

CLOSED, [SPECIAL](#)

**United States District Court
Eastern District of Pennsylvania (Philadelphia)
CIVIL DOCKET FOR CASE #: 2:00-cv-04510-BMS**

L., et al v. DEPT.OF PUBLIC WELF, et al
Assigned to: HONORABLE BERLE M. SCHILLER
Demand: \$0
Cause: 29:0794 Job Discrimination (Handicap)

Date Filed: 09/05/2000
Date Terminated: 09/22/2006
Jury Demand: None
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

FREDERICK L.

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Plaintiff

NINA S.

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Plaintiff

KEVIN C.

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ROBERT W. MEEK
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Plaintiff

STEVEN F.
ON BEHALF OF THEMSELVES AND
ALL PERSONS SIMILARLY SITUATED

represented by **MARK J. MURPHY**
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ROBERT W. MEEK
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V.

Defendant

**DEPARTMENT OF PUBLIC
 WELFARE OF THE
 COMMONWEALTH OF
 PENNSYLVANIA**

represented by **CLAUDIA M. TESORO**
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Defendant

FEATHER O. HOUSTOUN
*IN HER OFFICIAL CAPACITY AS
 SECRETARY OF PUBLIC WELFARE
 FOR THE COMMONWEALTH OF
 PENNSYLVANIA*

represented by **CLAUDIA M. TESORO**
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Date Filed	#	Docket Text
09/05/2000	1	Complaint. filing fee \$ 150 receipt # 741125 (jmp) (Entered: 09/06/2000)
09/05/2000		Summons(es) issued Forwarded to: counsel 9/6/00 (jmp) (Entered: 09/06/2000)
09/05/2000		Special Case Management Track. (jmp) (Entered: 09/06/2000)
11/16/2000	2	Affidavit of: Judy A.W. Banks re: served summons and complaint upon Kelly Cofield on behalf of DEFENDANT DEPT.OF PUBLIC WELFARE, upon Cathy Stehman on behalf of DEFENDANT FEATHER O. HOUSTOUN. Served by: Personal Service on 11/6/00. (fdc) (Entered: 11/16/2000)

11/21/2000	3	MOTION BY PLAINTIFF FREDERICK L., PLAINTIFF NINA S., PLAINTIFF KEVIN C., PLAINTIFF STEVEN F. FOR CLASS CERTIFICATION , MEMORANDUM, CERTIFICATE OF SERVICE. (dt) (Entered: 11/21/2000)
11/27/2000	4	DEFENDANTS' MOTION TO DISMISS , MEMORANDUM, CERTIFICATE OF SERVICE. (fdc) (Entered: 11/28/2000)
11/30/2000	5	ORDER THAT A STATUS CONFERENCE IS SCHEDULED FOR 8:30 AM ON 12/19/00. (SIGNED BY JUDGE BERLE M. SCHILLER) 12/1/00 ENTERED AND COPIES MAILED AND FAXED. (fdc) (Entered: 12/01/2000)
12/07/2000	6	PLAINTIFFS' MOTION TO STAY LITIGATION OF THEIR CLAIMS UNDER THE AMERICANS WITH DISABILITIES ACT , CERTIFICATE OF SERVICE. (fdc) (Entered: 12/07/2000)
12/18/2000	7	Response by DEFENDANT DEPT.OF PUBLIC WELF, DEFENDANT FEATHER O. HOUSTOUN to MOTION TO STAY LITIGATION OF THEIR CLAIMS UNDER THE AMERICANS WITH DISABILITIES ACT, Certificate of Service. (dt) (Entered: 12/19/2000)
12/19/2000	8	ORDER THAT THE CLERK OF COURT MARK THIS ACTION CLOSED FOR STATISTICAL PURPOSES AND PLACE THE MATTER IN THE CIVIL SUSPENSE FILE. (SIGNED BY JUDGE BERLE M. SCHILLER) 12/19/00 ENTERED AND COPIES MAILED AND FAXED. (fdc) (Entered: 12/19/2000)
03/22/2001	9	Memorandum by PLAINTIFF FREDERICK L., PLAINTIFF NINA S., PLAINTIFF KEVIN C., PLAINTIFF STEVEN F. in opposition to MOTION TO DISMISS, Certificate of Service. (mbh) (Entered: 03/22/2001)
03/22/2001	10	Request for oral argument by PLAINTIFF FREDERICK L., PLAINTIFF NINA S., PLAINTIFF KEVIN C., PLAINTIFF STEVEN F. ON MOTION TO DISMISS, Certificate of Service. (mbh) (Entered: 03/22/2001)
03/23/2001	11	ORDER THAT AN ORAL ARGUMENT ON THE DEFENDANT'S MOTION TO DISMISS WILL BE HELD BEFORE THE HONORABLE BERLE M. SCHILLER ON 4/6/01 AT 10:00 AM. (SIGNED BY JUDGE BERLE M. SCHILLER) 3/23/01 ENTERED AND COPIES MAILED AND FAXED. (fdc) (Entered: 03/23/2001)
03/28/2001	12	ORDER THAT DEFENDANT SHALL HAVE UNTIL 4/23/01 TO REPLY TO PLAINTIFF'S RESPONSE TO DEFENDANT'S MOTION TO DISMISS. IT IS FURTHER ORDERED THAT AN ORAL ARGUMENT ON DEFENDANT'S MOTION TO DISMISS SCHEDULED FOR 4/6/01 AT 10:00 AM BY ORDER DATED 3/23/01 IS HEREBY RESCHEDULED FOR 4/26/01 AT 8:30 AM. (SIGNED BY JUDGE BERLE M. SCHILLER) 3/29/01 ENTERED AND COPIES MAILED AND FAXED. (fdc) (Entered: 03/29/2001)
04/23/2001	13	DEFENDANTS' Reply Memorandum, Certificate of Service. (fdc) (Entered: 04/23/2001)
04/26/2001	14	Minute entry: 4/26/01 Oral Argument, Argued Sur: Defendant's motion to dismiss, C.A.V.. (jl) (Entered: 04/26/2001)
05/04/2001	15	First Amended Complaint by PLAINTIFFS, Certificate of Service. (fdc) (Entered: 05/04/2001)
05/04/2001	16	PLAINTIFFS' Supplemental Memorandum of Law in Opposition to DEFENDANTS' Motion to Dismiss, Certificate of Service. (fdc) (Entered: 05/04/2001)
05/04/2001	17	DEFENDANTS' Supplemental Memorandum regarding Sandoval, Certificate of Service. (fdc) (Entered: 05/04/2001)
05/11/2001	18	MOTION OF DEFENDANT DEPT.OF PUBLIC WELF, DEFENDANT FEATHER O. HOUSTOUN TO DISMISS FIRST AMENDED COMPLAINT , MEMORANDUM, CERTIFICATE OF SERVICE. (fdc) (Entered: 05/11/2001)
05/18/2001	19	PLAINTIFFS' Memorandum of Law in Opposition to DEFENDANTS' MOTION TO DISMISS FIRST AMENDED COMPLAINT, Certificate of Service. (fdc)

		(Entered: 05/18/2001)
06/11/2001	20	Transcript of 4/26/01 Hearing (jl) Modified on 06/11/2001 (Entered: 06/11/2001)
07/23/2001	21	MEMORANDUM AND ORDER THAT DEFENDANTS' MOTION TO DISMISS IS GRANTED IN PART AND DENIED IN PART AS FOLLOWS: COUNTS II AND IV ARE DISMISSED AGAINST THE DPW; DEFENDANTS' MOTION IS DENIED IN ALL OTHER RESPECTS; THIS COURT IS OF THE OPINION THAT THIS DECISION AND ACCOMPANYING ORDER INVOLVE CONTROLLING QUESTIONS OF LAW AS TO WHICH THERE IS SUBSTANTIAL GROUND FOR DIFFERENCE OF OPINION (AND TO WHICH THERE HAS BEEN DIFFERENCE OF OPINION AMONG THE COURTS) AND THAT AN IMMEDIATE APPEAL FROM THIS ORDER MAY MATERIALLY ADVANCE THE ULTIMATE TERMINATION OF THE LITIGATION WITHIN THE MEANING OF 28 USC SECTION 1292(b); IF NO APPLICATION FOR INTERLOCUTORY APPEAL IS MADE TO THE THIRD CIRCUIT WITHIN THE 10-DAY PERIOD PROVIDED FOR UNDER 28 USC SECTION 1292(b), DEFENDANTS SHALL FILE THEIR RESPONSE TO PLAINTIFFS' MOTION FOR CLASS CERTIFICATION BY 8/16/01. IF APPLICATION FOR INTERLOCUTORY APPEAL IS MADE, THIS ACTION SHALL BE STAYED PENDING DISPOSITION OF THE APPLICATION AND ENSUING APPEAL, IF ANY. (SIGNED BY JUDGE BERLE M. SCHILLER) 7/23/01 ENTERED AND COPIES MAILED. (fdc) (Entered: 07/23/2001)
08/08/2001	22	STIPULATION AND ORDER THAT PROCEEDINGS IN THIS CASE SHOULD BE STAYED, AND THIS ACTION SHOULD BE PLACED IN CIVIL SUSPENSE, UNTIL MCALEESE IS DECIDED. (SIGNED BY JUDGE BERLE M. SCHILLER) 8/8/01 ENTERED AND COPIES MAILED AND FAXED. (fdc) (Entered: 08/08/2001)
09/06/2001	23	DEFENDANTS' Post-McAleese Memorandum, Certificate of Service. (fdc) (Entered: 09/07/2001)
10/18/2001	24	ORDER THAT, UPON AGREEMENT OF THE PARTIES, THIS CASE IS HEREBY TAKEN OUT OF CIVIL SUSPENSE AND LITIGATION IN THIS CASE SHALL PROCEED IN THIS COURT. DEFENDANTS SHALL FILE AN ANSWER TO PLAINTIFFS' AMENDED COMPLAINT BY 10/26/01. DEFENDANTS SHALL FILE A RESPONSE TO PLAINTIFFS' MOTION FOR CLASS CERTIFICATION BY 11/9/01. PLAINTIFFS MAY FILE A REPLY BRIEF ON THE CLASS CERTIFICATION ISSUES, BUT ANY SUCH BRIEF SHALL BE FILED BY 11/21/01. AT THE APPROPRIATE TIME, THE COURT SHALL CONVENE A RULE 16 CONFERENCE IN ORDER TO SET DATES FOR THE COMPLETION OF DISCOVERY, OTHER PRETRIAL SUBMISSIONS, AND TRIAL. (SIGNED BY JUDGE BERLE M. SCHILLER) 10/18/01 ENTERED AND COPIES MAILED AND FAXED. (fdc) Modified on 10/19/2001 (Entered: 10/18/2001)
10/26/2001	25	Answer and affirmative defenses to Complaint by DEFENDANT DEPT.OF PUBLIC WELF, DEFENDANT FEATHER O. HOUSTOUN (Attorney HOWARD ULAN, CLAUDIA M. TESORO) , Certificate of Service. (jpd) (Entered: 10/29/2001)
10/26/2001		ISSUE JOINED. (jpd) (Entered: 10/29/2001)
11/09/2001	26	Amended answer to complaint with Affirmative Defenses by DEFENDANT DEPT.OF PUBLIC WELF, DEFENDANT FEATHER O. HOUSTOUN, Certificate of Service (fdc) (Entered: 11/13/2001)
11/09/2001		Text not available. (Entered: 11/13/2001)
11/09/2001	27	Response by DEFENDANT DEPT.OF PUBLIC WELF, DEFENDANT FEATHER O. HOUSTOUN to PLAINTIFFS' MOTION FOR CLASS CERTIFICATION , Certificate of Service. (fdc) (Entered: 11/13/2001)
11/14/2001	28	Declaration of Aidan Altenor, Ph.D., Certificate of Service. (fdc) (Entered: 11/14/2001)

11/19/2001	29	PLAINTIFFS' Reply in Support of their Motion for Class Certification, Certificate of Service. (fdc) (Entered: 11/19/2001)
11/21/2001	30	ORDER THAT PLAINTIFF'S MOTION FOR CLASS CERTIFICATION IS GRANTED AS AMENDED IN PLAINTIFF'S REPLY IN SUPPORT OF THEIR MOTION FOR CLASS CERTIFICATION. THIS CASE SHALL PROCEED ON BEHALF OF THE FOLLOWING CLASS: ETC. (SIGNED BY JUDGE BERLE M. SCHILLER) 11/23/01 ENTERED AND COPIES MAILED AND FAXED BY CHAMBERS ON 11/21/01. (fh) (Entered: 11/23/2001)
12/11/2001	31	ORDER THAT ALL DISCOVERY IS TO BE COMPLETED BY 3/22/02; DEADLINE FOR FILING OF ALL MOTIONS IS 12/19/01; A FINAL PRETRIAL CONFERENCE WILL BE HELD AT 8:30 AM ON 5/6/02; TRIAL DATE SCHEDULED FOR 9:30 AM ON 5/20/02. (SIGNED BY JUDGE BERLE M. SCHILLER) 12/11/01 ENTERED AND COPIES MAILED AND FAXED. (fdc) (Entered: 12/11/2001)
02/20/2002	32	ORDER THAT DISCOVERY IS TO BE COMPLETED BY 4/5/02; ANY MOTIONS FOR SUMMARY JUDGMENT SHALL BE FILED BY 4/19/02. (SIGNED BY JUDGE BERLE M. SCHILLER) 2/20/02 ENTERED AND COPIES MAILED AND FAXED. (fdc) (Entered: 02/20/2002)
02/27/2002	33	MOTION BY PLAINTIFF FREDERICK L., PLAINTIFF NINA S., PLAINTIFF KEVIN C., PLAINTIFF STEVEN F. FOR LEAVE TO FILE SECOND AMENDED COMPLAINT OR, IN THE ALTERNATIVE, FOR JOINDER , MEMORANDUM, CERTIFICATE OF SERVICE. (fdc) (Entered: 02/28/2002)
03/05/2002	34	Memorandum in Opposition by DEFENDANT DEPT.OF PUBLIC WELF, DEFENDANT FEATHER O. HOUSTOUN to PLAINTIFFS' MOTION FOR LEAVE TO FILE SECOND AMENDED COMPLAINT OR, IN THE ALTERNATIVE, MOTION FOR JOINDER, Certificate of Service. (fdc) (Entered: 03/05/2002)
03/18/2002	35	MEMORANDUM AND ORDER THAT PLAINTIFFS' MOTION FOR LEAVE TO FILE A SECOND AMENDED COMPLAINT OR, IN THE ALTERNATIVE, MOTION FOR JOINDER IS DENIED. (SIGNED BY JUDGE BERLE M. SCHILLER) 3/19/02 ENTERED AND COPIES MAILED AND FAXED. (fdc) (Entered: 03/19/2002)
03/19/2002	36	ORDER THAT A FINAL PRETRIAL CONFERENCE WILL BE HELD ON 5/6/02 AT 8:30 AM; FINAL PRETRIAL MOTIONS ARE DUE 5/13/02; THE BENCH TRIAL IN THE ABOVE-CAPTIONED CASE REMAINS SET TO COMMENCE ON 5/20/02 AT 9:30 AM. (SIGNED BY JUDGE BERLE M. SCHILLER) 3/19/02 ENTERED AND COPIES MAILED AND FAXED. (fdc) (Entered: 03/19/2002)
04/19/2002	37	MOTION BY DEFENDANT DEPT.OF PUBLIC WELF, DEFENDANT FEATHER O. HOUSTOUN FOR SUMMARY JUDGMENT , CERTIFICATE OF SERVICE. (fdc) (Entered: 04/22/2002)
04/19/2002	38	Memorandum of Law by DEFENDANT DEPT.OF PUBLIC WELF, DEFENDANT FEATHER O. HOUSTOUN in Support of their MOTION FOR SUMMARY JUDGMENT, Certificate of Service. (fdc) (Entered: 04/22/2002)
04/19/2002	39	DEFENDANTS' Statement of Undisputed or Indisputable Facts (Including Supporting Exhibits), Certificate of Service. (fdc) (Entered: 04/22/2002)
04/23/2002	40	Joint Pretrial Disclosure Memorandum. (fdc) (Entered: 04/23/2002)
05/02/2002	41	MOTION BY PLAINTIFF FREDERICK L., PLAINTIFF NINA S., PLAINTIFF KEVIN C., PLAINTIFF STEVEN F. TO STRIKE SUMMARY JUDGMENT EXHIBITS AND MOTION IN LIMINE TO EXCLUDE EVIDENCE AT TRIAL , MEMORANDUM, CERTIFICATE OF SERVICE. (fdc) (Entered: 05/02/2002)
05/02/2002	42	Memorandum of Law by PLAINTIFF FREDERICK L., PLAINTIFF NINA S., PLAINTIFF KEVIN C., PLAINTIFF STEVEN F. in Opposition to DEFENDANTS' MOTION FOR SUMMARY JUDGMENT, Certificate of Service. (fdc) (Entered: 05/02/2002)

05/02/2002	43	Exhibits 1 through 18 submitted in Support of PLAINTIFFS' Memorandum of Law in Opposition to DEFENDANTS' Motion for Summary Judgment, Certificate of Service. (fdc) (Entered: 05/02/2002)
05/02/2002	44	Exhibits 19 through 42 submitted in Support of PLAINTIFFS' Memorandum of Law in Opposition to DEFENDANTS' Motion for Summary Judgment, Certificate of Service. (fdc) (Entered: 05/02/2002)
05/06/2002	45	Proposed Findings of Facts and Conclusions of Law by DEFENDANT DEPT.OF PUBLIC WELF, DEFENDANT FEATHER O. HOUSTOUN Certificate of Service. (fdc) (Entered: 05/06/2002)
05/06/2002	46	Proposed Findings of Facts and Conclusions of Law by PLAINTIFF FREDERICK L., PLAINTIFF NINA S., PLAINTIFF KEVIN C., PLAINTIFF STEVEN F., Certificate of Service. (fdc) (Entered: 05/06/2002)
05/06/2002	47	Joint Pretrial Stipulation, Certificate of Service. (fdc) (Entered: 05/06/2002)
05/06/2002	48	ORDER THAT DEFENDANTS' MOTION FOR SUMMARY JUDGMENT IS DENIED. BECAUSE THE CONTENTIONS MADE BY DEFENDANTS CAN ONLY BE PROVEN AT TRIAL, THE EXISTENCE OF GENUINE ISSUES OF MATERIAL FACT PRECLUDES THE ENTRY OF SUMMARY JUDGMENT. PLAINTIFFS' MOTION IN LIMINE IS GRANTED IN PART AND DENIED IN PART. PLAINTIFFS' MOTION IS GRANTED TO THE EXTENT THAT DEFENDANTS SHALL NOT BE PERMITTED TO OFFER TESTIMONY OF MARILYN ECKLEY AT TRIAL AND DENIED IN ALL OTHER RESPECTS. BY WEDNESDAY, 5/8/02, DEFENDANTS SHALL PROVIDE PLAINTIFFS WITH THE DOCUMENTATION, IF ANY, TENDING TO SHOW THAT LITIGATION INCREASES THE COSTS OF COMMUNITY MENTAL HEALTH PROGRAMS. (SIGNED BY JUDGE BERLE M. SCHILLER) 5/6/02 ENTERED AND COPIES MAILED AND FAXED. (fdc) (Entered: 05/06/2002)
05/22/2002	49	Minute entry: before Judge Schiller on 5/20/02 at 9:30 am. Re: Non-Jury Trial (Day 1). (fdc) (Entered: 05/22/2002)
05/22/2002	50	Minute entry: before Judge Schiller on 5/21/02 at 9:30 am. Re: Non-Jury Trial (Day 2). (fdc) (Entered: 05/22/2002)
05/22/2002	51	Minute entry: before Judge Schiller on 5/22/02 at 9:30 am. Re: Non-Jury Trial – Day 3. (fdc) (Entered: 05/22/2002)
05/23/2002	52	ORDER THAT BY JUNE 19, 2002, THE PARTIES SHALL SUBMIT REVISED FINDINGS OF FACT AND CONCLUSIONS OF LAW AND ANY POST-TRIAL MOTIONS. ANY RESPONSES SHALL BE SUBMITTED BY JULY 5, 2002. (SIGNED BY JUDGE BERLE M. SCHILLER) 5/23/02 ENTERED AND COPIES MAILED AND FAXED. (fdc) (Entered: 05/23/2002)
05/24/2002	53	Supplement of DEFENDANT DEPT.OF PUBLIC WELF, DEFENDANT FEATHER O. HOUSTOUN to Exhibit P-41A, Certificate of Service. (np) (Entered: 05/28/2002)
06/03/2002	54	Transcript of Proceedings before Judge Schiller on 5/20/02. Re: Trial – Day 1. (fdc) (Entered: 06/03/2002)
06/03/2002	55	Transcript of Proceedings before Judge Schiller on 5/21/02. Re: Trial – Day 2. (fdc) (Entered: 06/03/2002)
06/03/2002	56	Transcript of Proceedings before Judge Schiller on 5/22/02. Re: Trial – Day 3. (fdc) (Entered: 06/03/2002)
06/05/2002	57	Stipulation regarding Trial Exhibits. (fdc) (Entered: 06/05/2002)
06/19/2002	58	PLAINTIFFS' Revised Proposed Findings of Facts and Conclusions of Law. (fdc) (Entered: 06/19/2002)
06/19/2002	59	DEFENDANTS' Revised Proposed Findings of Facts and Conclusions of Law, Certificate of Service. (fdc) (Entered: 06/20/2002)

07/03/2002	60	Response by PLAINTIFF FREDERICK L., PLAINTIFF NINA S., PLAINTIFF KEVIN C., PLAINTIFF STEVEN F. to DEFENDANTS' Revised Proposed Findings of Fact and Conclusions of Law, Certificate of Service. (np) (Entered: 07/05/2002)
07/05/2002	61	Response to PLAINTIFFS' REVISED PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW by DEFENDANT DEPT.OF PUBLIC WELF, DEFENDANT FEATHER O. HOUSTOUN , Certificate of Service. (jpd) (Entered: 07/08/2002)
09/05/2002	62	MEMORANDUM AND ORDER THAT JUDGMENT IS ENTERED IN FAVOR OF THE DEFENDANTS AND AGAINST PLAINTIFFS AND THE PLAINTIFF CLASS. THE CLERK OF COURT IS DIRECTED TO CLOSE THIS CASE. (SIGNED BY JUDGE BERLE M. SCHILLER) 9/5/02 ENTERED AND COPIES MAILED AND FAXED. (fdc) (Entered: 09/05/2002)
09/05/2002		Case closed (nt) (Entered: 09/11/2002)
10/01/2002	63	Notice of Appeal by PLAINTIFF FREDERICK L., PLAINTIFF NINA S., PLAINTIFF KEVIN C., PLAINTIFF STEVEN F. . Fee Status: paid . Copies to: JUDGE BERLE M. SCHILLER , Clerk USCA, Appeals Clerk, and HOWARD ULAN, CLAUDIA M. TESORO, MARK J. MURPHY, Certificate of Service. (fdc) (Entered: 10/01/2002)
10/01/2002	64	Copy of Clerk's notice to USCA re: [63-1] appeal . (fdc) (Entered: 10/01/2002)
10/03/2002		Notice of Docketing ROA from USCA Re: [63-1] appeal USCA NUMBER: 02-3721 . 10/3/02 (fdc) (Entered: 10/03/2002)
10/11/2002	65	Copy of TPO form ref: [63-1] appeal . (fdc) (Entered: 10/11/2002)
10/15/2002		RECORD COMPLETE FOR PURPOSES OF APPEAL. (ke) (Entered: 10/15/2002)
04/21/2004	<u>66</u>	NOTICE of Hearing: STATUS CONFERENCE SET FOR 5/4/2004 10:00 AM IN JUDGE'S CHAMBERS BEFORE HONORABLE BERLE M. SCHILLER. (pc,) (Entered: 04/21/2004)
05/05/2004	<u>67</u>	Notice of STATUS CONFERENCE SET FOR 5/10/2004 at 8:30 AM IN JUDGE'S CHAMBERS BEFORE HONORABLE BERLE M. SCHILLER. (fdc) (Entered: 05/05/2004)
05/06/2004	68	ORDER of USCA as to 63 Notice of Appeal, filed by FREDERICK L., NINA S., KEVIN C., STEVEN F. Re: Ordered and Adjudged by this Court that the judgment of the said District Court entered September 5, 2002, be, and the same is, hereby vacated and remanded. All of the above in accordance with the opinion of this Court. Set Flag CLOSED Cleared Flag APPEAL (fdc) (Entered: 05/07/2004)
05/10/2004	<u>69</u>	ORDER THAT BY JUNE 11, 2004, DEFENDANTS SHALL MAKE A SUBMISSION TO THIS COURT IN ACCORDANCE WITH FREDERICK L. V, DEPARTMENT OF PUBLIC WELFARE, NO. 02-3721 (3RD CIR. APR. 13, 2004). BY JUNE 25, 2004, PLAINTIFFS SHALL RESPOND TO DEFENDANTS' SUBMISSION. SIGNED BY JUDGE BERLE M. SCHILLER ON 5/10/04. 5/10/04 ENTERED AND COPIES MAILED.(fdc) (Entered: 05/10/2004)
06/11/2004	<u>70</u>	Post Remand Submission in Support of <i>fundamental alteration defense</i> by DEPARTMENT OF PUBLIC WELFARE OF THE COMMONWEALTH OF PENNSYLVANIA, FEATHER O. HOUSTOUN, Certificate of Service. (TESORO, CLAUDIA) Modified on 6/14/2004 (np). (Entered: 06/11/2004)
06/11/2004	71	EXHIBITS TO POST REMAND SUBMISSION BY DEFENDANTS DEPARTMENT OF PUBLIC WELFARE OF THE COMMONWEALTH OF PENNSYLVANIA, FEATHER O. HOUSTOUN, CERTIFICATE OF SERVICE. (jpd). (Entered: 06/14/2004)
06/15/2004	<u>72</u>	NOTICE by DEPARTMENT OF PUBLIC WELFARE OF THE COMMONWEALTH OF PENNSYLVANIA, FEATHER O. HOUSTOUN re 71 Exhibit --Correction to Att. 7A, Certificate of Service. (TESORO, CLAUDIA)

		Modified on 6/16/2004 (np). (Entered: 06/15/2004)
06/24/2004	<u>73</u>	Statement <i>Correcting and Clarifying Defendants' Post-Remand Submission</i> by DEPARTMENT OF PUBLIC WELFARE OF THE COMMONWEALTH OF PENNSYLVANIA, FEATHER O. HOUSTOUN. (TESORO, CLAUDIA) (Entered: 06/24/2004)
06/25/2004	<u>74</u>	Plaintiffs' Response to Defendants' Post-Remand Submission, Certificate of Service. (fdc) (Entered: 06/25/2004)
07/13/2004	<u>75</u>	Memorandum in Further support of their <u>70</u> post-remand submission by DEPARTMENT OF PUBLIC WELFARE OF THE COMMONWEALTH OF PENNSYLVANIA, FEATHER O. HOUSTOUN, Certificate of Service. (TESORO, CLAUDIA) Modified on 7/15/2004 (fh,). (Entered: 07/13/2004)
09/01/2004	<u>76</u>	MEMORANDUM AND ORDER THAT JUDGMENT IS ENTERED IN FAVOR OF DEFENDANTS DEPARTMENT OF PUBLIC WELFARE, ET. AL. AND AGAINST PLAINTIFFS FREDERICK L., ET. AL. THE CLERK OF COURT IS DIRECTED TO CLOSE THIS CASE. SIGNED BY JUDGE BERLE M. SCHILLER ON 9/1/04. 9/1/04 ENTERED AND COPIES MAILED.(fdc) (Entered: 09/01/2004)
09/29/2004	<u>77</u>	NOTICE OF APPEAL as to <u>76</u> Judgment, by KEVIN C., STEVEN F., FREDERICK L., NINA S.. Filing fee \$ 255, receipt number 909255. Copies to Judge, Clerk USCA, Appeals Clerk and CLAUDIA M. TESORO, HOWARD ULAN, Certificate of Service. (fdc) (Entered: 09/29/2004)
09/29/2004	<u>78</u>	Clerk's Notice to USCA re <u>77</u> Notice of Appeal: (fdc,) (Entered: 09/29/2004)
10/04/2004		NOTICE of Docketing Record on Appeal from USCA re <u>77</u> Notice of Appeal filed by FREDERICK L., NINA S., KEVIN C., STEVEN F.. USCA Case Number 04-3859 (fdc,) (Entered: 10/04/2004)
10/08/2004	<u>79</u>	Copy of TPO Form re <u>77</u> Notice of Appeal: (fdc,) (Entered: 10/08/2004)
10/12/2004		RECORD COMPLETE FOR PURPOSES OF APPEAL. (mac,) (Entered: 10/12/2004)
11/02/2005	<u>80</u>	ORDER of USCA as to <u>77</u> Notice of Appeal filed by FREDERICK L., NINA S., KEVIN C., STEVEN F. Re: Ordered and Adjudged by this Court that the judgment of the District Court entered 9/1/04, be, and the same is hereby vacated. The case will be remanded to the district court for further proceedings not inconsistent with this opinion. (fdc) (Entered: 11/02/2005)
11/07/2005	<u>81</u>	MOTION for Judgment <i>as to Liability and to Schedule Proceedings on Remedy</i> filed by FREDERICK L., NINA S., KEVIN C., STEVEN F..Memorandum, Certificate of Service. (Attachments: # <u>1</u> Text of Proposed Order)(MEEK, ROBERT) (Entered: 11/07/2005)
11/28/2005	<u>82</u>	RESPONSE to Motion re <u>81</u> MOTION for Judgment <i>as to Liability and to Schedule Proceedings on Remedy</i> filed by DEPARTMENT OF PUBLIC WELFARE OF THE COMMONWEALTH OF PENNSYLVANIA, FEATHER O. HOUSTOUN, Certificate of Service. (TESORO, CLAUDIA) Modified on 11/28/2005 (np). (Entered: 11/28/2005)
11/29/2005	<u>83</u>	ORDER THAT PLAINTIFFS' MOTION FOR ENTRY OF JUDGMENT AS TO LIABILITY AND TO SCHEDULE PROCEEDINGS ON REMEDY IS DENIED WITHOUT PREJUDICE; DEFENDANTS MUST INFORM THE COURT AND PLAINTIFFS FORTHWITH AS SOON AS DEFENDANTS HAVE DECIDED WHETHER TO FILE A PETITION FOR CERTIORARI, IF NO SUCH PETITION IS FILED THE COURT WILL THEN PROMPTLY SCHEDULE A STATUS CONFERENCE REGARDING FURTHER PROCEEDINGS. SIGNED BY JUDGE BERLE M. SCHILLER ON 11/29/05; 11/30/05 ENTERED AND COPIES MAILED AND FAXED.(tjd) (Entered: 11/30/2005)
01/30/2006	<u>84</u>	ORDER THAT A STATUS CONFERENCE WILL BE HELD ON 2/27/2006 10:00 AM IN ROOM 5614.. SIGNED BY JUDGE BERLE M. SCHILLER ON 1/30/06. 1/31/06 ENTERED AND COPIES MAILED AND E-MAILED.(lvj,)

		(Entered: 01/31/2006)
02/27/2006	<u>85</u>	ORDER THAT NO LATER THAN MONDAY, 4/17/06, DEFENDANTS SHALL SUBMIT A VIABLE INTEGRATION PLAN FOR THE NORRISTOWN STATE HOSPITAL THAT IS CONSISTENT WITH THE THIRD CIRCUIT'S 9/8/05 OPINION IN THIS MATTER. SIGNED BY JUDGE BERLE M. SCHILLER ON 2/27/06. 2/27/06 ENTERED AND COPIES MAILED, E-MAILED.(fdc) (Entered: 02/27/2006)
02/27/2006	86	Minute Entry for proceedings held before Judge BERLE M. SCHILLER : Pretrial Conference held on 2/27/06. (fdc,) (Entered: 02/27/2006)
04/17/2006	<u>87</u>	Report Of <i>Defendants in Response to February 27, 2006 Order, Submitting Plan for Norristown State Hospital</i> , by DEPARTMENT OF PUBLIC WELFARE OF THE COMMONWEALTH OF PENNSYLVANIA, FEATHER O. HOUSTOUN, Certificate of Service. (TESORO, CLAUDIA) Modified on 4/18/2006 (np). (Entered: 04/17/2006)
05/17/2006	<u>88</u>	MOTION for Judgment in <i>Favor of Plaintiffs and the Class and Response to Defendants' NSH Integration Plan</i> filed by FREDERICK L., NINA S., KEVIN C., STEVEN F..Memorandum of Law, Certificate of Service. (Attachments: # <u>1</u> Text of Proposed Order)(MEEK, ROBERT) (Entered: 05/17/2006)
05/17/2006	<u>89</u>	MOTION for Attorney Fees <i>Litigation Expenses, and Costs</i> filed by FREDERICK L., NINA S., KEVIN C., STEVEN F..Memorandum of Law, Certificate of Service. (Attachments: # <u>1</u> Text of Proposed Order # <u>2</u> Exhibits 1-3 in Support of Motion# <u>3</u> Exhibits 4-8 in Support of Motion)(MEEK, ROBERT) (Entered: 05/17/2006)
05/17/2006	<u>90</u>	ORDER THAT ORAL ARGUMENT WITH REGARD TO THE NORRISTOWN STATE HOSPITAL INTEGRATION PLAN AND WHETHER OR NOT COUNSEL FEES ARE APPROPRIATE WILL BE HELD ON MONDAY, 6/5/2006 AT 10:30 AM IN COURTROOM BEFORE HONORABLE BERLE M. SCHILLER. SIGNED BY JUDGE BERLE M. SCHILLER ON 5/17/06. 5/17/06 ENTERED AND COPIES MAILED, E-MAILED.(fdc) (Entered: 05/17/2006)
06/05/2006	<u>91</u>	RESPONSE in Opposition re <u>88</u> MOTION for Judgment in <i>Favor of Plaintiffs and the Class and Response to Defendants' NSH Integration Plan</i> filed by DEPARTMENT OF PUBLIC WELFARE OF THE COMMONWEALTH OF PENNSYLVANIA, FEATHER O. HOUSTOUN. (TESORO, CLAUDIA) (Entered: 06/05/2006)
06/05/2006	<u>92</u>	RESPONSE in Opposition re <u>89</u> MOTION for Attorney Fees <i>Litigation Expenses, and Costs</i> filed by DEPARTMENT OF PUBLIC WELFARE OF THE COMMONWEALTH OF PENNSYLVANIA, FEATHER O. HOUSTOUN. (TESORO, CLAUDIA) (Entered: 06/05/2006)
06/07/2006	93	Minute Entry for proceedings held before Judge BERLE M. SCHILLER : Oral Argument held on 6/5/06. (fdc) (Entered: 06/08/2006)
07/06/2006	<u>94</u>	ORDER THAT THIS CASE IS REFERRED TO MAGISTRATE JUDGE JACOB HART FOR THE PURPOSE OF CONDUCTING A SETTLEMENT CONFERENCE; ETC.. SIGNED BY JUDGE BERLE M. SCHILLER ON 7/6/06. 7/6/06 ENTERED AND COPIES MAILED, E-MAILED.(jl,) (Entered: 07/06/2006)
07/19/2006	<u>95</u>	ORDER THAT A SETTLEMENT CONFERENCE IS SET FOR 9/12/2006 AT 10:00 AM IN COURTROOM BEFORE MAGISTRATE JUDGE JACOB P. HART. SIGNED BY JUDGE JACOB P. HART ON 7/19/06. 7/19/06 ENTERED AND COPIES MAILED, E-MAILED.(fdc) (Entered: 07/19/2006)
07/21/2006	96	TRANSCRIPT of Hearing on Counsel Fees held on 6/5/06 before Judge Schiller. (fdc) (Entered: 07/21/2006)
09/14/2006	97	Minute Entry for proceedings held before Judge JACOB P. HART : Settlement Conference held on 9/12/06. (fdc,) (Entered: 09/14/2006)
09/22/2006	<u>98</u>	STIPULATION of Dismissal by FREDERICK L., NINA S., KEVIN C., STEVEN F., DEPARTMENT OF PUBLIC WELFARE OF THE COMMONWEALTH OF

		PENNSYLVANIA, FEATHER O. HOUSTOUN. (MEEK, ROBERT) (Entered: 09/22/2006)
09/22/2006	99	STIPULATION AND ORDER THAT THIS ACTION IS DISMISSED WITHOUT PREJUDICE. SIGNED BY JUDGE BERLE M. SCHILLER ON 9/22/06. 9/25/06 ENTERED AND COPIES MAILED.(fdc) (Entered: 09/25/2006)
09/26/2006	100	Minute Entry for proceedings held before Judge BERLE M. SCHILLER : Telephone Conference held on 9/19/06 (fdc,) (Entered: 09/26/2006)