

Cat03, Hemann, Termed

**U.S. District Court
Northern District of Ohio (Cleveland)
CIVIL DOCKET FOR CASE #: 1:97-cv-03165-DCN**

EEOC v. Invacare Corporation
Assigned to: Hon. Donald C. Nugent
Demand: \$0
Cause: 42:2000e Job Discrimination (Employment)

Date Filed: 12/05/1997
Date Terminated: 12/22/1998
Jury Demand: Plaintiff
Nature of Suit: 442 Civil Rights: Jobs
Jurisdiction: U.S. Government Plaintiff

Plaintiff

**Equal Employment Opportunity
Commission**

represented by **Lawrence Mays**
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V.

Defendant

Invacare Corporation

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Neutral

Hilary S Taylor
TERMINATED: 06/02/1998

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LEAD ATTORNEY

Date Filed	#	Docket Text
12/05/1997		FILING FEE: WAIVED. (C,B) (Entered: 12/08/1997)
12/05/1997		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 (S,R) (Entered: 12/08/1997)
12/05/1997	1	COMPLAINT; jury demand (Service: summons issd, magistrate consent form issd) (5 pgs) (S,R) (Entered: 12/08/1997)
12/05/1997	2	CIS filed by plaintiff. Recommended Track: standard. (1 pg) (S,R) (Entered: 12/08/1997)
12/29/1997	3	ANSWER to Complaint by deft. (4 pgs) (S,J) (Entered: 12/30/1997)
02/24/1998	4	CASE MANAGEMENT CONFERENCE scheduling order. case management conference set for 8:45 on 3/18/98 (issued on 2/24/98) (5pgs+attach) Judge Donald C. Nugent (S,R) (Entered: 02/24/1998)
03/12/1998	5	MOTION by dft to refer case to mediation or ENE , or in the alternative to reset CMC (3 pgs) (S,R) (Entered: 03/13/1998)
03/13/1998		MARGINAL ENTRY ORDER: finding the motion by dft to refer case to mediation or ENE [5-1] moot; granting motion to reset CMC [5-2]; case

		management conference set for 8:30 on 3/26/98 (issued on 3/16/98) Judge Donald C. Nugent (S,R) (Entered: 03/18/1998)
03/26/1998	6	CASE MANAGMENT PLAN/ORDER: Track Designation: standard ; case management conference held 3/26/98 ;discovery to be complete 8/5/98 ;status hearing set for 8:45 on 5/6/98 ; Case referred to Mediation ; Claim of disparate treatment based on race and sex of black female employee; She may want to sever relations w/Invacare; Settlemtn discussions are on-going (1 pg) Judge Donald C. Nugent (S,R) (Entered: 03/27/1998)
04/13/1998		NOTICE OF REFERRAL to MED. List of potential neutrals sent to parties. Neutral selection ddl set for 4/23/98 (issued on 4/13/98) (5 pgs) (Z,B) (Entered: 04/13/1998)
04/22/1998		NOTICE of ADR Administrator - agreed mediation ranking sheet returned to ADR office. (Z,B) (Entered: 04/24/1998)
04/22/1998		NOTICE of potential selection as neutral sent. Neutral to respond by 4/24/98 (Z,B) (Entered: 04/24/1998)
04/27/1998		NOTICE received from potential neutral re: conflict. Neutral Available (y/n): y. (D,P N.) (Entered: 04/27/1998)
04/28/1998		NOTICE of parties selection of neutrals. Hrg to be set by 5/28/98 Process to be completed by 6/8/98 Designated neutral: Hilary S Taylor (6 pgs) (D,P N.) (Entered: 04/28/1998)
05/06/1998	7	MINUTES of proceedings: before Judge Donald C. Nugent ; status conference held; Planning report submitted; Case presently in mediation; Mediation sched for 5/22/98; If case not resolved in med discovery cut-off remains 8/5/98; status re-set for 7/13/98 at 9:00 (issued on 5/6/98) (1 pg) (S,R) (Entered: 05/07/1998)
06/02/1998		MEDIATION REPORT. Med. Hrg held Disp: 8 Future ADR: med (Z,B) (Entered: 06/04/1998)
06/02/1998		NOTICE of ADR Administrator- mediation conf. was held and as a result the process is complete. case returned to chambers for further settlement negotiations. mediator is willing to make himself available if the parties desire. (2 pgs) (Z,B) (Entered: 06/04/1998)
07/13/1998	8	ORDER/MINUTE SHEET: Track Designation: standard ;status conference held on 7/13/98; Pltf needs to take depo of promotion decision maker in 1992 & claim of disparte wages for comparble individuals; Dft needs to send written discovery; trial set by Agreement 12/9/98; at 8:30; trial order to be mailed to counsel. lAll ptys gr oral leave to file motion for SJ ;Any such motion to be filed by 9/30/98; response due 10/30/98; rply due 1/9/98; discovery ext to 9/30/98 (issued) (1 pg) Judge Donald C. Nugent (S,R) (Entered: 07/16/1998)
07/15/1998	9	CIVIL JURY TRIAL ORDER: jury trial set for 8:30 on 12/9/98 ; (issued on 7/15/98) (7 pgs) Judge Donald C. Nugent (S,R) (Entered: 07/17/1998)
09/30/1998	10	MOTION by dft for one week ext of time to file SJ (5 pgs) (S,R) (Entered: 10/01/1998)

10/01/1998		MARGINAL ENTRY ORDER: granting motion by dft for one week ext of time to file SJ [10-1] (issued on 10/5/98) Judge Donald C. Nugent (S,R) (Entered: 10/05/1998)
10/07/1998	11	DEPOSITION of Annie G. Dixon-Cabbil taken on the following date(s): 9/22/98 on behalf of: dft Fees: \$-- (96 pgs) (S,R) (Entered: 10/08/1998)
10/07/1998	12	NOTICE by defendant of filing of depo transcript of Annie G. Dixon-Cabbil (2 pgs) (S,R) (Entered: 10/08/1998)
10/07/1998	13	MOTION by dft for summary judgment (15pgs+27exh pgs) (S,R) (Entered: 10/08/1998)
10/26/1998	14	MOTION by pltf to ext time until 11/9/98 to respond deft's mot for SJ (4 pgs) (W,J) (Entered: 10/28/1998)
10/29/1998		MARGINAL ENTRY ORDER: granting motion by pltf to ext time until 11/9/98 to respond deft's mot for SJ [14-1] (issued on 10/30/98) Judge Donald C. Nugent (S,R) (Entered: 10/30/1998)
11/09/1998	15	MEMORANDUM by pltf in opp to mot by deft for summary judgment [13-1]. (19 pgs & attach) (V,K) (Entered: 11/10/1998)
11/19/1998	16	REPLY by defendant to pltf's mem in opp to motion by dft for summary judgment [13-1] (11pgs+14attach pgs) (S,R) (Entered: 11/20/1998)
11/19/1998	17	DEPOSITION of Patricia Stumpp taken on the following date(s): 9/24/98 on behalf of: pltf Fees: \$-- (99 pgs) (S,R) (Entered: 11/20/1998)
11/19/1998	18	NOTICE by defendant Invacare Corporation of filing depo testimony of Patricia Stumpp on 11/19/98 (2 pgs) (S,R) (Entered: 11/20/1998)
11/19/1998	19	DEPOSITION of Gerald B. Blouch taken on the following date(s): 10/2/98 on behalf of: dft Fees: \$-- (77 pgs) (S,R) (Entered: 11/20/1998)
11/19/1998	20	NOTICE by defendant of filing deposition testimony of Gerald Blouch on 11/19/98 (2 pgs) (S,R) (Entered: 11/20/1998)
11/20/1998	21	MOTION by dft Invacare to strike portions of pltf's memo and attached exh which are not evidence of the type contemplated by FRCP 56(C) (7 pgs) (S,R) (Entered: 11/23/1998)
11/30/1998		MARGINAL ENTRY ORDER: denying motion by dft for summary judgment [13-1] (issued on 12/1/98) Judge Donald C. Nugent (K,V) (Entered: 12/01/1998)
12/01/1998	22	JOINT STIPULATION of fact by parties (3 pgs) (S,R) (Entered: 12/02/1998)
12/01/1998	23	TRIAL brief by plaintiff (20pgs+30exh pgs) (S,R) (Entered: 12/02/1998)
12/02/1998	24	PROPOSED Jury instructions by deft (14 pgs) (W,J) (Entered: 12/03/1998)
12/02/1998	25	TRIAL brief by deft (9 pgs) (W,J) (Entered: 12/03/1998)
12/02/1998	26	MOTION by pltf to strike pltf's resp to deft's mot to strike (5 pgs) (W,J) (Entered: 12/03/1998)
12/03/1998	27	ATTORNEY APPEARANCE on behalf of plaintiff EEOC by atty Solvita A. McMillan (2 pgs) (S,R) (Entered: 12/04/1998)

12/09/1998	28	MOTION by dft in limine to preclude pltf from presenting evidence which exceeds the scope of the EEOC charge of Annie Cabbil (7pgs+1exh pg) (S,R) (Entered: 12/09/1998)
12/09/1998	29	PROPOSED VOIR DIRE: by defendant Invacare Corporation (4 pgs) (S,R) (Entered: 12/09/1998)
12/10/1998	30	MINUTES of proceedings: before Judge Donald C. Nugent ; Court reporter Sue Trischan Trial to jury; opening statements of counsel; pltf's case begun & not conclud; trial commenced; jury duly impaneled and sworn; opening statements of counsel made; pltf calls following witnesses: Annie G. Cabbil (1 pg) (S,R) (Entered: 12/23/1998)
12/11/1998	31	MINUTES of proceedings: before Judge Donald C. Nugent ; Court reporter Sue Trischan; trial to jury; pltf's case cont'd; pltf witness: Annie G. Cabbil cont'd; Shelley Monique Mathis; Kathleen Ann Obert; Gerald Brian Blouch and Christie Kolker (1 pg) (S,R) (Entered: 12/23/1998)
12/14/1998	32	MINUTES of proceedings: before Judge Donald C. Nugent ; Court reporter Sue Trischan; trial to jury; pltf's case cont'd & conclud; pltf's calls following witnesses: Mary Jean Smith; Brenda Joyce Heyeslett; Debra L Werden; Patricia Ann Stumpp; Judith Ann Harris; Loretta J. Feller and Beverly Ann Anderson; Pltf rest (1 pg) (S,R) (Entered: 12/23/1998)
12/15/1998	33	MINUTES of proceedings: before Judge Donald C. Nugent ; trial cont'd; dft's case begun & conclud; dft's motion for jgm per FRCP 50(a) is denied; Dft rests w/o calling any witnesses; Arguments of counsel made; Ct instructs jury on law and jury in deliberation (issued on 12/15/98) (1 pg) (S,R) (Entered: 12/23/1998)
12/16/1998	34	VERDICT for defendant Invacare Corporation against plaintiff EEOC (1 pg) (S,R) (Entered: 12/23/1998)
12/22/1998	35	JUDGMENT: Jury trial held; Jury returned unanimous verdict purs to Rules 48 and 49 of FRCP; Ct enters jgm purs to Rule 58 of FRCP in favor of dft and against pltf on pltf's cmplt; all costs are to be pd by pltf EEOC; dismissing case (issued on 12/22/98) (3 pgs) Judge Donald C. Nugent (S,R) (Entered: 12/23/1998)
01/22/1999	36	TRANSCRIPT of proceedings before Judge Donald C. Nugent taken on 12/10/98 by court reporter Susan K. Trischan (184 pgs) (M,EJ) (Entered: 01/25/1999)
01/22/1999	37	TRANSCRIPT of proceedings before Judge Donald C. Nugent taken on 12/11/98 by court reporter Susan K. Trischan (240 pgs) (M,EJ) (Entered: 01/25/1999)
01/25/1999	38	TRANSCRIPT of proceedings before Judge Donald C. Nugent taken on 12/14/98 by court reporter Susan Trischan (pgs 426-637) (S,R) (Entered: 01/26/1999)
01/25/1999	39	TRANSCRIPT of proceedings before Judge Donald C. Nugent taken on 12/15/98 by court reporter Susan Trischan (pgs 638-735) (S,R) (Entered: 01/26/1999)

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