

**U.S. District Court
Western District of Pennsylvania (Erie)
CIVIL DOCKET FOR CASE #: 1:04-cv-00328-BR**

VOICES FOR INDEPENDENCE, et al v. CITY OF MEADVILLE, P Date Filed: 11/10/2004
Assigned to: Judge Barbara Rothstein Date Terminated: 10/28/2005
Demand: \$0 Jury Demand: None
related Case: 1:06-cv-00078-BR Nature of Suit: 890 Other Statutory
Cause: 42:12101 The Americans with Disabilities Act of 1990 Actions
Jurisdiction: Federal Question

Plaintiff

VOICES FOR INDEPENDENCE

represented by **Craig A. Markham**
Elderkin, Martin, Kelly & Messina
150 East Eighth Street
Erie, PA 16501-1819
(814) 456-4000
Fax: (814) 454-7411
Email: camarkham@elderkinlaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Denise M. Heberle
Heberle & Finnegan
2580 Craig Road
Ann Arbor, MI 48103
(734) 302-3233
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

J. Mark Finnegan
Heberle & Finnegan
2580 Craig Road
Ann Arbor, MI 48103
(734) 302-3233
Email: hffirm@comcast.net
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff

PAUL PECUNAS
*on behalf of themselves and all others
similarly situated*

represented by **Craig A. Markham**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Denise M. Heberle
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

J. Mark Finnegan
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

**CITY OF MEADVILLE,
PENNSYLVANIA**

represented by **David L. Hotchkiss**
Steptoe & Johnson PLLC

TERMINATED: 08/08/2017

201 Chestnut Street
 Suite 200
 Meadville, PA 16335
 (814) 336-6400
 Email: Dave.Hotchkiss@Step toe-Johnson.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Gary M. Alizeo
 Shafer Law Firm
 360 Chestnut St.
 Meadville, PA 16335
 814-724-4540
 Fax: 814-724-4545
 Email: galizeo@shaferlaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Thomas L Yoset
 Culbertson, Weiss, Schetroma & Schug
 201 Chestnut Street
 Suite 200
 Meadville, PA 16335
 (814) 336-6400
 Fax: (814) 336-6570
 Email: tly@cwss.com
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
11/10/2004	1	COMPLAINT with summons issued Filing Fee \$ 150.00 Receipt # 05-53 (sdp) (Entered: 11/12/2004)
11/10/2004	2	DISCLOSURE statement by VOICES FOR INDEPENDENCE, PAUL PECUNAS (sdp) (Entered: 11/12/2004)
12/15/2004	3	ANSWER to Complaint by CITY OF MEADVILLE, P (Attorney David L. Hotchkiss) (sdp) (Entered: 12/15/2004)
12/16/2004	4	ORDER, that the parties are to conduct their Rule 26 meeting by 12-27-04; Report of the Rule 26 hearing shall be filed by 1-25-05; set Case Management Conference for 10:30 2/1/05 signed by Judge Sean J. McLaughlin on 12/16/04) CM all parties of record. (sdp) (Entered: 12/16/2004)
01/27/2005	8	REPORT OF RULE 26(F) conference of counsel. (sdp) (Entered: 03/07/2005)
02/15/2005	5	Case Management Conference held before Judge Sean J. McLaughlin [Reporter: Ron Bench]. Order entered. (sdp) (Entered: 02/16/2005)
02/15/2005	6	CASE MANAGEMENT ORDER setting Discovery cutoff on 8/15/05 ; Motion Filing deadline due 9/5/05 ; Response to motions due 9/26/05 ; Track II designation. (signed by Judge Sean J. McLaughlin on 2/15/05) CM all parties of record. (sdp) (Entered: 02/16/2005)
02/15/2005		CASE DESIGNATED to Track 2. (sdp) (Entered: 02/16/2005)
02/23/2005	7	AMENDMENT by CITY OF MEADVILLE, P to [3-1] answer by CITY OF MEADVILLE, P (sdp) (Entered: 02/23/2005)
03/11/2005	9	MOTION with Brief in Support by VOICES FOR INDEPENDENCE, PAUL PECUNAS to Certify Class (sdp) (Entered: 03/11/2005)
03/11/2005	10	MOTION with Brief in Support by VOICES FOR INDEPENDENCE, PAUL PECUNAS for Preliminary Injunction (sdp) (Entered: 03/11/2005)
03/16/2005	11	Status Conference held before Judge Sean J. McLaughlin [Reporter: Ron Bench]. Def to answer pltf's mtn for class certification and mtn for preliminary injunction within 20

		days. Parties to confer with respect to entering a possible consent decree. (sdp) (Entered: 03/17/2005)
04/05/2005	12	RESPONSE and Memorandum in Opposition by CITY OF MEADVILLE, P to [9-1] motion to Certify Class by PAUL PECUNAS, VOICES FOR INDEPENDENCE (sdp) (Entered: 04/06/2005)
04/05/2005	13	RESPONSE and Memorandum in Opposition by CITY OF MEADVILLE, P to [10-1] motion for Preliminary Injunction by PAUL PECUNAS, VOICES FOR INDEPENDENCE (sdp) (Entered: 04/06/2005)
04/18/2005	14	Status Conference held 4/15/05 2:15 p.m. before Judge Sean J. McLaughlin [Reporter: Ron Bench] Pltf will submit reply brief by 4/22/05. Hearing set for 5/3/05 at 9:00 a.m. relative to pending motion for class certification and Motion for Preliminary Injunction. Prior Friday to 5/3/05 hearing the parties will submit proposed findings of fact and conclusions of law. (mad) (Entered: 04/19/2005)
04/22/2005	15	REPLY in SUPPORT by VOICES FOR INDEPENDENCE, PAUL PECUNAS to [10-1] motion for Preliminary Injunction by PAUL PECUNAS, VOICES FOR INDEPENDENCE (mad) (Entered: 04/25/2005)
04/22/2005	16	REPLY BRIEF by VOICES FOR INDEPENDENCE, PAUL PECUNAS for [9-1] motion to Certify Class by PAUL PECUNAS, VOICES FOR INDEPENDENCE (mad) (Entered: 04/25/2005)
04/22/2005	17	DECLARATION by PAUL PECUNAS Re: [10-1] motion for Preliminary Injunction by PAUL PECUNAS, VOICES FOR INDEPENDENCE (mad) (Entered: 04/25/2005)
04/22/2005	18	DECLARATION of Class Member and VFI Employee, SHONA EAKIN in support of Re: [10-1] motion for Preliminary Injunction by PAUL PECUNAS, VOICES FOR INDEPENDENCE (mad) (Entered: 04/25/2005)
04/22/2005	19	DECLARATION of CLASS MEMBER SANDRA FULLER Re: [10-1] motion for Preliminary Injunction by PAUL PECUNAS, VOICES FOR INDEPENDENCE (mad) (Entered: 04/25/2005)
04/29/2005	20	Proposed Findings of Fact and Conclusions of Law by CITY OF MEADVILLE, P (mad) (Entered: 04/29/2005)
04/29/2005	21	Status Conference held 4/29/05 @ 9:30 a.m. before Judge Sean J. McLaughlin [Reporter: Ron Bench] (mad) (Entered: 04/29/2005)
04/29/2005	22	Proposed Findings of Fact and Conclusions of Law by VOICES FOR INDEPENDENCE, PAUL PECUNAS (nk) (Entered: 04/29/2005)
04/29/2005	23	DECLARATION by VOICES FOR INDEPENDENCE, PAUL PECUNAS of Sandra Fuller Re: [10-1] motion for Preliminary Injunction by PAUL PECUNAS, VOICES FOR INDEPENDENCE (nk) (Entered: 04/29/2005)
04/29/2005	24	DECLARATION by VOICES FOR INDEPENDENCE, PAUL PECUNAS of Shona Eakin Re: [10-1] motion for Preliminary Injunction by PAUL PECUNAS, VOICES FOR INDEPENDENCE (nk) (Entered: 04/29/2005)
04/29/2005	25	DECLARATION by VOICES FOR INDEPENDENCE, PAUL PECUNAS of Alan Dunfee Re: [10-1] motion for Preliminary Injunction by PAUL PECUNAS, VOICES FOR INDEPENDENCE (nk) (Entered: 04/29/2005)
04/29/2005	26	DECLARATION by PAUL PECUNAS Re: [10-1] motion for Preliminary Injunction by PAUL PECUNAS, VOICES FOR INDEPENDENCE (nk) (Entered: 04/29/2005)
04/29/2005	27	DECLARATION by VOICES FOR INDEPENDENCE, PAUL PECUNAS of Jay Shuffstall Re: [10-1] motion for Preliminary Injunction by PAUL PECUNAS, VOICES FOR INDEPENDENCE (nk) (Entered: 04/29/2005)
04/29/2005	28	DECLARATION by VOICES FOR INDEPENDENCE, PAUL PECUNAS of Megan Buffington Re: Inspection of Resurfacing Projects completed in 2003 and 2004 in the City of Meadville (nk) (Entered: 04/29/2005)

05/03/2005	29	Hearing on Motion held 5/3/05 @ 9:05 a.m. re: [10-1] DENIED--- motion for Preliminary Injunction by PAUL PECUNAS, VOICES FOR INDEPENDENCE, [9-1] GRANTED--- to the extent set forth on the record. motion to Certify Class by PAUL PECUNAS, VOICES FOR INDEPENDENCE [Reporter: Ron Bench] (mad) (Entered: 05/04/2005)
05/11/2005		Jury Trial continued to 5/12/05 before Judge Sean J. McLaughlin (mad) (Entered: 05/18/2005)
05/12/2005	30	JOINT MOTION by VOICES FOR INDEPENDENCE, PAUL PECUNAS, CITY OF MEADVILLE, P for entry of consent decree with Proposed Order. (mad) (Entered: 05/12/2005)
05/17/2005		ORDER upon motion granting [30-1] joint motion for entry of consent decree (signed by Judge Sean J. McLaughlin on 5/16/05) CM all parties of record. (mad) CONSENT DECREE ATTACHED. Modified on 9/1/2005 (sdp). (Entered: 05/18/2005)
08/08/2005	<u>31</u>	Joint MOTION for Extension of Time to Complete Discovery by CITY OF MEADVILLE, PENNSYLVANIA. (Attachments: # <u>1</u> Proposed Order on Joint Motion to Extend Time)(Yoset, Thomas) (Entered: 08/08/2005)
08/12/2005	<u>32</u>	ORDER granting <u>31</u> Motion for Extension of Time to Complete Discovery: Discovery to be completed by 9/14/2005; Summary Judgment motions and supporting briefs due by 10/4/2005; Responses and/or briefs in opposition to summary judgment due by 10/25/2005. Signed by Judge Sean J. McLaughlin on 8/12/05. (kas) (Entered: 08/12/2005)
08/31/2005	<u>33</u>	CONSENT DECREE by VOICES FOR INDEPENDENCE, PAUL PECUNAS, CITY OF MEADVILLE, PENNSYLVANIA. (Markham, Craig) (Entered: 08/31/2005)
09/01/2005		CLERK'S OFFICE QUALITY CONTROL MESSAGE. re <u>33</u> Consent Decree ERROR: did not file motion with proposed consent decree as an attachment CORRECTION: to file a motion for approval of consent decree with the proposed consent decree as an attachment for the judge to sign. This message is for informational purposes only. (sdp) (Entered: 09/01/2005)
09/01/2005	<u>34</u>	Second MOTION entry of consent decree <i>filed</i> by VOICES FOR INDEPENDENCE, PAUL PECUNAS, CITY OF MEADVILLE, PENNSYLVANIA. (Attachments: # <u>1</u> Proposed Order consent decree)(Markham, Craig) (Entered: 09/01/2005)
09/02/2005	<u>35</u>	ORDER granting <u>34</u> Motion for entry of second consent decree. Signed by Judge Sean J. McLaughlin on 9/2/2005. (rlh) (Entered: 09/02/2005)
10/04/2005	<u>36</u>	MOTION to Extend Time for Case Management Order by CITY OF MEADVILLE, PENNSYLVANIA. (Attachments: # <u>1</u> Scheduling Motion Certificate# <u>2</u> Proposed Order Extending the Case Management Order# <u>3</u> Certificate of Service)(Yoset, Thomas) Modified on 10/5/2005 (sdp). (Entered: 10/04/2005)
10/07/2005	<u>37</u>	ORDER granting <u>36</u> Motion to Extend Time. Signed by Judge Sean J. McLaughlin on 10/7/05. (nk) (Entered: 10/07/2005)
10/25/2005		TEXT ORDER Telephonic Status Conference set for 10/28/2005 at 11:00 AM before Sean J. McLaughlin. Attorney Hotchkiss is to initiate the call by calling the conference line at (814)464-9615. This is a text only entry no PDF document attached; This is an official Court document. Signed by Judge Sean J. McLaughlin on 10/25/05. (nk) (Entered: 10/25/2005)
10/28/2005		Text Minute Entry for proceedings held before Judge Sean J. McLaughlin : Status Conference held on 10/28/2005. Clerk is directed to mark this case closed. This is a text only entry; no PDF document attached; this is an official court document. (Court Reporter Ron Bench.) (nk) (Entered: 10/28/2005)
10/28/2005	<u>38</u>	ORDER DISMISSING CASE. Signed by Judge Sean J. McLaughlin on 10/28/05. (nk) (Entered: 10/28/2005)
11/22/2005	<u>39</u>	STATUS REPORT of <i>Completed Projects</i> by CITY OF MEADVILLE, PENNSYLVANIA. (Attachments: # <u>1</u> # <u>2</u> # <u>3</u> # <u>4</u> # <u>5</u> # <u>6</u> Certificate of Service)(Yoset, Thomas) (Entered: 11/22/2005)

08/17/2006	<u>40</u>	AMENDED DOCUMENT by CITY OF MEADVILLE, PENNSYLVANIA. Amendment to <u>39</u> Status Report. (Attachments: # <u>1</u> Exhibit 3# <u>2</u> Exhibit 4# <u>3</u> Exhibit 5# <u>4</u> Exhibit 1# <u>5</u> Exhibit 2# <u>6</u> Certificate of Service)(Adsit, Diane) (Entered: 08/17/2006)
08/18/2006		CLERK'S OFFICE QUALITY CONTROL MESSAGE. re <u>40</u> Amended Document. ERROR: Signature on document and filer do not match. CORRECTION: Attorney advised of signature requirements. Attorney to resubmit the document using the Errata event. This message is for informational purposes only. (sdp) (Entered: 08/18/2006)
08/25/2006	<u>41</u>	Errata re <u>40</u> Amended Document by CITY OF MEADVILLE, PENNSYLVANIA Reason for Correction: Wrong attorney filed – filer did not match signer. (Attachments: # <u>1</u> Exhibit 1# <u>2</u> Exhibit 2# <u>3</u> Exhibit 3# <u>4</u> Exhibit 4# <u>5</u> Exhibit 5# <u>6</u> Certificate of Service)(Hotchkiss, David) Modified on 8/28/2006 (sdp). (Entered: 08/25/2006)
03/11/2009	<u>42</u>	PROPOSED CONSENT DECREE by VOICES FOR INDEPENDENCE, PAUL PECUNAS. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Proposed Order) (Markham, Craig) (Entered: 03/11/2009)
11/23/2016	<u>43</u>	Joint MOTION to Dismiss <i>All Claims Against City of Meadville</i> by CITY OF MEADVILLE, PENNSYLVANIA. (Alizzeo, Gary) (Main Document <u>43</u> replaced on 11/25/2016) (nk) (Additional attachment(s) added on 11/25/2016: # <u>1</u> Proposed Order) (nk) (Entered: 11/23/2016)
11/23/2016		Case Reassigned to Judge Barbara Rothstein. Chief Judge Sean J. McLaughlin no longer assigned to the case. (nk) (Entered: 11/23/2016)
11/25/2016		CLERK'S OFFICE QUALITY CONTROL MESSAGE re <u>43</u> Motion to Dismiss. ERROR: Proposed Order was made part of main document. CORRECTION: Attorney advised that in future proposed orders are to be made attachments to the main document. This message is for informational purposes only. (nk) (Entered: 11/25/2016)
08/08/2017	<u>44</u>	ORDER granting <u>43</u> Joint MOTION to Dismiss All Claims Against City of Meadville by CITY OF MEADVILLE, PENNSYLVANIA. Signed by Judge Barbara Rothstein on 8/7/2017. (nk) (Entered: 08/08/2017)