

CLOSED, CONSOL, LEAD, SM

**U.S. District Court  
Western District of Pennsylvania (Pittsburgh)  
CIVIL DOCKET FOR CASE #: 2:07-cv-00705-AJS**

RUPERT et al v. PPG INDUSTRIES, INC.  
Assigned to: Arthur J. Schwab  
Member case: ([View Member Case](#))  
Cause: 29:621 Job Discrimination (Age)

Date Filed: 05/24/2007  
Date Terminated: 11/23/2009  
Jury Demand: Plaintiff  
Nature of Suit: 442 Civil Rights: Jobs  
Jurisdiction: Federal Question

**Special Master**

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*individually and on behalf of all others  
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V.

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| Date Filed | #         | Docket Text                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|------------|-----------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 05/24/2007 | <u>1</u>  | COMPLAINT against PPG INDUSTRIES, INC. (Filing fee \$ 350 receipt number 4417), filed by WADE C. BITTNER, ARTHUR C. RUPERT, LINDA K. AUSTIN, LARRY L. CAMPBELL, KENNETH J. HUNT. (Attachments: # <u>1</u> Civil Cover Sheet # <u>2</u> Summons # <u>3</u> Receipt Filing Fee)(plh) (Entered: 05/25/2007)                                                                                                                                               |
| 05/24/2007 |           | Summons Issued as to PPG INDUSTRIES, INC. (plh) (Entered: 05/25/2007)                                                                                                                                                                                                                                                                                                                                                                                  |
| 05/29/2007 | <u>2</u>  | NOTICE that instant civil action has been designated for placement into the United States District Court's Alternative Dispute Resolution program. Parties are directed to fully complete the required 26(f) report, which includes the stipulation of selecting an ADR process. Counsel for plaintiff (or in the case of a removal action, counsel for removing defendant) shall make service of the notice on all parties.(ms) (Entered: 05/29/2007) |
| 05/29/2007 | <u>3</u>  | CERTIFICATE OF SERVICE by WADE C. BITTNER, ARTHUR C. RUPERT, LINDA K. AUSTIN, LARRY L. CAMPBELL, KENNETH J. HUNT re <u>2</u> Notice of ADR Designation, (Fox, Bruce) (Entered: 05/29/2007)                                                                                                                                                                                                                                                             |
| 06/04/2007 | <u>4</u>  | NOTICE of Appearance by Rudy A. Fabian on behalf of WADE C. BITTNER, ARTHUR C. RUPERT, LINDA K. AUSTIN, LARRY L. CAMPBELL, KENNETH J. HUNT (Fabian, Rudy) (Entered: 06/04/2007)                                                                                                                                                                                                                                                                        |
| 06/04/2007 | <u>5</u>  | NOTICE of Appearance by Melissa L. Evans on behalf of WADE C. BITTNER, ARTHUR C. RUPERT, LINDA K. AUSTIN, LARRY L. CAMPBELL, KENNETH J. HUNT (Evans, Melissa) (Entered: 06/04/2007)                                                                                                                                                                                                                                                                    |
| 06/28/2007 | <u>6</u>  | WAIVER OF SERVICE Returned Executed by WADE C. BITTNER, ARTHUR C. RUPERT, LINDA K. AUSTIN, LARRY L. CAMPBELL, KENNETH J. HUNT. PPG INDUSTRIES, INC. waiver sent on 5/25/2007, answer due 7/24/2007. (Fox, Bruce) (Entered: 06/28/2007)                                                                                                                                                                                                                 |
| 07/23/2007 | <u>7</u>  | NOTICE of Appearance by James F. Glunt on behalf of PPG INDUSTRIES, INC. (Glunt, James) (Entered: 07/23/2007)                                                                                                                                                                                                                                                                                                                                          |
| 07/23/2007 | <u>8</u>  | Stipulation for Extension of Time to Answer by PPG INDUSTRIES, INC. Answer due from PPG INDUSTRIES, INC.. (Glunt, James) (Entered: 07/23/2007)                                                                                                                                                                                                                                                                                                         |
| 07/23/2007 | <u>9</u>  | NOTICE of Appearance by Lisa M. Passarello on behalf of PPG INDUSTRIES, INC. (Passarello, Lisa) (Entered: 07/23/2007)                                                                                                                                                                                                                                                                                                                                  |
| 07/24/2007 | <u>10</u> | NOTICE of Appearance by Terrence H. Murphy on behalf of PPG INDUSTRIES, INC. (Murphy, Terrence) (Entered: 07/24/2007)                                                                                                                                                                                                                                                                                                                                  |
| 07/30/2007 | <u>11</u> | ORDER SETTING INITIAL CASE MANAGEMENT CONFERENCE Proposed Case Management Order and Rule 26 Meeting Report due by 9/10/2007. Case Management Conference set for 9/19/2007 08:45 AM before Arthur J. Schwab. Signed by Judge Arthur J. Schwab on 7/30/07. (smk) (Entered: 07/30/2007)                                                                                                                                                                   |
| 08/06/2007 | <u>12</u> | NOTICE of Appearance by Alan M. Pittler on behalf of PPG INDUSTRIES, INC. (Pittler, Alan) (Entered: 08/06/2007)                                                                                                                                                                                                                                                                                                                                        |

|            |           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|------------|-----------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 08/07/2007 | <u>13</u> | First AMENDED COMPLAINT against PPG INDUSTRIES, INC.. PPG INDUSTRIES, INC. answer due 8/21/2007, filed by WADE C. BITTNER; ARTHUR C. RUPERT; LINDA K. AUSTIN; LARRY L. CAMPBELL; KENNETH J. HUNT. (Attachments: # <u>1</u> Exhibit A # <u>2</u> Exhibit B)(Fox, Bruce) (Entered: 08/07/2007)                                                                                                                                                                                    |
| 08/20/2007 | <u>14</u> | Stipulation for Extension of Time to Answer by PPG INDUSTRIES, INC. Answer due from PPG INDUSTRIES, INC. on 9/10/2007. (Pittler, Alan) (Entered: 08/20/2007)                                                                                                                                                                                                                                                                                                                    |
| 08/21/2007 | <u>15</u> | First MOTION to Extend Time to Move for Class Certification by WADE C. BITTNER, ARTHUR C. RUPERT, LINDA K. AUSTIN, LARRY L. CAMPBELL, KENNETH J. HUNT. (Attachments: # <u>1</u> Proposed Order)(Fox, Bruce) (Entered: 08/21/2007)                                                                                                                                                                                                                                               |
| 08/22/2007 | <u>16</u> | ORDER granting <u>15</u> Motion to Extend Time to Move for Class Certification. Signed by Judge Arthur J. Schwab on 8/22/07. (smk) (Entered: 08/22/2007)                                                                                                                                                                                                                                                                                                                        |
| 09/10/2007 | <u>17</u> | MOTION to Dismiss <i>Plaintiffs' ADEA Collective Action Claims</i> re <u>13</u> Amended Complaint, by PPG INDUSTRIES, INC.. (Attachments: # <u>1</u> Exhibit A # <u>2</u> Proposed Order)(Glunt, James) (Entered: 09/10/2007)                                                                                                                                                                                                                                                   |
| 09/10/2007 | <u>18</u> | BRIEF in Support re <u>17</u> MOTION to Dismiss <i>Plaintiffs' ADEA Collective Action Claims</i> re <u>13</u> Amended Complaint, filed by PPG INDUSTRIES, INC.. (Glunt, James) (Entered: 09/10/2007)                                                                                                                                                                                                                                                                            |
| 09/10/2007 | <u>19</u> | ANSWER to Amended Complaint, COUNTERCLAIM against all plaintiffs by PPG INDUSTRIES, INC.. (Attachments: # <u>1</u> Exhibit A to Counterclaim # <u>2</u> Exhibit B to Counterclaim)(Glunt, James) (Entered: 09/10/2007)                                                                                                                                                                                                                                                          |
| 09/10/2007 | <u>20</u> | Disclosure Statement identifying None as corporate partent, by PPG INDUSTRIES, INC. (Glunt, James) Modified on 9/11/2007 (plh) (Entered: 09/10/2007)                                                                                                                                                                                                                                                                                                                            |
| 09/11/2007 |           | ORDER REQUIRING RESPONSE to <u>17</u> Motion to Dismiss. Responses due by 9/17/2007 at noon. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order or Notice of the Court on the matter. Signed by Judge Arthur J. Schwab on 9/11/07. (smk) (Entered: 09/11/2007)                                                                                                                                                                             |
| 09/12/2007 | <u>21</u> | Unopposed MOTION to Continue <i>Case Management Conference and Extend Time to File Rule 26(f) Report and Opposition to Defendant's Motion to Dismiss</i> by WADE C. BITTNER, ARTHUR C. RUPERT, LINDA K. AUSTIN, LARRY L. CAMPBELL, KENNETH J. HUNT. (Attachments: # <u>1</u> Proposed Order)(Fox, Bruce) (Entered: 09/12/2007)                                                                                                                                                  |
| 09/13/2007 | <u>22</u> | ORDER granting <u>21</u> Motion to Continue and Resetting Deadlines: Response to <u>17</u> Motion to Dismiss due by 9/24/2007 at 5:00 PM. Proposed Case Management Order and Rule 26 Meeting Report due by 9/21/2007 (parties shall also select a special master in addition to the ADR neutral). The Initial Case Management Conference is rescheduled to 9/26/2007 08:15 AM before Arthur J. Schwab. Signed by Judge Arthur J. Schwab on 9/13/07. (smk) (Entered: 09/13/2007) |
| 09/21/2007 | <u>23</u> | STIPULATION selecting ADR process by WADE C. BITTNER, PPG INDUSTRIES, INC., ARTHUR C. RUPERT, LINDA K. AUSTIN, LARRY L. CAMPBELL, KENNETH J. HUNT(Fox, Bruce) (Entered: 09/21/2007)                                                                                                                                                                                                                                                                                             |
| 09/21/2007 | <u>24</u> | REPORT of Rule 26(f) Planning Meeting. (Attachments: # <u>1</u> Exhibit Plaintiffs Proposed Case Management Plan and Proposed CMO # <u>2</u> Exhibit Defendant PPG Proposed Case Management Order)(Fox, Bruce) (Entered: 09/21/2007)                                                                                                                                                                                                                                            |
| 09/24/2007 | <u>25</u> | BRIEF in Opposition re <u>17</u> MOTION to Dismiss <i>Plaintiffs' ADEA Collective Action Claims</i> re <u>13</u> Amended Complaint, filed by WADE C. BITTNER, ARTHUR C. RUPERT, LINDA K. AUSTIN, LARRY L. CAMPBELL, KENNETH J. HUNT. (Attachments: # <u>1</u> Exhibit A # <u>2</u> Exhibit B # <u>3</u> Exhibit C # <u>4</u> Exhibit D # <u>5</u> Exhibit E # <u>6</u> Exhibit F # <u>7</u> Exhibit G)(Fox, Bruce) (Entered: 09/24/2007)                                        |

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| 09/26/2007 |           | Minute Entry for proceedings held before Judge Arthur J. Schwab: Case Management Conference held on 9/26/2007. Case Management Order issued. Parties agreed to mediate before Louis Kushner. Text-only entry; no PDF document will issue. This text-only entry constitutes the Court's order or notice on the matter. (Court Reporter K. Earley) (ms) (Entered: 09/26/2007)                                                                                                                                                                                                                                                                                           |
| 09/26/2007 | <u>26</u> | ORDER denying <u>17</u> Motion to Dismiss. Signed by Judge Arthur J. Schwab on 9/26/07. (ms) (Entered: 09/26/2007)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 09/26/2007 | <u>27</u> | ORDER REFERRING CASE to Mediation. Louis Kushner is appointed as mediator. Mediation shall occur by 11/26/07. Signed by Judge Arthur J. Schwab on 9/26/07. (ms) (Entered: 09/26/2007)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 09/26/2007 | <u>28</u> | CASE MANAGEMENT ORDER: Exchange of required Rule 26(a)(1) information due by 10/10/2007, Amended Pleadings due by 10/26/2007, Phase I Discovery due by 12/28/2007, Summary Judgment due by 1/17/2008, Response to Summary Judgment due by 1/28/2008. Signed by Judge Arthur J. Schwab on 9/26/07. (ms) (Entered: 09/26/2007)                                                                                                                                                                                                                                                                                                                                          |
| 09/28/2007 | <u>29</u> | ORDER REFERRING CASE to Special Master. Kevin P. Lucas rep by Kevin P. Lucas appointed. Signed by Judge Arthur J. Schwab on 9/27/07. (smk) (Entered: 09/28/2007)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 10/03/2007 | <u>30</u> | STIPULATION <i>for Extension of Time to Respond to Answer and Counterclaim</i> by WADE C. BITTNER, ARTHUR C. RUPERT, LINDA K. AUSTIN, LARRY L. CAMPBELL, KENNETH J. HUNT. (Fox, Bruce) (Entered: 10/03/2007)                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 10/09/2007 | <u>31</u> | MOTION to Dismiss <i>Voluntarily Count III of First Amended Complaint Pursuant to Rule 41(a)(2)</i> by WADE C. BITTNER, ARTHUR C. RUPERT, LINDA K. AUSTIN, LARRY L. CAMPBELL, KENNETH J. HUNT. (Attachments: # <u>1</u> Proposed Order)(Fox, Bruce) (Entered: 10/09/2007)                                                                                                                                                                                                                                                                                                                                                                                             |
| 10/09/2007 | <u>32</u> | MOTION to Dismiss <i>Counterclaim and Strike Second and Fourth Affirmative Defenses</i> re <u>19</u> Answer to Amended Complaint, Counterclaim by WADE C. BITTNER, ARTHUR C. RUPERT, LINDA K. AUSTIN, LARRY L. CAMPBELL, KENNETH J. HUNT. (Attachments: # <u>1</u> Brief in Support of Motion # <u>2</u> Proposed Order)(Fox, Bruce) (Entered: 10/09/2007)                                                                                                                                                                                                                                                                                                            |
| 10/09/2007 |           | MOTION to Strike Affirmative Defenses (filed with Docket Entry # <u>32</u> Motion to Dismiss) by WADE C. BITTNER, ARTHUR C. RUPERT, LINDA K. AUSTIN, LARRY L. CAMPBELL, KENNETH J. HUNT. (sjs ) (Entered: 10/10/2007)                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 10/09/2007 | <u>36</u> | BRIEF in Support re <u>32</u> MOTION to Dismiss Counterclaim and MOTION to Strike Second and Fourth Affirmative Defenses re <u>19</u> Answer to Amended Complaint and Counterclaim, filed by WADE C. BITTNER, ARTHUR C. RUPERT, LINDA K. AUSTIN, LARRY L. CAMPBELL, KENNETH J. HUNT. "Document previously filed electronically." (sjs ) (Entered: 10/10/2007)                                                                                                                                                                                                                                                                                                         |
| 10/10/2007 | <u>33</u> | Errata re <u>32</u> <i>Motion to Dismiss Defendant's Counterclaim and Strike Affirmative Defenses</i> by WADE C. BITTNER, ARTHUR C. RUPERT, LINDA K. AUSTIN, LARRY L. CAMPBELL, KENNETH J. HUNT. Reason for Correction: Separating Motion and Brief in Support of Motion to Dismiss Defendant's Counterclaim and Strike Affirmative Defenses. (Attachments: # <u>1</u> Proposed Order)(Fox, Bruce) Modified on 10/10/2007 to add document linkage (sjs ). (Entered: 10/10/2007)                                                                                                                                                                                       |
| 10/10/2007 | <u>34</u> | Errata <i>Brief in Support of Motion to Dismiss Defendant's Counterclaim and Strike Affirmative Defenses</i> by WADE C. BITTNER, ARTHUR C. RUPERT, LINDA K. AUSTIN, LARRY L. CAMPBELL, KENNETH J. HUNT. Reason for Correction: Separating Motion and Brief in Support of Motion to Dismiss Defendant's Counterclaim and Strike Affirmative Defenses. (Fox, Bruce) Modified on 10/10/2007 (sjs ). ERROR: Wrong event selected. CORRECTION: Redocketed by Clerk at Entry # <u>36</u> as a Brief in Support of Motion to Dismiss Counterclaim and Motion to Strike Affirmative Defenses. This document is terminated and removed from public view. (Entered: 10/10/2007) |
| 10/10/2007 | <u>35</u> | NOTICE of Appearance by Charles A. Lamberton on behalf of WADE C. BITTNER, ARTHUR C. RUPERT, LINDA K. AUSTIN, LARRY L. CAMPBELL, KENNETH J. HUNT (Lamberton, Charles) (Entered: 10/10/2007)                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |

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| 10/10/2007 |           | CLERK'S OFFICE QUALITY CONTROL MESSAGE. re <u>32</u> MOTION to Dismiss <i>Counterclaim and Strike Second and Fourth Affirmative Defenses</i> re <u>19</u> Answer to Amended Complaint, Counterclaim. ERROR: MULTIPLE Relief Motion Filed as One Relief. CORRECTION: Attorney advised in future that Motions of this nature are to be filed using the Motion Event and choosing all the Reliefs requested by holding the Control Key down and clicking all the reliefs sought in said motion. Clerk of Court docketed Motion to Strike Affirmative Defenses. This message is for informational purposes only. (sjs ) (Entered: 10/10/2007) |
| 10/10/2007 |           | CLERK'S OFFICE QUALITY CONTROL MESSAGE. ERROR: re <u>34</u> Errata. Wrong event selected. CORRECTION: Re-docketed as a Brief in Support of <u>32</u> Motion to Dismiss Counterclaim and Motion to Strike Affirmative Defenses. This message is for informational purposes only. (sjs ) (Entered: 10/10/2007)                                                                                                                                                                                                                                                                                                                              |
| 10/10/2007 |           | ORDER REQUIRING RESPONSE to <u>32</u> Motion to Dismiss. Responses due by 10/19/2007. Text-only entry; no PDF document will issue. This text-only entry constitutes the Court's order or notice on the matter. Signed by Judge Arthur J. Schwab on 10/10/07. (smk) (Entered: 10/10/2007)                                                                                                                                                                                                                                                                                                                                                  |
| 10/11/2007 |           | ORDER REQUIRING RESPONSE or CONSENT to <u>31</u> Motion to Dismiss. Response or Consent due by 10/17/2007. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order or Notice of the Court on the matter. Signed by Judge Arthur J. Schwab on 10/11/07. (smk) (Entered: 10/11/2007)                                                                                                                                                                                                                                                                                                                        |
| 10/12/2007 | <u>37</u> | RESPONSE to Motion re <u>31</u> MOTION to Dismiss <i>Voluntarily Count III of First Amended Complaint Pursuant to Rule 41(a)(2)</i> filed by PPG INDUSTRIES, INC.. (Pittler, Alan) (Entered: 10/12/2007)                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 10/15/2007 |           | ORDER. After careful consideration of plaintiff's motion to dismiss Doc. No. <u>31</u> and defendant's response thereto Doc. No. <u>37</u> , it is hereby ORDERED that said motion is DENIED. Text-only entry; no PDF document will issue. This text-only entry constitutes the Court's order or notice on the matter. Signed by Judge Arthur J. Schwab on 10-15-07. (nam) (Entered: 10/15/2007)                                                                                                                                                                                                                                          |
| 10/16/2007 | <u>38</u> | STIPULATION to Voluntarily Dismiss Count III of Plaintiff's First Amended Complaint With Prejudice by WADE C. BITTNER, ARTHUR C. RUPERT, LINDA K. AUSTIN, LARRY L. CAMPBELL, KENNETH J. HUNT. (Fox, Bruce) (Entered: 10/16/2007)                                                                                                                                                                                                                                                                                                                                                                                                          |
| 10/18/2007 | <u>39</u> | ORDER APPROVING <u>38</u> Stipulation to Voluntary Dismiss Count III of the First Amended Complaint with Prejudice. SO ORDERED. Signed by Judge Arthur J. Schwab on 10/18/07. (smk) (Entered: 10/18/2007)                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 10/19/2007 | <u>40</u> | RESPONSE to Motion re MOTION to Strike, <u>32</u> MOTION to Dismiss <i>Counterclaim and Strike Second and Fourth Affirmative Defenses</i> re <u>19</u> Answer to Amended Complaint, Counterclaim MOTION to Dismiss <i>Counterclaim and Strike Second and Fourth Affirmative Defenses</i> re <u>19</u> Answer to Amended Complaint, Counterclaim filed by PPG INDUSTRIES, INC. (Pittler, Alan) Modified on 10/22/2007 (plh) This document removed from public view. (Entered: 10/19/2007)                                                                                                                                                  |
| 10/19/2007 | <u>41</u> | BRIEF by PPG INDUSTRIES, INC. in Opposition to <u>32</u> MOTION to Dismiss <i>Counterclaim and Strike Second and Fourth Affirmative Defenses</i> re <u>19</u> Answer to Amended Complaint, Counterclaim MOTION to Dismiss <i>Counterclaim and Strike Second and Fourth Affirmative Defenses</i> re <u>19</u> Answer to Amended Complaint, Counterclaim. filed by PPG INDUSTRIES, INC. (plh) (Entered: 10/22/2007)                                                                                                                                                                                                                         |
| 10/22/2007 |           | CLERK'S OFFICE QUALITY CONTROL MESSAGE. ERROR: re <u>40</u> Response to Motion, Wrong event selected. CORRECTION: Re-docketed as Brief in Opposition. This message is for informational purposes only. (plh) (Entered: 10/22/2007)                                                                                                                                                                                                                                                                                                                                                                                                        |
| 10/22/2007 | <u>42</u> | Notice of ADR proceeding: <b>The litigants are advised that at the conclusion of the ADR process they must submit a completed questionnaire to the Clerk of Courts. The questionnaire is available on the Court's website at <a href="http://www.pawd.uscourts.gov">www.pawd.uscourts.gov</a> and click on the ADR icon.</b> Mediation Conference set for 10/23/2007 01:00 PM(Kushner, Louis) (Entered: 10/22/2007)                                                                                                                                                                                                                       |

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| 10/22/2007 | <u>43</u> | MOTION for Leave to File Reply Brief in Support of Plaintiffs' Motion to Dismiss Defendant's Counterclaim and to Strike Affirmative Defenses by WADE C. BITTNER, ARTHUR C. RUPERT, LINDA K. AUSTIN, LARRY L. CAMPBELL, KENNETH J. HUNT. (Attachments: # <u>1</u> Reply Brief in Support of Plaintiffs' Motion to Dismiss Defendant's Counterclaim and to Strike Affirmative Defenses # <u>2</u> Proposed Order)(Fox, Bruce) (Entered: 10/22/2007)                                                                                                                                                                                                                                                                                                                                                                            |
| 10/23/2007 |           | ORDER granting <u>43</u> Motion for Leave to File Reply Brief. Reply due by 10/23/2007 at 3:00 p.m. Text-only entry; no PDF document will issue. This text-only entry constitutes the Court's order or notice on the matter. Signed by Judge Arthur J. Schwab on 10-23-07. (nam) (Entered: 10/23/2007)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 10/23/2007 | <u>44</u> | REPLY BRIEF by WADE C. BITTNER, ARTHUR C. RUPERT, LINDA K. AUSTIN, LARRY L. CAMPBELL, KENNETH J. HUNT <i>in Support of Plaintiffs' Motion to Dismiss Defendant's Counterclaim and to Strike Affirmative Defenses</i> filed by WADE C. BITTNER, ARTHUR C. RUPERT, LINDA K. AUSTIN, LARRY L. CAMPBELL, KENNETH J. HUNT. (Fox, Bruce) (Entered: 10/23/2007)                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 10/24/2007 | <u>45</u> | ORDER denying <u>32</u> Motion to Dismiss; denying re: w/ <u>32</u> Motion to Strike. Signed by Judge Arthur J. Schwab on 10-24-07. (nam) (Entered: 10/24/2007)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 10/30/2007 | <u>46</u> | REPORT of Mediation: Settlement has not been reached. <i>Mediation will be continued on an agreed upon date. The follow up mediation has not yet been scheduled. For cases participating in the Court's ADR pilot project, the parties are reminded of their obligation to complete the ADR questionnaire and return same to the Clerk of Court within 5 days of the conclusion of the ADR process. The questionnaire can be accessed at <a href="http://www.pawd.uscourts.gov">www.pawd.uscourts.gov</a>. Click on the ADR icon.</i> Mediation session was held on 10/23/2007.(Kushner, Louis) (Entered: 10/30/2007)                                                                                                                                                                                                        |
| 11/13/2007 | <u>47</u> | ANSWER to Counterclaim by WADE C. BITTNER, ARTHUR C. RUPERT, LINDA K. AUSTIN, LARRY L. CAMPBELL, KENNETH J. HUNT.(Fox, Bruce) (Entered: 11/13/2007)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 11/20/2007 | <u>48</u> | MOTION for Leave to File Second Amended Complaint by WADE C. BITTNER, ARTHUR C. RUPERT, LINDA K. AUSTIN, LARRY L. CAMPBELL, KENNETH J. HUNT. (Attachments: # <u>1</u> Proposed Order # <u>2</u> Second Amended Complaint # <u>3</u> Exhibit A to Second Amended Complaint # <u>4</u> Exhibit B to Second Amended Complaint # <u>5</u> Exhibit C to Second Amended Complaint # <u>6</u> Exhibit D to Second Amended Complaint # <u>7</u> Exhibit E to Second Amended Complaint # <u>8</u> Envelope F to Second Amended Complaint # <u>9</u> Exhibit G to Second Amended Complaint # <u>10</u> Exhibit H to Second Amended Complaint # <u>11</u> Exhibit I to Second Amended Complaint # <u>12</u> Exhibit J to Second Amended Complaint # <u>13</u> Exhibit K to Second Amended Complaint) (Fox, Bruce) (Entered: 11/20/2007) |
| 11/20/2007 | <u>49</u> | BRIEF in Support re <u>48</u> MOTION for Leave to File Second Amended Complaint filed by WADE C. BITTNER, ARTHUR C. RUPERT, LINDA K. AUSTIN, LARRY L. CAMPBELL, KENNETH J. HUNT. (Fox, Bruce) (Entered: 11/20/2007)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 11/20/2007 | <u>50</u> | Notice of ADR proceeding: <b>The litigants are advised that at the conclusion of the ADR process they must submit a completed questionnaire to the Clerk of Courts. The questionnaire is available on the Court's website at <a href="http://www.pawd.uscourts.gov">www.pawd.uscourts.gov</a> and click on the ADR icon.</b> Mediation Conference set for 12/13/2007 10:00 AM (Kushner, Louis) (Entered: 11/20/2007)                                                                                                                                                                                                                                                                                                                                                                                                         |
| 11/20/2007 | <u>51</u> | BRIEF in Opposition re <u>48</u> MOTION for Leave to File Second Amended Complaint <i>During Phase I</i> filed by PPG INDUSTRIES, INC.. (Attachments: # <u>1</u> Proposed Order) (Glunt, James) (Entered: 11/20/2007)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 11/26/2007 | <u>52</u> | ORDER denying <u>48</u> Motion for Leave to File Second Amended and Supplemental Collective Action Complaint. Signed by Judge Arthur J. Schwab on 11/26/07. (smk) (Entered: 11/26/2007)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 11/27/2007 | <u>53</u> | NOTICE by KEVIN P. LUCAS <i>Order</i> (Lucas, Kevin) (Entered: 11/27/2007)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |

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| 12/03/2007 | <u>54</u> | STIPULATION <i>Discovery Order</i> by KEVIN P. LUCAS. (Lucas, Kevin) (Entered: 12/03/2007)                                                                                                                                                                                                                                                                                                                                                                                                               |
| 12/03/2007 | <u>55</u> | Joint MOTION for Extension of Time to Complete Discovery <i>for Phase I, Recommended by Special Master Kevin Lucas</i> by WADE C. BITTNER, PPG INDUSTRIES, INC., ARTHUR C. RUPERT, LINDA K. AUSTIN, LARRY L. CAMPBELL, KENNETH J. HUNT. (Attachments: # <u>1</u> Proposed Order) (Fox, Bruce) (Entered: 12/03/2007)                                                                                                                                                                                      |
| 12/05/2007 | <u>56</u> | ORDER granting <u>55</u> Motion for Extension of Time to Complete Phase I Discovery. Phase I Discovery due by 2/28/2008. Summary Judgment due by 3/20/2008. Response to Summary Judgment due by 3/31/2008. Signed by Judge Arthur J. Schwab on 12/05/07. (eca) (Entered: 12/05/2007)                                                                                                                                                                                                                     |
| 12/17/2007 | <u>57</u> | REPORT of Mediation: Settlement has not been reached. <i>Another mediation will be scheduled. For cases participating in the Court's ADR pilot project, the parties are reminded of their obligation to complete the ADR questionnaire and return same to the Clerk of Court within 5 days of the conclusion of the ADR process. The questionnaire can be accessed at www.pawd.uscourts.gov. Click on the ADR icon.</i> Mediation session was held on 12/13/2007. (Kushner, Louis) (Entered: 12/17/2007) |
| 01/10/2008 | <u>58</u> | SPECIAL MASTER REPORT AND RECOMMENDATION <i>Order</i> by KEVIN P. LUCAS. (Lucas, Kevin) (Entered: 01/10/2008)                                                                                                                                                                                                                                                                                                                                                                                            |
| 01/28/2008 | <u>59</u> | SPECIAL MASTER REPORT AND RECOMMENDATION <i>Order</i> by KEVIN P. LUCAS. (Lucas, Kevin) (Entered: 01/28/2008)                                                                                                                                                                                                                                                                                                                                                                                            |
| 01/28/2008 | <u>60</u> | SPECIAL MASTER REPORT AND RECOMMENDATION <i>Order</i> by KEVIN P. LUCAS. (Lucas, Kevin) (Entered: 01/28/2008)                                                                                                                                                                                                                                                                                                                                                                                            |
| 02/07/2008 | <u>61</u> | SPECIAL MASTER REPORT AND RECOMMENDATION <i>Order</i> by KEVIN P. LUCAS. (Lucas, Kevin) (Entered: 02/07/2008)                                                                                                                                                                                                                                                                                                                                                                                            |
| 02/14/2008 | <u>62</u> | STIPULATION <i>Confidentiality Stipulation</i> by WADE C. BITTNER, ARTHUR C. RUPERT, LINDA K. AUSTIN, LARRY L. CAMPBELL, KENNETH J. HUNT. (Evans, Melissa) (Entered: 02/14/2008)                                                                                                                                                                                                                                                                                                                         |
| 02/14/2008 | <u>63</u> | SPECIAL MASTER REPORT AND RECOMMENDATION <i>Amendment to Order</i> by KEVIN P. LUCAS. (Lucas, Kevin) (Entered: 02/14/2008)                                                                                                                                                                                                                                                                                                                                                                               |
| 02/14/2008 | <u>64</u> | SPECIAL MASTER REPORT AND RECOMMENDATION <i>Order</i> by KEVIN P. LUCAS. (Lucas, Kevin) (Entered: 02/14/2008)                                                                                                                                                                                                                                                                                                                                                                                            |
| 03/10/2008 | <u>65</u> | SPECIAL MASTER REPORT AND RECOMMENDATION <i>Order</i> by KEVIN P. LUCAS. (Lucas, Kevin) (Entered: 03/10/2008)                                                                                                                                                                                                                                                                                                                                                                                            |
| 03/17/2008 | <u>66</u> | NOTICE of Appearance by Jaime S. Tuite on behalf of PPG INDUSTRIES, INC. (Tuite, Jaime) (Entered: 03/17/2008)                                                                                                                                                                                                                                                                                                                                                                                            |
| 03/17/2008 | <u>67</u> | First MOTION for Extension of Time to File <i>Motions for Summary Judgment</i> by WADE C. BITTNER, ARTHUR C. RUPERT, LINDA K. AUSTIN, LARRY L. CAMPBELL, KENNETH J. HUNT. (Attachments: # <u>1</u> Proposed Order) (Fox, Bruce) Modified on 3/18/2008 (plh) This document removed from public view – redocketed at <u>69</u> (Entered: 03/17/2008)                                                                                                                                                       |
| 03/17/2008 | <u>68</u> | Errata re <u>67</u> Motion for Extension of Time to File <i>Motions for Summary Judgment</i> by WADE C. BITTNER, ARTHUR C. RUPERT, LINDA K. AUSTIN, LARRY L. CAMPBELL, KENNETH J. HUNT. Reason for Correction: Error in the text of the Document. (Fox, Bruce) Modified on 3/18/2008 (plh) Per Attorney document filed in error and redocketed at <u>69</u> (Entered: 03/17/2008)                                                                                                                        |
| 03/17/2008 | <u>69</u> | First MOTION for Extension of Time to File <i>Motions for Summary Judgment</i> by WADE C. BITTNER, ARTHUR C. RUPERT, LINDA K. AUSTIN, LARRY L. CAMPBELL, KENNETH J. HUNT. (Attachments: # <u>1</u> Proposed Order) (Fox, Bruce) (Entered: 03/17/2008)                                                                                                                                                                                                                                                    |
| 03/18/2008 | <u>70</u> | ORDER granting <u>69</u> Motion for Extension of Time to File <i>Motions for Summary Judgment</i> . Summary Judgment due by 3/27/2008, Response to Summary Judgment                                                                                                                                                                                                                                                                                                                                      |

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|            |           | due by 4/7/2008. Signed by Judge Arthur J. Schwab on 03/18/08. (eca) (Entered: 03/18/2008)                                                                                                                                                                                                                                                                                                                                               |
| 03/25/2008 | <u>71</u> | Joint MOTION for Leave to File Briefs Exceeding Page Limitation and to File Confidential Information Under Seal by WADE C. BITTNER, ARTHUR C. RUPERT, LINDA K. AUSTIN, LARRY L. CAMPBELL, KENNETH J. HUNT. (Attachments: # <u>1</u> Proposed Order) (Fox, Bruce) (Entered: 03/25/2008)                                                                                                                                                   |
| 03/26/2008 | <u>72</u> | ORDER granting <u>71</u> Motion for Leave to File Briefs Exceeding Page Limitation and to File Confidential Information Under Seal. The parties may file briefs that exceed 25 pages in length, but ARE NOT to exceed 35 pages. It is further ORDERED that the parties may file documents under seal as defined by the Confidentiality Stipulation <u>62</u> . Signed by Judge Arthur J. Schwab on 03/26/08. (eca) (Entered: 03/26/2008) |
| 03/27/2008 | <u>73</u> | MOTION for Judgment on the Pleadings <i>Limiting Temporal Scope of Plaintiff's Claims</i> by PPG INDUSTRIES, INC.. (Attachments: # <u>1</u> Proposed Order) (Glunt, James) (Entered: 03/27/2008)                                                                                                                                                                                                                                         |
| 03/27/2008 | <u>74</u> | BRIEF in Support re <u>73</u> MOTION for Judgment on the Pleadings <i>Limiting Temporal Scope of Plaintiff's Claims</i> filed by PPG INDUSTRIES, INC.. (Glunt, James) (Entered: 03/27/2008)                                                                                                                                                                                                                                              |
| 03/27/2008 | <u>75</u> | MOTION for Summary Judgment <i>as to Plaintiff Kenneth J. Hunt</i> by PPG INDUSTRIES, INC.. (Attachments: # <u>1</u> Proposed Order) (Glunt, James) (Entered: 03/27/2008)                                                                                                                                                                                                                                                                |
| 03/27/2008 | <u>76</u> | BRIEF in Support re <u>75</u> MOTION for Summary Judgment <i>as to Plaintiff Kenneth J. Hunt</i> filed by PPG INDUSTRIES, INC.. (Glunt, James) (Entered: 03/27/2008)                                                                                                                                                                                                                                                                     |
| 03/27/2008 | <u>77</u> | MOTION for Summary Judgment <i>as to Plaintiff Arthur C. Rupert</i> by PPG INDUSTRIES, INC.. (Attachments: # <u>1</u> Proposed Order) (Glunt, James) (Entered: 03/27/2008)                                                                                                                                                                                                                                                               |
| 03/27/2008 | <u>78</u> | BRIEF in Support re <u>77</u> MOTION for Summary Judgment <i>as to Plaintiff Arthur C. Rupert</i> filed by PPG INDUSTRIES, INC.. (Glunt, James) (Entered: 03/27/2008)                                                                                                                                                                                                                                                                    |
| 03/27/2008 | <u>79</u> | MOTION for Summary Judgment <i>as to Plaintiff Larry L. Campbell</i> by PPG INDUSTRIES, INC.. (Attachments: # <u>1</u> Proposed Order) (Glunt, James) (Entered: 03/27/2008)                                                                                                                                                                                                                                                              |
| 03/27/2008 | <u>80</u> | BRIEF in Support re <u>79</u> MOTION for Summary Judgment <i>as to Plaintiff Larry L. Campbell</i> filed by PPG INDUSTRIES, INC.. (Glunt, James) (Entered: 03/27/2008)                                                                                                                                                                                                                                                                   |
| 03/27/2008 | <u>81</u> | MOTION for Summary Judgment <i>as to Plaintiff Linda K. Austin</i> by PPG INDUSTRIES, INC.. (Attachments: # <u>1</u> Proposed Order) (Glunt, James) (Entered: 03/27/2008)                                                                                                                                                                                                                                                                |
| 03/27/2008 | <u>82</u> | BRIEF in Support re <u>81</u> MOTION for Summary Judgment <i>as to Plaintiff Linda K. Austin</i> filed by PPG INDUSTRIES, INC.. (Glunt, James) (Entered: 03/27/2008)                                                                                                                                                                                                                                                                     |
| 03/27/2008 | <u>83</u> | MOTION for Summary Judgment <i>as to Plaintiff Wade C. Bittner</i> by PPG INDUSTRIES, INC.. (Attachments: # <u>1</u> Proposed Order) (Glunt, James) (Entered: 03/27/2008)                                                                                                                                                                                                                                                                |
| 03/27/2008 | <u>84</u> | BRIEF in Support re <u>83</u> MOTION for Summary Judgment <i>as to Plaintiff Wade C. Bittner</i> filed by PPG INDUSTRIES, INC.. (Glunt, James) (Entered: 03/27/2008)                                                                                                                                                                                                                                                                     |
| 03/27/2008 | <u>85</u> | SEALED MOTION by WADE C. BITTNER, ARTHUR C. RUPERT, LINDA K. AUSTIN, LARRY L. CAMPBELL, KENNETH J. HUNT. (Attachments: # <u>1</u> Proposed Order) (plh) (Entered: 03/28/2008)                                                                                                                                                                                                                                                            |
| 03/27/2008 | <u>86</u> | SEALED DOCUMENT by WADE C. BITTNER, ARTHUR C. RUPERT, LINDA K. AUSTIN, LARRY L. CAMPBELL, KENNETH J. HUNT (plh) (Entered: 03/28/2008)                                                                                                                                                                                                                                                                                                    |
| 04/02/2008 |           | ORDER SETTING DEADLINE FOR RESPONSE to <u>73</u> Motion for Judgment on the Pleadings. Responses due by 4/7/2008 Signed by Judge Arthur J. Schwab on 04/02/08. Text-only entry; no PDF document will issue. This text-only entry                                                                                                                                                                                                         |

|            |           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
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|            |           | constitutes the Order of the Court or Notice on the matter. (eca) (Entered: 04/02/2008)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 04/03/2008 | <u>87</u> | Joint MOTION for Extension of Time to File Response/Reply as to Response/Briefing Schedule, <u>85</u> SEALED MOTION, <u>83</u> MOTION for Summary Judgment <i>as to Plaintiff Wade C. Bittner</i> by WADE C. BITTNER, ARTHUR C. RUPERT, LINDA K. AUSTIN, LARRY L. CAMPBELL, KENNETH J. HUNT. (Attachments: # <u>1</u> Proposed Order) (Fox, Bruce) (Entered: 04/03/2008)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 04/03/2008 | <u>88</u> | SPECIAL MASTER REPORT AND RECOMMENDATION Order by KEVIN P. LUCAS. (Lucas, Kevin) (Entered: 04/03/2008)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 04/04/2008 | <u>89</u> | ORDER REFERRING MOTION TO SPECIAL MASTER. Document <u>87</u> Joint Motion for Extension of Time is referred to Special Master Kevin P. Lucas. Signed by Judge Arthur J. Schwab on 04/04/08. (eca) (Entered: 04/04/2008)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 04/04/2008 | <u>90</u> | SPECIAL MASTER REPORT AND RECOMMENDATION Order by KEVIN P. LUCAS. (Lucas, Kevin) (Entered: 04/04/2008)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 04/11/2008 | <u>91</u> | SPECIAL MASTER REPORT AND RECOMMENDATION Order by KEVIN P. LUCAS. (Lucas, Kevin) (Entered: 04/11/2008)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 04/14/2008 | <u>92</u> | BRIEF in Opposition re <u>85</u> SEALED MOTION <i>by Plaintiffs for Summary Judgment</i> filed by PPG INDUSTRIES, INC.. (Glunt, James) (Entered: 04/14/2008)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 04/14/2008 | <u>93</u> | BRIEF in Opposition re <u>73</u> MOTION for Judgment on the Pleadings <i>Limiting Temporal Scope of Plaintiff's Claims</i> filed by WADE C. BITTNER, ARTHUR C. RUPERT, LINDA K. AUSTIN, LARRY L. CAMPBELL, KENNETH J. HUNT. (Fox, Bruce) (Entered: 04/14/2008)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 04/15/2008 | <u>94</u> | Appendix by WADE C. BITTNER, ARTHUR C. RUPERT, LINDA K. AUSTIN, LARRY L. CAMPBELL, KENNETH J. HUNT. (Attachments: # <u>1</u> Exhibit 5 # <u>2</u> Exhibit 11 # <u>3</u> Exhibit 12 # <u>4</u> Exhibit 75 # <u>5</u> Exhibit 106 # <u>6</u> Exhibit 153 # <u>7</u> Exhibit 171 # <u>8</u> Exhibit 174 # <u>9</u> Exhibit 175 # <u>10</u> Exhibit 176 # <u>11</u> Exhibit 177 # <u>12</u> Exhibit 178 # <u>13</u> Cover Sheets for Exhibits to Be Filed Under Seal # <u>14</u> Austin Deposition Transcript Excerpts # <u>15</u> Bittner Deposition Transcript Excerpts # <u>16</u> Hunt Deposition Transcript Excerpts # <u>17</u> Rupert Deposition Transcript Excerpts # <u>18</u> Armbrust Deposition Transcript Excerpts # <u>19</u> Buhr Deposition Transcript Excerpts # <u>20</u> Garber Deposition Transcript Excerpts # <u>21</u> Jones Deposition Transcript Excerpts # <u>22</u> LeBoeuf Deposition Transcript Excerpts # <u>23</u> Marek Deposition Transcript Excerpts # <u>24</u> Prazenica Part I Deposition Transcript Excerpts # <u>25</u> Wyman Deposition Transcript Excerpts # <u>26</u> Zoulek Deposition Transcript Excerpts # <u>27</u> Exhibit 17 # <u>28</u> Under Seal Cover Sheets for Deposition Transcript Excerpts # <u>29</u> Affidavit of Linda Austin # <u>30</u> Affidavit of Wade Bittner # <u>31</u> Affidavit of Larry Campbell # <u>32</u> Affidavit Kenneth Hunt # <u>33</u> Affidavit of Arthur C. Rupert) (Fox, Bruce) Modified on 4/16/2008 (plh) (Documents 14 thru 26 SEALED because of sensitive information) (Entered: 04/15/2008) |
| 04/15/2008 | <u>95</u> | SEALED DOCUMENT by WADE C. BITTNER, ARTHUR C. RUPERT, LINDA K. AUSTIN, LARRY L. CAMPBELL, KENNETH J. HUNT (plh) (Entered: 04/16/2008)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 04/15/2008 | <u>96</u> | JOINT SEALED DOCUMENT by WADE C. BITTNER, PPG INDUSTRIES, INC., LINDA K. AUSTIN, LARRY L. CAMPBELL, KENNETH J. HUNT (plh) (Entered: 04/16/2008)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 04/17/2008 |           | Remark: CD received from Pltf's Counsel and forward to Judge Schwab's Chambers. (plh) (Entered: 04/17/2008)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 04/21/2008 | <u>97</u> | MOTION for Leave to File Reply Brief on Motion for Summary Judgment by WADE C. BITTNER, ARTHUR C. RUPERT, LINDA K. AUSTIN, LARRY L. CAMPBELL, KENNETH J. HUNT. (Attachments: # <u>1</u> Proposed Order # <u>2</u> Plaintiffs' Reply Brief on Motion for Summary Judgment # <u>3</u> Exhibit A to Reply Brief # <u>4</u> Exhibit B to Reply Brief # <u>5</u> Exhibit C to Reply Brief # <u>6</u> Exhibit D to Reply Brief) (Fox, Bruce) (Entered: 04/21/2008)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 04/21/2008 | <u>98</u> | SEALED DOCUMENT as to Kenneth J. Hunt by PPG INDUSTRIES, INC. (Disk attached and forward to Judge's chambers) (plh) (Entered: 04/23/2008)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |

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| 04/21/2008 | <u>99</u>  | SEALED DOCUMENT as to Larry L. Campbell by PPG INDUSTRIES, INC. (Disk attached and forward to Judge's Chambers) (plh) (Entered: 04/23/2008)                                                                                                                                                                                                                                                                                                                                                                     |
| 04/21/2008 | <u>100</u> | SEALED DOCUMENT as to Linda K. Austin by PPG INDUSTRIES, INC. (Disk attached and forward to Judge's Chambers) (plh) (Entered: 04/23/2008)                                                                                                                                                                                                                                                                                                                                                                       |
| 04/21/2008 | <u>101</u> | SEALED DOCUMENT as to Arthur C. Rupert by PPG INDUSTRIES, INC. (Disk attached and forward to Judge's Chambers) (plh) (Entered: 04/23/2008)                                                                                                                                                                                                                                                                                                                                                                      |
| 04/21/2008 | <u>102</u> | SEALED DOCUMENT as to Wade C. Bittner by PPG INDUSTRIES, INC. (Disk attached and forward to Judge's Chambers) (plh) (Entered: 04/23/2008)                                                                                                                                                                                                                                                                                                                                                                       |
| 04/24/2008 | <u>103</u> | MOTION for Leave to File Supplemental Brief Supporting Defendant's Motion for Judgment on the Pleadings by PPG INDUSTRIES, INC.. (Attachments: # <u>1</u> Exhibit A (Proposed Reply Brief)) (Glunt, James) (Entered: 04/24/2008)                                                                                                                                                                                                                                                                                |
| 04/25/2008 |            | ORDER REFERRING MOTIONS TO SPECIAL MASTER KEVIN LUCAS: <u>97</u> MOTION for Leave to File Reply Brief on Motion for Summary Judgment and <u>103</u> MOTION for Leave to File Supplemental Brief Supporting Defendant's Motion for Judgment on the Pleadings are referred to Special Master Kevin Lucas. Signed by Judge Arthur J. Schwab on 04/25/08. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (eca) (Entered: 04/25/2008) |
| 05/09/2008 | <u>104</u> | SPECIAL MASTER REPORT AND RECOMMENDATION <i>Order</i> by KEVIN P. LUCAS. (Lucas, Kevin) (Entered: 05/09/2008)                                                                                                                                                                                                                                                                                                                                                                                                   |
| 05/12/2008 | <u>105</u> | SPECIAL MASTER REPORT AND RECOMMENDATION <i>Order re Docket No. 97</i> by KEVIN P. LUCAS. (Lucas, Kevin) (Entered: 05/12/2008)                                                                                                                                                                                                                                                                                                                                                                                  |
| 05/12/2008 | <u>106</u> | SPECIAL MASTER REPORT AND RECOMMENDATION <i>Order re Docket No. 103</i> by KEVIN P. LUCAS. (Lucas, Kevin) (Entered: 05/12/2008)                                                                                                                                                                                                                                                                                                                                                                                 |
| 05/23/2008 | <u>107</u> | SPECIAL MASTER REPORT AND RECOMMENDATION <i>Order re Discovery Motion (No Docket No.)</i> by KEVIN P. LUCAS. (Lucas, Kevin) (Entered: 05/23/2008)                                                                                                                                                                                                                                                                                                                                                               |
| 06/05/2008 | <u>108</u> | NOTICE of Appearance by Colin W. Murray on behalf of WADE C. BITTNER, ARTHUR C. RUPERT, LINDA K. AUSTIN, LARRY L. CAMPBELL, KENNETH J. HUNT (Murray, Colin) (Entered: 06/05/2008)                                                                                                                                                                                                                                                                                                                               |
| 06/12/2008 | <u>109</u> | MOTION to Withdraw as Attorney by PPG INDUSTRIES, INC.. (Attachments: # <u>1</u> Proposed Order) (Pittler, Alan) Modified on 6/13/2008. (plh) (Entered: 06/12/2008)                                                                                                                                                                                                                                                                                                                                             |
| 06/13/2008 | <u>110</u> | ORDER granting <u>109</u> Motion to Withdraw as Attorney. Attorney Alan M. Pittler terminated. Signed by Judge Arthur J. Schwab on 06/13/08. (eca) (Entered: 06/13/2008)                                                                                                                                                                                                                                                                                                                                        |
| 06/18/2008 | <u>111</u> | ORDER REGARDING CONSOLIDATION. Civil Action No. 08-616 is hereby consolidated with this civil action for all pretrial and trial purposes. PPG's obligation to respond to the Complaint in Civil Action No. 08-616 is STAYED until 20 days after the entry of the Order by the District Court on the Motions for Summary Judgment pending in this civil action. Signed by Judge Arthur J. Schwab on 06/18/08. (eca) (Entered: 06/18/2008) (Entered: 06/18/2008)                                                  |
| 07/09/2008 | <u>112</u> | MOTION to Strike by PPG INDUSTRIES, INC.. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Exhibit, # <u>5</u> Proposed Order) (Murphy, Terrence) Modified on 7/10/2008. (plh) This document removed from public view. (Entered: 07/09/2008)                                                                                                                                                                                                                                |
| 07/10/2008 |            | ORDER SETTING DEADLINE FOR RESPONSE to <u>112</u> Motion to Strike. Response to Motion due by 7/18/2008. Signed by Judge Arthur J. Schwab on 07/10/08. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (eca) (Entered: 07/10/2008)                                                                                                                                                                                                |
| 07/10/2008 | <u>113</u> | Errata re <u>112</u> Motion to Strike by PPG INDUSTRIES, INC.. Reason for Correction: Correcting title of Motion to "Notice" because Plaintiffs' Unauthorized                                                                                                                                                                                                                                                                                                                                                   |

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|            |            | Supplement was not filed with the court but rather with the Special Master only. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Proposed Order) (Murphy, Terrence) (Entered: 07/10/2008)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 07/18/2008 | <u>114</u> | RESPONSE to Motion re <u>112</u> Motion to Strike filed by WADE C. BITTNER, ARTHUR C. RUPERT, LINDA K. AUSTIN, LARRY L. CAMPBELL, KENNETH J. HUNT. (Fox, Bruce) (Entered: 07/18/2008)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 07/21/2008 | <u>115</u> | ORDER REFERRING TO SPECIAL MASTER. <u>113</u> Notice of Motion to Strike is hereby REFERRED to Special Master Kevin P. Lucas. Signed by Judge Arthur J. Schwab on 07/21/08. (eca) (Entered: 07/21/2008)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 10/24/2008 | <u>116</u> | Joint MOTION for a Court Order Authorizing Special Master to Rule on Motion for Judgment on the Pleadings by PPG INDUSTRIES, INC.. (Attachments: # <u>1</u> Proposed Order) (Glunt, James) (Entered: 10/24/2008)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 10/27/2008 | <u>117</u> | ORDER granting <u>116</u> Motion for a Court Order authorizing Special Master to rule on <u>73</u> Motion for Judgment on the Pleadings. Kevin Lucas is hereby authorized to rule on <u>73</u> . Signed by Judge Arthur J. Schwab on 10/27/08. (eca) (Entered: 10/27/2008)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 12/19/2008 | <u>118</u> | NOTICE of Scheduling during week of January 12, 2009 due to Legal Holidays under Fed.R.Civ.P.6(a) by KEVIN P. LUCAS (Lucas, Kevin) (Entered: 12/19/2008)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 01/13/2009 | <u>119</u> | SPECIAL MASTER REPORT AND RECOMMENDATION Order re Docket No. <u>112</u> , no Docket # and Docket # <u>113</u> by KEVIN P. LUCAS. (Lucas, Kevin) (Entered: 01/13/2009)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 01/13/2009 | <u>120</u> | SPECIAL MASTER REPORT AND RECOMMENDATION (re no Docket #) by KEVIN P. LUCAS. (Lucas, Kevin) (Entered: 01/13/2009)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 01/13/2009 | <u>121</u> | SPECIAL MASTER REPORT AND RECOMMENDATION (re no Docket #) by KEVIN P. LUCAS. (Lucas, Kevin) (Entered: 01/13/2009)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 01/22/2009 |            | ORDER ADOPTING <u>119</u> SPECIAL MASTER REPORT AND RECOMMENDATION filed by KEVIN P. LUCAS, <u>120</u> , SPECIAL MASTER REPORT AND RECOMMENDATION filed by KEVIN P. LUCAS, <u>121</u> , SPECIAL MASTER REPORT AND RECOMMENDATION filed by KEVIN P. LUCAS, AND DENYING <u>112</u> Motion to Strike filed by PPG INDUSTRIES, INC., in the absence of any Objections as required by the Order Referring Case to a Special Master <u>29</u> within five days of communication of Orders regarding case management or discovery disputes to the parties. Signed by Judge Arthur J. Schwab on 1/22/09. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (mjl) (Entered: 01/22/2009) |
| 02/04/2009 | <u>122</u> | SCHEDULING ORDER. IT IS HEREBY ORDERED that a status conference for counsel and special master shall be held regarding the above-captioned matter on 02/12/09 at 9:30 AM to discuss the continued delay of the issuance of a Report and Recommendation by the special master regarding the pending motions for judgment on the pleadings and for summary judgment in this matter. Chief trial counsel and special master must attend. Clients shall be available by telephone. If special master issues a Report and Recommendation for all of the above referenced motions for summary judgment on or before 02/10/09, only counsel need attend the status conference. Signed by Judge Arthur J. Schwab on 02/04/09. (eca) (Entered: 02/04/2009)          |
| 02/05/2009 | <u>123</u> | SPECIAL MASTER REPORT AND RECOMMENDATION Re Docket Nos. <u>75</u> and <u>83</u> by KEVIN P. LUCAS. (Lucas, Kevin) (Entered: 02/05/2009)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 02/05/2009 | <u>124</u> | SPECIAL MASTER REPORT AND RECOMMENDATION Re: Docket Nos. <u>77</u> , <u>79</u> and <u>81</u> by KEVIN P. LUCAS. (Lucas, Kevin) (Entered: 02/05/2009)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 02/11/2009 | <u>125</u> | SPECIAL MASTER REPORT AND RECOMMENDATION Regarding Docket No. <u>73</u> by KEVIN P. LUCAS. (Lucas, Kevin) (Entered: 02/11/2009)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |

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| 02/11/2009 | <u>126</u> | SPECIAL MASTER REPORT AND RECOMMENDATION <i>Regarding Docket Nos. <u>85</u>, <u>77</u> and <u>79</u> by KEVIN P. LUCAS. (Lucas, Kevin) (Entered: 02/11/2009)</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 02/12/2009 | <u>127</u> | Minute Entry for proceedings held before Judge Arthur J. Schwab: Status Conference held on 2/12/2009. (Court Reporter: Sandy Wenger) (eca) (Entered: 02/12/2009)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 02/19/2009 | <u>128</u> | OBJECTIONS to <i>Report and Recommendations of Special Master</i> by WADE C. BITTNER, ARTHUR C. RUPERT, LINDA K. AUSTIN, LARRY L. CAMPBELL, KENNETH J. HUNT. (Fox, Bruce) (Entered: 02/19/2009)                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 02/19/2009 | <u>129</u> | OBJECTIONS to <u>124</u> SPECIAL MASTER REPORT AND RECOMMENDATION, <u>126</u> SPECIAL MASTER REPORT AND RECOMMENDATION, <u>125</u> SPECIAL MASTER REPORT AND RECOMMENDATION by KEVIN P. LUCAS. (Glunt, James) (Entered: 02/19/2009)                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 02/25/2009 | <u>130</u> | BRIEF in Opposition to <u>129</u> Objections, to <i>Report &amp; Recommendation</i> filed by WADE C. BITTNER, ARTHUR C. RUPERT, LINDA K. AUSTIN, LARRY L. CAMPBELL, KENNETH J. HUNT. (Fox, Bruce) Modified on 2/26/2009 ERROR: Wrong event selected. Document removed from public view and redocketed correctly. (ksa) (Entered: 02/25/2009)                                                                                                                                                                                                                                                                                                                     |
| 02/25/2009 | <u>131</u> | RESPONSE to <u>128</u> Objections, filed by PPG INDUSTRIES, INC. (Glunt, James) (Entered: 02/25/2009)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 02/25/2009 | <u>132</u> | RESPONSE to <u>129</u> Objections, filed by WADE C. BITTNER, ARTHUR C. RUPERT, LINDA K. AUSTIN, LARRY L. CAMPBELL, KENNETH J. HUNT. "Document previously filed electronically" (ksa) (Entered: 02/26/2009)                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 02/26/2009 |            | CLERK'S OFFICE QUALITY CONTROL MESSAGE re <u>130</u> Brief in Opposition – Other. ERROR: Wrong event selected. CORRECTION: Re-docketed as Response other. This message is for informational purposes only. (ksa) (Entered: 02/26/2009)                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 02/26/2009 | <u>133</u> | ORDER Adopting Special Master's Reports and Recommendations at documents nos. <u>123</u> , <u>124</u> and <u>126</u> ; granting <u>75</u> Motion for Summary Judgment; denying <u>77</u> Motion for Summary Judgment; denying <u>79</u> Motion for Summary Judgment; denying <u>81</u> Motion for Summary Judgment; granting <u>83</u> Motion for Summary Judgment; granting in part and denying in part <u>85</u> Sealed Motion. Signed by Judge Arthur J. Schwab on 02/26/09. (mjl) (Entered: 02/26/2009)                                                                                                                                                      |
| 02/27/2009 | <u>134</u> | ORDER granting <u>73</u> Motion for Judgment on the Pleadings. Signed by Judge Arthur J. Schwab on 2/27/09. (mjl) (Entered: 02/27/2009)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 03/05/2009 |            | TEXT ORDER – – The Court hereby schedules a Status Conference for March 25, 2009, at 2:00 PM, to discuss in detail the process for determining (a) whether the case should proceed as a class action or individual actions and (b) other future case management issues. These determinations will be made by the Court without reference to the Special Master. Paragraphs (a) and (d) of the Order Referring Case to Special Master (doc. no. <u>29</u> ) are withdrawn. Text-only entry; no PDF document will issue. This text-only entry constitutes the Court's order or notice on the matter. Signed by Judge Schwab on 03/4/09. (ms) (Entered: 03/05/2009) |
| 03/08/2009 | <u>135</u> | MOTION for Attorney Fees and Costs of <i>Litigation</i> by WADE C. BITTNER, ARTHUR C. RUPERT, LINDA K. AUSTIN, LARRY L. CAMPBELL, KENNETH J. HUNT. (Attachments: # <u>1</u> Affidavit of Bruce C. Fox, # <u>2</u> Fees Schedule of ORMHLLP, # <u>3</u> Declaration of Charles A. Lamberton, # <u>4</u> Declaration of Colleen Ramage Johnston, # <u>5</u> Declaration of James H. Logan, # <u>6</u> Proposed Order) (Fox, Bruce) (Entered: 03/08/2009)                                                                                                                                                                                                           |
| 03/09/2009 |            | ORDER SETTING DEADLINE FOR RESPONSE to <u>135</u> Motion for Attorney Fees. Response to Motion due by 3/19/2009. Signed by Judge Arthur J. Schwab on 03/06/09. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (eca) (Entered: 03/09/2009)                                                                                                                                                                                                                                                                                                                                         |

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| 03/11/2009 | <u>136</u> | DECLARATION re <u>135</u> MOTION for Attorney Fees <i>and Costs of Litigation</i> by WADE C. BITTNER, ARTHUR C. RUPERT, LINDA K. AUSTIN, LARRY L. CAMPBELL, KENNETH J. HUNT Affiant: James B. Lieber. (Fox, Bruce) (Entered: 03/11/2009)                                                                                                                                                                                                                                                                                                       |
| 03/13/2009 | <u>137</u> | ORDER regarding <u>133</u> . Consistent with the Order of February 26, 2009 <u>133</u> , Defendant shall file any conforming amendments to its Answer and Counterclaim (Doc. No. <u>19</u> ) on or before March 24, 2009. Signed by Judge Arthur J. Schwab on 3/13/09. (mjl) Modified on 3/16/2009. (plh) (Entered: 03/13/2009)                                                                                                                                                                                                                |
| 03/16/2009 |            | By noon on March 23, 2009, plaintiffs and defendant shall file their respective proposed order(s) relating to class action determination/ issues. (See Text Order of March 5, 2009, scheduling status conference.) Signed by Judge Arthur J. Schwab on 3/16/09. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (mjl) (Entered: 03/16/2009)                                                                                                                      |
| 03/19/2009 | <u>138</u> | MOTION for Default Judgment against PPG INDUSTRIES, INC. by WADE C. BITTNER, ARTHUR C. RUPERT, LINDA K. AUSTIN, LARRY L. CAMPBELL, KENNETH J. HUNT. (Attachments: # <u>1</u> Proposed Order) (Fox, Bruce) (Entered: 03/19/2009)                                                                                                                                                                                                                                                                                                                |
| 03/19/2009 | <u>139</u> | MOTION for Leave to File Brief in Support of Plaintiffs' Motion for Conditional Class Certification and Approval to Send ADEA Notice Pursuant to FLSA Section 16(b) by WADE C. BITTNER, ARTHUR C. RUPERT, LINDA K. AUSTIN, LARRY L. CAMPBELL, KENNETH J. HUNT. (Attachments: # <u>1</u> Brief in Support of Plaintiffs' Motion for Conditional Class Certification and Approval to Send ADEA Notice Pursuant to FLSA Section 16(b), # <u>2</u> Proposed Order) (Fox, Bruce) (Entered: 03/19/2009)                                              |
| 03/19/2009 | <u>140</u> | Errata re <u>139</u> Motion for Leave to File, <i>Brief Exceeding Page Limit</i> by WADE C. BITTNER, ARTHUR C. RUPERT, LINDA K. AUSTIN, LARRY L. CAMPBELL, KENNETH J. HUNT. Reason for Correction: Wrong Title of Motion for Leave Entered (Should be Motion for Leave to File Brief Exceeding Page Limit). (Attachments: # <u>1</u> Brief in Support of Plaintiffs' Motion for Conditional Class Certification and Approval to Send ADEA Notice Pursuant to FLSA Section 16(b), # <u>2</u> Proposed Order) (Fox, Bruce) (Entered: 03/19/2009) |
| 03/19/2009 | <u>141</u> | RESPONSE to Motion re <u>135</u> Motion for Attorney Fees, filed by PPG INDUSTRIES, INC.. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Proposed Order) (Glunt, James) (Entered: 03/19/2009)                                                                                                                                                                                                                                                                                                                                                  |
| 03/20/2009 |            | ORDER SETTING DEADLINE FOR RESPONSE to <u>138</u> Motion for Default Judgment. Response to Motion due by 3/26/2009 at NOON. Signed by Judge Arthur J. Schwab on 03/20/09. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (eca) (Entered: 03/20/2009)                                                                                                                                                                                                            |
| 03/20/2009 | <u>142</u> | ORDER granting <u>139</u> Motion for Leave to File Brief in Support of Plaintiff's Motion for Certification and Approval to Send ADEA Notice pursuant to FLSA Section 16(b) in excess of fifteen pages in length, but not in excess of 25 pages. Signed by Judge Arthur J. Schwab on 03/20/09. (eca) (Entered: 03/20/2009)                                                                                                                                                                                                                     |
| 03/20/2009 | <u>143</u> | NOTICE of Appearance by Christian Antkowiak on behalf of PPG INDUSTRIES, INC. (Antkowiak, Christian) (Entered: 03/20/2009)                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 03/20/2009 | <u>144</u> | MOTION for Leave to File Under Seal, Exhibit Attached to Brief in Support of Plaintiffs' Motion for Conditional Class Certification and Court-Facilitated Notice by WADE C. BITTNER, ARTHUR C. RUPERT, LINDA K. AUSTIN, LARRY L. CAMPBELL, KENNETH J. HUNT. (Attachments: # <u>1</u> Proposed Order) (Fox, Bruce) (Entered: 03/20/2009)                                                                                                                                                                                                        |
| 03/20/2009 | <u>145</u> | MOTION to Certify Class ( <i>Motion for Conditional Class Certification and Court-Facilitated Notice</i> ) by WADE C. BITTNER, ARTHUR C. RUPERT, LINDA K. AUSTIN, LARRY L. CAMPBELL, KENNETH J. HUNT. (Attachments: # <u>1</u> Proposed Notice, # <u>2</u> Proposed Consent Form, # <u>3</u> Proposed Order) (Fox, Bruce) (Entered: 03/20/2009)                                                                                                                                                                                                |

|            |            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
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| 03/20/2009 | <u>146</u> | BRIEF in Support re <u>145</u> Motion to Certify Class, filed by WADE C. BITTNER, ARTHUR C. RUPERT, LINDA K. AUSTIN, LARRY L. CAMPBELL, KENNETH J. HUNT. (Attachments: # <u>1</u> Affidavit of Bruce C. Fox, Esquire, # <u>2</u> Second Affidavit of Arthur C. Rupert, # <u>3</u> Plaintiffs' Affidavits in Support of Second Affidavit of Arthur C. Rupert, # <u>4</u> Plaintiffs' EEOC Charges in Support of Second Affidavit of Arthur C. Rupert, # <u>5</u> Excerpts from Joint Concise Statement of Material Facts, # <u>6</u> Draft Expert Report of Len Cupingood (Cover Sheet), # <u>7</u> Under Seal Exhibits Cover Sheet, # <u>8</u> Plaintiffs' Fourth Set of Discovery Requests Directed to Defendant, # <u>9</u> Exhibit 5-RIF Guidelines, # <u>10</u> Exhibit 106-Other Benefits Plans: Salaried Severance Plan, # <u>11</u> Exhibit 174-Defendant's Response to Plaintiffs' First Set of Interrogatories and Requests for Production of Documents, # <u>12</u> Excerpts from the Armbrust Deposition, # <u>13</u> Excerpts from the Buhr Deposition, # <u>14</u> Excerpts from the Garber Deposition, # <u>15</u> Excerpts from the Jones Deposition, # <u>16</u> Excerpts from the Marek Deposition, # <u>17</u> Excerpts from the Prazenica Vol. I Deposition, # <u>18</u> Excerpts from the Wyman Deposition, # <u>19</u> Excerpts from the Zoulek Deposition) (Fox, Bruce) (Entered: 03/20/2009) |
| 03/23/2009 | <u>147</u> | Proposed Order <i>Relating to Class Action Determination/Issues</i> by PPG INDUSTRIES, INC.. (Glunt, James) (Entered: 03/23/2009)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 03/23/2009 | <u>148</u> | Proposed Order <i>Relating to Class Action Determination/Issues</i> by WADE C. BITTNER, ARTHUR C. RUPERT, LINDA K. AUSTIN, LARRY L. CAMPBELL, KENNETH J. HUNT. (Fox, Bruce) (Entered: 03/23/2009)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 03/23/2009 | <u>149</u> | ORDER granting <u>144</u> Motion for Leave to File Under Seal Exhibit Attached to Brief in Support of Plaintiffs' Motion for Conditional Class Certification and Court-Facilitated Notice. Signed by Judge Arthur J. Schwab on 03/23/09. (eca) (Entered: 03/23/2009)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 03/23/2009 | <u>150</u> | SEALED DOCUMENT by WADE C. BITTNER, ARTHUR C. RUPERT, LINDA K. AUSTIN, LARRY L. CAMPBELL, KENNETH J. HUNT (Attachments: # <u>1</u> Exhibit) (plh) (Entered: 03/23/2009)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 03/23/2009 | <u>151</u> | RESPONSE to Motion re <u>138</u> Motion for Default Judgment filed by PPG INDUSTRIES, INC.. (Passarello, Lisa) (Entered: 03/23/2009)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 03/24/2009 | <u>152</u> | ORDER denying <u>135</u> Motion for Attorney Fees. Signed by Judge Arthur J. Schwab on 3/24/09. (mjl) (Entered: 03/24/2009)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 03/24/2009 | <u>153</u> | MOTION for Default against PPG INDUSTRIES, INC. by WADE C. BITTNER, ARTHUR C. RUPERT, LINDA K. AUSTIN, LARRY L. CAMPBELL, KENNETH J. HUNT. (Attachments: # <u>1</u> Proposed Order) (Fox, Bruce) (Entered: 03/24/2009)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 03/24/2009 | <u>154</u> | ORDER denying <u>138</u> Plaintiffs' Motion for Default Judgment; denying <u>153</u> Plaintiffs' Motion for Entry of Default. Signed by Judge Arthur J. Schwab on 3/24/09. (ms) (Entered: 03/24/2009)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 03/24/2009 | <u>155</u> | MOTION for Reconsideration re <u>152</u> Order on Motion for Attorney Fees by WADE C. BITTNER, ARTHUR C. RUPERT, LINDA K. AUSTIN, LARRY L. CAMPBELL, KENNETH J. HUNT. (Attachments: # <u>1</u> Proposed Order) (Fox, Bruce) (Entered: 03/24/2009)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 03/24/2009 | <u>156</u> | BRIEF in Support re <u>155</u> Motion for Reconsideration filed by WADE C. BITTNER, ARTHUR C. RUPERT, LINDA K. AUSTIN, LARRY L. CAMPBELL, KENNETH J. HUNT. (Fox, Bruce) (Entered: 03/24/2009)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 03/24/2009 | <u>157</u> | Amended re: <u>13</u> ANSWER to Complaint as Consolidated COUNTERCLAIM <i>Seeking Restitution</i> against all plaintiffs by PPG INDUSTRIES, INC. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B) (Glunt, James) Modified on 3/25/2009. (plh) (Entered: 03/24/2009)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 03/25/2009 | <u>158</u> | ORDER denying <u>155</u> Motion for Reconsideration. Signed by Judge Arthur J. Schwab on 03/25/09. (eca) (Entered: 03/25/2009)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 03/25/2009 |            | CLERK'S OFFICE QUALITY CONTROL MESSAGE re <u>157</u> Answer to Complaint, Counterclaim. ERROR: Document incorrectly linked. CORRECTION: Linked to appropriate document. This message is for informational purposes only.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |

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|            |            | (plh) (Entered: 03/25/2009)                                                                                                                                                                                                                                                                                                                                                                         |
| 03/25/2009 | <u>159</u> | Minute Entry for proceedings held before Judge Arthur J. Schwab: Status Conference held on 3/25/2009. (Court Reporter: Sandy Wenger) (eca) (Entered: 03/25/2009)                                                                                                                                                                                                                                    |
| 03/26/2009 |            | SCHEDULING ORDER. Responsive pleading to counterclaim due by 04/01/09. Response due by 4/8/2009. Signed by Judge Arthur J. Schwab on 03/25/09. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (eca) (Entered: 03/26/2009)                                                                                            |
| 03/26/2009 |            | SCHEDULING ORDER. Plaintiffs' counsel is to re-draft the Notice and re-file by NOON on 03/27/09. Objections thereto due by NOON on 04/01/09. Signed by Judge Arthur J. Schwab on 03/25/09. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (eca) (Entered: 03/26/2009)                                                |
| 03/26/2009 |            | SCHEDULING ORDER. A Status Report as to the number of individuals who have opted in is due by NOON on 06/08/09. A Status Conference is set for 06/09/09 at 9:00 AM before Arthur J. Schwab. Signed by Judge Arthur J. Schwab on 03/25/09. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (eca) (Entered: 03/26/2009) |
| 03/26/2009 |            | SCHEDULING ORDER. Consented-to Case Management Order due by NOON on 06/08/09. If no consent, separate Proposed Orders due by NOON on 06/08/09. Signed by Judge Arthur J. Schwab on 03/25/09. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (eca) (Entered: 03/26/2009)                                              |
| 03/27/2009 | <u>160</u> | Proposed Order re <u>145</u> Motion to Certify Class, <i>Jointly Filed</i> by PPG INDUSTRIES, INC., ARTHUR C. RUPERT, LINDA K. AUSTIN, LARRY L. CAMPBELL. (Attachments: # <u>1</u> Exhibit Notice, # <u>2</u> Exhibit Consent Form) (Fox, Bruce) (Entered: 03/27/2009)                                                                                                                              |
| 04/01/2009 | <u>161</u> | ORDER granting <u>145</u> Motion for Conditional Class Certification and Court-Facilitated Notice. Signed by Judge Arthur J. Schwab on 03/31/09. (Attachments: # <u>1</u> Exhibit Notice, # <u>2</u> Exhibit Opt-In Consent Form) (eca) (Entered: 04/01/2009)                                                                                                                                       |
| 04/01/2009 | <u>162</u> | MOTION to Dismiss <i>Defendant's Counterclaim</i> re <u>157</u> Answer to Complaint, Counterclaim by WADE C. BITTNER, ARTHUR C. RUPERT, LINDA K. AUSTIN, LARRY L. CAMPBELL, KENNETH J. HUNT. (Attachments: # <u>1</u> Proposed Order) (Fox, Bruce) (Entered: 04/01/2009)                                                                                                                            |
| 04/01/2009 | <u>163</u> | BRIEF in Support re <u>162</u> Motion to Dismiss <i>Defendant's Counterclaim</i> filed by WADE C. BITTNER, ARTHUR C. RUPERT, LINDA K. AUSTIN, LARRY L. CAMPBELL, KENNETH J. HUNT. (Fox, Bruce) (Entered: 04/01/2009)                                                                                                                                                                                |
| 04/08/2009 | <u>164</u> | RESPONSE to Motion re <u>162</u> Motion to Dismiss <i>Brief in Opposition to Plaintiff's Motion to Dismiss Defendant's Counterclaims</i> filed by PPG INDUSTRIES, INC.. (Glunt, James) Modified on 4/9/2009. (plh) This document removed from public view and redocketed at Doc. # <u>165</u> . (Entered: 04/08/2009)                                                                               |
| 04/08/2009 | <u>165</u> | BRIEF in Opposition re <u>162</u> Motion to Dismiss filed by PPG INDUSTRIES, INC. (plh) (Entered: 04/09/2009)                                                                                                                                                                                                                                                                                       |
| 04/09/2009 |            | CLERK'S OFFICE QUALITY CONTROL MESSAGE re <u>164</u> Response to Motion. ERROR: Wrong event selected. CORRECTION: Re-docketed as Brief in Opposition. This message is for informational purposes only. (plh) (Entered: 04/09/2009)                                                                                                                                                                  |
| 04/09/2009 | <u>166</u> | MOTION for Leave to File Reply Brief <i>in Support of Plaintiffs' Motion to Dismiss Defendant's Counterclaim</i> by WADE C. BITTNER, ARTHUR C. RUPERT, LINDA K. AUSTIN, LARRY L. CAMPBELL, KENNETH J. HUNT. (Attachments: # <u>1</u> Exhibit Reply Brief on Plaintiffs Motion to Dismiss Counterclaim, # <u>2</u> Proposed Order) (Fox, Bruce) (Entered: 04/09/2009)                                |

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| 04/10/2009 |            | ORDER granting <u>166</u> Motion for Leave to File Reply Brief in Support of Plaintiff's Motion to Dismiss Defendant's Counterclaim, in excess of five pages in length. The reply brief shall be filed by 3:00 p.m. on April 20, 2009. Signed by Judge Arthur J. Schwab on 04/10/2009. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (tam) (Entered: 04/10/2009) |
| 04/10/2009 | <u>167</u> | REPLY to Response to Motion re <u>163</u> Brief in Support of Motion, <u>162</u> Motion to Dismiss, <u>165</u> Brief in Opposition to Motion filed by WADE C. BITTNER, ARTHUR C. RUPERT, LINDA K. AUSTIN, LARRY L. CAMPBELL, KENNETH J. HUNT. (Fox, Bruce) (Entered: 04/10/2009)                                                                                                                                                                 |
| 04/13/2009 | <u>168</u> | ORDER denying <u>162</u> Motion to Dismiss in all respects WITHOUT PREJUDICE to plaintiff raising the issues set forth therein in a Motion for Summary Judgment at the appropriate time. Signed by Judge Arthur J. Schwab on 04/13/09. (eca) (Entered: 04/13/2009)                                                                                                                                                                               |
| 04/27/2009 | <u>169</u> | ANSWER to <u>157</u> Answer to Complaint, Counterclaim by WADE C. BITTNER, ARTHUR C. RUPERT, LINDA K. AUSTIN, LARRY L. CAMPBELL, KENNETH J. HUNT. (Fox, Bruce) Modified on 4/28/2009. (plh) (Entered: 04/27/2009)                                                                                                                                                                                                                                |
| 06/01/2009 | <u>170</u> | CONSENT TO OPT IN as a class member by Thomas Adair Becer. (Fox, Bruce) (Entered: 06/01/2009)                                                                                                                                                                                                                                                                                                                                                    |
| 06/01/2009 | <u>171</u> | CONSENT TO OPT IN as a class member by Leslie M. Beck. (Fox, Bruce) (Entered: 06/01/2009)                                                                                                                                                                                                                                                                                                                                                        |
| 06/01/2009 | <u>172</u> | CONSENT TO OPT IN as a class member by Marianna Beveridge. (Fox, Bruce) (Entered: 06/01/2009)                                                                                                                                                                                                                                                                                                                                                    |
| 06/01/2009 | <u>173</u> | CONSENT TO OPT IN as a class member by Celeste M. Bey. (Fox, Bruce) (Entered: 06/01/2009)                                                                                                                                                                                                                                                                                                                                                        |
| 06/01/2009 | <u>174</u> | CONSENT TO OPT IN as a class member by William M. Bishop. (Fox, Bruce) (Entered: 06/01/2009)                                                                                                                                                                                                                                                                                                                                                     |
| 06/01/2009 | <u>175</u> | CONSENT TO OPT IN as a class member by Wade Bittner. (Fox, Bruce) (Entered: 06/01/2009)                                                                                                                                                                                                                                                                                                                                                          |
| 06/01/2009 | <u>176</u> | CONSENT TO OPT IN as a class member by Lorene C. Boettcher. (Fox, Bruce) (Entered: 06/01/2009)                                                                                                                                                                                                                                                                                                                                                   |
| 06/01/2009 | <u>177</u> | CONSENT TO OPT IN as a class member by Richard Bradstreet. (Fox, Bruce) (Entered: 06/01/2009)                                                                                                                                                                                                                                                                                                                                                    |
| 06/01/2009 | <u>178</u> | CONSENT TO OPT IN as a class member by Virgil C. Caserta. (Fox, Bruce) (Entered: 06/01/2009)                                                                                                                                                                                                                                                                                                                                                     |
| 06/01/2009 | <u>179</u> | CONSENT TO OPT IN as a class member by Edward R. Coleridge, Sr.. (Fox, Bruce) (Entered: 06/01/2009)                                                                                                                                                                                                                                                                                                                                              |
| 06/01/2009 | <u>180</u> | CONSENT TO OPT IN as a class member by Daniel J. Conroy. (Fox, Bruce) (Entered: 06/01/2009)                                                                                                                                                                                                                                                                                                                                                      |
| 06/01/2009 | <u>181</u> | CONSENT TO OPT IN as a class member by Raymond F. Cornuet, Jr.. (Fox, Bruce) (Entered: 06/01/2009)                                                                                                                                                                                                                                                                                                                                               |
| 06/01/2009 | <u>182</u> | CONSENT TO OPT IN as a class member by Bruce C. Crivaro. (Fox, Bruce) (Entered: 06/01/2009)                                                                                                                                                                                                                                                                                                                                                      |
| 06/01/2009 | <u>183</u> | CONSENT TO OPT IN as a class member by Frank V. De Carlo. (Fox, Bruce) (Entered: 06/01/2009)                                                                                                                                                                                                                                                                                                                                                     |
| 06/01/2009 | <u>184</u> | CONSENT TO OPT IN as a class member by Donaldson J. Emch. (Fox, Bruce) (Entered: 06/01/2009)                                                                                                                                                                                                                                                                                                                                                     |
| 06/01/2009 | <u>185</u> | CONSENT TO OPT IN as a class member by Andrew C. Feldpausch. (Fox, Bruce) (Entered: 06/01/2009)                                                                                                                                                                                                                                                                                                                                                  |

|            |            |                                                                                                       |
|------------|------------|-------------------------------------------------------------------------------------------------------|
| 06/01/2009 | <u>186</u> | CONSENT TO OPT IN as a class member by Christopher L. Fredrickson. (Fox, Bruce) (Entered: 06/01/2009) |
| 06/01/2009 | <u>187</u> | CONSENT TO OPT IN as a class member by David H. Gang. (Fox, Bruce) (Entered: 06/01/2009)              |
| 06/01/2009 | <u>188</u> | CONSENT TO OPT IN as a class member by April G. Giel. (Fox, Bruce) (Entered: 06/01/2009)              |
| 06/01/2009 | <u>189</u> | CONSENT TO OPT IN as a class member by Gail E. Goodall. (Fox, Bruce) (Entered: 06/01/2009)            |
| 06/01/2009 | <u>190</u> | CONSENT TO OPT IN as a class member by Cindy Hinich. (Fox, Bruce) (Entered: 06/01/2009)               |
| 06/01/2009 | <u>191</u> | CONSENT TO OPT IN as a class member by Kenneth J. Hunt. (Fox, Bruce) (Entered: 06/01/2009)            |
| 06/01/2009 | <u>192</u> | CONSENT TO OPT IN as a class member by David F. Jeffrey. (Fox, Bruce) (Entered: 06/01/2009)           |
| 06/01/2009 | <u>193</u> | CONSENT TO OPT IN as a class member by Wilda M. Jones-Howe. (Fox, Bruce) (Entered: 06/01/2009)        |
| 06/01/2009 | <u>194</u> | CONSENT TO OPT IN as a class member by Tim Kerchenski. (Fox, Bruce) (Entered: 06/01/2009)             |
| 06/01/2009 | <u>195</u> | CONSENT TO OPT IN as a class member by Edward F. Kobe. (Fox, Bruce) (Entered: 06/01/2009)             |
| 06/01/2009 | <u>196</u> | CONSENT TO OPT IN as a class member by David E. Kubicek. (Fox, Bruce) (Entered: 06/01/2009)           |
| 06/01/2009 | <u>197</u> | CONSENT TO OPT IN as a class member by Laura L. Leslie. (Fox, Bruce) (Entered: 06/01/2009)            |
| 06/01/2009 | <u>198</u> | CONSENT TO OPT IN as a class member by Kevin Scott Lightsey. (Fox, Bruce) (Entered: 06/01/2009)       |
| 06/01/2009 | <u>199</u> | CONSENT TO OPT IN as a class member by Pamela M. Longo. (Fox, Bruce) (Entered: 06/01/2009)            |
| 06/01/2009 | <u>200</u> | CONSENT TO OPT IN as a class member by James L. Miles. (Fox, Bruce) (Entered: 06/01/2009)             |
| 06/01/2009 | <u>201</u> | CONSENT TO OPT IN as a class member by Matthew S. Miller, Sr.. (Fox, Bruce) (Entered: 06/01/2009)     |
| 06/01/2009 | <u>202</u> | CONSENT TO OPT IN as a class member by Richard M. Nugent, Jr.. (Fox, Bruce) (Entered: 06/01/2009)     |
| 06/01/2009 | <u>203</u> | CONSENT TO OPT IN as a class member by Susan L. Prodoehl. (Fox, Bruce) (Entered: 06/01/2009)          |
| 06/01/2009 | <u>204</u> | CONSENT TO OPT IN as a class member by J. A. Rakvic. (Fox, Bruce) (Entered: 06/01/2009)               |
| 06/01/2009 | <u>205</u> | CONSENT TO OPT IN as a class member by Monica L. Rupert. (Fox, Bruce) (Entered: 06/01/2009)           |
| 06/01/2009 | <u>206</u> | CONSENT TO OPT IN as a class member by Kathleen L. Sample. (Fox, Bruce) (Entered: 06/01/2009)         |
| 06/01/2009 | <u>207</u> | CONSENT TO OPT IN as a class member by Joseph C. Sawicki. (Fox, Bruce) (Entered: 06/01/2009)          |
| 06/01/2009 | <u>208</u> | CONSENT TO OPT IN as a class member by Gary R. Schmidt. (Fox, Bruce) (Entered: 06/01/2009)            |
| 06/01/2009 | <u>209</u> | CONSENT TO OPT IN as a class member by Debra A. Scott. (Fox, Bruce) (Entered: 06/01/2009)             |

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| 06/01/2009 | <u>210</u> | CONSENT TO OPT IN as a class member by Howard Sipe. (Fox, Bruce) (Entered: 06/01/2009)                                                                                                                                                                                          |
| 06/01/2009 | <u>211</u> | CONSENT TO OPT IN as a class member by Chris Marvin Smith. (Fox, Bruce) (Entered: 06/01/2009)                                                                                                                                                                                   |
| 06/01/2009 | <u>212</u> | CONSENT TO OPT IN as a class member by Elizabeth J. Smith. (Fox, Bruce) (Entered: 06/01/2009)                                                                                                                                                                                   |
| 06/01/2009 | <u>213</u> | CONSENT TO OPT IN as a class member by Michael L. Sproule. (Fox, Bruce) (Entered: 06/01/2009)                                                                                                                                                                                   |
| 06/01/2009 | <u>214</u> | CONSENT TO OPT IN as a class member by Raymond R. Stec. (Fox, Bruce) (Entered: 06/01/2009)                                                                                                                                                                                      |
| 06/01/2009 | <u>215</u> | CONSENT TO OPT IN as a class member by Melvin Terrell. (Fox, Bruce) (Entered: 06/01/2009)                                                                                                                                                                                       |
| 06/01/2009 | <u>216</u> | CONSENT TO OPT IN as a class member by Calvin Thornton. (Fox, Bruce) (Entered: 06/01/2009)                                                                                                                                                                                      |
| 06/01/2009 | <u>217</u> | CONSENT TO OPT IN as a class member by Edward L. Vandevort, Jr.. (Fox, Bruce) (Entered: 06/01/2009)                                                                                                                                                                             |
| 06/01/2009 | <u>218</u> | CONSENT TO OPT IN as a class member by Shirley L. VanDyke. (Fox, Bruce) (Entered: 06/01/2009)                                                                                                                                                                                   |
| 06/01/2009 | <u>219</u> | CONSENT TO OPT IN as a class member by Karl M. Wisniewski. (Fox, Bruce) (Entered: 06/01/2009)                                                                                                                                                                                   |
| 06/01/2009 | <u>220</u> | CONSENT TO OPT IN as a class member by Roberta Ann Wojtysiak. (Fox, Bruce) (Entered: 06/01/2009)                                                                                                                                                                                |
| 06/01/2009 | <u>221</u> | CONSENT TO OPT IN as a class member by Warren R. Yaiser. (Fox, Bruce) (Entered: 06/01/2009)                                                                                                                                                                                     |
| 06/01/2009 | <u>222</u> | CONSENT TO OPT IN as a class member by John Zern. (Fox, Bruce) (Entered: 06/01/2009)                                                                                                                                                                                            |
| 06/01/2009 | <u>223</u> | CONSENT TO OPT IN as a class member by Edward P. Zilla. (Fox, Bruce) (Entered: 06/01/2009)                                                                                                                                                                                      |
| 06/04/2009 | <u>224</u> | CONSENT TO OPT IN as a class member by Robert Curtis Burns. (Fox, Bruce) (Entered: 06/04/2009)                                                                                                                                                                                  |
| 06/04/2009 | <u>225</u> | CONSENT TO OPT IN as a class member by Quinton Lawson. (Fox, Bruce) (Entered: 06/04/2009)                                                                                                                                                                                       |
| 06/04/2009 | <u>226</u> | CONSENT TO OPT IN as a class member by Kevin Walters. (Fox, Bruce) (Entered: 06/04/2009)                                                                                                                                                                                        |
| 06/04/2009 | <u>227</u> | CONSENT TO OPT IN as a class member by Richard Welesko. (Fox, Bruce) (Entered: 06/04/2009)                                                                                                                                                                                      |
| 06/08/2009 | <u>228</u> | Proposed Case Management Order ( <i>Track II</i> ), Jointly Filed by WADE C. BITTNER, PPG INDUSTRIES, INC., ARTHUR C. RUPERT, LINDA K. AUSTIN, LARRY L. CAMPBELL, KENNETH J. HUNT. (Fox, Bruce) (Entered: 06/08/2009)                                                           |
| 06/08/2009 | <u>229</u> | STATUS REPORT on Number of Opt-In Plaintiffs by WADE C. BITTNER, ARTHUR C. RUPERT, LINDA K. AUSTIN, LARRY L. CAMPBELL, KENNETH J. HUNT. (Fox, Bruce) (Entered: 06/08/2009)                                                                                                      |
| 06/09/2009 |            | Minute Entry for proceedings held before Judge Arthur J. Schwab: Status Conference held on 6/9/2009. Case Management Order issued. Future mediation sessions discussed. Text-only entry. No PDF document will issue. (Court Reporter: Sandy Wenger) (eca) (Entered: 06/09/2009) |
| 06/09/2009 | <u>230</u> | CASE MANAGEMENT ORDER: Exchange of required Rule 26(a)(1) information due by 6/29/2009. Discovery due by 12/9/2009. Plaintiffs Expert Reports due by 12/29/2009. Defendants Expert Reports due by 01/29/2010. Rebuttal Reports due                                              |

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|            |            | by 02/26/2010. Defendants Motion for Decertification due 03/31/2010. Response thereto due 04/30/2010. Summary Judgment due by 6/30/2010. Response to Summary Judgment due by 7/22/2010. Reply brief due by 8/4/2010. Signed by Judge Arthur J. Schwab on 06/09/09. (eca) (Entered: 06/09/2009)                                                                                                                                                                                       |
| 06/15/2009 |            | ORDER. Defendant PPG Industries, Inc. shall have until 06/30/09 to file its amended counterclaims, and Plaintiffs shall have until 07/17/09 to Answer. Signed by Judge Arthur J. Schwab on 06/15/09. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (eca) (Entered: 06/15/2009)                                                                                                                       |
| 06/24/2009 | <u>231</u> | Notice of ADR proceeding: <b>The litigants are advised that at the conclusion of the ADR process they must submit a completed questionnaire to the Clerk of Courts. The questionnaire is available on the Court's website at <a href="http://www.pawd.uscourts.gov">www.pawd.uscourts.gov</a> and click on the ADR icon.</b> Mediation Conference set for 9/15/2009 10:00 AM Mediation Conference set for 9/16/2009 10:00 AM (Kushner, Louis) (Entered: 06/24/2009)                  |
| 06/30/2009 | <u>232</u> | MOTION to Compel Defendant to Attend E-Discovery Conference on or Before July 10, 2009 by WADE C. BITTNER, ARTHUR C. RUPERT, LINDA K. AUSTIN, LARRY L. CAMPBELL, KENNETH J. HUNT. (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Discovery Dispute Certificate, # <u>3</u> Exhibit A, # <u>4</u> Exhibit B, # <u>5</u> Exhibit C, # <u>6</u> Exhibit D, # <u>7</u> Exhibit E) (Evans, Melissa) (Entered: 06/30/2009)                                                            |
| 06/30/2009 | <u>233</u> | Second AMENDED COUNTERCLAIM <i>Against All Plaintiffs Except Matthew S. Miller, Sr.</i> , filed by PPG INDUSTRIES, INC. (Attachments: # <u>1</u> Exhibit A (Part 1 of 4), # <u>2</u> Exhibit A (Part 2 of 4), # <u>3</u> Exhibit A (Part 3 of 4), # <u>4</u> Exhibit A (Part 4 of 4), # <u>5</u> Exhibit B) (Glunt, James) (Entered: 06/30/2009)                                                                                                                                     |
| 07/01/2009 |            | ORDER SETTING DEADLINE FOR RESPONSE to <u>232</u> Motion to Compel. Response to Motion due by 7/6/2009 at 3:00 PM. Signed by Judge Arthur J. Schwab on 07/01/09. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (eca) (Entered: 07/01/2009)                                                                                                                                                           |
| 07/02/2009 | <u>234</u> | MOTION for Protective Order by PPG INDUSTRIES, INC.. (Attachments: # <u>1</u> Exhibit A (Affidavit of John Coyne), # <u>2</u> Discovery Dispute Certificate, # <u>3</u> Proposed Order) (Glunt, James) (Entered: 07/02/2009)                                                                                                                                                                                                                                                         |
| 07/02/2009 |            | ORDER Response/Briefing Schedule re <u>234</u> Motion for Protective Order Response to Motion due by 7/6/2009 at 3:00 pm. Signed by Judge Arthur J. Schwab on 7/02/09. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (mjl) (Entered: 07/02/2009)                                                                                                                                                     |
| 07/02/2009 |            | ORDER re <u>234</u> Motion for Protective Order filed by PPG INDUSTRIES, INC. The deposition of David Diehl, purportedly scheduled for July 6, 2009, is hereby postponed until Court rules on <u>234</u> motion for Protective Order and Motion to limit scope of discovery . Signed by Judge Arthur J. Schwab on 7/02/09. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (mjl) (Entered: 07/02/2009) |
| 07/02/2009 |            | W/ <u>234</u> MOTION to Limit the Scope of Discovery by PPG INDUSTRIES, INC. (jv) (Entered: 07/06/2009)                                                                                                                                                                                                                                                                                                                                                                              |
| 07/06/2009 | <u>235</u> | BRIEF in Opposition re <u>232</u> Motion to Compel, <i>Discovery Conference</i> filed by PPG INDUSTRIES, INC.. (Attachments: # <u>1</u> Exhibit A - Letter to Bruce C. Fox, Esq.) (Glunt, James) (Entered: 07/06/2009)                                                                                                                                                                                                                                                               |
| 07/06/2009 | <u>236</u> | BRIEF in Opposition re <u>234</u> Motion for Protective Order filed by WADE C. BITTNER, ARTHUR C. RUPERT, LINDA K. AUSTIN, LARRY L. CAMPBELL, KENNETH J. HUNT. (Evans, Melissa) Removed from public view at Court's direction. Modified on 7/6/2009. (jsp) (Entered: 07/06/2009)                                                                                                                                                                                                     |
| 07/06/2009 | <u>237</u> | Errata re <u>236</u> Brief in Opposition by WADE C. BITTNER, ARTHUR C. RUPERT, LINDA K. AUSTIN, LARRY L. CAMPBELL, KENNETH J. HUNT. Reason for Correction: Document Incorrectly Filed. (Fox, Bruce) Modified on 7/7/2009 to add document linkage. (ept) (Entered: 07/06/2009)                                                                                                                                                                                                        |

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| 07/06/2009 | <u>238</u> | MOTION for Leave to File Reply Regarding Plaintiffs' Expedited Motion to Compel Defendant to Attend E-Discovery Conference On or Before July 10, 2009 by WADE C. BITTNER, ARTHUR C. RUPERT, LINDA K. AUSTIN, LARRY L. CAMPBELL, KENNETH J. HUNT. (Attachments: # <u>1</u> Reply Regarding Plaintiffs' Expedited Motion to Compel Defendant to Attend E-Discovery Conference On or Before July 10, 2009, # <u>2</u> Proposed Order) (Fox, Bruce) (Entered: 07/06/2009) |
| 07/07/2009 | <u>239</u> | ORDER granting <u>238</u> Motion for Leave to File Reply Brief. Reply due by 7/7/2009 at NOON. Signed by Judge Arthur J. Schwab on 07/07/09. (eca) (Entered: 07/07/2009)                                                                                                                                                                                                                                                                                              |
| 07/07/2009 | <u>240</u> | REPLY BRIEF by WADE C. BITTNER, ARTHUR C. RUPERT, LINDA K. AUSTIN, LARRY L. CAMPBELL, KENNETH J. HUNT re <u>232</u> Motion to Compel, <u>235</u> Brief in Opposition to Motion filed by WADE C. BITTNER, ARTHUR C. RUPERT, LINDA K. AUSTIN, LARRY L. CAMPBELL, KENNETH J. HUNT. (Evans, Melissa) (Entered: 07/07/2009)                                                                                                                                                |
| 07/07/2009 |            | CLERK'S OFFICE QUALITY CONTROL MESSAGE re <u>237</u> Errata. ERROR: Signature on document and filer do not match. CORRECTION: Attorney advised of signature requirements. Attorney to resubmit the Errata using the errata event and linking the document to <u>237</u> . This message is for informational purposes only. (ept) (Entered: 07/07/2009)                                                                                                                |
| 07/07/2009 | <u>241</u> | Errata re <u>237</u> Errata by WADE C. BITTNER, ARTHUR C. RUPERT, LINDA K. AUSTIN, LARRY L. CAMPBELL, KENNETH J. HUNT. Reason for Correction: Filer and Signature to Match. (Evans, Melissa) (Entered: 07/07/2009)                                                                                                                                                                                                                                                    |
| 07/07/2009 | <u>242</u> | ORDER denying <u>232</u> Motion to Compel Defendant to Attend E-Discovery Conference. Plaintiffs' Motion to Compel is DENIED since PPG has agreed to participate in a conference regarding electronic discovery protocols and procedures. Signed by Judge Arthur J. Schwab on 07/07/09. (eca) (Entered: 07/07/2009)                                                                                                                                                   |
| 07/07/2009 | <u>243</u> | ORDER denying <u>234</u> Motion to Limit the Scope of Discovery and for Protective Order. Signed by Judge Arthur J. Schwab on 07/07/09. (eca) (Entered: 07/07/2009)                                                                                                                                                                                                                                                                                                   |
| 07/07/2009 | <u>244</u> | MOTION for Leave to Take Deposition of David Diehl by WADE C. BITTNER, ARTHUR C. RUPERT, LINDA K. AUSTIN, LARRY L. CAMPBELL, KENNETH J. HUNT. (Attachments: # <u>1</u> Proposed Order) (Fox, Bruce) (Entered: 07/07/2009)                                                                                                                                                                                                                                             |
| 07/08/2009 | <u>245</u> | ORDER granting <u>244</u> Motion for Leave to Take Deposition of David Diehl. Signed by Judge Arthur J. Schwab on 07/08/09. (eca) (Entered: 07/08/2009)                                                                                                                                                                                                                                                                                                               |
| 07/09/2009 | <u>246</u> | Second MOTION to Compel E-Discovery Conference by WADE C. BITTNER, ARTHUR C. RUPERT, LINDA K. AUSTIN, LARRY L. CAMPBELL, KENNETH J. HUNT. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit, # <u>5</u> Exhibit, # <u>6</u> Proposed Order, # <u>7</u> Discovery Dispute Certificate) (Evans, Melissa) (Entered: 07/09/2009)                                                                                         |
| 07/10/2009 |            | ORDER SETTING DEADLINE FOR RESPONSE to <u>246</u> Motion to Compel. Response to Motion due by 7/15/2009. Signed by Judge Arthur J. Schwab on 07/10/09. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (eca) (Entered: 07/10/2009)                                                                                                                                                      |
| 07/15/2009 | <u>247</u> | RESPONSE to Motion re <u>246</u> Motion to Compel, filed by PPG INDUSTRIES, INC.. (Attachments: # <u>1</u> Exhibit A) (Glunt, James) (Entered: 07/15/2009)                                                                                                                                                                                                                                                                                                            |
| 07/15/2009 | <u>248</u> | MOTION for Leave to File Reply Regarding Plaintiffs' Second Expedited Motion to Compel E-Discovery Conference by WADE C. BITTNER, ARTHUR C. RUPERT, LINDA K. AUSTIN, LARRY L. CAMPBELL, KENNETH J. HUNT. (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Reply Regarding Plaintiffs' Second Expedited Motion to Compel E-Discovery Conference, # <u>3</u> Exhibit A to Reply) (Fox, Bruce) (Entered: 07/15/2009)                                                  |
| 07/16/2009 | <u>249</u> | ORDER granting <u>248</u> Motion for Leave to File Reply Brief in Support of Plaintiffs' Expedited Second Motion to Compel E-Discovery Conference. Reply Brief shall                                                                                                                                                                                                                                                                                                  |

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|            |            | be filed by 07/17/09. Signed by Judge Arthur J. Schwab on 07/16/09. (eca) (Entered: 07/16/2009)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 07/16/2009 | <u>250</u> | REPLY to Response to Motion re <u>246</u> Motion to Compel, <u>247</u> Response to Motion filed by WADE C. BITTNER, ARTHUR C. RUPERT, LINDA K. AUSTIN, LARRY L. CAMPBELL, KENNETH J. HUNT. (Attachments: # <u>1</u> Exhibit A) (Fox, Bruce) (Entered: 07/16/2009)                                                                                                                                                                                                                                                                                                                                                                       |
| 07/17/2009 | <u>251</u> | Proposed Order re <u>246</u> Motion to Compel, by PPG INDUSTRIES, INC.. (Glunt, James) (Entered: 07/17/2009)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 07/17/2009 | <u>252</u> | Proposed Order re <u>246</u> Motion to Compel, ( <i>Alternative Relief</i> ) by PPG INDUSTRIES, INC.. (Glunt, James) (Entered: 07/17/2009)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 07/17/2009 |            | CLERK'S OFFICE QUALITY CONTROL MESSAGE re <u>251</u> Proposed Order, <u>252</u> Proposed Order. ERROR: Proposed Order filed as a separate document. CORRECTION: Proposed Order attached to appropriate Motion by Court. The incorrect submission will remain on the docket unless otherwise ordered by the Court. This message is for informational purposes only. (plh) (Entered: 07/17/2009)                                                                                                                                                                                                                                          |
| 07/17/2009 | <u>253</u> | ANSWER to Amended Counterclaim by WADE C. BITTNER, ARTHUR C. RUPERT, LINDA K. AUSTIN, LARRY L. CAMPBELL, KENNETH J. HUNT. (Attachments: # <u>1</u> Exhibit 1) (Fox, Bruce) (Entered: 07/17/2009)                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 07/20/2009 | <u>254</u> | ORDER granting in part and denying in part <u>246</u> Motion to Compel E-Discovery Conference. Joint Status Report due 08/20/09. Signed by Judge Arthur J. Schwab on 07/20/09. (eca) (Entered: 07/20/2009)                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 07/20/2009 |            | Status Report due by 8/20/2009 (eca) (Entered: 07/20/2009)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 07/24/2009 | <u>255</u> | MOTION for attorney William J. Leonard to Appear Pro Hac Vice, (Filing fee \$40, Receipt # 03150000000001313645) by WADE C. BITTNER, ARTHUR C. RUPERT, LINDA K. AUSTIN, LARRY L. CAMPBELL, KENNETH J. HUNT. (Attachments: # <u>1</u> Affidavit of William J. Leonard, # <u>2</u> Proposed Order) (Fox, Bruce) (Entered: 07/24/2009)                                                                                                                                                                                                                                                                                                     |
| 07/27/2009 | <u>256</u> | ORDER granting <u>255</u> Motion for William J. Leonard to Appear Pro Hac Vice. Attorney Leonard added. Signed by Judge Arthur J. Schwab on 07/27/09. (eca) (Entered: 07/27/2009)                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 07/31/2009 | <u>257</u> | NOTICE of Appearance by Erin J. McLaughlin on behalf of PPG INDUSTRIES, INC.. (McLaughlin, Erin) (Entered: 07/31/2009)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 08/12/2009 | <u>258</u> | NOTICE of Appearance by Matthew H. Meade on behalf of PPG INDUSTRIES, INC.. (Meade, Matthew) (Entered: 08/12/2009)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 08/20/2009 | <u>259</u> | STATUS REPORT <i>on the Production of ESI</i> by WADE C. BITTNER, ARTHUR C. RUPERT, LINDA K. AUSTIN, LARRY L. CAMPBELL, KENNETH J. HUNT. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C) (Evans, Melissa) (Entered: 08/20/2009)                                                                                                                                                                                                                                                                                                                                                                         |
| 08/20/2009 | <u>260</u> | STATUS REPORT <i>on ESI</i> by PPG INDUSTRIES, INC.. (Attachments: # <u>1</u> Exhibit A – PPG's First Amended Proposal for Production of Oracle Data, # <u>2</u> Exhibit B – August 13, 2009 Letter of Bruce Fox, # <u>3</u> Exhibit C – Proposal for Production of ESI from Individual Custodians and Outlook Mailboxes, # <u>4</u> Exhibit D – Letter from Melissa Evans dated August 14, 2009, # <u>5</u> Exhibit E – Preliminary Recommended Guidelines, # <u>6</u> Exhibit F – August 13, 2009 Letter of Matthew Meade, # <u>7</u> Exhibit G – August 13, 2009 Letter of Terrence Murphy) (Passarello, Lisa) (Entered: 08/20/2009) |
| 09/01/2009 | <u>261</u> | NOTICE of Appearance by David J. Porter on behalf of PPG INDUSTRIES, INC.. (Porter, David) (Entered: 09/01/2009)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 09/23/2009 | <u>262</u> | MOTION to Compel Defendant's Responses to Plaintiffs' Phase III Discovery Requests by WADE C. BITTNER, ARTHUR C. RUPERT, LINDA K. AUSTIN, LARRY L. CAMPBELL, KENNETH J. HUNT. (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Discovery Dispute Certificate, # <u>3</u> 6/12/09 Plaintiffs Fifth Set of Discovery Requests, # <u>4</u> 7/13/09 Defendants Responses to Plaintiffs Fifth Set of                                                                                                                                                                                                                                      |

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|            |            | Discovery Requests, # <u>5</u> 7/13/09 Letter Enclosing Defendants Responses to Plaintiffs Fifth Set of Discovery Requests, # <u>6</u> Plaintiffs Exhibit 5, # <u>7</u> Excerpts from Deposition of Gary Armbrust, # <u>8</u> Plaintiffs Exhibit 92, # <u>9</u> Deposition Excerpts of John Prazenica, # <u>10</u> 8/13/09 Letter from Defendant, # <u>11</u> 7/30/09 Letter from Defendant, # <u>12</u> 6/9/09 Excerpt from Status Conference, # <u>13</u> Plaintiffs Exhibit 89, # <u>14</u> 7/27/09 Letter from Defendant, # <u>15</u> 7/29/09 Email from Plaintiffs, # <u>16</u> 11/20/07 Defendant's Answer to Interrogatory No. 8, # <u>17</u> 10/10/07 Defendant's Rule 26 Disclosures) (Fox, Bruce) (Entered: 09/23/2009) |
| 09/24/2009 |            | ORDER Response/Briefing Schedule re <u>262</u> Motion to Compel, Response to Motion due by noon, 10/2/2009. Signed by Judge Arthur J. Schwab on 9/24/09. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (mjl) (Entered: 09/24/2009)                                                                                                                                                                                                                                                                                                                                                                                                                |
| 09/28/2009 | <u>263</u> | MOTION for Protective Order by WADE C. BITTNER, ARTHUR C. RUPERT, LINDA K. AUSTIN, LARRY L. CAMPBELL, KENNETH J. HUNT. (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Discovery Dispute Certificate, # <u>3</u> Exhibit A, # <u>4</u> Exhibit B, # <u>5</u> Exhibit C, # <u>6</u> Exhibit D, # <u>7</u> Exhibit E, # <u>8</u> Exhibit F, # <u>9</u> Exhibit G, # <u>10</u> Exhibit H, # <u>11</u> Exhibit I) (Fox, Bruce) (Entered: 09/28/2009)                                                                                                                                                                                                                                                                              |
| 09/29/2009 |            | ORDER SETTING DEADLINE FOR RESPONSE to <u>263</u> Motion for Protective Order. Response to Motion due by 10/2/2009 at NOON. Signed by Judge Arthur J. Schwab on 09/29/09. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (eca) (Entered: 09/29/2009)                                                                                                                                                                                                                                                                                                                                                                                               |
| 09/29/2009 | <u>264</u> | Final MOTION for Discovery <i>Seeking Leave to Take More than Ten Depositions</i> by PPG INDUSTRIES, INC.. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Proposed Order, # <u>4</u> Discovery Dispute Certificate) (Glunt, James) (Entered: 09/29/2009)                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 09/30/2009 |            | ORDER SETTING DEADLINE FOR RESPONSE to <u>264</u> Motion for Discovery. Response to Motion due by 10/5/2009 at NOON. Signed by Judge Arthur J. Schwab on 09/30/09. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (eca) (Entered: 09/30/2009)                                                                                                                                                                                                                                                                                                                                                                                                      |
| 10/01/2009 | <u>265</u> | REPORT of Early Neutral Evaluation Case has not resolved. LOUIS KUSHNER terminated. <b>The parties are reminded of their obligation to complete the ADR questionnaire and return same to the Clerk of Court within 5 days of the conclusion of the ADR process. The questionnaire can be accessed at <a href="http://www.pawd.uscourts.gov">www.pawd.uscourts.gov</a>. Click on the ADR icon.</b> ENE session was held held on 9/16/2009. (Kushner, Louis) (Entered: 10/01/2009)                                                                                                                                                                                                                                                  |
| 10/02/2009 | <u>266</u> | MOTION for Judgment on the Pleadings <i>As to Count I of Amended Complaint (Doc. <u>13</u>)</i> by PPG INDUSTRIES, INC. (Attachments: # <u>1</u> Proposed Order) (Glunt, James) (Entered: 10/02/2009)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 10/02/2009 | <u>267</u> | BRIEF in Support re <u>266</u> Motion for Judgment on the Pleadings <i>as to Count I of Amended Complaint (Doc. <u>13</u>)</i> filed by PPG INDUSTRIES, INC. (Glunt, James) (Entered: 10/02/2009)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 10/02/2009 | <u>268</u> | BRIEF in Opposition re <u>263</u> Motion for Protective Order, filed by PPG INDUSTRIES, INC.. (Glunt, James) (Entered: 10/02/2009)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 10/02/2009 | <u>269</u> | BRIEF in Opposition re <u>262</u> Motion to Compel, filed by PPG INDUSTRIES, INC. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Proposed Order) (Glunt, James) (Entered: 10/02/2009)                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 10/02/2009 |            | ORDER SETTING DEADLINE FOR RESPONSE to <u>266</u> Motion for Judgment on the Pleadings. Response to Motion due by 10/12/2009. Replies due by 10/16/2009. Signed by Judge Arthur J. Schwab on 10/02/09. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (eca) (Entered: 10/02/2009)                                                                                                                                                                                                                                                                                                                                                                  |
| 10/05/2009 | <u>270</u> | BRIEF in Opposition re <u>264</u> Motion for Discovery <i>Opposition to Defendant's Motion for Leave to Take More Than Ten Depositions</i> filed by WADE C. BITTNER, ARTHUR C. RUPERT, LINDA K. AUSTIN, LARRY L.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |

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|            |            | CAMPBELL, KENNETH J. HUNT. (Fox, Bruce) (Entered: 10/05/2009)                                                                                                                                                                                                                                                                                                                                                                 |
| 10/06/2009 | <u>271</u> | ORDER granting in part and denying in part <u>262</u> Motion to Compel Defendant's Responses to Plaintiffs' Phase III Discovery Requests. Revised proposal for protocol/procedure for e-discovery plan due 10/15/09. Cost estimates of each proposal due 10/18/09. Signed by Judge Arthur J. Schwab on 10/06/09. (eca) (Entered: 10/06/2009)                                                                                  |
| 10/06/2009 | <u>272</u> | ORDER denying <u>263</u> Motion for Protective Order; granting <u>264</u> Motion for Leave to Take More Than Ten Depositions. Signed by Judge Arthur J. Schwab on 10/06/09. (eca) (Entered: 10/06/2009)                                                                                                                                                                                                                       |
| 10/08/2009 | <u>273</u> | MOTION for Leave to File amicus brief <i>in support of plaintiffs' opposition to defendant's motion for judgment on the pleadings</i> . by AARP. (McCann, Laurie) (Entered: 10/08/2009)                                                                                                                                                                                                                                       |
| 10/08/2009 | <u>274</u> | RESPONSE to Motion re <u>273</u> Motion for Leave to File <i>Amicus Curiae Brief</i> filed by PPG INDUSTRIES, INC.. (Attachments: # <u>1</u> Proposed Order) (Glunt, James) (Entered: 10/08/2009)                                                                                                                                                                                                                             |
| 10/09/2009 |            | CLERK'S OFFICE QUALITY CONTROL MESSAGE re <u>273</u> Motion for Leave to File. ERROR: Typed name omitted by s/. CORRECTION: Attorney advised of signature requirements. Attorney to resubmit with signature, using Errata event. This message is for informational purposes only. (plh) (Entered: 10/09/2009)                                                                                                                 |
| 10/09/2009 | <u>276</u> | MOTION for Leave to File Refiling Motion for Leave for signature requirement by AARP. (Attachments: # <u>1</u> Proposed Order) (McCann, Laurie) (Entered: 10/09/2009)                                                                                                                                                                                                                                                         |
| 10/09/2009 | <u>277</u> | ORDER granting <u>273</u> Motion for Leave to File AMICUS BRIEF; granting <u>276</u> Motion for Leave to File AMICUS BRIEF. AARP shall file any amicus curiae brief opposing dismissal of Count I of the amended complaint on or before October 16, 2009. Defendant shall file any brief in response to AARP's brief on or before October 21, 2009. Signed by Judge Arthur J. Schwab on 10/09/09. (mjl) (Entered: 10/09/2009) |
| 10/12/2009 | <u>278</u> | Opposition re <u>266</u> Motion for Judgment on the Pleadings filed by WADE C. BITTNER, ARTHUR C. RUPERT, LINDA K. AUSTIN, LARRY L. CAMPBELL, KENNETH J. HUNT. (Evans, Melissa) (Entered: 10/12/2009)                                                                                                                                                                                                                         |
| 10/13/2009 | <u>279</u> | Joint MOTION to Extend Time to Comply With Court Order (Doc. <u>271</u> ) by WADE C. BITTNER, PPG INDUSTRIES, INC., ARTHUR C. RUPERT, LINDA K. AUSTIN, LARRY L. CAMPBELL, KENNETH J. HUNT. (Attachments: # <u>1</u> Proposed Order) (Glunt, James) (Entered: 10/13/2009)                                                                                                                                                      |
| 10/14/2009 |            | CLERK'S OFFICE QUALITY CONTROL MESSAGE re <u>276</u> Motion for Leave to File. ERROR: Typed name omitted by s/. CORRECTION: Attorney advised of signature requirements. Attorney to resubmit with signature, using *ERRATA* event (Located under "Other Documents"). Attorney advised to link ERRATA event to <u>276</u> Motion for Leave to File This message is for informational purposes only. (jv) (Entered: 10/14/2009) |
| 10/14/2009 | <u>280</u> | Errata re <u>276</u> <i>Motion For Leave to File</i> by AARP. Reason for Correction: No s/signature. (Attachments: # <u>1</u> Proposed Order) (McCann, Laurie) Modified on 10/19/2009. (tt) (Entered: 10/14/2009)                                                                                                                                                                                                             |
| 10/14/2009 | <u>281</u> | ORDER granting <u>279</u> Motion to Extend Time to Comply with Court Order <u>271</u> . Signed by Judge Arthur J. Schwab on 10-14-09. (ms) (Entered: 10/14/2009)                                                                                                                                                                                                                                                              |
| 10/14/2009 | <u>282</u> | MOTION for attorney Laurie A. McCann to Appear Pro Hac Vice, (Filing fee \$40, Receipt # 0315000000001398154) by WADE C. BITTNER, ARTHUR C. RUPERT, LINDA K. AUSTIN, LARRY L. CAMPBELL, KENNETH J. HUNT. (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Affidavit of Laurie A. McCann, Esquire) (Fox, Bruce) (Entered: 10/14/2009)                                                                                       |
| 10/15/2009 | <u>283</u> | ORDER granting <u>282</u> Motion for Laurie A. McCann to Appear Pro Hac Vice. Signed by Judge Arthur J. Schwab on 10/15/09. (eca) (Entered: 10/15/2009)                                                                                                                                                                                                                                                                       |

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| 10/15/2009 | <u>286</u> | BRIEF AMICUS CURIAE in Support of <u>270</u> Brief in Opposition to Motion filed by AARP. (plh) (Entered: 10/19/2009)                                                                                                                                                                                                                            |
| 10/16/2009 | <u>284</u> | Amicus Curiae APPEARANCE entered by Laurie A. McCann on behalf of AARP. (McCann, Laurie) Modified on 10/19/2009. (plh) This document removed from public view and redocketed at Doc. # <u>286</u> . (Entered: 10/16/2009)                                                                                                                        |
| 10/16/2009 | <u>285</u> | REPLY to Response to Motion re <u>278</u> Brief in Opposition to Motion <i>for Judgment on the Pleadings</i> filed by PPG INDUSTRIES, INC.. (Glunt, James) (Entered: 10/16/2009)                                                                                                                                                                 |
| 10/19/2009 |            | CLERK'S OFFICE QUALITY CONTROL MESSAGE re <u>284</u> Amicus Curiae Appearance. ERROR: Wrong event selected. CORRECTION: Re-docketed as Brief in Support. This message is for informational purposes only. (plh) (Entered: 10/19/2009)                                                                                                            |
| 10/21/2009 | <u>287</u> | REPLY BRIEF by PPG INDUSTRIES, INC. re <u>286</u> Brief in Support – <i>Other of Plaintiffs' Opposition to Defendant's Motion for Judgment on the Pleadings</i> filed by PPG INDUSTRIES, INC.. (Glunt, James) (Entered: 10/21/2009)                                                                                                              |
| 10/23/2009 | <u>288</u> | STATUS REPORT <i>on Plaintiffs' Revised Proposal for ESI Protocol/Procedure</i> by WADE C. BITTNER, ARTHUR C. RUPERT, LINDA K. AUSTIN, LARRY L. CAMPBELL, KENNETH J. HUNT. (Attachments: # <u>1</u> Exhibit) (Fox, Bruce) (Entered: 10/23/2009)                                                                                                  |
| 10/23/2009 | <u>289</u> | MOTION for an Order Implementing Defendant's E-Discovery Plan by PPG INDUSTRIES, INC. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Proposed Order) (Glunt, James) (Entered: 10/23/2009)                                                                                                                                                        |
| 10/26/2009 | <u>290</u> | STATUS REPORT <i>RE: ESI PROCESSING COST ESTIMATE</i> by ARTHUR C. RUPERT, LINDA K. AUSTIN, LARRY L. CAMPBELL. (Attachments: # <u>1</u> Exhibit Phase 1 Search terms, # <u>2</u> Exhibit Phase 2 Search Terms, # <u>3</u> Exhibit Withdrawn Search Terms) (Fox, Bruce) (Entered: 10/26/2009)                                                     |
| 10/26/2009 | <u>291</u> | NOTICE <i>of Defendant's Cost Estimates of E-Discovery Plans</i> by PPG INDUSTRIES, INC. (Glunt, James) (Entered: 10/26/2009)                                                                                                                                                                                                                    |
| 10/28/2009 | <u>292</u> | MEMORANDUM ORDER denying <u>266</u> Motion for Judgment on the Pleadings. Signed by Judge Arthur J. Schwab on 10/28/09. (mjl) (Entered: 10/28/2009)                                                                                                                                                                                              |
| 10/28/2009 | <u>293</u> | ORDER granting <u>289</u> Motion for an Order Implementing Defendant's E-Discovery Plan. Signed by Judge Arthur J. Schwab on 10/28/09. (eca) (Entered: 10/28/2009)                                                                                                                                                                               |
| 11/03/2009 | <u>294</u> | MOTION for Clarification as to <u>293</u> Order on Motion Implementing Deft's E-Discovery Plan Related to ESI Protocol by WADE C. BITTNER, ARTHUR C. RUPERT, LINDA K. AUSTIN, LARRY L. CAMPBELL, KENNETH J. HUNT. (Attachments: # <u>1</u> Proposed Order) (Fox, Bruce) (Entered: 11/03/2009)                                                    |
| 11/04/2009 |            | ORDER SETTING DEADLINE FOR RESPONSE to <u>294</u> Motion for Clarification. Response to Motion due by 11/10/2009. Signed by Judge Arthur J. Schwab on 11/04/09. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (eca) (Entered: 11/04/2009)                        |
| 11/04/2009 | <u>295</u> | Joint MOTION for Extension of Time to Complete Discovery by WADE C. BITTNER, PPG INDUSTRIES, INC., ARTHUR C. RUPERT, LINDA K. AUSTIN, LARRY L. CAMPBELL, KENNETH J. HUNT. (Attachments: # <u>1</u> Proposed Order) (Glunt, James) Modified on 11/5/2009. (plh) (Entered: 11/04/2009)                                                             |
| 11/05/2009 |            | ORDER granting <u>295</u> Motion for Extension of Time to Complete Discovery. The appropriate Amended Case Management Order will follow. Signed by Judge Arthur J. Schwab on 11/05/09. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (eca) (Entered: 11/05/2009) |
| 11/05/2009 | <u>296</u> | AMENDED CASE MANAGEMENT ORDER: Discovery due by 4/15/2010. Plaintiffs Expert Reports due by 5/5/2010. Defendants Expert Reports due by 6/7/2010. Expert Depositions to be completed by 7/9/2010. Signed by Judge Arthur                                                                                                                          |

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|            |            | J. Schwab on 11/05/09. (eca) (Entered: 11/05/2009)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 11/10/2009 | <u>297</u> | RESPONSE to Motion re <u>294</u> Motion for Clarification, filed by PPG INDUSTRIES, INC.. (Glunt, James) (Entered: 11/10/2009)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 11/11/2009 | <u>298</u> | Joint MOTION for Status Conference by WADE C. BITTNER, PPG INDUSTRIES, INC., ARTHUR C. RUPERT, LINDA K. AUSTIN, LARRY L. CAMPBELL, KENNETH J. HUNT. (Attachments: # <u>1</u> Proposed Order) (Glunt, James) (Entered: 11/11/2009)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 11/12/2009 |            | ORDER denying <u>294</u> Motion for Clarification. Signed by Judge Arthur J. Schwab on 11/12/09. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (mjl) (Entered: 11/12/2009)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 11/12/2009 | <u>299</u> | ORDER granting <u>298</u> Joint Motion for a Status Conference. Status Conference is scheduled for 11/20/09 at 9:30 AM in Courtroom 7C. Signed by Judge Arthur J. Schwab on 11/12/09. (ms) (Entered: 11/12/2009)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 11/12/2009 |            | Set/Reset Hearings: Status Conference set for 11/20/2009 09:30 AM before Arthur J. Schwab. (eca) (Entered: 11/12/2009)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 11/19/2009 | <u>300</u> | Joint MOTION For Order Regarding Settlement by WADE C. BITTNER, PPG INDUSTRIES, INC., ARTHUR C. RUPERT, LINDA K. AUSTIN, LARRY L. CAMPBELL, KENNETH J. HUNT. (Attachments: # <u>1</u> Exhibit A (Sample Consent to Settle), # <u>2</u> Proposed Order) (Glunt, James) (Entered: 11/19/2009)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 11/19/2009 | <u>301</u> | BRIEF in Support re <u>300</u> Motion for Order regarding Settlement, filed by WADE C. BITTNER, PPG INDUSTRIES, INC., ARTHUR C. RUPERT, LINDA K. AUSTIN, LARRY L. CAMPBELL, KENNETH J. HUNT. (Glunt, James) (Entered: 11/19/2009)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 11/20/2009 | <u>302</u> | ORDER granting <u>300</u> Motion to Approve Settlement. Signed by Judge Arthur J. Schwab on 11/20/09. (mjl) (Entered: 11/20/2009)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 11/20/2009 | <u>303</u> | Minute Entry for proceedings held before Judge Arthur J. Schwab: Settlement Conference held on 11/20/2009. (Court Reporter: Shirley Hall) (mjl) (Entered: 11/20/2009)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 11/30/2009 | <u>304</u> | NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings held on 11.20.09 before Judge Arthur J. Schwab. Court Reporter Shirley Hall, Telephone number 412-765-0408. The parties have five (5) business days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely, electronically available to the public without redaction after 90 calendar days. For redaction purposes, or otherwise, during this 90 day period a copy of the transcript may be purchased from the court reporter or viewed at the clerk's office public terminal. Notice of Intent for Redaction of Personal Data Identifiers due by 12/7/2009. Redaction Request due 12/21/2009. Redacted Transcript Deadline set for 12/31/2009. Release of Transcript Restriction set for 3/1/2010. (sah, ) (Entered: 11/30/2009) |