

APPEAL, CLOSED

**U.S. District Court
Southern District of Ohio (Columbus)
CIVIL DOCKET FOR CASE #: 2:98-cv-00339-JLG-TPK**

EEOC v. IAFF, et al
Assigned to: James L Graham
Referred to: Terence P Kemp
Demand: \$0
Case in other court: 00-04308
Cause: 42:2000e Job Discrimination (Employment)

Date Filed: 03/31/1998
Date Terminated: 08/18/2000
Jury Demand: Defendant
Nature of Suit: 442 Civil Rights: Jobs
Jurisdiction: U.S. Government Plaintiff

Plaintiff

**Equal Employment Opportunity
Commission**

represented by **Howard R Besser**
Equal Employment Opportunity
Commission
Cleveland District Office
1660 West Second Street
Suite 850
Cleveland, OH 44113-1454
216-522-7455
Email: howard.besser@eoc.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

John DeVore Sargent
660 West Second Street
Suite 850
Cleveland, OH 44113-1412
216/522-7438
Fax: 216-522-7430
Email: john.sargent@eoc.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

**International Association of Firefighters
Local 109**

represented by **Henry Allen Arnett**
Livorno & Arnett - 2
280 N. High Street
Suite 1410
Columbus, OH 43215
614-224-7771
Fax: 614-224-7775
Email: henryarnett@megapathdsl.net
LEAD ATTORNEY

*ATTORNEY TO BE NOTICED***Defendant****Newark City of**

represented by **Richard P Goddard**
 Calfee Halter & Griswold - 2
 1100 Fifth Third Center
 21 E State Street
 Columbus, OH 43215-4243
 614-621-1500
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

ThirdParty Plaintiff**International Association of Firefighters***TERMINATED: 12/23/1998*

represented by **Henry Allen Arnett**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

ThirdParty Defendant**Newark City of***TERMINATED: 12/23/1998*

represented by **Richard P Goodard**
 Calfee Halter & Griswold
 1400 McDonald Investment Center
 800 Superior Avenue
 Cleveland, OH 44114-2688
 216-622-8200
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
03/31/1998	1	COMPLAINT (referred to Mag. Judge Terence P. Kemp) () (bw) (Entered: 04/01/1998)
04/20/1998	2	MOTION by defendant to extend time until 6-8-98 to answer () (bw) (Entered: 04/22/1998)
04/24/1998	3	ORDER by Mag. Judge Terence P. Kemp granting defts motion to extend time until 6-8-98 to answer [2-1] (cc: all counsel) (no pgs: 1) (bw) (Entered: 04/27/1998)
05/19/1998	4	NOTICE setting this action for Preliminary PTC 2:30 6/30/98 (cc: all counsel) (bw) (Entered: 05/20/1998)
06/08/1998	5	THIRD-PARTY COMPLAINT: by defendant IAFF against City of Newark, Ohio (bw) (Entered: 06/09/1998)
06/08/1998	6	ANSWER by defendant IAFF (bw) (Entered: 06/09/1998)

06/30/1998	7	ANSWER by third-party defendant City of Newark (bw) (Entered: 06/30/1998)
07/06/1998	8	MEMORANDUM OF FIRST PRETRIAL CONFERENCE ORDER by Mag. Judge Terence P. Kemp ; Preliminary pretrial conf was held on 6/30/98 ; discovery cutoff ddl set for 2/28/98 ;mtn filing ddl set for 3/31/98 (no pgs: 4) (cc: all counsel) (bw) (Entered: 07/06/1998)
08/05/1998	9	MOTION by plaintiff for order extending the deadline for file an amended complaint until 11-2-98 () (bw) (Entered: 08/05/1998)
08/10/1998	10	NOTICE Settlement conference set at 9:00 on 9/22/98 (cc: all counsel) (bw) (Entered: 08/12/1998)
08/11/1998	11	ORDER re: settlement conference by Mag. Judge Terence P. Kemp (cc: all counsel) () (bw) (Entered: 08/12/1998)
08/12/1998	12	ORDER by Mag. Judge Terence P. Kemp ext time for filing an amended complaint to 11-2-98. (cc: all counsel) () (bw) (Entered: 08/13/1998)
08/21/1998	13	MOTION by third-party defendant Newark City of to dismiss 3rd pty complaint (bw) (Entered: 08/25/1998)
09/11/1998	14	AGREED ORDER by Mag. Judge Terence P. Kemp: ext time until 9-21-98 for 3rd pty pltf to respnd to the 3rd pty complaint. (cc: all counsel) () (bw) (Entered: 09/14/1998)
09/21/1998	15	NOTICE Settlement conference rescheduled to 10:00 10/14/98 (cc: all counsel) (bw) (Entered: 09/21/1998)
09/25/1998		ATTORNEY SUBSTITUTION: terminating attorney Howard R Besser for EEOC and substituting attorney John DeVore Sargent (per call from Mr Besser not a document) (bw) (Entered: 09/25/1998)
10/08/1998	16	STIPULATION of the dismissal of the third-party complaint [5-1] (bw) (Entered: 10/13/1998)
10/30/1998	17	MOTION by plaintiff to file first amended complaint instanter () (bw) (Entered: 11/02/1998)
12/07/1998	18	ORDER by Mag. Judge Terence P. Kemp granting motion to file first amended complaint instanter [17-1] (cc: all counsel) () (bw) (Entered: 12/07/1998)
12/07/1998	19	AMENDED COMPLAINT by plaintiff EEOC; jury demand adding City of Newark Ohio (bw) (Entered: 12/07/1998)
12/15/1998	20	ANSWER by defendant IAFF () (bw) (Entered: 12/15/1998)
12/21/1998	21	MOTION by plaintiff EEOC to strike certain of deft defenses () (bw) (Entered: 12/21/1998)
12/23/1998	22	ORDER by Judge James L. Graham dismissing the 3rd party complaint and parties to pay own costs (cc: all counsel) (no pgs: 1) (bw) (Entered: 12/23/1998)
12/23/1998	23	NOTICE by plaintiff of taking depositions of Mark Brown, Phil Burgess, Thomas Wheeler, John Clouse, Thomas O'Brien, James Hurst, William Spurgeon, Gerald Baumgartner and Gregory Keefe (bw) (Entered: 12/24/1998)

12/28/1998	24	ANSWER by Newark City of (no pgs: 4) (wh) (Entered: 12/30/1998)
01/11/1999	25	AGREED ORDER by Mag. Judge Terence P. Kemp ext time until 1-25-99 for deft to respond to the motion to strike (cc: all counsel) () (bw) (Entered: 01/12/1999)
01/25/1999	26	RESPONSE by defendant to motion to strike certain of deft defenses [21-1] () (bw) (Entered: 01/26/1999)
02/08/1999	27	JOINT MOTION by plaintiff & defendant to extend discovry and motion cut off dates () (bw) (Entered: 02/09/1999)
02/10/1999	28	Stipulation and ORDER by Mag. Judge Terence P. Kemp: ext time for pltf to reply by 2-12-99. (cc: all counsel) () (bw) (Entered: 02/11/1999)
02/11/1999	29	ORDER by Mag. Judge Terence P. Kemp granting motion to extend discovry and motion cut off dates [27-1] ; Discovery ddl extended to 4/10/99 ; Mtn filing ddl extended to 5/31/99 (cc: all counsel) () (seal) (Entered: 02/11/1999)
02/16/1999	30	REPLY by plaintiff to response to motion to strike certain of deft defenses [21-1] () (bw) (Entered: 02/17/1999)
03/01/1999	31	ORDER by Judge James L. Graham denying pltf's motion to strike certain of deft defenses [21-1] (cc: all counsel) (no pgs: 1) (bw) (Entered: 03/01/1999)
03/15/1999	32	NOTICE by plaintiff of taking deposition of William Spurgeon and Gregory Keefe on 3-18-99,3-30-99 and 4-6-99 () (bw) (Entered: 03/16/1999)
03/17/1999	33	NOTICE OF TRIAL: Final Pretrial Conference set for 9:30 on 8/27/99 ; Trial set for 9:00 on 9/27/99 (cc: all counsel) () (bw) (Entered: 03/17/1999)
03/24/1999	34	NOTICE by plaintiff of taking deposition of Gregry Keefe on 4-6 & 4-7-99 () (bw) (Entered: 03/25/1999)
04/26/1999	35	NOTICE by plaintiff of taking deposition of Scott Sanders on 4-27-99 () (bw) (Entered: 04/27/1999)
05/19/1999	36	AGREED PROTECTIVE ORDER by Judge James L. Graham : (cc: all counsel) () (bw) (Entered: 05/19/1999)
05/27/1999		ATTORNEY APPEARANCE for plaintiff EEOC by Howard R Besser (not a document per telephone call 5/26/99) (bw) (Entered: 05/27/1999)
06/01/1999	37	MOTION by plaintiff EEOC for summary judgment with Memo in Support and Declarations () (sln) (Entered: 06/01/1999)
06/01/1999	38	MOTION by defendant IAFF for summary judgment () (bw) (Entered: 06/02/1999)
06/21/1999	39	RESPONSE by defendant to motion for summary judgment [37-1] () (bw) (Entered: 06/21/1999)
06/28/1999	40	RESPONSE by plaintiff EEOC to motion for summary judgment [38-1] () (sh) (Entered: 06/28/1999)
07/08/1999	41	REPLY by defendant to response to motion for summary judgment [38-1] (no pgs: 10) (wh) (Entered: 07/09/1999)

07/08/1999	42	APPENDIX of depo experts & depo exhibits cited by defendant re motion reply [41-1] (wh) (Entered: 07/09/1999)
07/08/1999		Deposition of Anita Stickle (4 envelopes) (wh) (Entered: 07/09/1999)
07/09/1999	43	MOTION by plaintiff to extend time to serve second declaration of Earl Whittington () (bw) (Entered: 07/12/1999)
07/09/1999	44	REPLY by plaintiff to response to motion for summary judgment [37-1] () (bw) (Entered: 07/12/1999)
07/12/1999	45	MOTION by plaintiff to file a second declaration of Earl Whittington () (bw) (Entered: 07/14/1999)
07/14/1999	46	NOTICE of filing deposition of Anita Stickle by defendant () (bw) (Entered: 07/15/1999)
08/25/1999	47	ORDER by Judge James L. Graham vacating [33-1] trial notice -Final pretrial conf VACATED 9:30 8/27/99 -Trial VACATED 9:00 9/27/99 -pending ruling on x-MSJ (cc: all counsel) (no pgs: 1) (wh) (Entered: 08/26/1999)
02/29/2000	48	ORDER by Judge James L. Graham granting motion to file a second declaration of Earl Whittington [45-1], granting motion to extend time to serve second declaration of Earl Whittington [43-1] (cc: all counsel) (no pgs: 1) (bw) (Entered: 02/29/2000)
08/18/2000	49	ORDER by Judge James L. Graham denying motion for summary judgment [37-1] by plaintiff EEOC, granting motion for summary judgment [38-1] by defendant IAFF directing judgment to enter in favor of the defendant and dismissing case (cc: all counsel) (no pgs: 57) (bw) (Entered: 08/18/2000)
08/18/2000	50	JUDGMENT ENTERED: (cc: all counsel) (no pgs: 1) (bw) (Entered: 08/18/2000)
09/20/2000		Remark depositions destroyed (bw) (Entered: 09/20/2000)
10/16/2000	51	NOTICE OF APPEAL by plaintiff EEOC from Dist. Court decision [50-1] of 08/18/00 (no pgs: 3) (sln) (Entered: 10/16/2000)
10/16/2000		APPEAL FEE WAIVED (sln) (Entered: 10/16/2000)
10/16/2000		APPEAL NOTIFICATION issued CA. (sln) (Entered: 10/16/2000)
10/23/2000		RECEIPT OF USCA APPEAL NUMBER - Number Assigned: 00-4308 (sln) (Entered: 10/24/2000)
03/22/2001	52	ORDER OF USCA 6th: dismissing the appeal [51-1] () (bw) (Entered: 03/23/2001)
04/04/2001	53	Bill of costs submitted by defendant IAFF () (bw) (Entered: 04/05/2001)
04/04/2001	54	MOTION by defendant for attorney fees () (bw) (Entered: 04/05/2001)
04/30/2001	55	RESPONSE by plaintiff to motion for attorney fees [54-1] () (bw) (Entered: 05/01/2001)
04/30/2001	56	RESPONSE by plaintiff to [53-1] the bill of costs (bw) (Entered: 05/01/2001)

05/10/2001	57	RESPONSE by defendant to Bill of Costs (bw) (Entered: 05/11/2001)
05/10/2001	58	REPLY by defendant to response to motion for attorney fees [54-1] () (bw) (Entered: 05/11/2001)
05/16/2001	59	COSTS taxed in the amount of \$ 976.50 with Clerk's memo (cc: all counsel) (no pgs: 2) (sh) (Entered: 05/16/2001)
10/04/2001	60	ORDER by Judge James L. Graham denying defts motion for attorney fees [54-1] (cc: all counsel) (no pgs: 9) (bw) (Entered: 10/04/2001)
06/21/2007		File located in Chicago: Accession No. 021 06 0166; Location No. 864910-865207; Box 45 of 298 (bam) (Entered: 06/21/2007)

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