

**U.S. District Court
District of Delaware (Wilmington)
CIVIL DOCKET FOR CASE #: 1:99-cv-00891-RRM**

Doe v. Sylvester, et al
Assigned to: Judge Roderick R. McKelvie
Demand: \$0
Cause: 29:0794 Job Discrimination (Handicap)

Date Filed: 12/15/1999
Date Terminated: 10/22/2001
Jury Demand: None
Nature of Suit: 443 Civil Rights:
Accommodations
Jurisdiction: Federal Question

Plaintiff**Jane Doe**

represented by **Daniel Gary Atkins**
Community Legal Aid Society, Inc.
100 West 10th Street
Suite 801
Wilmington, DE 19801
(302) 575-0660
Email: datkins@declasi.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

Gregg Sylvester
*Secretary, Delaware Department of
Health & Social Services in his official
capacity*

represented by **Marc P. Niedzielski**
Department of Justice
820 N. French St.
Wilmington, DE 19801
(302) 577-8400
Email: marc.niedzielski@state.de.us
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Renata Henry
*Director, Division of Alcoholism, Drug
Abuse and Mental Health in her official
capacity*

represented by **Marc P. Niedzielski**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Jiro Shimono
*Director, Delaware Psychiatric Center, in
his official capacity*

represented by **Marc P. Niedzielski**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Amicus**USA**

represented by **Virginia Gibson**
U.S. Attorney's Office
The Nemours Building
1007 Orange Street, Suite 700
P.O. Box 2046
Wilmington, DE 19899-2046
(302) 573-6277
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
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12/15/1999	1	COMPLAINT filed; Mag consent notice to pltf. FILING FEE \$ 150.00 RECEIPT # 127849 (dab) (Entered: 12/15/1999)
12/15/1999		No summons issued. (dab) (Entered: 12/15/1999)
12/15/1999	2	MOTION by Jane Doe with Proposed Order for Ira Burnim, Jennifer Mathis and Mary Giliberti to Appear Pro Hac Vice (dab) (Entered: 12/15/1999)
12/16/1999		SUMMONS(ES) issued for Gregg Sylvester, Renata Henry, Jiro Shimono (dab) (Entered: 12/16/1999)
12/16/1999	3	RETURN OF SERVICE executed as to Jane Brady 12/16/99 Answer due on 1/5/00 for Jane Brady (dab) (Entered: 12/16/1999)
12/16/1999	4	RETURN OF SERVICE executed as to Gregg Sylvester 12/16/99 Answer due on 1/5/00 for Gregg Sylvester (dab) (Entered: 12/16/1999)
12/16/1999	5	RETURN OF SERVICE executed as to Renata Henry 12/16/99 Answer due on 1/5/00 for Renata Henry (dab) (Entered: 12/16/1999)
12/16/1999	6	RETURN OF SERVICE executed as to Jiro Shimono 12/16/99 Answer due on 1/5/00 for Jiro Shimono (dab) (Entered: 12/16/1999)
12/22/1999	7	CASE assigned to Judge Roderick R. McKelvie . Notice to all parties. (ntl) (Entered: 12/22/1999)
01/04/2000		So Ordered granting [2-1] motion for Ira Burnim, Jennifer Mathis and Mary Giliberti to Appear Pro Hac Vice (signed by Judge Roderick R. McKelvie) Notice to all parties. (ntl) (Entered: 01/04/2000)
01/05/2000	8	NOTICE of attorney appearance for Gregg Sylvester, Renata Henry, Jiro Shimono by Marc P. Niedzielski (ntl) (Entered: 01/06/2000)
01/14/2000	9	MOTION by Jane Doe for Preliminary Injunction Answer Brief due 1/28/00 re: [9-1] motion (ntl) (Entered: 01/18/2000)
01/14/2000	10	Opening Brief Filed by Jane Doe [9-1] motion for Preliminary Injunction (ntl) (Entered: 01/18/2000)
01/14/2000	11	Appendix to Brief Filed by Jane Doe Appending [10-1] opening brief (ntl) (Entered: 01/18/2000)
01/21/2000	12	Letter from Judge McKelvie to counsel encl. draft proposed scheduling order. (ntl) (Entered: 01/21/2000)
01/26/2000	13	MOTION by Gregg Sylvester, Renata Henry, Jiro Shimono with Proposed Order to Dismiss Answer Brief due 2/9/00 re: [13-1] motion (ntl) (Entered: 01/26/2000)
01/26/2000	14	STIPULATION with proposed order re briefing schedules on motion to dismiss and motion for preliminary injunction. (ntl) (Entered: 01/27/2000)
01/28/2000		So Ordered granting [14-1] stipulation (signed by Judge Roderick R. McKelvie) Notice to all parties. (ntl) (Entered: 01/31/2000)
01/28/2000		Deadline updated; reset Answer Brief Deadline to 2/11/00 re: [9-1] motion for Preliminary Injunction (ntl) (Entered: 01/31/2000)
02/04/2000	15	Opening Brief Filed by Gregg Sylvester, Renata Henry, Jiro Shimono [13-1] motion to Dismiss (ntl) (Entered: 02/07/2000)
02/04/2000	16	Appendix to Brief Filed by Gregg Sylvester, Renata Henry, Jiro Shimono Appending [15-1] opening brief {SEALED}. (ntl) (Entered: 02/07/2000)
02/10/2000	17	Letter dated 2/7/00 from Daniel Atkins, Esq. to Judge McKelvie re teleconference scheduled for 2/17/00 at 4:00. (ntl) (Entered: 02/10/2000)
02/11/2000	18	Answer Brief Filed by Gregg Sylvester, Renata Henry, Jiro Shimono [9-1] motion for Preliminary Injunction - Reply Brief due 2/18/00 (ntl) (Entered: 02/14/2000)
02/14/2000	19	MOTION by Gregg Sylvester, Renata Henry, Jiro Shimono with Proposed Order for Leave to File an amended opening brief (ntl) (Entered: 02/14/2000)

02/14/2000	20	Amended Opening Brief Filed by Gregg Sylvester, Renata Henry, Jiro Shimono [13-1] motion to Dismiss (amending D.I. 15). (ntl) (Entered: 02/14/2000)
02/16/2000		So Ordered granting [19-1] motion for Leave to File an amended opening brief (signed by Judge Roderick R. McKelvie) Notice to all parties. (ntl) (Entered: 02/17/2000)
02/18/2000	21	CERTIFICATE OF SERVICE by Gregg Sylvester, Renata Henry, Jiro Shimono re 1st set of interrogs. and request for production to ptf. (ntl) (Entered: 02/18/2000)
02/24/2000		Tele-conference held; rprtr. V. Gunning (ntl) (Entered: 02/24/2000)
02/24/2000	22	ORDER Scheduling Preliminary Injunction Hearing, pre-hearing conference by telephone on 3/22/00 at 4:00, Motion Hearing set for 10:00 3/31/00 for [9-1] motion for Preliminary Injunction (signed by Judge Roderick R. McKelvie) copies to: cnsl. (ntl) (Entered: 02/24/2000)
02/24/2000	23	TRIAL MANAGEMENT ORDER (signed by Judge Roderick R. McKelvie) copies to: cnsl. (ntl) (Entered: 02/24/2000)
02/24/2000	24	SCHEDULING ORDER setting Status Report 7/3/00 Status Conference by telephone 4:30 7/10/00 Discovery cutoff 10/13/00 ; Deadline for filing dispositive motions 10/27/00 Pretrial conference for 4:30 1/10/01 ; Trial Date Deadline (5 day jury) 10:00 1/22/01 ; (signed by Judge Roderick R. McKelvie) copies to: cnsl. (ntl) (Entered: 02/24/2000)
02/25/2000	25	Proposed Discovery Plan filed by Jane Doe, Gregg Sylvester, Renata Henry, Jiro Shimono (ntl) (Entered: 02/28/2000)
02/28/2000	26	ORDER, set Telephone Conference for 9:30 3/30/00 (signed by Judge Mary P. Thyng) copies to: cnsl. (ntl) (Entered: 02/28/2000)
02/28/2000	27	CERTIFICATE OF SERVICE by Jane Doe re 1st request for prod. of docs. and things; 1st set of interrogs; and 1st request for admissions. (ntl) (Entered: 02/29/2000)
02/28/2000	28	Reply Brief Filed by Jane Doe [9-1] motion for Preliminary Injunction (ntl) (Entered: 02/29/2000)
03/01/2000	29	Letter from Daniel Atkins, Esq. to Judge McKelvie re table of contents and authorities to D.I. 28. (ntl) (Entered: 03/02/2000)
03/03/2000	30	Letter dated 3/1/00 from Jennifer Mathis and Daniel Atkins to Judge McKelvie re request that the Court certify to the Attorney General of the U.S. that the constitutionality of two federal statutes affecting the public interest has been challenged in this matter. (ntl) (Entered: 03/06/2000)
03/06/2000	31	MOTION by Jane Doe with Proposed Order to Amend [11-1] appendix (ntl) (Entered: 03/07/2000)
03/07/2000		So Ordered granting [31-1] motion to Amend [11-1] appendix (signed by Judge Roderick R. McKelvie) Notice to all parties. (ntl) (Entered: 03/07/2000)
03/08/2000	32	Answer Brief Filed by Jane Doe [13-1] motion to Dismiss (ntl) (Entered: 03/09/2000)
03/08/2000	33	Letter from Daniel Atkins, Esq. to Judge McKelvie re continuance of the preliminary injunction hearing. (ntl) (Entered: 03/09/2000)
03/14/2000	34	ORDER Rescheduling Preliminary Injunction Hearing, pre-hearing conference by telephone scheduled for 4/17/00 at 4:30, Motion Hearing set for 10:00 4/28/00 for [9-1] motion for Preliminary Injunction (signed by Judge Roderick R. McKelvie) copies to: cnsl. (ntl) (Entered: 03/15/2000)
03/21/2000	35	Reply Brief Filed by Gregg Sylvester, Renata Henry, Jiro Shimono [13-1] motion to Dismiss (ntl) (Entered: 03/22/2000)
03/21/2000	36	Letter from Marc Niedzielski, Esq. to Judge McKelvie re briefing is complete on dfts' motion to dismiss. (ntl) (Entered: 03/23/2000)

03/31/2000	37	NOTICE by Gregg Sylvester, Renata Henry, Jiro Shimono to take depositions of K. Wisniewski, B. Yaeger on 4/6-7/00 (ntl) (Entered: 04/03/2000)
03/31/2000	38	CERTIFICATE OF SERVICE by Gregg Sylvester, Renata Henry, Jiro Shimono re records concerning the ptf in supplementation of initial disclosures and in response to request for production. (ntl) (Entered: 04/03/2000)
04/05/2000	39	Subpoena for Kathi Wisniewski (ntl) (Entered: 04/06/2000)
04/05/2000	40	NOTICE by Gregg Sylvester, Renata Henry, Jiro Shimono to take depositions of Jane Doe and Brenda Yaeger on 4/10/00 (ntl) (Entered: 04/06/2000)
04/05/2000	41	MOTION by Jane Doe with Proposed Order for Leave to File a surreply brief (ntl) (Entered: 04/06/2000)
04/05/2000	42	Surreply Brief Filed by Jane Doe [13-1] motion to Dismiss (ntl) (Entered: 04/06/2000)
04/10/2000	43	CERTIFICATE OF SERVICE by Jane Doe re response to dfts' 1st request for prod. of docs. and response to dfts' 1st set of interros. (ntl) (Entered: 04/11/2000)
04/11/2000	44	CERTIFICATE OF SERVICE by Gregg Sylvester, Renata Henry, Jiro Shimono re responses to ptf's 1st set of interros., request for production and request for admissions. (ntl) (Entered: 04/11/2000)
04/11/2000	45	Letter from Daniel Atkins, Esq. to Judge McKelvie re pretrial teleconference moved to 4/25/00 at 3:00. (ntl) (Entered: 04/11/2000)
04/12/2000	46	CERTIFICATE OF SERVICE by Gregg Sylvester, Renata Henry, Jiro Shimono re amended responses to ptf's 1st set of interros. (ntl) (Entered: 04/13/2000)
04/17/2000	47	CERTIFICATE OF SERVICE by Gregg Sylvester, Renata Henry, Jiro Shimono re production of docs. (ntl) (Entered: 04/18/2000)
04/21/2000	48	Proposed pre-hearing order filed by Jane Doe, Gregg Sylvester, Renata Henry, Jiro Shimono (ntl) (Entered: 04/24/2000)
04/25/2000	49	Letter from Marc Niedzielski, Esq. to Judge McKelvie re dfts renew their request for dismissal. (ntl) (Entered: 04/25/2000)
04/25/2000		Tele-conference held; rprtr. K. Maurer (ntl) (Entered: 04/26/2000)
04/27/2000	50	Steno Notes for 4/25/00; rprtr. K. Maurer (ntl) (Entered: 04/27/2000)
04/27/2000	51	Letter from Marc Niedzielski, Esq. to Judge McKelvie re dfts' proposed findings of fact and conclusions of law. (ntl) (Entered: 04/27/2000)
04/27/2000	52	Proposed findings of fact and conclusions of law by Jane Doe (ntl) (Entered: 04/27/2000)
04/28/2000		Motion hearing held re: [9-1] motion for Preliminary Injunction; rprtr. K. Maurer (ntl) (Entered: 04/28/2000)
04/28/2000	53	Steno Notes for 4/28/00; rprtr. K. Maurer (ntl) (Entered: 05/01/2000)
04/28/2000	54	ORDER granting [41-1] motion for Leave to File a surreply brief (signed by Judge Roderick R. McKelvie) copies to: cnsL. (ntl) (Entered: 05/02/2000)
05/04/2000	55	TRANSCRIPT filed [0-0] motion hearing for dates of 4/28/00 (ntl) (Entered: 05/04/2000)
05/05/2000	56	Supplemental Proposed Findings of Fact and Conclusions of Law by Jane Doe. (ntl) (Entered: 05/08/2000)
05/12/2000	57	Proposed Findings of Fact and Law by Gregg Sylvester, Renata Henry, Jiro Shimono (ntl) (Entered: 05/15/2000)
05/12/2000	58	MOTION by United States with Proposed Order for leave to participate as amicus curiae (ntl) (Entered: 05/15/2000)

05/12/2000	59	Opening Brief Filed by United States [58-1] motion for leave to participate as amicus curiae (ntl) (Entered: 05/15/2000)
05/16/2000	60	Letter from Daniel Atkins, Esq. to Judge McKelvie re status of efforts to place ptf in a Maryland placement for deaf individuals with mental illness. (ntl) (Entered: 05/17/2000)
05/22/2000	61	Letter from Marc Niedzielski, Esq. to Judge McKelvie re response to ptf's correspondence dated 5/16/00. (ntl) (Entered: 05/22/2000)
05/24/2000	62	Subpoena for PFC Tom Donovan (ntl) (Entered: 05/25/2000)
06/30/2000	63	Letter STATUS REPORT by Jane Doe (ntl) (Entered: 06/30/2000)
07/10/2000		Tele-conference held; rprtr. B. Gaffigan (ntl) (Entered: 07/11/2000)
07/12/2000	64	Steno Notes for 7/10/00; rprtr. B. Gaffigan (ntl) (Entered: 07/13/2000)
07/31/2000		Tele-conference held; rprtr. V. Gunning (ntl) (Entered: 08/01/2000)
08/03/2000	65	Letter from Daniel Atkins, Esq. to Judge McKelvie re request for status teleconference in September. (ntl) (Entered: 08/04/2000)
08/09/2000	66	Letter from Daniel Atkins, Esq. to Judge McKelvie re teleconference scheduled for 9/7/00 at 3:30. (ntl) (Entered: 08/09/2000)
08/16/2000	67	Letter from Marc Niedzielski, Esq. to Judge McKelvie re Fifth Circuit decision in Neinast v. Texas. (ntl) (Entered: 08/16/2000)
08/18/2000	68	Letter from Daniel Atkins, Esq. to Judge McKelvie re dfts' counsel's letter of 8/16/00. (ntl) (Entered: 08/28/2000)
09/07/2000		Tele-conference held; rprtr. V. Gunning (ntl) (Entered: 09/07/2000)
12/05/2000	69	Letter from Daniel Atkins, Esq. to Judge McKelvie re status of case. (ntl) (Entered: 12/06/2000)
12/06/2000	70	Letter from Marc Niedzielski, Esq. to Judge McKelvie re status of case. (ntl) (Entered: 12/07/2000)
12/15/2000	71	Letter from Marc Niedzielski, Esq. to Judge McKelvie re further status of case. (ntl) (Entered: 12/15/2000)
12/22/2000	72	Letter dated 12/21/00 from Daniel Atkins, Esq. and Gregg Wilson, Esq. to Judge McKelvie re joint request to continue trial date scheduled for 1/22/01. (ntl) (Entered: 12/29/2000)
01/02/2001	73	Letter from Judge McKelvie to counsel re continuance of trial. (ntl) (Entered: 01/02/2001)
01/29/2001		Tele-conference held; rprtr. V. Gunning (ntl) (Entered: 01/30/2001)
02/20/2001	74	Supplemental MEMORANDUM by Jane Doe in support of [9-1] motion for Preliminary Injunction (ntl) (Entered: 02/21/2001)
03/02/2001	75	Letter from Marc Niedzielski, Esq. to Judge McKelvie encl. Superior Court orders. (ntl) (Entered: 03/05/2001)
09/11/2001	76	MEMORANDUM OPINION (signed by Judge Roderick R. McKelvie) copies to: cnsl. (ntl) (Entered: 09/11/2001)
09/11/2001	77	ORDER denying [13-1] motion to Dismiss (signed by Judge Roderick R. McKelvie) copies to: cnsl. (ntl) (Entered: 09/11/2001)
10/02/2001	78	Letter from Marc Niedzielski, Esq. to Judge McKelvie re status of plaintiff. (ntl) (Entered: 10/03/2001)
10/05/2001	79	Letter from Daniel Atkins, Esq. to Judge McKelvie re response to dfts' counsel's letter dated 10/2/01; preliminary injunction motion is moot. (ntl) (Entered: 10/09/2001)

10/19/2001	80	MOTION by Jane Doe with Proposed Order to Dismiss complaint voluntarily (ntl) (Entered: 10/22/2001)
10/22/2001		So Ordered granting [80-1] motion to Dismiss complaint voluntarily without prejudice (signed by Judge Roderick R. McKelvie) Notice to all parties. (ntl) (Entered: 10/23/2001)
10/22/2001		Case closed (ntl) (Entered: 01/30/2002)
05/03/2002	81	ORDER DIRECTING RETURN of SEALED DOCUMENTS to the Parties (signed by Judge Roderick R. McKelvie) copies to: cnsl. (ntl) (Entered: 05/06/2002)
07/28/2003	82	Letter dated 7/28/03 to Marc P. Niedzielski, Esq., Re: Trial Exhibits returned. (rwc) (Entered: 07/28/2003)