

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

GRAYNLE EDWARDS, ED.D.,
Plaintiff,

v.

CHESTER UPLAND SCHOOL DISTRICT,
CHESTER UPLAND SCHOOL DISTRICT
BOARD OF CONTROL, and
JOHN TOMMASINI,
Defendants.

Civil Action
No. 96-7162

MEMORANDUM

Gawthrop, J.

June , 1997

In this civil rights and state-law action, the defendants, the Chester Upland School District (the "District"), the Chester Upland School District Board of Control (the "Board"), and John Tommasini, Chairman of the Board of Control, request this court to abstain from exercising jurisdiction over this case because the plaintiff, Dr. Graynle Edwards, has already filed a similar action against the District in state court. Upon the following reasoning, I shall deny the motion.

Background

On June 24, 1996, the Board eliminated the plaintiff's position of Director of Secondary Instruction Services and furloughed him. The Board scheduled a hearing for him on July 30, 1996, but he did not attend. The reasons for his absence are in dispute. On August 22, 1996, the Board assigned him to a

teaching position, and on September 10 he brought suit in the Delaware County Court of Common Pleas against the District for bumping rights under Pennsylvania law. The court remanded the case to the Board for findings of fact and conclusions of law. On October 15, 1996, he brought suit under the Civil Rights Act of 1871, 42 U.S.C. § 1983, alleging violation of his procedural due process rights; he also sued under the supplemental jurisdiction statute, 28 U.S.C. § 1367, for alleged breaches of Pennsylvania statutory and common law. On January 23, 1997, the Board adopted findings of fact and conclusions of law and filed them with the Court of Common Pleas.

Discussion

The defendants contend that, under the doctrine of Younger v. Harris, 401 U.S. 37 (1971), this court should abstain from exercising jurisdiction because the plaintiff previously filed a parallel proceeding in state court.

In general, a federal court must exercise the jurisdiction Congress has granted it. See New Orleans Pub. Serv., Inc. v. Council of City of New Orleans, 491 U.S. 350, 358 (1989) ("NOPSI"). "'We have no more right to decline the exercise of jurisdiction which is given, than to usurp that which is not given. The one or the other would be treason to the Constitution.'" Id. (quoting Cohens v. Virginia, 6 Wheat. (19 U.S.) 264, 404 (1821)).

The abstention doctrine developed in Younger stands as a limited exception to this general rule. Younger doctrine, sometimes called "Our Federalism," applies where plaintiffs invoke federal jurisdiction to restrain state judicial or administrative proceedings that vindicate important state interests. See Middlesex County Ethics Comm. v. Garden State Bar Assoc., 457 U.S. 423, 437 (1982). Such interests include the enforcement of state criminal laws, Younger, 401 U.S. at 53, nuisance laws, Huffman v. Pursue, Ltd., 420 U.S. 592 (1975), and court contempt orders, Judice v. Vail, 430 U.S. 327 (1977). Younger doctrine does not apply to state judicial proceedings reviewing legislative or executive action. See NOPSI, 491 U.S. at 368.

Here, the plaintiff has filed parallel state and federal proceedings in which he seeks judicial review of the Board's actions. He does not petition this court to enjoin a judicial proceeding in which the other party seeks to vindicate important state interests. Nor does he wish to have the law underlying that proceeding declared unconstitutional. A declaratory judgment in this court would, of course, have res judicata effect in the state action. Such a judgment would not, however, frustrate significant state interests because no party seeks to advance those interests in the parallel state proceeding. Therefore, the limited exception does not apply, and this court must exercise the jurisdiction Congress has granted it.

Younger doctrine does not include a per se prohibition of duplicative federal and state litigation. The pendency of a state action does not, without more, deprive a federal court of jurisdiction over the same matter. See Colorado River Water Conservation Dist. v. United States, 424 U.S. 800, 817 (1976) (quoting McClellan v. Carland, 217 U.S. 268, 282 (1910)). See also Stanton v. Embrey, 93 U.S. 548, 554 (1877) ("the pendency of a prior suit in another jurisdiction is not a bar to a subsequent suit in a circuit court or in the court below, even though the two suits are for the same cause of action").

Conclusion

Because the plaintiff seeks only to obtain judicial review of the Board's actions, rather than to prevent the board from vindicating an important state interest in a state judicial or administrative proceeding, Younger doctrine does not apply and this court must maintain its jurisdiction. I expressly do not decide whether the doctrine announced in Burford v. Sun Oil Co., 319 U.S. 315 (1943), justifies abstention in this matter.

An appeal is taken to the United States District Court

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ORDER

AND NOW, this day of June, 1997, for the reasons described in the accompanying memorandum, the defendants' Motion for Abstention is DENIED.

BY THE COURT:

Robert S. Gawthrop, III, J.