U.S. District Court Western District of Pennsylvania (Pittsburgh) CIVIL DOCKET FOR CASE #: 2:12-cv-01666-A.JS

T.F. et al v. FOX CHAPEL AREA SCHOOL DISTRICT

Assigned to: Judge Arthur J. Schwab

Case in other court: Third Circuit, 13-04624

Cause: 28:1331 Fed. Question: Civil Rights Violation

Date Filed: 11/11/2012

Date Terminated: 11/05/2013

Jury Demand: Both

Nature of Suit: 448 Civil Rights:

Education

Jurisdiction: Federal Question

Plaintiff

T.F.

a minor by his partents

represented by Jeffrey J. Ruder

429 Forbes Ave

Suite 450

Pittsburgh, PA 15219

(412) 281-4959

Email: jeffruder@gmail.com

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

ATTORNEY TO BE NOTICED

Plaintiff

D.F. AND T.S.F.

and on their own behalf

represented by Jeffrey J. Ruder

(See above for address)

LEAD ATTORNEY

V.

Defendant

FOX CHAPEL AREA SCHOOL

DISTRICT

represented by Patricia R. Andrews

Andrews & Price

1500 Ardmore Boulevard

Suite 506

Pittsburgh, PA 15221 (412) 243-9700 Fax: 412-243-9660

Email: tandrews@andrewsandprice.com

ATTORNEY TO BE NOTICED

Counter Claimant

FOX CHAPEL AREA SCHOOL

DISTRICT

represented by Patricia R. Andrews

(See above for address)

ATTORNEY TO BE NOTICED

Counter Defendant

D.F. AND T.S.F.

and on their own behalf

represented by Jeffrey J. Ruder

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Counter Defendant

T.F.

a minor by his partents

represented by Jeffrey J. Ruder

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

| Date Filed # Docket Text | | | |
|--------------------------|----------|---|--|
| 11/11/2012 | 1 | COMPLAINT against FOX CHAPEL AREA SCHOOL DISTRICT (Filing fee \$350, receipt number 2572537), filed by T.F., D.F. AND T.S.F (Attachments: # 1 Civil Cover Sheet) (plh) (Entered: 11/13/2012) | |
| 11/15/2012 | 2 | 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. (ms) (Entered: 11/15/2012) | |
| 01/03/2013 | <u>3</u> | REQUEST FOR WAIVER of Service sent to Patricia Andrews on January 3, 2012 by T.F Waiver of Service due by 3/4/2013 (Ruder, Jeffrey) (Entered: 01/03/2013) | |
| 03/01/2013 | 4 | ANSWER, Affirmative Defenses to 1 Complaint, and COUNTERCLAIM against All Plaintiffs by FOX CHAPEL AREA SCHOOL DISTRICT. (Attachments: # 1 Exhibit A) (Andrews, Patricia) Modified on 3/5/2013. (plh) This document removed from public view SEE ERRATA at Doc. # 6. (Entered: 03/01/2013) | |
| 03/04/2013 | <u>5</u> | ORDER SCHEDULING INITIAL CASE MANAGEMENT CONFERENCE. The Initial Case Management Conference is scheduled for 04/11/13 at 8:30 AM. The 26(f) Report, Proposed Case Management Order, and Stipulation Selecting ADR Process are due on or before 04/04/13. Signed by Judge Arthur J. Schwab on 03/04/13. (eca) (Entered: 03/04/2013) | |
| 03/04/2013 | <u>6</u> | Errata re <u>4</u> Answer to Complaint, Counterclaim by FOX CHAPEL AREA SCHOOL DISTRICT. Reason for Correction: Exhibit A was not fully redacted. (Attachments: # <u>1</u> Exhibit A) (Andrews, Patricia) (Entered: 03/04/2013) | |
| 04/01/2013 | 7 | ANSWER to 4 Counterclaim, 6 Errata, by D.F. AND T.S.F., T.F. (Ruder, Jeffrey) Modified docket text on 4/5/2013. (tt) (Entered: 04/01/2013) | |
| 04/04/2013 | 8 | Proposed Case Management Order by D.F. AND T.S.F., FOX CHAPEL AREA SCHOOL DISTRICT, T.F (Andrews, Patricia) (Entered: 04/04/2013) | |
| 04/04/2013 | 9 | STIPULATION selecting ADR process by D.F. AND T.S.F., T.F (Ruder, Jeffrey) (Entered: 04/04/2013) | |

| 04/04/2013 | | TEXT ORDER RESCHEDULING Initial Case Management Conference for 4/10/2013 at 10:00 AM in Courtroom 7C before Judge Arthur J. Schwab. (Previously set for 4/11/13 at 8:30 AM)Signed by Judge Arthur J. Schwab on 4/4/13. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (lck) (Entered: 04/04/2013) | |
|------------|-----------|--|--|
| 04/05/2013 | | TEXT ORDER STRIKING 9 Stipulation selecting ADR process for failure to choose a specific date for the ADR session, which must occur within 60 days of the Initial Case Management Conference. A fully completed Stipulation selecting ADR process is due on or before 4/8/13. Signed by Judge Arthur J. Schwab on 4/5/13. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or notice on the matter. (ms) (Entered: 04/05/2013) | |
| 04/05/2013 | 10 | STIPULATION selecting ADR process by D.F. AND T.S.F., FOX CHAPEL AREA SCHOOL DISTRICT, T.F (Ruder, Jeffrey) (Entered: 04/05/2013) | |
| 04/09/2013 | | | |
| 04/10/2013 | | Minute Entry for proceedings held before Judge Arthur J. Schwab: Case Management Conference held on 4/10/2013. Case Management Order issued. Parties agreed to mediate before Maria Greco Danaher. Discussed pre-mediation/ENE discovery. Motion(s) to Compel due 5/3/13; Response(s) due 5/8/13. Plaintiff to file notice regarding whether jury demand is still necessary on or before 4/19/13. Text-only entry; no PDF document will issue. This text-only entry constitutes the Court's order or notice on the matter. (Court Reporter: Deborah Rowe) (ms) (Entered: 04/10/2013) | |
| 04/10/2013 | 12 | CASE MANAGEMENT ORDER: Exchange of required Rule 26(a)(1) information due by 4/25/2013; Amended Pleadings due by 5/10/2013; Discovery due by 9/9/2013; Plaintiff Pretrial Statement due by 11/8/2013; Defendant Pretrial Statement due by 11/18/2013; Plaintiff Expert Reports due by 8/8/2013; Defendant Expert Reports due by 8/28/2013; Summary Judgment due by 9/30/2013; Response to Summary Judgment due by 10/10/2013; Willingness to proceed before Magistrate Judge due by 5/10/2013. Signed by Judge Arthur J. Schwab on 4/10/13. (ms) (Entered: 04/10/2013) | |
| 04/10/2013 | 13 | ORDER REFERRING CASE to Mediation. Maria Greco Danaher is appointed as mediator. Mediation to occur by 6/10/13. Signed by Judge Arthur J. Schwab on 4/10/13. (ms) (Entered: 04/10/2013) | |
| 04/10/2013 | 14 | Notice of Mediation by MARIA GRECO DANAHER. Mediation Date June 6, 20 9:30 AM (Danaher, Maria) (Entered: 04/10/2013) | |
| 04/19/2013 | 15 | NOTICE <i>OF JURY TRIAL DEMAND</i> by D.F. AND T.S.F., T.F. (Ruder, Jeffrey) Modified on 4/22/2013. (plh) This document removed from public view and redocketed correctly. (Entered: 04/19/2013) | |
| 04/19/2013 | <u>16</u> | DEMAND for Trial by Jury by D.F. AND T.S.F., T.F. (plh) (Entered: 04/22/2013) | |
| 04/22/2013 | | CLERK'S OFFICE QUALITY CONTROL MESSAGE re 15 Notice. ERROR: Wrong event selected. CORRECTION: Re-docketed as Jury Demand. This message is for informational purposes only. (plh) (Entered: 04/22/2013) | |
| 04/22/2013 | 17 | PRETRIAL ORDER: Plaintiff witness list due by 11/18/2013; Defendant Witness list due by 11/28/2013; Points for Charge due by 11/22/2013; Exhibit List due by | |

| | | 12/3/2013; Proposed Verdict Slips due by 11/22/2013; Proposed Voir Dire by 11/22/2013; Stipulation due by 11/22/2013; Motions in Limine due by 11/20/2013; Response to Motions in Limine due by 11/25/2013; Jury Trial set for 2/3/2014 at 9:00 AM in Courtroom 7C before Judge Arthur J. Schwab; Pretrial Conference set for 1/30/2014 at 9:00 AM in Courtroom 7C before Judge Arthur J. Schwab; Preliminary Pretrial Conference set for 1/24/2014 at 8:30 AM in Courtroom 7C before Judge Arthur J. Schwab. Signed by Judge Arthur J. Schwab on 4/22/13. (ms) (Entered: 04/22/2013) | | |
|------------|---|---|--|--|
| 05/10/2013 | 18 | MOTION to Strike <i>Jury Trial Demand</i> by FOX CHAPEL AREA SCHOOL DISTRICT. (Attachments: # 1 Proposed Order) (Andrews, Patricia) (Entered: 05/10/2013) | | |
| 05/10/2013 | <u>19</u> | BRIEF in Support re 18 Motion to Strike <i>Jury Trial Demand</i> filed by FOX CHAPEL AREA SCHOOL DISTRICT. (Andrews, Patricia) (Entered: 05/10/2013) | | |
| 05/13/2013 | | TEXT ORDER Response to Motion Strike Jury Trial Demand filed by FOX CHAPEL AREA SCHOOL DISTRICT is due by 5/21/2013 at noon. Signed Judge Arthur J. Schwab on 05/13/13. Text-only entry; no PDF document will in This text-only entry constitutes the Order of the Court or Notice on the matter. (Entered: 05/13/2013) | | |
| 05/21/2013 | 20 | RESPONSE to Motion re 18 MOTION to Strike <i>Jury Trial Demand</i> filed by D.F. AND T.S.F (Ruder, Jeffrey) (Entered: 05/21/2013) | | |
| 05/21/2013 | 21 | BRIEF in Opposition re 18 Motion to Strike filed by D.F. AND T.S.F (Ruder, Jeffrey) (Entered: 05/21/2013) | | |
| 05/30/2013 | 22 | ORDER denying 18 Motion to Strike Plaintiff's Jury Trial Demand as premature. Signed by Judge Arthur J. Schwab on 5/30/2013. (lmt) (Entered: 05/30/2013) | | |
| 06/06/2013 | 23 | REPORT of Mediation: Case has not been resolved. 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. Mediation session was held on 6/6/2013. (Danaher, Maria) (Entered: 06/06/2013) | | |
| 07/25/2013 | | As reflected in 12 Case Management Order, Summary Judgment due by 9/30/2013. (jmm) (Entered: 07/25/2013) | | |
| 09/09/2013 | 24 | First MOTION to Compel Responsive Answers to Interrogatories and Production of Documents by D.F. AND T.S.F., T.F (Attachments: # 1 Certification and Notice Filing Pretrial Motions, # 2 Proposed Order, # 3 Exhibit A, First Letter for Supplemental Discovery Responses, # 4 Exhibit B, Emails to Defendant's Counsel, 5 Exhibit C, Discovery Requests & Supplemental Responses, # 6 Exhibit D, Secon Letter for Supplemental Responses, # 7 Exhibit E, Email to Defendant's Counsel) (Ruder, Jeffrey) (Entered: 09/09/2013) | | |
| 09/10/2013 | TEXT ORDER re 24 Motion to Compel filed by D.F. AND T.S.F., T.F. Resp due by 9/12/2013 at noon. Signed by Judge Arthur J. Schwab on 9/10/13. Text entry; no PDF document will issue. This text-only entry constitutes the Order of Court or Notice on the matter. (lck) (Entered: 09/10/2013) | | | |

| 09/10/2013 | <u>25</u> | First MOTION to Withdraw 24 First MOTION to Compel Responsive Answers to Interrogatories and Production of Documents by D.F. AND T.S.F., T.F (Ruder, Jeffrey) (Entered: 09/10/2013) | | | |
|------------|--|--|--|--|--|
| 09/10/2013 | <u>26</u> | ORDER GRANTING <u>25</u> Motion to Withdraw and WITHDRAWING <u>24</u> Motion Compel Production of Documents and Information. Signed by Judge Arthur J. Schwab on 9/10/13. (lck) (Entered: 09/10/2013) | | | |
| 09/26/2013 | | TEXT ORDER, Status Conference set for 10/16/2013 at 08:30 AM in Courtroom 70 before Judge Arthur J. Schwab. Signed by Judge Arthur J. Schwab on 9/26/13. Text only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (lck) (Entered: 09/26/2013) | | | |
| 09/30/2013 | <u>27</u> | MOTION to Continue <i>Status Conference</i> by D.F. AND T.S.F., T.F (Attachments: # 1 Proposed Order) (Ruder, Jeffrey) (Entered: 09/30/2013) | | | |
| 09/30/2013 | <u>28</u> | MOTION for Summary Judgment by FOX CHAPEL AREA SCHOOL DISTRICT. (Attachments: # 1 Proposed Order) (Andrews, Patricia) (Entered: 09/30/2013) | | | |
| 09/30/2013 | <u>29</u> | BRIEF in Support re <u>28</u> Motion for Summary Judgment filed by FOX CHAPEL AREA SCHOOL DISTRICT. (Andrews, Patricia) (Entered: 09/30/2013) | | | |
| 09/30/2013 | <u>30</u> | CONCISE STATEMENT OF MATERIAL FACTS re <u>28</u> Motion for Summar Judgment, <u>29</u> Brief in Support of Motion by FOX CHAPEL AREA SCHOOL DISTRICT. (Andrews, Patricia) (Entered: 09/30/2013) | | | |
| 09/30/2013 | 31 | First MOTION for Summary Judgment by D.F. AND T.S.F., T.F (Attachments: Proposed Order) (Ruder, Jeffrey) (Entered: 09/30/2013) | | | |
| 09/30/2013 | Appendix to 31 Motion for Summary Judgment by D.F. AND T.S.F., T.F (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 EE, # 6 Exhibit F, # 7 Exhibit G, # 8 Exhibit H, # 9 Exhibit I, # 10 Exhibit J, # 11 Exhibit P, # 12 Exhibit L, # 13 Exhibit M, # 14 Exhibit N, # 15 Exhibit O, # 11 Exhibit P, # 17 Exhibit Q, # 18 Exhibit R, # 19 Exhibit S, # 20 Exhibit T, # 21 Exhibit U, # 22 Exhibit V, # 23 Exhibit W, # 24 Exhibit X, # 25 Exhibit Y, # 12 Exhibit Z, # 27 Exhibit AA, # 28 Exhibit BB, # 29 Exhibit CC, # 30 Exhibit D 31 Exhibit EE, # 32 Exhibit FF, # 33 Exhibit GG, # 34 Exhibit HH, # 35 Exhibit (Ruder, Jeffrey) Modified on 10/11/2013. (lck,) All Exhibits are sealed. (Enter 09/30/2013) | | | | |
| 09/30/2013 | 33 | CONCISE STATEMENT OF MATERIAL FACTS re 31 Motion for Summary Judgment by D.F. AND T.S.F., T.F (Ruder, Jeffrey) (Entered: 09/30/2013) | | | |
| 09/30/2013 | <u>34</u> | BRIEF in Support re 31 Motion for Summary Judgment filed by D.F. AND T.S.F., T.F (Ruder, Jeffrey) (Entered: 09/30/2013) | | | |
| 09/30/2013 | 35 | Appendix to <u>28</u> Motion for Summary Judgment, <u>30</u> Concise Statement of Material Facts, <u>29</u> Brief in Support of Motion by FOX CHAPEL AREA SCHOOL DISTRICT. (Attachments: # <u>1</u> Appendix Vol. 2, # <u>2</u> Appendix Vol. 4) (Andrews, Patricia) (Entered: 09/30/2013) | | | |
| 09/30/2013 | <u>36</u> | Appendix to 35 Appendix, 28 Motion for Summary Judgment, 30 Concise Statem of Material Facts, 29 Brief in Support of Motion by FOX CHAPEL AREA SCHOOL DISTRICT. (Andrews, Patricia) (Entered: 09/30/2013) | | | |

| 09/30/2013 | 37 | Appendix to 35 Appendix, 28 Motion for Summary Judgment, 30 Concise Stateme of Material Facts, 29 Brief in Support of Motion, 36 Appendix by FOX CHAPEL AREA SCHOOL DISTRICT. (Andrews, Patricia) (Entered: 09/30/2013) | | | |
|------------|-----------|---|--|--|--|
| 09/30/2013 | 38 | Appendix to <u>35</u> Appendix, <u>28</u> Motion for Summary Judgment, <u>30</u> Concise Stateme of Material Facts, <u>29</u> Brief in Support of Motion, <u>36</u> Appendix, <u>37</u> Appendix by FOX CHAPEL AREA SCHOOL DISTRICT. (Andrews, Patricia) (Entered: 09/30/2013) | | | |
| 09/30/2013 | 39 | Appendix to 35 Appendix, 28 Motion for Summary Judgment, 38 Appendix, 30 Concise Statement of Material Facts, 29 Brief in Support of Motion, 36 Appendix b FOX CHAPEL AREA SCHOOL DISTRICT. (Andrews, Patricia) (Entered: 09/30/2013) | | | |
| 09/30/2013 | 40 | AFFIDAVIT re 39 Appendix, 35 Appendix, 28 MOTION for Summary Judgmen 38 Appendix, 30 Concise Statement of Material Facts, 29 Brief in Support of Mot 36 Appendix, 37 Appendix by FOX CHAPEL AREA SCHOOL DISTRICT. (Andrews, Patricia) (Entered: 09/30/2013) | | | |
| 09/30/2013 | 41 | Appendix to 39 Appendix, 35 Appendix, 28 Motion for Summary Judgment, 38 Appendix, 30 Concise Statement of Material Facts, 29 Brief in Support of Motion Affidavit, 36 Appendix, 37 Appendix by FOX CHAPEL AREA SCHOOL DISTRICT. (Andrews, Patricia) (Entered: 09/30/2013) | | | |
| 09/30/2013 | 42 | Appendix to 39 Appendix, 35 Appendix, 28 Motion for Summary Judgment, 38 Appendix, 30 Concise Statement of Material Facts, 29 Brief in Support of Motior Affidavit, 36 Appendix, 41 Appendix, 37 Appendix by FOX CHAPEL AREA SCHOOL DISTRICT. (Andrews, Patricia) (Entered: 09/30/2013) | | | |
| 10/01/2013 | 43 | ORDER GRANTING <u>27</u> Motion to Continue - Status Conference rescheduled for 10/24/2013 at 08:30 AM in Courtroom 7C before Judge Arthur J. Schwab. Signed b Judge Arthur J. Schwab on 10/1/13. (lck) (Entered: 10/01/2013) | | | |
| 10/10/2013 | 44 | RESPONSE to Motion re 28 MOTION for Summary Judgment filed by D.F. AND T.S.F., T.F (Ruder, Jeffrey) (Entered: 10/10/2013) | | | |
| 10/10/2013 | 45 | BRIEF in Opposition re 28 Motion for Summary Judgment filed by D.F. AND T.S.F., T.F (Ruder, Jeffrey) (Entered: 10/10/2013) | | | |
| 10/10/2013 | 46 | JOINT CONCISE STATEMENT OF MATERIAL FACTS in response to the opposing party's Concise Statement of Material Facts by D.F. AND T.S.F., FOX CHAPEL AREA SCHOOL DISTRICT, T.F. (Ruder, Jeffrey) Modified on 10/11/2013. (plh) (Entered: 10/10/2013) | | | |
| 10/10/2013 | 47 | Appendix to 46 Concise Statement of Material Facts by D.F. AND T.S.F., T.F (Attachments: # 1 Exhibit JJ, # 2 Exhibit KK) (Ruder, Jeffrey) (Entered: 10/10/201 | | | |
| 10/10/2013 | 48 | MOTION to Seal Document <u>32</u> Appendix, by D.F. AND T.S.F., T.F. (Attachment # <u>1</u> Proposed Order) (Ruder, Jeffrey) (Entered: 10/10/2013) | | | |
| 10/10/2013 | <u>49</u> | BRIEF in Opposition re <u>31</u> Motion for Summary Judgment filed by FOX CHAPEL AREA SCHOOL DISTRICT. (Andrews, Patricia) (Entered: 10/10/2013) | | | |
| 10/10/2013 | <u>50</u> | Appendix to <u>49</u> Brief in Opposition to Motion by FOX CHAPEL AREA SCHOOL DISTRICT. (Andrews, Patricia) (Entered: 10/10/2013) | | | |

| 10/11/2013 | 51 | ORDER GRANTING Doc No <u>48</u> Motion to Seal Document Exhibits. Exhibits SEALED at Doc No <u>32</u> MOTION for Summary Judgment. Document Sealed Permanently . Signed by Judge Arthur J. Schwab on 10/11/13. (lck) Modified on 10/11/2013. (lck,) (Entered: 10/11/2013) | |
|------------|-----------|---|--|
| 10/24/2013 | <u>52</u> | Remark: The Court received documents from the Office for Dispute Resolution on 10/4/13 (1 box). (lck) (Entered: 10/24/2013) | |
| 10/24/2013 | <u>53</u> | Minute Entry for proceedings held before Judge Arthur J. Schwab: Status Confere held on 10/24/2013. Parties cannot reach a settlement at this time. Decision on Mo for Summary Judgment will be made by 11/18/13. (Court Reporter: Richard Ford) (lck) (Entered: 10/24/2013) | |
| 11/05/2013 | <u>54</u> | MEMORANDUM OPINION on Summary Judgment. Signed by Judge Arthur Schwab on 11-5-13. (nam) (Entered: 11/05/2013) | |
| 11/05/2013 | 55 | ORDER granting Defendant's <u>28</u> Motion for Summary Judgment; denying Plaintiff <u>31</u> Motion for Summary Judgment. Judgment is hereby entered in favor of Defenda and against Plaintiffs. The Clerk shall mark the docket closed. Signed by Judge Arthur J. Schwab on 11-5-13. (nam) Modified docket text on 11/7/2013. (tt) (Entered 11/05/2013) | |
| 12/04/2013 | <u>56</u> | NOTICE OF APPEAL as to <u>55</u> Order on Motion for Summary Judgment,,, by D.F. AND T.S.F., T.F Filing fee \$505, receipt number 0315-3017504. Motion for IFP N/A. Certificate of Appealability N/A. Court Reporter(s): Deborah Rowe. The Clerk's Office hereby certifies the record and the docket sheet available through ECF to be the certified list in lieu of the record and/or the certified copy of the docket entries. The Transcript Purchase Order form will NOT be mailed to the parties. The form is available on the Court's internet site. (Ruder, Jeffrey) (Entered: 12/04/2013) | |
| 12/20/2013 | <u>58</u> | TRANSCRIPT REQUEST re <u>56</u> Notice of Appeal, by D.F. AND T.S.F., T.F. no transcript is being ordered (Ruder, Jeffrey) (Entered: 12/20/2013) | |
| 12/23/2013 | | Record complete for Appeal purposes. The Clerk's Office hereby certifies the record and the docket sheet available through ECF to be the certified copy of the docket entries. (ksa) (Entered: 12/23/2013) | |

| PACER Service Center | | | | | |
|----------------------|--------------------------------|------------------|-------------------|--|--|
| Transaction Receipt | | | | | |
| 06/13/2014 12:40:15 | | | | | |
| PACER Login: | CER Login: pw0154 Client Code: | | | | |
| Description: | Docket Report | Search Criteria: | 2:12-cv-01666-AJS | | |
| Billable Pages: | 6 | Cost: | 0.60 | | |