

The New York Times

Three More Decide to Sue Bloomberg L.P.

By David W. Chen

March 25, 2010

Three more women have been permitted to join a class-action lawsuit that accuses Bloomberg L.P., the financial services and media company founded by Mayor Michael R. Bloomberg, of discriminating against pregnant employees, a federal judge said Thursday.

The three, who only came forward in the past couple of weeks, bring to 79 the number of plaintiffs in the case. But Judge Loretta A. Preska of Federal District Court in Manhattan, clearly eager to pick up the pace of the long-running case, declared that they would be the last three.

“We have finished identifying claimants, and thus there will be no more claimants,” Judge Preska said. “Discovery is complete.”

The judge’s comments came at the end of an unusually testy 90-minute procedural hearing, in which both sides haggled over, and were frequently confused by, all sorts of legal and semantic arguments. Lawyers rose with such animated regularity from their seats that they almost resembled pieces in a Whac-a-Mole game, prompting the judge to comment on their “chest-beating.”

“Anything else, or have you all exhausted yourselves?” the judge said.

At the end, both sides agreed on a schedule to begin filing their first batch of post-

discovery motions in the next two months. And after the hearing, **Richard A. Roth**, one of the plaintiffs’ lawyers, told reporters he anticipated that a trial could begin early next year and that Mr. Bloomberg would quite likely be asked to testify.

But in between, the company’s lawyers revealed, in their most public and dramatic fashion yet, just how determined the company was to fight the case in court.

The defendants objected strenuously to a comment by Raechel L. Adams, a lawyer for the Equal Employment Opportunity Commission, which filed the class-action lawsuit. Ms. Adams suggested that “cases tend to go away” and were settled out of court if a pattern of discrimination was formally established.

In response, Thomas H. Golden, one of Bloomberg L.P.’s lawyers, and a partner at Willkie Farr & Gallagher, said: “If the plaintiffs wake up and see the error of their ways, and dismiss this case, this case will settle. Otherwise, this case will not settle. There is no appetite for settling the case. So I don’t want your honor to think there’s any easy way out of this.”

The proceedings on Thursday represented the latest marker in a class-action lawsuit that was filed in September 2007 on behalf of dozens of female employees. The lawsuit

argues that the company engaged in a pattern of discrimination, including demotions and pay cuts, against pregnant women who took maternity leave.

Mr. Bloomberg, who is the majority shareholder of the company, is not a defendant. The discrimination alleged is also said to have taken place after he left the company to make his successful mayoral bid in 2001.

Still, the suit asserts, “Michael Bloomberg is responsible for the creation of the systemic, top-down culture of discrimination.” The mayor has conceded that he talks regularly to senior executives at the firm.

This is an attorney advertisement

The Roth Law Firm, PLLC
295 Madison Avenue, Floor 22
New York, NY (212) 542-8882
www.rrothlaw.com