

CLOSED, STANDARD

**United States District Court
Eastern District of Pennsylvania (Philadelphia)
CIVIL DOCKET FOR CASE #: 2:92-cv-06617-LR**

WILSON, et al v. TINICUM TOWNSHIP, et al
Assigned to: HONORABLE LOWELL A. REED, JR
Demand: \$0
Cause: 42:1983 Civil Rights Act

Date Filed: 11/17/1992
Jury Demand: Defendant
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff**LISA WILSON**

represented by **DAVID RUDOVSKY**
KAIRYS RUDOVSKY EPSTEIN
MESSING & RAU
924 CHERRY ST
STE 500
PHILADELPHIA, PA 19107
215-925-4400
Fax: 215-925-5365
Email: drudovsky@krlawphila.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

SETH KREIMER
3400 CHESTNUT ST
PHILADELPHIA, PA 19104
215-898-7447
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

STEFAN PRESSER
AMERICAN CIVIL LIBERTIES
UNION OF PENNSYLVANIA
7803 ST. MARTIN'S LANE
PHILADELPHIA, PA 19107
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Plaintiff**LAWRENCE BOWDEN**

represented by **DAVID RUDOVSKY**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

SETH KREIMER
(See above for address)
LEAD ATTORNEY

ATTORNEY TO BE NOTICED

STEFAN PRESSER

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Plaintiff

KIMWAN TOPPIN

represented by **DAVID RUDOVSKY**

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

SETH KREIMER

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

STEFAN PRESSER

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Plaintiff

SHIRLEAN LOPER

*on behalf of themselves and all others
similarly situated*

represented by **DAVID RUDOVSKY**

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

SETH KREIMER

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

STEFAN PRESSER

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

V.

Defendant

TINICUM TOWNSHIP

represented by **ROBERT G. HANNA**

LAVERY, FAHERTY, YOUNG &
PATTERSON, P.C.

225 MARKET STREET, SUITE 304
P.O. BOX 1245

HARRISBURG, PA 17108

717-233-6633

Fax: 717-233-7003
Email: rhanna@laverylaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

ROBERT PAPPANO
PAPPANO AND BRESLIN
3305 EDMONT AVENUE
BROOKHAVEN, PA 19015
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

TINICUM POLICE DEPARTMENT

represented by **ROBERT G. HANNA**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

ROBERT PAPPANO
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**TINICUM POLICE CHIEF
ROBERT T. LYTHGOE, JR.**

represented by **ROBERT G. HANNA**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

ROBERT PAPPANO
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

OFFICER THOMAS CANZANESE

represented by **ROBERT G. HANNA**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

ROBERT PAPPANO
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

OFFICER WALTER FIFE
*OF THE TINICUM TOWNSHIP
POLICE DEPARTMENT, in their
individual and official capacities*

represented by **ROBERT G. HANNA**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

ROBERT PAPPANO
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**UNKNOWN POLICE OFFICERS
 NUMBERS ONE AND TWO OF
 THE TINICUM TOWNSHIP
 POLICE DEPARTMENT**
*in their individual and official
 capacities*

Date Filed	#	Docket Text
11/17/1992	1	Complaint. filing fee \$ 120 receipt # 385662 (cj) (Entered: 11/18/1992)
11/17/1992		Summons(es) issued : mailed to counsel 11/17/92 (cj) (Entered: 11/18/1992)
11/17/1992		Standard Case Management Track. (cj) (Entered: 11/18/1992)
11/20/1992	2	Appearance by ROBERT G. HANNA JR. for DEFENDANT TINICUM TOWNSHIP, DEFENDANT TINICUM POLICE DEPT, DEFENDANT ROBERT T. LYTHGOE JR., DEFENDANT THOMAS CANZANESE, DEFENDANT WALTER FIFE; jury demand (jc) (Entered: 11/23/1992)
11/24/1992	3	ORDER THAT THE ABOVE CASE IS REASSIGNED FROM THE CALENDAR OF JUDGE ROBERT F. KELLY TO THE CALENDAR OF JUDGE LOWELL A. REED JR. (SIGNED BY CLERK OF COURT MICHAEL E. KUNZ) 11/25/92 ENTERED AND COPIES MAILED. (jc) (Entered: 11/25/1992)
12/08/1992	4	Answer to Complaint by DEFENDANT TINICUM TOWNSHIP, DEFENDANT TINICUM POLICE DEPT, DEFENDANT ROBERT T. LYTHGOE JR., DEFENDANT THOMAS CANZANESE, DEFENDANT WALTER FIFE, jury demand, certificate of service (jc) (Entered: 12/09/1992)
12/14/1992	5	Summons return with Affidavit of: Miranda B. Jones re: served summons and complaint upon DEFENDANT TINICUM TOWNSHIP, DEFENDANT POLICE DEPT, DEFENDANT ROBERT T. LYTHGOE JR., DEFENDANT THOMAS CANZANESE, DEFENDANT WALTER FIFE. Served by: regular mail. (fe) (Entered: 12/14/1992)
12/14/1992	6	Acknowledgement of service as to DEFENDANT TINICUM POLICE DEPT, DEFENDANT ROBERT T. LYTHGOE JR., DEFENDANT WALTER FIFE 11/24/92 (fe) (Entered: 12/14/1992)
12/14/1992	7	Acknowledgement of service as to DEFENDANT THOMAS CANZANESE 11/30/92 (fe) (Entered: 12/14/1992)

12/14/1992	8	Acknowledgement of service as to Commissioner Thomas Rizzo, Commissioner Adam German, Jr., Commissioner Albert Demarcantanio, and Commissioner Ralph Scapten Slatten on behalf of DEFENDANT TINICUM TOWNSHIP 11/19/92 (fe) (Entered: 12/14/1992)
12/14/1992	9	Acknowledgement of service as to Commissioner Thomas Giancristoforo on behalf of Tinicum Township on 11/20/92. (fe) (Entered: 12/14/1992)
03/03/1993	10	STIPULATION AND ORDER THAT THE TIME FOR PLAINTIFFS TO FILE A MOTION FOR CLASS CERTIFICATION SHALL BE EXTENDED TO AND INCLUDING 4/30/93 . (SIGNED BY JUDGE LOWELL A. REED JR.) 3/4/93 ENTERED AND COPIES MAILED. (fe) (Entered: 03/04/1993)
03/03/1993	11	PRETRIAL SCHEDULING ORDER NO. 1 THAT DISCOVERY DEADLINE ON 4/15/93; THE MOTION FOR CLASS ACTION CERTIFICATION WITH SUPPORTING PAPERS SHALL BE FILED AND SERVED NO LATER THAN 4/30/93 ; DEFTS' RESPONSE TO THE MOTION FOR CLASS CERTIFICATION SHALL BE FILED NO LATER THAN 5/21/93 ; ANY NECESSARY REPLY BY PLFFS SHALL BE FILED NO LATER THAN 5/28/93 ; SCHEDULING CONFERENCE SET FOR 6/22/93 ; NO LATER THAN 4:00 P.M. ON 6/21/93, THE PARTIES SHALL SUBMIT TO CHAMBERS A JOINT AGENDA FOR THE SCHEDULING CONFERENCE. (SIGNED BY JUDGE LOWELL A. REED JR.) 3/4/93 ENTERED AND COPIES MAILED. (fe) (Entered: 03/04/1993)
04/27/1993	12	MOTION BY PLAINTIFF LISA WILSON, PLAINTIFF LAWRENCE BOWDEN, PLAINTIFF KIMWAN TOPPIN, PLAINTIFF SHIRLEAN LOPER FOR CLASS CERTIFICATION , MEMORANDUM, CERTIFICATE OF SERVICE. (fe) (Entered: 04/27/1993)
05/19/1993	13	STIPULATION AND ORDER THAT DEFENDANTS RESPONSE TO PLAINTIFFS' MOTION FOR CLASS CERTIFICATION SHALL BE FILED NO LATER THAN 6/7/93 ; AND ANY NECESSARY REPLY BY PLFFS SHALL BE FILED NO LATER THAN 6/14/93 . (SIGNED BY JUDGE LOWELL A. REED JR.) 5/19/93 ENTERED AND COPIES MAILED. (fe) (Entered: 05/19/1993)
06/07/1993	14	Response by DEFENDANT TINICUM TOWNSHIP, DEFENDANT TINICUM POLICE DEPT, DEFENDANT ROBERT T. LYTHGOE JR., DEFENDANT THOMAS CANZANESE, DEFENDANT WALTER FIFE, DEFENDANT UNKNOWN OFFICERS to [12-1] MOTION FOR CLASS CERTIFICATION, Memorandum, Certificate of Service. (mc) (Entered: 06/08/1993)
07/21/1993	15	MEMORANDUM AND ORDER THAT PLFFS' MOTION FOR CLASS CERTIFICATION IS GRANTED; IT IS FURTHER ORDERED THAT THIS LAWSUIT SHALL BE MAINTAINED AND SHALL PROCEED AS A CLASS ACTION PURSUANT TO F.R.C.P. 23(A) AND F.R.C.P. 23(B)(2), ETC. IT IS FURTHER ORDERED THAT THE PARTIES SHALL SUBMIT A PROPOSED FORM OF NOTICE TO

		MEMBERS OF THE DAMAGE SUBCLASSES AS SPECIFIED IN F.R.C.P. 23(C)(2) NO LATER THAN 9/20/93; ETC. (SIGNED BY JUDGE LOWELL A. REED JR.) 7/22/93 ENTERED AND COPIES MAILED. (fe) Modified on 08/16/1993 (Entered: 07/22/1993)
08/26/1993	16	ORDER THAT THE LAST PARAGRAPH OF THIS COURT'S ORDER DATED 7/20/93 IS ACCORDINGLY AMENDED TO PROVIDE AS FOLLOWS: "IT IS FURTHER ORDERED THAT THE PARTIES SHALL SUBMIT A PROPOSED FORM OF NOTICE TO MEMBERS OF THE DAMAGE SUBCLASSES AS SPECIFIED IN F.R.C.P. 23(C) (2) NO LATER THAN 10/15/93. IN THE EVENT THAT THE PARTIES ARE UNABLE TO REACH SUCH AN AGREEMENT, EACH SIDE SHALL SUBMIT ITS OWN PROPOSED FORM OF NOTICE NO LATER THAN 10/29/93 . (SIGNED BY JUDGE LOWELL A. REED JR.) 8/27/93 ENTERED AND COPIES MAILED. (fe) (Entered: 08/27/1993)
12/01/1993	17	ORDER THAT NOTICE OF THE CLASS ACTION CERTIFICATION SHALL BE MAILED BY FIRST CLASS MAIL TO ALL KNOWN MEMBERS OF THE CERTIFIED CLASSES BY PLFFS' COUNSEL ON OR BEFORE 1/17/94, ETC.; MEMBERS OF THE CLASSES MAY FILE A REQUEST TO BE EXCLUDED FROM THE CLASSES WITH THE CLERK OF THE COURT ON OR BEFORE 3/15/94, ETC. (SIGNED BY JUDGE LOWELL A. REED JR.) 12/2/93 ENTERED AND COPIES MAILED. (fe) (Entered: 12/02/1993)
01/05/1994	18	MOTION BY PLAINTIFF LISA WILSON, PLAINTIFF LAWRENCE BOWDEN, PLAINTIFF KIMWAN TOPPIN, PLAINTIFF SHIRLEAN LOPER TO CONFORM DATES IN CLASS NOTICE , CERTIFICATE OF SERVICE. (fe) (Entered: 01/05/1994)
01/13/1994	19	ORDER THAT HAVING CONSIDERED THE MOTION TO CONFORM DATES IN CLASS NOTICE AND FINDING IT REASONABLE IN ALL RESPECTS, THE COURT NOW DIRECTS PLFFS' COUNSEL TO CORRECT THE DATE IN THE CLASS NOTICE FOR MAKING AN ELECTION TO BE EXCLUDED. THE DATE FOR THAT ELECTION SHALL BE 3/15/94. (SIGNED BY JUDGE LOWELL A. REED JR.) 1/14/94 ENTERED AND COPIES MAILED. (fe) (Entered: 01/14/1994)
03/08/1994	20	ORDER THAT HAVING CONSIDERED UNOPPOSED MOTION TO AMEND CLASS NOTICE AND FINDING IT REASONABLE IN ALL RESPECTS, THE COURT NOW HEREBY ORDERS THAT CLASS NOTICE SHALL BE PUBLISHED ON JANUARY 24, 31 AND FEBRUARY 7, 1994 IN THE PHILA. DAILY NEWS RATHER THAN IN THE PHILA. INQUIRER. (SIGNED BY JUDGE LOWELL A. REED JR.) 3/9/94 ENTERED AND COPIES MAILED. (fe) (Entered: 03/09/1994)
10/14/1994	21	MOTION BY PLAINTIFF LISA WILSON, PLAINTIFF LAWRENCE BOWDEN, PLAINTIFF KIMWAN TOPPIN, PLAINTIFF SHIRLEAN LOPER TO REPLACE EXHIBIT E OF THE SETTLEMENT

		AGREEMENT , CERTIFICATE OF SERVICE. (fe) (Entered: 10/14/1994)
10/25/1994	22	ORDER THAT DEFTS COMPLY WITH THE NOTICE PROVISION OF PARAGRAPH 6(C) OF THE SETTLEMENT AGREEMENT BY UTILIZING THE LIST OF CLASS MEMBERS FILED WITH THE COURT ON 10/14/94, INSTEAD OF THE LIST COMPILED AT EXHIBIT E WHICH WAS PREVIOUSLY FILED WITH THE SETTLEMENT AGREEMENT ON 10/5/94. (SIGNED BY JUDGE LOWELL A. REED JR.) 10/26/94 ENTERED AND COPIES MAILED. (fe) (Entered: 10/26/1994)
11/10/1994	23	ORDER THAT THE SETTLEMENT AGREEMENT ATTACHED HERETO IS HEREBY PRELIMINARILY APPROVED; DEFTS HAVE AGREED TO COMPENSATE THE PLFF CLASS IN THE AMOUNT OF \$150,000, ETC. A HEARING AT WHICH MEMBERS OF THE CLASS SHALL HAVE THE OPPORTUNITY TO OBJECT TO THE TERMS OF THE SETTLEMENT AND TO PRESENT ANY CLAIMS AS TO THEIR ENTITLEMENT TO COMPENSATION WILL BE CONDUCTED ON THE 1/13/95, AT 2:30 P.M. , ETC. (SIGNED BY JUDGE LOWELL A. REED JR.) 11/14/94 ENTERED AND COPIES MAILED. (fe) (Entered: 11/14/1994)
12/14/1994	24	Certificate of service by DEFENDANT TINICUM TOWNSHIP, DEFENDANT TINICUM POLICE DEPT, DEFENDANT ROBERT T. LYTHGOE JR., DEFENDANT THOMAS CANZANESE, DEFENDANT WALTER FIFE re: served upon all persons listed below a copy of an order in the above-captioned matter. (fe) (Entered: 12/15/1994)
12/16/1994	25	ORDER THAT THE DEADLINE FOR FILING ALL NOTICES, OBJECTIONS OR OTHER PAPERS CONCERNING THE PROPOSED SETTLEMENT AGREEMENT IS 12/31/94. (SIGNED BY JUDGE LOWELL A. REED JR.) 12/19/94 ENTERED AND COPIES MAILED. (fe) (Entered: 12/19/1994)
01/03/1995	26	Joint memorandum in support of proposed settlement, certificate of service. (fe) (Entered: 01/04/1995)
01/19/1995	27	Fairness hearing Exhibits SP #1, 2, 3, and 4. (fe) (Entered: 01/19/1995)
01/19/1995	28	FINAL ORDER AND CONSENT DECREE THAT IN LIGHT OF THE FOREGOING, THE CONSENT DECREE INCLUDED AS AN EXHIBIT TO THE PROPOSED SETTLEMENT AGREEMENT, IS APPROVED AS FAIR TO THE CLASS AS A WHOLE PURSUANT TO F.R.C.P. 23(E), ETC.; ADDITIONALLY, IN LIGHT OF THE FOREGOING, THE SUM OF \$150,000 IN COMPENSATION SECURED BY THE PROPOSED SETTLEMENT AGREEMENT IS ALSO APPROVED AS WITHIN THE RANGE OF REASONABLENESS PURSUANT TO F.R.C.P. 23(E), ETC.; DEFTS SHALL NO LATER THAN 2/17/95 DELIVER TO MR. PRESSER THEIR CHECK IN THE AMOUNT OF \$150,000 PAYABLE TO

		"STEFAN PRESSER, ESQ., DAVID RUDOVSKY, ESQ. AND SETH KREIMER, ESQ. AS REPRESENTATIVE OF THE CLASS" AND IMMEDIATE DISTRIBUTION SHALL BE MADE TO THOSE INDIVIDUALS LISTED IN PARAGRAPHS 7(A) AND 7(B) OF THIS ORDER. THE \$70,000 PROPOSED AS COUNSEL FEES AND COSTS IN THE PROPOSED SETTLEMENT AGREEMENT IS ALSO FOUND TO BE FAIR AND REASONABLE AND THEREFORE IS APPROVED PURSUANT TO F.R.C.P. 23(E), ETC. (SIGNED BY JUDGE LOWELL A. REED JR.) 1/19/95 ENTERED AND COPIES MAILED. (fe) (Entered: 01/19/1995)
01/19/1995	29	ORDER THAT THE CLERK OF THE COURT SHALL SERVE COPIES OF THIS COURT'S FINAL ORDER DATED 1/19/95 UPON THE UNSUCCESSFUL CLAIMANTS LISTED IN PARAGRAPH 8 OF SAID FINAL ORDER WHOSE ADDRESSES ARE LISTED ON FAIRNESS HEARING EXHIBIT SP #4 AND TO MR. GEORGE MCNEALL AND HENRY WRIGHT. (SIGNED BY JUDGE LOWELL A. REED JR.) 1/19/95 ENTERED AND COPIES MAILED. (fe) (Entered: 01/19/1995)
01/19/1995		Case closed (kv) (Entered: 01/30/1995)
01/24/1995	30	MOTION BY PLAINTIFF LISA WILSON, PLAINTIFF LAWRENCE BOWDEN, PLAINTIFF KIMWAN TOPPIN, PLAINTIFF SHIRLEAN LOPER TO AMEND FINAL ORDER , CERTIFICATE OF SERVICE. (cd) (Entered: 01/25/1995)
01/27/1995	31	ORDER THAT PARAGRAPH 8(P) OF THE FINAL ORDER IN THIS ACTION IS VACATED , AND FURTHER, ANDRE WELLS' NAME IS ADDED TO PARAGRAPH 7(B) OF THE FINAL ORDER SO THAT HE SHALL RECEIVE AN EQUAL SHARE OF THE \$130,000 DISTRIBUTION IN THIS ACTION, ETC. (SIGNED BY JUDGE LOWELL A. REED JR.) 1/27/95 ENTERED AND COPIES MAILED. (fe) (Entered: 01/27/1995)
02/01/1995	32	Certification of Distribution by Stefan Presser, Esq. re: certifies that between 1/31/95 and 2/1/95, the \$150,000 compensation secured by the proposed settlement agreement was distributed in compliance with paragraph 7 of the final order as amended by this court's 1/26/95 order, certificate of service. (fe) (Entered: 02/02/1995)

PACER Service Center			
Transaction Receipt			
11/16/2005 17:38:28			
PACER Login:	hs0328	Client Code:	
Description:	Docket Report	Search Criteria:	2:92-cv-06617-LR
Billable Pages:	5	Cost:	0.40