

CLOSED,STANDARD

**United States District Court
Eastern District of Pennsylvania (Philadelphia)
CIVIL DOCKET FOR CASE #: 2:93-cv-04418-AB**

V., et al v. CARROLL, et al
Assigned to: HONORABLE ANITA B. BRODY
Demand: \$0
Case in other court: 95-01097
Cause: 20:1400 Civil Rights of Handicapped Child

Date Filed: 08/16/1993
Date Terminated: 11/30/1998
Jury Demand: None
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: U.S. Government Defendant

Plaintiff

BETH V.
*A Minor, By Her Parent and Natural
Guardian, Yvonne V.*

represented by **ALYSSA R. FIEO**
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Plaintiff

YVONNE V.
In Her Own Right

represented by **ALYSSA R. FIEO**
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Plaintiff

BRANDON M.
*A Minor By His Parent and Natural
Guardian, Frederica M.*

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Plaintiff

FREDERICA M.
In Her Own Right

represented by **ALYSSA R. FIEO**
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Plaintiff

**PARENTS UNION FOR PUBLIC
SCHOOLS**
*On Their Own Behalf And On Behalf Of
All Others Similarly Situated*

represented by **ALYSSA R. FIEO**
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V.

Defendant

DONALD M. CARROLL, JR.
*Secretary of Education, Commonwealth of
Pennsylvania*

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Defendant

DEPARTMENT OF EDUCATION
Commonwealth of Pennsylvania

represented by **CLAUDIA M. TESORO**
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MARSHA S. EDNEY
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Defendant

RICHARD W. RILEY
Secretary of Education, United States of America
TERMINATED: 01/03/1994

represented by **MARSHA S. EDNEY**
 (See above for address)
TERMINATED: 01/03/1994
LEAD ATTORNEY

Special Master

ALFRED W. PUTNAM, JR.

represented by **ALFRED W. PUTNAM, JR.**
 DRINKER, BIDDLE & REATH
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 PRO SE

Date Filed	#	Docket Text
08/16/1993	1	Complaint. filing fee \$ 120 receipt # 406143 (mrs) (Entered: 08/16/1993)
08/16/1993		Summons(es) issued Forwarded to: mailed to counsel 08/17/93 (mrs) (Entered: 08/16/1993)
08/16/1993		Standard Case Management Track. (mrs) (Entered: 08/16/1993)
10/07/1993	2	STIPULATION AND ORDER THAT THE COMMONWEALTH DEFTS DEPARTMENT OF ED., AND DONALD M. CARROLL JR. MAY HAVE UNTIL 10/15/93, TO ANSWER, PLEAD, OR OTHERWISE MOVE IN RESPONSE TO PLFFS' COMPLAINT (Attorney: CLAUDIA M. TESORO) . (SIGNED BY JUDGE ANITA B. BRODY) 10/8/93 ENTERED AND COPIES MAILED. (fe) (Entered: 10/08/1993)
10/15/1993	3	Answer to Complaint by DEFENDANT DONALD M. CARROLL JR., DEFENDANT DEPARTMENT OF ED., Certificate of service (ph) (Entered: 10/18/1993)
10/15/1993		ISSUE JOINED. (ph) (Entered: 10/18/1993)
10/21/1993	4	STIPULATION AND ORDER THAT FEDERAL DEFT'S TIME IN WHICH TO FILE AN ANSWER OR OTHERWISE PLEAD IS HEREBY EXTENDED UNTIL 11/4/93. (SIGNED BY JUDGE ANITA B. BRODY) 10/22/93 ENTERED AND COPIES MAILED. (kw) (Entered: 10/22/1993)
11/04/1993	5	MOTION by DEFENDANT DEPARTMENT OF ED., DEFENDANT RICHARD W. RILEY TO DISMISS THE COMPLAINT , MEMORANDUM, CERTIFICATE OF SERVICE. (gn) (Entered: 11/04/1993)
11/15/1993	6	MOTION BY PLAINTIFF BETH V., PLAINTIFF YVONNE V., PLAINTIFF BRANDON M., PLAINTIFF FREDERICA M., PLAINTIFF PARENTS UNION FOR CLASS CERTIFICATION , MEMORANDUM, CERTIFICATE OF SERVICE. (fe) (Entered: 11/16/1993)
11/23/1993	7	Notice of hearing: set PRETRIAL CONFERENCE FOR 4:15 12/9/93 (gn) (Entered: 11/24/1993)

12/09/1993	8	ORDER, THAT THE PRETRIAL CONFERENCE SCHEDULED FOR 12/9/93 AT 4:15 P.M. HAS BEEN RESCHEDULED reset PRETRIAL CONFERENCE FOR 4:00 12/20/93 (SIGNED BY JUDGE ANITA B. BRODY) 12/9/93 ENTERED AND COPIES MAILED. (gn) (Entered: 12/09/1993)
12/22/1993	9	SCHEDULING ORDER SETTING DEADLINE FOR FILING ALL DISPOSITIVE MOTIONS 8/1/94; DISCOVERY CUTOFF 4/29/94; TRIAL POOL DEADLINE SET FOR 10/3/94, THE COMMONWEALTH'S RESPONSE TO MOTION [6-1] MOTION FOR CLASS CERTIFICATION FOR 1/28/94 (SIGNED BY JUDGE ANITA B. BRODY) 12/22/93 ENTERED AND COPIES MAILED. (gn) (Entered: 12/22/1993)
01/03/1994	10	ORDER THAT THIS CASE IS DISMISSED WITH PREJUDICE AGAINST DEFT, RICHARD W. RILEY, SECRETARY OF EDUCATION OF THE U.S. OF AMERICA, ONLY. (SIGNED BY JUDGE ANITA B. BRODY) 1/4/94 ENTERED AND COPIES MAILED. (sc) (Entered: 01/04/1994)
01/28/1994	11	Stipulation between counsel re: Class Certification. (gn) (Entered: 01/28/1994)
04/07/1994	12	Minute entry: 4/7/94 RE: In chambers conference on Plffs' Motion for Delcaratory and Injunctive Relief. Motion C.A.V. (aa) (Entered: 04/08/1994)
04/29/1994	13	Transcript of Chambers Conference 4/7/94. (gn) (Entered: 04/29/1994)
05/31/1994	14	MEMORANDUM OPINION (SIGNED BY JUDGE ANITA B. BRODY) 6/1/94 ENTERED AND COPIES MAILED. (gn) (Entered: 06/01/1994)
06/10/1994	15	ORDER THAT THIS MATTER IS REFERRED TO ALFRED W. PUTNAM, JR., DRINKER, BIDDLE & REATH, TO ACT AS SPECIAL MASTER TO CONDUCT SUCH EXAMINATION AS HE DEEMS NECESSARY, ETC. (SIGNED BY JUDGE ANITA B. BRODY) 6/13/94 ENTERED AND COPIES MAILED. (td) (Entered: 06/13/1994)
06/16/1994	16	Appearance of ALYSSA R. FIEO for PLAINTIFF BETH V., PLAINTIFF YVONNE V., PLAINTIFF BRANDON M., PLAINTIFF FREDERICA M., PLAINTIFF PARENTS UNION, Certificate of Service. (gn) (Entered: 06/16/1994)
07/21/1994	17	MOTION by PLAINTIFF BETH V., PLAINTIFF YVONNE V., PLAINTIFF BRANDON M., PLAINTIFF FREDERICA M., PLAINTIFF PARENTS UNION FOR SUMMARY JUDGMENT , CERTIFICATE OF SERVICE. (Appendix attached). (gn) Modified on 07/21/1994 (Entered: 07/21/1994)
07/21/1994	18	Memorandum by PLAINTIFF BETH V., PLAINTIFF YVONNE V., PLAINTIFF BRANDON M., PLAINTIFF FREDERICA M., PLAINTIFF PARENTS UNION in support of [17-1] MOTION FOR SUMMARY JUDGMENT, Certificate of Service. (gn) (Entered: 07/21/1994)
07/21/1994	19	Proposed Findings of Disputed Facts by PLAINTIFF BETH V., PLAINTIFF YVONNE V., PLAINTIFF BRANDON M., PLAINTIFF FREDERICA M., PLAINTIFF PARENTS UNION, Certificate of Service. (gn) (Entered: 07/21/1994)
07/26/1994	20	ORDER EXTENDING TIME UNTIL 8/31/94 WITHIN WHICH THE SPECIAL MASTER SHALL HAVE TO FILE REPORT SETTING FORTH THE RESULTS OF HIS REVIEW & ANY RECOMMENDATIONS ARISING OUT OF THAT REVIEW (SIGNED BY JUDGE ANITA B. BRODY) 7/26/94 ENTERED AND COPIES MAILED. (gn) (Entered: 07/26/1994)
07/29/1994	21	STIPULATION AND ORDER EXTENDING TIME FOR DEFT TO RESPOND TO MOTION RESPONSE TO MOTION reset to 8/20/94 for [17-1] MOTION FOR SUMMARY JUDGMENT (SIGNED BY JUDGE ANITA B. BRODY) 8/1/94 ENTERED AND COPIES MAILED. (gn) (Entered: 08/01/1994)
08/22/1994	22	STIPULATION AND ORDER THAT DEFT MAY HAVE UNTIL AUGUST 31, 1994 TO RESPOND TO PLFF'S MOTION FOR SUMMARY JUDGMENT. (SIGNED BY JUDGE ANITA B. BRODY) 8/22/94 ENTERED AND COPIES MAILED. (mc) (Entered: 08/22/1994)
08/31/1994	23	Report of SPECIAL MASTER ALFRED W. PUTNAM JR. with Appendix. (gn) (Entered: 09/01/1994)

08/31/1994	24	Response by DEFENDANT DONALD M. CARROLL JR., DEFENDANT DEPARTMENT OF ED. to [17-1] MOTION FOR SUMMARY JUDGMENT, Certificate of Service. (gn) (Entered: 09/01/1994)
09/01/1994	25	ORDER THAT THE PARTIES ARE GIVEN 20 DAYS FROM THE DATE OF THIS NOTICE IN WHICH TO SUBMIT COMMENTS TO THE COURT ON THE REPORT OF THE SPECIAL MASTER THAT HAS BEEN FILED IN THIS MATTER. (SIGNED BY JUDGE ANITA B. BRODY) 9/1/94 ENTERED AND COPIES MAILED. (gn) (Entered: 09/01/1994)
09/20/1994	26	ORDER THAT PLFF SHALL FILE A RESPONSE TO THE REPORT OF THE SPECIAL MASTER AND DEFT'S ANSWER TO PLFFS' MOTION FOR SUMMARY JUDGMENT set RESPONSE DUE 9/26/94 (SIGNED BY JUDGE ANITA B. BRODY) 9/20/94 ENTERED AND COPIES MAILED. (gn) (Entered: 09/20/1994)
09/26/1994	27	ORDER THAT BOTH PLFFS AND DEFTS SHALL HAVE UNTIL 10/3/94 TO FILE ALL PAPERS REGARDING THEIR CROSS MOTIONS FOR SUMMARY JUDGMENT. (SIGNED BY JUDGE ANITA B. BRODY) 9/26/94 ENTERED AND COPIES MAILED. (gn) (Entered: 09/26/1994)
09/26/1994	28	Response by PLAINTIFF BETH V., PLAINTIFF YVONNE V., PLAINTIFF BRANDON M., PLAINTIFF FREDERICA M., PLAINTIFF PARENTS UNION to Report of Special Master, Certificate of Service. (gn) (Entered: 09/26/1994)
09/26/1994	29	Response by DEFENDANT DONALD M. CARROLL JR., DEFENDANT DEPARTMENT OF ED. to Report of the Special Master, Certificate of Service. (gn) (Entered: 09/26/1994)
10/03/1994	30	ORDER THAT THE PARTIES ARE GIVEN 10 DAYS FROM THE DATE OF THIS ORDER DURING WHICH TO SUBMIT TO THE COURT ANY COMMENTS CONCERNING THE ATTACHED STATEMENT OF THE SPECIAL MASTER FOR FEES AND EXPENSES IN THIS MATTER. (SIGNED BY JUDGE ANITA B. BRODY) 10/3/94 ENTERED AND COPIES MAILED. (gn) (Entered: 10/03/1994)
10/03/1994	31	Reply by PLAINTIFF BETH V., PLAINTIFF YVONNE V., PLAINTIFF BRANDON M., PLAINTIFF FREDERICA M., PLAINTIFF PARENTS UNION to response to [17-1] MOTION FOR SUMMARY JUDGMENT, Certificate of Service. (gn) (Entered: 10/04/1994)
10/13/1994	32	Comments regarding Statement of Special Master by DEFENDANT DONALD M. CARROLL JR., DEFENDANT DEPARTMENT OF ED., DEFENDANT RICHARD W. RILEY, Certificate of Service. (gn) (Entered: 10/14/1994)
10/25/1994	33	MEMORANDUM AND ORDER THAT PLFFS' MOTIONS FOR CLASS CERTIFICATION AND FOR SUMMARY JUDGMENT IS DEFERRED PENDING ARGUMENT ON THE MATTERS RAISED IN THIS MEMORANDUM AND ORDER. THE PARTIES SHALL SUBMIT PAPERS RESPONDING TO SUCH MATTERS WITHIN 20 DAYS OF THE FILING OF THIS MEMORANDUM AND ORDER. EACH PARTY SHALL REPLY TO ANY SUBMISSION BY ITS ADVERSARY WITHIN 10 DAYS OF THE FILING THEREOF. THE PARTIES WILL BE NOTIFIED OF THE DATE AND TIME FOR ORAL ARGUMENT OF THE POINTS RAISED IN THE PARTIES' WRITTEN SUBMISSIONS. (SIGNED BY JUDGE ANITA B. BRODY) 10/25/94 ENTERED AND COPIES MAILED. (gn) (Entered: 10/25/1994)
10/28/1994	34	ORDER THAT THE APPLICATION OF THE SPECIAL MASTER FOR FEES & EXPENSES IN THIS MATTER IS APPROVED AND GRANTED IN ITS ENTIRETY, TO BE PAID BY DEFTS IN ACCORDANCE WITH THIS COURT'S MEMORANDUM OF 5/31/94, AND SUBSEQUENT ORDER OF REFERRAL. THE DEFTS ARE GIVEN 60 DAYS FROM THE DATE HEREOF TO COMPLY WITH THIS ORDER. (SIGNED BY JUDGE ANITA B. BRODY) 10/28/94 ENTERED AND COPIES MAILED. (gn) (Entered: 10/28/1994)
11/14/1994	35	Brief by PLAINTIFF BETH V., PLAINTIFF YVONNE V., PLAINTIFF BRANDON M., PLAINTIFF FREDERICA M., PLAINTIFF PARENTS UNION in response to [33-1] ORDER, Certificate of Service. (gn) (Entered: 11/15/1994)

11/14/1994	36	Response by DEFENDANT DONALD M. CARROLL JR., DEFENDANT DEPARTMENT OF ED., certificate of service. (fe) (Entered: 11/15/1994)
11/29/1994	37	Reply Memorandum by DEFENDANT DONALD M. CARROLL JR., DEFENDANT DEPARTMENT OF ED. on the "Cause of Action" issue, Certificate of Service. (gn) (Entered: 11/30/1994)
12/02/1994	38	Plaintiffs' Reply to Defendants' Response to October 25, 1994 Order, Certificate of Service. (ar) (Entered: 12/05/1994)
01/03/1995	39	OPINION AND ORDER THAT PLFFS MOTION FOR SUMMARY JUDGMENT ON THE DIRECT IDEA CLAIM IS DENIED, AND SUMMARY JUDGMENT ON THE CLAIM IS ENTERED IN FAVOR OF DEFTS; SUMMARY JUDGMENT ON PLFFS SECTION 1983 CLAIM IS ENTERED IN FAVOR OF DEFTS, AND THAT CLAIM IS DISMISSED WITHOUT PREJUDICE TO REASSERT, ETC., PLFFS MOTION TO CERTIFY THE PROPOSED CLASS WITH RESPECT TO THE FOREGOING CLAIMS IS DENIED AS MOOT; ANY RULING ON PLFFS MOTION TO CERTIFY THE PROPOSED CLASS WITH RESPECT TO THEIR REHABILITATION ACT CLAIM IS DEFERRED PENDING FURTHER LEGAL ARGUMENT ON THAT CLAIM. (SIGNED BY JUDGE ANITA B. BRODY) 1/4/95 ENTERED AND COPIES MAILED. (sc) (Entered: 01/04/1995)
01/18/1995	40	MOTION by PLAINTIFF BETH V., PLAINTIFF YVONNE V., PLAINTIFF BRANDON M., PLAINTIFF FREDERICA M., PLAINTIFF PARENTS UNION FOR WITHDRAWAL OF CLAIM & ENTRY OF FINAL JUDGMENT , MEMORANDUM, CERTIFICATE OF COUNSEL, CERTIFICATE OF SERVICE. (gn) (Entered: 01/18/1995)
02/02/1995	41	ORDER GRANTING [40-1] MOTION FOR WITHDRAWAL OF CLAIM & ENTRY OF FINAL JUDGMENT. (SIGNED BY JUDGE ANITA B. BRODY) 2/2/95 ENTERED AND COPIES MAILED. (gn) (Entered: 02/02/1995)
02/02/1995	42	Notice of appeal by PLAINTIFF BETH V., PLAINTIFF YVONNE V., PLAINTIFF BRANDON M., PLAINTIFF FREDERICA M., PLAINTIFF PARENTS UNION from the orders dated 1/3/95 & 2/1/95 entering summary judgment in favor of defts, etc. Fee Status: \$105.00 . Appeal record due on 3/4/95 Copies to: JUDGE ANITA B. BRODY , Clerk USCA, Appeals Clerk, and ALFRED W. PUTNAM JR., MARSHA S. EDNEY, CLAUDIA M. TESORO, JANET F. STOTLAND, ALYSSA R. FIEO, Certificate of Service. (gn) (Entered: 02/02/1995)
02/02/1995	43	Copy of Clerk's notice to USCA re: [42-1] appeal . (gn) (Entered: 02/02/1995)
02/06/1995		Notice of Docketing ROA from USCA Re: [42-1] appeal USCA NUMBER: 95-1097 . 2/7/95 (gn) (Entered: 02/07/1995)
02/14/1995	44	AMPLIFIED OPINION AND ORDER THAT (i) PLFF'S MOTION FOR SUMMARY JUDGMENT ON THE DIRECT IDEA CLAIM IS DENIED, AND SUMMARY JUDGMENT ON THAT CLAIM IS ENTERED IN FAVOR OF PDE; (ii) SUMMARY JUDGMENT ON PLFFS' SECTION 1983 CLAIM IS ENTERED IN FAVOR OF PDE, AND THAT CLAIM IS DISMISSED WITHOUT PREJUDICE TO RE-ASSERT IT IN ACCORDANCE WITH THE TERMS OF THIS OPINION; AND (iii) PLFFS' MOTION TO CERTIFY THESE CLAIMS FOR CLASS TREATMENT IS DENIED AS MOOT. (SIGNED BY JUDGE ANITA B. BRODY) 2/15/95 ENTERED AND COPIES MAILED. (gn) (Entered: 02/15/1995)
02/16/1995	45	Copy of TPO form ref: [42-1] appeal . (gn) (Entered: 02/16/1995)
02/17/1995		RECORD COMPLETE FOR PURPOSES OF APPEAL. TRANSCRIPTS NOT NEEDED. (mk) (Entered: 02/17/1995)
07/18/1996	46	Certified copy of order from USCA dated 7/17/96 Re: The judgment of the District Court entered 2/2/96 is reversed and the cause remanded for further proceedings consistent with the Opinion of this Court. Costs taxed against appellee. (gn) (Entered: 07/18/1996)

07/29/1996	47	SCHEDULING ORDER THAT THE DEFTS SHALL HAVE UNTIL 8/30/96 TO PRODUCE THE DOCUMENTS PLFFS HAVE ALREADY REQUESTED. ALL DISCOVERY BE COMPLETED BY 10/4/96. THE PLFFS SHALL SUBMIT A MEMO OF LAW GIVING ITS POSITION IN SUPPORT OF CLASS CERTIFICATION BY 10/24/96. DEFTS SHALL SUBMIT THEIR RESPONSES BY 11/1/96. THE COURT WILL HOLD A HEARING ON THE ISSUE OF CLASS CERTIFICATION ON 11/8/96 AT 9:30 AM. (SIGNED BY JUDGE ANITA B. BRODY) 7/29/96 ENTERED AND COPIES MAILED. (COPIES FAXED ON 7/29/96) (gn) (Entered: 07/29/1996)
10/24/1996	48	Supplemental Memorandum of PLAINTIFF BETH V., PLAINTIFF YVONNE V., PLAINTIFF BRANDON M., PLAINTIFF FREDERICA M., PLAINTIFF PARENTS UNION in support of their motion for class certification, Certificate of Service. (gn) (Entered: 10/24/1996)
11/01/1996	49	Defts' Memorandum Regarding Class Certification, Certificate of Service. (gn) (Entered: 11/04/1996)
11/12/1996	50	ORDER GRANTING PLFFS' MOTION FOR CLASS CERTIFICATION. (SIGNED BY JUDGE ANITA B. BRODY) 11/13/96 ENTERED AND MAILED AND FAXED BY CHAMBERS. (gn) (Entered: 11/13/1996)
12/18/1996	51	ORDER THAT A TELEPHONE CONFERENCE WILL BE HELD ON 1/13/97 AT 10:00AM. (SIGNED BY JUDGE ANITA B. BRODY) 12/18/96 ENTERED AND MAILED. (gn) (Entered: 12/18/1996)
02/28/1997	52	STIPULATION AND ORDER THAT THE COURT PLACE THIS MATTER IN CIVIL SUSPENSE STATUS UNTIL 7/30/98. IF THE PARTIES DOD NOT MOVE TO REACTIVATE THE CASE WITHIN THAT PERIOD, THEY WILL SUBMIT A REQUEST TO THE COURT THAT IT BE VOLUNTARILY DISMISSED WITHOUT PREJUDICE. (SIGNED BY JUDGE ANITA B. BRODY) 3/3/97 ENTERED AND COPIES MAILED AND FAXED. (gn) (Entered: 03/03/1997)
08/12/1998	53	Stipulation of voluntary dismissal without prejudice by PLAINTIFF BETH V., PLAINTIFF YVONNE V., PLAINTIFF BRANDON M., PLAINTIFF FREDERICA M., PLAINTIFF PARENTS UNION as to DEFENDANT DONALD M. CARROLL JR., DEFENDANT DEPARTMENT OF ED., Certificate of Service. (gn) (Entered: 08/13/1998)
11/30/1998		Case closed (kv) (Entered: 11/30/1998)