

CLOSED, STANDARD

**United States District Court
Eastern District of Pennsylvania (Philadelphia)
CIVIL DOCKET FOR CASE #: 2:02-cv-08890-JD**

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION v.
ALLEGHENY CHILD CARE ACADEMY
Assigned to: HONORABLE JAN E. DUBOIS
Cause: 42:2000 Job Discrimination (Race)

Date Filed: 12/05/2002
Date Terminated: 05/04/2004
Jury Demand: Plaintiff
Nature of Suit: 442 Civil Rights: Jobs
Jurisdiction: U.S. Government Plaintiff

Plaintiff

**EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION**

represented by **IRIS SANTIAGO-FLORES**
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Intervenor Plaintiff

NAPOLEON HORTON

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V.

Defendant

**ALLEGHENY CHILD CARE
ACADEMY**

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Defendant

MELISSA LEE KANIA

Defendant

DAVID D. HENRY

Date Filed	#	Docket Text
12/05/2002	1	COMPLAINT against ALLEGHENY CHILD CARE ACADEMY, filed by EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.(aam,) (Entered: 12/05/2002)
12/05/2002		Summons Issued as to ALLEGHENY CHILD CARE ACADEMY.1 given To: Counsel on 12/5/02 (aam,) (Entered: 12/05/2002)

12/05/2002		DEMAND for Trial by Jury by EQUAL EMPLOYMENT OPPORTUNITY COMMISSION. (aam,) (Entered: 12/05/2002)
01/17/2003	2	SUMMONS Returned Executed by EQUAL EMPLOYMENT OPPORTUNITY COMMISSION re: Sylvia E. Williams served Summons and Complaint upon ALLEGHENY CHILD CARE ACADEMY by U.S. Mail. ALLEGHENY CHILD CARE ACADEMY served on 12/12/2002, answer due 1/1/2003. (fdc,) (Entered: 01/17/2003)
02/10/2003	3	DEFENDANT, ALLEGHENY CHILD CARE ACADEMY'S Answer and Affirmative Defenses, Certificate of Service.(fdc) Additional attachment(s) added on 4/16/2003 (ldb,). (Entered: 02/10/2003)
02/10/2003		Issue Joined (fdc) (Entered: 02/10/2003)
02/21/2003	4	NOTICE of Hearing: Preliminary Pretrial Conference set for 3/26/2003 04:45 PM before HONORABLE JAN E. DUBOIS. (mlc,) (Entered: 02/21/2003)
03/25/2003	5	AMENDED NOTICE of Hearing: Preliminary Pretrial Conference set for 4/22/2003 04:45 PM before HONORABLE JAN E. DUBOIS. (mlc,) (Entered: 03/25/2003)
04/21/2003	6	MOTION TO INTERVENE FILED ON BEHALF OF PLAINTIFF, NAPOLEON HORTON, MEMORANDUM, CERTIFICATE OF SERVICE.(fdc) (Entered: 04/21/2003)
04/21/2003	7	Intervenor COMPLAINT against Intervenor DEFENDANTS DAVID D. HENRY and MELISSA LEE KANIA, filed by NAPOLEON HORTON.(fdc) (Entered: 04/22/2003)
04/22/2003		Two (2) Original Summonses Issued as to DAVID D. HENRY, MELISSA LEE KANIA. Forwarded To: James B. Mogul, Esq. on 4/21/03. (fdc) (Entered: 04/22/2003)
04/23/2003	8	AMENDED NOTICE of Hearing: Preliminary Pretrial Conference set for 5/21/2003 04:45 PM before HONORABLE JAN E. DUBOIS. (mlc,) (Entered: 04/23/2003)
05/09/2003	9	ORDER THAT ON OR BEFORE JUNE 20, 2003, THE PARTIES THROUGH COUNSEL, AND THE PROPOSED INTERVENOR PLAINTIFF, THROUGH COUNSEL, SHALL FILE AND SERVE A JOINT STATUS REPORT, ETC. IT IS FURTHER ORDERED THAT ALL PROCEEDINGS ARE STAYED UNTIL FURTHER ORDER OF THE COURT. IT IS FURTHER ORDERED THAT THE PRELIMINARY PRETRIAL CONFERENCE SCHEDULED FOR WEDNESDAY, MAY 21, 2003, AT 4:45 P.M. IS CANCELED. SIGNED BY JUDGE JAN E. DUBOIS ON 05/07/03. 05/09/03 ENTERED AND COPIES MAILED. COPIES FAXED BY CHAMBERS.(ar,) (Entered: 05/09/2003)
06/24/2003	10	ORDER THAT THE PARTIES, THROUGH COUNSEL, AND THE PROPOSED INTERVENOR-PLAINTIFF, THROUGH COUNSEL, SHALL FILE AND SERVE A SECOND JOINT STATUS REPORT. IT IS FURTHER ORDERED THAT, EXCEPTING ONLY AS NOTED ABOVE, THIS COURT'S ORDER OF MAY 7, 2003, INCLUDING A STAY OF PROCEEDINGS, REMAINS IN EFFECT. SIGNED BY JUDGE JAN E. DUBOIS ON 6/23/03. 6/25/03 ENTERED AND COPIES MAILED AND FAXED.(fdc) (Entered: 06/24/2003)

		06/25/2003)
07/22/2003	<u>11</u>	ORDER THAT, ON OR BEFORE AUGUST 1, 2003, THE PARTIES, THROUGH COUNSEL, AND THE PROPOSED INTERVENOR-PLAINTIFF, THROUGH COUNSEL, SHALL FILE AND SERVE A THIRD JOINT STATUS REPORT WHICH SHALL COVER, INTER ALIA, THE POSITION OF ALL PARTIES ON THE FOLLOWING MATTERS: (A) TRANSFER OF THE ENTIRE CASE TO THE CIVIL SUSPENSE FILE WITH ACCOMPANYING STAY OF PROCEEDINGS PURSUANT TO THE AUTOMATIC STAY PROVISION OF 11 USC SECTION 362 OF THE BANKRUPTCY CODE; (B) REPRESENTATION OF ALLEGHENY CHILD CARE ACADEMY IN THE PENDING CASE; (C) THE GRANTING OF SOME OR ALL OF THE INJUNCTIVE RELIEF REQUESTED IN THE COMPLAINT FILED BY THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION; (D) THE MOTION TO INTERVENE FILED BY NAPOLEON HORTON; AND, (E) ANY OTHER MATTERS WHICH THE PARTIES DEEM APPROPRIATE FOR INCLUSION IN THE JOINT REPORT. ONE (1) COPY OF THE JOINT STATUS REPORT SHALL BE SERVED ON THE COURT WHEN THE ORIGINAL IS FILED. IT IS FURTHER ORDERED THAT, EXCEPTING ONLY AS NOTED ABOVE, THIS COURT'S ORDER OF MAY 7, 2003, INCLUDING STAY OF PROCEEDINGS, REMAINS IN EFFECT. SIGNED BY JUDGE JAN E. DUBOIS ON 7/21/03. 7/23/03 ENTERED AND COPIES MAILED AND FAXED.(fdc) (Entered: 07/23/2003)
07/22/2003	12	STATUS REPORT by ALLEGHENY CHILD CARE ACADEMY. (fdc,) (Entered: 07/23/2003)
08/01/2003	<u>13</u>	STATUS REPORT by DEFENDANT, ALLEGHENY CHILD CARE ACADEMY, Certificate of Service. (fdc) Additional attachment(s) added on 8/7/2003 (np,). (Entered: 08/04/2003)
08/05/2003	<u>14</u>	ORDER THAT, ON OR BEFORE SEPTEMBER 2, 2003, THE PARTIES, THROUGH COUNSEL, AND THE PROPOSED INTERVENOR-PLAINTIFF, THROUGH COUNSEL, SHALL FILE AND SERVE A THIRD JOINT STATUS REPORT. SIGNED BY JUDGE JAN E. DUBOIS ON 8/4/03. 8/6/03 ENTERED AND COPIES MAILED AND FAXED.(fdc) (Entered: 08/06/2003)
09/02/2003	15	STATUS REPORT BY ALLEGHENY CHILD CARE ACADEMY, CERTIFICATE OF SERVICE. (ar,) (Entered: 09/03/2003)
09/04/2003	<u>16</u>	ORDER THAT, ON OR BEFORE SEPTEMBER 30, 2003, THE PARTIES, THROUGH COUNSEL, AND THE PROPOSED INTERVENOR-PLAINTIFF, THROUGH COUNSEL, SHALL FILE AND SERVE A FOURTH JOINT STATUS REPORT WHICH SHALL COVER, INTER ALIA, THE POSITION OF ALL PARTIES ON THE FOLLOWING MATTERS: (A) TRANSFER OF THE ENTIRE CASE TO THE CIVIL SUSPENSE FILE WITH ACCOMPANYING STAY OF PROCEEDINGS PURSUANT TO THE AUTOMATIC STAY PROVISION OF 11 USC SECTION 362 OF THE BANKRUPTCY CODE; (B) REPRESENTATION OF ALLEGHENY CHILD CARE ACADEMY IN THE PENDING CASE; (C) THE GRANTING OF SOME OR ALL OF THE INJUNCTIVE RELIEF REQUESTED IN THE COMPLAINT FILED BY THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION; (D) THE MOTION TO INTERVENE FILED BY NAPOLEON

		HORTON; AND, (E) ANY OTHER MATTERS WHICH THE PARTIES DEEM APPROPRIATE FOR INCLUSION IN THE JOINT REPORT. ONE (1) COPY OF THE JOINT STATUS REPORT SHALL BE SERVED ON THE COURT (CHAMBERS, ROOM 12613) WHEN THE ORIGINAL IS FILED. IT IS FURTHER ORDERED THAT, EXCEPTING ONLY AS NOTED ABOVE, THIS COURT'S ORDER OF MAY 7, 2003, INCLUDING A STAY OF PROCEEDINGS, REMAINS IN EFFECT. SIGNED BY JUDGE JAN E. DUBOIS ON 9/3/03. 9/5/03 ENTERED AND COPIES MAILED.(fdc) (Entered: 09/05/2003)
09/30/2003	17	STATUS REPORT by ALLEGHENY CHILD CARE ACADEMY. (Attachments: # 1 Exhibit Certificate of service# 2 Exhibit)(STEINBERG, SIDNEY) (Entered: 09/30/2003)
10/02/2003	18	ORDER THAT, ON OR BEFORE OCTOBER 10, 2003, THE PARTIES, THROUGH COUNSEL, AND THE PROPOSED INTERVENOR-PLAINTIFF, THROUGH COUNSEL, SHALL FILE AND SERVE A FOURTH JOINT STATUS REPORT. IT IS FURTHER ORDERED THAT, EXCEPTING ONLY AS NOTED ABOVE, THIS COURT'S ORDER OF MAY 7, 2003, INCLUDING A STAY OF PROCEEDINGS, REMAINS IN EFFECT. SIGNED BY JUDGE JAN E. DUBOIS ON 10/1/03. 10/2/03 ENTERED AND COPIES MAILED AND FAXED.(fdc) (Entered: 10/02/2003)
10/14/2003	19	<i>Joint Status Report</i> by DEFENDANT ALLEGHENY CHILD CARE ACADEMY, Certificate of Service. (STEINBERG, SIDNEY) Modified on 10/15/2003 (fh) (Entered: 10/14/2003)
10/31/2003	20	ORDER THAT THE MOTION TO INTERVENE FILED ON BEHALF OF PLAINTIFF, NAPOLEON HORTON IS GRANTED, AND THAT PLAINTIFF, NAPOLEON HORTON, BY AND THROUGH HIS COUNSEL, JAMES B. MOGUL, ESQ. IS PERMITTED TO INTERVENE IN THIS CIVIL ACTION. SIGNED BY JUDGE JAN E. DUBOIS ON 10/30/03. 11/3/03 ENTERED AND COPIES MAILED. (fdc) (Entered: 11/03/2003)
10/31/2003	21	ORDER THAT INTERVENOR-PLAINTIFF, NAPOLEON HORTON, SHALL PROVIDE ALL OTHER PARTIES WITH A DEMAND ON OR BEFORE NOVEMBER 6, 2003; AND, ON OR BEFORE DECEMBER 31, 2003, THE PARTIES SHALL JOINTLY REPORT TO THE COURT (LETTER TO CHAMBERS, ROOM 12613) REGARDING THE STATUS OF THEIR SETTLEMENT DISCUSSIONS WITH RESPECT TO PLAINTIFF-INTERVENOR'S CLAIMS FOR COMPENSATORY AND PUNITIVE DAMAGES AND PLAINTIFF, EQUAL EMPLOYMENT OPPORTUNITY COMMISSION'S CLAIM FOR INJUNCTIVE RELIEF. SIGNED BY JUDGE JAN E. DUBOIS ON 10/30/03. 11/3/03 ENTERED AND COPIES MAILED.(fdc) (Entered: 11/03/2003)
11/07/2003	22	COMPLAINT against ALLEGHENY CHILD CARE ACADEMY , filed by NAPOLEON HORTON.(fdc,) (Entered: 11/07/2003)
01/06/2004	23	ORDER THAT ON OR BEFORE 1/28/04, PARTIES SHALL JOINTLY REPORT TO THE COURT THE STATUS OF THEIR SETTLEMENT DISCUSSIONS WITH RESPECT TO PLFF-INTERVENOR'S CLAIMS FOR COMPENSATORY & PUNITIVE DAMAGES & THE SCHEDULING OF

		FURTHER PROCEEDINGS IN THE CASE. SIGNED BY JUDGE JAN E. DUBOIS ON 1/5/04. 1/6/04 ENTERED AND COPIES MAILED AND FAXED.(kw,) (Entered: 01/06/2004)
02/13/2004	<u>24</u>	NOTICE of Hearing: PRELIMINARY PRETRIAL CONFERENCE SET FOR 3/9/2004 03:30 PM BEFORE HONORABLE JAN E. DUBOIS. (mlc,) (Entered: 02/13/2004)
03/05/2004	<u>25</u>	ORDER THAT THE PRELIMINARY PRETRIAL CONFERENCE HAS BEEN RESCHEDULED TO 4/5/2004 AT 4:45 PM. SIGNED BY JUDGE JAN E. DUBOIS ON 3/5/04. 3/8/04 ENTERED AND COPIES MAILED AND FAXED.(fdc) (Entered: 03/08/2004)
04/19/2004	<u>26</u>	ORDER THAT THE CLAIMS OF PLAINTIFF, EQUAL EMPLOYMENT OPPORTUNITY COMMISSION, AGAINST THE DEFENDANTS, ARE SEVERED FROM THE CLAIMS OF NAPOLEON HORTON, INTERVENOR-PLAINTIFF; THE CLAIMS OF NAPOLEON HORTON, INTERVENOR-PLAINTIFF, AGAINST THE DEFENDANTS ARE TRANSFERRED TO THE CIVIL SUSPENSE FILE, AND ALL PROCEEDINGS WITH RESPECT TO THOSE CLAIMS ARE STAYED; THE COURT SHALL RETAIN JURISDICTION OVER NAPOLEON HORTON'S CLAIMS AND THOSE CLAIMS SHALL BE RETURNED TO THE COURT'S ACTIVE DOCKET WHEN THERE ARE NO IMPEDIMENTS TO FURTHER PROCEEDINGS AND THAT PART OF THE CASE MAY PROCEED TO FINAL DISPOSITION; THE ENTRY OF THIS ORDER IS WITHOUT PREJUDICE TO THE RIGHTS OF THE PARTIES; AND, THE PARTIES, THROUGH COUNSEL, SHALL FILE AND SERVE JOINT WRITTEN STATUS REPORTS AT FOUR (4) MONTH INTERVALS OR MORE FREQUENTLY IF WARRANTED BY THE CIRCUMSTANCES. ONE COPY OF EACH STATUS REPORT SHALL BE SERVED ON THE COURT (CHAMBERS, ROOM 12613) WHEN THE ORIGINAL IS FILED. IT IS FURTHER ORDERED, WITH RESPECT TO THE CLAIMS OF PLAINTIFF, EQUAL EMPLOYMENT OPPORTUNITY COMMISSION, AGAINST THE DEFENDANTS, AS FOLLOWS: 1. THE STAY OF PROCEEDINGS WITH RESPECT TO THE CLAIMS OF PLAINTIFF, EQUAL EMPLOYMENT OPPORTUNITY COMMISSION, IMPOSED BY ORDER DATED MAY 7, 2003, IS VACATED; AND, 2. ON OR BEFORE APRIL 30, 2004, THE PARTIES SHALL PRESENT TO THE COURT IN CHAMBERS (ROOM 12613) THE ORIGINAL AND ONE COPY OF A CONSENT DECREE BETWEEN THE PLAINTIFF, EQUAL EMPLOYMENT OPPORTUNITY COMMISSION, AND THE DEFENDANTS. THE CONSENT DECREE SHALL STATE, INTER ALIA, WHETHER IT IS APPROVED IN FORM BY INTERVENOR-PLAINTIFF, NAPOLEON HORTON. SIGNED BY JUDGE JAN E. DUBOIS ON 4/16/04. 4/19/04 ENTERED AND COPIES MAILED.(fdc) Additional attachment(s) added on 4/19/2004 (mbh,). (Entered: 04/19/2004)
04/23/2004	<u>27</u>	ORDER THAT THE ORDER OF APRIL 16, 2004 IS VACATED. IT IS FURTHER ORDERED AS FOLLOWS: THE CLAIMS OF PLAINTIFF, EQUAL EMPLOYMENT OPPORTUNITY COMMISSION, AGAINST DEFENDANT, ALLEGHENY CHILD CARE ACADEMY, ARE SEVERED FROM THE CLAIMS OF NAPOLEON HORTON, INTERVENOR-PLAINTIFF, AGAINST DEFENDANTS, ALLEGHENY

		CHILD CARE ACADEMY, MELISSA LEE KANIA, AND DAVID D. HENRY; THE CLAIMS OF NAPOLEON HORTON, INTERVENOR-PLAINTIFF, AGAINST DEFENDANTS, ALLEGHENY CHILD CARE ACADEMY, MELISSA LEE KANIA, AND DAVID D. HENRY, ARE TRANSFERRED TO THE CIVIL SUSPENSE FILE, AND ALL PROCEEDINGS WITH RESPECT TO THOSE CLAIMS ARE STAYED; THE COURT SHALL RETAIN JURISDICTION OVER NAPOLEON HORTON'S CLAIMS AND THOSE CLAIMS SHALL BE RETURNED TO THE COURT'S ACTIVE DOCKET WHEN THERE ARE NO IMPEDIMENTS TO FURTHER PROCEEDINGS AND THAT PART OF THE CASE MAY PROCEED TO FINAL DISPOSITION; THE ENTRY OF THIS ORDER IS WITHOUT PREJUDICE TO THE RIGHTS OF THE PARTIES; AND, THE PARTIES, THROUGH COUNSEL, SHALL FILE AND SERVE JOINT WRITTEN STATUS REPORTS AT FOUR (4) MONTH INTERVALS OR MORE FREQUENTLY IF WARRANTED BY THE CIRCUMSTANCES. ONE COPY OF EACH STATUS REPORT SHALL BE SERVED ON THE COURT (CHAMBERS, ROOM 12613) WHEN THE ORIGINAL IS FILED. IT IS FURTHER ORDERED, WITH RESPECT TO THE CLAIMS OF PLAINTIFF, EQUAL EMPLOYMENT OPPORTUNITY COMMISSION, AGAINST DEFENDANT, ALLEGHENY CHILD CARE ACADEMY, AS FOLLOWS: THE STAY OF PROCEEDINGS WITH RESPECT TO THE CLAIMS OF PLAINTIFF, EQUAL EMPLOYMENT OPPORTUNITY COMMISSION, IMPOSED BY ORDER DATED MAY 7, 2003, IS VACATED; AND, ON OR BEFORE APRIL 30, 2004, THE PARTIES SHALL PRESENT TO THE COURT IN CHAMBERS (ROOM 12613) THE ORIGINAL AND ONE (1) COPY OF A CONSENT DECREE BETWEEN PLAINTIFF, EQUAL EMPLOYMENT OPPORTUNITY COMMISSION, AND DEFENDANT, ALLEGHENY CHILD CARE ACADEMY. THE CONSENT DECREE SHALL STATE, INTER ALIA, WHETHER IT IS APPROVED IN FORM BY INTERVENOR-PLAINTIFF, NAPOLEON HORTON. SIGNED BY JUDGE JAN E. DUBOIS ON 4/21/04. 4/23/04 ENTERED AND COPIES MAILED AND FAXED.(fdc) (Entered: 04/23/2004)
05/04/2004	28	CONSENT DECREE. SIGNED BY JUDGE JAN E. DUBOIS ON 4/30/04. 5/4/04 ENTERED AND COPIES MAILED.(fdc) (Entered: 05/04/2004)
05/04/2004	29	STIPULATION AND ORDER THAT ALL OF PLAINTIFF, EQUAL EMPLOYMENT OPPORTUNITY COMMISSION'S CLAIMS ARE DISMISSED WITH PREJUDICE, EACH PARTY TO BEAR ITS OWN COSTS AND ATTORNEYS' FEES. SIGNED BY JUDGE JAN E. DUBOIS ON 4/30/04. 5/4/04 ENTERED AND COPIES MAILED.(fdc) (Entered: 05/04/2004)
08/23/2004	30	STATUS REPORT by ALLEGHENY CHILD CARE ACADEMY, Certificate of Service. (HUFF, EILEEN) Modified on 8/25/2004 (md). (Entered: 08/23/2004)
01/25/2005	31	ORDER THAT THE JOINT REQUEST OF THE PARTIES IS GRANTED AND THE TIME FOR FILING AND SERVING THE JOINT STATUS REPORT REQUIRED BY THE ORDER OF APRIL 21, 2004, IS EXTENDED TO FEBRUARY 7, 2005. ONE COPY OF THE STATUS REPORT SHALL BE SERVED ON THE COURT (CHAMBERS, ROOM 12613) WHEN THE ORIGINAL IS FILED. SIGNED BY JUDGE JAN E. DUBOIS ON 1/24/05. 1/26/05 ENTERED AND COPIES MAILED AND FAXED BY

		CHAMBERS.(fdc) (Entered: 01/26/2005)
02/09/2005	32	ORDER THAT THE JOINT REQUEST OF THE PARTIES IS GRANTED AND THE TIME FOR FILING AND SERVING THE JOINT STATUS REPORT REQUIRED BY THE ORDER OF APRIL 21, 2004, IS EXTENDED TO FEBRUARY 22, 2005. ONE COPY OF THE STATUS REPORT SHALL BE SERVED ON THE COURT WHEN THE ORIGINAL IS FILED. SIGNED BY JUDGE JAN E. DUBOIS ON 2/8/05. 2/9/05 ENTERED AND COPIES MAILED, E-MAILED AND FAXED BY CHAMBERS.(fdc) (Entered: 02/09/2005)
02/24/2005	33	ORDER THAT INTERVENOR-PLAINTIFF, NAPOLEON HORTON'S REQUEST FOR A TWO (2) WEEK EXTENSION OF TIME - FROM 2/22/05 TO 3/8/05 - FOR FILING AND SERVING THE JOINT STATUS REPORT REQUIRED BY THIS COURT'S ORDER OF 4/21/04 IS GRANTED. THE TIME FOR FILING AND SERVING THE JOINT STATUS REPORT IS EXTENDED TO 3/8/05. SIGNED BY JUDGE JAN E. DUBOIS ON 2/22/05. 2/24/05 ENTERED AND COPIES MAILED AND E-MAILED.(fdc) (Entered: 02/24/2005)
03/08/2005	34	ORDER THAT THE CLAIMS OF INTERVENOR-PLAINTIFF, NAPOLEON HORTON, AGAINST ALLEGHENY CHILD CARE ACADEMY, MELISSA LEE KANIA, AND DAVID D. HENRY ARE TRANSFERRED FROM THE CIVIL SUSPENSE FILE TO THE COURT'S ACTIVE DOCKET; THE CASE IS DISMISSED WITH PREJUDICE UNDER LOCAL CIVIL RULE 41.1(B); AND, THE CLERK OF COURT SHALL MARK THE CASE CLOSED FOR STATISTICAL PURPOSES. SIGNED BY JUDGE JAN E. DUBOIS ON 3/8/05. 3/8/05 ENTERED AND COPIES MAILED AND E-MAILED.(fdc) (Entered: 03/08/2005)

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