

General Docket

US Court of Appeals for the Seventh Circuit

Court of Appeals Docket #: 99-4101
Nsuit: 3442 Civil Rights Jobs-Fed. Ques.
Lemon, Jeff, et al v. Int'l Union 139
Appeal from: United States District Court

Filed: 12/6/99

Lower court information:

District: 0757-2 : 97 C 857
Ordering Judge: John W. Reynolds, Judge
Court Reporter: Court Reporter
Date Filed: 8/12/97
Date order/judgment: 9/24/99
Date NOA filed: 11/9/99

Fee status: paid

Prior cases:

99-8036 wjb msk idr
Date filed: 10/8/99 Date disposed: 11/9/99 Disposition: GRANTED

Current cases:

None

Docket as of October 28, 2004 0:50 am

Page 1

99-4101 Lemon, Jeff, et al v. Int'l Union 139

JEFF LEMON
Plaintiff - Appellee

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Glenn M. Stoddard
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GARVEY & STODDARD

634 W. Main Street
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KAREN MEYER
Plaintiff - Appellee

Charles Barnhill, Jr.
(See above)
[COR LD NTC ret]

Michael Bauer
(See above)
[COR LD NTC ret]

Glenn M. Stoddard
(See above)
[COR LD NTC ret]

JOHN DUNCAN
Plaintiff - Appellee

Charles Barnhill, Jr.
(See above)
[COR LD NTC ret]

Michael Bauer
(See above)
[COR LD NTC ret]

Glenn M. Stoddard
(See above)
[COR LD NTC ret]

ODELL WILLIAMS
Plaintiff - Appellee

Charles Barnhill, Jr.
(See above)
[COR LD NTC ret]

Docket as of October 28, 2004 0:50 am

Page 2

99-4101 Lemon, Jeff, et al v. Int'l Union 139

Michael Bauer
(See above)
[COR LD NTC ret]

Glenn M. Stoddard
(See above)
[COR LD NTC ret]

VIRGIL EILAND
Plaintiff - Appellee

Charles Barnhill, Jr.
(See above)
[COR LD NTC ret]

Michael Bauer
(See above)
[COR LD NTC ret]

Glenn M. Stoddard
(See above)
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v.

INTERNATIONAL UNION OF
OPERATING ENGINEERS, LOCAL NO.
139, AFL-CIO
Defendant - Appellant

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Docket as of October 28, 2004 0:50 am

Page 3

99-4101 Lemon, Jeff, et al v. Int'l Union 139

JEFF LEMON, KAREN MEYER, JOHN DUNCAN, et al.,
Plaintiffs - Appellees

v.

INTERNATIONAL UNION OF OPERATING ENGINEERS, LOCAL NO. 139,
AFL-CIO,
Defendant - Appellant

Docket as of October 28, 2004 0:50 am

Page 4

99-4101 Lemon, Jeff, et al v. Int'l Union 139

12/6/99 Private civil case docketed. [99-4101] [1222763-1]
Transcript information sheet due 12/16/99. Docketing
Statement due 11/16/99. (kell)

12/6/99 Case transferred from Miscellaneous Docket No. 99-8036.
[99-4101] [1222763-1] (kell)

12/6/99 THIS CAUSE CONSISTS OF MORE THAN 5 PARTIES AS EITHER
APPELLANTS or APPELLEES. The following are those parties to
this cause as reflected on the District Court docket, yet
are not reflected on the Appellate docket/caption for
administrative purposes: (APPELLEES) Pay Haynes, Craig
Anderson, Shirley Nyman, and Franklin Edmonds. [99-4101]
[20228-1] (kell)

12/6/99 ORDER: Briefing order filed per court's 11/9/99 order in
appeal no. 99-8036. Briefing will proceed as follows:
[1239543-1] [99-4101] Appellant's brief due 12/9/99 for
Int'l Union Appellee's brief due 1/10/00 for Virgil Eiland,

for Odell Williams, for John Duncan, for Karen Meyer, for Jeff Lemon. Appellant's reply brief due 1/24/00 for Int'l Union 139. (kell)

12/6/99 Filed motion by Appellant Int'l Union 139 to extend time to file appellant's brief. [1239913-1] [99-4101] (kell)

12/6/99 Filed Seventh Circuit Transcript Information Sheet by Frederick Perillo for Appellant Int'l Union 139. [99-4101] [1239543-1] (kell)

12/6/99 Disclosure Statement filed by Appellant Int'l Union 139. [99-4101] [1239543-1] (kell)

12/7/99 ORDER issued GRANTING motion for extension of time to file appellant's brief. [1239913-1] CD [99-4101] Appellant's brief due 12/17/99 for Int'l Union 139. 2. The appellee(s) brief is due on or before 1/18/00 for Virgil Eiland, for Odell Williams, for John Duncan, for Karen Meyer, for Jeff Lemon. 3. The reply brief, if any, is due 2/1/00 for Int'l Union 139. (land)

12/10/99 Filed Appellant Int'l Union 139 docketing statement. [99-4101] [1241287-1] (land)

12/17/99 Filed 15c appellant's brief by Int'l Union 139. Disk filed. [99-4101] [1244429-1] (land)

12/17/99 Filed 10c appendix by Appellant Int'l Union 139. [99-4101] [1244431-1] (land)

12/23/99 Filed oversized record in Section # 41 of exhibit room: 1 box containing appellant appendix/briefs (12/17). [1239543-1] [99-4101] (bria)

Docket as of October 28, 2004 0:50 am

Page 5

99-4101 Lemon, Jeff, et al v. Int'l Union 139

1/18/00 Filed 15c appellee's brief by Jeff Lemon, Karen Meyer, John Duncan, Odell Williams, Virgil Eiland. Disk filed. STRICKEN per the court's 2/8/00 order. [99-4101] [1252300-1] (land)

1/18/00 Filed 10c appendix by Appellee Jeff Lemon, Appellee Karen Meyer, Appellee John Duncan, Appellee Odell Williams, Appellee Virgil Eiland. STRICKEN per the court's 2/8/00 order. [99-4101] [1252303-1] (land)

1/27/00 Filed motion by NAACP Legal Defense and Educational Fund, Inc., and Chicago Lawyer's Committee for Civil Rights Under Law to file amicus brief in support of plaintiffs-appellees. [125697-1] 15c amicus curiae briefs tendered. [99-4101] (land)

2/1/00 Filed motion by Appellant Int'l Union 139 to strike

documents from supplemental appendix. [1256738-1] [99-4101]
(land)

2/1/00 Filed 15c appellant's reply brief by Int'l Union 139. Disk
filed. AMENDED copies filed 3/10/00. [99-4101] [1256740-1]
(land)

2/1/00 Filed 10c appendix by Appellant Int'l Union 139. [99-4101]
[1256741-1] (land)

2/2/00 ORDER issued DENYING motion to file amicus brief.
[1255697-1] LAH [99-4101] (land)

2/4/00 Filed Appellee Jeff Lemon, Appellee Karen Meyer, Appellee
John Duncan, Appellee Odell Williams, Appellee Virgil
Eiland response to Appellant Int'l Union 139 motion to
strike. [1258491-1] [1258491-1] [99-4101] (land)

2/8/00 ORDER re: Defendant-appellant's motion to strike and
plaintiff-appellees' answer to appellant's motion to
strike. The motion to strike is GRANTED. The following
documents are STRICKEN from the appellees' brief and
supplemental appendix: 1. Deposition pages of Dale A.
Miller; 2. Deposition pages of Donald W. Shaw, Sr.; 3.
Deposition pages of Karen Meyer; 4. Expert report of
Marianne Ley; 5. Plaintiff's memorandum in support of their
motion to have judgment entered against defendant; 6.
Deposition pages of Craig Anderson; 7. Rebuttal expert
report of Marianne Ley. All references to the above
documents are STRICKEN from the appellees' brief. Counsel
for appellees is directed to file a corrected brief and
supplemental appendix by February 22, 2000. [1256738-1],
[1258491-1] AM [99-4101] (land)

Docket as of October 28, 2004 0:50 am

Page 6

99-4101 Lemon, Jeff, et al v. Int'l Union 139

2/16/00 Filed motion by Appellee Jeff Lemon, Appellee Karen Meyer,
Appellee John Duncan, Appellee Odell Williams, Appellee
Virgil Eiland to file amended brief in response to this
court's ruling striking certain citations. [1261926-1]
[99-4101] (land)

2/16/00 Filed motion by Appellee Jeff Lemon, Appellee Karen Meyer,
Appellee John Duncan, Appellee Odell Williams, Appellee
Virgil Eiland to strike defendant's reply appendix.
[1261934-1] [99-4101] (land)

2/18/00 ORDER: Filed clerk's notice to Appellant Int'l Union 139 to
file a response to the appellees' MOTION TO STRIKE
DEFENDANT'S REPLY APPENDIX. [1257219-1] AM [99-4101]
Response due 3/3/00 for Int'l Union 139. (land)

2/18/00 ORDER: Filed clerk's notice to Appellant Int'l Union 139 to

file a response to the appellees' MOTION FOR LEAVE TO FILE AMENDED BRIEF IN RESPONSE TO THIS COURT'S RULING STRIKING CERTAIN CITATIONS. AM [99-4101] Response due 3/3/00 for Int'l Union 139. (land)

- 2/22/00 Filed motion by Appellant Int'l Union 139 to correct or amend appellant's reply appendix. [1263017-1] [99-4101] (land)
- 2/22/00 Filed Appellant Int'l Union 139 response to Appellee Jeff Lemon, Appellee Karen Meyer, Appellee John Duncan, Appellee Odell Williams, Appellee Virgil Eiland motion to strike. [1263269-1] [1263269-1] [99-4101] (land)
- 2/22/00 ORDER re: Motion for leave to file amended brief in response to this court's ruling striking certain citations. Briefing is SUSPENDED pending a ruling on the above motion. [1257219-1] AM [99-4101] (land)

Docket as of October 28, 2004 0:50 am

Page 7

99-4101 Lemon, Jeff, et al v. Int'l Union 139

- 2/23/00 ORDER re: Motion for leave to file amended brief in response to this court's ruling striking certain citations filed by appellees; Appellant's opposition to motion for leave to file amended brief; Appellees' motion to strike appellant's reply appendix; Appellant's answer to appellees' motion to strike; and Appellant's motion to correct or amend appellant's reply appendix. The motion for leave to file amended brief in response to this court's ruling striking certain citations, filed by appellees, is GRANTED. The appellees shall file the requisite copies of their amended brief as attached to the motion by March 3, 2000, with the clerk of this court. The motion to strike appellant's reply appendix is GRANTED. The appellant's reply appendix and all references in the appellant's reply brief to the documents contained therein are STRICKEN. Counsel for the appellant is directed to file a corrected reply brief in accordance with the motion to strike by March 10, 2000. Counsel is advised that the appellant may respond to the statements raised in the appellees' amended brief and identified in appellant's opposition to motion for leave to file amended brief in its corrected reply brief. Appellant's motion to correct or amend appellant's reply appendix is DENIED as moot. [1263017-1], [1261926-1], [1261934-1] AM [99-4101] (land)
- 2/28/00 ORDER: Argument set for Wednesday, April 12, 2000 at 10:00 a.m. Each side limited to 15 minutes. [99-4101] [1265428-1] (broo)
- 3/6/00 Filed 15c appellee's brief by Jeff Lemon, Karen Meyer, John Duncan, Odell Williams, Virgil Eiland, per order. Disk filed. [99-4101] [1267722-1] (squi)

3/8/00 Original record on appeal filed. Contents of record: 3 vol. pleadings; 10 vol. loose pleadings; . [99-4101] [1268546-1] (patk)

3/10/00 Filed 15c appellant's AMENDED reply brief by Int'l Union 139. Disk filed. [99-4101] [1269188-1] (land)

3/15/00 Filed oversized record in Section # 41 of exhibit room: 1 box containing 3 vol. pleadings; 10 vol. loose pleadings; . [1239543-1] [99-4101] (cove)

4/3/00 ORDER: Argument reset for Wednesday, April 12, 2000 at 10:00 a.m. Each side limited to 10 minutes. [99-4101] [1277001-1] (broo)

4/12/00 Case heard and taken under advisement by panel: Circuit Judge Richard D. Cudahy, Circuit Judge John L. Coffey, Circuit Judge Michael S. Kanne. [99-4101] [1280638-1] (broo)

Docket as of October 28, 2004 0:50 am

Page 8

99-4101 Lemon, Jeff, et al v. Int'l Union 139

4/12/00 Case argued by Charles Barnhill for Appellee Virgil Eiland, Appellee Odell Williams, Appellee John Duncan, Appellee Karen Meyer, Appellee Jeff Lemon, Marianne G. Robbins for Appellant Int'l Union 139 . [99-4101] [1239543-1] (broo)

4/13/00 Attorney Marianne G. Robbins added for Appellant Int'l Union 139 for purposes of oral argument. [99-4101] (broo)

6/9/00 Filed opinion of the court by Judge Kanne. Class certification under Rule 23(b)(2) is VACATED and this case is REMANDED with directions to consider alternative class certification under the options presented in this opinion and Jefferson. Circuit Judge Richard D. Cudahy, Circuit Judge John L. Coffey, Circuit Judge Michael S. Kanne. [99-4101] [1239543-1] (sqi)

6/9/00 ORDER: Final judgment filed per opinion. Each party shall bear their own costs. [99-4101] [1297695-1] (sqi)

7/5/00 MANDATE ISSUED. Record on appeal to be returned later. (Contents to be returned: 3 vol. pleadings; 10 vol. loose pleadings; .) [99-4101] [1239543-1] (cove)

7/18/00 Filed mandate receipt. [99-4101] [1308276-1] (bria)

10/12/00 Original record returned to the District Court. (Contents returned: 3 vol. pleadings; 10 vol. loose pleadings;) [99-4101] [0-0] (stef)

Docket as of October 28, 2004 0:50 am

Page 9