

**United States Court of Appeals for the Second Circuit  
Thurgood Marshall U.S. Courthouse  
40 Foley Square  
New York, NY 10007**

**ROBERT A. KATZMANN**  
CHIEF JUDGE

Date: October 25, 2016  
Docket #: 16-3592  
Short Title: Carigan v. Breitling USA, Inc.

**CATHERINE O'HAGAN WOLFE**  
CLERK OF COURT

DC Docket #: 15-cv-1084  
DC Court: SDNY (NEW YORK  
CITY)  
DC Judge: Pitman  
DC Judge: Daniels

**DOCKETING NOTICE**

A notice of appeal filed by Frederick M. Carigan in the above referenced case was docketed today as 16-3592. This number must appear on all documents related to this case that are filed in this Court. For pro se parties the docket sheet with the caption page, and an Acknowledgment and Notice of Appearance Form are enclosed. In counseled cases the docket sheet is available on PACER. Counsel must access the Acknowledgment and Notice of Appearance Form from this Court's website <http://www.ca2.uscourts.gov>.

The form must be completed and returned within 14 days of the date of this notice. The form requires the following information:

**YOUR CORRECT CONTACT INFORMATION:** Review the party information on the docket sheet and note any incorrect information in writing on the Acknowledgment and Notice of Appearance Form.

The Court will contact one counsel per party or group of collectively represented parties when serving notice or issuing our order. Counsel must designate on the Acknowledgment and Notice of Appearance a lead attorney to accept all notices from this Court who, in turn will, be responsible for notifying any associated counsel.

**CHANGE IN CONTACT INFORMATION:** An attorney or pro se party who does not immediately notify the Court when contact information changes will not receive notices, documents and orders filed in the case.

An attorney and any pro se party who is permitted to file documents electronically in CM/ECF must notify the Court of a change to the user's mailing address, business address, telephone

number, or e-mail. To update contact information, a Filing User must access PACER's Manage My Appellate Filer Account, <https://www.pacer.gov/psco/cgi-bin/cmecf/ea-login.pl>. The Court's records will be updated within 1 business day of a user entering the change in PACER.

A pro se party who is not permitted to file documents electronically must notify the Court of a change in mailing address or telephone number by filing a letter with the Clerk of Court.

CAPTION: In an appeal, the Court uses the district court caption pursuant to FRAP 12(a), 32(a). For a petition for review or original proceeding the Court uses a caption pursuant to FRAP 15(a) or 21(a), respectively. Please review the caption carefully and promptly advise this Court of any improper or inaccurate designations in writing on the Acknowledgment and Notice of Appearance form. If a party has been terminated from the case the caption may reflect that change only if the district court judge ordered that the caption be amended.

APPELLATE DESIGNATIONS: Please review whether appellant is listed correctly on the party listing page of the docket sheet and in the caption. If there is an error, please note on the Acknowledgment and Notice of Appearance Form. Timely submission of the Acknowledgment and Notice of Appearance Form will constitute compliance with the requirement to file a Representation Statement required by FRAP 12(b).

For additional information consult the Court's instructions posted on the website.

Inquiries regarding this case may be directed to 212-857-8543.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
FREDERICK M. CARGIAN,  
Plaintiff,

against

BREITLING USA, INC.,  
  
Defendant.

15 CV 01084(GBD)(HBP)

NOTICE OF APPEAL  
-----X

Notice is hereby given that the Plaintiff, FREDERICK M. CARGIAN, in the above named case appeals to the United States Court of Appeals for the Second Circuit from the Judgment entered on September 29, 2016 that granted summary judgment to Defendant dismissing Plaintiff's Title VII and ADEA causes of action with prejudice and dismissing without prejudice Plaintiff's pendant state and municipal causes of action.

Dated: October 21, 2016



Janice Goodman  
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CLOSED,APPEAL,CASREF,ECF,MEDTFR4

**U.S. District Court**  
**Southern District of New York (Foley Square)**  
**CIVIL DOCKET FOR CASE #: 1:15-cv-01084-GBD-HBP**

Carigan v. Breitling USA, Inc.  
Assigned to: Judge George B. Daniels  
Referred to: Magistrate Judge Henry B. Pitman  
Magistrate Judge Henry B. Pitman (Settlement)  
Cause: 42:2000e-2ot Job Discrimination (other)

Date Filed: 02/17/2015  
Date Terminated: 09/29/2016  
Jury Demand: Plaintiff  
Nature of Suit: 442 Civil Rights: Jobs  
Jurisdiction: Federal Question

**Plaintiff****Frederick M. Carigan**

represented by **Janice Goodman**  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

V.

**Defendant****Breitling USA, Inc.**

represented by **Glenn Sklaire Grindlinger**  
Fox Rothschild, LLP (NYC)  
100 Park Avenue  
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(212)-905-2305  
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**ATTORNEY TO BE NOTICED**

**Zev Samuel Singer**  
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**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
02/17/2015	<u>1</u>	COMPLAINT against Breitling USA, Inc.. (Filing Fee \$ 350.00, Receipt Number 465401116985) Document filed by Frederick M. Carigan.(moh) (Entered: 02/19/2015)
02/17/2015		SUMMONS ISSUED as to Breitling USA, Inc.. (moh) (Entered: 02/19/2015)
02/17/2015		Magistrate Judge Henry B. Pitman is so designated. (moh) (Entered: 02/19/2015)
02/17/2015		Case Designated ECF. (moh) (Entered: 02/19/2015)
02/17/2015	2	CIVIL COVER SHEET filed. (moh) (Entered: 02/19/2015)
02/19/2015	<u>3</u>	WAIVER OF SERVICE RETURNED EXECUTED. Frederick M. Carigan waiver sent on 2/17/2015, answer due 4/20/2015. Document filed by Frederick M. Carigan. (Goodman, Janice) (Entered: 02/19/2015)

02/19/2015	<u>4</u>	NOTICE OF APPEARANCE by Glenn Sklaire Grindlinger on behalf of Breitling USA, Inc.. (Grindlinger, Glenn) (Entered: 02/19/2015)
02/19/2015	<u>5</u>	NOTICE OF APPEARANCE by Zev Samuel Singer on behalf of Breitling USA, Inc.. (Singer, Zev) (Entered: 02/19/2015)
02/20/2015	<u>6</u>	INITIAL PRETRIAL CONFERENCE: Initial Conference set for 5/5/2015 at 09:30 AM in Courtroom 11A, U.S. Courthouse, 500 Pearl Street, New York, NY 10007 before Judge George B. Daniels, and as further set forth. (Signed by Judge George B. Daniels on 2/20/2015) (rjm) (Entered: 02/20/2015)
03/10/2015	<u>7</u>	FIRST LETTER MOTION to Adjourn Conference addressed to Judge George B. Daniels from Janice Goodman, Esq. dated March 10, 2015. Document filed by Frederick M. Carigan.(Goodman, Janice) (Entered: 03/10/2015)
03/11/2015	<u>8</u>	ORDER granting <u>7</u> Letter Motion to Adjourn Conference. The initial conference is adjourned to April 27, 2015 at 12:45 p.m. (Initial Conference set for 4/27/2015 at 12:45 PM before Judge George B. Daniels.) (Signed by Judge George B. Daniels on 3/11/2015) (spo) Modified on 4/20/2015 (ama). (Entered: 03/11/2015)
04/03/2015	<u>9</u>	<b>FILING ERROR – CORPORATE PARENT/OTHER AFFILIATE NOT ADDED – RULE 7.1 CORPORATE DISCLOSURE STATEMENT..</b> Document filed by Breitling USA, Inc..(Singer, Zev) Modified on 4/13/2015 (lb). (Entered: 04/03/2015)
04/03/2015	<u>10</u>	ANSWER to <u>1</u> Complaint. Document filed by Breitling USA, Inc..(Singer, Zev) (Entered: 04/03/2015)
04/03/2015	<u>11</u>	<b>FILING ERROR – CORPORATE PARENT/OTHER AFFILIATE NOT ADDED – AMENDED RULE 7.1 CORPORATE DISCLOSURE STATEMENT..</b> Document filed by Breitling USA, Inc..(Singer, Zev) Modified on 4/13/2015 (lb). (Entered: 04/03/2015)
04/03/2015	<u>12</u>	ORDER OF AUTOMATIC REFERRAL TO MEDIATION (See M–10–468 Order filed January 3, 2011). Please reference the following when corresponding with the Mediation Office. E–mail MediationOffice@nysd.uscourts.gov, telephone (212) 805–0643, and facsimile (212) 805–0647. Mediator to be Assigned by 4/13/2015. (Signed by Judge Loretta A. Preska on 1/3/2011) (rpr) (Entered: 04/06/2015)
04/13/2015		<b>***NOTICE TO ATTORNEY TO RE–FILE DOCUMENT – DEFICIENT DOCKET ENTRY ERROR. Notice to Attorney Zev Samuel Singer to RE–FILE Document <u>11</u> Rule 7.1 Corporate Disclosure Statement. ERROR(S): Corporate Parents were not added. Please re–file this document and when prompted: Are there any corporate parents or other affiliates?, select the YES radio button and enter the Corporate Parent(s) or Affiliate(s). YOU MUST SELECT THE SEARCH BUTTON. Select the correct name or create a new corporate parent. Add the Corporate Parent(s) or Affiliate(s) one party name at a time. (lb)</b> (Entered: 04/13/2015)
04/13/2015	<u>13</u>	AMENDED RULE 7.1 CORPORATE DISCLOSURE STATEMENT. Identifying Corporate Parent Breitling SA for Breitling USA, Inc.. Document filed by Breitling USA, Inc..(Singer, Zev) (Entered: 04/13/2015)
04/13/2015		NOTICE OF MEDIATOR ASSIGNMENT – Notice of assignment of mediator. Mediator Schedule due by 5/13/2015.(cda) (Entered: 04/13/2015)
04/24/2015	<u>14</u>	ORDER: The initial conference for April 27, 2015 is rescheduled to begin at 9:30 AM. SO ORDERED. ( Initial Conference set for 4/27/2015 at 09:30 AM before Judge George B. Daniels.) (Signed by Judge George B. Daniels on 4/24/2015) (ama) (Entered: 04/24/2015)
04/27/2015	<u>15</u>	NOTICE OF CHANGE OF ADDRESS by Janice Goodman on behalf of Frederick M. Carigan. New Address: Law Offices of Janice Goodman, 350 W. 31st Street, Suite 401, New York, New York, U.S.A. 10001, 212–869–1940. (Goodman, Janice) (Entered: 04/27/2015)
04/27/2015	<u>16</u>	RULE 26(F) DISCOVERY PLAN: After conferring pursuant to Rule 26(f) of the Federal Rules of Civil Procedure, Plaintiff and Defendant hereby submit the following discovery plan in the above–captioned action: Amended Pleadings due

		by 8/7/2015., Discovery due by 10/30/2015., Joinder of Parties due by 8/7/2015., Motions due by 11/24/2015., Responses due by 12/21/2015, Replies due by 1/15/2016., Pretrial Conference set for 8/4/2015 at 09:30 AM before Judge George B. Daniels. SO ORDERED. (Signed by Judge George B. Daniels on 4/27/2015) (ama) (Entered: 04/27/2015)
04/27/2015		Minute Entry for proceedings held before Judge George B. Daniels: Initial Pretrial Conference held on 4/27/2015. Plaintiff Counsel: Janice Goodman; Defense Counsel: Glenn Sklaire Grindlinger and Court Reporter present. The subsequent conference is scheduled for August 4, 2015 at 9:30 a.m. (Vega, Elizabeth) (Entered: 04/29/2015)
04/28/2015		Minute Entry for proceedings held before Judge George B. Daniels: Initial Pretrial Conference held on 4/28/2015. Plaintiff Counsel: Janice Goodman; Defense Counsel: Glenn Sklaire Grindlinger and Court Reporter present. The subsequent conference is scheduled for August 4, 2015 at 9:30 a.m. (Vega, Elizabeth) (Entered: 04/28/2015)
04/30/2015	<u>17</u>	STIPULATED PROTECTIVE ORDER REGARDING USE AND DISCLOSURE OF CONFIDENTIAL INFORMATION: Regarding procedures to be followed that shall govern the handling of confidential material. SO ORDERED. (Signed by Judge George B. Daniels on 4/30/2015) (ama) (Entered: 04/30/2015)
05/04/2015		MEDIATOR SESSION SCHEDULED First Mediation Session scheduled for June 2, 2015 at 11:00 AM. Session to take place at the Office of Defendant's Counsel.(cda) (Entered: 05/04/2015)
06/10/2015		Mediator Session Held on 06/02/2015 at Office of Defendant's Counsel.(ms) (Entered: 06/10/2015)
07/09/2015	<u>19</u>	FIRST LETTER MOTION for Local Rule 37.2 Conference addressed to Judge George B. Daniels from Janice Goodman, Esq. dated July9,2015. Document filed by Frederick M. Carigan.(Goodman, Janice) (Entered: 07/09/2015)
07/13/2015	<u>20</u>	LETTER RESPONSE to Motion addressed to Judge George B. Daniels from Zev Singer dated July 13, 2015 re: <u>19</u> FIRST LETTER MOTION for Local Rule 37.2 Conference addressed to Judge George B. Daniels from Janice Goodman, Esq. dated July9,2015. <i>and Defendant's Motion for Local Rule 37.2 Conference.</i> Document filed by Breitling USA, Inc.. (Singer, Zev) (Entered: 07/13/2015)
07/21/2015	<u>21</u>	ORDER OF REFERENCE TO A MAGISTRATE JUDGE: Order that case be referred to the Clerk of Court for assignment to a Magistrate Judge for Specific Non-Dispositive Motion/Dispute: Discovery Dispute (ECF No. 19). Referred to Magistrate Judge Henry B. Pitman. Motions referred to Henry B. Pitman. SO ORDERED. (Signed by Judge George B. Daniels on 7/21/2015) (ama) Modified on 7/21/2015 (ama). (Entered: 07/21/2015)
07/22/2015		A discovery conference is set for 7/27/2015 at 02:30 PM in Courtroom 18A, 500 Pearl Street, New York, NY 10007 before Magistrate Judge Henry B. Pitman. (bh) (Entered: 07/22/2015)
07/27/2015		Minute Entry for proceedings held before Magistrate Judge Henry B. Pitman: Discovery Hearing held on 7/27/2015. Order to follow. (bh) (Entered: 07/27/2015)
07/28/2015	<u>22</u>	ORDER: A conference having been held in this matter on July 27, 2015, during which several discovery issues were discussed, for the reasons stated on the record in open court, it is hereby ORDERED that: 1. Plaintiff's First Document Request 9 is denied without prejudice. Plaintiff or his counsel are directed to contact Ms. Bodman regarding her appearance for a deposition. I also direct defendant to ascertain Ms. Bodman's employment status, if any, with Breitling. A conference call will be held on Monday, August 3, 2015 at 2:00 p.m. to determine whether a further application will be necessary with respect to scheduling Ms. Bodman's deposition. 2. Defendant is to produce the portions of the personnel files of the comparators identified by plaintiff that include performance reviews, sales performance, disciplinary/ misconduct reports, resumes to the extent that they reflect educational background and experience, compensation, self evaluations, and participation in marketing events. (As further set forth in this Order.) (Telephone

		Conference set for 8/3/2015 at 02:00 PM before Magistrate Judge Henry B. Pitman.) (Signed by Magistrate Judge Henry B. Pitman on 7/28/2015) Copies Sent By Chambers. (kko) (Entered: 07/29/2015)
08/03/2015		Minute Entry for proceedings held before Magistrate Judge Henry B. Pitman: Telephone Conference held on 8/3/2015. (bh) (Entered: 09/09/2015)
08/04/2015		Minute Entry for proceedings held before Judge George B. Daniels: Interim Pretrial Conference held on 8/4/2015. Plaintiff Counsel: Janice Goodman; Defense Counsel: Zev Samuel Singer and court reporter present. The subsequent conference is scheduled for October 13, 2015 at 9:30 a.m. (Vega, Elizabeth) (Entered: 08/04/2015)
10/08/2015	<u>23</u>	JOINT LETTER addressed to Judge George B. Daniels from Zev Singer dated October 8, 2015 re: Waiver of October 13, 2015 Status Conference. Document filed by Breitling USA, Inc..(Singer, Zev) (Entered: 10/08/2015)
10/09/2015	<u>24</u>	MEMO ENDORSEMENT on re: <u>23</u> Letter filed by Breitling USA, Inc. re: Waiver of October 13, 2015 Status Conference. ENDORSEMENT: The conference is adjourned to December 15, 2015 at 9:30 AM. (Status Conference set for 12/15/2015 at 09:30 AM before Judge George B. Daniels.) (Signed by Judge George B. Daniels on 10/9/2015) (kko) (Entered: 10/09/2015)
11/04/2015	<u>25</u>	FIRST LETTER MOTION for Conference addressed to Judge George B. Daniels from Janice Goodman dated November 4, 2015. Document filed by Frederick M. Carigan.(Goodman, Janice) (Entered: 11/04/2015)
11/06/2015	<u>26</u>	LETTER RESPONSE to Motion addressed to Judge George B. Daniels from Zev Singer dated November 6, 2015 re: <u>25</u> FIRST LETTER MOTION for Conference addressed to Judge George B. Daniels from Janice Goodman dated November 4, 2015. . Document filed by Breitling USA, Inc.. (Singer, Zev) (Entered: 11/06/2015)
11/06/2015	<u>28</u>	ORDER REFERRING CASE TO MAGISTRATE JUDGE. Order that case be referred to the Clerk of Court for assignment to a Magistrate Judge for General Pretrial (includes scheduling, discovery, non-dispositive pretrial motions, and settlement) and Settlement. Referred to Magistrate Judge Henry B. Pitman. Motions referred to Henry B. Pitman. (Signed by Judge George B. Daniels on 11/6/2015) (kko) (Entered: 11/09/2015)
11/08/2015	<u>27</u>	LETTER REPLY to Response to Motion addressed to Judge George B. Daniels from Janice Goodman dated November 9, 2015 re: <u>25</u> FIRST LETTER MOTION for Conference addressed to Judge George B. Daniels from Janice Goodman dated November 4, 2015. . Document filed by Frederick M. Carigan. (Goodman, Janice) (Entered: 11/08/2015)
11/09/2015	<u>29</u>	NOTICE OF CHANGE OF ADDRESS by Janice Goodman on behalf of Frederick M. Carigan. New Address: Eisenberg & Schnell, 233 Broadway, Ste 2704, New York, New York, USA 10279, 212-869-1940. (Goodman, Janice) (Entered: 11/09/2015)
12/08/2015	<u>30</u>	ORDER granting in part and denying in part <u>25</u> Letter Motion for Conference. I write to resolve several issues addressed in correspondence from plaintiff's counsel dated November 4 and 9, 2015 and correspondence from defendant's counsel dated November 6, 2015 as further set forth in this order. I am willing to convene a settlement conference if both sides wish to participate. Counsel are directed to confer and determine if both wish to participate in a settlement conference at this time. If so, they are directed to call my Deputy, Mr. Bruce Hampton ((212) 805-6112), with three dates on which both sides are available. I ordinarily convene settlement conferences at either 10:00 a.m. or 2:00 p.m. Plaintiff has also seeks to amend the complaint to add Breitling SA ("SA"), the parent of Breitling, USA, Inc. ("Breitling US"), as a defendant on the theory that SA and Breitling US constitute a single employer. See generally Arculeo v. On-Site Sales & Marketing, LLC, 425 F.3d 193, 198 (2d Cir. 2005). That application is denied as untimely as further set forth in this Order. The schedule for the completion of pretrial proceedings is amended as follows: 1. The deadline for the completion of discovery is extended to January 31, 2016. 2. Dispositive motions shall be served and filed no later than

		February 29, 2016. 3. Opposition papers to any dispositive motions shall be served and filed no later than March 28, 2016. 4. Reply papers in further support of any dispositive motion shall be served and filed no later than April 11, 2016. (Signed by Magistrate Judge Henry B. Pitman on 12/8/2015) Copies Sent By Chambers. (lmb) (Entered: 12/08/2015)
12/08/2015		Set/Reset Deadlines: Discovery due by 1/31/2016. Motions due by 2/29/2016. Responses due by 3/28/2016 Replies due by 4/11/2016. (lmb) (Entered: 12/08/2015)
12/14/2015	<u>31</u>	ENDORSED LETTER addressed to Judge George B. Daniels from Zev Singer dated 12/14/2015 re: parties agree to waive the December 15, 2015 status conference that is currently scheduled in this matter. ENDORSEMENT: SO ORDERED. The conference is adjourned to March 8, 2016 at 9:45 a.m. (Status Conference set for 3/8/2016 at 09:45 AM before Judge George B. Daniels.) (Signed by Judge George B. Daniels on 12/14/2015) (kl) (Entered: 12/14/2015)
01/20/2016	<u>32</u>	LETTER MOTION for Discovery addressed to Magistrate Judge Henry B. Pitman from Janice Goodman dated January 20, 2016. Document filed by Frederick M. Carigan. Return Date set for 1/21/2016 at 02:00 PM.(Goodman, Janice) (Entered: 01/20/2016)
01/21/2016		Minute Entry for proceedings held before Magistrate Judge Henry B. Pitman: Telephone Conference held on 1/21/2016. (bh) (Entered: 01/21/2016)
01/22/2016	<u>33</u>	MEMO ENDORSEMENT on re: <u>32</u> LETTER MOTION for Discovery addressed to Magistrate Judge Henry B. Pitman from Janice Goodman dated January 20, 2016. filed by Frederick M. Carigan. ENDORSEMENT: Plaintiff's application to reconvene the deposition of Sebastian Amstutz is denied. The recently produced document concerning Brian Criddle is identical in form to the documents previously produced concerning plaintiff. The sales summary document that was produced concerning plaintiff alerted plaintiff's counsel to the fact that "Special Extra Bonuses" were paid and nothing prevented counsel from asking Amstutz about the "Special Extra Bonus" program and how such bonuses were calculated. The sales summary document produced concerning plaintiff, in conjunction with plaintiff's Performance Review also discloses the significance of the handwritten numbers on Criddle's sales summary: \$3,120 was received as a mid-year bonus (or advance against his total bonus) and the bonus actually paid to him at the end of the year was \$51,265. This sum is calculated as follows: \$45,425 ("Total Bonus Due Year 2012") + \$8,960 ("Special 2012 Extra Bonus") - \$3,120 (mid year bonus) = \$51,265. The balance of the handwritten notations on the Criddle sales summary appear to be advice concerning sales practices and, in any event, are too trivial to warrant reconvening Amstutz' deposition. *Although I am confident that my interpretation of Criddle's sales summary is correct, defense counsel is directed to advise me promptly if it is incorrect. Plaintiff may serve a request to admit to confirm that my interpretation is correct. (Signed by Magistrate Judge Henry B. Pitman on 1/21/2016) Copies Sent By Chambers. (lmb) Modified on 1/22/2016 (lmb). Modified on 1/26/2016 (lmb). (Entered: 01/22/2016)
02/04/2016	<u>34</u>	LETTER MOTION to Continue <i>Appeal from Mag. Order</i> addressed to Judge George B. Daniels from Janice Goodman dated February 4, 2016. Document filed by Frederick M. Carigan. (Attachments: # <u>1</u> Exhibit magistrates order of 7.29.15, # <u>2</u> Exhibit Performance Review of Plaintiff, # <u>3</u> Exhibit Performance Review of Comparator, # <u>4</u> Exhibit Transcript of Mag. Hearing 1.21.16, # <u>5</u> Exhibit Dep. Tr. of Amstutz)(Goodman, Janice) (Entered: 02/04/2016)
02/12/2016	<u>35</u>	LETTER RESPONSE in Opposition to Motion addressed to Judge George B. Daniels from Zev Singer dated February 12, 2016 re: <u>34</u> LETTER MOTION to Continue <i>Appeal from Mag. Order</i> addressed to Judge George B. Daniels from Janice Goodman dated February 4, 2016. . Document filed by Breitling USA, Inc.. (Attachments: # <u>1</u> Exhibit "A", # <u>2</u> Exhibit "B", # <u>3</u> Exhibit "C", # <u>4</u> Exhibit "D")(Singer, Zev) (Entered: 02/12/2016)
02/15/2016	<u>36</u>	LETTER RESPONSE in Support of Motion addressed to Judge George B. Daniels from Janice Goodman dated February 15, 2016 re: <u>34</u> LETTER MOTION to Continue <i>Appeal from Mag. Order</i> addressed to Judge George B. Daniels from Janice Goodman dated February 4, 2016. . Document filed by Frederick M.

		Carigan. (Goodman, Janice) (Entered: 02/15/2016)
02/17/2016	<u>37</u>	ORDER denying <u>34</u> LETTER MOTION to Continue Appeal from Mag. Order addressed to Judge George B. Daniels from Janice Goodman dated February 4, 2016. Plaintiff requests a continuation of the deposition of Sebastian Amstutz because Defendant produced certain documents about bonus compensation for other employees after the Amstutz deposition. Judge Pitman determined, however, that those documents are identical in form to documents previously produced regarding Plaintiff. The previously-produced documents alerted Plaintiff's counsel to the "Special Extra Bonuses" that Defendant had paid, and Plaintiff's counsel could have asked Amstutz about the "Special Extra Bonus" program at the Amstutz deposition. Nothing in Judge Pitman's order is clearly erroneous or contrary to law. Accordingly, Judge Pitman's ruling is affirmed over Plaintiff's objection. (As further set forth in this Order.) (Signed by Judge George B. Daniels on 2/17/2016) (adc) (Entered: 02/17/2016)
02/29/2016	<u>38</u>	MOTION for Summary Judgment . Document filed by Breitling USA, Inc..(Singer, Zev) (Entered: 02/29/2016)
02/29/2016	<u>39</u>	DECLARATION of Zev Singer in Support re: <u>38</u> MOTION for Summary Judgment .. Document filed by Breitling USA, Inc.. (Attachments: # <u>1</u> Exhibit A through D, # <u>2</u> Exhibit E though F, # <u>3</u> Exhibit G through J, # <u>4</u> Exhibit K through KK)(Singer, Zev) (Entered: 02/29/2016)
02/29/2016	<u>40</u>	RULE 56.1 STATEMENT. Document filed by Breitling USA, Inc.. (Singer, Zev) (Entered: 02/29/2016)
02/29/2016	<u>41</u>	MEMORANDUM OF LAW in Support re: <u>38</u> MOTION for Summary Judgment . . Document filed by Breitling USA, Inc.. (Singer, Zev) (Entered: 02/29/2016)
03/01/2016	<u>42</u>	CONSENT LETTER MOTION to Adjourn Conference <i>currently scheduled for March 8, 2016</i> addressed to Judge George B. Daniels from Zev Singer dated March 1, 2016. Document filed by Breitling USA, Inc..(Singer, Zev) (Entered: 03/01/2016)
03/02/2016	<u>43</u>	ORDER granting <u>42</u> CONSENT LETTER MOTION to Adjourn Conference currently scheduled for March 8, 2016 addressed to Judge George B. Daniels from Zev Singer dated March 1, 2016. SO ORDERED. The conference is adjourned to April 26, 2016 at 9:45 a.m. (Status Conference set for 4/26/2016 at 09:45 AM before Judge George B. Daniels.) (Signed by Judge George B. Daniels on 3/2/2016) (adc) (Entered: 03/02/2016)
03/28/2016	<u>44</u>	<b>FILING ERROR – DEFICIENT DOCKET ENTRY –</b> RESPONSE to Motion re: <u>38</u> MOTION for Summary Judgment . <i>Opposition of Motion for Summary Judgment</i> . Document filed by Frederick M. Carigan. (Attachments: # <u>1</u> 56.1 Statement in Opp to Summary Judgment, # <u>2</u> Affidavit, # <u>3</u> Exhibit, # <u>4</u> Exhibit, # <u>5</u> Exhibit, # <u>6</u> Exhibit, # <u>7</u> Exhibit, # <u>8</u> Exhibit, # <u>9</u> Exhibit, # <u>10</u> Exhibit, # <u>11</u> Exhibit, # <u>12</u> Exhibit, # <u>13</u> Exhibit, # <u>14</u> Exhibit, # <u>15</u> Exhibit, # <u>16</u> Exhibit, # <u>17</u> Affidavit, # <u>18</u> Exhibit, # <u>19</u> Exhibit, # <u>20</u> Exhibit, # <u>21</u> Exhibit)(Goodman, Janice) Modified on 3/29/2016 (Idi). (Entered: 03/28/2016)
03/29/2016	<u>45</u>	SECOND MEMORANDUM OF LAW in Opposition re: <u>38</u> MOTION for Summary Judgment . . Document filed by Frederick M. Carigan. (Goodman, Janice) (Entered: 03/29/2016)
03/29/2016		<b>***NOTICE TO ATTORNEY TO RE-FILE DOCUMENT – DEFICIENT DOCKET ENTRY ERROR. Notice to Attorney Janice Goodman to RE-FILE Document <u>44</u> Response to Motion. ERROR(S): Supporting/Opposing documents must be filed separately, each receiving their own document number. Memorandum of Law in Opposition to Motion, Affidavit in Opposition to Motion, and Affirmation in Opposition to Motion are all found under the event list Replies, Opposition and Supporting Documents. Counter Statement to Rule 56.1 is found under the event list Other Answers. (Idi)</b> (Entered: 03/29/2016)
03/29/2016	<u>46</u>	COUNTER STATEMENT TO <u>40</u> Rule 56.1 Statement. Document filed by Frederick M. Carigan. (Goodman, Janice) (Entered: 03/29/2016)

03/29/2016	<u>47</u>	AFFIRMATION of Janice Goodman in Opposition re: <u>38</u> MOTION for Summary Judgment .. Document filed by Frederick M. Carigan. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Exhibit, # <u>5</u> Exhibit, # <u>6</u> Exhibit, # <u>7</u> Exhibit, # <u>8</u> Exhibit, # <u>9</u> Exhibit, # <u>10</u> Exhibit, # <u>11</u> Exhibit, # <u>12</u> Exhibit, # <u>13</u> Exhibit, # <u>14</u> Exhibit)(Goodman, Janice) (Entered: 03/29/2016)
03/29/2016	<u>48</u>	AFFIDAVIT of Frederick Cargian in Opposition re: <u>38</u> MOTION for Summary Judgment .. Document filed by Frederick M. Carigan. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Exhibit)(Goodman, Janice) (Entered: 03/29/2016)
03/31/2016	<u>49</u>	LETTER MOTION for Extension of Time to File Response/Reply as to <u>38</u> MOTION for Summary Judgment . addressed to Judge George B. Daniels from Zev Singer dated March 31, 2016. Document filed by Breitling USA, Inc..(Singer, Zev) (Entered: 03/31/2016)
03/31/2016	<u>50</u>	LETTER RESPONSE to Motion addressed to Judge George B. Daniels from Janice Goodman dated March 31, 2016 re: <u>49</u> LETTER MOTION for Extension of Time to File Response/Reply as to <u>38</u> MOTION for Summary Judgment . addressed to Judge George B. Daniels from Zev Singer dated March 31, 2016. . Document filed by Frederick M. Carigan. (Goodman, Janice) (Entered: 03/31/2016)
04/01/2016	<u>51</u>	ORDER: granting <u>49</u> Letter Motion for Extension of Time to File Response/Reply re <u>49</u> LETTER MOTION for Extension of Time to File Response/Reply as to <u>38</u> MOTION for Summary Judgment addressed to Judge George B. Daniels from Zev Singer dated March 31, 2016. Defendant's request, on consent, to extend Defendant's time to submit a reply brief until April 18, 2016 is GRANTED. The Clerk of Court is directed to close the letter–motion at ECF No. 49. SO ORDERED. Replies due by 4/18/2016. (Signed by Judge George B. Daniels on 4/01/2016) (ama) (Entered: 04/01/2016)
04/11/2016	<u>52</u>	LETTER MOTION to Adjourn Conference <i>and Requesting Oral Argument on Defendant's Motion for Summary Judgment</i> addressed to Judge George B. Daniels from Zev Singer dated April 11, 2016. Document filed by Breitling USA, Inc..(Singer, Zev) (Entered: 04/11/2016)
04/11/2016	<u>53</u>	LETTER RESPONSE in Opposition to Motion addressed to Judge George B. Daniels from Janice Goodman dated April 11, 2016 re: <u>52</u> LETTER MOTION to Adjourn Conference <i>and Requesting Oral Argument on Defendant's Motion for Summary Judgment</i> addressed to Judge George B. Daniels from Zev Singer dated April 11, 2016. . Document filed by Frederick M. Carigan. (Goodman, Janice) (Entered: 04/11/2016)
04/12/2016	<u>54</u>	ORDER granting <u>52</u> Letter Motion to Adjourn Conference. The status conference scheduled for Tuesday, April 26, 2016 is adjourned to Tuesday, May 3, 2016 at 11 :00 AM for oral argument on Defendant's Motion for Summary Judgment. The Clerk of Court is directed to close the motion at ECF No. 52. Oral Argument set for 5/3/2016 at 11:00 AM before Judge George B. Daniels. (Signed by Judge George B. Daniels on 4/12/2016) (kgo) (Entered: 04/12/2016)
04/18/2016	<u>55</u>	RESPONSE re: <u>46</u> Counter Statement to Rule 56.1 . Document filed by Breitling USA, Inc.. (Singer, Zev) (Entered: 04/18/2016)
04/18/2016	<u>56</u>	REPLY MEMORANDUM OF LAW in Support re: <u>38</u> MOTION for Summary Judgment . . Document filed by Breitling USA, Inc.. (Singer, Zev) (Entered: 04/18/2016)
05/03/2016		Minute Entry for proceedings held before Judge George B. Daniels: Oral Argument held on 5/3/2016 re: <u>38</u> MOTION for Summary Judgment . filed by Breitling USA, Inc.. Plaintiff Counsel: Janice Goodman Defense Counsel: Glenn Sklaire Gridlinger, Zev Samuel Singer and Court Reporter present. (Vega, Elizabeth) (Entered: 05/03/2016)
05/10/2016	<u>57</u>	LETTER MOTION for Leave to File Supplemental Legal Memo addressed to Judge George B. Daniels from Janice Goodman dated May 10, 2016. Document filed by Frederick M. Carigan. (Attachments: # <u>1</u> Supplement Memo of Law)(Goodman, Janice) (Entered: 05/10/2016)

05/12/2016	<u>58</u>	LETTER RESPONSE in Opposition to Motion addressed to Judge George B. Daniels from Zev Singer dated May 12, 2016 re: <u>57</u> LETTER MOTION for Leave to File Supplemental Legal Memo addressed to Judge George B. Daniels from Janice Goodman dated May 10, 2016. . Document filed by Breitling USA, Inc.. (Singer, Zev) (Entered: 05/12/2016)
05/19/2016	<u>59</u>	ORDER granting <u>57</u> Letter Motion for Leave to File Document. SO ORDERED. (Signed by Judge George B. Daniels on 5/19/2016) (cf) (Entered: 05/19/2016)
07/14/2016	<u>60</u>	<b>FILING ERROR – WRONG EVENT TYPE SELECTED FROM MENU – SECOND LETTER MOTION for Leave to File Supplemental Letter</b> addressed to Judge George B. Daniels from Janice Goodman dated July 14, 2016. Document filed by Frederick M. Carigan.(Goodman, Janice) Modified on 7/14/2016 (db). (Entered: 07/14/2016)
07/14/2016		<b>***NOTICE TO ATTORNEY TO RE-FILE DOCUMENT – EVENT TYPE ERROR. Notice to Attorney Janice Goodman to RE-FILE Document <u>60</u> SECOND LETTER MOTION for Leave to File Supplemental Letter addressed to Judge George B. Daniels from Janice Goodman dated July 14, 2016. Use the event type Letter found under the event list Other Documents. (db)</b> (Entered: 07/14/2016)
07/14/2016	<u>61</u>	FIRST LETTER addressed to Judge George B. Daniels from Janice Goodman dated July 14, 2016 re: Inform Court re: new case. Document filed by Frederick M. Carigan.(Goodman, Janice) (Entered: 07/14/2016)
07/15/2016	<u>62</u>	LETTER addressed to Judge George B. Daniels from Zev Singer dated July 15, 2016 re: Response to Plaintiff's letter dated July 14, 2016 (Docket No. 61). Document filed by Breitling USA, Inc..(Singer, Zev) (Entered: 07/15/2016)
09/29/2016	<u>63</u>	MEMORANDUM DECISION AND ORDER granting <u>38</u> Motion for Summary Judgment. Defendant's motion for summary judgment is GRANTED. Plaintiff's first cause of action for violation of Title VII and second cause of action for violation of the ADEA are DISMISSED with prejudice. Plaintiff's third cause of action for violation of the NYSHRL and fourth cause of action for violation of the NYCHRL are DISMISSED without prejudice. The Clerk of Court is directed to close the above-captioned action. SO ORDERED.(Signed by Judge George B. Daniels on 9/29/2016) (ama) (Entered: 09/29/2016)
09/29/2016		Transmission to Judgments and Orders Clerk. Transmitted re: <u>63</u> Order on Motion for Summary Judgment,,, to the Judgments and Orders Clerk. (ama) (Entered: 09/29/2016)
09/29/2016	<u>64</u>	CLERK'S JUDGMENT: That for the reasons stated in the Court's Memorandum Decision and Order dated September 29, 2016, Defendant's motion for summary judgment is granted; Plaintiff's first cause of action for violation of Title VII and second cause of action for violation of the ADRA are dismissed with prejudice; Plaintiff's third cause of action for violation of the NYSHRL and fourth cause of action for violation of the NYCHRL are dismissed without prejudice; accordingly, the above-captioned action is closed. (Signed by Clerk of Court Ruby Krajick on 09/29/2016) (Attachments: # <u>1</u> Notice of Right to Appeal, # <u>2</u> Notice of Right to Appeal)(dt) (Entered: 09/29/2016)
10/21/2016	<u>65</u>	<b>FILING ERROR – NO ORDER SELECTED FOR APPEAL – FIRST NOTICE OF APPEAL.</b> Document filed by Frederick M. Carigan. Filing fee \$ 505.00, receipt number 0208-12904087. Form C and Form D are due within 14 days to the Court of Appeals, Second Circuit. (Goodman, Janice) Modified on 10/24/2016 (tp). (Entered: 10/21/2016)
10/24/2016		<b>***NOTICE TO ATTORNEY REGARDING DEFICIENT APPEAL. Notice to attorney Goodman, Janice to RE-FILE Document No. <u>65</u> Notice of Appeal. The filing is deficient for the following reason(s): the order/judgment being appealed was not selected. Re-file the appeal using the event type Corrected Notice of Appeal found under the event list Appeal Documents – attach the correct signed PDF – select the correct named filer/filers – select the correct order/judgment being appealed. (tp)</b> (Entered: 10/24/2016)

10/24/2016	<u>66</u>	CORRECTED NOTICE OF APPEAL re: <u>65</u> Notice of Appeal, <u>64</u> Clerk's Judgment,,. Document filed by Frederick M. Carigan. (Goodman, Janice) (Entered: 10/24/2016)
10/24/2016		Appeal Fee Paid electronically via Pay.gov: for <u>66</u> Corrected Notice of Appeal. Filing fee \$ 505.00. Pay.gov receipt number 0208-12904087, paid on 10/21/2016. (tp) (Entered: 10/24/2016)
10/24/2016		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: <u>66</u> Corrected Notice of Appeal. (tp) (Entered: 10/24/2016)
10/24/2016		Appeal Record Sent to USCA (Electronic File). Certified Indexed record on Appeal Electronic Files for <u>66</u> Corrected Notice of Appeal filed by Frederick M. Carigan were transmitted to the U.S. Court of Appeals. (tp) (Entered: 10/24/2016)