

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

BARRY YOUNG,
Plaintiff,

v.

SCHOOL DISTRICT OF
PHILADELPHIA,
Defendant.

CIVIL ACTION

No. 06-4485

MEMORANDUM/ORDER

On September 24, 2009, this court issued an opinion and order (docket nos. 58-59) granting in part and denying in part defendant School District of Philadelphia's motion for summary judgment. Subsequently, both parties filed motions to reconsider that opinion and order (docket nos. 60 & 64). On October 29, 2009, the School District filed a response to plaintiff's motion (docket no. 66), and thereafter, plaintiff Barry Young filed a document styled as both a response to the School District's motion and a reply in support of his own motion (docket no. 67).

In his response/reply, plaintiff states that, at his deposition, he testified that he "told someone" that Timothy McCollum, his former supervisor at the district, "discriminated against" plaintiff. Resp./Reply, at 3. Plaintiff elaborates that he refused to inform counsel of the identity of that person or persons, lest they "be harassed." *Id.* Plaintiff now, however, further states that he "told several [Building Engineer Trainee] class members [McCollum] was a racist," and "even called" his state representative's

office to “complain[] of racism and discrimination.” *Id.*

Although the School District has filed a reply to plaintiff’s response/reply (docket no. 68), the School District’s reply does not address this argument. Plaintiff’s argument, if factually supported, has some potential resonance insofar as it may be thought to run counter to this court’s ruling that Young’s retaliation claim failed because he did not engage in any activity protected by Title VII. *See* Docket No. 58, at 22. Accordingly, a detailed response on this issue from the School District would facilitate disposition of the cross motions for reconsideration.

AND NOW, this 19th day of January, 2010, it is hereby **ORDERED** that defendant School District of Philadelphia shall, within twenty (20) days of the date of this order, respond in detail to that portion of plaintiff’s Brief in Opposition to Defendant’s Motion for Reconsideration and Response to Defendant’s Response to Plaintiff’s Motion (docket no. 67) labeled as plaintiff’s point four, which states that plaintiff had issued complaints of discrimination and had so testified at his deposition.

BY THE COURT:

/s/ Louis H. Pollak
Pollak, J.