

**U.S. District Court
Northern District of Ohio (Toledo)
CIVIL DOCKET FOR CASE #: 3:99-cv-07401-DAK**

Cline et al v. General Dynamics Land Systems
Assigned to: Judge David A. Katz
Demand: \$100,000
Cause: 29:626 Job Discrimination (Age)

Date Filed: 06/24/1999
Date Terminated: 05/04/2004
Jury Demand: Both
Nature of Suit: 442 Civil Rights: Jobs
Jurisdiction: Federal Question

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*on behalf of himself and all others
similarly situated*

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Date Filed	#	Docket Text
06/24/1999	<u>1</u>	Complaint <i>with jury demand</i> against General Dynamics Land Systems. Filed by Dennis Cline. Filing fee paid; receipt number 306909. (Attachments: # <u>1</u> Civil Cover Sheet)(G, D) Modified on 9/26/2002 to correct filer name.(G, D). (Entered: 09/26/2002)
06/24/1999	<u>2</u>	Motion for appearance pro hac vice of <i>Mark W. Biggerman, Esq.</i> filed by Dennis Cline. (G, D) (Entered: 09/26/2002)
07/02/1999	<u>3</u>	Marginal Entry Order Granting Motion for attorney Mark W. Biggerman to appear pro hac vice (Related Doc # <u>2</u>). Judge David A. Katz (G, D) (Entered: 09/26/2002)
08/11/1999	<u>4</u>	Stipulated Motion for extension of time <i>until 9/15/99 to file amended complaint and plead in response to amended complaint</i> filed by Dennis Cline, General Dynamics Land Systems. (G, D) (Entered: 09/26/2002)
08/18/1999	<u>5</u>	Order Granting Motion for extension of time until 9/15/99 to file amended complaint and plead in response to amended complaint. (Related Doc # <u>4</u>) Judge David A. Katz. (G, D) (Entered: 09/26/2002)

08/20/1999	<u>6</u>	Case Management Conference Scheduling Notice. Case management conference set 9:00 11/1/99, Track Standard.(G, D) (Entered: 09/26/2002)
09/20/1999	<u>7</u>	Stipulated Motion for extension of time <i>until 9/30/99 for plaintiff to file amended complaint and 10/30/99 for defendant to respond</i> filed by Dennis Cline, General Dynamics Land Systems. (G, D) (Entered: 09/26/2002)
09/27/1999	<u>8</u>	Order Granting Motion for extension of time until 9/30/99 for plaintiff to file amended complaint and 10/30/99 for defendant to respond. (Related Doc # <u>7</u>) Judge David A. Katz (G, D) Modified on 9/26/2002 to correct filing date.(G, D). (Entered: 09/26/2002)
09/29/1999	<u>9</u>	Amended complaint against General Dynamics Land Systems. Filed by John Alge, Ted Anaszeuski, George Archibald, Thomas Babb, Robert Baker, Harry Baldan, David Bayes, Daryl Beaupre, Robert Beck, Dean Becker, Terry Biddle, John Birkmeier, Gary Bish, Pete Borkowski, Margaret Boyd, Dan Brenamen, Lewis Browning, Leo Brunori, Daniel Buranich, Guy Burrows, Vincent Cesari, Anthony Ciminillo, James Clark, Robert Clark, Russell Clewley, Thomas Clifton, Daniel Cline, Dennis Cline, Stanley Cominsky, Jon Cottrell, Jed Coutts, Culp, Sandra Daniel, Scott Danner, Michael Deal, Paul Debish, Dana Decamp, Hixey Deeble, Thomas Degrafenried, Robert Dewald, Mario Diaz, Larry Dicke, David Dillon, Richard Diltz, Richard Dirmeyer, David Driggs, Ron Duran, Anthony Durkin, Thomas Earyes, Kenneth Emahiser, Erzar, Donald Eversole, Earl Fast, Dennis Ferguson, James Ferraro, Robert Feucht, Eugene Fisher, William Fisher, Steven Flake, Vada Flinders, Steven Freed, Robert Frye, Ed Galan, Gregory Gebolys, Daniel Geething, Terry Gibbs, Joseph Gibson, Patrick Goddard, Raymond Gourash, Robert Greenlee, Frank Guerrero, Leonard Haaser, Steven Hammond, Alan Haunhurst, Nathan Heckathorn, Scott Hesse, David Hollon, Stanley Homitz, Robert Horning, Charles Huff, Gary Huff, Richard Huffman, Michael Hunsicker, Loren Hurless, Richard Jackson, Joanna Jacobs, John Jerome, Bobby Jordan, Keiffer, Ronald Kennedy, Paul Kesner, Richard Kessler, Donald Kime, Anthony King, Dennis Kobierecki, Emery Koszoru, Douglas Kraepel, Thomas Kraycer, Les Krotzer, Robert Kuhn, Juleann Kurchin, Lamberjack, Gerald Lanning, David Laurence, William Legrant, Charles Lowery, David Luchini, Michael Lucius, Lester Lyons, John Manko, Joella Marks, Jeffrey Martin, Donald Mathias, Gregory Mayberry, Steven Mays, Kenneth McCaslin, John McClellan, McDonald, Danny McEowen, Stan Miller, Robert Millirans, Ronald Mitchem, Jeffrey Monroe, Gary Morcom, James Munson, Joseph Myers, Steven Myers, Vincent Napier, John Nekoranec, Nestor, Paul Niese, Mike Nino, Robert Nye, Kevin Parker, Ronald Perrine, David Pigga, Michael Pisarski, Clayton Pitts, Roger Pool, Dennis Powers, Puchta, Charles Radloff, Eliseo Ramirez, John Rammel, James Reese, Mark Rex, Gary Rhodes, Rigsby, Leonard Risner, Patrick Roddy, Peter Rosar, Bruce Rose, Patrick Rosemellia, John Roszko, Dennis Ryan, Gary Salyer, George Sansky, Tom Saylor, Dennis Schimmoeller, John Schlosser, Michael Schultz, David Seibert, Marvin Shepherd, Michael J. Shields, William Simson, Doug Sipe, Joseph Slakis, Boyd Smith, Sandy Snyder, David Spires, Larry Stark, Kenny Stevens, Michael Strahm, Anthony Stubbs, Larry Sutton, James Swartz, Russ Theil, Thomas Tucker, Cecil Turnbell, Charles Wagner, Harley Wagner, John Wagner, Robert Waltermeyer, Gregory Walters, John Wargo, Delmar Weikel, Jim Welly, Ralph Wheeler, Robert White, Daniel Wilges, Robert Wilkins, Michael Williams, Leonard Wilson, Keith Winkler, Charles Wood, Michael Woodruff, Richard Wright, Allan Young, Kyle Young, Rick Young, Martin Zamudio. (G, D) (Entered: 09/26/2002)
10/25/1999	<u>10</u>	Stipulated Motion for extension of time <i>until 11/24/99 to respond to amended complaint</i> filed by General Dynamics Land Systems. (G, D) (Entered: 09/26/2002)
10/25/1999	<u>11</u>	Order. Case management conference set for 11/1/99 vacated and reset for 1:30 11/29/99. Judge David A. Katz (G, D) (Entered: 09/26/2002)
10/29/1999	<u>12</u>	Order Granting Motion for extension of time until 11/24/02 for defendant to respond to complaint. (Related Doc # <u>10</u>) Judge David A. Katz (G, D) (Entered: 09/26/2002)

11/09/1999	<u>13</u>	Returned Mail addressed to E. Bruce Hadden marked "no such number." Rемаiled 11/8/99 (Related documents(s) <u>11</u>) (G, D) (Entered: 09/26/2002)
11/09/1999	<u>14</u>	Returned Mail addressed to E. Bruce Hadden, Esq. marked address unknown; remailed 11/15/99. (Related documents(s) <u>12</u>) (G, D) (Entered: 09/26/2002)
11/23/1999	<u>15</u>	Motion to excuse appearance of parties at case management conference filed by all parties. (G, D) (Entered: 09/26/2002)
11/23/1999	<u>16</u>	Report of Parties' Planning Meeting filed by all parties. (G, D) (Entered: 09/26/2002)
11/24/1999	<u>17</u>	Motion to dismiss amended complaint filed by General Dynamics Land Systems. (G, D) (Entered: 09/26/2002)
11/29/1999	<u>18</u>	Marginal Entry Order. Granting Motion to excuse appearance of parties at case management conference. (Related Doc # <u>15</u>) Judge David A. Katz (G, D) (Entered: 09/26/2002)
11/29/1999	<u>19</u>	Motion for appearance pro hac vice of attorney Craig Martin, Carla Rozycki and Samuel Miller filed by General Dynamics Land Systems. (G, D) (Entered: 09/26/2002)
12/03/1999	<u>20</u>	Order Granting Motion for attorney Craig C. Martin, Carla J. Rozycki, and Samuel S. Miller to appear pro hac vice, (Related Doc # <u>19</u>) Judge David A. Katz (G, D) (Entered: 09/26/2002)
12/03/1999	<u>21</u>	Case Management Conference Plan/Order. Case management conference conducted 11/29/99. Track Designation: standard. Plaintiffs' opposition to pending 12(b)(6) motion due on or before 1/17/00; defendant's reply due on or before 2/7/00; plaintiffs' surreply due on or before 2/18/00. Judge David A. Katz (G, D) (Entered: 09/26/2002)
01/18/2000	<u>22</u>	Opposition (Related Motion(s) <u>17</u>) memorandum to defendant's motion to dismiss amended complaint filed by all plaintiffs. (G, D) (Entered: 09/26/2002)
02/07/2000	<u>23</u>	Reply (Related Motion(s) <u>17</u>) memorandum in support of motion to dismiss filed by General Dynamics Land Systems. (G, D) (Entered: 09/26/2002)
02/18/2000	<u>24</u>	Sur-Reply (Related Motion(s) <u>17</u>) to defendants reply to plaintiffs' memorandum contra to motion to dismiss filed by all plaintiffs. (G, D) (Entered: 09/26/2002)
03/10/2000	<u>25</u>	Memorandum, Opinion and Order. granting motion by defendant to dismiss plaintiffs' amended complaint. (Related document(s) <u>17</u>) Judge David A. Katz(G, D) (Entered: 09/26/2002)
03/10/2000	<u>26</u>	Judgment. granting motion by defendant to dismiss plaintiffs' amended complaint.(Related document(s) <u>17</u>) Judge David A. Katz(G, D) (Entered: 09/26/2002)
04/10/2000	<u>27</u>	Notice of Appeal re. judgment dismissing case filed on 3/10/00. (cc: all counsel—notice only. USCA—notice and doc(s) mailed on 4/11/00) filed by all plaintiffs. (Related document(s) <u>26</u>) (G, D) (Entered: 09/26/2002)
04/11/2000		Filing fee paid in amount of \$105.00; receipt # 308954 (G, D) (Entered: 09/26/2002)
04/20/2000	<u>28</u>	Acknowledgment from the USCA for Sixth Circuit of receipt of plaintiffs'-appellants' Notice of Appeal (USCA #: 00-3468) – date filed 4/18/00 (G, D) (Entered: 09/26/2002)
04/27/2000	<u>29</u>	Transcript Order Form received. Transcript is unnecessary for appeal purposes. filed by all plaintiffs. (G, D) (Entered: 09/26/2002)
07/27/2000		Certified original pleadings mailed to USCA for 6th Circuit on 7/27/00(G, D) (Entered: 09/26/2002)
07/24/2002	<u>30</u>	Information copy of mandate from the USCA for the Sixth Circuit reversing the decision of the District Court because Cline and the other plaintiffs' were each

		within the ADEA's protected class when their employer allegedly discriminated against them on the basis of age. On remand, the District Court should address the plaintiffs' declaratory judgment argument concerning standing and ripeness, which was not considered by the District Court and thus is not properly before us for review. Clerk: L. Green; Circuit Judges: Ryan and Cole; District Judge: Williams. Information issued 7/22/02 (This is not a mandate.) (G, D) (Entered: 09/26/2002)
09/18/2002	<u>31</u>	Order: telephone status conference to be held on 9/30/2002 at 11:15 AM. Judge David A. Katz(G, D) (Entered: 09/26/2002)
09/26/2002	<u>32</u>	Appeal Remark: A corrected page from USCA decision (information copy, doc. # <u>30</u>): page 12, line 5 from bottom(G, D) (Entered: 09/26/2002)
09/27/2002	<u>33</u>	Address Change Notice <i>for trial attorney</i> , by Mark W. Biggerman filed by on behalf of all plaintiffs. (G, D) (Entered: 09/27/2002)
09/30/2002	<u>34</u>	ORDER phone status held 9/30/02. Case reopened. Plaintiff granted to 12/31/02 for amended complaint to add parties, Discovery due by 2/28/03, Dispositive motions due by 3/4/03, Phone status set for 1/6/03 at 10:30 AM. Judge David A. Katz(G, C) (Entered: 09/30/2002)
09/30/2002	<u>35</u>	True copy of mandate from the USCA for the Sixth Circuit reversing and remanding the final decision of the district court. (M, C) (Entered: 10/01/2002)
10/15/2002	<u>36</u>	Proposed Stipulation <i>and Order</i> filed by all defendants. (Scheidel, Rolf) (Entered: 10/15/2002)
10/15/2002	<u>37</u>	Marginal Order granting extension of time to 10/25/02 to answer or otherwise respond to amended complaint. (Judge David A. Katz) (Related document(s) <u>36</u>) (R, Ci) (Entered: 10/15/2002)
10/25/2002	<u>38</u>	Answer to Amended Complaint <i>and Affirmative and Additional Defenses</i> (Related Doc # <u>9</u>) filed by General Dynamics Land Systems. (Scheidel, Rolf) (Entered: 10/25/2002)
12/16/2002	<u>39</u>	Letter from U.S. Supreme Court (Case No. 02A468; USCA 00-3468): The application for an extension of time within which to file a petition for a writ of certiorari has been presented to Justice Stevens on 12/6/02, who extended the time to and including 1/17/03 for General Dynamics Land Systems, Inc. to file a petition. Modified on 12/18/2002 (M, C). Modified on 8/29/2003 to correct name of appellant. (M, C). (Entered: 12/18/2002)
12/23/2002	<u>40</u>	Stipulated Motion for order <i>to stay proceedings</i> filed by General Dynamics Land Systems. (Martin, Craig) (Entered: 12/23/2002)
12/23/2002	<u>41</u>	Notice of Service <i>of stipulated motion for order to stay proceedings</i> filed by General Dynamics Land Systems. (Related document(s) <u>40</u>) (Martin, Craig) (Entered: 12/23/2002)
12/26/2002	<u>42</u>	MARGINAL ENTRY ORDER granting joint motion for order staying all proceedings pending writ fo certiorari to Supreme Court. All parties further stipulate that in the event the petition is denied or the Supreme Court affirms the decision of the 6th District, pltf shall have 60 days to file an amended complaint adding/deleting parties. Judge David A. Katz (Related Doc # <u>40</u>) (B, C) (Entered: 12/26/2002)
01/06/2003	<u>43</u>	ORDER. Counsel shall advise Court immediately re acceptance or denial of petition for writ of certiorari. Judge David A. Katz (G, C) (Entered: 01/06/2003)
02/03/2003	<u>44</u>	Defendants' petition for a writ of certiorari was filed 1/16/03, and placed on the docket 1/21/03 in U.S. Supreme Court Case No. 02-1080 (U.S. Court of Appeals No. 00-3468). (M, C) (Entered: 02/04/2003)
04/28/2003	<u>45</u>	Letter from U.S. Supreme Ct (Case No. 02-1080): Granting the motion of Equal Employment Advisory Council, et al., for leave to file a brief as amicus curiae; granting motion of Central States, SE and SW Areas Health and Welfare Fund for leave to file a brief as amicus curiae; and granting General Dynamics Land Systems, Inc.'s petition for a writ of certiorari. (M, C) (Entered: 04/30/2003)

08/29/2003		Certified and Transmitted Record (entire file) mailed to the U.S. Supreme Court (related to doc <u>45</u>). (M, C) (Entered: 08/29/2003)
03/04/2004	<u>46</u>	Opinion from the U.S. Supreme Court reversing the decision of the U.S. Court of Appeals, 6th Circuit (related docs <u>27</u> , <u>35</u> , <u>39</u>). (Attachments: # <u>1</u> Letter)(M, C) (Entered: 03/05/2004)
04/05/2004	<u>47</u>	Certified record returned from the US Supreme Court (Case No. 02-1080) containing: 1 volume of pleadings. (M, C) (Entered: 04/05/2004)
04/05/2004	<u>48</u>	Order from the U.S. Supreme Court that the judgment of the U.S. Court of Appeals, 6th Circuit is reversed with costs. Petitioner General Dynamics Land Systems, Inc. to recover from Dennis Cline, et al., \$713.48 for costs expended (related to docs <u>27</u> , <u>30</u> , <u>35</u> , <u>46</u> . (Attachments: # <u>1</u> letter)(M, C) (Entered: 04/08/2004)
05/04/2004	<u>49</u>	ORDER stay lifted, matter closed. Signed by Judge David A. Katz on 5/4/04. (G, C) (Related <u>42 46 48</u>) Modified on 5/6/2004 to add linkage (G, D). (Entered: 05/04/2004)