Chris Maietta, Jose Luis Maldonado, Roberto Ramos, Frank Rodriguez, SimplexGrinnell LP, Rogelio Smith, Randy Wray, Breno Zimerer (Menken, Bruce) (Entered: 05/18/2012)
05/18/2012		ORDER finding as moot <u>213</u> Motion for Discovery. See docket entry 215. Ordered by Chief Magistrate Steven M. Gold on 5/18/2012. (Gold, Steven) (Entered: 05/18/2012)
05/27/2012	<u>224</u>	MOTION to Compel <i>Discovery</i> by Agban Agban, Jaime Oy Arvide, Nacim Bennekaa, Maximo Estrella, Jr, Jose Fernandez, Omar Florez, Yadira Gonzalez, Chris Maietta, Jose Luis Maldonado, Roberto Ramos, Frank Rodriguez, Rogelio Smith, Randy Wray, Breno Zimerer. (Null, Taryn) (Entered: 05/27/2012)
05/29/2012		SCHEDULING ORDER: re <u>224</u> : The court will hold a telephone conference at 2:00 p.m. on May 30, 2012. Counsel for plaintiffs are directed to arrange the call and to confirm with counsel for defendant that they are aware of the conference date and time. So Ordered by Chief Magistrate Judge Steven M. Gold on 5/29/2012. (O'Connor, Erin) (Entered: 05/29/2012)
05/31/2012		Minute Entry for proceedings held before Chief Magistrate Steven M. Gold: Telephone Conference held on 5/30/2012: Faye for plaintiffs; Capozzola for defendant. The parties report that class settlement has been reached. Accordingly, the jury selection and trial scheduled to begin June 4th is canceled. The parties shall submit a schedule for submitting their motion for preliminary approval of the class settlement and for a fairness hearing no later than June 20, 2012. (O'Connor, Erin) (Entered: 05/31/2012)
05/31/2012		ORDER terminating as moot <u>197</u> Motion in Limine; <u>198</u> Motion in Limine; <u>199</u> Motion in Limine; <u>200</u> Motion in Limine; <u>201</u> Motion in Limine; <u>202</u> Motion in Limine; <u>203</u> Motion in Limine; <u>204</u> Motion in Limine; <u>205</u> Motion in Limine; <u>206</u> Motion in Limine; <u>207</u> Motion in Limine; <u>224</u> Motion to Compel, in light of the parties reported settlement. So Ordered by Chief Magistrate Judge Steven M. Gold on 5/31/2012. (O'Connor, Erin) (Entered: 05/31/2012)
06/06/2012	<u>225</u>	Letter <i>proposing preliminary approval schedule on consent of all parties</i> by Agban Agban, Jaime Oy Arvide, Nacim Bennekaa, Maximo Estrella, Jr, Jose Fernandez, Omar Florez, Yadira Gonzalez, Chris Maietta, Jose Luis Maldonado, Roberto Ramos, Frank Rodriguez, Rogelio Smith, Randy Wray, Breno Zimerer (Menken, Bruce) (Entered: 06/06/2012)
06/20/2012	<u>226</u>	Letter <i>requesting assistance with settlement</i> by SimplexGrinnell LP (Capozzola, Dominick) (Entered: 06/20/2012)
06/22/2012	<u>227</u>	Minute Entry for Telephone Conference held on 6/21/2012 before Chief Magistrate Judge Steven M. Gold: Menken, Fay and Rozger for plaintiffs, Peterson and Capozzola for defendant. The parties' joint application that absent class members not be given further opportunity to opt out now that the terms of settlement are about set forth in a publicly filed document is GRANTED for the reasons set forth in defendants' letter of June 20, 2012, Docket Entry 226, and on the record during today's conference.

		(Tape #FTR 3:30–3:38.) (Vasquez, Lea) (Entered: 06/22/2012)
06/29/2012	<u>228</u>	Notice of MOTION for Settlement <i>Preliminary Approval</i> by Agban Agban, Jaime Oy Arvide, Nacim Bennekaa, Maximo Estrella, Jr, Jose Fernandez, Omar Florez, Yadira Gonzalez, Chris Maietta, Jose Luis Maldonado, Roberto Ramos, Frank Rodriguez, Rogelio Smith, Randy Wray, Breno Zimerer. (Attachments: # <u>1</u> Memorandum in Support of Motion for Preliminary Settlement Approval, # <u>2</u> Affidavit in Support of Plaintiffs' Motion for Preliminary Settlement Approval, # <u>3</u> Exhibit Joint Stipulation and Agreement, # <u>4</u> Exhibit Class Notice) (Fay, Raymond) (Entered: 06/29/2012)
07/03/2012		SCHEDULING ORDER: re <u>228</u> Notice of MOTION for Settlement <i>Preliminary Approval</i> : The court will hold a telephone conference at 10:30 a.m. on July 13, 2012. Counsel for plaintiffs is directed to arrange the call with all parties. So Ordered by Chief Magistrate Judge Steven M. Gold on 7/3/2012. (O'Connor, Erin) (Entered: 07/03/2012)
07/13/2012	<u>229</u>	Minute Entry for Telephone Conference held on 7/13/2012 before Chief Magistrate Judge Steven M. Gold: Menken, Faye & Rozger for plaintiffs; Peterson, Copus, & Capozzola for defendant. The parties shall submit a revised and final version of the notice, as discussed during the conference held today, no later than July 16, 2012. The period for filing any objections shall be extended to 45 days from the date of mailing. Accordingly, the parties shall submit their motion for final approval of the class settlement no later than September 28, 2012 and the court will hold a fairness hearing at 3:00 p.m. on October 3, 2012. (Tape #FTR: 10:32 – 10:54.) (Vasquez, Lea) (Entered: 07/13/2012)
07/13/2012	<u>230</u>	NOTICE by Agban Agban, Jaime Oy Arvide, Nacim Bennekaa, Maximo Estrella, Jr, Jose Fernandez, Omar Florez, Yadira Gonzalez, Chris Maietta, Jose Luis Maldonado, Roberto Ramos, Frank Rodriguez, Rogelio Smith, Randy Wray, Breno Zimerer re <u>229</u> Telephone Conference,, <i>Revised Class Notice</i> (Attachments: # <u>1</u> Revised Class Notice) (Fay, Raymond) (Entered: 07/13/2012)
07/17/2012	<u>231</u>	MEMORANDUM AND OPINION & ORDER granting <u>228</u> Motion for Preliminary Approval of the Settlement: See attached M&O. So Ordered by Chief Magistrate Judge Steven M. Gold on 7/17/2012. (O'Connor, Erin) (Entered: 07/17/2012)
08/02/2012	<u>232</u>	Letter to Judge Gold regarding CAFA requirements by SimplexGrinnell LP (Capozzola, Dominick) (Entered: 08/02/2012)
08/02/2012		ORDER re <u>232</u> Letter filed by SimplexGrinnell LP: Defendant shall issue the notice required by CAFA, 28 U.S.C. 1715, to the appropriate officials forthwith. The fairness hearing scheduled for October 3, 2012 will remain as scheduled. The court will hold a final hearing on the settlement at 3:00 p.m. on November 7, 2012, in compliance with CAFA. So Ordered by Chief Magistrate Judge Steven M. Gold on 8/2/2012. (O'Connor, Erin) (Entered: 08/02/2012)
09/17/2012	<u>233</u>	Letter dated 9/7/12 from Vernon V. Ford to Clerk of Court, submitting Mr. Ford's objection to the settlement. (Galeano, Sonia) (Entered: 09/18/2012)
09/28/2012	<u>234</u>	MOTION to Approve Consent Judgment <i>and for final approval of class action settlement</i> by Agban Agban, Jaime Oy Arvide, Nacim Bennekaa, Maximo Estrella, Jr, Jose Fernandez, Omar Florez, Yadira Gonzalez, Chris Maietta, Jose Luis Maldonado, Roberto Ramos, Frank Rodriguez, Rogelio Smith, Randy Wray, Breno Zimerer. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Declaration of Bruce Menken in support of final approval motion, # <u>3</u> Exhibit A to Menken declaration, payouts to class members, # <u>4</u> Exhibit B to Menken declaration, summary of BMLLP lodestar, # <u>5</u> Declaration of Ray Fay, Esq. in support of final approval, # <u>6</u> Declaration Mark Patton declaration in support of final approval motion, # <u>7</u> Exhibit A to Patton declaration, class notice, # <u>8</u> Declaration of Jason Rozger in support of final approval) (Rozger, Jason) (Entered: 09/28/2012)
10/04/2012	<u>235</u>	Minute Entry for Motion Hearing held on 10/3/2012 re <u>234</u> MOTION to Approve Consent Judgment <i>and for final approval of class action settlement</i> filed by Rogelio Smith, Agban Agban, Breno Zimerer, Jaime Oy Arvide, Jose Luis Maldonado, Frank Rodriguez, Omar Florez, Jose Fernandez, Randy Wray, Yadira Gonzalez, Maximo Estrella, Jr., Nacim Bennekaa, Chris Maietta, Roberto Ramos before Chief Magistrate Judge Steven M. Gold: Menken, Fay and Null for plaintiffs, Capozzola for defendant.

		For reasons stated on the record, the parties' joint motion for final approval of the class action settlement is granted. The Court finds that the sole objection does not warrant a different result. By November 7, counsel shall file a proposed final order, certification that all government notifications required by law have been made and that no government agency of entity has responded, and an itemization of disbursements. The itemization of disbursements may be filed ex parte if a cover letter explaining the basis for doing so is filed at the same time. (Tape #FTR 2:58-3:13.) (Vasquez, Lea) (Entered: 10/04/2012)
11/07/2012	<u>236</u>	CERTIFICATE of Counsel re <u>235</u> Motion Hearing,,,, (affirming Class Action Fairness Act compliance) by Dominick Cameron Capozzola on behalf of SimplexGrinnell LP (Capozzola, Dominick) (Entered: 11/07/2012)
11/07/2012	<u>237</u>	NOTICE by Agban Agban, Jaime Oy Arvide, Nacim Bennekaa, Maximo Estrella, Jr, Jose Fernandez, Omar Florez, Yadira Gonzalez, Chris Maietta, Jose Luis Maldonado, Roberto Ramos, Frank Rodriguez, Rogelio Smith, Randy Wray, Breno Zimerer re <u>235</u> Motion Hearing,,,, Itemization of Case Disbursements (Fay, Raymond) (Entered: 11/07/2012)
11/08/2012	<u>238</u>	NOTICE by Agban Agban, Jaime Oy Arvide, Nacim Bennekaa, Maximo Estrella, Jr, Jose Fernandez, Omar Florez, Yadira Gonzalez, Chris Maietta, Jose Luis Maldonado, Roberto Ramos, Frank Rodriguez, Rogelio Smith, Randy Wray, Breno Zimerer re <u>235</u> Motion Hearing,,,, Proposed Final Approval Order and Judgment (Fay, Raymond) (Entered: 11/08/2012)
11/13/2012		SCHEDULING ORDER re <u>237</u> Notice(Other), filed by Rogelio Smith, Agban Agban, Breno Zimerer, Jaime Oy Arvide, Jose Luis Maldonado, Frank Rodriguez, Omar Florez, Jose Fernandez, Randy Wray, Yadira Gonzalez, Maximo Estrella, Jr., Nacim Bennekaa, Chris Maietta, Roberto Ramos, <u>238</u> Notice(Other), filed by Rogelio Smith, Agban Agban, Breno Zimerer, Jaime Oy Arvide, Jose Luis Maldonado, Frank Rodriguez, Omar Florez, Randy Wray, Jose Fernandez, Maximo Estrella, Jr., Yadira Gonzalez, Nacim Bennekaa, Chris Maietta, Roberto Ramos: A telephone conference will be held at 2:30 p.m. on November 16th before the undersigned. Counsel for plaintiffs is directed to arrange the call with all parties as well as confirm this conference date and time with defendants' counsel. So Ordered by Chief Magistrate Judge Steven M. Gold on 11/13/2012. (Vasquez, Lea) (Entered: 11/13/2012)
11/19/2012	<u>239</u>	Minute Entry for Telephone Conference held on 11/16/2012 before Chief Magistrate Judge Steven M. Gold: Fay, Menken and Rozger for plaintiffs, Capozzola for defendants. Plaintiffs will submit a letter brief addressing the issues raised today by November 30, 2012. (Tape #FTR 2:34-2:42.) (Vasquez, Lea) (Entered: 11/19/2012)
11/19/2012	<u>240</u>	NOTICE by Agban Agban, Jaime Oy Arvide, Nacim Bennekaa, Maximo Estrella, Jr, Jose Fernandez, Omar Florez, Yadira Gonzalez, Chris Maietta, Jose Luis Maldonado, Roberto Ramos, Frank Rodriguez, Rogelio Smith, Randy Wray, Breno Zimerer re <u>234</u> MOTION to Approve Consent Judgment and for final approval of class action settlement Letter re Attorneys Fees (Fay, Raymond) (Entered: 11/19/2012)
11/30/2012	<u>241</u>	ORDER granting <u>234</u> Motion to Approve Consent Judgment. For the reasons in the attached Order, the proposed Final Approval Order and Judgment is hereby entered as an Order of the Court. The Clerk is hereby directed to enter the Judgment and close the case. So Ordered by Chief Magistrate Judge Steven M. Gold on 11/30/2012. (Megdal, Deborah) (Entered: 11/30/2012)
12/03/2012	<u>242</u>	CLERK'S JUDGMENT: Ordered and Adjudged that the terms of the settlement are finally approved as fair, reasonable, and adequate, and that the parties are directed to consummate the settlement in accordance with its terms and provisions, including the settlement payments approved by the Court in the Orders dated October 3, 2012 and November 30, 2012; and that the members of the class are permanently barred and enjoined from prosecuting against any of the Released Parties the Released Claims described in Paragraphs 40 and 41 of the settlement, upon satisfaction of all payments and obligations under the settlement. All claims in this action against Defendants SimplexGrinnell LP and John Doe Bonding Companies 1-3 are dismissed with prejudice, and without costs; and that the Court retains jurisdiction over the construction, interpretation, implementation, and enforcement of the parties' settlement and over the administration and distribution of settlements payments. Ordered by Clerk of Court on 12/3/2012. (Brucella, Michelle) (Entered: 12/03/2012)

12/07/2012	<u>243</u>	NOTICE OF APPEAL as to <u>242</u> Clerk's Judgment,,, by Agban Agban, Jaime Oy Arvide, Nacim Bennekaa, Maximo Estrella, Jr, Jose Fernandez, Omar Florez, Yadira Gonzalez, Chris Maietta, Jose Luis Maldonado, Roberto Ramos, Frank Rodriguez, Rogelio Smith, Randy Wray, Breno Zimerer. Filing fee \$ 455, receipt number 0207-5886476. Service done electronically. (Fay, Raymond) Modified on 12/7/2012 (McGee, Mary Ann). (Entered: 12/07/2012)
12/07/2012		Electronic Index to Record on Appeal sent to US Court of Appeals. <u>243</u> Notice of Appeal, Documents are available via Pacer. For docket entries without a hyperlink or for documents under seal, contact the court and we'll arrange for the document(s) to be made available to you. (McGee, Mary Ann) (Entered: 12/07/2012)
11/04/2013	<u>244</u>	NOTICE of Change of Law Firm by Raymond C. Fay (Fay, Raymond) (Entered: 11/04/2013)
11/04/2013	<u>245</u>	MOTION to Withdraw as Attorney of <i>Taryn Wilgus Null</i> by Agban Agban, Jaime Oy Arvide, Nacim Bennekaa, Maximo Estrella, Jr, Jose Fernandez, Omar Florez, Yadira Gonzalez, Chris Maietta, Jose Luis Maldonado, Roberto Ramos, Frank Rodriguez, Rogelio Smith, Randy Wray, Breno Zimerer. (Null, Taryn) (Entered: 11/04/2013)
11/04/2013		ORDER granting <u>245</u> Motion to Withdraw as Attorney. Attorney Taryn W. Null terminated. So Ordered by Chief Magistrate Judge Steven M. Gold on 11/4/2013. (Vasquez, Lea) (Entered: 11/04/2013)
12/05/2014		SCHEDULING ORDER: The Court will hold a telephone conference at 10:00 a.m. on January 8, 2015. Counsel for plaintiffs is directed to arrange the call. The Court expects counsel to confer in advance of the conference and to be prepared to discuss how they intend to move forward with the litigation and to propose a case management schedule. So Ordered by Chief Magistrate Judge Steven M. Gold on 12/5/2014. (Vasquez, Lea) (Entered: 12/05/2014)
12/10/2014		Case Reopened (Vasquez, Lea) (Entered: 12/10/2014)
12/22/2014	<u>246</u>	MOTION for Leave to Appear Pro Hac Vice Filing fee \$ 25, receipt number 0207-7415496. by SimplexGrinnell LP. (Attachments: # <u>1</u> Affidavit of Peter O. Hughes in support of motion, # <u>2</u> Admission to Practice Pro Hac Vice, # <u>3</u> Certificate of Service) (Rygiel-Boyd, Jennifer) (Entered: 12/22/2014)
12/23/2014		ORDER granting <u>246</u> Motion for Leave for Peter O. Hughes to Appear Pro Hac Vice for defendant SimplexGrinnell LP. So Ordered by Chief Magistrate Judge Steven M. Gold on 12/23/2014. (Vasquez, Lea) (Entered: 12/23/2014)
01/02/2015	<u>247</u>	MOTION to Adjourn Conference <i>Request to Adjourn Telephone Conference</i> by SimplexGrinnell LP. (Hughes, Peter) (Entered: 01/02/2015)
01/05/2015		ORDER granting <u>247</u> Motion to Adjourn Conference: The telephone conference scheduled for January 8th will instead be held at 12:30 p.m. on January 9th. So Ordered by Chief Magistrate Judge Steven M. Gold on 1/5/2015. (Vasquez, Lea) (Entered: 01/05/2015)
01/07/2015	<u>248</u>	MANDATE of USCA as to <u>243</u> Notice of Appeal, filed by Rogelio Smith, Agban Agban, Breno Zimerer, Jaime Oy Arvide, Jose Luis Maldonado, Frank Rodriguez, Omar Florez, Jose Fernandez, Randy Wray, Yadira Gonzalez, Maximo Estrella, Jr., Nacim Bennekaa, Chris Maietta, Roberto Ramos. It is Ordered that the June 21, 2011 memorandum and order of the District Court is VACATED in part and REMANDED. Issued as Mandate: 1/5/15. (Attachments: # <u>1</u> Opinion) (McGee, Mary Ann) (Entered: 01/07/2015)
01/12/2015	<u>249</u>	Minute Entry for Telephone Conference held on 1/9/2015 before Chief Magistrate Judge Steven M. Gold: Menken, Rozger and Fay for plaintiffs, Hughes and Peterson for defendants. The parties report that they intend to pursue private mediation and anticipate scheduling same for March. Counsel shall submit a joint report on the status of their efforts to reach a settlement by April 1 or promptly upon the completion of mediation, whichever shall first occur. (Vasquez, Lea) (Entered: 01/12/2015)
02/27/2015	<u>250</u>	NOTICE of Settlement by Roberto Ramos (Menken, Bruce) (Entered: 02/27/2015)

03/04/2015		ORDER re <u>250</u> Notice of Settlement filed by Roberto Ramos: Counsel shall file their motion for preliminary approval or an updated status report by March 31st. So Ordered by Chief Magistrate Judge Steven M. Gold on 3/4/2015. (Vasquez, Lea) (Entered: 03/04/2015)
03/31/2015	<u>251</u>	Letter <i>updating Court of status of settlement</i> , by Agban Agban, Jaime Oy Arvide, Nacim Bennekaa, Maximo Estrella, Jr, Jose Fernandez, Omar Florez, Yadira Gonzalez, Chris Maietta, Jose Luis Maldonado, Roberto Ramos, Frank Rodriguez, Rogelio Smith, Randy Wray, Breno Zimerer (Rozger, Jason) (Entered: 03/31/2015)
04/10/2015	<u>252</u>	MOTION to Approve Consent Judgment , <i>preliminary approval of class action settlement</i> , by Agban Agban, Jaime Oy Arvide, Nacim Bennekaa, Maximo Estrella, Jr, Jose Fernandez, Omar Florez, Yadira Gonzalez, Chris Maietta, Jose Luis Maldonado, Roberto Ramos, Frank Rodriguez, Rogelio Smith, Randy Wray, Breno Zimerer. (Attachments: # <u>1</u> Memorandum in Support of motion for preliminary approval of class action settlement, # <u>2</u> Declaration of Jason J. Rozger, Esq., # <u>3</u> Exhibit A, Joint Stipulation and Agreement, # <u>4</u> Exhibit B, proposed class notice, # <u>5</u> Exhibit C, estimated settlement shares) (Rozger, Jason) (Entered: 04/10/2015)
04/14/2015		ORDER deferring ruling on <u>252</u> Motion to Approve Consent Judgment: A telephone conference will be held at 10:30 a.m. on April 17, 2015 before the undersigned. Counsel for plaintiffs is directed to arrange the call with all parties as well as immediately confirm this conference date and time with defendants' counsel. So Ordered by Chief Magistrate Judge Steven M. Gold on 4/14/2015. (Vasquez, Lea) (Entered: 04/14/2015)
04/17/2015	<u>253</u>	Minute Entry for Telephone Conference held on 4/17/2015 before Chief Magistrate Judge Steven M. Gold: Fay and Rozger for plaintiffs, Hughes for defendants. The parties will submit a proposed class notice that has been revised to address the issues discussed today by April 24. (Tape #FTR 10:30-10:46.) (Vasquez, Lea) (Entered: 04/17/2015)
04/24/2015	<u>254</u>	Letter <i>and proposed amended class notice, in further support of preliminary approval motion</i> , by Agban Agban, Jaime Oy Arvide, Nacim Bennekaa, Maximo Estrella, Jr, Jose Fernandez, Omar Florez, Yadira Gonzalez, Chris Maietta, Jose Luis Maldonado, Roberto Ramos, Frank Rodriguez, Rogelio Smith, Randy Wray, Breno Zimerer (Attachments: # <u>1</u> Exhibit amended proposed class notice) (Rozger, Jason) (Entered: 04/24/2015)
04/24/2015		ORDER granting <u>252</u> Motion to Approve Consent Judgment. Although styled as indicated above, the motion is one for preliminary approval of a class action settlement. The motion is granted, and the proposed class notice is approved, with the following modifications and additions. (1) The proposed notice contains a paragraph on page 3 under the heading, "How do you know if you are a class member?" The final paragraph advises the recipient that he or she "should have received a notice about this case in September 2011." This sentence of the notice should be amended to add "if you were already employed by Simplex Grinnell at that time." (2) The parties are urged to proof read the notice, and its formatting in particular, before distribution. On the Court's copy, in paragraph 12 on page 5, Mr. Menken's name appears under the heading for defense counsel, and the Court's address spreads from under the heading "Court" and into the heading "Class Counsel." (3) Recipients of the notice should be given eight weeks to exclude themselves or submit objections. THE COURT WILL HOLD A FAIRNESS HEARING AT 4:00 PM ON JULY 14, 2015. Ordered by Chief Mag. Judge Steven M. Gold on 4/24/2015. (Gold, Steven) (Entered: 04/24/2015)
07/07/2015	<u>255</u>	MOTION to Approve Consent Judgment , <i>final approval of class action settlement</i> by Agban Agban, Jaime Oy Arvide, Nacim Bennekaa, Maximo Estrella, Jr, Jose Fernandez, Omar Florez, Yadira Gonzalez, Chris Maietta, Jose Luis Maldonado, Roberto Ramos, Frank Rodriguez, Rogelio Smith, Randy Wray, Breno Zimerer. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Affidavit in Support of Jason Rozger, Esq., # <u>3</u> Affidavit in Support of Ray Fay, Esq., # <u>4</u> Affidavit in Support of Bruce Menken, Esq., # <u>5</u> Exhibit A to Menken affirmation, declaration of Mark Patton, # <u>6</u> Exhibit B to Menken affirmation, summary of BM LLP time, # <u>7</u> Exhibit C to Menken affirmation, BM LLP expenses) (Rozger, Jason) (Entered: 07/07/2015)
07/08/2015	<u>256</u>	RESPONSE to Motion re <u>255</u> MOTION to Approve Consent Judgment , <i>final approval of class action settlement</i> filed by SimplexGrinnell LP. (Hughes, Peter)

		(Entered: 07/08/2015)
07/10/2015		SCHEDULING ORDER: Due to a conflict in the Court's calendar, the hearing scheduled for 4:00 p.m. on July 14th will instead begin at 2:30 p.m. on the same date. Counsel for plaintiff is directed to immediately notify all parties of this new conference time. So Ordered by Chief Magistrate Judge Steven M. Gold on 7/10/2015. (Vasquez, Lea) (Entered: 07/10/2015)
07/13/2015		NOTICE re Scheduling Order: In light of the objection filed, and the original notice that the July 14th hearing will be held at 4:00 p.m., while the hearing will begin at 2:30 p.m., counsel will be expected to still be available at 4:00 p.m. in the event any class members appear. (Vasquez, Lea) (Entered: 07/13/2015)
07/13/2015	<u>257</u>	NOTICE of Appearance by Jeanne M. Valentine on behalf of Joseph N Valentine, III (aty to be noticed) (Valentine, Jeanne) (Entered: 07/13/2015)
07/13/2015	<u>258</u>	Letter MOTION for Attorney Fees by Joseph N Valentine, III. (Valentine, Jeanne) (Entered: 07/13/2015)
07/14/2015	<u>259</u>	AFFIDAVIT/DECLARATION in Support re <u>255</u> MOTION to Approve Consent Judgment , <i>final approval of class action settlement</i> filed by Agban Agban, Jaime Oy Arvide, Nacim Bennekaa, Maximo Estrella, Jr, Jose Fernandez, Omar Florez, Yadira Gonzalez, Chris Maietta, Jose Luis Maldonado, Roberto Ramos, Frank Rodriguez, Rogelio Smith, Randy Wray, Breno Zimerer. (Attachments: # <u>1</u> Exhibit A, Affidavit regarding class members with missing addresses, # <u>2</u> Exhibit B, email to Valentine counsel, # <u>3</u> Exhibit C, email from Valentine counsel, # <u>4</u> Exhibit D, spreadsheet from Valentine counsel, # <u>5</u> Exhibit E, Valentine ACE data, # <u>6</u> Exhibit F, email to Valentine counsel 7/9/15, # <u>7</u> Exhibit G, Valentine counsel's spreadsheet with comments by class counsel, # <u>8</u> Exhibit H, corporate information on non-profits listed in Valentine spreadsheet) (Rozger, Jason) (Entered: 07/14/2015)
07/15/2015	<u>260</u>	Minute Entry for Discovery Hearing held on 7/14/2015 before Chief Magistrate Judge Steven M. Gold: Menken, Rozger and Fay for plaintiffs, Huches for defendant, Vallentine for objector. The objection was withdrawn under circumstances stated on the record. The motion for final approval is granted for reasons stated on the record, subject to certification under CAFA that no state or federal attorney general objects or otherwise seeks to be heard by July 30. The parties will submit an appropriate certification and proposed order by July 31. (Tape #FTR 2:33-2:35; 3:07-3:31.) (Vasquez, Lea) (Entered: 07/15/2015)
07/31/2015	<u>261</u>	AFFIDAVIT/DECLARATION in Support re <u>255</u> MOTION to Approve Consent Judgment , <i>final approval of class action settlement and compliance with CAFA</i> filed by SimplexGrinnell LP. (Hughes, Peter) (Entered: 07/31/2015)
07/31/2015	<u>262</u>	Notice of MOTION for Judgment Based on Settlement by Agban Agban, Jaime Oy Arvide, Nacim Bennekaa, Maximo Estrella, Jr, Jose Fernandez, Omar Florez, Yadira Gonzalez, Chris Maietta, Jose Luis Maldonado, Roberto Ramos, Frank Rodriguez, Rogelio Smith, Joseph N Valentine, III, Randy Wray, Breno Zimerer. (Menken, Bruce) (Entered: 07/31/2015)
08/17/2015		ORDER terminating <u>262</u> Motion for Judgment Based on Settlement because the submission is a proposed final approval order and judgment and not a motion, but entering the proposed final approval order and judgment as an Order of the Court that terminates the case; granting <u>255</u> Motion to Approve Consent Judgment; terminating <u>258</u> Motion for Attorney Fees because the objection brought by this attorney was withdrawn as indicated in the minute entry for July 14, 2015. Ordered by Chief Mag. Judge Steven M. Gold on 8/17/2015. (Gold, Steven) (Entered: 08/17/2015)
03/24/2016	<u>263</u>	Letter Seeking court's assistance regarding an issue arising out of the Joint Stipulation & Agreement by Agban Agban, Jaime Oy Arvide, Nacim Bennekaa, Maximo Estrella, Jr, Jose Fernandez, Omar Florez, Yadira Gonzalez, Chris Maietta, Jose Luis Maldonado, Roberto Ramos, Frank Rodriguez, Rogelio Smith, Randy Wray, Breno Zimerer (Attachments: # <u>1</u> Exhibit Ex A - Joint - Stipulation & Agreement, # <u>2</u> Exhibit Ex B - List of Uncashed Checks) (Rozger, Jason) (Entered: 03/24/2016)
03/25/2016	<u>264</u>	MEMORANDUM in Opposition re <u>263</u> Letter, <i>Regarding Enforcement of Court-Approved Class Action Settlement Agreement</i> filed by SimplexGrinnell LP.

		(Hughes, Peter) (Entered: 03/25/2016)
04/01/2016		SCHEDULING ORDER re <u>263</u> Letter, filed by Rogelio Smith, Agban Agban, Breno Zimerer, Jaime Oy Arvide, Jose Luis Maldonado, Frank Rodriguez, Omar Florez, Jose Fernandez, Randy Wray, Yadira Gonzalez, Maximo Estrella, Jr., Nacim Bennekaa, Chris Maietta, Roberto Ramos, <u>264</u> Memorandum in Opposition filed by SimplexGrinnell LP: A telephone conference will be held at 2:00 p.m. on April 4, 2016 before the undersigned. Counsel for defendant is directed to arrange the call with all parties as well as immediately confirm this conference date and time with plaintiffs' counsel. So Ordered by Magistrate Judge Steven M. Gold on 4/1/2016. (Vasquez, Lea) (Entered: 04/01/2016)
04/01/2016	<u>265</u>	Letter by SimplexGrinnell LP (Hughes, Peter) (Entered: 04/01/2016)
04/06/2016	<u>266</u>	Minute Entry for Telephone Conference held on 4/4/2016 before Magistrate Judge Steven M. Gold: Menken and Rozger for plaintiffs, Hughes for defendant. If plaintiffs intend to move for relief, they shall submit a letter by April 14 indicating the nature of the motion they anticipate bringing and proposing, after consultation with defendant, a schedule for briefing it. (Tape #2:01-2:14.) (Vasquez, Lea) (Entered: 04/06/2016)
04/14/2016	<u>267</u>	Letter by Agban Agban, Jaime Oy Arvide, Nacim Bennekaa, Maximo Estrella, Jr, Jose Fernandez, Omar Florez, Yadira Gonzalez, Chris Maietta, Jose Luis Maldonado, Roberto Ramos, Frank Rodriguez, Rogelio Smith, Randy Wray, Breno Zimerer (Rozger, Jason) (Entered: 04/14/2016)
04/14/2016		ORDER re <u>267</u> Letter, filed by Rogelio Smith, Agban Agban, Breno Zimerer, Jaime Oy Arvide, Jose Luis Maldonado, Frank Rodriguez, Omar Florez, Jose Fernandez, Randy Wray, Yadira Gonzalez, Maximo Estrella, Jr., Nacim Bennekaa, Chris Maietta, Roberto Ramos : The letter submitted by plaintiffs does not make clear whether the briefing schedule they propose is agreed to by defendant. Accordingly, plaintiffs shall submit a further letter so indicating and, if defendant does not agree, defendant shall submit a responsive letter one day following plaintiffs' submission. Ordered by Magistrate Judge Steven M. Gold on 4/14/2016. (Gold, Steven) (Entered: 04/14/2016)
04/15/2016	<u>268</u>	Letter <i>regarding proposed motion schedule</i> by Agban Agban, Jaime Oy Arvide, Nacim Bennekaa, Maximo Estrella, Jr, Jose Fernandez, Omar Florez, Yadira Gonzalez, Chris Maietta, Jose Luis Maldonado, Roberto Ramos, Frank Rodriguez, Rogelio Smith, Randy Wray, Breno Zimerer (Rozger, Jason) (Entered: 04/15/2016)
04/15/2016		ORDER re <u>268</u> Letter, filed by Rogelio Smith, Agban Agban, Breno Zimerer, Jaime Oy Arvide, Jose Luis Maldonado, Frank Rodriguez, Omar Florez, Jose Fernandez, Randy Wray, Yadira Gonzalez, Maximo Estrella, Jr., Nacim Bennekaa, Chris Maietta, Roberto Ramos. The briefing schedule proposed by the parties is approved. Ordered by Magistrate Judge Steven M. Gold on 4/15/2016. (Gold, Steven) (Entered: 04/15/2016)
04/29/2016	<u>269</u>	MOTION to Amend/Correct/Supplement <i>settlement agreement to allow location of class members with uncashed settlement checks</i> , by Agban Agban, Jaime Oy Arvide, Nacim Bennekaa, Maximo Estrella, Jr, Jose Fernandez, Omar Florez, Yadira Gonzalez, Chris Maietta, Jose Luis Maldonado, Roberto Ramos, Frank Rodriguez, Rogelio Smith, Randy Wray, Breno Zimerer. (Attachments: # <u>1</u> Declaration of Jason Rozger in support of motion, # <u>2</u> Exhibit A, term sheet, # <u>3</u> Exhibit B, settlement agreement, # <u>4</u> Exhibit C, list of class members with uncashed checks, # <u>5</u> Memorandum in Support) (Rozger, Jason) (Entered: 04/29/2016)
05/20/2016	<u>270</u>	RESPONSE in Opposition re <u>269</u> MOTION to Amend/Correct/Supplement <i>settlement agreement to allow location of class members with uncashed settlement checks</i> , filed by SimplexGrinnell LP. (Attachments: # <u>1</u> Certification of Peter O. Hughes, # <u>2</u> Exhibit A to Hughes Certification, # <u>3</u> Exhibit B to Hughes Certification, # <u>4</u> Exhibit C to Hughes Certification, # <u>5</u> Exhibit D to Hughes Certification) (Hughes, Peter) (Entered: 05/20/2016)
06/03/2016	<u>271</u>	REPLY in Support re <u>269</u> MOTION to Amend/Correct/Supplement <i>settlement agreement to allow location of class members with uncashed settlement checks</i> , filed by All Plaintiffs. (Attachments: # <u>1</u> Supplement letter to court concerning filing date) (Rozger, Jason) (Entered: 06/03/2016)

06/17/2016	<u>272</u>	ORDER denying <u>269</u> Motion to Amend/Correct/Supplement for the reasons stated in the attached Memorandum and Order. Ordered by Magistrate Judge Steven M. Gold on 6/17/2016. (Collins, Anne) (Entered: 06/17/2016)
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