

APPEAL, CLOSED, JURY

**U.S. District Court
Southern District of Ohio (Columbus)
CIVIL DOCKET FOR CASE #: 2:97-cv-00167-EAS-NMK**

EEOC, et al v. AT&T Corp, et al
Assigned to: Edmund A Sargus
Referred to: Norah McCann King
Demand: \$0
Case in other court: 98-04348
98-04367
Cause: 28:451 Employment Discrimination

Date Filed: 02/11/1997
Date Terminated: 09/04/1998
Jury Demand: Plaintiff
Nature of Suit: 442 Civil Rights: Jobs
Jurisdiction: U.S. Government Plaintiff

Plaintiff**Equal Employment Opportunity
Commission**

represented by **Solvita A McMillian**
Equal Employment Opportunity
Commission
Tower City - Skylight Office Tower
1660 W. Second Street
Suite 850
Cleveland, OH 44113-1454
(216) 522-7454
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant**American Telephone & Telegraph**
*incorrectly named in Complaint - should
be AT&T Corp.*
TERMINATED: 04/11/1997

represented by **Stephanie Dutchess Trudeau**
Ulmer & Berne
900 Bond Court Building
1300 E Ninth Street
Cleveland, OH 44114-1583
216-621-8400
Email: strudeau@ulmer.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant**Communications Workers of America**

represented by **Grant Douglas Shoub**
Hunter Carnahan Shoub & Byard
3360 Tremont Road
2nd Floor
Columbus, OH 43221
614-442-5626
Fax: 614-442-5625

Email: gshoub@hcands.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Local 4354 Communication Workers of America

represented by **Grant Douglas Shoub**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

AT&T Corp
incorrectly named as American Telephone and Telegraph Co. in the Complaint

represented by **Stephanie Dutchess Trudeau**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

| Date Filed | # | Docket Text |
|-------------------|----------|--|
| 02/11/1997 | 1 | COMPLAINT (referred to Mag. Judge Norah M. King) (no. pgs: 9) (mc) (Entered: 03/05/1997) |
| 03/27/1997 | 2 | WAIVER OF SERVICE mailed to defendant American Telephone & Telegraph on 2/12/97 Answer due on 4/13/97 for American Telephone & Telegraph (no pgs: 1) (mc) (Entered: 03/28/1997) |
| 03/27/1997 | 3 | ATTORNEY APPEARANCE for defendant AT & T Corp (American Telephone & Telegraph Co.) by Stephanie Dutchess Trudeau (no pgs: 3) (mc) (Entered: 03/28/1997) |
| 04/11/1997 | 4 | ANSWER by defendant AT&T Corp. (incorrectly identified in the Complaint as American Telephone and Telegrph Co.) (no pgs: 7) (mc) (Entered: 04/15/1997) |
| 04/21/1997 | 5 | ATTORNEY APPEARANCE for defendant Communications Workers of America, defendant Local 4354 Communications Workers of America by Grant Douglas Shoub (no pgs: 2) (mc) (Entered: 04/22/1997) |
| 04/22/1997 | 6 | AGREED ORDER by Mag. Judge Norah M. King: extending time through 5/19/97 for dfts CWA and CWA Local 4354 to answer the complaint (cc: all counsel) (no pgs: 1) (mc) (Entered: 04/22/1997) |
| 04/28/1997 | 7 | MOTION by Comm Workers of Amer, Local 4354 Comm Workers of Amer for admission of attorney Mary K. O'Melveny pro hac vice as co-counsel (no pgs: 5) (mc) (Entered: 04/30/1997) |
| 05/02/1997 | 8 | ORDER by Mag. Judge Norah M. King granting motion for admission of attorney Mary K. O'Melveny pro hac vice as co-counsel [7-1] (cc: all counsel) (no pgs: 1) (mc) (Entered: 05/05/1997) |
| 05/15/1997 | 9 | NOTICE setting this action for Preliminary PTC 2:30 7/16/97 no pgs: 1 (cc: all counsel) (mc) (Entered: 05/15/1997) |

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| 05/19/1997 | 10 | ANSWER by defendants CWA Local 4354, Communication Workers of America (no pgs: 9) (mc) (Entered: 05/20/1997) |
| 07/17/1997 | 11 | PRELIMINARY PRETRIAL ORDER by Mag. Judge Norah M. King ; Preliminary pretrial conf was held on 2:30 7/16/97 ;mtn filing ddl set for 10/15/97 (no pgs: 2) (cc: all counsel) (mc) (Entered: 07/17/1997) |
| 09/16/1997 | 12 | MOTION by defendant AT&T Corp to dismiss based upon statute of limitations (no pgs: 2) (mc) (Entered: 09/17/1997) |
| 09/16/1997 | 13 | MEMORANDUM by defendant AT&T Corp in support of motion to dismiss based upon statute of limitations [12-1] (no pgs: 8 + exhibits) (mc) (Entered: 09/17/1997) |
| 09/16/1997 | 14 | MOTION by defendant AT&T Corp for protective order (no pgs: 3) (mc) (Entered: 09/17/1997) |
| 09/22/1997 | 15 | MEMORANDUM IN OPPOSITION by plaintiff EEOC to motion to dismiss based upon statute of limitations [12-1] (no pgs: 28 + exhibits) (mc) (Entered: 09/23/1997) |
| 09/29/1997 | 16 | RESPONSE by plaintiff EEOC to motion for protective order [14-1] (no pgs: 15) (mc) (Entered: 10/01/1997) |
| 10/03/1997 | 17 | MOTION by pltf EEOC, and dfts CWA and CWA Local 4354 to extend time to file dispositive motions (no pgs: 5) (mc) Modified on 01/30/1998 (Entered: 10/06/1997) |
| 10/08/1997 | 18 | ORDER by Mag. Judge Norah M. King granting motion to extend time for the EEOC and the CWA dfts to file their dispositive motions [17-1]. New date is 10/31/97. (cc: all counsel) (no pgs: 1) (mc) (Entered: 10/09/1997) |
| 10/15/1997 | 19 | MOTION by defendant AT&T Corp to extend until 10/31/97 to file dispositive motions (no pgs: 3) (mc) (Entered: 10/20/1997) |
| 10/16/1997 | 20 | MEMORANDUM IN OPPOSITION by plaintiff EEOC to motion to extend until 10/31/97 to file dispositive motions [19-1] (no pgs: 7) (mc) (Entered: 10/20/1997) |
| 10/23/1997 | 21 | ORDER by Mag. Judge Norah M. King granting motion to extend until 10/31/97 to file dispositive motions [19-1] (cc: all counsel) (no pgs: 1) (mc) (Entered: 10/23/1997) |
| 10/28/1997 | 22 | REPLY by defendant AT&T Corp to response to motion for extension of time to file additional dispositive motion (no pgs: 3) (mc) (Entered: 10/29/1997) |
| 10/30/1997 | 23 | MOTION by plaintiff EEOC for summary judgment (no pgs: 3 + attachments) (mc) (Entered: 10/31/1997) |
| 10/30/1997 | 24 | REPLY by defendant AT&T Corp to response to motion to dismiss based upon statute of limitations [12-1] (no pgs: 10 + exhibits) (mc) (Entered: 10/31/1997) |
| 10/30/1997 | 25 | MOTION by defendant AT&T Corp for summary judgment (no pgs: 13 + exhibits) (mc) Modified on 11/04/1997 (Entered: 10/31/1997) |

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| 10/31/1997 | 26 | MOTION by defendant Comm Workers of Amer, defendant Local 4354 Comm Workers of Amer to dismiss , and for summary judgment (no pgs: 27 + exhibits) (mc) (Entered: 11/03/1997) |
| 11/05/1997 | 27 | ORDER SETTING TRIAL DATE AND SETTLEMENT CONFERENCE by Judge Edmund A. Sargus Jr ; Settlement conference is ste for 9:30 2/20/98 ; Final pretrial conf is set for 9:00 3/20/98 ; Jury trial is set for 9:00 4/6/98 (cc: all counsel) (no pgs: 11) (mc) (Entered: 11/05/1997) |
| 11/05/1997 | 28 | MOTION by plaintiff EEOC to strike motion reply [24-1] (no pgs: 4) (mc) (Entered: 11/06/1997) |
| 11/10/1997 | 29 | BRIEF IN OPPOSITION by defendant AT&T Corp to motion to strike motion reply [24-1] [28-1] (no pgs: 2) (mc) (Entered: 11/10/1997) |
| 11/17/1997 | 30 | MOTION by defendant AT&T Corp for relief pursuant to Rule 56(f) extending date by which AT&T must respond to the EEOC's motion for sumary judgment (no pgs: 6) (mc) (Entered: 11/18/1997) |
| 11/20/1997 | 31 | ORDER by Mag. Judge Norah M. King Telephone Conference held 11/20/97 (cc: all counsel) (no pgs: 1) (mc) (Entered: 11/21/1997) |
| 11/24/1997 | 32 | ORDER by Mag. Judge Norah M. King Telephone conference held 11/21/97 Motion for summary judgment [23-1] is withdrawn. A new motion should be filed 11/24/97. Dfts shall have until 12/31/97 to respond; pltf may then have until 1/14/98 to reply (cc: all counsel) (no pgs: 2) (mc) (Entered: 11/24/1997) |
| 11/24/1997 | 33 | RESPONSE by plaintiff EEOC to motion for summary judgment [25-1] (no pgs: 30) (mc) (Entered: 11/25/1997) |
| 11/24/1997 | 34 | RESPONSE by plaintiff EEOC to motion to dismiss [26-1], motion for summary judgment [26-2] (no pgs: 39) (mc) (Entered: 11/25/1997) |
| 11/24/1997 | 35 | DECLARATION of Jacqueline Thorman in support of response [34-1] to motions to dismiss [26-1] and for summary judgment [26-2] (no pgs: 8 + exhibits) (mc) Modified on 11/25/1997 (Entered: 11/25/1997) |
| 11/24/1997 | 36 | DECLARATION of John Sargent in support of response [34-1] to motions to dismiss [26-1] and for summary judgment [26-2] (no pgs: 11 + exhibits) (mc) Modified on 11/25/1997 (Entered: 11/25/1997) |
| 11/24/1997 | 37 | REVISED MOTION by plaintiff EEOC for summary judgment as to liability (no pgs: 3) (mc) Modified on 11/25/1997 (Entered: 11/25/1997) |
| 11/24/1997 | 38 | MEMORANDUM by plaintiff EEOC in support of revised motion for summary judgment as to liability [37-1] (no pgs: 21) (mc) (Entered: 11/25/1997) |
| 11/24/1997 | 39 | REVISED STATEMENT by Teresa Personen filed by plaintiff EEOC in support of motion for summary judgment as to liability [37-1] (no pgs: 15) (mc) (Entered: 11/25/1997) |
| 11/24/1997 | 40 | AFFIDAVIT of Wilma Javey regarding motion response [34-1] (no pgs: 5) (mc) (Entered: 12/10/1997) |
| 11/24/1997 | 41 | AFFIDAVIT of C. Larry Watson regarding motion response [34-1] (no pgs: 4) (mc) (Entered: 12/10/1997) |

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| 12/01/1997 | 42 | ORDER by Judge Edmund A. Sargus Jr ; Final pretrial conf is VACATED ; Settlement conference is VACATED ; Jury trial is VACATED (cc: all counsel) (no pgs: 1) (mc) Modified on 12/10/1997 (Entered: 12/01/1997) |
| 12/02/1997 | 43 | MOTION by CWA defendant to extend time through 12/9/97 to file a reply to response to motion for summary judgment (no pgs: 6) (mc) Modified on 12/10/1997 (Entered: 12/02/1997) |
| 12/03/1997 | 44 | ORDER by Mag. Judge Norah M. King granting motion to extend time through 12/9/97 to file a reply to response to motion for summary judgment [43-1] (cc: all counsel) (no pgs: 1) (gk) Modified on 12/10/1997 (Entered: 12/04/1997) |
| 12/10/1997 | 45 | REPLY by CWA defendants to response to motion to dismiss [26-1], motion for summary judgment [26-2] (no pgs: 20 + exhibits) (mc) Modified on 12/11/1997 (Entered: 12/10/1997) |
| 12/30/1997 | 46 | MEMORANDUM OF LAW by CWA defendants to EEOC's Revised Motion for Summary Judgment as to liability [37-1] (no pgs: 20 + exhibits) (mc) (Entered: 12/30/1997) |
| 12/31/1997 | 47 | CROSS-MOTION by defendant AT&T Corp for summary judgment (no pgs: 3) (mc) (Entered: 12/31/1997) |
| 12/31/1997 | 48 | MEMORANDUM by defendant AT&T Corp in support of motion for summary judgment [47-1] and... (no pgs: 28 + exhibits) (mc) (Entered: 12/31/1997) |
| 12/31/1997 | 48 | ...MEMORANDUM by defendant AT&T Corp in opposition to EEOC's Revised Motion for Summary Judgment [37-1] (no pgs: 28 + exhibits) (mc) (Entered: 12/31/1997) |
| 12/31/1997 | 49 | REPLY by defendant AT&T Corp to response to motion for summary judgment [25-1] (no pgs: 22) (mc) (Entered: 12/31/1997) |
| 01/13/1998 | 50 | MOTION by plaintiff EEOC to extend time to 1/23/98 to serve a reply or other response to recently filed matter in the subject action (no pgs: 4) (mc) (Entered: 01/13/1998) |
| 01/26/1998 | 51 | DECLARATION of John Dudas (no pgs: 3) (mc) (Entered: 01/26/1998) |
| 01/26/1998 | 52 | DECLARATION of Teresa Personen (no pgs: 3) (mc) (Entered: 01/26/1998) |
| 01/26/1998 | 53 | AFFIDAVIT of John Wood (no pgs: 3) (mc) (Entered: 01/26/1998) |
| 01/26/1998 | 54 | AFFIDAVIT of Brian J. Anderson (no pgs: 6) (mc) (Entered: 01/26/1998) |
| 01/26/1998 | 55 | AFFIDAVIT of Robert L. Smith (no pgs: 6) (mc) (Entered: 01/26/1998) |
| 01/26/1998 | 56 | AFFIDAVIT of Warren R. Peters (no pgs: 3) (mc) (Entered: 01/26/1998) |
| 01/26/1998 | 57 | REPLY by plaintiff EEOC to response to motion for summary judgment as to liability [37-1] (no pgs: 19 + attachment) (mc) (Entered: 01/26/1998) |
| 01/26/1998 | 58 | REPLY by plaintiff EEOC to AT&T's combined memo in support of cross-motion for summary judgment and memo in opposition to motion for summary judgment as to liability [37-1] (no pgs: 11) (mc) (Entered: 01/26/1998) |

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| 01/26/1998 | 59 | MOTION by plaintiff EEOC to strike AT&T's cross-motion for summary judgment [47-1] (no pgs: 4) (mc) Modified on 01/26/1998 (Entered: 01/26/1998) |
| 01/26/1998 | 60 | MOTION by plaintiff EEOC to extend time through 1/30/98 to file declarations (no pgs: 3) (mc) (Entered: 01/26/1998) |
| 01/26/1998 | 61 | AFFIDAVIT of William H Arnold (no pgs: 6) (mc) (Entered: 01/26/1998) |
| 01/26/1998 | 62 | AFFIDAVIT of Thomas A Garrett (no pgs: 6) (mc) (Entered: 01/26/1998) |
| 01/26/1998 | 63 | AFFIDAVIT of Clyde Groves (no pgs: 3) (mc) (Entered: 01/26/1998) |
| 01/28/1998 | 64 | ORDER by Mag. Judge Norah M. King granting motion to extend time through 1/30/98 to file declarations [60-1] (cc: all counsel) (no pgs: 1) (mc) (Entered: 01/28/1998) |
| 01/29/1998 | 65 | MOTION by plaintiff EEOC to strike motion reply [49-1] (no pgs: 3) (mc) (Entered: 01/29/1998) |
| 02/03/1998 | 66 | RESPONSE by defendant AT&T Corp to motion to strike motion reply [49-1] [65-1], motion to strike AT&T's cross-motion for summary judgment [47-1] [59-1] (no pgs: 4 + 7 pgs of attachment (docket sheet)) (mc) (Entered: 02/04/1998) |
| 02/03/1998 | 67 | MOTION by defendant AT&T Corp to extend time through 2/17/98 to file reply brief (no pgs: 3) (mc) (Entered: 02/04/1998) |
| 02/12/1998 | 68 | COMBINED REPLY by plaintiff EEOC to motion to extend time through 2/17/98 to file reply brief [67-1] and ... (no pgs: 5) (mc) (Entered: 02/13/1998) |
| 02/12/1998 | 68 | ...REPLY by plaintiff EEOC to response to motion to strike motion reply [49-1] [65-1], motion to strike AT&T's cross-motion for summary judgment [47-1] [59-1] (no pgs: 5) (mc) (Entered: 02/13/1998) |
| 02/12/1998 | 69 | MOTION by plaintiff EEOC to file declaration of Thomas Acker instanter (no pgs: 4) (mc) (Entered: 02/13/1998) |
| 02/17/1998 | 70 | REPLY MEMORANDUM by defendant AT&T Corp in support of memorandum [48-1], of memorandum [48-1] (no pgs: 15 + exh) (sem) (Entered: 02/18/1998) |
| 02/25/1998 | 71 | SECOND ORDER SETTING TRIAL DATE AND SETTLEMENT CONFERENCE by Judge Edmund A. Sargus Jr ; Settlement conference is set for 9:30 5/7/98 ; Final pretrial conf is set for 9:00 6/17/98 ; Jury trial is set for 9:00 6/29/98 (cc: all counsel) (no pgs: 11) (mc) (Entered: 02/25/1998) |
| 03/03/1998 | 72 | ORDER by Mag. Judge Norah M. King granting motion to extend time through 2/17/98 to file reply brief [67-1] (cc: all counsel) (no pgs: 1) (mc) (Entered: 03/03/1998) |
| 03/03/1998 | 73 | ORDER by Mag. Judge Norah M. King granting motion to file declaration of Thomas Acker instanter [69-1] (cc: all counsel) (no pgs: 1) (mc) (Entered: 03/03/1998) |
| 03/03/1998 | 74 | AFFIDAVIT of Thomas Acker (no pgs: 5) (mc) (Entered: 03/03/1998) |
| 04/07/1998 | 75 | ORDER VACATING TRIAL DATE, AND THIRD ORDER SETTING TRIAL DATE by Judge Edmund A. Sargus Jr ; Settlement conference is now set for 9:30 |

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| | | 8/11/98 ; Final pretrial conf is now set for 9:00 10/9/98 ; Jury trial is now set for 9:00 10/19/98 (cc: all counsel) (no pgs: 2) (mc) (Entered: 04/07/1998) |
| 07/17/1998 | 76 | ORDER by Judge Edmund A. Sargus Jr denying motion to dismiss based upon statute of limitations [12-1] (cc: all counsel) (no pgs: 6) (gk) (Entered: 07/17/1998) |
| 08/07/1998 | 77 | NOTICE of hearing ; Settlement conference scheduled for 9:30 8/11/98 has been VACATED (cc: all counsel) (mc) (Entered: 08/07/1998) |
| 08/12/1998 | 78 | NOTICE of hearing ; Status conference has been scheduled for 3:30 on 8/27/98 (cc: all counsel) (mc) Modified on 08/13/1998 (Entered: 08/13/1998) |
| 08/13/1998 | 79 | Supplemental Authority by defendant Comm Workers of Amer, defendant Local 4354 Comm Workers of Amer to motion to dismiss [26-1], to motion for summary judgment [26-2] (no pgs: 2) (mc) (Entered: 08/13/1998) |
| 08/31/1998 | 80 | ORDER by Mag. Judge Norah M. King ; Status conference was held 3:30 8/27/98 finding the motion for protective order [14-1] moot., finding the motion to strike motion reply [24-1] [28-1] moot., finding the motion for relief pursuant to Rule 56(f) extending date by which AT&T must respond to the EEOC's motion for sumary judgment [30-1] moot., granting motion to extend time to 1/23/98 to serve a reply or other response to recently filed matter in the subject action [50-1] (cc: all counsel) (no pgs: 2) (mc) (Entered: 08/31/1998) |
| 09/01/1998 | 81 | ORDER by Judge Edmund A. Sargus Jr ; VACATING Final pretrial conf scheduled for 9:00 10/9/98 ; VACATING Jury trial scheduled for 9:00 10/19/98 (cc: all counsel) (no pgs: 1) (mc) (Entered: 09/01/1998) |
| 09/04/1998 | 82 | OPINION AND ORDER: by Judge Edmund A. Sargus Jr granting motion for summary judgment [25-1], granting motion for summary judgment [26-2], granting motion for summary judgment [47-1], denying motion for summary judgment as to liability [37-1] by plaintiff EEOC, denying motion to strike AT&T's cross-motion for summary judgment [47-1] [59-1], denying motion to strike motion reply [49-1] [65-1] dismissing casein its entirety (cc: all counsel) (no pgs: 13) (mc) (Entered: 09/04/1998) |
| 09/04/1998 | 83 | JUDGMENT: dismissing case in its entirety pursuant to the Court's 9/4/98 Opinion and Order granting dfts' motions for summary judgment (cc: all counsel) (no pgs: 1) (mc) (Entered: 09/04/1998) |
| 11/02/1998 | 84 | NOTICE OF APPEAL by plaintiff EEOC from Dist. Court decision, [83-2] of 09/04/98 (no pgs: 3) (sh) (Entered: 11/02/1998) |
| 11/02/1998 | | APPEAL FEE unpaid (sh) (Entered: 11/02/1998) |
| 11/02/1998 | | APPEAL NOTIFICATION issued CA. (sh) (Entered: 11/02/1998) |
| 11/12/1998 | 85 | NOTICE OF CROSS APPEAL by defendant AT&T Corp from Dist. Court decision [76-1] of 07/17/98 (no pgs: 2) (sh) (Entered: 11/13/1998) |
| 11/12/1998 | | APPEAL FEE unpaid (sh) (Entered: 11/13/1998) |
| 11/13/1998 | | APPEAL NOTIFICATION issued CA. (sh) (Entered: 11/13/1998) |

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| 11/13/1998 | | RECEIPT OF USCA APPEAL NUMBER - Number Assigned: 98-4348 (sh) (Entered: 11/16/1998) |
| 11/18/1998 | | RECEIPT OF USCA APPEAL NUMBER - Number Assigned: 98-4367 (sh) (Entered: 11/18/1998) |
| 11/19/1998 | | TRANSCRIPT ORDER FORM unnecessary (sh) (Entered: 11/19/1998) |
| 01/07/1999 | 86 | ORDER OF USCA 6th: upon consideration of appellee cross appellant's motion to voluntarily dismiss appeal 98-4367; it is ordered that motion is granted & appeal is dismissed. Case 98-4348 will proceed on the active docket and a new caption & briefing schedule will be issued under separate cover. (no pgs: 1) (sh) (Entered: 01/07/1999) |
| 08/24/1999 | | RECORD CERTIFIED to USCA 6th:, (5 vols. sent) (sh) (Entered: 08/24/1999) |
| 09/22/1999 | | RECEIPT of record from the USCA (sh) (Entered: 09/23/1999) |
| 03/24/2000 | 87 | INFORMATION COPY of USCA 6th: appeal [84-1] Affirming the District Court's decision. (sln) (Entered: 03/29/2000) |
| 10/10/2000 | 88 | ORDER OF USCA 6th: it is ORDERED that the petition for rehearing be DENIED (no pgs: 1) (sln) (Entered: 10/11/2000) |
| 10/16/2000 | 89 | ORDER OF USCA 6th: affirming the decision of the District Court [84-1] (no pgs: 1) (sln) (Entered: 10/19/2000) |
| 10/19/2000 | | APPEAL Record Returned from USCA 6th. (sln) (Entered: 10/26/2000) |
| 07/15/2003 | | RECORD CERTIFIED to USCA 6th:(1 volume of pleadings & 8 volumes of transcripts) (jh) (Entered: 07/15/2003) |

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