

**U.S. District Court  
Northern District of Ohio (Cleveland)  
CIVIL DOCKET FOR CASE #: 1:06-cv-02371-PAG**

Equal Employment Opportunity v. DHL Express (USA),Inc.  
Assigned to: Judge Patricia A. Gaughan  
Case in other court: 6th Circuit, 08-03143  
Cause: 29:626 Job Discrimination (Age)

Date Filed: 09/29/2006  
Date Terminated: 11/20/2007  
Jury Demand: None  
Nature of Suit: 442 Civil Rights: Jobs  
Jurisdiction: U.S. Government Plaintiff

**Plaintiff**

**United States Equal Employment  
Opportunity Commission**

represented by **C. Larry Watson**  
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V.

**Defendant**

**DHL Express (USA), Inc.**

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Date Filed	#	Docket Text
09/29/2006	<u>1</u>	Complaint against DHL EXPRESS (USA),INC. ( Filing fee 350 receipt number Exempt.). Filed by United States Equal Employment Opportunity Commission. (Attachments: # <u>1</u> Civil Cover Sheet Page One# <u>2</u> Civil Cover Sheet Page Two# <u>3</u> Civil Cover Sheet Page Three)(McMillan, Solvita) (Entered: 09/29/2006)
09/29/2006		Judge Lesley Wells assigned to case. (C, BA) (Entered: 09/29/2006)
09/29/2006		Random Assignment of Magistrate Judge pursuant to Local Rule 3.1. In the event of a referral, case will be assigned to Magistrate Judge Hemann. (C, BA) (Entered: 09/29/2006)
10/05/2006	<u>2</u>	Order of recusal, case reassigned to Judge Patricia A. Gaughan for all further proceedings . Signed by Judge Lesley Wells on 10/5/06. (C, B) (Entered: 10/05/2006)
10/25/2006	<u>3</u>	Case Management Conference Scheduling Order with case management conference set on 11/27/2006 at 08:45 AM to be held telephonically by Hon. Patricia A. Gaughan. Signed by Judge Patricia A. Gaughan on 10/25/06. (D, MB) (Entered: 10/25/2006)
11/14/2006	<u>4</u>	Waiver of Summons by <i>Christopher Johnson counsel for DHL Express (USA)</i> returned. Waiver mailed on <i>October 2, 2006</i> filed by United States Equal Employment Opportunity Commission (McMillan, Solvita) (Entered: 11/14/2006)
11/22/2006	<u>5</u>	Order: Case management conference is continued to 12/8/2006 at 09:00 AM to allow defendant to answer as waiver of service has just been executed. Signed by Judge Patricia A. Gaughan on 11/14/06. (L-C, S) (Entered: 11/22/2006)
11/27/2006	<u>6</u>	Answer to Complaint (Related Doc # <u>1</u> ) filed by DHL Express (USA), Inc.. (Johnson, Christopher) (Entered: 11/27/2006)
12/05/2006	<u>7</u>	Report of Parties' Planning Meeting filed by DHL Express (USA), Inc.. (Johnson, Christopher) (Entered: 12/05/2006)
12/11/2006	<u>8</u>	Case Management Order: Case Management Conference held on 12/8/06. Case assigned to the Standard Track. Case is suitable for ECF. Non-expert discovery due by 5/1/07. Expert Reports exchanged by 5/15/07 for plaintiff and 6/15/07 for defendant and Expert discovery due by 7/15/07. Parties to be Joined and Pleading Amendments due by 2/19/07. Dispositive Motions due by 8/15/07. Status Conference set for 4/18/07 at 09:00 AM. Parties are not required to appear in person. (If parties are not required to appear in person, they must be available by telephone.) Counsel must appear in person unless otherwise ordered by the Court. Signed by Judge Patricia A. Gaughan on 12/8/06. (L-C, S) (Entered: 12/11/2006)
12/15/2006	<u>9</u>	Initial Disclosures filed by DHL Express (USA), Inc. (Johnson, Christopher) (Entered: 12/15/2006)
03/30/2007	<u>10</u>	Notice of Service of <i>Discovery Requests</i> filed by DHL Express (USA), Inc.. (Fuller, Adam) (Entered: 03/30/2007)
04/26/2007	<u>11</u>	Minute/Order: Status Conference was held on 4/18/07. Non-expert discovery deadline is now July 1, 2007. Plaintiffs expert report is due July 1, 2007. Defendants expert report is due August 1, 2007. Expert discovery deadline is September 1, 2007. Dispositive motion deadline is September 15, 2007. Status conference, with parties present, is set June 29, 2007 AT 9:30 A.M. Signed by Judge Patricia A. Gaughan on 4/18/07.(LC,S) (Entered: 04/26/2007)

05/07/2007	<u>12</u>	Notice of Service of Responses and Objections to Plaintiff's First Requests for Production of Documents and Interrogatories filed by DHL Express (USA), Inc.. (Fuller, Adam) (Entered: 05/07/2007)
06/15/2007	<u>13</u>	Attorney Appearance for Lawrence Mays, Senior Trial Attorney, EEOC by Solvita A. McMillan filed by on behalf of United States Equal Employment Opportunity Commission. (McMillan, Solvita) (Entered: 06/15/2007)
06/25/2007	<u>14</u>	Minutes/Order: Joint Oral Motion to Continue Status Conference, with parties present, set 6/29/07 is granted to 8/30/2007 at 09:30 AM. Signed by Judge Patricia A. Gaughan on 6/22/07.(LC,S) (Entered: 06/25/2007)
07/31/2007	<u>15</u>	Subpoena Returned Executed; served upon John Terry Stricker by Personal Service on 7/14/07 filed by DHL Express (USA), Inc. (Johnson, Christopher) (Entered: 07/31/2007)
09/04/2007	<u>16</u>	Notice of Service of Answers and Objections to Plaintiff's Second Set of Interrogatories and Responses and Objections to Plaintiff's Second Requests for Production of Documents filed by DHL Express (USA), Inc.. (Fuller, Adam) (Entered: 09/04/2007)
09/07/2007	<u>17</u>	<b>Minutes/Order:</b> Status Conference was held. Status Conference, with parties present, is set 12/18/2007 at 09:30 AM. Signed by Judge Patricia A. Gaughan on 8/30/07.(LC,S) (Entered: 09/07/2007)
09/14/2007	<u>18</u>	<b>Motion</b> for summary judgment filed by DHL Express (USA), Inc.. (Attachments: # <u>1</u> Brief in Support # <u>2</u> Exhibit Deposition of John Stricker# <u>3</u> Exhibit Deposition of Joseph George# <u>4</u> Exhibit Cleveland Plain Dealer Advertisement# <u>5</u> Exhibit Monster.com Advertisement# <u>6</u> Exhibit Deposition of Ronald Dargay# <u>7</u> Exhibit Job Description at DHL 0008# <u>8</u> Exhibit Middleburgh Heights New Hire Data Forms# <u>9</u> Exhibit Beachwood New Hire Data Forms# <u>10</u> Exhibit Stricker Dep. at 53-54,561 62# <u>11</u> Exhibit Stricker Dep. Ex E# <u>12</u> Exhibit Stricker Dep. Ex C# <u>13</u> Exhibit Stricker Dep Ex. B# <u>14</u> Exhibit Stricker Dep Ex. A# <u>15</u> Exhibit EEO Applicant Flow Log# <u>16</u> Exhibit DHL EEO Applicant Flow Log# <u>17</u> Exhibit Ientile vs United States Steel Corp)(Johnson, Christopher) (Entered: 09/14/2007)
10/15/2007	19	Video Deposition of John Stricker taken on 8/14/07. Complete document on file, 3 DVDs. filed by United States Equal Employment Opportunity Commission. (C,B) Modified on 10/19/2007 (S, R). Modified to delete link pursuant to telephone conversation with attorney on 10/19/2007 (B, B). (Entered: 10/15/2007)
10/17/2007	<u>20</u>	<b>Opposition to 18 Motion</b> for summary judgment filed by United States Equal Employment Opportunity Commission. (Attachments: # <u>1</u> Affidavit Personon Declaration# <u>2</u> Exhibit Plain Dealer Job Ad# <u>3</u> Exhibit JohnStricker DHL Applications and Resumes# <u>4</u> Exhibit DHL Blank Application# <u>5</u> Exhibit March 1, 2005 Rejection Letter# <u>6</u> Exhibit Normile Application# <u>7</u> Exhibit Hayward Application# <u>8</u> Exhibit Willard Application# <u>9</u> Exhibit Mommers Application# <u>10</u> Exhibit Marquardt Application# <u>11</u> Exhibit Affidavit of Daniel Cabot, EEOC Cleveland Field Office Director with attachments 1 - 9# <u>12</u> Exhibit Stricker January 24, 2007 Application, Resume and Interview Notes# <u>13</u> Exhibit DHL Employees Hired February & March 2005# <u>14</u> Exhibit Affidavit of Mary Holifield with Attachments AA and BB# <u>15</u> Exhibit DHL Positions Statements: April 8, 2005 (pages 1-2) and August 24, 2005 (pages 1-3)# <u>16</u> Exhibit Notice of Charge with EEOC Charge No. 220-2005-00843 attached)(Mays, Lawrence) (Entered: 10/17/2007)
10/19/2007	<u>21</u>	<b>Opposition to 18 Motion</b> for summary judgment <i>Exhibit Deposition Transcript Pages John T. Stricker</i> filed by United States Equal Employment Opportunity Commission. (Attachments: # <u>1</u> Exhibit Deposition Transcript Pages Ronald M. Dargay# <u>2</u> Exhibit Deposition Transcript Pages Joseph George)(McMillan, Solvita) (Entered: 10/19/2007)
11/02/2007	<u>22</u>	<b>Reply</b> in support of <u>18 Motion for summary judgment filed by DHL Express (USA), Inc.. (Attachments: # <u>1</u> Exhibit 1 - Deposition of John T. Stricker# <u>2</u> Exhibit 2 - Answers to Interrogatories# <u>3</u> Exhibit 3 - Deposition of Joseph George# <u>4</u> Exhibit 4 - Affidavit of Joseph George# <u>5</u> Exhibit 5 - Deposition of Ronald Dargay# <u>6</u> Exhibit 6 - Letter to Daniel Cabot# <u>7</u> Exhibit 7 - Letter to Mary Holifield# <u>8</u> Exhibit 8 - Affidavit of Kathleen Wrinkle)(Johnson, Christopher) (Entered: 11/02/2007)</u>

11/20/2007	<u>23</u>	<b>Memorandum Opinion and Order:</b> The Motion of Defendant DHL Express (USA), Inc. for Summary Judgment is granted. Signed by Judge Patricia A. Gaughan on 11/19/07. (Related Doc. <u>18</u> ) (LC,S) (Entered: 11/20/2007)
11/20/2007	<u>24</u>	<b>Judgment Entry:</b> This Court, having issued its Memorandum of Opinion and Order granting the Motion of Defendant DHL Express (USA), Inc. for Summary Judgment (Doc. <u>18</u> ), hereby enters judgment for defendant. Signed by Judge Patricia A. Gaughan on 11/19/07. (Related Doc. <u>23</u> ). (LC,S) (Entered: 11/20/2007)
01/18/2008	<u>25</u>	<b>NOTICE OF APPEAL</b> to the 6th Circuit Court of Appeals from the <u>23</u> Memorandum Opinion and Order and <u>24</u> Judgment Entry of 11/20/07, filed by United States Equal Employment Opportunity Commission (Filing fee Exempt) (McMillan, Solvita). Modified text on 1/23/2008 (H, SP). (Entered: 01/18/2008)
02/19/2008	<u>26</u>	Acknowledgment from the USCA for Sixth Circuit of receipt of <u>25</u> Notice of Appeal (USCA# 08-3143). Date filed in USCA 2/11/08. (H, SP) (Entered: 02/19/2008)
05/27/2008	<u>27</u>	True copy of order from the USCA for the Sixth Circuit: The Notice of Appeal <u>25</u> is dismissed, upon stipulation of the parties (USCA# 08-3143). Date issued by USCA 5/22/08 (H, SP) (Entered: 05/28/2008)
06/06/2008	<u>28</u>	Bill of costs filed by DHL Express (USA), Inc.. (Attachments: # <u>1</u> Affidavit, # <u>2</u> Exhibit A, # <u>3</u> Exhibit B, # <u>4</u> Exhibit C, # <u>5</u> Exhibit D, # <u>6</u> Exhibit E)(Fuller, Adam) (Entered: 06/06/2008)
06/25/2008	<u>29</u>	Costs Taxed in the amount of \$3,621.96 against EEOC. Related document(s) <u>28</u> . (E,DJ) (Entered: 06/25/2008)