

CLOSED

**U.S. District Court**  
**Northern District of New York – Main Office (Syracuse) [LIVE – Version 5.0.3]**  
**(Syracuse)**  
**CIVIL DOCKET FOR CASE #: 5:92-cv-00169-NPM-GJD**

Mete, et al v. New York State OMRDD, et al  
Assigned to: Senior Judge Neal P. McCurn  
Referred to: Magistrate Judge Gustave J. DiBianco  
Demand: \$0  
Case in other court: USDC East. Dist. NY, 91-cv-3861(ILG)  
97-09543

Date Filed: 02/05/1992  
Date Terminated: 07/12/2000  
Jury Demand: None  
Nature of Suit: 442 Civil Rights: Jobs  
Jurisdiction: Federal Question

Cause: 28:1331 Fed. Question: Employment Discrimination

**Plaintiff**

**John L. Mete**  
*Individually and on behalf of all other  
persons similarly situated*

represented by **Leonard N. Flamm**  
Office of Leonard N. Flamm  
13th Floor  
880 Third Avenue  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Plaintiff**

**Merrill J. Gottlieb**  
*Individually and on behalf of all other  
persons similarly situated*

represented by **Leonard N. Flamm**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

V.

**Defendant**

**New York State Office of Mental  
Retardation and Developmental  
Disabilities**

represented by **Robert A. Siegfried**  
Office of Attorney General – Albany  
State of New York  
The Capitol  
Albany, NY 12224  
518-474-8370 (Main)  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Vincent Leong**  
New York State Attorney General  
The Capitol  
Albany, NY 12224  
518-474-8370 (Main)  
**TERMINATED: 04/19/1993**  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant**

**New York State Department of Civil  
Services**

represented by **Robert A. Siegfried**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Vincent Leong**

(See above for address)

TERMINATED: 04/19/1993

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
02/05/1992	1	COMPLAINT filed; ; Service deadline 4/6/92 for NYS Dept. of Civil, for New York State OMRDD (bjw) (Entered: 02/05/1992)
02/05/1992		Case transferred in from the Eastern District of New York (bjw) (Entered: 02/05/1992)
02/05/1992		Magistrate Caden has been selected by random selection to handle any matters that may be referred in this case (fce) (Entered: 02/10/1992)
02/05/1992	2	MOTION by NYS Dept. of Civil, New York State OMRDD to Dismiss , and/or to Transfer Case , Hearing set for 9:30 1/24/92 (fce) (Entered: 02/10/1992)
02/05/1992	3	MEMORANDUM by NYS Dept. of Civil, New York State OMRDD in support of [2-1] motion to Dismiss, [2-2] motion to Transfer Case (fce) (Entered: 02/10/1992)
02/05/1992	4	Stip/ORDER dated 1/17/92 that matter transferred to the US District Court for the Northern District of NY; defts withdraw [2-1] motion to Dismiss, etc. (signed by Judge I. L. Glasser) (fce) (Entered: 02/10/1992)
02/05/1992	5	Copy of Docket Sheet from Eastern (Brooklyn) District of New York (fce) (Entered: 02/10/1992)
03/18/1992	6	STIPULATION & ORDER, extending Answer deadline to 3/20/92 for NYS Dept. of Civil, for New York State OMRDD ( signed by Chief Judge Neal P. McCurn ) (fce) (Entered: 03/19/1992)
03/23/1992	7	ANSWER to Complaint by New York State OMRDD, NYS Dept. of Civil (Attorney Robert A. Siegfried) (fce) (Entered: 03/26/1992)
05/18/1992	8	Rule 16 Scheduling Order Issued. Estimated trial length 7 days, Preferred Trial Location: Albany, New York , Ready for trial by 6/1/93, Joining of Parties Deadline 6/7/92 ; Amending of Pleadings Deadline 7/7/92 ; Discovery Deadline 2/1/93 ; Motion Filing Deadline 4/1/93 ( Signed by Chief Judge Neal P. McCurn – 5/18/92 ) (fce) (Entered: 05/19/1992)
05/18/1992	9	FINAL PRETRIAL ORDER filed, Discovery Deadline 2/1/93 ; Motion Filing Deadline 4/1/93 ; Jury Trial Deadline 10:00 6/2/93 ; Trial location: Albany, New York ( Signed by Chief Judge Neal P. McCurn – 5/18/92 ) (fce) (Entered: 05/19/1992)
01/15/1993	10	AFFIDAVIT of Leonard N. Flamm, attorney for by John L. Mete, Merrill J. Gottlieb, pursuant to Local Rule 10(k) (fce) (Entered: 01/28/1993)
01/26/1993	11	ORDER, Referring Case to Magistrate Judge Daniel Scanlon Jr. (signed by Chief Judge Neal P. McCurn, 1/25/93) (fce) (Entered: 01/28/1993)
01/29/1993	12	AFFIRMATION OF Robert A. Siegfried, Esq. in response to [10-1] affidavit re: discovery conference (fce) (Entered: 02/02/1993)
03/22/1993	13	CONSENT TO JOIN by Hardric L. McMillon as a party pltf. pursuant to 29 U.S.C. 216 (b); as instructed by Order dtd 6/23/93 (fce) Modified on 08/04/1993 (Entered: 03/25/1993)
03/22/1993	13	CONSENT TO JOIN by Leonard M. Slosberg as a party pltf. pursuant to 29 U.S.C. 216(b); as instructed by Order dtd 6/23/93 (dmf) (Entered: 08/04/1993)
03/22/1993	13	CONSENT TO JOIN by Harold Brandwein as a party pltf. pursuant to 29 U.S.C. 216(b); as instructed by Order dtd 6/23/93 (dmf) (Entered: 08/04/1993)

03/22/1993	13	CONSENT TO JOIN by Joseph Moskowitz as a party pltf. pursuant to 29 U.S.C. 216(b); as instructed by Order dtd 6/23/93 (dmf) (Entered: 08/04/1993)
03/22/1993	13	CONSENT TO JOIN by Mattie R. Perry as a party pltf. pursuant to 29 U.S.C. 216(b); as instructed by Order dtd 6/23/93 (dmf) (Entered: 08/04/1993)
03/22/1993	13	CONSENT TO JOIN by Richard Wolfe as a party pltf. pursuant to 29 U.S.C. 216(b); as instructed by Order dtd 6/23/93 (dmf) (Entered: 08/04/1993)
03/22/1993	13	CONSENT TO JOIN by Andre' Verkruysse as a party pltf. pursuant to 29 U.S.C. 216(b); as instructed by Order dtd 6/23/93 (dmf) (Entered: 08/04/1993)
03/22/1993	13	CONSENT TO JOIN by Fiorello Cicero as a party pltf. pursuant to 29 U.S.C. 216(b); as instructed by Order dtd 6/23/93 (dmf) (Entered: 08/04/1993)
03/22/1993	13	CONSENT TO JOIN by Dorothy Jacobs as a party pltf. pursuant to 29 U.S.C. 216(b); as instructed by Order dtd 6/23/93 (dmf) (Entered: 08/04/1993)
03/22/1993	13	CONSENT TO JOIN by Charles S. Soper as a party pltf. pursuant to 29 U.S.C. 216(b); as instructed by Order dtd 6/23/93 (dmf) (Entered: 08/04/1993)
03/22/1993	13	CONSENT TO JOIN by Lena Greene as a party pltf. pursuant to 29 U.S.C. 216(b); as instructed by Order dtd 6/23/93 (dmf) (Entered: 08/04/1993)
03/22/1993	13	CONSENT TO JOIN by Daniel Resanovich as a party pltf. pursuant to 29 U.S.C. 216(b); as instructed by Order dtd 6/23/93 (dmf) (Entered: 08/04/1993)
03/22/1993	13	CONSENT TO JOIN by Carole C. Tjoa as a party pltf. pursuant to 29 U.S.C. 216(b); as instructed by Order dtd 6/23/93 (dmf) (Entered: 08/04/1993)
03/22/1993	13	CONSENT TO JOIN by Richard J. Dicedue as a party pltf. pursuant to 29 U.S.C. 216(b); as instructed by Order dtd 6/23/93 (dmf) (Entered: 08/04/1993)
03/22/1993	13	CONSENT TO JOIN BY Jerome G. Bonnabeaux as party pltf. pursuant to 29 U.S.C. 216(b); as instructed by Order dtd 6/23/93 (dmf) (Entered: 08/04/1993)
03/22/1993	13	CONSENT TO JOIN by Glenn H. Buckley as a party pltf. pursuant to 29 U.S.C. 216(b); as instructed by Order dtd 6/23/93 (dmf) (Entered: 08/04/1993)
03/22/1993	13	CONSENT TO JOIN by William S. Hight as a party pltf. pursuant to 29 U.S.C. 216(b); as instructed by Order dtd 6/23/93 (dmf) (Entered: 08/04/1993)
03/22/1993	13	CONSENT TO JOIN by Alphonso L. Sorhaindo as a party pltf. pursuant to 29 U.S.C. 216(b); as instructed by Order dtd 6/23/93 (dmf) (Entered: 08/04/1993)
03/22/1993	13	CONSENT TO JOIN by James D. Watkins as a party pltf. pursuant to 29 U.S.C. 216(b); as instructed by Order dtd 6/23/93 (dmf) (Entered: 08/04/1993)
03/22/1993	13	CONSENT TO JOIN by Judith A. Radell as a party pltf. pursuant to 29 U.S.C. 216(b); as instructed by Order dtd 6/23/93 (dmf) (Entered: 08/04/1993)
04/01/1993	14	MOTION by John L. Mete, Merrill J. Gottlieb to proceed as a class action w/JOINT AFFIDAVIT of John L. Mete and Merrill J. Gottlieb; Hearing set for 11:00 5/4/93, Response Deadline 4/20/93, Reply to Response Deadline 4/27/93; Motion returnable before Judge McCurn (fce) (Entered: 04/02/1993)
04/01/1993	15	MEMORANDUM by John L. Mete, Merrill J. Gottlieb in support of [14-1] motion to proceed as a class action (fce) (Entered: 04/02/1993)
04/12/1993	16	Scheduling Notice by Deputy Clerk Payne: set Pretrial Conference for 5/4/93 after Motion Calendar in Albany, NY. (Imp) (Entered: 04/12/1993)
04/29/1993	17	LETTER from Leonard N. Flamm, Esq. (counsel for pltf) dtd 4/16/93 re: an extension of at least six (6) months for the trial, currently scheduled for June 2, 1993, and an adjournment of the Final Pretrial Conf. for May 4, 1993. (dmf) Modified on 04/29/1993 (Entered: 04/29/1993)
04/29/1993	18	Scheduling Notice:, Motion Hearing set for 6/2/93 re: [14-1] motion to proceed as a class action , Response to Motion reset to 5/19/93 for [14-1] motion to proceed as a class action , Reply to Response to Motion reset to 5/26/93 for [14-1] motion to proceed as a class action this motion will be on submission so there will be no

		oral argument at this time; the pre-trial conference scheduled for 5/4/93, is adjourned without date. The Court also extends the scheduled trial date for six months; the parties should be ready for trial on December 2, 1993. (dmf) (Entered: 04/29/1993)
05/14/1993	19	CONSENT TO JOIN by Thomas C. Calistri as a party pltf. pursuant to 29 U.S.C. 216(b); as instructed by Order dtd 6/23/93 (dmf) (Entered: 08/04/1993)
05/14/1993	19	CONSENT TO JOIN Kenneth R. Briggs as a party pltf. pursuant to 29 U.S.C. 216(b); as instructed by Order dtd 6/23/93 (dmf) (Entered: 08/04/1993)
05/14/1993	19	CONSENT TO JOIN by Mark G. Davis as a party pltf. pursuant to 29 U.S.C. 216(b); as instructed by Order dtd 6/23/93 (dmf) (Entered: 08/04/1993)
05/14/1993	19	CONSENT TO JOIN by William R. Morgan as a party pltf. pursuant to 29 U.S.C. 216(b); as instructed by Order dtd 6/23/93 (dmf) (Entered: 08/04/1993)
05/14/1993	19	CONSENT TO JOIN by Rodger L. Yeck as a party pltf. pursuant to 29 U.S.C. 216 (b); as instructed by Order dtd 6/23/93 (dmf) (Entered: 08/04/1993)
05/14/1993	19	CONSENT TO JOIN by Nicholas A. Pagano, Jr. as a party pltf. pursuant to 29 U.S.C. 216(b); as instructed by Order dtd 6/23/93 (dmf) (Entered: 08/04/1993)
05/14/1993	19	CONSENT TO JOIN by Michael L. Gross as a party pltf. pursuant to 29 U.S.C. 216(b); as instructed by Order dtd 6/23/93 (dmf) (Entered: 08/04/1993)
05/14/1993	19	CONSENT TO JOIN by Samuel R. Costantino as a party pltf. pursuant to 29 U.S.C. 216(b); as instructed by Order dtd 6/23/93 (dmf) (Entered: 08/04/1993)
05/14/1993	19	CONSENT TO JOIN Robert J. O'Veefe, Sr. as a party pltf. pursuant to 29 U.S.C. 216(b); as instructed by Order dtd 6/23/93 (dmf) (Entered: 08/04/1993)
05/14/1993	19	CONSENT TO JOIN by Edmond D. Monaco as a party pltf. pursuant to 29 U.S.C. 216(b); as instructed by Order dtd 6/23/93 (dmf) (Entered: 08/04/1993)
05/17/1993	20	AFFIDAVIT of Robert A. Siegfried, by New York State OMRDD, NYS Dept. of Civil Re: [14-1] motion to proceed as a class action; w/affirmation of service (dmf) (Entered: 05/17/1993)
06/01/1993	21	Minute entry: [14-1] motion to proceed as a class action – submitted. Court Reporter/ECRO: None APP: None (Law Clerk – DEM) (Imp) (Entered: 06/01/1993)
06/01/1993		Motion hearing re: [14-1] motion to proceed as a class action Motion hearing held (Imp) (Entered: 06/01/1993)
06/01/1993		Deadline updated; set Jury Trial for 12/2/93 (dmf) (Entered: 06/01/1993)
06/03/1993		Pre-trial conference held in Albany before J. Scanlon. Interrogatories to Pltfs by 6/30/93. Depositions of McChesne & Webb by 7/30/93. Decision on Consent to Proceed Before Mag. and on whether or not to bifurcate by 7/30/93. (wbl) (Entered: 06/17/1993)
06/24/1993	22	DISCOVERY ORDER, set Interrogatories deadline to 6/30/93 , set Deposition deadline to 7/30/93 , parties will report to the court their election as to trial before Mag. Judge before 7/30/93; parties notify the court of their decision regarding bifurcation of liability – money damages; and a further pretial settlement conf. will be scheduled for early August, 1993 (signed by Magistrate Judge Daniel Scanlon Jr. 6/24/93) (dmf) (Entered: 06/24/1993)
06/24/1993	23	ORDER granting in part, denying in part [14-1] motion to proceed as a class action; the court instructs the parties to file, and serve upon opposing counsel, any objections to the court's proposed clas definition no later than 7/12/93 (signed by Senior Judge Neal P. McCurn 6/23/93) (dmf) (Entered: 06/28/1993)
06/28/1993	24	CONSENT TO JOIN by Brian P. Colpoys as a party pltf. pursuant to 29 U.S.C. 216(b); as instructed by Order dtd 6/23/93 (dmf) Modified on 08/04/1993 (Entered: 06/28/1993)

06/28/1993	24	CONSENT TO JOIN by Howard Madover as a party pltf. pursuant to 29 U.S.C. 216(b); as instructed by Order dtd 6/23/93 (dmf) (Entered: 08/04/1993)
06/28/1993	24	CONSENT TO JOIN by James T. Raymondjack as a party pltf. pursuant to 29 U.S.C. 216(b) as instructed by Order dtd 6/23/93 (dmf) (Entered: 08/04/1993)
09/29/1993	25	Scheduling Notice by Deputy Clerk Payne: set Final Pretrial Conference for 11:00 a.m. on 10/8/93 in Albany, NY, before Judge McCurn. (Imp) (Entered: 09/29/1993)
10/08/1993	26	Minute entry:Albany: Conference held: reset Discovery deadline to 12/15/93 , reset Motion Filing deadline to 12/14/93 , reset Pretrial Conference for 1/4/94 , with Court to set time. APP: Norman Mednick for Pltfs.; David Roberts for Defts. STENO: None (fce) Modified on 10/13/1993 (Entered: 10/08/1993)
12/13/1993	28	LETTER ORDER from court, set Pretrial Telephone Conference for 3:00 p.m. on 1/4/94 in Albany, NY . Counsel for the defts' is to file and serve their response to pltfs' atty's affidavit with exhibits by 12/30/93. ( signed by Senior Judge Neal P. McCurn on 12/13/93 ) (fce) Modified on 12/14/1993 (Entered: 12/14/1993)
12/13/1993	27	AFFIDAVIT W/Attachments by Leonard N. Flamm, Esq. for John L. Mete, Merrill J. Gottlieb Re: request for a discovery conference to resolve certain discovery impasses. (fce) (Entered: 12/14/1993)
12/27/1993	29	AFFIDAVIT by Robert A. Siegfried, AAG, counsel for New York State OMRDD, NYS Dept. of Civil Service, in Opposition Re: [27-1] discovery demands of pltf. (fce) Modified on 01/05/1994 (Entered: 12/27/1993)
01/04/1994		Pre-trial conference held (Imp) (Entered: 01/05/1994)
01/05/1994	30	Minute entry for 1/4/94: Tel Conf. re discovery dispute; it was agreed that NYS to supply Pltf. w/1989 quarterly reports from Dept. of Civil Service in same form & content as previously produced in April 1990 quarterly report, which evidently will include job classifications in 5-yr. bands; & NYS to stipulate as to authenticity of documents already produced in witness deposition as to documents originated by OMRD & Civil Service. APP: Norman Mednick for Pltf.; Robert Siegfried for Defts. Court Reporter/ECRO: None (Law Clerk - DEM) (Imp) (Entered: 01/05/1994)
02/24/1994	31	Scheduling Notice from chambers, dated 2/24/94.; set telephone Status Conference for 4:00 p.m. on 3/23/94 . (fce) (Entered: 02/24/1994)
03/23/1994	32	Minute entry: Tel. Conf. - parties to exchange expert reports by 5/15/94; reset Discovery deadline to 7/1/94 , and reset Motion Filing deadline to 7/1/94 w/motions to be returnable 7/26/94 in Syr., NY; set tentative Jury Trial for 9/7/94 . APP: Norman Mednick for Pltf.; Robert Siegfried for Defts. Court Reporter/ECRO: None (Law Clerk - DEM) (Imp) (Entered: 03/23/1994)
03/23/1994		Status conference held (Imp) (Entered: 03/23/1994)
05/25/1994	33	Letter, dtd 5/17/94, from Leonard N. Flamm, Esq. for Pltf Re: defts' counsel not providing statistical expert's report and/or identity within directed time by the court. (fce) (Entered: 05/26/1994)
05/25/1994	34	Letter response by Robert A. Siegfried, AAG, dated 5/19/94, to the letter of Leonard N. Flamm, Esq., dated 5/17/94. (fce) (Entered: 05/26/1994)
05/25/1994	35	LETTER ORDER dated 5/24/94, in response to letters rec. from counsels Re: deft. not forwarding an Expert Witness List ( signed by Senior Judge Neal P. McCurn ) (fce) (Entered: 05/26/1994)
06/30/1994	36	MOTION by AAG, Robert A. Siegfried counsel for New York State OMRDD, NYS Dept. of Civil for Summary Judgment , and to Dismiss . Attached are the following: rule 10(j) staaement, affidavit of William McChesney, affidavit of Barbara A. Hawes, affidavit of Arthur Y. Webb, affirmation of Robert A. Siegfried, AAG, and exhibits. Hearing set for 10:00 a.m. on 7/26/94 in Syracuse, NY. Response Deadline 7/12/94 , Reply to Response Deadline 7/19/94. Motion returnable before Judge McCurn (fce) (Entered: 06/30/1994)

06/30/1994	37	MEMORANDUM by AAG, Robert A. Siegfried for New York State OMRDD, NYS Dept. of Civil in support of [36-1] motion for Summary Judgment, [36-2] motion to Dismiss (fce) (Entered: 06/30/1994)
07/05/1994	38	CERTIFICATE OF SERVICE by New York State OMRDD, NYS Dept. of Civilthat Robert A. Siegfried, AAG served by mail copies of the motion papers to counsel for pltf. on 6/29/94. (fce) (Entered: 07/05/1994)
07/13/1994	39	Letter from Leonard N. Flamm, Esq., dated 7/11/94, requesting an adjournment of deft's motion from 7/26/94 to 6/20/94. (fce) (Entered: 07/13/1994)
07/14/1994	40	Scheduling Notice from chambers, dated 7/13/94: Motion Hearing set for 9/27/94 in Syacuse re: [36-1] motion for Summary Judgment, and re: [36-2] motion to Dismiss , Response to Motion reset to 9/6/94 for [36-1] motion for Summary Judgment, and for [36-2] motion to Dismiss (fce) (Entered: 07/14/1994)
07/22/1994	41	LETTER MOTION by Atty. Flamm for Pltfs. John L. Mete and Merrill J. Gottlieb for Permission to File Memorandum of Law Containing 40 pages. Motion returnable before Judge/Mag. Judge: McCurn (Imp) (Entered: 07/22/1994)
07/26/1994	42	Minute entry: Motion Hearing set for 10:00 a.m. on 9/27/94 re: [36-1] motion for Summary Judgment and [36-2] motion to Dismiss . APP: None Court Reporter/ECRO: None (Law Clerk - DEM) (Imp) (Entered: 07/26/1994)
07/26/1994	43	LETTER ORDER granting [41-1] motion for Permission to File Memorandum of Law Containing 40 pages. (signed by Senior Judge Neal P. McCurn on 7/22/94) (Imp) (Entered: 08/04/1994)
09/02/1994	44	MEMORANDUM and Affidavit of Service by by Leonard N. Flamm, Esq. for John L. Mete, Merrill J. Gottlieb in opposition to [36-1] motion for Summary Judgment, [36-2] motion to Dismiss (fce) (Entered: 09/02/1994)
09/02/1994	45	Rule 10J Statement in which there are genuine issues w/respect to material facts of [36-1] motion for Summary Judgment, [36-2] motion to Dismiss filed by John L. Mete, Merrill J. Gottlieb (fce) (Entered: 09/02/1994)
09/02/1994	46	STATISTICAL AFFIDAVIT Dr. David F. Greenberg with affidavit of John L. Mete and Merrill J. Gottlieb, affidavit of Leonard N. Flamm, Esq., and exhibits 1-3 in Opposition Re: [36-1] motion for Summary Judgment, [36-2] motion to Dismiss (fce) (Entered: 09/02/1994)
09/02/1994	47	Additional Exhibits #1-15 relative to pltfs' opposition to defts' motion for summary judgment. (fce) (Entered: 09/02/1994)
09/15/1994	48	Letter from AAG, Robert Siegfried, dated 9/12/94, to confirm conversation granting additional time to file reply paperd to summary judgment motion, to 11/1/94. (fce) (Entered: 09/15/1994)
09/15/1994		Deadline updated; Motion Hearing set for 10:00 a.m. on 11/8/94 at Syracuse, NY re: [36-1] motion for Summary Judgment, and re: [36-2] motion to Dismiss , Reply to Response to Motion reset to 11/1/94 for [36-1] motion for Summary Judgment, and for [36-2] motion to Dismiss (fce) (Entered: 09/15/1994)
09/27/1994	49	Minute entry: Motion Hearing set for 11/8/94 re: [36-1] motion for Summary Judgment and re: [36-2] motion to Dismiss ; both motions to be taken on a submit basis. APP: None Court Reporter/ECRO: K. Crewell (Law Clerk - DEM) (Imp) (Entered: 09/27/1994)
10/21/1994	50	Additional Exhibits (#16 and #17) that belong to docket #47. (fce) (Entered: 10/24/1994)
11/01/1994	51	REPLY Memorandum of Law in further support by Robert A. Siegfried, AAG for New York State OMRDD, NYS Dept. of Civil to response to [36-1] motion for Summary Judgment, [36-2] motion to Dismiss (fce) (Entered: 11/01/1994)
11/01/1994	52	AFFIDAVIT W/Exhibits A-F of Robert A. Siegfried, AAG in further support Re: [36-1] motion for Summary Judgment, [36-2] motion to Dismiss (fce) (Entered: 11/01/1994)

11/08/1994	53	Minute entry: [36-1] motion for Summary Judgment submitted, and [36-2] motion to Dismiss submitted. APP: None Court Reporter/ECRO: None (Law Clerk-DEM) (Imp) (Entered: 11/08/1994)
11/09/1994	54	AFFIDAVIT of Arthur Y. Webb in Support Re: [36-1] motion for Summary Judgment, [36-2] motion to Dismiss (fce) (Entered: 11/10/1994)
11/09/1994	55	AFFIDAVIT W/Attachment of Elin M. Howe in Support Re: [36-1] motion for Summary Judgment, [36-2] motion to Dismiss. (fce) (Entered: 11/10/1994)
11/21/1994	56	REPLY to response by Leonard N. Flamm, Esq. for pltf's Re: [36-1] motion for Summary Judgment, [36-2] motion to Dismiss. Affidavit of service is attached. (fce) (Entered: 11/21/1994)
12/06/1996	57	LETTER ORDER, directing attorneys to brief the issue concerning the court's jurisdiction in light of the Seminole Tribe case & setting the Brief deadline to 1/15/97 (signed by Senior Judge Neal P. McCurn on 12/5/96) (Imp) (Entered: 12/06/1996)
01/13/1997	58	SUPPLEMENTAL MEMORANDUM by Merrill J. Gottlieb, John L. Mete pursuant to letter order of Judge Mccurn dtd 12/5/96. (Imp) (Entered: 01/13/1997)
01/13/1997	59	SUPPLEMENTAL MEMORANDUM by NYS Dept. of Civil, New York State OMRDD pursuant to letter order of Judge McCurn dtd 12/5/96. (Imp) (Entered: 01/13/1997)
11/06/1997	60	MEMORANDUM-DECISION AND ORDER granting in part, denying in part [36-1] motion for Summary Judgment and [36-2] motion to Dismiss: court DISMISSES Pltfs' 5th cause of action under NY Human Rights Law for lack of subject matter jurisdiction & DENIES Defts' motion for summary judgment on remaining causes of action; court DENIES Defts' motions for costs, sanctions & to preclude introduction of evidence, as well as motions to dismiss certain members of opt-in class. (signed by Senior Judge Neal P. McCurn on 11/5/97) (Imp) (Entered: 11/06/1997)
11/13/1997	61	Scheduling Notice by Carole Washer, Clerk: set Telephone/ Pretrial Conference for 10:00 a.m. on 12/15/97 to dicuss status & future of this case. (Imp) (Entered: 11/13/1997)
11/24/1997	62	Scheduling Notice by Carole Washer, Clerk: terminated deadline for 12/15/97 PT Conf., adjourned w/o date ; counsel will be notified by telephone when a further conference is scheduled. (Imp) (Entered: 11/24/1997)
11/24/1997	63	NOTICE OF APPEAL by NYS Dept. of Civil, New York State OMRDD from the Memorandum-Decision and Order entered in this action on 11/6/97. FILING FEE \$ 105.00 RECEIPT # 35015 Appeal record due on 12/24/97 (wjg) (Entered: 11/24/1997)
12/04/1997		Notice of appeal and certified copy of docket to USCA re: [63-1] appeal by New York State OMRDD, NYS Dept. of Civil (parties noticed). (dmf) (Entered: 12/04/1997)
12/19/1997	64	LETTER from Atty. Mednick for Pltfs. dtd 11/11/97 and ORDER stating that Court never received 10/12/93 letter withdrawing 5th cause of action; Court's 11/5/97 Order dismissed such claim; Court requests that all future correspondence be sent directly to Syracuse at address set forth above. (signed by Senior Judge Neal P. McCurn on 12/15/97) (Imp) (Entered: 12/19/1997)
02/10/1998	65	Court of Appeals Scheduling Order, re: [63-1] appeal by New York State OMRDD, NYS Dept. of Civil ; Appeal record due on 2/20/98 (dmf) (Entered: 02/18/1998)
02/18/1998		Certified and transmitted index to the record on appeal to U.S. Court of Appeals: [63-1] appeal by New York State OMRDD, NYS Dept. of Civil (dmf) (Entered: 02/18/1998)
02/23/1998	66	Acknowledgement of receipt of certified copy of docket entries by Clerk USCA 2nd Cir. on 2/19/98. (Imp) (Entered: 02/23/1998)

02/23/1998		USCA Case Number Re: [63-1] appeal by New York State OMRDD, NYS Dept. of Civil USCA NUMBER: 97-9543 (Imp) (Entered: 02/23/1998)
07/31/1998	67	NOTICE of death of Mag. Scanlon, sent to counsel by Carole Washer, Secretary. (Imp) (Entered: 07/31/1998)
08/14/1998	68	ORDER, action reassigned from Mag/Judge Scanlon to Mag/Judge Gustave J. DiBianco (dd 8-13-98 signed by Chief Judge Thomas J. McAvoy ) (pta) (Entered: 08/14/1998)
08/14/1998		CASE NO LONGER REFERRED TO Magistrate Judge Daniel Scanlon Jr. (pta) (Entered: 08/14/1998)
08/14/1998		CASE REFERRED to Magistrate Judge Gustave J. DiBianco (pta) (Entered: 08/14/1998)
01/05/1999	69	LETTER ORDER, set Pretrial Conference for 11:00 am on 2/4/99 in syracuse; parties are to be prepared thru atty. & client representatives to discuss settlement and/or trial schedule, etc. (signed by Senior Judge Neal P. McCurn on 1/5/99) (Imp) (Entered: 01/05/1999)
01/21/1999	70	REQUEST by AAG Siegfried dtd 1/14/99 and ORDER, terminated deadlines – adjourning w/o date status conf. set for 2/4/99 ; court directs Atty. Siegfried to keep court advised regarding application for certiorari. (signed by Senior Judge Neal P. McCurn on 1/20/99) (Imp) (Entered: 01/21/1999)
02/10/1999	71	REQUEST by AAG Siegfried dtd 2/3/99 and ORDER, granting request to Stay Action until determination by US Supreme Court of appeal from 11th Cir. ; AAG to promptly advise court when determination is made. (signed by Senior Judge Neal P. McCurn on 2/9/99) (Imp) (Entered: 02/10/1999)
03/22/1999	72	JUDGMENT OF USCA (certified copy) Re: [63-1] appeal by New York State OMRDD, NYS Dept. of Civil, that Order of District Court be & hereby is AFFIRMED. (Imp) (Entered: 03/22/1999)
03/14/2000	73	LETTER ORDER, acknowledging AAG siegfried's 1/11/00 letter & directing Defts. to file motion to dismiss in conformity w/FRCP & LR, etc. (signed by Senior Judge Neal P. McCurn) (Imp) (Entered: 03/14/2000)
04/17/2000	74	Letter of Judge McCurn dtd 4/17/00 to counsel advising that a stipulation of dismissal signed by both parties may be submitted in lieu of deft's filing a motion to dismiss as directed in the court's letter of March 9, 2000. (tjm) (Entered: 04/18/2000)
06/12/2000	75	MANDATE OF USCA (certified copy dated 6/6/00): USCA VACATES the judgment and REMANDS it to the district court for reconsideration in light of "Kimmel" and the claims of the parties (and the Intervenor) in these cases as to the effect of "Kimmel". (dmf) (Entered: 06/14/2000)
06/19/2000	76	Letter of Judge McCurn dtd 6/19/00 to counsel advising that the court has reviewed the Mandate of the Second Circuit and believes parties may still proceed with filing a stipulation of dismissal as outlined in the court's April 17th letter response to Attorney Mednick's letter of April 11th. Parties are to do so promptly if in agreement, and arrange for a telephone conference if there are further thoughts in light of the Court of Appeals mandate. (kcl) (Entered: 06/26/2000)
07/12/2000	77	STIPULATION of dismissal without prejudice by NYS Dept. of Civil, New York State OMRDD, Merrill J. Gottlieb, John L. Mete as Court lacks subject matter jurisdiction over this Age Discrimination in Employment case pursuant to Kimmel v. Florida Bd. of REgents, US 120 S.Ct. 631, and ORDER approving same. (signed by SJ McCurn on 7/10/00) (Imp) (Entered: 07/12/2000)
07/12/2000		**Case closed (Imp) (Entered: 07/12/2000)