

**U.S. District Court  
Western District of Pennsylvania (Pittsburgh)  
CIVIL DOCKET FOR CASE #: 2:08-cv-01358-GLL-CB**

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION v.  
LIFECARE MANAGEMENT SERVICES, LLC et al  
Assigned to: Chief Judge Gary L. Lancaster  
Referred to: Magistrate Judge Cathy Bissoon  
Cause: 42:12101 The Americans with Disabilities Act of 1990

Date Filed: 09/30/2008  
Date Terminated: 05/12/2009  
Jury Demand: Plaintiff  
Nature of Suit: 442 Civil Rights: Jobs  
Jurisdiction: U.S. Government Plaintiff

**Plaintiff**

**EQUAL EMPLOYMENT  
OPPORTUNITY COMMISSION**

represented by **M. Jean Clickner**  
Equal Employment Opportunity  
Commission  
1000 Liberty Avenue  
William S. Moorhead Federal Building,  
Suite 1112  
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(412) 395-5843  
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Email: [jean.clickner@eoc.gov](mailto:jean.clickner@eoc.gov)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

V.

**Intervenor Plaintiff**

**DIANA ALTIERI-HAND**  
*TERMINATED: 05/08/2009*

represented by **David F. Weiner**  
Carlin & Weiner  
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USX Tower, Suite 660  
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**ATTORNEY TO BE NOTICED**

V.

**Defendant**

**LIFECARE MANAGEMENT  
SERVICES, LLC**

represented by **Theodore A. Schroeder**  
Littler Mendelson  
625 Liberty Avenue  
26th Floor  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Christopher Michalski**

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 Pittsburgh, PA 15222  
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 Email: [cmichalski@littler.com](mailto:cmichalski@littler.com)  
 ATTORNEY TO BE NOTICED

**Defendant**

**LIFECARE HOSPITALS OF  
 PITTSBURGH, INC**

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

**Christopher Michalski**  
 (See above for address)  
 ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
09/30/2008	<u>1</u>	COMPLAINT against LIFECARE MANAGEMENT SERVICES, LLC, LIFECARE HOSPITALS OF PITTSBURGH, INC, filed by EQUAL EMPLOYMENT OPPORTUNITY COMMISSION. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons for Lifecare Hospitals of Pittsburgh, Inc, # <u>3</u> Summons for Lifecare Management Services, LLC) (ksa) (Entered: 09/30/2008)
09/30/2008		Summons Issued as to LIFECARE MANAGEMENT SERVICES, LLC, LIFECARE HOSPITALS OF PITTSBURGH, INC. (ksa) (Entered: 09/30/2008)
10/01/2008	<u>2</u>	NOTICE that instant civil action has been designated for placement into the United States District Court's Alternative Dispute Resolution program. Parties are directed to fully complete the required 26(f) report, which includes the stipulation of selecting an ADR process. Counsel for plaintiff (or in the case of a removal action, counsel for removing defendant) shall make service of the notice on all parties. (kly) (Entered: 10/01/2008)
10/06/2008		Summons Reissued as to LIFECARE HOSPITALS OF PITTSBURGH, INC. (dgl) (Entered: 10/06/2008)
10/15/2008	<u>3</u>	MOTION to Intervene by Diana Altieri-Hand. (Attachments: # <u>1</u> Exhibit 1 to Motion to Intervene, # <u>2</u> Proposed Order) (Kotler, Helen) Modified on 10/16/2008 to correct typo. (ksa) (Entered: 10/15/2008)
10/16/2008		TEXT ORDER Response/Briefing Schedule re <u>3</u> Motion to Intervene. Response to Motion due by 10/22/2008. Signed by Judge Terrence F. McVerry on 10/16/2008. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (kly) (Entered: 10/16/2008)
10/16/2008	<u>4</u>	RESPONSE to Motion re <u>3</u> Motion to Intervene filed by EQUAL EMPLOYMENT OPPORTUNITY COMMISSION. (Clickner, M.) (Entered: 10/16/2008)
10/16/2008	<u>5</u>	SUMMONS/Return of Service Returned Executed by EQUAL EMPLOYMENT OPPORTUNITY COMMISSION. LIFECARE HOSPITALS OF PITTSBURGH, INC served on 10/8/2008, answer due 10/28/2008. (Clickner, M.) (Entered: 10/16/2008)
10/16/2008	<u>6</u>	NOTICE of Appearance by David F. Weiner on behalf of Diana Altieri-Hand (Attachments: # <u>1</u> Notice of Appearance) (Weiner, David) (Entered: 10/16/2008)
10/17/2008	<u>7</u>	ORDER granting <u>3</u> Motion to Intervene. Signed by Judge Terrence F. McVerry on 10/17/2008. (kly) (Entered: 10/17/2008)
10/20/2008	<u>8</u>	Intervenor COMPLAINT, filed by DIANA ALTIERI-HAND. (Attachments: # <u>1</u> Exhibit 1) (Kotler, Helen) (Entered: 10/20/2008)

10/20/2008	<u>9</u>	NOTICE of Appearance by Theodore A. Schroeder on behalf of LIFECARE MANAGEMENT SERVICES, LLC, LIFECARE HOSPITALS OF PITTSBURGH, INC (Schroeder, Theodore) (Entered: 10/20/2008)
10/21/2008	<u>10</u>	Disclosure Statement identifying LifeCare Holdings, Inc.; LCI Holdco, LLC; LCI Intermediate Holdco, Inc.; LCI Holding Company, Inc. as corporate parent or other affiliate, by LIFECARE MANAGEMENT SERVICES, LLC, LIFECARE HOSPITALS OF PITTSBURGH, INC. (Schroeder, Theodore) (Entered: 10/21/2008)
10/24/2008	<u>11</u>	NOTICE of Appearance by Christopher Michalski on behalf of LIFECARE MANAGEMENT SERVICES, LLC, LIFECARE HOSPITALS OF PITTSBURGH, INC (Michalski, Christopher) (Entered: 10/24/2008)
10/24/2008	<u>12</u>	Stipulation for Extension of Time to Answer by LIFECARE MANAGEMENT SERVICES, LLC, LIFECARE HOSPITALS OF PITTSBURGH, INC. Answer due from LIFECARE MANAGEMENT SERVICES, LLC on 11/26/2008; LIFECARE HOSPITALS OF PITTSBURGH, INC on 11/26/2008. (Michalski, Christopher) (Entered: 10/24/2008)
10/29/2008	<u>13</u>	SUMMONS/Return of Service Returned Executed by EQUAL EMPLOYMENT OPPORTUNITY COMMISSION. LIFECARE MANAGEMENT SERVICES, LLC served on 10/17/2008, answer due 11/26/2008. (Clickner, M.) (Entered: 10/29/2008)
11/11/2008	<u>14</u>	MOTION to Amend/Correct <u>8</u> Intervenor Complaint <i>Motion to Amend Caption and File Amended Intervenor Complaint</i> by DIANA ALTIERI-HAND. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Proposed Order) (Kotler, Helen) (Entered: 11/11/2008)
11/12/2008	<u>15</u>	ORDER granting <u>14</u> Motion to Amend/Correct. Signed by Judge Terrence F. McVerry on 11/12/2008. (kly) (Entered: 11/12/2008)
11/12/2008	<u>16</u>	AMENDED Intervenor COMPLAINT, filed by DIANA ALTIERI-HAND. Related document: <u>8</u> Intervenor Complaint filed by DIANA ALTIERI-HAND. (Attachments: # <u>1</u> Exhibit 1) (Kotler, Helen) (Entered: 11/12/2008)
11/26/2008	<u>17</u>	<i>Defendants'</i> ANSWER to <u>1</u> Complaint, <i>and Additional Defenses</i> by LIFECARE MANAGEMENT SERVICES, LLC, LIFECARE HOSPITALS OF PITTSBURGH, INC. (Michalski, Christopher) (Entered: 11/26/2008)
11/26/2008	<u>18</u>	<i>Defendants'</i> ANSWER to Amended Intervenor's Complaint <i>and Additional Defenses</i> by LIFECARE MANAGEMENT SERVICES, LLC, LIFECARE HOSPITALS OF PITTSBURGH, INC. (Michalski, Christopher) (Entered: 11/26/2008)
12/02/2008	<u>19</u>	INITIAL LOCAL RULE 16.1 SCHEDULING CONFERENCE: Case Management Conference set for 1/30/2009 10:15 AM in Courtroom 6C before Terrence F. McVerry. Rule 26 disclosures due by 12/22/2008. Rule 26 Report due by 1/12/2009. Signed by Judge Terrence F. McVerry on 12/2/2008. (Attachments: # <u>1</u> Exhibit Stipulation Selecting ADR Process, # <u>2</u> Exhibit Rule 26(f) Report) (kly) Modified on 12/3/2008 to edit docket text. (ksa) (Entered: 12/02/2008)
12/03/2008	<u>20</u>	Unopposed MOTION To Reschedule Initial Case Management Conference re <u>19</u> Initial Local Rule 16.1 Scheduling Conference, by LIFECARE MANAGEMENT SERVICES, LLC, LIFECARE HOSPITALS OF PITTSBURGH, INC. (Attachments: # <u>1</u> Proposed Order) (Michalski, Christopher) (Entered: 12/03/2008)
12/04/2008	<u>21</u>	ORDER granting <u>20</u> Unopposed Motion to Reschedule Initial Case Management Conference. The Initial Case Management Conference has been RESCHEDULED to 2/5/2009 at 8:30 a.m. Signed by Judge Terrence F. McVerry on 12/4/2008. (kly) (Entered: 12/04/2008)
12/04/2008		Initial Conference set for 2/5/2009 08:30 AM in Courtroom 6C before Terrence F. McVerry. (kly) (Entered: 12/04/2008)
01/07/2009	<u>22</u>	Notice of ADR proceeding: <b>The litigants are advised that at the conclusion of the ADR process they must submit a completed questionnaire to the Clerk of Courts. The questionnaire is available on the Court's website at</b>

		<a href="http://www.pawd.uscourts.gov">www.pawd.uscourts.gov</a> and click on the <b>ADR icon</b> . Mediation Conference set for 2/11/2009 10:00 AM (Kushner, Louis) (Entered: 01/07/2009)
01/09/2009	<u>23</u>	REPORT of Rule 26(f) Planning Meeting. (Michalski, Christopher) (Entered: 01/09/2009)
01/12/2009	<u>24</u>	STIPULATION selecting ADR process by EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (Clickner, M.) (Entered: 01/12/2009)
02/05/2009		TEXT Minute Entry for proceedings held before Judge Terrence F. McVerry: Case Management Conference held on 2/5/2009. Case Management Order to follow. Text only entry; no PDF document will issue. This text only entry constitutes the Court's order or notice on the matter. (Court Reporter: NONE) (kly) (Entered: 02/05/2009)
02/05/2009	<u>25</u>	CASE MANAGEMENT/SCHEDULING ORDER: Amended Pleadings due by 5/21/2009. Joinder of Parties due by 5/21/2009. Willingness to proceed before Magistrate Judge due by 5/21/2009. Discovery due by 8/5/2009. Post Discovery Status Conference set for 8/14/2009 at 8:30 AM in Courtroom 6C before Terrence F. McVerry. Signed by Judge Terrence F. McVerry on 2/5/09. (cc) (Entered: 02/05/2009)
02/05/2009	<u>26</u>	ORDER REFERRING CASE to Mediation. LOUIS B. KUSHNER, ESQUIRE, is appointed as mediator. Signed by Judge Terrence F. McVerry on 2/5/09. (cc) (Entered: 02/05/2009)
02/11/2009	<u>27</u>	Joint MOTION to Modify <u>25</u> Case Management Order, by LIFECARE MANAGEMENT SERVICES, LLC, LIFECARE HOSPITALS OF PITTSBURGH, INC., DIANA ALTIERI-HAND, EQUAL EMPLOYMENT OPPORTUNITY COMMISSION. (Attachment: # <u>1</u> Proposed Order) (Michalski, Christopher) Modified on 2/12/2009. (jsp) (Entered: 02/11/2009)
02/11/2009	<u>28</u>	Notice of ADR proceeding: <b>The litigants are advised that at the conclusion of the ADR process they must submit a completed questionnaire to the Clerk of Courts. The questionnaire is available on the Court's website at <a href="http://www.pawd.uscourts.gov">www.pawd.uscourts.gov</a> and click on the ADR icon.</b> Mediation Conference set for 3/19/2009 10:00 AM (Kushner, Louis) (Entered: 02/11/2009)
02/12/2009	<u>29</u>	ORDER granting <u>27</u> Motion to Modify Case Management Order. Discovery due by 9/9/2009. Post Discovery Status Conference has been RESCHEDULED to 9/11/2009 at 8:30 AM. All other dates in the 2/5/2009 Case Management Order remain in full force and effect. Signed by Judge Terrence F. McVerry on 2/12/2009. (kly) (Entered: 02/12/2009)
02/12/2009		Update Deadlines: Discovery due by 9/9/2009. Post Discovery Status Conference RESCHEDULED to 9/11/2009 at 8:30 AM in Courtroom 6C before Terrence F. McVerry. (kly) (Entered: 02/12/2009)
02/24/2009	<u>30</u>	Consent MOTION for Protective Order by LIFECARE MANAGEMENT SERVICES, LLC, LIFECARE HOSPITALS OF PITTSBURGH, INC. (Attachments: # <u>1</u> Proposed Order, # 2 Exhibit A – Declaration to Protective Order) (Michalski, Christopher) (Entered: 02/24/2009)
02/25/2009	<u>31</u>	ORDER granting <u>30</u> Motion for Protective Order. Signed by Judge Terrence F. McVerry on 2/25/2009. (kly) (Entered: 02/25/2009)
03/05/2009	<u>32</u>	MOTION to Quash Notice of Rule 30(b)(6) Deposition by EQUAL EMPLOYMENT OPPORTUNITY COMMISSION. (Attachments: # <u>1</u> Proposed Order) (Clickner, M.) (Entered: 03/05/2009)
03/05/2009	<u>33</u>	BRIEF in Support re <u>32</u> Motion to Quash filed by EQUAL EMPLOYMENT OPPORTUNITY COMMISSION. (Attachments: # <u>1</u> Appendix) (Clickner, M.) (Entered: 03/05/2009)
03/05/2009	<u>34</u>	MOTION for Protective Order by EQUAL EMPLOYMENT OPPORTUNITY COMMISSION. (Attachments: # <u>1</u> Proposed Order) (Clickner, M.) (Entered: 03/05/2009)

03/05/2009	<u>35</u>	BRIEF in Support re <u>34</u> Motion for Protective Order filed by EQUAL EMPLOYMENT OPPORTUNITY COMMISSION. (Attachments: # <u>1</u> Appendix) (Clickner, M.) Appendix stricken by <u>43</u> Memorandum Order of March 17, 2008. (bsc) (Entered: 03/05/2009)
03/06/2009		TEXT ORDER Response/Briefing Schedule re <u>32</u> Motion to Quash and <u>33</u> Brief in Support of Motion. Replies due by 3/12/2009. Signed by Judge Terrence F. McVerry on 3/6/2009. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (kly) (Entered: 03/06/2009)
03/06/2009		TEXT ORDER Response/Briefing Schedule re <u>34</u> Motion for Protective Order and <u>35</u> Brief in Support of Motion. Replies due by 3/12/2009. Signed by Judge Terrence F. McVerry on 3/6/2009. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (kly) (Entered: 03/06/2009)
03/09/2009	<u>36</u>	MOTION to Seal <i>Appendices to Docket No. <u>33</u> and <u>35</u></i> by EQUAL EMPLOYMENT OPPORTUNITY COMMISSION. (Attachments: # <u>1</u> Proposed Order) (Clickner, M.) (Entered: 03/09/2009)
03/10/2009	<u>37</u>	ORDER granting <u>36</u> Motion to Seal <i>Appendices to Docket No. <u>33</u> and <u>35</u></i> . Signed by Judge Terrence F. McVerry on 3/10/2009. (kly) (Entered: 03/10/2009)
03/10/2009	<u>38</u>	MOTION to Strike Exhibits to <u>35</u> Brief in Support of Motion, and <u>33</u> Brief in Support of Motion, MOTION for Sanctions by LIFECARE MANAGEMENT SERVICES, LLC, LIFECARE HOSPITALS OF PITTSBURGH, INC. (Attachments: # <u>1</u> Exhibit 1 – Declaration of Theodore A. Schroeder, # <u>2</u> Exhibit 2 – 3/6/09 letter from Schroeder to Clickner, # <u>3</u> Exhibit 3 – 3/9/09 e-mail exchange between Schroeder and Clickner, # <u>4</u> Proposed Order) (Michalski, Christopher) Modified on 3/11/2009 to correctly title motion. (ksa) (Entered: 03/10/2009)
03/10/2009	<u>39</u>	BRIEF in Support re <u>38</u> Motion to Strike, Motion for Sanctions, filed by LIFECARE MANAGEMENT SERVICES, LLC, LIFECARE HOSPITALS OF PITTSBURGH, INC. (Michalski, Christopher) (Entered: 03/10/2009)
03/11/2009		CLERK'S OFFICE QUALITY CONTROL MESSAGE re <u>38</u> Motion to Strike, Motion for Sanctions. ERROR: Document incorrectly linked. CORRECTION: Linked to appropriate documents. This message is for informational purposes only. (ksa) (Entered: 03/11/2009)
03/11/2009	<u>40</u>	ORDER Response/Briefing Schedule re <u>38</u> Motion to Strike Exhibits and For Sanctions. Plaintiff's Response to Motion due by 12:00PM on 3/13/2009. Signed by Judge Terrence F. McVerry on 3/11/2009. (kly) (Entered: 03/11/2009)
03/12/2009	<u>41</u>	BRIEF in Opposition re <u>34</u> Motion for Protective Order, <u>32</u> Motion to Quash filed by LIFECARE MANAGEMENT SERVICES, LLC, LIFECARE HOSPITALS OF PITTSBURGH, INC. (Michalski, Christopher) (Entered: 03/12/2009)
03/12/2009	<u>42</u>	RESPONSE to Motion re <u>38</u> Motion to Strike, Motion for Sanctions, filed by EQUAL EMPLOYMENT OPPORTUNITY COMMISSION. (Attachments: # <u>1</u> Affidavit Declaration of M. Jean Clickner) (Clickner, M.) (Entered: 03/12/2009)
03/17/2009	<u>43</u>	MEMORANDUM ORDER denying <u>32</u> Motion to Quash Notice of Rule 30(b)(6) Deposition; denying <u>34</u> Motion for Protective Order; granting <u>38</u> –1 Motion to Strike; and denying <u>38</u> –2 Motion for Sanctions. Further, in accordance with 28 U.S.C. section 455, the Court hereby recuses itself in connection with this action. The clerk is directed to assign this case to another member of the Court forthwith. See Memorandum Order for details. Signed by Judge Terrence F. McVerry on 03/17/09. (bsc) (Entered: 03/17/2009)
03/17/2009		TEXT ORDER OF RECUSAL. Judge Terrence F. McVerry recused. See <u>43</u> Memorandum Order of March 17, 2009. Signed by Judge Terrence F. McVerry on 03/17/09. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (bsc) (Entered: 03/17/2009)

03/17/2009		Judge Cathy Bissoon added. (jls) (Entered: 03/17/2009)
03/18/2009		TEXT NOTICE Cancelling Hearing: Post Discovery Status Conference scheduled for 9/11/2009 is cancelled. Text-only entry. No PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (kly) (Entered: 03/18/2009)
03/20/2009	<u>44</u>	DISTRICT JUDGE OPTION by EQUAL EMPLOYMENT OPPORTUNITY COMMISSION to have this case randomly assigned to a U.S. District Judge. (Clickner, M.) (Entered: 03/20/2009)
03/20/2009		Judge Cathy Bissoon no longer presiding. (jls) (Entered: 03/20/2009)
03/20/2009		Judge Terrence F. McVerry and Cathy Bissoon added. (jls) (Entered: 03/20/2009)
03/20/2009		Judge Gary L. Lancaster added. Judge Terrence F. McVerry no longer assigned to case. (jls) (Entered: 03/20/2009)
03/20/2009	<u>45</u>	AMENDED CASE MANAGEMENT ORDER, more fully stated in said order: Joinder of Parties due by 4/21/2009; Amended Pleadings due by 4/21/2009; Parties to hold Mediation by 3/25/09; Discovery due by 9/9/2009; Settlement Conference set for 9/11/2009 09:30 AM before Cathy Bissoon. Signed by Judge Cathy Bissoon on 3/20/09. (jhi) Modified on 3/23/2009 to correct typos. (ksa) (Entered: 03/20/2009)
03/24/2009	<u>46</u>	REPORT of Mediation: Settlement has not been reached. <i>Case continued to 4/9/2009. The parties are reminded of their obligation to complete the ADR questionnaire and return same to the Clerk of Court within 5 days of the conclusion of the ADR process. The questionnaire can be accessed at www.pawd.uscourts.gov. Click on the ADR icon.</i> Mediation session was held on 3/19/2009. (Kushner, Louis) (Entered: 03/24/2009)
04/03/2009		ORDER, Settlement Conference rescheduled for 9/17/2009 9:30 AM before Cathy Bissoon. All other deadlines remain in effect. Signed by Judge Cathy Bissoon on 4/3/09. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (jhi) (Entered: 04/03/2009)
04/21/2009	<u>47</u>	REPORT of Mediation: Case has not been resolved, <i>but mediation continued. The parties are reminded of their obligation to complete the ADR questionnaire and return same to the Clerk of Court within 5 days of the conclusion of the ADR process. The questionnaire can be accessed at www.pawd.uscourts.gov. Click on the ADR icon.</i> Mediation session was held on 3/19/2008. (Kushner, Louis) (Entered: 04/21/2009)
05/07/2009	<u>48</u>	STIPULATION of Dismissal by LIFECARE MANAGEMENT SERVICES, LLC, LIFECARE HOSPITALS OF PITTSBURGH, INC. (Michalski, Christopher) (Entered: 05/07/2009)
05/08/2009	<u>49</u>	ORDER granting <u>48</u> Stipulation of Dismissal with prejudice of Intervenor-Plaintiff's claims against defendants; Court will retain jurisdiction for purposes of interpreting and enforcing settlement; Each party to bear its own costs. Signed by Judge Gary L. Lancaster on 5/8/09. (map) (Entered: 05/08/2009)
05/12/2009	<u>50</u>	CONSENT DECREE by EQUAL EMPLOYMENT OPPORTUNITY COMMISSION. (Clickner, M.) (Entered: 05/12/2009)
05/12/2009	<u>51</u>	REPORT of Mediation: Case has been resolved. LOUIS B. KUSHNER terminated. Attorney Louis B. Kushner terminated. <b>The parties are reminded of their obligation to complete the ADR questionnaire and return same to the Clerk of Court within 5 days of the conclusion of the ADR process. The questionnaire can be accessed at www.pawd.uscourts.gov. Click on the ADR icon.</b> Mediation session was held on 3/19/2009. (Kushner, Louis) (Entered: 05/12/2009)
05/12/2009	<u>52</u>	ORDER granting <u>50</u> Consent Decree, resolving all claims raised by the Equal Employment Opportunity Commission, under terms stated more fully in order; Each party to bear their own expenses, costs and fees; Terms of this consent decree shall continue to be in effect for one (1) year; Court shall retain jurisdiction to enforce the terms of this consent decree. Signed by Judge Gary L. Lancaster on

		5/12/09. (map) (Entered: 05/12/2009)
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