

Cat03, Termed

**U.S. District Court
Northern District of Ohio (Cleveland)
CIVIL DOCKET FOR CASE #: 1:96-cv-02453-KMO**

EEOC v. I.D. Tool Co., Inc., et al
Assigned to: Hon. Kathleen M. O'Malley
Demand: \$0
Cause: 42:1981 Sex Discrimination

Date Filed: 11/15/1996
Date Terminated: 01/22/1998
Jury Demand: Both
Nature of Suit: 442 Civil Rights: Jobs
Jurisdiction: U.S. Government Plaintiff

Plaintiff

**Equal Employment Opportunity
Commission**

represented by **Howard R. Besser**
INVALID - U.S. Equal Employment
Opportunity
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TERMINATED: 04/17/1997
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V.

Defendant

I.D. Tool Co., Inc.

represented by **Jan L. Roller**

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Defendant

Marion Davis

represented by **Jan L. Roller**

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Joseph N. Gross

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Patrick T. Ryan

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Peter N. Kirsanow
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Defendant

K.M.P. Acquisition Corp.
TERMINATED: 10/07/1997

represented by **Joseph N. Gross**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Peter N. Kirsanow
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

D.I. Tool Company

Intervenor

Theresa Lilley

represented by **Barbara Kaye Besser**
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Intervenor

Reta Madsen

represented by **Barbara Kaye Besser**
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Bruce B. Elfvin

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Intervenor

Theresa Lilley

represented by **Barbara Kaye Besser**

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Intervenor

Reta Madsen

represented by **Barbara Kaye Besser**

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Bruce B. Elfvin

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Cross-Claimant

K.M.P. Acquisition Corp.

represented by **Joseph N. Gross**

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Peter N. Kirsanow

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V.

Cross Defendant

I.D. Tool Co., Inc.

represented by **Jan L. Roller**

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LEAD ATTORNEY

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Joseph N. Gross

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Cross Defendant

Marion Davis

represented by **Jan L. Roller**
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Joseph N. Gross
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ATTORNEY TO BE NOTICED

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Peter N. Kirsanow
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Cross-Claimant

K.M.P. Acquisition Corp.

represented by **Joseph N. Gross**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Peter N. Kirsanow
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V.

Cross Defendant

I.D. Tool Co., Inc.

represented by **Jan L. Roller**
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Joseph N. Gross

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*LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Peter N. Kirsanow**

(See above for address)

*LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Cross Defendant****Marion Davis**represented by **Jan L. Roller**

(See above for address)

*LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Joseph N. Gross**

(See above for address)

*LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Patrick T. Ryan**

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*LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Peter N. Kirsanow**

(See above for address)

*LEAD ATTORNEY**ATTORNEY TO BE NOTICED*

| Date Filed | # | Docket Text |
|-------------------|----------|---|
| 11/15/1996 | | FILING FEE: WAIVED. (C,B) (Entered: 11/18/1996) |
| 11/15/1996 | | ASSIGNMENT OF MAGISTRATE JUDGE pursuant to Local Rule 1:2.4, Assignment of Cases. In the event of referral this case will be referred to Mag. Judge Patricia A. Hemann . 1 pg (K,V) (Entered: 11/18/1996) |
| 11/15/1996 | 1 | COMPLAINT; jury demand (Service: waiver) (10 pgs) (K,V) (Entered: 11/18/1996) |
| 11/15/1996 | 2 | CIS filed by plaintiff. Recommended Track: Standard (1 pg) (K,V) (Entered: 11/18/1996) |
| 12/03/1996 | 3 | MOTION by Theresa Lilley and Reta Madsen to intervene w/brf in supp (8 pgs) (K,V) (Entered: 12/04/1996) |
| 01/10/1997 | 4 | NOTICE OF WAIVER OF SUMMONS returned executed upon defendant Marion Davis on 11/15/96 (1 pg) (K,V) (Entered: 01/10/1997) |

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| 01/10/1997 | 5 | INTERVENOR'S COMPLAINT w/jury demand adding Theresa M. Lilley and Reta Madsen as intervenors. (10 pgs) (K,V) (Entered: 01/13/1997) |
| 01/10/1997 | | MARGINAL ENTRY ORDER: granting motion by Theresa Lilley and Reta Madsen to intervene [3-1] Theresa Lilley, Reta Madsen as party pltf-intervenors (K,V) (Entered: 01/13/1997) |
| 01/14/1997 | 6 | MOTION by defendant Marion Davis to extend time to answer until 2/13/97 (3 pgs) (K,V) (Entered: 01/14/1997) |
| 01/16/1997 | 7 | NOTICE OF SERVICE by intervenor of cmp 1/15/97 (2 pgs) (K,V) (Entered: 01/16/1997) |
| 01/22/1997 | | MARGINAL ENTRY ORDER: granting motion of deft, Marion Davis, to extend time to answer until 2/13/97 [6-1] (issued on 1/22/97) Judge Kathleen M. O'Malley (K,V) (Entered: 01/23/1997) |
| 01/24/1997 | 8 | NOTICE OF WAIVER OF SUMMONS returned executed upon defendant D.I. Tool Co., Inc. and K.M.P. Acquisition Corp on 11/20/96 (2 pgs) (K,V) Modified on 12/02/1997 (Entered: 01/24/1997) |
| 01/28/1997 | 9 | MAIL Returned addressed to defendant Marion Davis on atty Patrick T. Ryan "address expired". (K,V) (Entered: 01/28/1997) |
| 02/04/1997 | 10 | STIPULATION and ORDER: by plaintiff and defendants that defts have until 2/21/97 to plead to cmp. (issued on 2/4/97) (2 pgs) Judge Kathleen M. O'Malley (K,V) (Entered: 02/05/1997) |
| 02/13/1997 | 11 | ANSWER to pla's Complaint by defts I.D. Tool Co., Inc., and Marion Davis; jury demand (3 pgs) (M,J) (Entered: 02/14/1997) |
| 02/18/1997 | 12 | ATTORNEY APPEARANCE of Jan Roller on behalf of defendants (2 pgs) (K,V) (Entered: 02/19/1997) |
| 02/21/1997 | 13 | ANSWER to complaint [5-1] and CROSSCLAIM by defendant KMP Acquisition Corp against defendants (exh+7 pgs) (K,V) (Entered: 02/24/1997) |
| 02/21/1997 | 14 | ANSWER to complaint [5-1] and CROSSCLAIM by defendant KMP Acquisition Corp against defendant I.D. Tool Co., Inc., and Marion Davis (exh+6 pgs) (K,V) (Entered: 02/24/1997) |
| 02/24/1997 | 15 | CASE MANAGEMENT CONFERENCE scheduling order. case management conference set 12:30 4/17/97 (issued on 2/24/97) (3 pgs) Judge Kathleen M. O'Malley (K,V) (Entered: 02/25/1997) |
| 02/28/1997 | 16 | ANSWER (to cmp in intervention)by I.D. Tool Co., Inc., and Marion Davis. (5 pgs) (K,V) (Entered: 03/04/1997) |
| 02/28/1997 | 17 | ANSWER by I.D. Tool Co., Inc. and Marion Davis to Crossclaim. [14-2] (3 pgs) (K,V) (Entered: 03/04/1997) |
| 03/06/1997 | 18 | STIPULATION FOR LEAVE TO PLEAD AND JOURNAL ENTRY by parties for defts I.D. Tool Company & Marion Davis to have until 3/3/97 to ans cmp. (issd 3/6/97) (1 pg) Judge Kathleen M. O'Malley (V,K) (Entered: 03/07/1997) |
| 04/02/1997 | 19 | NOTICE of intial disclosures by defts I.D. Tool Co., Inc., and Marion Davis purs to Rule 26(a)(1) (4 pgs) (M,J) (Entered: 04/03/1997) |

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| 04/02/1997 | 20 | ATTORNEY APPEARANCE on behalf of pla by attys Lawrence Mays, and Jeffrey Alan Stern (3 pgs) (M,J) (Entered: 04/03/1997) |
| 04/03/1997 | 21 | NOTICE by pla-intvs of Rule 26 initial disclosures (9 pgs) (M,J) (Entered: 04/04/1997) |
| 04/09/1997 | 22 | AMENDMENT by intervenor to notice [21-1] of initial disclosures (9 pgs) (K,V) (Entered: 04/10/1997) |
| 04/10/1997 | 23 | POSITION STATEMENT (jt) of parties RE: Agenda for Case Management Conf. (5 pgs) (K,V) (Entered: 04/10/1997) |
| 04/17/1997 | 24 | NOTICE by plaintiff of initial disclosures (attach+13 pgs) (K,V) (Entered: 04/17/1997) |
| 04/17/1997 | 25 | ATTORNEY SUBSTITUTION: terminating attorney Howard R. Besser and John Sargent for EEOC by EEOC and substituting attorneys Lawrence Mays and Jeffrey Stern. (3 pgs) (K,V) (Entered: 04/17/1997) |
| 04/17/1997 | 26 | CASE MANAGMENT PLAN: case management conference held 12:30 4/17/97; amd to pldgs by 7/17/97 ;discovery to be complete 10/31/97 ;Mtn filing ddl 12/8/97; resp by 1/8/98; rply due 1/17/98 (dates are firm) , Track Designation: standard , (issued on 4/17/97) (4 pgs) Judge Kathleen M. O'Malley (K,V) (Entered: 04/18/1997) |
| 05/05/1997 | 27 | NOTICE OF SERVICE by plaintiff of subp upon Cinti Indus 5/2/97 (2 pgs) (K,V) (Entered: 05/05/1997) |
| 05/07/1997 | 28 | CERTIFICATE by pltf of srv of subp for Parkland Group, Inc. on 5/7/97. (2 pgs) (S,J) (Entered: 05/07/1997) |
| 05/19/1997 | 29 | NOTICE by defts' I.D. Tool Co., Inc. and Marion Davis of exchange of docmts to a request by EEOC. (5 pgs) (K,V) (Entered: 05/20/1997) |
| 06/02/1997 | 30 | STATUS Report by plaintiff (3 pgs) (K,V) (Entered: 06/03/1997) |
| 06/03/1997 | 31 | STATUS Report by I.D. Tool Co. and Marion Davis (3 pgs) (K,V) (Entered: 06/04/1997) |
| 06/10/1997 | 32 | CERTIFICATE by plaintiff of subp duces tecum for deft srv 6/6/97 (2 pgs) (K,V) (Entered: 06/10/1997) |
| 06/11/1997 | 33 | NOTICE OF SERVICE by deft Marion Davis of ans to intv-pltf Lilley's 1st set of interrns on 6/10/97. (2 pgs) (S,J) (Entered: 06/11/1997) |
| 07/17/1997 | 34 | SECOND STATUS Report by plaintiff (4 pgs) (K,V) (Entered: 07/18/1997) |
| 07/17/1997 | 35 | MOTION by pltf for leave to file cmp instanter (3 pgs) (K,V) (Entered: 07/18/1997) |
| 07/17/1997 | 36 | STATUS Report by defendants (2 pgs) (K,V) (Entered: 07/18/1997) |
| 08/06/1997 | 37 | MOTION by EEOC for order to show cause why deft D.I. Tool Co. should not be held in contempt (4 pgs) (M,J) (Entered: 08/07/1997) |
| 08/06/1997 | 38 | MEMORANDUM by EEOC in support of motion by EEOC for order to show cause why deft D.I. Tool Co. should not be held in contempt [37-1] (4 pgs) (M,J) |

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| | | (Entered: 08/07/1997) |
| 08/06/1997 | 39 | DECLARATION by Jeffrey A. Stern re motion by EEOC for order to show cause why deft D.I. Tool Co. should not be held in contempt [37-1] (12 pgs) (M,J) (Entered: 08/07/1997) |
| 08/06/1997 | 40 | SUBPOENA returned. Issued on behalf of: pla. Served on: D.I. Tool Co. through Marion Davis on 6/9/92. (5 pgs) (M,J) (Entered: 08/07/1997) |
| 08/14/1997 | 41 | THIRD STATUS Report by pla (5 pgs) (M,J) (Entered: 08/15/1997) |
| 08/14/1997 | 42 | PROOF/NOTICE OF SERVICE by pla of 1st set interr & req for prodctn of docmts to deft K.M.P. Aquisition Corp upon all cnsl of record on 8/12/97 (2 pgs) (M,J) (Entered: 08/15/1997) |
| 08/14/1997 | 43 | NOTICE OF WAIVER OF SUMMONS returned executed upon deft D.I. Tool through Marion Davis, President of D.I. Tool Co. on 8/1/97 (1 pg) (M,J) Modified on 12/02/1997 (Entered: 08/15/1997) |
| 08/15/1997 | | MARGINAL ENTRY ORDER: denying motion by EEOC for order to show cause why deft D.I. Tool Co. should not be held in contempt [37-1]; Denied for failure to comply w/local rules re: handling of disc dispute. This matter will be ref to Mag Judge for handling of disc problems. (issued on 8/15/97) Judge Kathleen M. O'Malley (K,V) (Entered: 08/18/1997) |
| 08/15/1997 | 44 | ORDER: Case referred to Mag. Judge Patricia A. Hemann to oversee pt disc and resolve any disc disputes that may arise.(issued on 8/15/97) (1 pgs) Judge Kathleen M. O'Malley (K,V) (Entered: 08/18/1997) |
| 08/15/1997 | | MARGINAL ENTRY ORDER: granting motion by pltf for leave to file cmp instanter [35-1] (issued on 8/18/97) Judge Kathleen M. O'Malley (K,V) Modified on 12/02/1997 (Entered: 08/18/1997) |
| 08/15/1997 | 45 | AMENDED COMPLAINT by plaintiff; jury demand, [1-1]; adding D.I. Tool as new party deft. (summons waived) (13 pgs) (K,V) Modified on 12/02/1997 (Entered: 08/18/1997) |
| 09/03/1997 | 46 | STATUS Report by defts', I.D. Tool Co., Inc., Marion Davis (2 pgs) (K,V) (Entered: 09/04/1997) |
| 09/04/1997 | 47 | MINUTES of proceedings before Mag. Judge Patricia A. Hemann ; disc conf held. DI Tool to produce financials immediately & prod or notify pla of unavailability of remaining docmts w/i 7 days. (issued on 9/4/97) (1 pg) (W,Gloria) (Entered: 09/05/1997) |
| 09/08/1997 | 48 | ANSWER to Amended Complaint by defts' I.D. Tool Co., Inc., and Marion Davis, (4 pgs) (K,V) (Entered: 09/09/1997) |
| 09/09/1997 | 49 | MOTION by defendant KMP Acquisition Corp to dismiss (3 pgs) (K,V) (Entered: 09/09/1997) |
| 10/06/1997 | | MARGINAL ENTRY ORDER: granting K.M.P's motion to dismiss [49-1] as party to action, dismissing K.M.P. (issued on 10/7/97) Judge Kathleen M. O'Malley (K,V) (Entered: 10/07/1997) |

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| 10/16/1997 | 50 | FOURTH STATUS Report by pltf purs to Case Mgt Plan. (4 pgs) (V,K) (Entered: 10/16/1997) |
| 10/22/1997 | 51 | STATUS Report by defendants I.D. Tool Co and Marion Davis (2 pgs) (S,R) (Entered: 10/23/1997) |
| 10/24/1997 | 52 | MINUTES of proceedings before Mag. Judge Patricia A. Hemann ; discovery ext to 12/1/97 ;Mtn filing ddl ext to 1/8/97 (1 pg) (W,Gloria) (Entered: 10/27/1997) |
| 11/21/1997 | 53 | REQUEST by EEOC for entry of default against D.I. Tool Co. (K,V) Modified on 12/02/1997 (Entered: 11/24/1997) |
| 11/21/1997 | 54 | DECLARATION by EEOC re request for entry of default [53-1] (4 pgs) (K,V) (Entered: 11/24/1997) |
| 11/25/1997 | 55 | SUBPOENA returned. Issued on behalf of: pltf. Served on: Mr. Hortobagyi on 11/18/97. (1 pg) (K,V) (Entered: 11/25/1997) |
| 12/01/1997 | 56 | MINUTES of proceedings before Mag. Judge Patricia A. Hemann ; discovery to be complete 12/31/97 ;Mtn filing ddl 2/8/98 response due 3/8/98 (issued on 12/1/97) (1 pgs) (W,Gloria) Modified on 12/10/1997 (Entered: 12/01/1997) |
| 12/01/1997 | 57 | STATUS Report by plaintiff (5 pgs) (K,V) (Entered: 12/02/1997) |
| 12/05/1997 | | DEFAULT ENTERED: Geri M. Smith, Clerk by deputy clerk Christine M. Huth signed on 12/5/97 as to D.I. Tool Company (issued on 12/5/97) (K,V) (Entered: 12/08/1997) |
| 12/08/1997 | 58 | MAIL Returned - address to Patrick Ryan "no longer here, unable to forward". (K,V) (Entered: 12/09/1997) |
| 01/16/1998 | 59 | ORDER: terminating case referral (issued on 1/20/98) (1 pg) Mag. Judge Patricia A. Hemann (W,Gloria) (Entered: 01/20/1998) |
| 01/21/1998 | 60 | JOINT MOTION to approve and enter a consent decree. (20 pgs) (V,K) (Entered: 01/21/1998) |
| 01/22/1998 | 61 | CONSENT DECREE term shall be five yrs at which time it shall dissolve, unless a mot to enforce decree is pending [60-1]. Court retains jurisdiction for purposes of compliance. Each party to bear own costs & fees, incl own attys fees. (issd 1/22/98) (17 pgs) Judge Kathleen M. O'Malley (V,K) (Entered: 01/23/1998) |
| 01/28/1998 | 62 | MAIL Returned, (order of 1/6/98) addressed to Patrick Ryan atty for deflt/cross-deflt Marion Davis, attempted not known, unable to foward. (M,M) (Entered: 01/29/1998) |
| 05/05/1998 | 63 | STIPULATION and ORDER settling & dismissing the claims of pltf-intervenors w/prej at defts' costs. (issued on 5/5/98) (1 pg) Judge Kathleen M. O'Malley (M,J A A) (Entered: 05/05/1998) |

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