

CLOSED,SPECIAL

**United States District Court
Eastern District of Pennsylvania (Philadelphia)
CIVIL DOCKET FOR CASE #: 2:03-cv-04978-RBS**

BARRETT et al v. WEST CHESTER UNIVERSITY OF
PENNSYLVANIA OF THE STATE SYSTEM OF HIGHER
EDUCATION et al

Assigned to: HONORABLE R. BARCLAY SURRECK

Case in other court: Third Circuit, 03-04635

Cause: 42:1983 Civil Rights Act

Date Filed: 09/04/2003

Date Terminated: 04/09/2007

Jury Demand: None

Nature of Suit: 440 Civil Rights: Other

Jurisdiction: Federal Question

Plaintiff

ELIZABETH C. BARRETT

represented by **LESLIE A. BRUECKNER**
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Plaintiff

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Plaintiff

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Plaintiff

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Plaintiff

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Plaintiff

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Plaintiff

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Plaintiff

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Plaintiff

CECILE ALLEN
ON BEHALF OF THEMSELVES AND
ALL SIMILARLY SITUATED
INDIVIDUALS

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V.

Defendant

**WEST CHESTER UNIVERSITY OF
PENNSYLVANIA OF THE STATE
SYSTEM OF HIGHER EDUCATION**

represented by **CLAUDIA M. TESORO**
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Defendant

DR. MADELEINE WING ADLERrepresented by **CLAUDIA M. TESORO**
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LEAD ATTORNEY
*ATTORNEY TO BE NOTICED***Defendant****EDWARD M. MATEJKOVIC**represented by **CLAUDIA M. TESORO**
(See above for address)
LEAD ATTORNEY
*ATTORNEY TO BE NOTICED***Defendant****BARBARA CLEGHORN**represented by **CLAUDIA M. TESORO**
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Date Filed	#	Docket Text
09/04/2003	<u>1</u>	COMPLAINT against MADELEINE WING ADLER, BARBARA CLEGHORN, EDWARD M. MATEJKOVIC, WEST CHESTER UNIVERSITY OF PENNSYLVANIA OF THE STATE SYSTEM OF HIGHER EDUCATION (Filing fee \$ 150 receipt number 897083.), filed by CECILE ALLEN, ELIZABETH C. BARRETT, JESSICA DEUTSCH, ASHLEY GILLMAN, MELANIE HECKERT, STEPHANIE HERRMANN, CAROLINE KRYSSTOPOLSKI, KYLA-DAWN LENTI, CARMEN MILLS. (Attachments: # <u>1</u> Civil Cover Sheet)(ti,) (Entered: 09/05/2003)
09/04/2003		Four Original Summons Issued as to MADELEINE WING ADLER, BARBARA CLEGHORN, EDWARD M. MATEJKOVIC, WEST CHESTER UNIVERSITY OF PENNSYLVANIA OF THE STATE SYSTEM OF HIGHER EDUCATION. Forwarded To: Counsel on 9/5/03 (ti,) (Entered: 09/05/2003)
09/04/2003	<u>2</u>	MOTION FOR PRELIMINARY INJUNCTION DIRECTING DEFTS TO REINSTATE THE WEST CHESTER UNIVERSITY WOMEN'S GYMNASTICS TEAM, FILED BY PLFFS' CECILE ALLEN, ELIZABETH C. BARRETT, JESSICA DEUTSCH, ASHLEY GILLMAN, MELANIE HECKERT, STEPHANIE HERRMANN, CAROLINE KRYSSTOPOLSKI, KYLA-DAWN LENTI, CARMEN MILLS, CERTIFICATE OF SERVICE. (Attachments: # <u>1</u> Memo of Law# <u>2</u> Cert of Service)(gn,) (Entered: 09/05/2003)
09/09/2003	3	SCHEDULING ORDER THAT A HEARING ON PLFFS' MOTION FOR A PRELIMINARY INJUNCTION AND DEFTS' RESPONSE SHALL BE HELD ON 9/22/03 AT 10:00AM. (SIGNED BY JUDGE R. BARCLAY SURRICK ON 9/8/03.) 9/9/03 ENTERED AND COPIES MAILED.(gn,) (Entered: 09/09/2003)
09/12/2003	4	APPLICATION by plffs' CECILE ALLEN, ELIZABETH C. BARRETT, BARBARA CLEGHORN, JESSICA DEUTSCH, ASHLEY GILLMAN, MELANIE HECKERT, STEPHANIE HERRMANN, CAROLINE KRYSSTOPOLSKI, KYLA-DAWN LENTI, CARMEN MILLS for pro hac vice admission of LESLIE A. BRUECKNER, Esq., Certificate of Service. (gn,) (Entered: 09/15/2003)
09/15/2003	<u>6</u>	ENTRY OF APPEARANCE by CLAUDIA M. TESORO on behalf of MADELEINE WING ADLER, BARBARA CLEGHORN, EDWARD M. MATEJKOVIC, WEST CHESTER UNIVERSITY OF PENNSYLVANIA OF THE STATE SYSTEM OF HIGHER EDUCATION with CERTIFICATE OF SERVICE (ss,) (Entered: 09/16/2003)
09/16/2003	5	WAIVER OF SERVICE Returned Executed by CECILE ALLEN, ELIZABETH C. BARRETT, JESSICA DEUTSCH, ASHLEY GILLMAN, MELANIE HECKERT, STEPHANIE HERRMANN, CAROLINE KRYSSTOPOLSKI, KYLA-DAWN LENTI, CARMEN MILLS. MADELEINE WING ADLER waiver sent on 9/4/2003; BARBARA CLEGHORN waiver sent on 9/4/2003, answer due

		11/3/2003; EDWARD M. MATEJKOVIC waiver sent on 9/4/2003, answer due 11/3/2003; WEST CHESTER UNIVERSITY OF PENNSYLVANIA OF THE STATE SYSTEM OF HIGHER EDUCATION waiver sent on 9/4/2003, answer due 11/3/2003. (gn,) (Entered: 09/16/2003)
09/18/2003	7	ORDER THAT THE APPLICATION OF LESLIE A. BRUECKNER, ESQ., TO APPEAR PRO HAC VICE FOR PLFFS IS GRANTED. SIGNED BY JUDGE R. BARCLAY SURRICK ON 9/18/03. 9/19/03 ENTERED AND COPIES MAILED.(md,) (Entered: 09/19/2003)
09/26/2003	<u>8</u>	MOTION TO DISMISS, FILED BY DEFTS' MADELEINE WING ADLER, BARBARA CLEGHORN, EDWARD M. MATEJKOVIC, WEST CHESTER UNIVERSITY OF PENNSYLVANIA OF THE STATE SYSTEM OF HIGHER EDUCATION, MEMORANDUM, CERTIFICATE OF SERVICE.(gn,) (Entered: 09/29/2003)
09/29/2003	9	Memorandum in Opposition to plffs' <u>2</u> motion for Preliminary Injunction filed by defts' MADELEINE WING ADLER, BARBARA CLEGHORN, EDWARD M. MATEJKOVIC, WEST CHESTER UNIVERSITY OF PENNSYLVANIA OF THE STATE SYSTEM OF HIGHER EDUCATION, Certificate of Service. (gn,) (Entered: 09/30/2003)
09/29/2003	<u>10</u>	Memorandum in Opposition to defts' <u>8</u> motion to Dismiss, filed by plffs' CECILE ALLEN, ELIZABETH C. BARRETT, JESSICA DEUTSCH, ASHLEY GILLMAN, MELANIE HECKERT, STEPHANIE HERRMANN, CAROLINE KRYSZTOPOLSKI, KYLA-DAWN LENTI, CARMEN MILLS, Certificate of Service. (gn,) Additional attachment(s) added on 10/10/2003 (gn,). (Entered: 09/30/2003)
10/03/2003	<u>12</u>	Reply Memorandum in further Support of motion to Dismiss filed by MADELEINE WING ADLER, BARBARA CLEGHORN, EDWARD M. MATEJKOVIC, WEST CHESTER UNIVERSITY OF PENNSYLVANIA OF THE STATE SYSTEM OF HIGHER EDUCATION, Certificate of Service. (td) Additional attachment(s) added on 10/8/2003 (gn,). (Entered: 10/06/2003)
10/05/2003	<u>11</u>	Plaintiffs' Surreply Brief in Opposition to Defendants' Motion to Dismiss filed by CECILE ALLEN, ELIZABETH C. BARRETT, JESSICA DEUTSCH, ASHLEY GILLMAN, MELANIE HECKERT, STEPHANIE HERRMANN, CAROLINE KRYSZTOPOLSKI, KYLA-DAWN LENTI, CARMEN MILLS, Certificate of Service. (ar,) (Entered: 10/06/2003)
10/07/2003	13	TRANSCRIPT of Proceedings held on 10/1/03 before Judge R. BARCLAY SURRICK. ESR Operator: JIM FINEGAN. (gn,) (Entered: 10/08/2003)
10/15/2003	14	Minute Entry for proceedings held before Judge R. BARCLAY SURRICK : Preliminary Injunction Hearing held on 9/29/03. ESR Operator: P. Rosser. (gn,) (Entered: 10/15/2003)
10/15/2003	15	Minute Entry for proceedings held before Judge R. BARCLAY SURRICK : Preliminary Injunction Hearing (Day 2) held on 9/30/03. ESR Operator: P. Rosser. (gn,) (Entered: 10/15/2003)
10/15/2003	16	Minute Entry for proceedings held before Judge R. BARCLAY SURRICK : Preliminary Injunction Hearing (Day 3) held on 10/1/03. ESR Operator: P. Rosser. (gn,) (Entered: 10/15/2003)
10/15/2003	17	Minute Entry for proceedings held before Judge R. BARCLAY SURRICK : Preliminary Injunction Hearing (Day 4) held on 10/6/03. ESR Operator: P. Rosser. (gn,) (Entered: 10/15/2003)
11/12/2003	<u>18</u>	MEMORANDUM AND ORDER GRANTING <u>2</u> MOTION FOR PRELIMINARY INJUNCTION. (SIGNED BY JUDGE R. BARCLAY SURRICK ON 11/12/03.) 11/13/03 ENTERED AND COPIES MAILED. (gn,) (Entered: 11/13/2003)
11/13/2003	19	TRANSCRIPT of Proceedings held on 9/29/03 before Judge Surrick. ESR Operator: Peggy Rosser. (gn,) (Entered: 11/13/2003)

11/13/2003	20	TRANSCRIPT of Proceedings held on 9/30/03 before Judge Surrick. ESR Operator: James Finnegan. (gn,) (Entered: 11/13/2003)
11/13/2003	21	TRANSCRIPT of Proceedings held on 10/1/03 before Judge Surrick. ESR Operator: James Finnegan. (gn,) (Entered: 11/13/2003)
11/17/2003	<u>22</u>	ORDER THAT THE <u>18</u> MEMORANDUM AND ORDER FILED 11/12/03 BE AMENDED AS FOLLOWS: ALL REFERENCES TO "TRIAL LAWYERS FOR EQUAL JUSTICE" SHALL READ "TRIAL LAWYERS FOR PUBLIC JUSTICE." (SIGNED BY JUDGE R. BARCLAY SURRICK ON 11/17/03.) 11/18/03 ENTERED AND COPIES MAILED.(gn,) (Entered: 11/18/2003)
12/02/2003	<u>23</u>	ORDER THAT A SETTLEMENT CONFERENCE HAS BEEN SCHEDULED FOR 12/23/2003 AT 10:00 AM IN ROOM 3041. (SIGNED BY JUDGE JACOB P. HART ON 12/2/03.) 12/2/03 ENTERED AND COPIES FAXED BY CHAMBERS.(gn,) (Entered: 12/02/2003)
12/02/2003	<u>24</u>	Notice of Appeal as to <u>18</u> Order on Motion for Preliminary Injunction by DEFENDANTS' MADELEINE WING ADLER, BARBARA CLEGHORN, EDWARD M. MATEJKOVIC, WEST CHESTER UNIVERSITY OF PENNSYLVANIA OF THE STATE SYSTEM OF HIGHER EDUCATION, Certificate of Service. Copies to Judge, Clerk USCA, Appeals Clerk and Opposing Counsel. (TESORO, CLAUDIA) Modified on 12/4/2003 (fh) (Entered: 12/02/2003)
12/02/2003	<u>25</u>	Clerk's Notice to USCA re <u>24</u> Notice of Appeal. (fh) (Entered: 12/04/2003)
12/05/2003		USCA Appeal Fees received \$ 255 receipt number 900043 re <u>24</u> Notice of Appeal, filed by MADELEINE WING ADLER, WEST CHESTER UNIVERSITY OF PENNSYLVANIA OF THE STATE SYSTEM OF HIGHER EDUCATION, EDWARD M. MATEJKOVIC, BARBARA CLEGHORN (gn,) (Entered: 12/05/2003)
12/05/2003	<u>26</u>	ORDER DENYING AS MOOT DEFTS' <u>8</u> MOTION TO DISMISS. (SIGNED BY JUDGE R. BARCLAY SURRICK ON 12/5/03.) 12/8/03 ENTERED AND COPIES MAILED. (gn,) (Entered: 12/08/2003)
12/09/2003		NOTICE of Docketing Record on Appeal from USCA re <u>24</u> Notice of Appeal, filed by MADELEINE WING ADLER, WEST CHESTER UNIVERSITY OF PENNSYLVANIA OF THE STATE SYSTEM OF HIGHER EDUCATION, EDWARD M. MATEJKOVIC, BARBARA CLEGHORN. USCA Case Number 03-4635 (gn,) (Entered: 12/10/2003)
12/12/2003	27	Copy of TPO Form re <u>24</u> Notice of Appeal, : (gn,) (Entered: 12/15/2003)
01/08/2004	<u>28</u>	ORDER THAT A SECOND SETTLEMENT CONFERENCE IN THE ABOVE CAPTIONED MATTER WILL BE HELD BEFORE THE UNDERSIGNED ON 2/10/2004 AT 10:00 A.M., ETC. SIGNED BY JUDGE JACOB P. HART ON 1/7/04. 1/9/04 ENTERED AND COPIES FAXED BY CHAMBERS ON 1/7/04.(kw,) (Entered: 01/09/2004)
05/07/2004	29	STIPULATION AND ORDER THAT ALL CLAIMS OTHER THAN THE CLAIM THAT DEFT WCU VIOLATED TITLE IX WHEN IT SOUGHT TO ELIMINATE THE WOMEN'S GYMNASTICS TEAM AS OF THE 2003-04 ACADEMIC YEAR ARE DISMISSED WITHOUT PREJUDICE. (SIGNED BY JUDGE R. BARCLAY SURRICK ON 5/7/04.) 5/7/04 ENTERED AND COPIES MAILED.(gn,) (Entered: 05/07/2004)
05/07/2004	30	ORDER of USCA dated 5/6/04 re: Order that it is entered dismissed by the Clerk under the authority conferred upon her by Rule 42(b), FRAP Procedure without cost to either party. (Remove APPEAL FLAG) (gn,) (Entered: 05/10/2004)
06/04/2004	31	ORDER THAT PLFFS SHALL FILE THEIR PETITION FOR ATTORNEY'S FEES AND COSTS NO LATER THAN 6/21/04. IN ALL OTHER RESPECTS THE STIPULATION APPROVED BY THIS COURT ON 5/7/04 SHALL REMAIN IN FULL FORCE AND EFFECT. (SIGNED BY JUDGE R. BARCLAY SURRICK ON 6/4/04.) 6/7/04 ENTERED AND COPIES FAXED BY CHAMBERS.(gn,) (Entered: 06/07/2004)

06/21/2004	<u>32</u>	MOTION FOR AWARD OF ATTORNEY'S FEES AND COSTS, FILED BY PLFFS' CECILE ALLEN, ELIZABETH C. BARRETT, JESSICA DEUTSCH, ASHLEY GILLMAN, MELANIE HECKERT, STEPHANIE HERRMANN, CAROLINE KRYSSTOPOLSKI, KYLA-DAWN LENTI, CARMEN MILLS.MEMORANDUM, CERTIFICATE OF SERVICE.(gn,) Additional attachment(s) added on 6/22/2004 (gn,). (Entered: 06/22/2004)
06/23/2004	<u>33</u>	Revised Table of Authorities to Plaintiffs' Motion for Award of Attorney's Fees and Costs by CECILE ALLEN, ELIZABETH C. BARRETT, JESSICA DEUTSCH, ASHLEY GILLMAN, MELANIE HECKERT, STEPHANIE HERRMANN, CAROLINE KRYSSTOPOLSKI, KYLA-DAWN LENTI, CARMEN MILLS. Certificate of Service (stb,) Additional attachment(s) added on 6/23/2004 (stb,). (Entered: 06/23/2004)
07/01/2004	34	Amended Certificate of Service of Sharon F. McKee re: copy of the Revised Table of Authorities to plffs' motion for award of attorney's fees and costs and memorandum of law upon Claudia M. Tesoro, Esq., Certificate of Service. (gn,) (Entered: 07/02/2004)
07/29/2004	<u>35</u>	RESPONSE in Opposition re <u>32</u> MOTION for Attorney Fees filed by MADELEINE WING ADLER, BARBARA CLEGHORN, EDWARD M. MATEJKOVIC, WEST CHESTER UNIVERSITY OF PENNSYLVANIA OF THE STATE SYSTEM OF HIGHER EDUCATION, Certificate of Service. (TESORO, CLAUDIA) Modified on 8/2/2004 (np). (Entered: 07/29/2004)
07/29/2004	36	EXHIBITS by deft MADELEINE WING ADLER, EDWARD M. MATEJKOVIC, WEST CHESTER UNIVERSITY OF PENNSYLVANIA OF THE STATE SYSTEM OF HIGHER EDUCATION, Certificate of Service. (gn,) (Entered: 07/30/2004)
08/04/2004	37	ORDER THAT PLFFS MAY FILE A REPLY IN SUPPORT OF PLFFS' MOTION FOR ATTORNEY'S FEES AND COSTS ON OR BEFORE 8/9/04. (SIGNED BY JUDGE R. BARCLAY SURRICK ON 8/4/04.) 8/5/04 ENTERED AND COPIES MAILED.(gn,) (Entered: 08/05/2004)
08/09/2004	<u>38</u>	Plaintiff's reply brief in support of the motion for attorney's fees and costs filed by CECILE ALLEN, ELIZABETH C. BARRETT, JESSICA DEUTSCH, ASHLEY GILLMAN, MELANIE HECKERT, STEPHANIE HERRMANN, CAROLINE KRYSSTOPOLSKI, KYLA-DAWN LENTI, CARMEN MILLS, certificate of service. (mac,) (Entered: 08/10/2004)
08/12/2004	<u>39</u>	Correction to Plffs' Reply Brief in support of their motion for attorney's fees and costs filed by plffs' CECILE ALLEN, ELIZABETH C. BARRETT, JESSICA DEUTSCH, ASHLEY GILLMAN, MELANIE HECKERT, STEPHANIE HERRMANN, CAROLINE KRYSSTOPOLSKI, KYLA-DAWN LENTI, CARMEN MILLS, Certificate of Service. (gn,) Additional attachment(s) added on 8/12/2004 (gn,). (Entered: 08/12/2004)
08/18/2004	40	ORDER THAT DEFTS MAY FILE A SURREPLY IN OPPOSITION TO PLFFS' MOTION FOR ATTORNEY'S FEES AND COSTS ON OR BEFORE 8/24/04. (SIGNED BY JUDGE R. BARCLAY SURRICK ON 8/18/04.) 8/18/04 ENTERED AND COPIES MAILED.(gn,) (Entered: 08/18/2004)
08/24/2004	<u>41</u>	Memorandum of law in opposition re <u>32</u> MOTION for Attorney Fees (<i>surreply</i>) filed by MADELEINE WING ADLER, BARBARA CLEGHORN, EDWARD M. MATEJKOVIC, WEST CHESTER UNIVERSITY OF PENNSYLVANIA OF THE STATE SYSTEM OF HIGHER EDUCATION, Certificate of Service. (TESORO, CLAUDIA) Modified on 8/25/2004 (np). (Entered: 08/24/2004)
08/25/2004	42	EXHIBITS by defts' MADELEINE WING ADLER, BARBARA CLEGHORN, EDWARD M. MATEJKOVIC, WEST CHESTER UNIVERSITY OF PENNSYLVANIA OF THE STATE SYSTEM OF HIGHER EDUCATION Surreply in opposition to plffs' motion for attorney's fees and costs, Certificate of Service. (gn,) (Entered: 08/25/2004)
09/30/2004	43	TRANSCRIPT of Proceedings held on 10/6/03 before Judge Surrick. ESR Operator: Jim Finegan. (gn,) (Entered: 09/30/2004)

03/31/2006	<u>44</u>	MEMORANDUM AND ORDER THAT PLFFS ARE AWARDED COUNSL FEES AND COSTS AS FOLLOWS: HANGLEY, ARONCHICK, SEGAL & PUDLIN FEES: \$108,654.22; TRIAL LAWYERS FOR PUBLIC JUSTICE, P.C. FEES: \$29,803.72, ETC. (SIGNED BY JUDGE R. BARCLAY SURRECK ON 3/31/06.) 4/3/06 ENTERED AND COPIES MAILED, E-MAILED AND FAXED BY CHAMBERS.(gn,) (Entered: 04/03/2006)
04/14/2006	<u>45</u>	MOTION for Reconsideration filed by ELIZABETH C. BARRETT.Order, Motion, Memorandum, Certificate of Service.(MC KEE, SHARON) (Entered: 04/14/2006)
04/28/2006	<u>46</u>	STIPULATION AND ORDER THAT DEFTS MAY HAVE AN EXTENSION UNTIL 5/5/06 WITHIN WHICH TO RESPOND TO PLFFS' PENDING MOTION FOR RECONSIDERATION. (SIGNED BY JUDGE R. BARCLAY SURRECK ON 4/28/06.) 4/28/06 ENTERED AND COPIES MAILED AND FAXED BY CHAMBERS.(gn,) (Entered: 04/28/2006)
05/05/2006	<u>47</u>	Memorandum in Opposition re <u>45</u> MOTION for Reconsideration filed by WEST CHESTER UNIVERSITY OF PENNSYLVANIA OF THE STATE SYSTEM OF HIGHER EDUCATION, MADELEINE WING ADLER, EDWARD M. MATEJKOVIC, BARBARA CLEGHORN, Certificate of Service. (TESORO, CLAUDIA) Modified on 5/8/2006 (np). (Entered: 05/05/2006)
04/24/2009	<u>48</u>	MEMORANDUM. (SIGNED BY HONORABLE R. BARCLAY SURRECK ON 4/24/09.) 4/27/09 ENTERED AND COPIES E-MAILED AND FAXED BY CHAMBERS.(gn,) (Entered: 04/27/2009)
04/24/2009	<u>49</u>	ORDER THAT PLFFS' MOTION FOR A RECONSIDERATION AND AMENDMENT OF AWARD OF ATTORNEY'S FEES (DOC #45) IS DENIED. (SIGNED BY HONORABLE R. BARCLAY SURRECK ON 4/24/09.) 4/27/09 ENTERED AND COPIES E-MAILED AND FAXED BY CHAMBERS.(gn,) (Entered: 04/27/2009)