**General Docket**
**United States Court of Appeals for the Sixth Circuit**

**Court of Appeals Docket #:** 09-4208 **Docketed:** 10/02/2009
**Nature of Suit:** 3442 Civil Rights: Jobs
Cleveland Firefighters For Fai, et al v. City of Cleveland, et al
**Appeal From:** Northern District of Ohio at Cleveland
**Fee Status:** fee paid

**Case Type Information:**
**1)** Civil
**2)** Private
**3)** Civil Rights - Title VII

**Originating Court Information:**
**District:** 0647-1 : 00-00301 **Lead:** C73-00330
**Court Reporter:** Judith Gage
**Trial Judge:** Donald C. Nugent, U.S. District Judge
**Date Filed:** 02/01/2000
**Date Order/Judgment:** 08/21/2009 **Date NOA Filed:** 09/18/2009

**Prior Cases:**
None

**Current Cases:**
None

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| CLEVELAND FIREFIGHTERS FOR FAIR HIRING PRACTICES, et al.<br>Plaintiff - Appellee | Bradric T. Bryan<br>Direct: 440-686-9000<br>[COR LD NTC Retained]<br>Goodwin & Bryan<br>22050 Mastick Road<br>Fairview Park, OH 44126<br><br>Andrew P. Fleming<br>Direct: 716-648-3030<br>[COR NTC Retained]<br>Chiacchia & Fleming<br>5113 S. Park Avenue<br>Hamburg, NY 14075 |
| LAMONT C. HEADEN, et al.<br>Plaintiff - Appellant | E. Richard Stege, Jr.<br>Direct: 216-292-3400<br>[COR LD NTC Retained]<br>Stege & Michelson<br>29225 Chagrin Boulevard<br>Suite 250<br>Cleveland, OH 44122 |
| CLEVELAND FIREFIGHTERS, LOCAL 93 IAFF<br>Plaintiff - Appellee | Daniel A. Powell<br>Direct: 440-442-6800 |

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| | [COR LD NTC Retained]<br>Law Offices of Joseph W. Diemart & Associates<br>1360 S.O.M. Center Road<br>Cleveland, OH 44124<br><br>Thomas M. Hanculak, I<br>Direct: 440-442-6800<br>[COR NTC Retained]<br>Law Offices of Joseph W. Diemert, Jr.<br>1360 Som Center Road<br>Cleveland, OH 44124-0000 |
| VANGUARDS OF CLEVELAND<br>Intervenor - Appellant | E. Richard Stege, Jr.<br>Direct: 216-292-3400<br>[COR LD NTC Retained]<br>(see above) |
| v. | |
| CITY OF CLEVELAND, et al.<br>Defendant | |
| CITY OF CLEVELAND, et al.<br>Defendant - Appellee | Kevin J. Gibbons<br>Direct: 216-664-2809<br>[COR LD NTC Retained]<br>City of Cleveland<br>Department of Law<br>Firm: 216-664-2800<br>601 Lakeside Avenue, E.<br>Room 106 City Hall<br>Cleveland, OH 44114 |

CLEVELAND FIREFIGHTERS FOR FAIR HIRING PRACTICES, et al., ; CLEVELAND FIREFIGHTERS, LOCAL 93 IAFF,

Plaintiffs - Appellees

v.

CITY OF CLEVELAND, et al., Case No. 00-00301

Defendants

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LAMONT C. HEADEN, et al.,

Plaintiffs - Appellants

VANGUARDS OF CLEVELAND, Case No. C73-00330

Intervenor Plaintiff - Appellant

v.

CITY OF CLEVELAND, et al.,

Defendants - Appellees

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| 10/02/2009 | 3 pg, 14 KB | Civil Case Docketed. Notice filed by Appellants Lamont C. Headen and Vanguards of Cleveland. Transcript needed: y. (JC) |
| 10/02/2009 | | The case manager for this case is: Jill Colyer (JC) |
| 10/13/2009 | | Mediation Office is involved in this appeal. (CAW) |
| 10/13/2009 | 2 pg, 48.42 KB | Mediation telephone conference has been scheduled for 11/10/2009 at 9:00 am ET with Ms. Yevin. [Please open notice for important details.] (CAW) |
| 10/14/2009 | 1 pg, 26.78 KB | APPEARANCE filed for Appellants Lamont C. Headen and Vanguards of Cleveland by E. Richard Stege. Certificate of Service: 10/14/2009. (ERS) |
| 10/14/2009 | 1 pg, 52.96 KB | APPEARANCE filed for Appellants Lamont C. Headen and Vanguards of Cleveland by E. Richard Stege. Certificate of Service: 10/14/2009. (ERS) |
| 10/14/2009 | 1 pg, 75.82 KB | CIVIL APPEAL STATEMENT OF PARTIES AND ISSUES filed by Attorney Mr. E. Richard Stege, Jr. for Appellants Vanguards of Cleveland and Lamont C. Headen. Certificate of Service:10/14/2009. (ERS) |
| 10/14/2009 | 2 pg, 62.42 KB | CORPORATE DISCLOSURE STATEMENT filed by Attorney Mr. E. Richard Stege, Jr. for Appellants Vanguards of Cleveland and Lamont C. Headen Certificate of Service: 10/14/2009. (ERS) |
| 10/14/2009 | 2 pg, 139.41 KB | TRANSCRIPT ORDER FORM filed by Mr. E. Richard Stege, Jr. for Vanguards of Cleveland and Lamont C. Headen; Transcript on file in district court. Certificate of Service: 10/14/2009. (ERS) |
| 10/14/2009 | 1 pg, 20.78 KB | APPEARANCE filed for City of Cleveland and Appellee City of Cleveland by Kevin J. Gibbons. Certificate of Service: 10/14/2009. (KJG) |
| 10/15/2009 | 2 pg, 59.44 KB | CORPORATE DISCLOSURE STATEMENT filed by Attorney Mr. Kevin J. Gibbons for Appellee City of Cleveland Certificate of Service: 10/15/2009. (KJG) |
| 11/04/2009 | 2 pg, 13.78 KB | BRIEFING LETTER SENT setting briefing schedule: appellant brief due 12/14/2009;. appellee brief due 01/19/2010; (JC) |
| 11/11/2009 | 1 pg, 64.74 KB | APPEARANCE filed for Cleveland Firefighters For Fair Hiring Practices by Bradric T. Bryan. Certificate of Service: 11/11/2009. (BTB) |
| 11/11/2009 | 1 pg, 64.74 KB | APPEARANCE filed for Cleveland Firefighters For Fair Hiring Practices by Bradric T. Bryan. Certificate of Service: 11/11/2009. --[Edited 11/12/2009 by JC: DOCUMENT LOCKED: DUPLICATE ENTRY] (BTB) |
| 11/16/2009 | 2 pg, 48.42 KB | A Mediation Telephone Conference has been scheduled for 12/10/2009 at 2:00 pm (Eastern Time) with Mariann Yevin. [Please open notice for important details.] (TM) |
| 11/16/2009 | | BRIEFING LETTER SENT by Mediation Office, resetting briefing schedule: |

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| | 1 pg, 39.37 KB | appellant brief now due 12/28/2009. appellee brief now due 02/01/2010. (TM) |
| 12/09/2009 | 0 pg, 0 KB | APPEARANCE filed for Appellee Cleveland Firefighters, Local 93 IAFF by Daniel A. Powell. Certificate of Service: 12/09/2009. --[Edited 12/10/2009 by JC: DOCUMENT LOCKED. Attorney instructed to refile both appearance forms separately. Each form should have its own docket entry. ] (DAP) |
| 12/10/2009 | 1 pg, 25.91 KB | APPEARANCE filed for Appellee Cleveland Firefighters, Local 93 IAFF by Daniel A. Powell. Certificate of Service: 12/10/2009. (DAP) |
| 12/10/2009 | 1 pg, 25.99 KB | APPEARANCE filed for Appellee Cleveland Firefighters, Local 93 IAFF by Thomas M. Hanculak. Certificate of Service: 12/10/2009. (TMH) |
| 12/11/2009 | 1 pg, 37.48 KB | BRIEFING LETTER SENT by Mediation Office, resetting briefing schedule: appellant brief now due 01/04/2010. appellee brief now due 02/08/2010. (WJR) |
| 12/14/2009 | | Mediation Office is no longer involved in this appeal. (CAW) |
| 12/28/2009 | 3 pg, 27.44 KB | MOTION filed by Mr. E. Richard Stege, Jr. for Vanguards of Cleveland and Lamont C. Headen to extend time to file brief. Certificate of Service: 12/28/2009. (ERS) |
| 12/29/2009 | 2 pg, 13.28 KB | LETTER SENT granting motion to extend time to file brief [4109389-2] filed by Mr. E. Richard Stege, Jr. for Lamont C. Headen and Vanguards of Cleveland, resetting briefing schedule: appellant brief now due 02/03/2010. appellee brief now due 03/05/2010. (JC) |
| 02/02/2010 | 3 pg, 22.05 KB | MOTION filed by Mr. E. Richard Stege, Jr. for Vanguards of Cleveland and Lamont C. Headen to extend time to file brief. Certificate of Service: 02/02/2010. (ERS) |
| 02/03/2010 | 2 pg, 13.28 KB | LETTER SENT granting motion to extend time to file brief [4128001-2] filed by Mr. E. Richard Stege, Jr. for Lamont C. Headen and Vanguards of Cleveland, resetting briefing schedule: appellant brief now due 02/16/2010. appellee brief now due 03/18/2010. (JC) |
| 02/17/2010 | 0 pg, 0 KB | MOTION filed by Mr. E. Richard Stege, Jr. for Vanguards of Cleveland and Lamont C. Headen to extend time to file brief. Certificate of Service: 02/17/2010. --[Edited 02/17/2010 by JC: DOCUMENT LOCKED. INCORRECT ENTRY. Attorney instructed to refile using the relief: file brief instanter. ] (ERS) |
| 02/17/2010 | 0 pg, 0 KB | APPELLANT BRIEF filed by Mr. E. Richard Stege, Jr. for Vanguards of Cleveland and Lamont C. Headen. Certificate of Service:02/17/2010. Argument Request: requested. --[Edited 07/27/2010 by JC: DOCUMENT LOCKED. CORRECTED BRIEF FILED 7/27/10] (ERS) |
| 02/18/2010 | 3 pg, 20.42 KB | MOTION filed by Mr. E. Richard Stege, Jr. for Vanguards of Cleveland and Lamont C. Headen to file brief instanter. Certificate of Service: 02/18/2010. (ERS) |
| 02/19/2010 | 2 pg, 11.97 KB | LETTER SENT granting motion to file brief instanter [4135531-2] filed by Mr. E. Richard Stege, Jr. for Lamont C. Headen and Vanguards of Cleveland. (JC) |

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| 02/22/2010 | 292 pg, 10.25 MB | FILED: appendix by Mr. E. Richard Stege, Jr. for Vanguards of Cleveland and Lamont C. Headen. Certificate of Service: 02/19/2010. (JC) |
| 03/05/2010 | 3 pg, 96.98 KB | MOTION filed by Mr. Bradric T. Bryan for Cleveland Firefighters For Fair Hiring Practices to extend time to file brief. Certificate of Service: 03/05/2010. (BTB) |
| 03/05/2010 | 2 pg, 13.17 KB | LETTER SENT granting motion to extend time to file brief [4144252-2] filed by Mr. Bradric T. Bryan for Cleveland Firefighters For Fair Hiring Practices, resetting briefing schedule: appellee brief now due 04/16/2010. (JC) |
| 03/15/2010 | 3 pg, 84.44 KB | MOTION filed by Mr. Kevin J. Gibbons for City of Cleveland to extend time to file brief. Certificate of Service: 03/15/2010. (KJG) |
| 03/17/2010 | 2 pg, 12.04 KB | LETTER SENT declaring as moot motion to extend time to file brief [4149693-2] filed by Mr. Kevin J. Gibbons for City of Cleveland. No need for extension. Previous extension applied to all appellees briefs. (JC) |
| 04/06/2010 | 1 pg, 14.73 KB | APPEARANCE filed for Appellee Cleveland Firefighters For Fair Hiring Practices by Andrew P. Fleming, Esq.. Certificate of Service: 04/06/2010. (APF) |
| 04/16/2010 | 0 pg, 0 KB | APPELLEE BRIEF filed by Mr. Kevin J. Gibbons for City of Cleveland. Certificate of Service:04/16/2010. Argument Request: requested. --[Edited 04/19/2010 by JC: DOCUMENT LOCKED. Attorney has refiled brief with separate appendix entry.] (KJG) |
| 04/16/2010 | 23 pg, 277.2 KB | APPELLEE BRIEF filed by Mr. Kevin J. Gibbons for City of Cleveland. Certificate of Service:04/16/2010. Argument Request: requested. (KJG) |
| 04/16/2010 | 21 pg, 356.84 KB | APPENDIX filed by Mr. Kevin J. Gibbons for City of Cleveland. Certificate of Service: 04/16/2010. (KJG) |
| 04/16/2010 | 41 pg, 2.13 MB | APPELLEE BRIEF filed by Mr. Andrew P. Fleming for Cleveland Firefighters For Fair Hiring Practices. Certificate of Service:041610. Argument Request: requested. (APF) |
| 04/16/2010 | 21 pg, 259.11 KB | APPELLEE BRIEF filed by Mr. Daniel A. Powell for Cleveland Firefighters, Local 93 IAFF. Certificate of Service:04/16/2010. Argument Request: requested. (DAP) |
| 04/30/2010 | 3 pg, 21.51 KB | MOTION filed by Mr. E. Richard Stege, Jr. for Vanguards of Cleveland and Lamont C. Headen to extend time *to file reply brief*. Certificate of Service: 04/30/2010. (ERS) |
| 05/03/2010 | 2 pg, 12.06 KB | LETTER SENT granting motion extend time to file reply brief until May 30, 2010 [4175890-2] filed by Mr. E. Richard Stege, Jr. for Lamont C. Headen and Vanguards of Cleveland. (JC) |
| 05/07/2010 | 0 pg, 0 KB | MOTION filed by Mr. Andrew P. Fleming for Cleveland Firefighters For Fair Hiring Practices for *Appellee*. Certificate of Service: 05/07/2010. ***Counsel directed by phone to refile document - motion to strike not attached to declaration - counsel also advised that when refiling document to use correct event: motion filed; relief category: briefing; relief description: strike brief***--[Edited 05/10/2010 by PJE] (APF) |
| 05/11/2010 | 5 pg, 39.47 KB | MOTION filed by Mr. Andrew P. Fleming for Cleveland Firefighters For Fair Hiring Practices to strike brief of City of Cleveland. Certificate of Service: |

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| | | 05/11/2010. (APF) |
| 05/20/2010 | 2 pg, 82.87 KB | MOTION filed by Mr. Kevin J. Gibbons for City of Cleveland to extend time *to Respond to Motion to Strike*. Certificate of Service: 05/20/2010. (KJG) |
| 05/20/2010 | 2 pg, 12.16 KB | LETTER SENT granting motion extend time to file response to Appellee Cleveland Firefighter's For Fair Hiring's motion to strike the brief of City of Cleveland until June 1, 2010 [4187344-2] filed by Mr. Kevin J. Gibbons for City of Cleveland. (JC) |
| 06/01/2010 | 3 pg, 27.79 KB | MOTION filed by Mr. E. Richard Stege, Jr. for Vanguards of Cleveland and Lamont C. Headen to extend time *to file Reply Brief*. Certificate of Service: 06/01/2010. (ERS) |
| 06/01/2010 | 5 pg, 107.68 KB | RESPONSE in opposition filed regarding a motion to strike brief, [4181761-2]; previously filed by Mr. Andrew P. Fleming for Cleveland Firefighters For Fair Hiring Practices in 09-4208. Response from Attorney Mr. Kevin J. Gibbons for Appellee City of Cleveland Certificate of Service:06/01/2010. (KJG) |
| 06/07/2010 | 3 pg, 21.87 KB | REPLY filed by Mr. Andrew P. Fleming for Cleveland Firefighters For Fair Hiring Practices regarding *Motion to Strike* . Certificate of Service: 06/07/2010. (APF) |
| 06/16/2010 | 4 pg, 31.12 KB | ORDER filed referring the motion to strike the City of Cleveland's brief, the response in opposition and the reply to the hearing panel. (JC) |
| 06/22/2010 | 0 pg, 0 KB | MOTION filed by Mr. E. Richard Stege, Jr. for Vanguards of Cleveland and Lamont C. Headen to extend time *to file their reply brief*. Certificate of Service: 06/22/2010. --[Edited 06/23/2010 by JC: DOCUMENT LOCKED. INCORRECT ATTACHMENT AND RELIEF. Attorney instructed to refile. ] (ERS) |
| 06/23/2010 | 3 pg, 21.34 KB | MOTION filed by Mr. E. Richard Stege, Jr. for Vanguards of Cleveland and Lamont C. Headen to extend time to file brief. Certificate of Service: 06/23/2010. (ERS) |
| 07/07/2010 | 4 pg, 31.23 KB | ORDER filed denying motion to extend time to file reply brief [4204832-2] filed by Mr. E. Richard Stege, Jr. for Lamont C. Headen and Vanguards of Cleveland. (JC) |
| 07/21/2010 | 14 pg, 73.77 KB | REPLY BRIEF filed by Attorney Mr. E. Richard Stege, Jr. for Appellants Vanguards of Cleveland and Lamont C. Headen. Certificate of Service:07/21/2010. (ERS) |
| 07/26/2010 | 3 pg, 19.3 KB | MOTION filed by Mr. E. Richard Stege, Jr. for Vanguards of Cleveland and Lamont C. Headen for leave to correct the appellant brief. Certificate of Service: 07/26/2010. (ERS) |
| 07/27/2010 | 1 pg, 11.16 KB | LETTER SENT granting motion to correct brief [4221873-2] filed by Mr. E. Richard Stege, Jr. for Lamont C. Headen and Vanguards of Cleveland. The corrected brief is due August, 3, 2010. (JC) |
| 07/27/2010 | 54 pg, 298.03 KB | CORRECTED Brief of Appellants BRIEF filed by Mr. E. Richard Stege, Jr. for Vanguards of Cleveland and Lamont C. Headen. Certificate of Service:07/27/2010. Argument Request: requested. (ERS) |
| 01/06/2011 | 3 pg, 15.22 KB | Oral argument date set for 9:00 a.m. March 10, 2011. Notice of argument sent to counsel on 01/06/2011. (DC) |

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| 01/12/2011 | 1 pg, 23.71 KB | Oral argument acknowledgement filed by Attorney Mr. Andrew P. Fleming for Appellee Cleveland Firefighters For Fair Hiring Practices. Certificate of Service: 01/12/2011. (APF) |
| 01/13/2011 | 1 pg, 49.7 KB | Oral argument acknowledgement filed by Attorney Mr. Kevin J. Gibbons for Appellee City of Cleveland. Certificate of Service: 01/13/2011. (KJG) |
| 01/21/2011 | 1 pg, 45.06 KB | Oral argument acknowledgement filed by Attorney Mr. E. Richard Stege, Jr. for Appellants Vanguards of Cleveland and Lamont C. Headen. Certificate of Service: 01/21/2011. (ERS) |
| 02/03/2011 | 4 pg, 39.91 KB | ORDER filed denying motion to strike brief [4181761-2] filed by Mr. Andrew P. Fleming for Cleveland Firefighters For Fair Hiring Practices. It is ORDERED that CFFHP and Cleveland Firefighters, Local 93 IAFF may each file a supplemental brief, limited to 3,500 words and responding only to the arguments made in the City's brief. Each supplemental brief must be submitted to the Clerk's Office by the closed of business on February 15, 2011. Damon J. Keith, Circuit Judge; David W. McKeague, Circuit Judge and Raymond M. Kethledge, Circuit Judge. (JC) |
| 02/24/2011 | | LETTER SENT to Mr. E. Richard Stege, Jr. for Vanguards of Cleveland and Lamont C. Headen, Mr. Bradric T. Bryan for Cleveland Firefighters For Fair Hiring Practices, Mr. Andrew P. Fleming for Cleveland Firefighters For Fair Hiring Practices, Mr. Kevin J. Gibbons for City of Cleveland, Mr. Thomas M. Hanculak, I for Cleveland Firefighters, Local 93 IAFF and Mr. Daniel A. Powell for Cleveland Firefighters, Local 93 IAFF, regarding the date of oral argument. This case will be argued on March 11, 2011. Letter sent in error.--[Edited 02/25/2011 by DC] (DC) |
| 02/25/2011 | 2 pg, 11.98 KB | Date previously set for oral argument is cancelled. Notice sent to counsel on 2/25/2011. (DC) |
| 02/25/2011 | 3 pg, 15.63 KB | Oral argument date set for 9:00 March 10, 2011. Notice of argument sent to counsel on 02/25/2011. (DC) |
| 03/01/2011 | 1 pg, 49.63 KB | Oral argument acknowledgement filed by Attorney Mr. Kevin J. Gibbons for Appellee City of Cleveland. Certificate of Service: 03/01/2011. (KJG) |
| 03/02/2011 | 2 pg, 15.41 KB | NOTIFICATION filed by Mr. E. Richard Stege, Jr. for Vanguards of Cleveland and Lamont C. Headen regarding Appellants' Notice of Ceding Time to the City of Cleveland. Certificate of Service: 03/02/2011. (ERS) |
| 03/04/2011 | 1 pg, 26.46 KB | Oral argument acknowledgement filed by Attorney Mr. Andrew P. Fleming for Appellee Cleveland Firefighters For Fair Hiring Practices. Certificate of Service: 03/04/2011. (APF) |
| 03/07/2011 | 62 pg, 1.96 MB | MOTION filed by Mr. E. Richard Stege, Jr. for Vanguards of Cleveland and Lamont C. Headen for leave to file a report on the 2011 firefighters eligibility list published by the city on January 14, 2011. Certificate of Service: 03/07/2011. (ERS) |
| 03/07/2011 | 0 pg, 0 KB | LETTER filed by Mr. E. Richard Stege, Jr. for Vanguards of Cleveland and Lamont C. Headen regarding. Certificate of Service: 03/07/2011. --[Edited 03/07/2011 by JC: DOCUMENT LOCKED. INCORRECT ENTRY. Attorney instructed to refile as an additional citation (28) found under the Argument category.] (ERS) |

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| 03/08/2011 | 2 pg, 47.68 KB | ADDITIONAL CITATION filed by Mr. E. Richard Stege, Jr. for Vanguards of Cleveland and Lamont C. Headen. Certificate of Service: 03/08/2011. (ERS) |
| 03/09/2011 | 2 pg, 34.09 KB | ADDITIONAL CITATION filed by Mr. E. Richard Stege, Jr. for Vanguards of Cleveland and Lamont C. Headen. Certificate of Service: 03/09/2011. (ERS) |
| 03/10/2011 | | CAUSE ARGUED by Mr. E. Richard Stege, Jr. for Appellants Vanguards of Cleveland and Lamont C. Headen, Mr. Andrew P. Fleming for Appellee Cleveland Firefighters For Fair Hiring Practices and Mr. Kevin J. Gibbons for Appellee City of Cleveland before Keith,Circuit Judge; McKeague,Circuit Judge and Kethledge,Circuit Judge. (KAL) |