

ATYADM,CLASS ACTION,CLOSED,CONSOLIDATED,MM,SCR
United States District Court
Middle District of Pennsylvania (Scranton)
CIVIL DOCKET FOR CASE #: 3:09-cv-00357-ARC

H.T. et al v. Ciavarella et al
Assigned to: Honorable A. Richard Caputo
Related Case: 3:09-cv-00286-ARC
Cause: 42:1983 Civil Rights Act

Date Filed: 02/26/2009
Date Terminated: 05/13/2009
Jury Demand: Both
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

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Plaintiff

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Plaintiff

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Plaintiff

A.S.
*through and with his next friend and
father G.S.*

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Plaintiff

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Plaintiff

Michael Vitali

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Plaintiff

M.M.W.
*through and with her next friend and
guardian J.C.*

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Plaintiff

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Plaintiff

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Plaintiff

G.B.
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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

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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

G.M.
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Plaintiff

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Plaintiff

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Plaintiff

J.S.
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Plaintiff

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Plaintiff

W.U.
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Plaintiff

B.R.W.
*through and with his next friends and
partents, C.W. and S.W., on behalf of
themselves and all others similarly
situated*

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V.

Defendant

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Defendant

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570-455-6335
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ATTORNEY TO BE NOTICED

Defendant

Barbara Conahan

represented by **Edward P. McNelis**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Stephen D. Rhoades
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Mericle Constructions, Inc.

represented by **Alison Tanchyk**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Eric Kraeutler
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Kimberly D. Borland
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Matthew J.D. Hogan
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Nathan J. Andrisani
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Ruth S. Borland
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Mid-Alantic Youth Services

represented by **Bernard M Schneider**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jonathan Vipond , III
(See above for address)
TERMINATED: 05/12/2009
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

PA Child Care, LLC

represented by **Bernard M Schneider**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jonathan Vipond , III
(See above for address)
TERMINATED: 05/12/2009
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Western PA Child Care, LLC

represented by **Bernard M Schneider**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Jonathan Vipond , III
(See above for address)
TERMINATED: 05/12/2009
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Pinnacle Group Of Jupiter, LLC

represented by **Philip Gelso**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Vision Holdings, LLC

Defendant

Beverage Marketing of Pennsylvania, Inc.

represented by **Philip Gelso**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Luzerne County

represented by **Deborah H. Simon**
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ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
02/26/2009	<u>1</u>	COMPLAINT against Mark A. Ciavarella, Jr, Michael T. Conahan, Robert J. Powell, Robert Mericle, Gregory Zappala, Cindy Ciavarella, Barbara Conahan, Mericle Constructions, Inc., Mid-Alantic Youth Services, PA Child Care, LLC, Western PA Child Care, LLC, Pinnacle Group Of Jupiter, LLC, Vision Holdings, LLC, Beverage Marketing of Pennsylvania, Inc. (Filing fee \$350, Receipt Number 1508555), filed by William Dixon, J.G., Brian Gyle, Wayne Gyle, Tracey Harvey, D.J., Barbara Kearns, Jessica Thurston, Barbara Thurston, Kurt Kruger, Susan Mishanski, J.M.K., Edward Kenzakoski, III, J.K., B.L., Anthony Millan, Damon Millan, Cindy Millan, Paul Morgan, Jr, Steven Palchanis, Jr, Steven Palchanis, Sr, M.Y., Jamie Quinn, K.R., David Rowlands, Mary Seville, Michael S. Scarlato, H.T., Michael P. Scarlato, Tina Scarlato, A.S., James Swartley, Michael Vitali, P.S., M.M.W., John Ashford, Jr, Donna Ashford, Shane Bly, G.B., Daryl Charles, Liza Charles, William Clarke, Glenn Cooper, Karen Cooper, S.S., Richard Copeland, II, Donna Copeland, Richard Copeland, Chad Derhammer, A.D., Matthew Dougherty, E.E., K.E., L.E., A.F., Jessica Van Reeth, L.F., J.D.F., J.F., Alexandra Fahey, L.H., Michael Haines, Barbara Haines, Edward Kane, Jr, Brianna Kee, Matthew Kopetchny, Jack Van Reeth, Magee Mott, G.M., Krystal Pope, Lisa Scarbrough, Laurie Scarbrough, Marshond Seward, J.S., Chad Uca, W.U., B.R.W., M.K., Charles Balasavage, JR, Charles Balasavage, Joanne Balasavage, Jesse Balliet, Sarah Myers, B.W., Frank Weber, Florence Myers, Steve Brannigan, Lisa Brannigan, Jeffrey Bruno, Jay Bruno, Scott Bukoski, D.C., Ruth Davis, Carol Fronczek, Kevin Williamson. (Attachments: # <u>1</u> Civil Cover Sheet)(cw,) (Entered: 02/26/2009)
02/26/2009		Summons Issued as to Mark A. Ciavarella, Jr, Michael T. Conahan, Robert J. Powell, Robert Mericle, Gregory Zappala, Cindy Ciavarella, Barbara Conahan, Mericle Constructions, Inc., Mid-Alantic Youth Services, PA Child Care, LLC, Western PA Child Care, LLC, Pinnacle Group Of Jupiter, LLC, Vision Holdings, LLC, Beverage Marketing of Pennsylvania, Inc. and provided to Attorney Rosado for service on Defendant(s). (cw,) (Entered: 02/26/2009)
02/27/2009		SPECIAL ADMISSION FORM SENT to Lourdes M. Rosado. (jc) (Entered: 02/27/2009)
02/27/2009		SPECIAL ADMISSION FORM SENT to Marsha L. Levick. (jc) (Entered: 02/27/2009)
03/09/2009	<u>2</u>	PETITION FOR SPECIAL ADMISSION (PRO HAC VICE) by Lourdes M. Rosado on behalf of all plaintiffs Attorney Lourdes M. Rosado is seeking special admission. Filing Fee: 25.00 Receipt Number: 333009287 (bg,) (Entered: 03/09/2009)
03/10/2009	<u>3</u>	SPECIAL ADMISSIONS FORM APPROVED as to Lourdes M. Rosado, Esq.Signed by Honorable A. Richard Caputo on 3/10/09. (jam,) (Entered: 03/10/2009)

03/11/2009	<u>4</u>	NOTICE of Appearance by Kimberly D. Borland on behalf of Robert Mericle, Mericle Constructions, Inc.. (Borland, Kimberly) (Entered: 03/11/2009)
03/12/2009	<u>5</u>	LETTER ORDER Re: Case Assignment and Procedures. Signed by Honorable A. Richard Caputo on 3/12/09. (jam,) (Entered: 03/12/2009)
03/19/2009		Summons Reissued as to Mark A. Ciavarella, Jr, Michael T. Conahan, Robert J. Powell, Robert Mericle, Gregory Zappala, Cindy Ciavarella, Barbara Conahan, Mericle Constructions, Inc., Mid-Alantic Youth Services, PA Child Care, LLC, Western PA Child Care, LLC, Pinnacle Group Of Jupiter, LLC, Vision Holdings, LLC, Beverage Marketing of Pennsylvania, Inc. Per phone call from Attorney Lordes Rosado summons reissued due to incorrect addresses placed on summons. (cw,) (Entered: 03/19/2009)
03/23/2009	<u>6</u>	PETITION FOR SPECIAL ADMISSION (PRO HAC VICE) by Kimberly D. Borland on behalf of Robert Mericle, Mericle Constructions, Inc. Attorney Nathan J. Andrisani, Esquire is seeking special admission. Filing fee \$ 25, receipt number 0314000000001530029.. (Borland, Kimberly) (Entered: 03/23/2009)
03/23/2009	<u>7</u>	PETITION FOR SPECIAL ADMISSION (PRO HAC VICE) by Kimberly D. Borland on behalf of Robert Mericle, Mericle Constructions, Inc. Attorney Matthew J.D. Hogan is seeking special admission. Filing fee \$ 25, receipt number 0314000000001530068.. (Borland, Kimberly) (Entered: 03/23/2009)
03/23/2009	<u>8</u>	PETITION FOR SPECIAL ADMISSION (PRO HAC VICE) by Kimberly D. Borland on behalf of Robert Mericle, Mericle Constructions, Inc. Attorney Alison Tanchyk Dante is seeking special admission. Filing fee \$ 25, receipt number 0314000000001530072.. (Borland, Kimberly) (Entered: 03/23/2009)
03/23/2009	<u>9</u>	PETITION FOR SPECIAL ADMISSION (PRO HAC VICE) by Kimberly D. Borland on behalf of Robert Mericle, Mericle Constructions, Inc. Attorney Eric Kraeutler is seeking special admission. Filing fee \$ 25, receipt number 0314000000001530078.. (Borland, Kimberly) (Entered: 03/23/2009)
03/26/2009	<u>10</u>	SPECIAL ADMISSIONS FORM APPROVED as to Nathan J. Andrisani, Esq. Signed by Honorable A. Richard Caputo on 3/26/09. (jam,) (Entered: 03/27/2009)
03/26/2009	<u>11</u>	SPECIAL ADMISSIONS FORM APPROVED as to Matthew J.D. Hogan, Esq. Signed by Honorable A. Richard Caputo on 3/26/09. (jam,) (Entered: 03/27/2009)
03/26/2009	<u>12</u>	SPECIAL ADMISSIONS FORM APPROVED as to Eric Kraeutler, Esq. Signed by Honorable A. Richard Caputo on 3/26/09. (jam,) (Entered: 03/27/2009)
03/26/2009	<u>13</u>	SPECIAL ADMISSIONS FORM APPROVED as to Alison Tanchyk Dante, Esq. Signed by Honorable A. Richard Caputo on 3/26/09. (jam,) (Entered: 03/27/2009)
03/31/2009	<u>14</u>	MOTION to Dismiss Plaintiff Complaint by Mark A. Ciavarella, Jr. (Attachments: # <u>1</u> Proposed Order)(bg,) (Entered: 03/31/2009)
03/31/2009	<u>15</u>	PETITION FOR SPECIAL ADMISSION (PRO HAC VICE) by Bernard M Schneider on behalf of Gregory Zappala, Mid-Alantic Youth Services, PA Child Care, LLC, Western PA Child Care, LLC Attorney Bernard Schneider is seeking special admission. Filing fee \$ 25, receipt number 0314000000001538342.. (Schneider, Bernard) (Entered: 03/31/2009)
04/02/2009	<u>16</u>	NOTICE of Appearance by Alison T. Dante on behalf of Robert Mericle, Mericle Constructions, Inc. (Dante, Alison) (Entered: 04/02/2009)
04/02/2009	<u>17</u>	NOTICE of Appearance by Nathan J. Andrisani on behalf of Robert Mericle, Mericle Constructions, Inc. (Andrisani, Nathan) (Entered: 04/02/2009)
04/02/2009	<u>18</u>	STIPULATION <i>Stipulation for Extension of Time for Robert K. Mericle and Mericle Construction, Inc., to Answer or Otherwise Plead</i> by Robert Mericle, Mericle Constructions, Inc.. (Borland, Kimberly) (Entered: 04/02/2009)
04/02/2009	<u>19</u>	NOTICE of Appearance by Matthew J.D. Hogan on behalf of Robert Mericle, Mericle Constructions, Inc. (Hogan, Matthew) (Entered: 04/02/2009)

04/02/2009	<u>20</u>	NOTICE of Appearance by Eric Kraeutler on behalf of Robert Mericle, Mericle Constructions, Inc. (Kraeutler, Eric) (Entered: 04/02/2009)
04/02/2009	<u>21</u>	SPECIAL ADMISSIONS FORM APPROVED as to Bernard M. Schneider, Esq.Signed by Honorable A. Richard Caputo on 4/2/09. (jam,) (Entered: 04/02/2009)
04/04/2009	<u>22</u>	NOTICE of Appearance by Philip Gelso on behalf of Michael T. Conahan, Pinnacle Group Of Jupiter, LLC, Beverage Marketing of Pennsylvania, Inc. (Gelso, Philip) (Entered: 04/04/2009)
04/06/2009	<u>23</u>	STIPULATION for Extension of Time To Answer, File Motions Pursuant to F.R.C.P. 12 or Otherwise Plead by Michael T. Conahan, Pinnacle Group Of Jupiter, LLC, Beverage Marketing of Pennsylvania, Inc.. (Attachments: # <u>1</u> Proposed Stipulated Order)(Gelso, Philip) (Entered: 04/06/2009)
04/06/2009	<u>33</u>	SUMMONS Returned Executed by All Plaintiffs. Mark A. Ciavarella, Jr served on 3/10/2009, answer due 3/30/2009; Michael T. Conahan served on 3/10/2009, answer due 3/30/2009; Cindy Ciavarella served on 3/10/2009, answer due 3/30/2009; Barbara Conahan served on 3/10/2009, answer due 3/30/2009; Beverage Marketing of Pennsylvania, Inc. served on 3/10/2009, answer due 3/30/2009. (Rosado, Lourdes) Modified on 4/8/2009 (ga,). (Entered: 04/08/2009)
04/06/2009	<u>34</u>	SUMMONS Returned Executed by All Plaintiffs. Robert J. Powell served on 3/11/2009, answer due 3/31/2009; Mid-Atlantic Youth Services served on 3/11/2009, answer due 3/31/2009; PA Child Care, LLC served on 3/11/2009, answer due 3/31/2009; Western PA Child Care, LLC served on 3/11/2009, answer due 3/31/2009. (Rosado, Lourdes) Modified on 4/8/2009 (ga,). (Entered: 04/08/2009)
04/08/2009		Documents #'s 24 – 32 "Affidavit of Service" deleted, re-filed correctly by attorney as Documents #33 and #34 "Summons Returned Executed". (ga,) (Entered: 04/08/2009)
04/08/2009	<u>35</u>	First MOTION for Extension of Time to File Answer re <u>1</u> Complaint,,,,, by Mid-Atlantic Youth Services.(Schneider, Bernard) (Entered: 04/08/2009)
04/08/2009	<u>36</u>	First MOTION for Extension of Time to by PA Child Care, LLC.(Schneider, Bernard) (Entered: 04/08/2009)
04/08/2009	<u>37</u>	First MOTION for Extension of Time to File Answer re <u>1</u> Complaint,,,,, by Western PA Child Care, LLC.(Schneider, Bernard) (Entered: 04/08/2009)
04/09/2009	<u>38</u>	MEMORANDUM OF LAW by Mark A. Ciavarella, Jr re <u>14</u> MOTION to Dismiss. (bg,) (Entered: 04/09/2009)
04/09/2009	<u>39</u>	SCHEDULING ORDER: ORDERED that Counsel for all parties shall appear for an initial conference on FRIDAY, MAY 8, 2009 at 10:00 AM in Chambers, Wilkes Barre. See Order for additional details. Signed by Honorable A. Richard Caputo on 4/9/09. (jam,) (Entered: 04/09/2009)
04/09/2009	<u>40</u>	WAIVER OF SERVICE Returned by All Plaintiffs. Mericle Constructions, Inc. waiver sent on 4/6/2009, answer due 6/5/2009. (Rosado, Lourdes) (Entered: 04/09/2009)
04/09/2009	<u>41</u>	WAIVER OF SERVICE Returned by All Plaintiffs. Robert Mericle waiver sent on 3/11/2009, answer due 5/11/2009. (Rosado, Lourdes) (Entered: 04/09/2009)
04/09/2009	<u>42</u>	NOTICE of Appearance by Ruth S. Borland on behalf of Robert Mericle, Mericle Constructions, Inc.. (Borland, Ruth) (Entered: 04/09/2009)
04/14/2009	<u>43</u>	NOTICE of Appearance by Stephen D. Rhoades on behalf of Barbara Conahan (Rhoades, Stephen) (Entered: 04/14/2009)
04/16/2009	<u>44</u>	PETITION FOR SPECIAL ADMISSION (PRO HAC VICE) by Marsha L. Levick on behalf of all plaintiffs Attorney Marsha L. Levick is seeking special admission. Filing Fee: 25.00 Receipt Number: 333009734. (bg,) (Entered: 04/16/2009)
04/17/2009	<u>45</u>	SPECIAL ADMISSIONS FORM APPROVED as to Marsha L. Levick, Esq.Signed by Honorable A. Richard Caputo on 4/17/09. (jam,) (Entered: 04/17/2009)
04/20/2009	<u>46</u>	WAIVER OF SERVICE Returned by All Plaintiffs. Gregory Zappala waiver sent on 4/15/2009, answer due 6/15/2009. (Rosado, Lourdes) (Entered: 04/20/2009)

04/21/2009	<u>47</u>	NOTICE of Appearance by Stephen D. Rhoades on behalf of Cindy Ciavarella (Rhoades, Stephen) (Entered: 04/21/2009)
04/21/2009	<u>48</u>	NOTICE of Appearance by Edward P. McNelis on behalf of Cindy Ciavarella, Barbara Conahan (McNelis, Edward) (Entered: 04/21/2009)
04/21/2009	<u>49</u>	NOTICE of Appearance by Rebecca L. Santoro on behalf of all plaintiffs (Santoro, Rebecca) (Entered: 04/21/2009)
04/22/2009		SPECIAL ADMISSION FORM SENT to Edward P. McNelis. (jc) (Entered: 04/22/2009)
04/23/2009	<u>50</u>	AMENDED COMPLAINT against all defendants, filed by All Plaintiffs. (Attachments: # <u>1</u> Exhibit(s) Exhibits A and B to amended complaint, # <u>2</u> Certificate of Service)(Rosado, Lourdes) (Entered: 04/23/2009)
05/03/2009	<u>51</u>	CASE MANAGEMENT PLAN by William Dixon, J.G., Brian Gyle, Wayne Gyle, Tracey Harvey, D.J., Barbara Kearns, Jessica Thurston, Barbara Thurston, Kurt Kruger, Susan Mishanski, J.M.K., Edward Kenzakoski, III, J.K., B.L., Anthony Millan, Damon Millan, Cindy Millan, Paul Morgan, Jr, Steven Palchanis, Jr, Steven Palchanis, Sr, M.Y., Jamie Quinn, K.R., David Rowlands, Mary Seville, Michael S. Scarlato, H.T., Michael P. Scarlato, Tina Scarlato, A.S., James Swartley, Michael Vitali, P.S., M.M.W., John Ashford, Jr, Donna Ashford, Shane Bly, G.B., Daryl Charles, Liza Charles, William Clarke, Glenn Cooper, Karen Cooper, S.S., Richard Copeland, II, Donna Copeland, Richard Copeland, Chad Derhammer, A.D., Matthew Dougherty, E.E., K.E., L.E., A.F., Jessica Van Reeth, L.F., J.D.F., J.F., Alexandra Fahey, L.H., Michael Haines, Barbara Haines, Edward Kane, Jr, Brianna Kee, Matthew Kopetchny, Jack Van Reeth, Magee Mott, G.M., Krystal Pope, Lisa Scarbrough, Laurie Scarbrough, Marshond Seward, J.S., Chad Uca, W.U., B.R.W., M.K., Charles Balasavage, JR, Charles Balasavage, All Plaintiffs, Joanne Balasavage, Jesse Balliet, Sarah Myers, B.W., Frank Weber, Florence Myers, Steve Brannigan, Lisa Brannigan, Jeffrey Bruno, Jay Bruno, Scott Bukoski, D.C., Ruth Davis, Carol Fronczek, Kevin Williamson. (Attachments: # <u>1</u> Exhibit(s) A — Documents That May Be Requested or Subpoenaed, # <u>2</u> Certificate of Service)(Santoro, Rebecca) (Entered: 05/03/2009)
05/04/2009	<u>52</u>	NOTICE of Appearance by Deborah Hart Simon on behalf of Luzerne County. (Simon, Deborah) (Entered: 05/04/2009)
05/04/2009	<u>53</u>	NOTICE of Appearance by John G. Dean on behalf of Luzerne County. (Dean, John) (Entered: 05/04/2009)
05/04/2009	<u>54</u>	NOTICE of Appearance by Timothy T. Myers on behalf of Luzerne County. (Myers, Timothy) (Entered: 05/04/2009)
05/07/2009	<u>55</u>	WAIVER OF SERVICE Returned by All Plaintiffs. Luzerne County waiver sent on 4/27/2009, answer due 6/26/2009. (Rosado, Lourdes) (Entered: 05/07/2009)
05/13/2009	<u>57</u>	ORDER finding as moot <u>14</u> Motion to Dismiss. IT IS HEREBY ORDERED THAT Defendant's Motion to Dismiss (Doc. 14) is moot, and is therefore DENIED without prejudice. Signed by Honorable A. Richard Caputo on 5/13/09 (jam,) (Entered: 05/13/2009)
05/13/2009	<u>58</u>	ORDER DISMISSING CASE: Case Consolidated to 09-286; Signed by Honorable A. Richard Caputo on 5/13/09. (kn,) (Entered: 05/14/2009)
01/27/2011	<u>59</u>	ORDER instructing Mid-Atlantic Youth Services Corp., PA Child Care, LLC and Western PA Child Care, LLC to file any objections they may have to the Confidentiality Order by 1/28/2011.Signed by Honorable A. Richard Caputo on 1/27/2011. (bg,) (Entered: 01/27/2011)
04/29/2011	<u>60</u>	ANSWER to <u>50</u> Amended Complaint by Robert Mericle, Mericle Constructions, Inc..(Tanchyk, Alison) (Entered: 04/29/2011)
12/20/2011		DOCKET ANNOTATION: Doc. 61 DELETED. Please see case 09-cv-286 for Order (bg,) (Entered: 12/20/2011)
01/04/2013	<u>61</u>	Scheduling ORDER consolidating cases for discovery purposes only. Please see Order for details & deadlines.Signed by Honorable A. Richard Caputo on 1/2/2013. (bg)

		(Entered: 01/04/2013)
01/09/2013		DOCKET ANNOTATION: As electronic notification to Atty. Hogan had failed, courtesy hard copy of Doc. <u>61</u> mailed with instructions for updating ECF account info. (ep) (Entered: 01/09/2013)