

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

150-151

PENNSYLVANIA ASSOCIATION FOR : CIVIL ACTION
RETARDED CHILDREN, et al. :
v. :
COMMONWEALTH OF PENNSYLVANIA, :
et al. : NO. 71-42

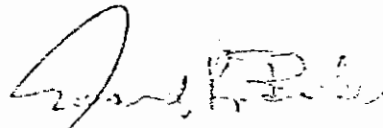
MEMORANDUM AND ORDER

EDWARD R. BECKER, J.

OCTOBER 21, 1976

Following the filing by plaintiffs Drew Pinder, et al. of a complaint for enforcement of decrees under the above caption, we conferred with counsel for the plaintiffs and counsel for the Lower Merion School District and the members of the Lower Merion School Board. As the result of that conference the dispute between the parties has been amicably resolved. See letters attached. We take this opportunity to commend counsel and the parties for their cooperative and constructive efforts. We will therefore mark the complaint for enforcement of decrees withdrawn without prejudice.^{1/}

BY THE COURT:


EDWARD R. BECKER, J.

1. We have also entered an order, pursuant to the oral motion of four of the defendants, to strike the allegations of paragraph 19 of the complaint.

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OF COUNSEL
PAUL P. WISLER

October 19, 1976

K. Robert Conrad, Esq.
20th Floor
Fidelity Building
Philadelphia, Pennsylvania 19109

Dear Mr. Conrad:

At a meeting of the Board of School Directors of Lower Merion School District held on Monday, October 18, 1976, and as a result of further discussion concerning the transportation of pupils to the Benchmark and Elwyn Schools, the Board undertook to do the following.

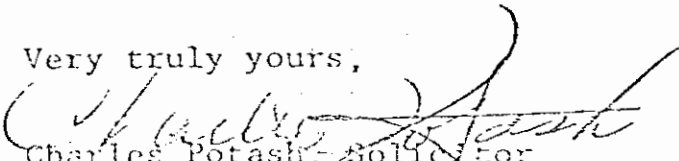
- (1) Separation of the transportation of the pupils attending the Benchmark and Elwyn Schools.
- (2) Door to door service for Elwyn pupils by taxi.
- (3) The time requirements for transportation to these two schools will be reduced.

Note: Under the foregoing plan, Benchmark pupils will continue to take District owned vehicles to Ardmore Junior High School and transfer to a Tote Tots bus. (The reverse takes place in the afternoon.)

In addition, the President of the School Board will appoint a committee on special education to meet with parents and administrators periodically to review all phases of special education of the District, to review concerns of parents and to invite their participation.

Any problems not solved in the interim by the administrators shall be referred to the President of the Board who shall be a member of that committee.

Very truly yours,


Charles Potash, Solicitor
Lower Merion School District

CP/ap

cc: Mr. Henry Parkin
Thomas O'Neill, Esq.
Dr. Donald R. Van Wagenen
Mr. Henry Clay

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October 25, 1976

Hon. Edward R. Becker
16614 United States Court House
601 Market Street
Philadelphia, Pa. 19106

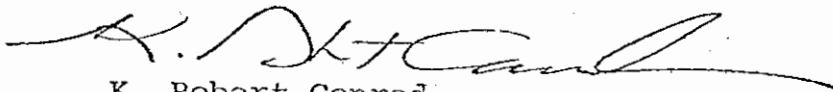
Re: Pennsylvania Association for Retarded
Children, et al. v. Commonwealth of
Pennsylvania, et al. Civil Action No. 71-42

Dear Judge Becker:

As agreed in your chambers today, the plaintiffs are prepared to dismiss their complaint without prejudice based on the letter supplied us by Mr. Potash under date of October 19, 1976. Accordingly, Mr. Potash's letter and this letter may be attached to Your Honor's Memorandum and Order.

Thank you again for your assistance in resolving this matter.

Respectfully submitted,



K. Robert Conrad

KRC:msb

Enclosures

cc: Charles Potash, Esquire
Thomas N. O'Neill, Jr., Esquire

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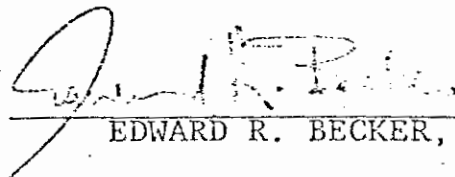
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O R D E R

AND NOW, this 26th day of October, 1976, in
consideration of the foregoing memorandum, IT IS ORDERED
that:

1. Paragraph 19 of the complaint for enforcement of
decrees is stricken.
2. The complaint for enforcement of decree is marked
"withdrawn without prejudice".

BY THE COURT:


EDWARD R. BECKER, J.