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LITIGATION UPDATE

Sweet Stevens Katz & Williams fiercely advocates for its clients. We are proud to report the following recent decisions:

- On November 30, 2016, we obtained summary judgment in the case *Lauren Chickilly v. Panther Valley School District* (C.A. No. 14-cv-02173 M.D.Pa). In this case, the plaintiff, a former employee of the district, alleged that she received unequal pay and that the district retaliated against her in violation of the Equal Pay Act, 29 U.S.C. § 215(a)(3). After the completion of discovery, we successfully argued that the plaintiff failed to identify any evidence to support either claim based on well-established law. The district court agreed and entered judgment in favor of the district.
- On November 23, 2016, in a teacher dismissal arbitration, we successfully argued that the district had just cause to discharge the grievant teacher pursuant to the tenets of persistent negligence under the Pennsylvania School Code (*In the Matter of Arbitration: William Penn Education Association and William Penn School District*). The arbitrator found that the district presented sufficient evidence that the teacher negligently failed to perform her required duties over a three-and-a-half-year period and that the district attempted to assist the teacher in a meaningful way throughout that period of time.
- On September 6, 2016, we obtained judgment the case of *A.P., et. al. v. Pennsbury School District* (C.A. No.16-02224 E.D.Pa). There, a minor student and his parents filed a complaint in federal court against the district claiming violations of the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973 (Section 504). Specifically, the plaintiffs claimed the district discriminated against the minor student, who has Type 1 Juvenile Diabetes and utilizes a diabetic alert service dog in school, when it refused to allow the student's service dog to return to school after it bit another student. Plaintiffs subsequently filed a motion for preliminary and permanent injunction seeking to have the court direct the district to allow the service dog back into school. In applying the applicable provisions of the ADA, the court found that the district acted appropriately in permanently excluding the service dog from school because it was a threat to the health and safety of the other elementary school students.
- On July 14, 2016, we successfully dismissed a plaintiff's complaint in the case *Warkevicz v. Berwick School District, et. al.*, (C.A. 15-cv-01922 M.D.Pa). In this case, the plaintiff filed a complaint for declaratory and injunctive relief in federal court against the district and five members of the school board claiming violations of his First, Fifth and Fourteenth Amendment rights. The plaintiff also brought three state law claims. The plaintiff based his allegations on the fact that the district banned him from district property because it believed that he was improperly recruiting football players to the district to play on its football team. The plaintiff argued his constitutional rights were violated with the permanent ban and that he was entitled to contest the ban through a due process hearing. The district court, however,

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agreed with our argument that the facts presented in the complaint failed to state a claim for which relief could be granted and dismissed all claims against the district and the individual defendants.

The above cases are just a small sample of our litigation successes. We welcome the opportunity to vigorously represent our clients in all matters.

Clients who have questions regarding issues discussed in this article, or any education law matter, should feel free to call us at 215-345-9111.

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