

**U.S. District Court  
Northern District of Ohio (Cleveland)  
CIVIL DOCKET FOR CASE #: 1:11-cv-02674-JG**

Koren v. Ohio Bell Telephone Co.  
Assigned to: Judge James S. Gwin  
Cause: 29:0794 Job Discrimination (Handicap)

Date Filed: 12/09/2011  
Date Terminated: 09/07/2012  
Jury Demand: Plaintiff  
Nature of Suit: 445 Civil Rights:  
Americans with Disabilities – Employment  
Jurisdiction: Federal Question

**Plaintiff**

**Jason W. Koren**

represented by **Angela D. Krupar**  
INVALID ADDRESS – Dworken &  
Bernstein – Painesville  
60 South Park Place  
Painesville, OH 44077  
440-352-3391  
Email: [akrupar@dworkenlaw.com](mailto:akrupar@dworkenlaw.com)  
*(Inactive)*  
**ATTORNEY TO BE NOTICED**

**Richard N. Selby, II**  
Dworken & Bernstein – Painesville  
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440-352-3391  
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**ATTORNEY TO BE NOTICED**

V.

**Defendant**

**Ohio Bell Telephone Company**

represented by **Donald C. Bulea**  
Giffen & Kaminski  
Ste. 1600  
1300 East Ninth Street  
Cleveland, OH 44114  
216-621-5161  
Fax: 216-621-2399  
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**ATTORNEY TO BE NOTICED**

**Kerin L. Kaminski**  
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**ATTORNEY TO BE NOTICED**

| Date Filed | #        | Docket Text  |
|------------|----------|--|
| 12/09/2011 | <u>1</u> | <b>Complaint</b> with jury demand against Ohio Bell Telephone Co. Filed by Jason Koren. (Attachments: # <u>1</u> Exhibit A–EEOC letter, # <u>2</u> Civil Cover Sheet, # <u>3</u> Summons) (Selby, Richard) Modified text on 12/12/2011 (C,B). Modified to add jury demand on 8/24/2012 (H,LA). (Entered: 12/09/2011) |

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| 12/09/2011 |           | Judge James S. Gwin assigned to case. (C,B) (Entered: 12/09/2011)   |
| 12/09/2011 |           | Random Assignment of Magistrate Judge pursuant to Local Rule 3.1. In the event of a referral, case will be assigned to Magistrate Judge Vecchiarelli. (C,B) (Entered: 12/12/2011)   |
| 12/12/2011 | <u>2</u>  | Original Summons and Magistrate Consent Form issued for service upon Ohio Bell Telephone Co. (Attachments: # <u>1</u> Magistrate Consent Form) (C,B) (Entered: 12/12/2011)  |
| 12/16/2011 | <u>3</u>  | Return of Service by certified mail executed upon Ohio Bell Telephone Co. on 12/14/2011, filed on behalf of Jason W. Koren Related document(s) <u>1</u> . (Attachments: # <u>1</u> Exhibit A-Executed Green Card)(Selby, Richard) (Entered: 12/16/2011)   |
| 12/22/2011 | <u>4</u>  | Stipulated <b>Motion</b> for leave to <i>Plead</i> filed by Defendant Ohio Bell Telephone Co.. (Bulea, Donald) (Entered: 12/22/2011)  |
| 12/27/2011 | <u>5</u>  | <b>Marginal Entry Stipulation &amp; Order</b> signed by Judge James S. Gwin on 12/27/11 granting the parties' stipulated motion for an extension until 2/3/12 for the filing of an answer by defendant. (Related Doc. <u>4</u> ) (M,G) (Entered: 12/27/2011)  |
| 12/28/2011 | <u>6</u>  | Magistrate Consent Package issued on 12/28/11 on behalf of Judge James S. Gwin. (M,G) (Entered: 12/28/2011)   |
| 12/28/2011 | <u>7</u>  | <b>Case Management Conference Scheduling Order</b> signed by Judge James S. Gwin on 12/28/11 setting a conference for 3/14/12 at 4:00 p.m., Chambers 18A (Cleveland). (M,G) (Entered: 12/28/2011)   |
| 12/29/2011 | <u>8</u>  | Notice of appearance of counsel by Kerin L. Kaminski filed by on behalf of Ohio Bell Telephone Co.. (Kaminski, Kerin) Modified text on 12/29/2011 (H,KR). (Entered: 12/29/2011)   |
| 02/03/2012 | <u>9</u>  | <b>Answer</b> to <u>1</u> Complaint filed by Ohio Bell Telephone Co.. (Bulea, Donald) (Entered: 02/03/2012)   |
| 02/03/2012 | <u>10</u> | Corporate Disclosure Statement identifying Corporate Parent AT&T Teleholdings, Inc. for Ohio Bell Telephone Co. filed by Ohio Bell Telephone Co.. (Bulea, Donald) (Entered: 02/03/2012)   |
| 02/09/2012 | <u>11</u> | Stipulated <b>Motion</b> to Correct Name of Defendant filed by Defendant Ohio Bell Telephone Co.. (Bulea, Donald) (Entered: 02/09/2012)   |
| 02/13/2012 | <u>12</u> | <b>Marginal Entry Order</b> signed by Judge James S. Gwin on 2/13/12 granting the parties' stipulated motion to correct name of defendant to The Ohio Bell Telephone Company. (Related Doc. <u>11</u> ) (M,G) (Entered: 02/13/2012)   |
| 02/13/2012 | <u>13</u> | <b>Motion</b> to appear at case management conference via telephone by Plaintiff Jason W. Koren. Related document(s) <u>7</u> . (Selby, Richard) Modified on 2/14/2012 (H,KR). (Entered: 02/13/2012)  |
| 02/16/2012 | <u>14</u> | <b>Marginal Entry Order</b> signed by Judge James S. Gwin on 2/16/12 granting plaintiff's motion to attend the case management conference via telephone. (Related Doc. <u>13</u> ) (M,G) (Entered: 02/16/2012)  |
| 03/08/2012 | <u>15</u> | Report of Parties' Planning Meeting , parties do not consent to this case being assigned to the magistrate judge, filed by Ohio Bell Telephone Company. (Bulea, Donald) (Entered: 03/08/2012)   |
| 03/13/2012 |           | <b>IMPORTANT:</b> Notice [non-document] that the case management conference scheduled for 3/14/12 at 4:00 p.m., is rescheduled to 11:00 a.m. on 3/14/12 with Judge James S. Gwin. The conference will now be conducted via telephone with all counsel, parties and persons with full settlement authority required to participate. Counsel will be notified via e-mail of the Court's contact information. (Related Doc. <u>7</u> ) (M,G) (Entered: 03/13/2012) |
| 03/14/2012 | <u>16</u> | <b>Minutes of case management conference</b> before Judge James S. Gwin on 3/14/12. (Court Reporter: none; Time: 15 min.) (M,G) (Entered: 03/14/2012)   |
| 03/14/2012 | <u>17</u> | <b>Case Management Conference Plan/Order</b> signed by Judge James S. Gwin on 3/14/12. Case assigned to the Standard Track. Parties to be joined and pleadings  |

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|            |           | amended by 3/14/12. Preliminary discovery to be completed by 5/28/12. Dispositive motions to be filed by 6/4/12 with responses due 6/18/12 and replies due by 6/25/12. All discovery due by 8/27/12. Status conference set for 7/10/12 at 12:00 noon and final pretrial conference set for 9/5/12 at 12:00 noon, both in Chambers 18A (Cleveland). Bench trial is assigned on a two-week standby basis beginning 9/10/12 at 8:00 a.m., Courtroom 18A (Cleveland). (M,G)(M,G) (Entered: 03/14/2012)  |
| 03/14/2012 | <u>18</u> | <b>Order</b> signed by Judge James S. Gwin on 3/14/12 that plaintiff identify experts by 4/9/12 and defendant shall make identification by 4/30/12. (M,G) (Entered: 03/14/2012)   |
| 03/14/2012 | <u>19</u> | <b>Order</b> signed by Judge James S. Gwin on 3/14/12 limiting each side to a total of 350 minutes for depositions. (M,G) (Entered: 03/14/2012)   |
| 05/22/2012 | <u>20</u> | Subpoena Returned Executed; served upon Ms. Colleen Moughan by personal service by taping subpoena to door on 5/21/2012. (B,B) (Entered: 05/22/2012)  |
| 05/22/2012 | <u>21</u> | Subpoena Returned Executed; served upon Ms. Noreen Jadus by personal service on 5/21/2012. (B,B) (Entered: 05/22/2012)  |
| 05/22/2012 | <u>22</u> | Subpoena Returned Executed; served upon Terez E. Woods by via fax – receipt e-mail on 5/21/2012. (B,B) (Entered: 05/22/2012)  |
| 05/22/2012 | <u>23</u> | Subpoena Returned Executed; served upon Ms. Kimberly Wynn by via fax – received via e-mail on 5/21/2012. (B,B) (Entered: 05/22/2012)  |
| 06/04/2012 | <u>24</u> | Notice of Filing Deposition Transcripts filed by Ohio Bell Telephone Company. (Attachments: # <u>1</u> Jason Koren Deposition Transcript, # <u>2</u> Noreen Jadus Deposition Transcript)(Bulea, Donald) (Entered: 06/04/2012)   |
| 06/04/2012 | <u>25</u> | <b>Motion</b> for summary judgment filed by Defendant Ohio Bell Telephone Company. (Attachments: # <u>1</u> Exhibit 1 – Koren Deposition Exerpts, # <u>2</u> Exhibit 2 – James Tench Affidavit, # <u>3</u> Exhibit 3 – Kim Miceli Affidavit, # <u>4</u> Exhibit 4 – Jadus Deposition Exerpts, # <u>5</u> Exhibit 5 – Scott Willis Affidavit, # <u>6</u> Exhibit 6 – Article 18 of Bargaining Agreement, # <u>7</u> Exhibit 7 – Attendance Policy, # <u>8</u> Exhibit 8 – 10-05-09 Final Warning Letter, # <u>9</u> Exhibit 9 – 11-06-09 Grievance Report, # <u>10</u> Exhibit 10 – 10-23-09 Letter re Limited Term Service Reps)(Bulea, Donald) (Entered: 06/04/2012) |
| 06/12/2012 | <u>26</u> | <b>Motion</b> for extension of time until June 25, 2012 to Respond to Def MSJ filed by Plaintiff Jason W. Koren. Related document(s) <u>25</u> . (Selby, Richard) (Entered: 06/12/2012)   |
| 06/12/2012 |           | <b>Order</b> [non-document] entered by Judge James S. Gwin on 6/12/12 granting plaintiff's motion for an extension until 6/25/12 to respond to defendant's motion for summary judgment. The reply date is extended to 7/1/12. There will be no further extensions. (Related Doc. <u>26</u> ) (M,G) (Entered: 06/12/2012)  |
| 06/25/2012 | <u>27</u> | <b>Opposition</b> to <u>25 Motion</u> for summary judgment filed by Jason W. Koren. (Attachments: # <u>1</u> Exhibit A-Koren Depo Transcript, # <u>2</u> Exhibit B-Micel Depo Transcript, # <u>3</u> Exhibit C-Tench Depo Transcript, # <u>4</u> Exhibit D-Moughan Depo Transcript, # <u>5</u> Exhibit E-Willis Depo Transcript)(Selby, Richard) (Entered: 06/25/2012)  |
| 07/02/2012 | <u>28</u> | <b>Motion</b> to attend by telephone filed by Plaintiff Jason W. Koren. (Selby, Richard) (Entered: 07/02/2012)  |
| 07/02/2012 | <u>29</u> | <b>Reply</b> in support of <u>25 Motion</u> for summary judgment filed by Ohio Bell Telephone Company. (Bulea, Donald) Modified text on 7/3/2012 (H,LA). (Entered: 07/02/2012)  |
| 07/06/2012 | <u>30</u> | Joint <b>Motion</b> to continue 07/10/2012 Status Conference filed by Defendant Ohio Bell Telephone Company. (Bulea, Donald) (Entered: 07/06/2012)  |
| 07/09/2012 | <u>31</u> | <b>Marginal Entry Order</b> signed by Judge James S. Gwin on 7/9/12 granting the parties' joint motion to continue the status conference; conference reset for 7/30/12 at 8:30 a.m., Chambers 18A (Cleveland). (Related Doc. <u>30</u> ) (M,G) (Entered: 07/09/2012)  |
| 07/10/2012 |           | <b>Order</b> [non-document] entered by Judge James S. Gwin on 7/10/12 denying as moot plaintiff's motion to attend the 7/10/12 status conference via telephone. (Related Doc.   |

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|            |           | <u>28</u> ) (M,G) (Entered: 07/10/2012)   |
| 07/12/2012 | <u>32</u> | <b>Motion</b> to attend <i>7/30/2012 Status Conference</i> by telephone filed by Plaintiff Jason W. Koren. Related document(s) <u>31</u> . (Selby, Richard) (Entered: 07/12/2012)   |
| 07/13/2012 |           | <b>Order</b> [non-document] entered by Judge James S. Gwin on 7/13/12 granting plaintiff's motion to attend the status conference via telephone. (Related Doc. <u>32</u> ) (M,G) (Entered: 07/13/2012)  |
| 07/28/2012 |           | <b>IMPORTANT:</b> Notice [non-document] that due to an unexpected scheduling conflict the status conference with Judge James S. Gwin set for 7/30/12 at 8:30 a.m., is reset to 3:30 p.m. The status conference will now be conducted via telephone for all participants. Counsel will be advised via e-mail of the Court's contact information. (Related Doc. <u>31</u> ) (M,G) (Entered: 07/28/2012)               |
| 07/31/2012 | <u>33</u> | <b>Minutes of status conference</b> before Judge James S. Gwin on 7/30/12. (Court Reporter: none; Time: 25 min.) (M,G) (Entered: 07/31/2012)  |
| 07/31/2012 |           | <b>IMPORTANT:</b> Notice [non-document] that the final pretrial conference has been rescheduled to 9/6/12 at 11:00 a.m., Chambers 18A (Cleveland). (M,G) (Entered: 07/31/2012)  |
| 08/14/2012 | <u>34</u> | <b>Opinion and Order</b> signed by Judge James S. Gwin on 8/14/12 denying defendant's motion for summary judgment. (Related Doc. <u>25</u> ) (M,G) (Entered: 08/14/2012)  |
| 08/22/2012 | <u>35</u> | Subpoena Returned Executed; served upon Mark Lipaj Insurance Agency Inc., c/o Mark Lipaj by Personal Service on 08/22/2012 filed on behalf of Ohio Bell Telephone Company (Bulea, Donald) (Entered: 08/22/2012)   |
| 08/24/2012 |           | Remark: Counsel shall note that the trial scheduled for 9/10/12 at 8:00 a.m., will be a jury trial and not a bench trial as noted in the Court's trial order. (Related Docs. <u>1</u> , <u>17</u> ) (M,G) (Entered: 08/24/2012)   |
| 08/24/2012 | <u>36</u> | Subpoena Returned Executed; served upon State Farm Insurance, c/o Dick McClement by Personal Service on 08/23/2012 filed on behalf of Ohio Bell Telephone Company (Bulea, Donald) (Entered: 08/24/2012)   |
| 08/31/2012 | <u>37</u> | Attorney Appearance of <i>Angela Krupar</i> by Richard N. Selby, II filed by on behalf of Jason W. Koren. (Selby, Richard) Modified on 9/5/2012 to add counsel to docket and regenerate NEF's to new counsel. (H,LA). (Entered: 08/31/2012)   |
| 08/31/2012 | <u>38</u> | Proposed Jury Instructions filed by Jason W. Koren. (Selby, Richard) (Entered: 08/31/2012)  |
| 08/31/2012 | <u>39</u> | Proposed Voir Dire filed by Jason W. Koren. (Selby, Richard) (Entered: 08/31/2012)  |
| 08/31/2012 | <u>40</u> | Joint Proposed Stipulation <i>and Order</i> filed by Ohio Bell Telephone Company. (Attachments: # <u>1</u> Appendix B – Plaintiff's Exhibit List, # <u>2</u> Appendix B – Defendant's Exhibit List, # <u>3</u> Appendix C – Plaintiff's Witness List, # <u>4</u> Affidavit C – Defendant's Witness List)(Bulea, Donald) Modified to note unsigned by counsel on 9/5/2012 (H,LA). (Entered: 08/31/2012)              |
| 08/31/2012 | <u>41</u> | Proposed Jury Instructions filed by Ohio Bell Telephone Company. (Bulea, Donald) (Entered: 08/31/2012)  |
| 08/31/2012 | <u>42</u> | Proposed Voir Dire filed by Ohio Bell Telephone Company. (Bulea, Donald) (Entered: 08/31/2012)  |
| 09/04/2012 | <u>43</u> | <b>Final Pretrial Order</b> approved by Judge James S. Gwin on 9/4/12. (M,G) (Entered: 09/04/2012)  |
| 09/05/2012 | <u>44</u> | <b>Motion</b> in limine to exclude the testimony from or evidence of <i>Erica Dismukes, Rick Plant, Deidre Thomas, Andrew Wege, Freeze McCarter, Martin Lopez, and Mark Stanislawski</i> filed by Plaintiff Jason W. Koren. (Attachments: # <u>1</u> Exhibit A–Def Resp/Obj to PI Discovery, # <u>2</u> Exhibit B–Def Initial Disclosures)(Selby, Richard) Modified text on 9/10/2012 (H,LA). (Entered: 09/05/2012) |
| 09/05/2012 | <u>45</u> | <b>Motion</b> in limine to exclude references by defendant to plaintiff's private <i>State Farm Disability Insurance Policy</i> filed by Plaintiff Jason W. Koren. (Attachments: # <u>1</u>   |

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|            |           | Exhibit A–Def Ameritech Disability Plan)(Selby, Richard) Modified text on 9/10/2012 (H,LA). (Entered: 09/05/2012)   |
| 09/05/2012 | <u>46</u> | <b>Motion</b> to bifurcate filed by Defendant Ohio Bell Telephone Company. (Bulea, Donald) (Entered: 09/05/2012)  |
| 09/05/2012 | <u>47</u> | <b>Motion</b> in limine to <i>Exclude Opinion Testimony that Ohio Bell Caused Plaintiff's Disability</i> filed by Defendant Ohio Bell Telephone Company. (Attachments: # <u>1</u> Exhibit 1 – 01/26/2011 SSA Decision)(Bulea, Donald) (Entered: 09/05/2012)                             |
| 09/05/2012 | <u>48</u> | <b>Motion</b> in limine to <i>Limit Any Award of Back Pay to Time Period Before Plaintiff Became Totally Disabled</i> filed by Defendant Ohio Bell Telephone Company. (Attachments: # <u>1</u> Exhibit 1 – 01/26/2011 SSA Decision)(Bulea, Donald) (Entered: 09/05/2012)                |
| 09/05/2012 | <u>49</u> | <b>Motion</b> in limine to <i>Strike Plaintiff's Demand for, or an Award of, Front Pay</i> filed by Defendant Ohio Bell Telephone Company. (Attachments: # <u>1</u> Exhibit 1 – 01/26/2011 SSA Decision)(Bulea, Donald) (Entered: 09/05/2012)   |
| 09/06/2012 | <u>50</u> | <b>Minutes of final pretrial conference</b> before Judge James S. Gwin on 9/6/12. (Court Reporter: none; Time: 1 hr. 15 min.) (M,G) (Entered: 09/06/2012)   |
| 09/06/2012 | <u>51</u> | <b>Order</b> signed by Judge James S. Gwin on 9/6/12 setting forth trial procedure and allocating 350 minutes per side for the presentation of their respective cases. (M,G) (Entered: 09/06/2012)  |
| 09/07/2012 | <u>52</u> | Witness List ( <i>Revised</i> ) filed by Ohio Bell Telephone Company. (Bulea, Donald) (Entered: 09/07/2012)   |
| 09/07/2012 | <u>53</u> | <b>Order</b> signed by Judge James S. Gwin on 9/7/12. Upon representation of counsel for plaintiff that all issues have been resolved the docket is marked settled and dismissed with prejudice. The Court retains jurisdiction as set forth in this entry. (M,G) (Entered: 09/07/2012) |