

**United States District Court
Eastern District of Pennsylvania (Philadelphia)
CIVIL DOCKET FOR CASE #: 2:19-cv-05590-MMB**

NEWSOME v. CITY OF PHILADELPHIA
Assigned to: HONORABLE MICHAEL M. BAYLSON
Cause: 29:201 Fair Labor Standards Act

Date Filed: 11/26/2019
Jury Demand: Plaintiff
Nature of Suit: 442 Civil Rights:
Employment
Jurisdiction: Federal Question

Plaintiff

JANELLE NEWSOME
*INDIVIDUALLY AND ON BEHALF
OF OTHERS SIMILARLY SITUATED*

represented by **IAN M. BRYSON**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

CITY OF PHILADELPHIA

represented by **DANIEL R. UNTERBURGER**
CITY OF PHILADELPHIA LAW
DEPT.
1515 ARCH STREET, 16TH FLOOR

PHILADELPHIA, PA 19102
215-683-5080
Email: daniel.unterburger@phila.gov
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ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
11/26/2019	<u>1</u>	COMPLAINT against All Defendants (Filing fee \$ 400 receipt number PPE207486.), filed by JANELLE NEWSOME.(bw,) (Entered: 11/29/2019)
11/26/2019		DEMAND for Trial by Jury by JANELLE NEWSOME. (bw,) (Entered: 11/29/2019)
11/26/2019		1 Summons Issued as to CITY OF PHILADELPHIA. Forwarded

		To: COUNSEL on 11/29/2019 (bw,) (Entered: 11/29/2019)
12/03/2019	<u>2</u>	WAIVER OF SERVICE Returned Executed by JANELLE NEWSOME. CITY OF PHILADELPHIA waiver sent on 12/3/2019, answer due 2/1/2020. (BRYSON, IAN) (Entered: 12/03/2019)
12/27/2019	<u>3</u>	NOTICE by JANELLE NEWSOME <i>Filing Consent Form to Join Dontaya Trippett as a Party Plaintiff</i> (BRYSON, IAN) (Entered: 12/27/2019)
02/03/2020	<u>4</u>	MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM filed by CITY OF PHILADELPHIA.Memorandum and Certificate of Service.(UNTERBURGER, DANIEL) (Entered: 02/03/2020)
02/17/2020	<u>5</u>	RESPONSE in Opposition re <u>4</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM filed by JANELLE NEWSOME. (BRYSON, IAN) (Entered: 02/17/2020)
02/17/2020	<u>6</u>	FIRST AMENDED COMPLAINT against CITY OF PHILADELPHIA, filed by JANELLE NEWSOME., JURY TRIAL DEMAND, EXHIBIT.(rf,) (Entered: 02/18/2020)
03/02/2020	<u>7</u>	ORDER THAT DEFENDANT'S <u>4</u> MOTION TO DISMISS FILED ON 2/3/20 IS DENIED AS MOOT. SIGNED BY HONORABLE MICHAEL M. BAYLSON ON 3/2/20.3/2/20 ENTERED & E-MAILED.(fdc) (Entered: 03/02/2020)
03/02/2020	<u>8</u>	Second MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM filed by CITY OF PHILADELPHIA.Memorandum and Certificate of Service.(UNTERBURGER, DANIEL) (Entered: 03/02/2020)
03/16/2020	<u>9</u>	MOTION for Leave to File <i>Supplemental Complaint</i> filed by JANELLE NEWSOME.Memorandum, Certificate of Service. (BRYSON, IAN) (Entered: 03/16/2020)
03/16/2020	<u>10</u>	RESPONSE in Opposition re <u>8</u> Second MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM filed by JANELLE NEWSOME. (BRYSON, IAN) (Entered: 03/16/2020)
03/25/2020	<u>11</u>	ORDER THAT THE COURT HEREBY GRANTS PLAINTIFF'S <u>9</u> MOTION FOR LEAVE TO FILE A SUPPLEMENTAL COMPLAINT (9). IT IS FURTHER ORDERED THAT, IN VIEW OF THE PUBLIC HEALTH CRISIS, ADDITIONAL BRIEFING WILL BE ALLOWED, THE SCHEDULE TO BE AGREED UPON BY COUNSEL, AND TO BE COMPLETED WITHIN 90 DAYS. SIGNED BY HONORABLE MICHAEL M. BAYLSON ON 3/25/20.3/25/20 ENTERED & E-MAILED.(fdc) (Entered: 03/25/2020)

07/30/2020	<u>12</u>	ORDER THAT ANY FURTHER BRIEFING EITHER PARTY WISHES TO FILE REGARDING THE PENDING MOTION TO DISMISS THE FIRST AMENDED COMPLAINT AND THE SUPPLEMENTAL COMPLAINT SHALL BE FILED BY 8/21/20; ETC.. SIGNED BY HONORABLE MICHAEL M. BAYLSON ON 7/30/20. 7/30/20 ENTERED AND E-MAILED. (JL) (Entered: 07/30/2020)
08/21/2020	<u>13</u>	Supplemental MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM filed by CITY OF PHILADELPHIA.memorandum and Certificate of Service. (Attachments: # <u>1</u> Exhibit A)(UNTERBURGER, DANIEL) (Entered: 08/21/2020)
10/13/2020	<u>14</u>	NOTICE of Hearing on Motion <u>13</u> Supplemental MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM , <u>8</u> Second MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM : MOTION VIDEO HEARING SET FOR 11/4/2020 02:00 PM BEFORE HONORABLE MICHAEL M. BAYLSON. INSTRUCTIONS TO JOIN VIDEO HEARING ON NOTICE AND ALSO BEING EMAILED TO COUNSEL.(lds,) (Entered: 10/13/2020)
10/14/2020	<u>15</u>	AMENDED NOTICE (new time) of Hearing on Motion <u>13</u> Supplemental MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM , <u>8</u> Second MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM : MOTION VIDEO HEARING SET FOR 11/4/2020 11:00 AM BEFORE HONORABLE MICHAEL M. BAYLSON. INSTRUCTIONS FOR PARTICIPATING IN THE VIDEO HEARING ARE DETAILED IN THE NOTICE AND ALSO EMAILED TO COUNSEL PREVIOUSLY.(lds,) (Entered: 10/14/2020)
11/04/2020	<u>16</u>	Minute Entry for proceedings held before HONORABLE MICHAEL M. BAYLSON. Hearing Re: Motion to Dismiss (via Cisco video meeting) held on 11/4/20. (fdc) (Entered: 11/04/2020)
11/12/2020	<u>17</u> R	MEMORANDUM AND OPINION. SIGNED BY HONORABLE MICHAEL M. BAYLSON ON 11/12/20. 11/12/20 ENTERED & E-MAILED.(fdc) (Entered: 11/12/2020)
11/12/2020	<u>18</u> R	MEMORANDUM AND ORDER THAT THE COURT GRANTS THE MOTION TO DISMISS WITHOUT PREJUDICE AS TO COUNTS II(FLSA RETALIATION), IV(TITLE VII HOSTILE WORK ENVIRONMENT), V(TITLE VII RETALIATION), VI(SEC.1983 DISPARATE TREATMENT), VII(SEC. 1983 HOSTILE WORK ENVIRONMENT), VIII(FIRST AMENDMENT

		RETALIATION); AND DENIES THE MOTION TO DISMISS AS TO COUNTS I(FLSA VIOLATIONS), AND III(TITLE VII DISPARATE TREATMENT). IT IS FURTHER ORDERED THAT PLAINTIFF MAY FILE A SECOND AMENDED COMPLAINT WITHIN THIRTY (30) DAYS. SIGNED BY HONORABLE MICHAEL M. BAYLSON ON 11/12/20. 11/12/20 ENTERED & E-MAILED.(fdc) (Entered: 11/12/2020)
12/12/2020	<u>19</u>	AMENDED COMPLAINT (<i>Second</i>) against CITY OF PHILADELPHIA, filed by JANELLE NEWSOME.(BRYSON, IAN) (Entered: 12/12/2020)
12/24/2020	<u>20</u>	MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM filed by CITY OF PHILADELPHIA.Memorandum and Certificate of Service.(UNTERBURGER, DANIEL) (Entered: 12/24/2020)
01/07/2021	<u>21</u>	RESPONSE in Opposition re <u>20</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM filed by JANELLE NEWSOME. (Attachments: # <u>1</u> Supplement Certification of Counsel)(BRYSON, IAN) (Entered: 01/07/2021)

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