

CLOSED, MAG

**U.S. District Court**  
**Western District of Pennsylvania (Pittsburgh)**  
**CIVIL DOCKET FOR CASE #: 2:04-cv-01034-DSC-FXC**

CITY OF PITTSBURGH C v. KEY BANK USA, NATION, et  
al

Assigned to: Judge David S. Cercone

Referred to: Magistrate Judge Francis X. Caiazza

Demand: \$0

Case in other court: 05-01399

05-01602

Allegheny County, G.D.04-013114

Cause: 28:1441 Notice of Removal

Date Filed: 07/14/2004

Date Terminated: 01/06/2005

Jury Demand: None

Nature of Suit: 443 Civil Rights:

Accommodations

Jurisdiction: Federal Question

**Plaintiff**

**CITY OF PITTSBURGH**  
**COMMISSION ON HUMAN**  
**RELATIONS**

*on behalf of DAVID and VALARIE*  
*POLLARD*

represented by **Jeffrey J. Ruder**

1717 Murray Avenue

Suite 101

Pittsburgh, PA 15217

(412) 576-0886

Email: jeffruder@gmail.com

**LEAD ATTORNEY**

**ATTORNEY TO BE NOTICED**

V.

**Defendant**

**KEY BANK USA, NATIONAL**  
**ASSOCIATION**

represented by **Amy E. Bentz**

Bentz Law Firm, P.C.

The Washington Center Building

680 Washington Road, Suite 200

Pittsburgh, PA 15228

Email: aebentz@bentzlaw.com

**LEAD ATTORNEY**

**ATTORNEY TO BE NOTICED**

**Defendant**

**P & C REPLACEMENT WINDOWS**

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
07/14/2004	1	NOTICE OF REMOVAL by KEY BANK USA, NATION from Court of Common Pleas of Allegheny County with copy of Complaint attached. FILING FEE \$ 150.00 RECEIPT # 5161 (ces) (Entered: 07/15/2004)

07/22/2004		Proposed order received re: extension of time to file answer (ces) (Entered: 07/23/2004)
07/27/2004	2	ORDER REFERRING CASE to Magistrate Judge Francis X. Caiazza ( signed by Judge David S. Cercone on 7/27/04 ) CM all parties of record. (ces) (Entered: 07/28/2004)
07/27/2004	3	ORDER granting extension of time to answer to 8/16/04 ( signed by Magistrate Judge Francis X. Caiazza on 7/27/04 ) CM all parties of record. (ces) (Entered: 07/28/2004)
07/27/2004		Deadline updated; reset Answer deadline to 8/16/04 for KEY BANK USA, NATION (ces) (Entered: 07/28/2004)
08/13/2004	5	MOTION by KEY BANK USA, NATION to Dismiss based on lack of subject matter jurisdiction with Proposed Order. (ces) (Entered: 08/16/2004)
08/13/2004	6	BRIEF by KEY BANK USA, NATION in support of [5-1] motion to Dismiss by KEY BANK USA, NATION (ces) (Entered: 08/16/2004)
08/13/2004	7	NOTICE Opting Out of Arbitration by KEY BANK USA, NATION, P & C REPLACEMENT WI (ces) (Entered: 08/16/2004)
08/17/2004	8	ORDER, Response to Motion set to 9/17/04 for [5-1] motion to Dismiss ( signed by Magistrate Judge Francis X. Caiazza on 8/17/04 ) CM all parties of record. (ces) (Entered: 08/18/2004)
09/16/2004	9	BRIEF by CITY OF PITTSBURGH C in opposition to [5-1] motion to Dismiss by KEY BANK USA, NATION (plh) (Entered: 09/16/2004)
12/01/2004	10	REPORT AND RECOMMENDATION of Magistrate Judge Francis X. Caiazza signed on 12/1/04 Recommending that [5-1] motion to Dismiss be granted to the extent that it seeks dismissal of the pltf's claims under the Fair Housing Act, 42 USC Section 3601, et seq., for lack of standing. As to remaining clams based on state law, it is recommended that they be remanded to Ct. of Common Pleas of Allegheny County for further proceedings ; The parties have 10 days from the date of service to file objections to this Report and Recommendation. (ces) (Entered: 12/01/2004)
12/17/2004	11	OBJECTIONS by CITY OF PITTSBURGH C to [10-1] report and recommendations (ces) (Entered: 12/20/2004)
12/23/2004	12	RESPONSE by KEY BANK USA, NATION to [11-1] objection by CITY OF PITTSBURGH C (ces) (Entered: 12/23/2004)
01/06/2005	13	ORDER granting [5-1] motion to Dismiss, adopting [10-1] report and recommendations and the remaining Claims are Remanded to the Court of Common Pleas of Allegheny County for Further Proceedings. ( signed by Judge David S. Cercone on 1/6/05 ) CM all parties of record. (aen) Modified on 01/07/2005 (Entered: 01/06/2005)
01/06/2005		Case closed (aen) (Entered: 01/06/2005)
02/07/2005	14	NOTICE OF APPEAL by CITY OF PITTSBURGH C from [13-1] order adopting [10-1] report and recommendations dated 1/6/05 FILING FEE \$ 255 RECEIPT # 1963 TPO issued. (lck) (Entered: 02/07/2005)

02/07/2005		Certified copy of Notice of Appeal [14-1] appeal by CITY OF PITTSBURGH C , certified copy of docket, certified copy of order dated 1/6/05 and report and recommendation dated 12/1/05 mailed to USCA; copy of Notice of Appeal and information sheet to KEY BANK USA, NATION, P & C REPLACEMENT WI and judge. Copy of information sheet to appellant's counsel. (lck) (Entered: 02/07/2005)
02/11/2005		NOTICE of Docketing ROA from USCA Re: [14-1] appeal by CITY OF PITTSBURGH C USCA Number: 05-1399 (ces) (Entered: 02/11/2005)
02/18/2005	15	NOTICE OF CROSS-APPEAL by KEY BANK USA, NATION from [13-1] order adopting [10-1] report and recommendations dated 1/6/05 FILING FEE \$ 255.00 RECEIPT # 2179 TPO issued. (ces) (Entered: 02/22/2005)
02/22/2005		Certified copy of Notice of Cross-Appeal [15-1] cross- appeal by KEY BANK USA, NATION , certified copy of docket, certified copy of order dated 1/6/05 mailed to USCA and certified copy of Report and Recommendation dated 12/1/05; copy of Notice of Cross-Appeal and information sheet to CITY OF PITTSBURGH C, P & C REPLACEMENT WI , judge and MJ Caiazza; information sheet to appellant. (ces) (Entered: 02/22/2005)
03/01/2005		NOTICE of Docketing ROA from USCA Re: [15-1] appeal by KEY BANK USA, NATION USCA Number: 05-1602 (ces) (Entered: 03/02/2005)
03/09/2005	16	Transcript Purchase order re: [15-1] appeal by KEY BANK USA, NATION by KEY BANK USA, NATION indicating that no transcript on file in the D.C. Clerk's Office. (ces) (Entered: 03/10/2005)
03/10/2005		Record complete for Appeal purposes, certified copy of docket entries forwarded to USCA. (ces) (Entered: 03/10/2005)
03/17/2005		RECEIPT from USCA for one cc. of docket entries filed as Certified List in Lieu of the Record. (ces) (Entered: 03/17/2005)
03/23/2005	17	Transcript Purchase order re: [14-1] appeal by CITY OF PITTSBURGH C by CITY OF PITTSBURGH C indicating that transcript is not needed for appeal (ces) (Entered: 03/23/2005)
03/23/2005		Record complete for Appeal purposes, certified copy of docket entries forwarded to USCA. (ces) (Entered: 03/23/2005)
04/01/2005		RECEIPT from USCA of receiving docket entries on 3/29/05. (plh) (Entered: 04/01/2005)
11/10/2005	<a href="#">18</a>	ORDER of USCA as to [14] Notice of Appeal filed by CITY OF PITTSBURGH COMMISSION ON HUMAN RELATIONS, (chag3, )Decision: Granting Joint Motion by the Parties to Dismiss Appeal Pursuant to F.R.A.P. 42(b). (Entered: 11/10/2005)
02/15/2006	<a href="#">19</a>	MANDATE of USCA as to [15] Notice of Appeal filed by KEY BANK USA, NATIONAL ASSOCIATION, (Attachments: # <a href="#">1</a> opinion) (mb3, ) (Entered: 02/15/2006)

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