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**U.S. District Court  
Northern District of Ohio (Cleveland)  
CIVIL DOCKET FOR CASE #: 1:00-cv-02497-PAG**

Equal Employment Opportunity Commission v. The ESAB  
Group, Inc. et al  
Assigned to: Hon. Patricia A. Gaughan  
Cause: 42:12131 Americans with Disabilities

Date Filed: 09/29/2000  
Date Terminated: 02/19/2002  
Jury Demand: Plaintiff  
Nature of Suit: 442 Civil Rights: Jobs  
Jurisdiction: U.S. Government Plaintiff

**Plaintiff**

**Equal Employment Opportunity  
Commission**

represented by **C. Larry Watson**  
U.S. Equal Employment Opportunity  
Commission - Cleveland  
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**Plaintiff/Intervenor**

**Ivan H. Stowers, Jr.**

represented by **William E. Gerstenslager**  
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Email: bill@gocolex.com  
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V.

**Defendant**

**The ESAB Group, Inc.**  
*doing business as*  
ESAB Welding & Cutting Products

represented by **Hayes C. Stover**  
Kirkpatrick & Lockhart Preston Gates  
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**Defendant**

**United Automobile, Aerospace and  
Agricultural Implement Workers of  
America (UAW), Local 1834**  
*Rule 19 Defendant*

represented by **Bryan P. O'Connor**  
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**ATTORNEY TO BE NOTICED**

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
09/29/2000	<a href="#">1</a>	Complaint <i>with jury demand</i> (waivers issued) against The ESAB Group, Inc., United Automobile, Aerospace and Agricultural Implement Workers of America (UAW), Local 1834, filed by C. Larry Watson, John D. Sargent and Howard R. Besser on behalf of the Equal Employment Opportunity Commission. Filing fee waived. (Attachments: # <a href="#">1</a> Civil Cover Sheet)(M, K). (Entered: 10/02/2000)
09/29/2000	<a href="#">2</a>	Random Assignment of Magistrate Judge Perelman.(M, K) (Entered: 10/02/2000)
09/29/2000	<a href="#">3</a>	Case Information Statement <i>standard track</i> filed by Howard R. Besser of Equal Employment Opportunity Commission on behalf of Equal Employment Opportunity Commission.(M, K) (Entered: 10/02/2000)
09/29/2000	<a href="#">4</a>	Notice of Placement of case in the CM/ECF Docketing System.(M, K) (Entered: 10/02/2000)
10/04/2000	<a href="#">5</a>	Case Management Conference Scheduling Order with case management conference to be held telephonically on 12/15/2000 at 09:30 AM before Judge Patricia A. Gaughan. Judge Patricia A. Gaughan (L-C, S) (Entered: 10/16/2000)
10/27/2000	<a href="#">6</a>	Motion for admission pro hac vice filed by Hayes C. Stover of Kirkpatrick & Lockhart LLP on behalf of The ESAB Group, Inc. (V, K A) (Entered: 10/30/2000)
10/31/2000		Order (non-document) Granting Motion to appear pro hac vice, attorney Hayes C. Stover for The ESAB Group, Inc. added to case. (Related Doc # <a href="#">6</a> ) Judge Patricia A. Gaughan (L-C, S) (Entered: 11/03/2000)
11/09/2000	<a href="#">7</a>	Motion and notice of Attorney Substitution filed by Solvita A. MacMillan & Howard R. Besser of Equal Employment Opportunity Commission on behalf of Equal Employment Opportunity Commission. Solvita A. MacMillan will serve as trial attorney. Appearance of Howard Besser is withdrawn. (V, K A) (Entered: 11/13/2000)
11/09/2000	<a href="#">8</a>	Waiver of Summons Returned <i>on 9/29/00</i> filed by Hayes C. Stover of Kirkpatrick & Lockhart LLP on behalf of The ESAB Group, Inc..(V, K A) (Entered: 11/13/2000)
11/09/2000	<a href="#">9</a>	Waiver of Summons Returned <i>9/29/00</i> filed by Bryan P O'Connor of Joyce Goldstein & Associates on behalf of United Automobile, Aerospace and Agricultural Implement Workers of America (UAW), Local 1834.(V, K A) (Entered: 11/13/2000)
11/15/2000	<a href="#">10</a>	Answer to Complaint (Related Doc # <a href="#">1</a> ) filed by Hayes C. Stover of Kirkpatrick & Lockhart LLP on behalf of The ESAB Group, Inc..(V, K A) (Entered: 11/16/2000)
11/15/2000	<a href="#">11</a>	Corporate Disclosure Statement filed by Hayes C. Stover of Kirkpatrick & Lockhart LLP on behalf of The ESAB Group, Inc..(V, K A) (Entered: 11/16/2000)

		11/16/2000)
11/27/2000	<a href="#">12</a>	Answer to Complaint (Related Doc # <a href="#">1</a> ) filed by Bryan P O'Connor of Joyce Goldstein & Associates on behalf of United Automobile, Aerospace and Agricultural Implement Workers of America (UAW), Local 1834.(V, K A) (Entered: 11/28/2000)
11/27/2000	<a href="#">13</a>	Corporate Disclosure Statement filed by Bryan P O'Connor of Joyce Goldstein & Associates on behalf of United Automobile, Aerospace and Agricultural Implement Workers of America (UAW), Local 1834.(V, K A) (Entered: 11/28/2000)
12/15/2000	<a href="#">15</a>	Case Management Conference Plan: Case assigned to the Standard Track; non-expert discovery due by 6/29/2001; expert reports exchanged on or before 7/15/01 for plaintiff and 8/31/01 for defendant; Parties to be Joined and Pleading Amendments due by 3/1/2001, Dispositive Motions due by 8/3/2001, with status hearing to be held on 5/8/2001 at 9:00 AM. Judge Patricia A. Gaughan (L-C, S) (Entered: 01/04/2001)
12/18/2000	<a href="#">14</a>	Report of Parties Planning Meeting filed by Solvita A. MacMillan of Equal Employment Opportunity Commission on behalf of all parties.(K, V) (Entered: 12/19/2000)
01/29/2001	<a href="#">16</a>	Motion to intervene as a party <i>plaintiff</i> filed by William E. Gerstenslager of Gerstenslager & Obert on behalf of Ivan H. Stowers Jr.. (Attachments: # <a href="#">1</a> Exhibit 1# <a href="#">2</a> Exhibit 2)(M, J A) (Entered: 01/30/2001)
02/16/2001		Order (non-document): Plaintiff Stowers Motion to intervene is unopposed and granted. Judge Patricia A. Gaughan (Related Doc # <a href="#">16</a> ) (L-C, S) (Entered: 02/20/2001)
03/09/2001	<a href="#">17</a>	Answer to <i>intervenor Ivan H. Stowers' complaint</i> (related document(s) <a href="#">16</a> ) Filed by Hayes C. Stover of Kirkpatrick & Lockhart LLP on behalf of The ESAB Group, Inc..(M, J A) (Entered: 03/09/2001)
04/06/2001	<a href="#">18</a>	Answer of Rule 19 deft. UAW Local 1834 to Ivan H. Stowers <i>Intervenor complaint</i> (related document(s) <a href="#">16</a> ) Filed by Bryan P. O'Connor of Joyce Goldstein & Associates on behalf of United Automobile, Aerospace and Agricultural Implement Workers of America (UAW), Local 1834.(M, J A) (Entered: 04/09/2001)
05/08/2001	<a href="#">19</a>	Minutes/Order: Status Hearing was held. Non-Expert Discovery deadline is extended to 10/30/2001. Dispositive Motion deadline is extended to 11/30/2001. Settlement conference is set 11/1/2001 at 9:00 AM. There will be no further extensions. Judge Patricia A. Gaughan (L-C, S) (Entered: 05/14/2001)
11/01/2001	<a href="#">20</a>	Minutes/Order: Settlement Conference was held. Final Pretrial is set March 4, 2002 at 9:00 AM. Trial is set March 18, 2002 at 10:00 AM. Judge Patricia A. Gaughan (L-C, S) (Entered: 11/02/2001)
11/27/2001	<a href="#">21</a>	Motion for extension of time of <i>filing date for dispositive motion until 12/7/01</i> filed by The ESAB Group, Inc.. (Attachments: # <a href="#">1</a> proposed order)(C, K A) (Entered: 11/28/2001)

11/29/2001	<a href="#">22</a>	Marginal Entry Order: Defendant The ESAB Group, Inc., dba ESAB Welding and Cutting Products' Motion to Extend Filing Date for Dispositive Motion is GRANTED to 12/7/01. However, there will be no further extensions as the motion is scheduled to be decided in January. Judge Patricia A. Gaughan (Related Doc # <a href="#">21</a> ) (L-C, S) (Entered: 11/29/2001)
11/30/2001	<a href="#">23</a>	Motion for summary judgment filed by United Automobile, Aerospace and Agricultural Implement Workers of America (UAW), Local 1834. (Attachments: # <a href="#">1</a> memorandum in support# <a href="#">2</a> evidentiary and case appendix, complete document - 120 pages, on file in Clerk's Office)(C, K A) Modified text 11/30/2001 (C, K A). (Entered: 11/30/2001)
12/07/2001	<a href="#">24</a>	Motion for summary judgment filed by The ESAB Group, Inc.. (Attachments: # <a href="#">1</a> brief in support# <a href="#">2</a> affidavit of counsel)(C, K A) (Entered: 12/07/2001)
12/07/2001	<a href="#">25</a>	Appendix <i>exhibits in support of motion for summary judgment (complete document on file in Clerk's Office)</i> filed by The ESAB Group, Inc.. (Related document(s) <a href="#">24</a> ) (C, K A) (Entered: 12/07/2001)
12/07/2001	<a href="#">27</a>	Motion for summary judgment filed by Equal Employment Opportunity Commission. (Attachments: # <a href="#">1</a> Memorandum in support# <a href="#">2</a> Appendix (complete document on file in Clerk's Office))(S, R) (Entered: 12/10/2001)
12/10/2001	<a href="#">26</a>	Motion for summary judgment filed by Ivan H. Stowers Jr.. (Attachments: # <a href="#">1</a> Memorandum in Support# <a href="#">2</a> Appendix (1 Volume, Complete document on file in Clerk's Office))(M, EJ) (Entered: 12/10/2001)
01/02/2002	<a href="#">28</a>	Opposition (Related Motion(s) <a href="#">23</a> ) to UAW's motion for summary judgment (complete 109 page document, including exhibits, on file in Clerk's Office) filed by Ivan H. Stowers Jr.. (C, K A) (Entered: 01/02/2002)
01/02/2002	<a href="#">29</a>	Opposition (Related Motion(s) <a href="#">26</a> ) to intervenor's motion for summary judgment filed by United Automobile, Aerospace and Agricultural Implement Workers of America (UAW), Local 1834. (Attachments: # <a href="#">1</a> case supplement)(C, K A) (Entered: 01/03/2002)
01/07/2002	<a href="#">30</a>	Opposition (Related Motion(s) <a href="#">26</a> ) to intervenor Stowers' motion for summary judgment filed by The ESAB Group, Inc.. (C, K A) (Entered: 01/07/2002)
01/07/2002	<a href="#">31</a>	Opposition (Related Motion(s) <a href="#">27</a> ) to EEOC's motion for summary judgment filed by The ESAB Group, Inc.. (C, K A) (Entered: 01/07/2002)
01/08/2002	<a href="#">32</a>	Opposition (Related Motion(s) <a href="#">24</a> ) to the ESAB Group, Inc.'s Motion for Summary Judgment filed by Equal Employment Opportunity Commission. (McMillan, Solvita) Modified text 1/9/2002 (C, K A). (Entered: 01/08/2002)
01/08/2002	<a href="#">33</a>	Opposition (Related Motion(s) <a href="#">24</a> ) to ESAB's motion for summary judgment (complete 87 page document including exhibits is on file in the Clerk's Office) filed by Ivan H. Stowers Jr.. (C, K A) (Entered: 01/09/2002)
01/16/2002	<a href="#">34</a>	Reply (Related Motion(s) <a href="#">26</a> ) To ESAB'S Opposition to Stowers' Motion for Summary Judgment filed by Ivan H. Stowers Jr. (Gerstenslager, William) Modified text 1/17/2002 (C, K A). Additional attachment(corrected reply) added on 1/17/2002 (C, K A). (Entered: 01/16/2002)

01/16/2002	<a href="#">35</a>	Deposition of <i>Cheri A. Houser</i> taken on 10/9/01 (complete 72 page document, including exhibits, on file in Clerk's Office) filed by Equal Employment Opportunity Commission. (Related document(s) <a href="#">27</a> ) (C, K A) (Entered: 01/17/2002)
01/16/2002	<a href="#">36</a>	Affidavit/Declaration (s) of <i>Ivan H. Stowers, Jr. and Kristy Stowers</i> filed by Ivan H. Stowers Jr.. (Attachments: # <a href="#">1</a> declaration of Kristy Stowers)(Related document(s) <a href="#">26</a> , <a href="#">27</a> ) (C, K A) (Entered: 01/17/2002)
01/17/2002	<a href="#">37</a>	Reply (Related Motion(s) <a href="#">27</a> ) to <i>ESAB'S brief in opposition to EEOC'S motion for summary judgment on issue of liability</i> filed by Equal Employment Opportunity Commission. (C, K A) (Entered: 01/17/2002)
01/17/2002	<a href="#">38</a>	Reply (Related Motion(s) <a href="#">23</a> ) <i>brief in support of motion for summary judgment</i> filed by United Automobile, Aerospace and Agricultural Implement Workers of America (UAW), Local 1834. (Attachments: # <a href="#">1</a> exhibit T# <a href="#">2</a> exhibit U# <a href="#">3</a> exhibit V# <a href="#">4</a> exhibit W# <a href="#">5</a> exhibit X# <a href="#">6</a> exhibit Y# <a href="#">7</a> unpublished cases cited in UAW Local 1834's reply brief in support of motion for summary judgment)(C, K A) (Entered: 01/18/2002)
02/19/2002	<a href="#">39</a>	Memorandum of Opinion and Order: Defendant UAW's Motion for Summary Judgment is GRANTED; Defenant ESAB's Motion for Summary Judgment is GRANTED; Plaintiff EEOC's Motion for Summary Judgment is DENIED; and Intervenor Plaintiff Ivan Stowers's Motion for Summary Judgment is DENIED. Judge Patricia A. Gaughan (Related Doc # <a href="#">23</a> ), (Related Doc # <a href="#">24</a> ), (Related Doc # <a href="#">26</a> ), (Related Doc # <a href="#">27</a> ) (L-C, S) (Entered: 02/19/2002)
02/19/2002	<a href="#">40</a>	Jugment Entry: This Court, having issued its Memorandum of Opinion and Order grantint the Motions for Summary Judgment filed by Defendant United Automobile, Aerospace and Agricultural Implement Workers of America, Local 1834 (Doc. 23) and Defendant the ESAB Group, Inc. (Doc. 24) and denying Motions for Summary Judgment filed by Plaintiff Equal Employment Opportunity Commission (Doc. 27) and Intervening Plaintiff Ivan Stowers, Jr. (Doc. 26), hereby enters judgment for Defendants. Judge Patricia A. Gaughan (Related document(s) <a href="#">39</a> ) (L-C, S) (Entered: 02/19/2002)
02/28/2002	<a href="#">41</a>	Bill of costs <i>in the amount of \$1,582.83</i> filed by United Automobile, Aerospace and Agricultural Implement Workers of America (UAW), Local 1834. (Attachments: # <a href="#">1</a> itemization in support# <a href="#">2</a> exhibits A, B and C)(C, K A) (Entered: 03/01/2002)
03/05/2002	<a href="#">42</a>	Motion for attorney fees filed by The ESAB Group, Inc.. (Attachments: # <a href="#">1</a> brief in support# <a href="#">2</a> exhibit A# <a href="#">3</a> exhibit B# <a href="#">4</a> exhibit C# <a href="#">5</a> proposed order)(C, K A) (Entered: 03/05/2002)
03/15/2002	<a href="#">43</a>	Unopposed Motion for extension of time of 15 days to respond to motion for attorneys' fees filed by Equal Employment Opportunity Commission. (Related document(s) <a href="#">42</a> ) (McMillan, Solvita) Modified on 3/19/2002 (H, D). (Entered: 03/15/2002)
03/19/2002	<a href="#">44</a>	Marginal Entry Order: Plaintiff Equal Employment Opportunity Commission's Motion for extension of time to oppose Defendant ESAB's motion for attorneys' fees is granted to 4/5/02. Judge Patricia A. Gaughan (Related Doc # <a href="#">43</a> ) (L-C, S) (Entered: 03/19/2002)

03/19/2002	<a href="#">45</a>	Motion for extension of time <i>to oppose UAW's Motion for Attorney's fees</i> filed by Ivan H. Stowers Jr.. (Gerstenslager, William) Modified on 3/20/2002 (L-C, S). (TERMED- Filed in error per atty Gerstenslager) (Entered: 03/19/2002)
04/05/2002	<a href="#">46</a>	Memorandum in Opposition (Related Motion(s) <a href="#">42</a> ) <i>to defendant ESAB's motion for attorneys' fees and costs</i> filed by Equal Employment Opportunity Commission. (Attachments: # <a href="#">1</a> Attachment A# <a href="#">2</a> Attachment B Plaintiff's First Request for Production of Documents to the ESAB Group)(B, B) Modified text on 4/8/2002 (B, B). (Entered: 04/08/2002)
04/15/2002	<a href="#">47</a>	Reply (Related Motion(s) <a href="#">42</a> ) <i>brief in support of motion for attorney fees</i> filed by The ESAB Group, Inc.. (C, K A) (Entered: 04/15/2002)
04/18/2002	<a href="#">48</a>	Notice of Appeal to the 6th Circuit Court of Appeals from the memorandum of opinion and order and judgment entry of 2/19/02 filed by Equal Employment Opportunity Commission. (Related document(s) <a href="#">39</a> ) (McMillan, Solvita) Modified on 4/18/2002 (H, S P). (Entered: 04/18/2002)
04/24/2002	<a href="#">49</a>	Acknowledgment from the USCA for Sixth Circuit of receipt of Notice of Appeal [USCA# 02-3431] (Related documents(s) <a href="#">48</a> ) (H, S P) (Entered: 04/24/2002)
04/30/2002	<a href="#">50</a>	Transcript Order Form received. Transcript is unnecessary for appeal purposes. filed by Equal Employment Opportunity Commission. (Related document(s) <a href="#">48</a> ) (H, S P) (Entered: 05/01/2002)
05/02/2002	<a href="#">51</a>	Order: Defendant ESAB's Motion for Attorneys' Fees is DENIED. Judge Patricia A. Gaughan (Related Doc # <a href="#">42</a> ) (L-C, S) (Entered: 05/06/2002)
08/05/2002	<a href="#">52</a>	True copy of order from the USCA for the Sixth Circuit: Dismissing the appeal upon stipulation of the parties to voluntarily dismiss [USCA# 02-3431]. Date issued 7/30/02 (Related documents(s) <a href="#">48</a> ) (H, S P) (Entered: 08/07/2002)
08/14/2002	<a href="#">53</a>	Motion for order <i>to withdraw in part memorandum of opinion and order dated 2/19/02</i> filed by Equal Employment Opportunity Commission. (Attachments: # <a href="#">1</a> Brief in Support # <a href="#">2</a> Exhibit A# <a href="#">3</a> Exhibit B)(C, K A) (Entered: 08/14/2002)
08/20/2002	<a href="#">54</a>	Marginal Entry Order: Plaintiff Equal Employment Opportunity Commission's Motion to withdraw in part memorandum of opinion and order dated 2/19/02 is granted. Judge Patricia A. Gaughan (Related Doc # <a href="#">53</a> ) (Related documents(s) <a href="#">39</a> ) (L-C, S) (Entered: 08/23/2002)

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