

CLOSED,STANDARD

**United States District Court
Eastern District of Pennsylvania (Philadelphia)
CIVIL DOCKET FOR CASE #: 2:92-cv-06054-TON**

L., et al v. DIDARIO, et al
Assigned to: HONORABLE THOMAS N. ONEILL, JR
Demand: \$0
Case in other court: 92-01243
94-01255

Date Filed: 10/21/1992
Date Terminated: 06/07/1996
Jury Demand: None
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Cause: 42:12101 The Americans with Disabilities Act of 1990

Plaintiff

HELEN L.
TERMINATED: 08/16/1994

represented by **DAVID A. KAHNE**
P.O. BOX 66386
HOUSTON, TX 77266
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TERMINATED: 08/16/1994
LEAD ATTORNEY

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TERMINATED: 08/16/1994
LEAD ATTORNEY

V.

Defendant

ALBERT DIDARIO
*Individually and in his official capacity as
Superintendent, Norristown State
Hospital*

represented by **HOWARD ULAN**
COMMONWEALTH OF PA
P.O. BOX 2675
DEPT. OF WELFARE
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

SUSAN J. FORNEY
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TERMINATED: 05/03/1993

LEAD ATTORNEY

Defendant

KAREN F. SNIDER
*in her official capacity as Secretary,
Pennsylvania Department of Public
Welfare*

represented by **HOWARD ULAN**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

SUSAN J. FORNEY
(See above for address)
TERMINATED: 05/03/1993
LEAD ATTORNEY

Plaintiff

D. BEVERLY

represented by **DAVID A. KAHNE**
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ILENE W. SHANE ,
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STEPHEN F. GOLD
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Plaintiff

H. FLORENCE
TERMINATED: 05/18/1993

represented by **DAVID A. KAHNE**
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TERMINATED: 05/18/1993
LEAD ATTORNEY

STEPHEN F. GOLD
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TERMINATED: 05/18/1993
LEAD ATTORNEY

Plaintiff

F. ILENE
DISABLED IN ACTION OF
PENNSYLVANIA

represented by **DAVID A. KAHNE**
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ILENE W. SHANE ,
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V.

Movant

AMERICAN DISABLED FOR
ATTENDANT PROGRAMS TODAY

represented by **THOMAS K. GILHOOL**
PUBLIC INTEREST LAW CENTER OF

("A.D.A.P.T.")

PHILA
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Plaintiff**IDEL S.**

represented by **STEPHEN F. GOLD**
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Plaintiff**ANTHONY D.**

represented by **STEPHEN F. GOLD**
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Plaintiff**RICHARD D.**

represented by **STEPHEN F. GOLD**
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Plaintiff**TINA T.**

represented by **STEPHEN F. GOLD**
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Date Filed	#	Docket Text
10/21/1992	1	MOTION by PLAINTIFF HELEN L. TO PROCEED IN FORMA PAUPERIS , DECLARATION IN SUPPORT (cj) (Entered: 10/21/1992)
10/21/1992		Standard Case Management Track. (cj) (Entered: 10/21/1992)
10/23/1992	2	ORDER GRANTING [1-1] MOTION TO PROCEED IN FORMA PAUPERIS (SIGNED BY JUDGE THOMAS N. O'NEILL JR.) 10/26/92 ENTERED AND COPIES MAILED. (ph) (Entered: 10/26/1992)
10/23/1992	3	Complaint. (ph) (Entered: 10/26/1992)
10/23/1992		Summons(es) on complaint issued Forwarded to: S.F. GOLD, Esq. 10/26/92 (ph) (Entered: 10/26/1992)
10/23/1992	4	ORDER, SET PRETRIAL CONFERENCE FOR 9:15 1/28/93 (SIGNED BY JUDGE THOMAS N. O'NEILL JR.) 10/26/92 ENTERED AND COPIES MAILED. (ph) (Entered: 10/26/1992)
11/06/1992	5	Amended complaint by PLAINTIFF HELEN L. amending [3-1] complaint by D. BEVERLY, H. FLORENCE, F. ILENE, Certificate of service (ph) (Entered: 11/09/1992)
12/03/1992	6	MOTION BY DEFTS' ALBERT DIDARIO AND KAREN F. SNIDER FOR ENLARGEMENT OF TIME TO RESPOND TO AMENDED COMPLAINT , CERTIFICATE OF SERVICE. (jy) (Entered: 12/04/1992)
12/08/1992	7	ORDER THAT UPON CONSIDERATION OF DEFTS' UNOPPOSED MOTION TO EXTEND BY 30 DAYS THE TIME WITHIN WHICH DEFTS MUST RESPOND TO THE AMENDED COMPLAINT, THE MOTION IS GRANTED. DEFTS SHALL SERVE THEIR RESPONSE TO THE AMENDED COMPLAINT ON OR BEFORE 12/23/92 . (SIGNED BY JUDGE THOMAS N. O'NEILL JR.)

		12/9/92 ENTERED AND COPIES MAILED. (aa) (Entered: 12/09/1992)
12/23/1992	8	Answer by ALBERT DIDARIO, KAREN F. SNIDER to amended complaint, Certificate of service (ph) (Entered: 12/23/1992)
01/05/1993	9	Appearance by DAVID A. KAHNE for PLAINTIFF HELEN L., PLAINTIFF D. BEVERLY, PLAINTIFF H. FLORENCE, PLAINTIFF F. ILENE (sc) (Entered: 01/06/1993)
02/18/1993	10	MOTION by DEFENDANT ALBERT DIDARIO, DEFENDANT KAREN F. SNIDER TO EXTEND TIME TO RESPOND TO PLAINTIFFS' FIRST SET OF INTERROGATORIES , MEMORANDUM, CERTIFICATE OF SERVICE. (ph) (Entered: 02/19/1993)
03/03/1993	11	ORDER GRANTING DEFENDANTS' UNOPPOSED MOTION TO EXTEND TIME TO RESPOND TO PLAINTIFFS' FIRST SET OF INTERROGATORIES (SIGNED BY JUDGE THOMAS N. O'NEILL JR.) 3/4/93 ENTERED AND COPIES MAILED. (ph) (Entered: 03/04/1993)
04/29/1993	12	MOTION by PLAINTIFF H. FLORENCE FOR REMOVAL FROM CASE , CERTIFICATE OF SERVICE. (ph) (Entered: 04/29/1993)
05/03/1993	13	MOTION by PLAINTIFF D. BEVERLY, PLAINTIFF F. ILENE FOR PRELIMINARY INJUNCTION , MEMORANDUM, CERTIFICATE OF SERVICE. (ph) (Entered: 05/03/1993)
05/03/1993	14	Appearance of HOWARD ULAN for DEFENDANT ALBERT DIDARIO, DEFENDANT KAREN F. SNIDER (ph) (Entered: 05/04/1993)
05/03/1993	15	Withdrawal of appearance by SUSAN J. FORNEY for DEFENDANT ALBERT DIDARIO, DEFENDANT KAREN F. SNIDER (ph) (Entered: 05/04/1993)
05/17/1993	16	Answer by DEFENDANT ALBERT DIDARIO, DEFENDANT KAREN F. SNIDER to [13-1] MOTION FOR PRELIMINARY INJUNCTION, certificate of service. (gm) (Entered: 05/18/1993)
05/17/1993	17	Brief by DEFENDANT ALBERT DIDARIO, DEFENDANT KAREN F. SNIDER in opposition to plaintiff's [13-1] MOTION FOR PRELIMINARY INJUNCTION, certificate of service. (gm) (Entered: 05/18/1993)
05/18/1993	18	ORDER GRANTING PLAINTIFF'S MOTION FOR REMOVAL FROM CASE (SIGNED BY JUDGE THOMAS N. O'NEILL JR.) 5/19/93 ENTERED AND COPIES MAILED. (ph) (Entered: 05/19/1993)
06/25/1993	19	MOTION by PLAINTIFF D. BEVERLY, PLAINTIFF F. ILENE FOR SUMMARY JUDGMENT , MEMORANDUM, CERTIFICATE OF SERVICE. (ph) (Entered: 06/25/1993)
06/25/1993	20	Counsel's Stipulation of Facts (ph) (Entered: 06/25/1993)
07/13/1993	21	CROSS MOTION by DEFENDANT ALBERT DIDARIO, DEFENDANT KAREN F. SNIDER FOR SUMMARY JUDGMENT , BRIEF, CERTIFICATE OF SERVICE. (ph) (Entered: 07/13/1993)
07/21/1993	22	Response by PLAINTIFF HELEN L., PLAINTIFF D. BEVERLY, PLAINTIFF F. ILENE to defendants' brief for summary judgment, Certificate of service (ph) (Entered: 07/22/1993)
07/22/1993	23	MOTION by DEFENDANT ALBERT DIDARIO, DEFENDANT KAREN F. SNIDER TO STAY DISCOVERY PENDING RULING ON MOTION FOR SUMMARY JUDGMENT ON COUNT II , MEMORANDUM, CERTIFICATE OF COUNSEL, CERTIFICATE OF SERVICE. (ph) (Entered: 07/22/1993)
07/22/1993	24	MOTION by DEFENDANT ALBERT DIDARIO, DEFENDANT KAREN F. SNIDER FOR SUMMARY JUDGMENT ON COUNT II , MEMORANDUM, CERTIFICATE OF SERVICE. (ph) (Entered: 07/22/1993)
07/22/1993	25	MOTION by PLAINTIFF HELEN L., PLAINTIFF D. BEVERLY, PLAINTIFF F. ILENE TO COMPEL ANSWERS TO INTERROGATORIES AND

		PRODUCTION OF DOCUMENTS , MEMORANDUM, CERTIFICATE OF SERVICE. (ph) (Entered: 07/22/1993)
07/23/1993	26	ORDER GRANTING DEFENDANTS' MOTION TO STAY DISCOVERY; DENYING DEFENDANTS' MOTION TO COMPEL WITHOUT PREJUDICE TO ITS RENEW IF APPROPRIATE, ETC. (SIGNED BY JUDGE THOMAS N. O'NEILL JR.) 7/26/93 ENTERED AND COPIES MAILED. (fe) (Entered: 07/26/1993)
08/05/1993	27	Memorandum by PLAINTIFF HELEN L. in opposition to [24-1] MOTION FOR SUMMARY JUDGMENT ON COUNT II, Affidavit in opposition to material facts, Verification, Affidavits, Certificate of service (ph) (Entered: 08/05/1993)
08/18/1993	28	Defts Response to Plff's memo of law, cert of serv. (fe) (Entered: 08/18/1993)
10/26/1993	29	MOTION by MOVANT AMERICAN DISABLED FOR LEAVE TO FILE BRIEF OF AMICUS CURIAE , CERTIFICATE OF SERVICE. (Attached) (ph) (Entered: 10/27/1993)
10/28/1993	30	ORDER GRANTING A.D.A.P.T.'S MOTION FOR LEAVE TO FILE BRIEF OF AMICUS CURIAE (SIGNED BY JUDGE THOMAS N. O'NEILL JR.) 10/29/93 ENTERED AND COPIES MAILED. (ph) (Entered: 10/29/1993)
10/28/1993	31	Brief of Amicus Curiae by MOVANT AMERICAN DISABLED (ph) (Entered: 10/29/1993)
11/04/1993	32	MOTION by DEFENDANT ALBERT DIDARIO, DEFENDANT KAREN F. SNIDER FOR LEAVE TO RESPOND TO AMICUS BRIEF , CERTIFICATE OF SERVICE. (Attached) (ph) (Entered: 11/05/1993)
11/09/1993	33	ORDER GRANTING DEFENDANTS' MOTION FOR LEAVE TO RESPOND TO AMICUS BRIEF (SIGNED BY JUDGE THOMAS N. O'NEILL JR.) 11/9/93 ENTERED AND COPIES MAILED. (ph) (Entered: 11/09/1993)
11/09/1993	34	Response by DEFENDANT ALBERT DIDARIO, DEFENDANT KAREN F. SNIDER to Brief of Amicus Curiae, Certificate of service (ph) (Entered: 11/09/1993)
01/27/1994	35	Amended Stipulation of facts, Certification of counsel, Certificate of service (ph) (Entered: 01/27/1994)
01/27/1994	36	MEMORANDUM AND ORDER DENYING DEFENDANT'S MOTION FOR SUMMARY JUDGMENT ON COUNT II; GRANTING DEFENDANT'S MOTION FOR SUMMARY JUDGMENT ON COUNT I; JUDGMENT IS ENTERED IN FAVOR OF DEFENDANTS AND AGAINST PLAINTIFFS ON COUNT 1 OF THE AMENDED COMPLAINT; DENYING PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT; DENYING MOTION FOR PRELIMINARY INJUNCTION (SIGNED BY JUDGE THOMAS N. O'NEILL JR.) 1/27/94 ENTERED AND COPIES MAILED. (ph) (Entered: 01/27/1994)
01/27/1994	37	MOTION BY MOVANT IDEL S. FOR SUMMARY JUDGMENT , CERTIFICATE OF UNCONTESTED MOTION, CERTIFICATE OF SERVICE. (ar) (Entered: 01/28/1994)
01/27/1994		MOTION BY PLAINTIFF D. BEVERLY, PLAINTIFF F. ILENE TO WITHDRAW MOTION FOR SUMMARY JUDGMENT , CERTIFICATE OF UNCONTESTED MOTION, CERTIFICATE OF SERVICE. (SEE DOCUMENT #37) (ar) (Entered: 01/28/1994)
01/27/1994	38	MOTION BY MOVANT IDEL S. TO PERMISSIVELY JOIN A PARTY , CERTIFICATE OF UNCONTESTED MOTION, CERTIFICATE OF SERVICE. (ar) (Entered: 01/28/1994)
01/27/1994	39	MOTION BY PLAINTIFF D. BEVERLY, PLAINTIFF F. ILENE TO DISMISS WITH PREJUDICE , CERTIFICATE OF UNCONTESTED MOTION, CERTIFICATE OF SERVICE. (ar) (Entered: 01/28/1994)
02/02/1994	40	ORDER GRANTING BEVERLY D. AND EILEEN F.'S MOTION TO DISMISS WITH PREJUDICE; GRANTING IDELL S.'S MOTION TO PERMISSIVELY

		JOIN A PARTY; DENYING IDELL S.'S MOTION FOR SUMMARY JUDGMENT (SIGNED BY JUDGE THOMAS N. O'NEILL JR.) 2/2/94 ENTERED AND COPIES MAILED. (ph) (Entered: 02/02/1994)
02/03/1994	41	UNCONTESTED MOTION by PLAINTIFF IDEL S. FOR JUDGMENT PURSUANT TO FRCP 54(b) , CERTIFICATE OF COUNSEL, CERTIFICATE OF SERVICE. (ph) (Entered: 02/03/1994)
02/08/1994	42	ORDER GRANTING PLAINTIFF IDELL S' MOTION FOR JUDGMENT PURSUANT TO FRCP 54(b); THE COURT DIRECTS THE CLERK OF COURT TO ENTER FINAL JUDGMENT IN FAVOR OF DEFENDANTS ON IDELL S' ADA CLAIM PURSUANT TO FRCP 54(b) (SIGNED BY JUDGE THOMAS N. O'NEILL JR.) 2/8/94 ENTERED AND COPIES MAILED. (ph) (Entered: 02/08/1994)
02/14/1994	43	Notice of appeal by PLAINTIFF IDEL S. . Fee Status: not paid. Copies to: JUDGE THOMAS N. O'NEILL JR. , Clerk USCA, Appeals Clerk, and THOMAS K. GILHOOL, DAVID A. KAHNE, HOWARD ULAN, SUSAN J. FORNEY, Certificate of service (ph) (Entered: 02/15/1994)
02/14/1994	44	Copy of Clerk's notice to USCA re: [43-1] appeal . (ph) (Entered: 02/15/1994)
02/16/1994	45	Notice of appeal by DEFENDANT ALBERT DIDARIO . Fee Status: paid . Copies to: JUDGE THOMAS N. O'NEILL JR. , Clerk USCA, Appeals Clerk, and STEPHEN F. GOLD, THOMAS K. GILHOOL, ILENE W. SHANE, DAVID A. KAHNE, SUSAN J. FORNEY (ph) (Entered: 02/17/1994)
02/16/1994	46	Copy of Clerk's notice to USCA re: [45-1] appeal . (ph) (Entered: 02/17/1994)
02/16/1994	47	MOTION by PLAINTIFF F. ILENE (DISABLED IN ACTION) TO VOLUNTARILY DISMISS , CERTIFICATE, CERTIFICATE OF SERVICE. (ph) (Entered: 02/17/1994)
02/18/1994	48	Copy of TPO form ref: [43-1] appeal, certificate of service. (fe) (Entered: 02/18/1994)
02/18/1994	49	ORDER DATED 2/18/94 THAT PLAINTIFF DISABLED IN ACTIONS' UNCONTESTED [47-1] MOTION TO VOLUNTARILY DISMISS IS GRANTED, AND DISABLED IN ACTION IS HEREBY DISMISSED FROM THIS LAWSUIT. (SIGNED BY JUDGE THOMAS N. O'NEILL JR.) 2/18/94 ENTERED AND COPIES MAILED. (fe) Modified on 02/18/1994 (Entered: 02/18/1994)
02/18/1994		Notice of Docketing ROA from USCA Re: [43-1] appeal USCA NUMBER: 92-1243 . 2/22/94 (ph) Modified on 05/16/1994 (Entered: 02/22/1994)
02/22/1994		RECORD COMPLETE FOR PURPOSES OF APPEAL. TRANSCRIPTS NOT NEEDED. (mk) (Entered: 02/22/1994)
02/23/1994		Notice of Docketing ROA from USCA Re: [45-1] appeal. USCA NUMBER: 94-1255 filed in USCA on 2/23/94. (fe) (Entered: 02/24/1994)
03/02/1994	50	Copy of TPO form ref: [45-1] appeal . (ph) (Entered: 03/02/1994)
05/16/1994	51	Certified copy of order from USCA. Re: 5/16/94 [45-1] appeal DISMISSING [0-0] case for lack of appellate jurisdiction (ph) (Entered: 05/16/1994)
06/16/1994	52	MOTION by PLAINTIFF HELEN L. TO ADD PARTIES AND/OR TO AMEND [5-1] AMENDED COMPLAINT , MEMORANDUM, CERTIFICATE OF SERVICE. (ph) (Entered: 06/16/1994)
06/20/1994	53	Certificate of service by PLAINTIFF HELEN L., PLAINTIFF D. BEVERLY, PLAINTIFF F. ILENE, PLAINTIFF IDEL S. Re: served copy of plaintiff's motion to add parties and/or amend the complaint together with memorandum of law on 6/16/94, by US certified mail on counsel for defendants (ph) (Entered: 06/20/1994)
06/30/1994	54	Memorandum by DEFENDANT ALBERT DIDARIO, DEFENDANT KAREN F. SNIDER in opposition to [52-1] MOTION TO ADD PARTIES AND/OR TO AMEND [5-1] AMENDED COMPLAINT, Certificate of service (ph) (Entered: 06/30/1994)

		06/30/1994)
06/30/1994	55	Response by DEFENDANT ALBERT DIDARIO, DEFENDANT KAREN F. SNIDER to [52-1] MOTION TO ADD PARTIES AND/OR TO AMEND [5-1] AMENDED COMPLAINT, Certificate of service (ph) (Entered: 06/30/1994)
07/13/1994	56	ORDER DENYING PLAINTIFF'S MOTION TO ADD PARTIES AND/OR TO AMEND [5-1] AMENDED COMPLAINT ETC (SIGNED BY JUDGE THOMAS N. O'NEILL JR.) 7/14/94 ENTERED AND COPIES MAILED. (ph) (Entered: 07/14/1994)
08/16/1994	57	NOTICE OF DISMISSAL AND ORDER THAT THE CLAIMS OF ONE PLAINTIFF, HELEN L., ARE DISMISSED. (SIGNED BY JUDGE THOMAS N. O'NEILL, JR.) 8/16/94 ENTERED AND COPIES MAILED. (jy) (Entered: 08/16/1994)
02/08/1995	58	MOTION by PLAINTIFF IDEL S. TO AMEND [5-1] AMENDED COMPLAINT , OR IN THE ALTERNATIVE FOR JOINDER OF PLAINTIFFS , MEMORANDUM, CERTIFICATE OF SERVICE. (ATTACHED) (ph) Modified on 02/08/1995 (Entered: 02/08/1995)
03/02/1995	59	ORDER GRANTING PLAINTIFF'S MOTION TO AMEND [5-1] AMENDED COMPLAINT, GRANTING MOTION FOR JOINDER OF PLAINTIFFS SIGNED BY JUDGE THOMAS N. O'NEILL JR.) 3/2/95 ENTERED AND COPIES MAILED. (ph) (Entered: 03/02/1995)
03/02/1995	60	Amended complaint by PLAINTIFF IDEL S. , amending [5-1] amended complaint adding ANTHONY D., RICHARD D., TINA T. as plaintiffs. (ph) (Entered: 03/02/1995)
03/06/1995	61	Certified copy of order from USCA. Re: 3/7/95 that the judgment of the District Court entered 2/8/94, be, and the same is hereby vacated and the cause remanded to the District Court with instruction to enter judgment in favor of plaintiff, IDELL S., and against defendant (ph) (Entered: 03/07/1995)
03/21/1995	62	MOTION by DEFENDANT ALBERT DIDARIO, DEFENDANT KAREN F. SNIDER FOR MORE DEFINITE STATEMENT , CERTIFICATE OF SERVICE. (ph) (Entered: 03/21/1995)
03/30/1995	63	ORDER WITHDRAWING DEFENDANTS' MOTION FOR MORE DEFINITE STATEMENT (SIGNED BY JUDGE THOMAS N. O'NEILL JR.) 3/31/95 ENTERED AND COPIES MAILED. (ph) (Entered: 03/31/1995)
04/17/1995	64	Answer by ALBERT DIDARIO, KAREN F. SNIDER to second amended complaint, Certificate of service (ph) (Entered: 04/17/1995)
05/09/1996	65	Notice pursuant to Rule 41.1(a). 5/9/96 Copies to STEPHEN F. GOLD, THOMAS K. GILHOO, ILENE W. SHANE, DAVID A. KAHNE, HOWARD ULAN. Deadline for Rule 41a: 6/9/96 (ph) (Entered: 05/09/1996)
06/07/1996	66	Stipulation of dismissal by PLAINTIFF D. BEVERLY, PLAINTIFF F. ILENE, PLAINTIFF IDEL S., PLAINTIFF ANTHONY D., PLAINTIFF RICHARD D., PLAINTIFF TINA T. as to DEFENDANT ALBERT DIDARIO, DEFENDANT KAREN F. SNIDER, Certificate of service (ph) (Entered: 06/10/1996)
06/07/1996		Case closed (kv) (Entered: 06/11/1996)