A/R, CLOSED, STANDARD

# **United States District Court** Eastern District of Pennsylvania (Philadelphia) CIVIL DOCKET FOR CASE #: 2:03-cv-05461-PD

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION v.

MUHLENBERG MEDICAL ASSOCIATES

Assigned to: HONORABLE PAUL S. DIAMOND

Cause: 42:1983 Civil Rights Act

Date Filed: 09/30/2003

Date Terminated: 09/30/2004

Jury Demand: Both

Nature of Suit: 442 Civil Rights: Jobs Jurisdiction: U.S. Government Plaintiff

## **Plaintiff**

**EQUAL EMPLOYMENT OPPORTUNITY COMMISSION**  represented by CYNTHIA A. LOCKE

**EQUAL EMPLOYMENT** 

OPPORTUNITY COMMISSION

21 S. 5TH ST

**STE 400** 

PHILADELPHIA, PA 19106

215-440-2683

Email: cynthia.locke@eeoc.gov

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

#### JACQUELINE H. MCNAIR

**EQUAL EMPLOYMENT** 

OPPORTUNITY COMMISSION

21 S. 5TH ST

STE 400

PHILADELPHIA, PA 19106

215-440-2687

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

#### JUDITH A. O'BOYLE

**EQUAL EMPLOYMENT** 

OPPORTUNITY COMMISSION

21 S. 5TH ST

**STE 400** 

PHILADELPHIA, PA 19106

215-440-2687

Email: judith.oboyle@eeoc.gov

LEAD ATTORNEY

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#### **Intervenor Plaintiff**

LEANNA STASTNY

represented by JANA R. BARNETT

1238 CLEVELAND AVENUE

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WYOMISSING, PA 19610-2102

(610) 478-1860 Fax: 610-478-0453 Email: jrbarnet@ptd.net *LEAD ATTORNEY* 

ATTORNEY TO BE NOTICED

V.

### **Defendant**

MUHLENBERG MEDICAL ASSOCIATES

represented by KEVIN A. MOORE

LEISAWITZ HELLER

ABRAMOVWITCH PHILLIPS PC

2755 CENTURY BLVD WYOMISSING, PA 19610

610-372-3500 Fax: 610-372-8671

Email: kmoore@lhaplaw.com

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

### **Respondent**

**CHERIE BIFFEL-POWELL** 

represented by JANA R. BARNETT

(See above for address)

ATTORNEY TO BE NOTICED

#### **ThirdParty Plaintiff**

MUHLENBERG MEDICAL ASSOCIATES

TERMINATED: 03/03/2004

V.

### **ThirdParty Defendant**

PH.D., M.D. JOSEPH R. HASSAN

TERMINATED: 03/01/2004

represented by ANDREW N. HOWE

HARTMAN, HARTMAN, HOWE &

**ALLERTON** 

2901 ST. LAWRENCE AVE.

P.O. BOX 4429

READING, PA 19606

610-779-0772

Fax: 610-779-7473

Email: ahowe@hhha.com *TERMINATED: 10/31/2004* 

### **ThirdParty Plaintiff**

MUHLENBERG MEDICAL ASSOCIATES

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TERMINATED: 03/03/2004

V.

## **ThirdParty Defendant**

PH.D., M.D. JOSEPH R. HASSAN

TERMINATED: 03/03/2004

## represented by ANDREW N. HOWE

(See above for address) TERMINATED: 10/31/2004

Date Filed	#	Docket Text	
09/30/2003	1	COMPLAINT against MUHLENBERG MEDICAL ASSOCIATES, filed by EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.(ti, ) Additional attachment(s) added on 11/25/2003 (mbh, ). (Entered: 09/30/2003)	
09/30/2003		One Original Summons Issued as to MUHLENBERG MEDICAL ASSOCIATES.Given To: Counsel on 9/30/03 (ti, ) (Entered: 09/30/2003)	
09/30/2003		DEMAND for Trial by Jury by EQUAL EMPLOYMENT OPPORTUNITY COMMISSION. (ti, ) (Entered: 09/30/2003)	
11/21/2003	2	ORDER APPROVING STIPULATION THAT MUHLENBERG MEDICAL ASSOCIATES'S ANSWER SHALL BE FILED NO LATER THAN 12/3/03 SIGNED BY JUDGE FRANKLIN S. VAN ANTWERPEN ON 11/21/03. 11/21/03 ENTERED AND COPIES MAILED (ph, ) (Entered: 11/21/2003)	
11/21/2003	3	SUMMONS Returned Executed by EQUAL EMPLOYMENT OPPORTUNITY COMMISSION re: Frank Olivieri served Summons and Complaint upon MUHLENBERG MEDICAL ASSOCIATES by personal. MUHLENBERG MEDICAL ASSOCIATES served on 10/29/2003, answer due 11/18/2003. (ph, (Entered: 11/24/2003)	
12/03/2003	4	ANSWER with affirmative defenses to Complaint, Certificate of service by MUHLENBERG MEDICAL ASSOCIATES.(ph, ) (Entered: 12/03/2003)	
12/03/2003		Issue Joined (ph, ) (Entered: 12/03/2003)	
12/04/2003	<u>5</u>	MOTION TO INTERVENE, MEMORANDUM, CERTIFICATE OF SERVICE (COMPLAINT ATTACHED filed by LEANNA STASTNY(ph, ) (Entered: 12/05/2003)	
12/04/2003	<u>6</u>	THIRD PARTY COMPLAINT against JOSEPH R. HASSAN, filed by MUHLENBERG MEDICAL ASSOCIATES.(ph, ) (Entered: 12/05/2003)	
12/04/2003		Third Party Summons Issued as to JOSEPH R. HASSAN. Forwarded To: KEVIN MOORE on 12/5/03 (ph, ) (Entered: 12/05/2003)	
12/04/2003	9	Intervenor COMPLAINT, filed by LEANNA STASTNY.(ph, ) Additional attachment(s) added on 1/2/2004 (ph, ). (Entered: 01/02/2004)	
12/23/2003	7	SUMMONS Returned Executed by EQUAL EMPLOYMENT OPPORTUNITY COMMISSION re: F. Olivieri served Summons and Complaint upon	

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		MUHLENBERG MEDICAL ASSOCIATES. MUHLENBERG MEDICAL ASSOCIATES served on 10/29/2003, answer due 11/18/2003. (ph, ) (Entered: 12/23/2003)	
01/02/2004	8	ORDER THAT LEANNA STASTNY'S MOTION TO INTERVENE IS GRANTED, THE COMPLAINT ATTACHED TO THE MOTION TO INTERVENE BE FILED WITH THE CLERK AS OF 12/4/03; IT IS FURTHER ORDERED THAT AFTER THE COMPLAINT IS SERVED UPON THE DEFENDANT, THE DEFENDANT SHALL RESPOND TO MRS. STASTNY'S COMPLAINT WITHIN THE TIME FRAME ESTABLISHED BY THE FRCP AND LOCAL RULES SIGNED BY JUDGE FRANKLIN S. VAN ANTWERPEN ON 1/2/04. 1/2/04 ENTERED AND COPIES MAILED (ph, ) (Entered: 01/02/2004)	
01/02/2004		Summons Issued on Intervenor complaint as to MUHLENBERG MEDICAL ASSOCIATES. Forwarded To: J. BARNETT, ESQ. on 1/2/04 (ph, ) (Entered: 01/02/2004)	
01/30/2004	<u>10</u>	Third Party MOTION to Dismiss <i>Third Party Complaint</i> filed by JOSEPH R. HASSAN.Memorandum, Certificate of Service.(HOWE, ANDREW) (Entered: 01/30/2004)	
02/04/2004	11	WAIVER OF SERVICE Returned Executed by EQUAL EMPLOYMENT OPPORTUNITY COMMISSION. MUHLENBERG MEDICAL ASSOCIATE waiver sent on 1/7/2004, answer due 3/8/2004. (ph, ) (Entered: 02/04/2004)	
02/06/2004	12	WAIVER OF SERVICE Returned Executed by EQUAL EMPLOYMENT OPPORTUNITY COMMISSION, LEANNA STASTNY. JOSEPH R. HASSAN waiver sent on 12/3/2003, answer due 2/2/2004. (ph, ) (Entered: 02/06/2004)	
02/19/2004	13	ORDER THAT UPON REVIEW OF THE STIPULATION, IT IS ORDERED THAT DEFENDANT'S ANSWER TO THIRD PARTY DEFENDANT'S MOTION TO DISMISS SHALL BE FILED NO LATER THAN 2/27/04. SIGNED BY FRANKLIN S. VAN ANTWERPEN ON 2/19/04. 2/19/04 ENTERED AND COPIES MAILED AND FAXED.(ph, ) (Entered: 02/19/2004)	
03/01/2004	<u>14</u>	STIPULATION of Dismissal by MUHLENBERG MEDICAL ASSOCIATES against JOSEPH R. HASSAN. (stb, ) (Entered: 03/02/2004)	
03/03/2004	15	ORDER THAT ACTION IS DISMISSED WITH PREJUDICE PURSUANT TO LOCAL RULE 41.1(b). SIGNED BY JUDGE FRANKLIN S. VAN ANTWERPEN ON 3/2/04. 3/3/04 ENTERED AND COPIES MAILED AND FAXED.(stb, ) (Entered: 03/03/2004)	
03/08/2004	<u>16</u>	Answer and Affirmative Defenses to Intervenor Complaint by MUHLENBERG MEDICAL ASSOCIATES, Jury Trial Demanded, Certificate of SDervice.(jpd) (Entered: 03/08/2004)	
03/11/2004	<u>17</u>	THIRD PARTY COMPLAINT against JOSEPH R. HASSAN , filed by MUHLENBERG MEDICAL ASSOCIATES.(ph, ) (Entered: 03/12/2004)	
05/04/2004	18	WAIVER OF SERVICE Returned Executed JOSEPH R. HASSAN waiver sent on 4/1/2004, answer due 6/1/2004. (ph, ) (Entered: 05/04/2004)	

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06/01/2004	<u>19</u>	Third Party MOTION to Dismiss <i>Third Party Complaint</i> filed by JOSEPH R. HASSAN.Memorandum and Certificate of Service.(HOWE, ANDREW) (Entered: 06/01/2004)	
06/15/2004	<u>20</u>	STIPULATION re 19 Third Party MOTION to Dismiss <i>Third Party Complain For Extension of Time</i> by MUHLENBERG MEDICAL ASSOCIATES. (Attachments: # 1 Text of Proposed Order) (PHILLIPS, CHARLES) (FILED I ERROR BY ATTORNEY; COPY FORWARDED TO JUDGE FOR APPROVAL) Modified on 6/16/2004 (np). (Entered: 06/15/2004)	
06/22/2004	21	ORDER APPROVING STIPULATION THAT DEFENDANT'S ANSWER TO THIRD PARTY DEFENDANT'S MOTION TO DISMISS SHALL BE FILED NO LATER THAN 6/29/04 SIGNED BY JUDGE HARVEY BARTLE III ON 6/22/04. 6/23/04 ENTERED AND COPIES MAILED AND FAXED.(ph, ) (Entered: 06/23/2004)	
06/29/2004	<u>22</u>	Response re 19 Third Party MOTION to Dismiss <i>Third Party Complaint</i> by MUHLENBERG MEDICAL ASSOCIATES. (Attachments: # 1 Text of Proposed Order # 2 Certificate of Service) (PHILLIPS, CHARLES) (Entered: 06/29/2004)	
06/29/2004	<u>23</u>	Memorandum of Law Contra Third Party Defendant's Motion to Dismiss re 19 Third Party MOTION to Dismiss <i>Third Party Complaint</i> filed by MUHLENBERG MEDICAL ASSOCIATES. (Attachments: # 1 Exhibit "A"# 2 Certificate of Service)(PHILLIPS, CHARLES) (Entered: 06/29/2004)	
07/09/2004	24	Self executing Disclosure with Certificate of service by MUHLENBERG MEDICAL ASSOCIATES.(ph, ) (Entered: 07/12/2004)	
08/09/2004	<u>25</u>	ORDER THAT THIS CASE IS REASSIGNED FROM JUDGE FRANKLIN S. VAN ANTWERPEN TO JUDGE PAUL S. DIAMOND FOR ALL FURTHER PROCEEDINGS. SIGNED BY CLERK OF COURT MICHAEL E. KUNZ ON 8/9/04. 8/9/04 ENTERED AND COPIES MAILED AND FAXED.(ph, ) Modified on 8/9/2004 (ph, ). (Entered: 08/09/2004)	
08/17/2004	<u>26</u>	ORDER SET ORAL ARGUMENT ON JOSEPH R. HASSAN'S MOTION TO DISMISS THIRD PARTY COMPLAINT ON 9/14/04 AT 9:30 IN A COURTROOM TO BE SET SIGNED BY JUDGE PAUL S. DIAMOND OF 8/17/04. 8/18/04 ENTERED AND COPIES MAILED BY CHAMBERS(ph, ) (Entered: 08/18/2004)	
09/09/2004	<u>27</u>	Supplemental Memorandum of law in support re 19 Third Party MOTION to Dismiss <i>Third Party Complaint and Oral Argument</i> by JOSEPH R. HASSAN, Certificate of Service. (HOWE, ANDREW) Modified on 9/10/2004 (np). (Entered: 09/09/2004)	
09/14/2004	28	Minute Entry for proceedings held before Judge PAUL S. DIAMOND: Motion Hearing held on 9/14/04 re 19/2 Third Party MOTION to Dismiss Third Party Complaint filed by JOSEPH R. HASSAN Court Reporter: Andrea Mack. The court takes this matter under advisement. (mar, ) (Entered: 09/14/2004)	
09/17/2004	29		

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	CHAMBERS.(mbh, ) (Entered: 09/17/2004)			
09/29/2004	<u>30</u>	ORDER THAT MOTION OF THIRD PARTY DEFENDANT JOSEPH R. HASSAN TO DISMISS THE THIRD PARTY COMPLAINT, THE RESPONSE OF ORIGINAL DEFENDANT MUHLENBERG MEDICAL ASSOCIATES, ANY RELATED SUBMISSIONS, IS DENIED AS MOOT . SIGNED BY JUDGE PAUL S. DIAMOND ON 9/29/04.9/30/04 ENTERED AND COPIES MAILED AND FAXED. (mar, ) (Entered: 09/30/2004)		
09/30/2004	<u>31</u>	ORDER DISMISSING ACTION WITH PREJUDICE PURSUANT TO LOCA RULE 41.1(b). SIGNED BY JUDGE PAUL S. DIAMOND ON 9/30/04. 9/30/ ENTERED AND COPIES MAILED AND FAXED.(cdj, ) (Entered: 09/30/200		
09/30/2004	32	Minute Entry for proceedings held before Judge PAUL S. DIAMOND: Settlement Conference held on 9/28/04. Court Reporter: Andrea L. Mack. Counsel reach a settlement in this case. A 41.1b order is to follow. (mar, ) (Entered: 10/01/2004)		
11/19/2004	<u>33</u>	SETTLEMENT AGREEMENT /Consent Decree by Plaintiff, Equal Employme Opportunity Commisson and by MUHLENBERG MEDICAL ASSOCIATES. (SPEICHER, JOHN) (Entered: 11/19/2004)		
11/19/2004	<u>34</u>	Petition to Enforce <i>Settlement Agreement</i> filed by MUHLENBERG MEDICAL ASSOCIATES, Memorandum of Law, Certificate of Service. (Attachments: # 1 Text of Proposed Order # 2 Exhibit "A"# 3 Exhibit "B"# 4 Exhibit "C"# 5 Exhibit "D"# 6 Exhibit "E"# 7 Exhibit "F"# 8 Exhibit "G"# 9 Exhibit "H"# 10 Exhibit "I"# 11 Exhibit "J"# 12 Certificate of Service of Petition# 13 Memorandum in Support# 14 Certificate of Service of Memorandum) (SPEICHER, JOHN) Modified on 11/22/2004 (np). (Entered: 11/19/2004)		
11/29/2004	<u>35</u>	Cherie Biffel-Powell's Supplemental Response to Defendant Muhlenberg Medical Associates' Petition to Enforce Settlement Agreement with Certificate of Service. (wgc, ) Modified on 12/1/2004 (wgc, ). Additional attachment(s) added on 12/2/2004 (mac, ). (Entered: 11/30/2004)		
11/29/2004	<u>36</u>	Response to defendant MUHLENBERG MEDICAL ASSOCIATES' petition to enforce settlement agreement filed by CHERIE BIFFEL-POWELL, certificate of service. (Attachments: # 1 statement) (mac, ) (Entered: 11/30/2004)		
11/30/2004	<u>37</u>	ORDER THAT A STATUS CONFERENCE TO DISCUSS THE MOTION OF DEFENDANT MUHLENBERG MEDICAL ASSOCIATES TO ENFORCE THE SETTLEMENT AGREEMENT ON THURSDAY, DECEMBER 2, 2004, AT 2:00 P.M. IN ROOM 3000 . SIGNED BY JUDGE PAUL S. DIAMOND ON 11/29/04. 12/01/04 ENTERED AND COPIES E-MAILED. COPIES FAXED BY CHAMBER 11/30/04.(ac, ) (Entered: 12/01/2004)		
12/02/2004	<u>38</u>	ORDER THAT A HEARING HAS BEEN SET FOR 12/8/2004 10:00 AM IN COURTROOM BEFORE HONORABLE PAUL S. DIAMOND TO DISCUSS THE MOTION OF THE DEFENDANT TO ENFORCE THE SETTLEMENT AGREEMENT. SIGNED BY JUDGE PAUL S. DIAMOND ON 12/2/04. 12/3/04 ENTERED AND COPIES MAILED BY CHAMBERS AND E-MAILED. (mac, ) (Entered: 12/03/2004)		

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12/07/2004	<u>39</u>	NOTICE by MUHLENBERG MEDICAL ASSOCIATES <i>To Withdraw Petition to Enforce Settlement Agreement</i> (Attachments: # 1 Certificate of Service)(SPEICHER, JOHN) (Entered: 12/07/2004)
12/08/2004	<u>40</u>	ORDER THAT DEFENDANT'S MOTION TO ENFORCE THE SETTLEMENT AGREEMENT IS DENIED AS MOOT. SIGNED BY JUDGE PAUL S. DIAMOND ON 12/8/04. 12/9/04 ENTERED AND COPIES MAILED AND FAXED.(mac, ) Additional attachment(s) added on 12/9/2004 (mac, ). (Entered: 12/09/2004)
12/08/2004	41	CONSENT DECREE THAT THIS CASE SHALL BE AND HEREBY DISMISSED WITH PREJUDICE, SUBJECT TO THE COURT'S JURISDICTION TO ENFORCE THE PROVISIONS OF THE CONSENT DECREE. EEOC AND DEFENDANT SHALL BEAR THEIR OWN COSTS AND ATTORNEY'S FEES. SIGNED BY JUDGE PAUL S. DIAMOND ON 12/7/04. 12/9/04 ENTERED AND COPIES MAILED AND FAXED.(mac, ) (Entered: 12/09/2004)
12/09/2004	42	TRANSCRIPT of Proceedings held on 9/28/04 before Judge Diamond. Court Reporter: A. Mack. (wgc, ) (Entered: 12/10/2004)

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