

CLOSED,APPEAL,ADR,TRCK2

**U.S. District Court
Eastern District of Missouri (St. Louis)
CIVIL DOCKET FOR CASE #: 4:98-cv-00512-DJS**

Kampouris v. St. Louis Symphony
Assigned to: District Judge Donald J. Stohr
Demand: \$50,000
Case in other court: 99-02704EMSL
99-02704EMSL

Date Filed: 03/25/1998
Date Terminated: 06/10/1999
Jury Demand: Plaintiff
Nature of Suit: 442 Civil Rights: Jobs
Jurisdiction: Federal Question

Cause: 42:12101 Americans with Disabilities Act

Plaintiff

Louis Kampouris

represented by **Eli Karsh**
LIBERMAN & GOLDSTEIN
230 South Bemiston
Suite 1200
St. Louis, MO 63105
314-862-3333
Email: elikarsh@aol.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Stanley E. Goldstein
LIBERMAN AND GOLDSTEIN
230 S. Bemiston Avenue
Suite 1200
Clayton, MO 63105
314-862-3333
Fax: 314-862-0605
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

St. Louis Symphony Society, The

represented by **Aaron C. Baker**
SCHULTZ AND LITTLE, L.L.P.
640 Cepi Drive
Suite A
Chesterfield, MO 63005-1221
636-537-4645
Fax: 314-862-2880
TERMINATED: 12/07/1998
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Hope K. Abramov
THOMPSON COBURN, LLP
One US Bank Plaza
505 N. 7th Street
St. Louis, MO 63101
314-552-6496
Fax: 314-552-7496
Email: habramov@thompsoncoburn.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Richard E. Jaudes
THOMPSON COBURN, LLP
One US Bank Plaza
505 N. 7th Street

St. Louis, MO 63101
 314-552-6431
 Fax: 314-552-7431
 Email: rjaudes@thompsoncoburn.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
03/25/1998	1	COMPLAINT; # Waivers of Service Issued: 1 # Counts: 3; jury demand (FCE) (Entered: 03/26/1998)
03/25/1998	2	TRACK INFORMATION STATEMENT filed by plaintiff Louis Kampouris ;track 2 preferred (FCE) (Entered: 03/26/1998)
03/25/1998	3	RECEIPT # s98-005203 in the amount of \$ 150.00 for civil filing fee (FCE) (Entered: 03/26/1998)
04/02/1998	4	ORDER by Honorable Donald J. Stohr ORDERED pltf(s) shall forthwith serve process or mail waiver of service. ORDERED notwithstanding FRCP 26(d) and (f), any party who has entered an appearance may serve interros and request for production or inspection upon pltf at any time and upon any other party after that party's entry of appearance. Parties shall respond to discovery requests w/in 30 days of service of discovery requests. No party may take oral depositions or serve requests for admissions prior to the Court's issuance of a CMO. As permitted by this order, discovery shall commence immediately. FURTHER ORDERED pltf(s) shall serve a copy of this order along w/discovery requests to a party who has not entered an appearance as of the date of this order. (cc: all counsel) (DLB) (Entered: 04/06/1998)
04/28/1998	5	WAIVER OF SERVICE executed upon defendant St. Louis Symphony on 4/24/98 personal service by serving atty, Aaron Baker (LGK) (Entered: 04/29/1998)
05/26/1998	6	ANSWER by defendant St. Louis Symphony to [1-1] (LGK) (Entered: 05/27/1998)
06/12/1998	7	RULE 16 ORDER by Honorable Donald J. Stohr ; standard(2) track , ; Rule 16 Conference 7/16/98 at 10:15 a.m. ; joint scheduling plan ddl 7/9/98 (cc: all counsel) (LGK) (Entered: 06/12/1998)
06/25/1998	8	MOTION by defendant St. Louis Symphony for protective order with memorandum in support. (LGK) (Entered: 06/29/1998)
07/02/1998	9	RESPONSE by plaintiff Louis Kampouris to motion for protective order [8-1] (KKS) (Entered: 07/06/1998)
07/09/1998	10	JOINT PROPOSED SCHEDULING PLAN by plaintiff Louis Kampouris, defendant St. Louis Symphony (DLB) (Entered: 07/10/1998)
07/16/1998	11	CASE MANAGEMENT ORDER by Honorable Donald J. Stohr ; standard(2) track , ; motion to add party ddl 8/21/98 ; The parties shall make all disclosures required by rule 26(a)(1) no later than 8/10/98. Pltf. shall disclose all expert witnesses and provide the reports required no later than 10/5/98 and shall make expert witnesses available for depositions and have depositions completed no later than 11/16/98. Deft. shall disclose all expert witnesses and shall provide the reports required no later than 11/30/98 and shall make expert witnesses available for depositions and have depositions completed no later than 1/14/99. the limits of 10 depositions per side and 25 interrogatories per party shall apply. Requests for physical or mental examinations of parties must be made no later than 9/28/98 and any exam must be completed by 10/26/98. Disc completion ddl 1/26/99 ; non-disp motion ddl 2/6/99 ; disp motion ddl 2/26/99 ; jury trial 6/21/99 at 9:00 a.m. ; pt comp ddl 6/1/99 ; ADR future refer 8/24/98 and termination on 10/19/98. (cc: all counsel) (LGK) (Entered: 07/16/1998)
07/21/1998	12	ORDER by Honorable Donald J. Stohr denying deft's motion for protective order [8-1]; plntf's interrogatories served on deft contain 21 interrogatories for purposes of the applicable limit of 25; deft is granted 20 days from the date of this order in which to provide plntf with responses to plntf's first set of interrogatories directed to deft. (cc: all counsel) (KKS) (Entered: 07/21/1998)

08/24/1998	<u>13</u>	ORDER REFERRING CASE TO ADR: by Honorable Donald J. Stohr Case set for mediation Designation of Lead Counsel: Stanley Goldstein ADR completion ddl 10/19/98; Designation of Neutral 9/14/98; ADR Conference Report ddl 9/14/98 , satisfied referral to adr ddl (cc: all counsel) (KKS) (Entered: 08/25/1998)
09/14/1998	14	MOTION by plaintiff Louis Kampouris, defendant St. Louis Symphony to extend the time, up to and including 10/9/98 in which to designate a neutral, date, time and location for ADR and to extend the time up to and including 12/7/98 in which to complete ADR (KKS) (Entered: 09/15/1998)
09/16/1998	<u>15</u>	RULED DOCUMENT by Honorable Donald J. Stohr granting motion to extend the time, up to and including 10/9/98 in which to designate a neutral, date, time and location for ADR [14-1], granting motion to extend the time up to and including 12/7/98 in which to complete ADR [14-2] ; ADR completion ddl 12/7/98 Designation of Neutral 10/9/98 ADR Conference Report ddl 10/9/98 (cc: all counsel) (DLB) (Entered: 09/16/1998)
09/17/1998	16	MOTION by plaintiff Louis Kampouris, defendant St. Louis Symphony for protective order (LGK) (Entered: 09/18/1998)
09/18/1998	<u>17</u>	ORDER by Honorable Donald J. Stohr granting motion for protective order [16-1] which is approved by the Court subject to the following limitations...see order... (cc: all counsel) (LGK) (Entered: 09/18/1998)
09/18/1998		PROTECTIVE ORDER by Honorable Donald J. Stohr :(see document #16) (cc: all counsel) (LGK) (Entered: 09/18/1998)
10/20/1998	18	DESIGNATION NEUTRAL REPORT by plaintiff Louis Kampouris, defendant St. Louis Symphony Neutral: Susan Rowe date of conference: 11/12/98 time: 9:30am location: 911 Washington LEAVE TO FILE GRANTED (DJS) (DLB) (Entered: 10/22/1998)
10/20/1998	<u>19</u>	RULED DOCUMENT by Honorable Donald J. Stohr LEAVE TO FILE GRANTED re [18-1] (cc: all counsel) (DLB) (Entered: 10/22/1998)
10/21/1998	<u>20</u>	NOTICE of appointment of neutral; neutral: Susan Rowe; neutral selected by: the parties (DLB) (Entered: 10/22/1998)
10/28/1998	21	MOTION by plaintiff Louis Kampouris for leave to substitute mediator and change date of mediation (LGK) (Entered: 10/29/1998)
10/30/1998	<u>22</u>	RULED DOCUMENT by Honorable Donald J. Stohr granting motion for leave to substitute mediator and change date of mediation [21-1] (cc: all counsel) (DLB) (Entered: 10/30/1998)
10/30/1998	23	DESIGNATION NEUTRAL REPORT by plaintiff Louis Kampouris, defendant St. Louis Symphony Neutral: Leonard Frankel date of conference: 11/24/98 time: 9:30am location: 231 S. Bemiston (DLB) (Entered: 10/30/1998)
10/30/1998	<u>24</u>	NOTICE of appointment of neutral; neutral: Leonard Frankel; neutral selected by: the parties (DLB) (Entered: 10/30/1998)
11/30/1998	25	MOTION by defendant St. Louis Symphony to extend time until 12/18/98 to disclose experts and provide reports (LGK) (Entered: 12/01/1998)
12/01/1998	26	STATUS REPORT by mediator, Leonard Frankel (KKS) (Entered: 12/02/1998)
12/02/1998	<u>27</u>	RULED DOCUMENT by Honorable Donald J. Stohr granting deft's motion to extend time until 12/18/98 to disclose experts and provide reports [25-1] (cc: all counsel) (KKS) (Entered: 12/02/1998)
12/02/1998	28	MOTION by defendant St. Louis Symphony to extend the time until 1/22/99 to disclose its experts and provide reports (KKS) (Entered: 12/03/1998)
12/04/1998	<u>29</u>	RULED DOCUMENT by Honorable Donald J. Stohr granting motion to extend the time until 1/22/99 to disclose its experts and provide reports [28-1] (cc: all counsel) (LGK) (Entered: 12/04/1998)
12/04/1998	30	MOTION by defendant St. Louis Symphony to withdraw Aaron C. Baker as attorney (LGK) (Entered: 12/07/1998)

12/07/1998	<u>31</u>	RULED DOCUMENT by Honorable Donald J. Stohr granting motion to withdraw Aaron C. Baker as attorney [30-1] attorney Aaron C. Baker for St. Louis Symphony (cc: all counsel) (LGK) (Entered: 12/07/1998)
12/14/1998	32	Discovery/Disclosure returned to atty: Hope Abramov – certificate of service (LGK) (Entered: 12/15/1998)
01/19/1999	33	MOTION by plaintiff Louis Kampouris, defendant St. Louis Symphony to extend discovery deadline to 2/15/99 (DLB) (Entered: 01/20/1999)
01/20/1999	<u>34</u>	RULED DOCUMENT by Honorable Donald J. Stohr granting motion to extend discovery deadline to 2/15/99 [33-1] ; Disc completion ddl 2/15/99 (cc: all counsel) (DLB) (Entered: 01/21/1999)
02/03/1999	35	An ADR conference was held on 11/24/98; ADR COMPLIANCE REPORT Neutral: Leonard J. Frankel; The parties did not achieve a settlement. Negotiations continued after the ADR conference, but it does not appear that settlement is possible at this time. (DLB) (Entered: 02/04/1999)
02/05/1999	36	MOTION (worded, "REQUEST") by defendant St. Louis Symphony to take deposition by telephone. (DLB) (Entered: 02/09/1999)
02/08/1999	37	MOTION by plaintiff Louis Kampouris for protective order w/exhibits 1,2,3 attached. (DLB) (Entered: 02/09/1999)
02/09/1999	38	MEMORANDUM by defendant St. Louis Symphony in opposition to motion for protective order [37-1] w/exhibit A attached. (DLB) (Entered: 02/09/1999)
02/09/1999	<u>39</u>	ORDER by Honorable Stephen N. Limbaugh granting motion to take deposition by telephone. [36-1], granting motion for protective order [37-1]. FURTHER ORDERED that the depositions of Dr. Richard Gelberman and Dr. Alice Brandfonbrener shall not take place on 2/11/99 or 2/12/99. These depositions shall be rescheduled and shall occur no later than 2/26/99. (cc: all counsel) (LGK) (Entered: 02/09/1999)
02/09/1999	40	REPLY by plaintiff Louis Kampouris to deft's opposition to plntf's mtn for protective order [37-1] with attached exhibits 1-2 (KKS) (Entered: 02/10/1999)
02/10/1999	41	MOTION by defendant St. Louis Symphony to extend deadline for dispositive motions up to and including 3/12/99 (DLB) (Entered: 02/11/1999)
02/11/1999	<u>42</u>	RULED DOCUMENT by Honorable Donald J. Stohr granting motion to extend deadline for dispositive motions up to and including 3/12/99 [41-1] ; disp motion ddl 3/12/99 (cc: all counsel) (KKS) (Entered: 02/12/1999)
03/05/1999	43	RETURN LETTER from Clerk to Eli Karsh re: plaintiff's subpoena in a civil case. (DLB) (Entered: 03/08/1999)
03/10/1999	44	MOTION by defendant St. Louis Symphony for leave to file its memorandum in support of its motion for summary judgment in excess of 15 pages (DLB) (Entered: 03/11/1999)
03/12/1999	<u>45</u>	RULED DOCUMENT by Honorable Donald J. Stohr granting motion for leave to file its memorandum in support of its motion for summary judgment in excess of 15 pages [44-1] (cc: all counsel) (LGK) (Entered: 03/15/1999)
03/12/1999	46	Notice of Motion: motion for partial summary judgment by plaintiff Louis Kampouris (DLB) (Entered: 03/15/1999)
03/12/1999	47	Notice of Motion: motion for summary judgment by defendant St. Louis Symphony (LGK) (Entered: 03/16/1999)
04/12/1999	48	MOTION by plaintiff Louis Kampouris for leave to file response memorandum in excess of fifteen pages (DLB) (Entered: 04/13/1999)
04/13/1999	<u>49</u>	RULED DOCUMENT by Honorable Donald J. Stohr granting motion for leave to file response memorandum in excess of fifteen pages [48-1] (cc: all counsel) (LGK) (Entered: 04/14/1999)

04/20/1999	50	MOTION by defendant St. Louis Symphony for leave to file its reply memorandum in support of its motion for summary judgment in excess of 15 pages. (DLB) (Entered: 04/21/1999)
04/21/1999	<u>51</u>	RULED DOCUMENT by Honorable Donald J. Stohr granting motion for leave to file its reply memorandum in support of its motion for summary judgment in excess of 15 pages. [50-1] (cc: all counsel) (DLB) (Entered: 04/22/1999)
04/21/1999	52	MOTION by plaintiff Louis Kampouris for summary judgment on count I of plaintiff's complaint [46-1] w/memorandum in support attached. (DLB) (Entered: 04/22/1999)
04/21/1999	53	MEMORANDUM by defendant St. Louis Symphony in opposition to motion for summary judgment on count I of plaintiff's complaint [46-1] [52-1] w/exhibits [PLACED IN EXPANSION FOLDER AND EXHIBITS KK-2, KK-3 AND KK-4 FILED UNDER SEAL AND PLACED IN VAULT] (DLB) Modified on 04/26/1999 (Entered: 04/22/1999)
04/21/1999	54	REPLY by plaintiff Louis Kampouris to defendant's opposition to plaintiff's motion for summary judgment on count I of plaintiff's complaint [46-1] [52-1] (DLB) (Entered: 04/22/1999)
04/21/1999	55	MOTION by defendant St. Louis Symphony for summary judgment [47-1] w/memorandum in support [w/ EXHIBITS PLACED IN EXPANSION FOLDER] (DLB) Modified on 04/26/1999 (Entered: 04/22/1999)
04/21/1999	56	RESPONSE by plaintiff Louis Kampouris to defendant's motion for summary judgment [47-1] [55-1] w/exhibit #1 attached. (DLB) (Entered: 04/22/1999)
04/21/1999	57	REPLY by defendant St. Louis Symphony in support of its motion for summary judgment [47-1] [55-1] w/exhibits [PLACED IN EXPANSION FOLDER AND EXHIBITS KK-2, KK-3 AND KK-4 FILED UNDER SEAL AND PLACED IN VAULT] (DLB) Modified on 04/26/1999 (Entered: 04/22/1999)
04/21/1999	58	STATEMENT OF UNCONTROVERTED FACTS by defendant St. Louis Symphony in support of its motion for summary judgment [55-1] (DLB) (Entered: 04/22/1999)
04/21/1999	59	RESPONSE TO DEFENDANT'S STATEMENT OF UNCONTROVERTED FACTS by plaintiff Louis Kampouris to [58-1] (DLB) (Entered: 04/22/1999)
04/21/1999	59	MOTION by plaintiff Louis Kampouris to strike defendant's motion for summary judgment for failure to comply with the local rules. (DLB) (Entered: 04/22/1999)
04/21/1999	60	MEMORANDUM (worded, "MOTION") by defendant St. Louis Symphony in opposition to motion to strike defendant's motion for summary judgment for failure to comply with the local rules. [59-1] (DLB) (Entered: 04/22/1999)
04/21/1999	61	MEMORANDUM (worded, "MOTION") by defendant St. Louis Symphony in opposition to plaintiff's cross motion for summary judgment on count I of plaintiff's complaint [46-1] [52-1] (DLB) (Entered: 04/22/1999)
04/21/1999	62	MOTION by plaintiff Louis Kampouris for leave to file under seal (DLB) (Entered: 04/22/1999)
04/22/1999	<u>63</u>	ORDER by Honorable Donald J. Stohr plntf's motion for leave to file under seal [62-1] is granted in part, with respect to exhibits KK-2, KK-3, and KK-4, which shall be filed under seal. In all other respects, the mtn is denied; Plaintiff's Statement of Uncontroverted Material Facts and deft's Statement of Facts as to which a Dispute Exists shall not be filed under seal despite the legend "FILED UNDER SEAL" placed thereon by the filing party. (cc: all counsel) (KKS) (Entered: 04/23/1999)
04/22/1999	64	STATEMENT OF UNCONTROVERTED MATERIAL FACTGS by plaintiff Louis Kampouris in support of [52-1] w/exhibits placed in expansion folder. (DLB) (Entered: 04/26/1999)
04/22/1999	65	STATEMENT OF FACTS TO WHICH A DISPUTE EXISTS FOR PURPOSES OF KAMPOURIS' MOTION FOR SUMMARY JUDGMENT by defendant St. Louis Symphony re:[52-1] (DLB) (Entered: 04/26/1999)

06/01/1999	66	PRETRIAL COMPLIANCE by plaintiff Louis Kampouris – summary of case for voir dire, joint stipulations of fact proposed by pltf, witness list, exhibit list, interrogatory and depositions, instructions and trial brief. (LGK) (Entered: 06/03/1999)
06/01/1999	67	PRETRIAL COMPLIANCE by defendant St. Louis Symphony – stipulation of uncontested facts, statement of case for voir dire, witness list, exhibit list, designation of discovery, trial brief (LGK) (Entered: 06/03/1999)
06/04/1999	68	MOTION by defendant St. Louis Symphony for leave to file defendant's jury instructions out of time w/instructions attached. (DLB) (Entered: 06/07/1999)
06/08/1999	<u>69</u>	RULED DOCUMENT by Honorable Donald J. Stohr granting motion for leave to file defendant's jury instructions out of time [68–1] (cc: all counsel) (LGK) (Entered: 06/08/1999)
06/08/1999	70	JURY INSTRUCTIONS submitted by defendant St. Louis Symphony (LGK) (Entered: 06/08/1999)
06/08/1999	71	MOTION by plaintiff Louis Kampouris for leave to include Exhibit 17 on list of exhibits for trial (LGK) (Entered: 06/09/1999)
06/10/1999	<u>72</u>	ORDER by Honorable Donald J. Stohr denying motion to strike defendant's motion for summary judgment for failure to comply with the local rules. [59–1], denying motion for summary judgment on count I of plaintiff's complaint [46–1] [52–1], granting motion for summary judgment [47–1] [55–1], denying motion for leave to include Exhibit 17 on list of exhibits for trial [71–1] (cc: all counsel) (LGK) (Entered: 06/10/1999)
06/10/1999	<u>73</u>	JUDGMENT: by Honorable Donald J. Stohr for defendant St. Louis Symphony against plaintiff Louis Kampouris on all counts of pltf's complaint terminating case (cc: all counsel) (LGK) (Entered: 06/10/1999)
06/10/1999	<u>73</u>	PUBLISHED – order and judgment dated: 6/10/99 (LGK) (Entered: 06/10/1999)
06/18/1999	74	NOTICE OF APPEAL filed by plaintiff Louis Kampouris re: the District Court decision ; [73–2], [72–1] fee: \$ 105.00 paid appellant form A attached. (DLB) Modified on 06/21/1999 (Entered: 06/21/1999)
06/18/1999	75	RECEIPT # S99–6820 in the amount of \$ 105.00 for appeal fee (DLB) (Entered: 06/21/1999)
06/22/1999		DELIVERED TO USCA – 1 Civil Appeal Cover Sheet, 2 Certified Copies of Notice of Appeal filed by Plaintiff, 2 Certified Copies of Clerk's docket entries and 2 copies of JUDGMENT/ORDER (DJS) filed on 6/10/99. Copy of NOA to Judge Stohr. cc: NOA, Clerk's docket entries and USCA letter to parties. Copy of NOA, Clerk's docket entries and Order being appealed sent to LAWYERS WEEKLY, BUREAU OF NATIONAL AFFAIRS, LEXIS–NEXIS AND WEST GROUP. Docket entries (FCE) (Entered: 06/22/1999)
06/24/1999	76	NOTIFICATION AND BRIEFING SCHEDULE (USCA) FILED USCA #: 99–2704EMSL Mthd of Appndx Prep Due: 7/6/99 Transcript Due: n/a Designations Due: 7/6/99;7/16/99 Briefs Due: 8/5/99;9/7/99;9/21/99 (KKS) (Entered: 06/28/1999)
07/02/1999	77	NOTIFICATION AND BRIEFING SCHEDULE (USCA) FILED USCA #: 99–2704EMSL Mthd of Appndx Prep Due: 7/21/99 Designations Due: 7/12/99; 7/22/99 Briefs Due: 8/11/99; 9/10/99; 9/24/99 (LGK) (Entered: 07/07/1999)
04/05/2000	78	NOTICE by defendant St. Louis Symphonys' counsel of change of address (LGK) (Entered: 04/06/2000)
04/28/2000	79	Opinion from USCA on USCA number 99–2704EMSL Opinion of USCA: affirming the decision of the District Court. (DLB) (Entered: 05/01/2000)
07/10/2000	80	ORDER FROM USCA copy filed. Appellant' request that the petition for rehearing en banc be held in abeyance pending settlement is granted. Appellant shall file a status report with the clerk by 8/7/00. USCA number: 99–2704 (LGK) (Entered: 07/12/2000)
08/07/2000	81	ORDER FROM USCA copy filed. Appellant's motion to withdraw his previously filed petition for rehearing en banc is granted. Mandate shall issue. USCA number: 99–2704 (LGK) (Entered: 08/08/2000)

08/07/2000	82	Opinion from USCA on USCA number 99-2704EMSL Opinion of USCA: affirming the decision of the district court. (DLB) (Entered: 08/08/2000)
08/07/2000	<u>83</u>	MANDATE from (USCA) affirming the decision of the District Court [74-1] USCA number: 99-2704EMSL (cc: all counsel) (DLB) (Entered: 08/08/2000)