

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF KENTUCKY  
SOUTHERN DIVISION at PIKEVILLE

CIVIL ACTION NO. 7:09-cv-00144-KKC

UNITED STEEL, PAPER AND FORESTRY,  
RUBBER, MANUFACTURING, ENERGY,  
ALLIED INDUSTRIAL AND SERVICE  
WORKERS INTERNATIONAL UNION, AFL-CIO/CLC,

PLAINTIFF,

v.

**OPINION AND ORDER**

AMERICAN STANDARD CORPORATION,

DEFENDANT.

\* \* \* \* \*

This matter is before the Court on the Motion for Summary Judgment filed by the Plaintiff (DE 24). On September 28, 2010, this Court denied the Defendant's Motion to Dismiss and determined that any dispute over the right to separation pay under the collective bargaining agreement at issue in this case must be submitted to arbitration (DE 21). On October 12, 2010, the Defendant filed a Notice of Appeal from that decision (DE 23). On October 21, 2010, the Plaintiff filed a Motion for Summary Judgment.

This Court must deny the motion for lack of jurisdiction. The filing of a notice of appeal generally divests the district court of jurisdiction. *Griggs v. Provident Consumer Discount Co.*, 459 U.S. 56, 58 (1982); *Pittock v. Otis Elevator Co.*, 8 F.3d 325, 327 (6th Cir. 1993). The Plaintiff has not argued that any of the exceptions to this rule are applicable in this case and the Court finds that they are not.

Accordingly, the Plaintiff's Motion for Summary Judgment (DE 24) is DENIED for lack of jurisdiction.

Dated this 7<sup>th</sup> day of January, 2011.



**Signed By:**

**Karen K. Caldwell** *KKC*  
**United States District Judge**