

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

CATHERINE PARVENSKY-BARWELL,	:	CIVIL ACTION
	:	
Plaintiff,	:	NO. 98-3664
	:	
v.	:	
	:	
COUNTY OF CHESTER, and	:	
COLIN A. HANNA,	:	
KAREN L. MARTYNICK, and	:	
ANDREW E. DINNIMAN, in their official	:	
capacity as Commissioners of the County	:	
of Chester, and JOHN A. WEER,	:	
	:	
Defendants.	:	

OPINION

BUCKWALTER, J.

April 13, 1999

Presently before the Court are three motions for summary judgment in this eight-count lawsuit alleging claims under Title VII of the Civil Rights Act of 1964 (“Title VII”), 42 U.S.C. § 2000e et seq., and the Pennsylvania Human Relations Act (“PHRA”), 43 Pa. Cons. Stat. Ann. § 951 et seq. (West 1991), as well as under several federal statutes and Pennsylvania common law. For the reasons discussed below, all defendants are entitled to summary judgment.

I. BACKGROUND

Plaintiff Catherine Parvensky-Barwell commenced her employment with Defendant County of Chester’s Department of Emergency Services in May 1990. See Parvensky-Barwell Dep. at 10 (attached as Exhibit C to Docket No. 9) (“Pl. Dep.”). She was hired as an at-will employee. See Employee Handbook at Preface (attached as Exhibit K to

Docket No. 9). She received regular raises and promotions up until the time of her termination in 1996. See Pl. Dep. at 12-14. In 1993, the County promoted Plaintiff to the position of Deputy Director of Training, which required her to supervise five full-time employees and two part-time employees. See id.

Plaintiff hired Defendant John A. Weer in October 1994 as a fire rescue coordinator. See Pl. Dep. at 76-77; Weer Dep. at 14 (attached as Exhibit D to Docket No. 9). As a new employee, Mr. Weer was placed on probation for six months, during which time his supervisor (Plaintiff) possessed both the power to determine whether he could continue in the position on a permanent basis and the power to terminate his employment. See Pl. Dep. at 78; Weer Dep. at 63-64, 73.

In November and December 1994, Plaintiff contemplated a romantic relationship with Mr. Weer, kissing him twice. See Pl. Dep. at 78-79. They discussed pursuing a relationship further, but decided against it. See id. at 78. Mr. Weer felt scared and awkward due to Plaintiff's actions and expressed to Plaintiff that her advances were unwelcome. See Weer Dep. at 26-34. Plaintiff subsequently sent Mr. Weer two letters in December 1994 and January 1995, apologizing for her conduct and assuring him that she would not retaliate against him for his rejection of her advances. See Docket No. 9 (Exhibit E thereto); Pl. Dep. at 79. She admitted to acting "inappropriately" and took responsibility for her "bad judgment." Docket No. 9 (Exhibit E thereto). The County subsequently hired Mr. Weer on a full-time basis, but he continued to report to Plaintiff during the time period relevant to this lawsuit. See Weer Dep. at 15-16. Plaintiff and Mr. Weer thereafter maintained a friendly relationship at work, and there are no

incidents in the record of similarly inappropriate conduct by Plaintiff towards Mr. Weer through December 1995.

In January 1996, the County Board of Commissioners directed Wayne R. Rothermel, the Director of Government Services, “to identify problems and propose solutions within the Department of Emergency Services.” Rothermel Aff. ¶ 4 (attached as Exhibit F to Docket No. 9). Mr. Rothermel issued a memorandum on January 24th announcing his intentions and efforts. See Docket No. 9 (Exhibit G thereto). He then developed recommendations for improving the performance of the department by conducting a review of the operations, personnel, and administration. See Rothermel Aff. ¶¶ 5-6. After conducting his evaluations, Mr. Rothermel reclassified many of the employees in the department, including Plaintiff, whose title changed to Training Division Manager while her staff and duties remained the same. See Pl. Dep. at 17-21, 52.

On April 2, 1996, Plaintiff met with Gail Dampman, Senior Personnel Analyst in the County’s Department of Human Resources, concerning her unhappiness with the salary raise given to John Haines, the new Manager of the 911 Call Center, her perceptions of unequal pay based on gender, and of a generally hostile work environment towards women. See Pl. Dep. at 30-48; see also Rothermel Aff. ¶¶ 11-15. At Ms. Dampman’s suggestion, Plaintiff wrote a memo to Mr. Rothermel setting forth her complaints. See Pl. Dep. at 48; see also Mem. from Pl. to Mr. Rothermel (Apr. 5, 1996) (attached as Exhibit H to Docket No. 9). Plaintiff met with Mr. Rothermel on April 18th for an hour and a half to discuss her concerns, specifically her complaint about Mr. Haines’ higher salary. See Pl. Dep. at 48-56.

Between the date of that meeting and July 9, 1996, Plaintiff also spoke to Ms. Dampman on several occasions concerning the unequal pay complaint, but she never again raised her allegations of a hostile work environment. See id. at 57-60. During this same time period, Ms. Dampman looked into Plaintiff's allegations, directing Jody Hanlon, a Personnel Analyst in charge of handling compensation, to conduct an investigation into the unequal pay complaint. See Dampman Dep. at 73-74 (attached as Exhibit I to Docket No. 9). Although a signed and notarized affidavit of Ms. Hanlon was not resubmitted as indicated by defense counsel, she allegedly reported to Ms. Dampman the absence of factual support for Plaintiff's allegations of unequal pay. See Hanlon Aff. ¶¶ 4-6. In any event, it appears that the investigation of Plaintiff's complaint of unequal pay was ongoing, at least as of June 18, 1996. See, e.g., Dampman Dep. at 331-32.

In June 1996, after attending a respectful workplace workshop presented by Ms. Dampman, Mr. Weer spoke to her about his own concerns regarding a sexual harassment claim, but couched his allegations in terms of a hypothetical set of facts. See id. at 60-65; Weer Dep. at 243-46. As the hypothetical became more detailed, Ms. Dampman warned Mr. Weer that if he continued, she would have an obligation to commence an investigation pursuant to the County's sexual harassment policy. See Dampman Dep. at 62; see also Employee Handbook at 21-24. Mr. Weer subsequently met with Ms. Dampman on July 10, 1996 to file a formal complaint of sexual harassment against Plaintiff. See Dampman Dep. at 66-67.

During the course of Ms. Dampman's interview of Mr. Weer, he recounted multiple incidents of alleged inappropriate behavior, including the kissing incident in late 1994, weekly acts of physical touching, and suggestive comments and overtures in the spring and

summer of 1996. See generally Dampman Notes (attached as Exhibit L to Docket No. 9). Mr. Weer also identified several witnesses to these incidents. See id.; Dampman Dep. at 71.

Ms. Dampman initiated an investigation immediately thereafter. See Dampman Dep. at 67. She interviewed these witnesses, all of whom corroborated Mr. Weer's account. See Dampman Notes. Ms. Dampman also interviewed Plaintiff on July 12, 1996, explaining to her that an employee had filed a sexual harassment complaint against her. See Pl. Dep. at 61-62. Plaintiff was asked questions concerning Mr. Weer's allegations. See id. at 64-76. Although it is undisputed that Plaintiff was not informed as to the identity of her accuser during this meeting, it is plain from the specificity of the incidents inquired about by Ms. Dampman that Plaintiff must have had a reasonable idea of who had filed the complaint.

After completing her investigation, Ms. Dampman (through a memorandum by the Acting Manager of Human Resources) recommended that the County terminate Plaintiff for engaging in inappropriate conduct towards Mr. Weer. See Mem. from Mark Rupsis to Chester County Commissioners (July 18, 1996) (attached as Exhibit M to Docket No. 9). The County Commissioners subsequently voted unanimously to terminate Plaintiff. See Minutes of Commissioners' Executive Session (July 23, 1996) (attached as Exhibit N to Docket No. 9). Plaintiff was formally terminated two days later. See Mem. from Timothy R. S. Campbell to Pl. (July 25, 1996) (attached as Exhibit E to Docket No. 23). While Ms. Dampman has acknowledged the inopportune timing of Mr. Weer's complaint in light of Plaintiff's pending unequal pay complaint, see Dampman Dep. at 67-70, the record is devoid of any evidence that the County Commissioners' decision to terminate Plaintiff was based, in any part, on her prior complaint of unequal pay.

Plaintiff alleges that, after her separation from the County, she learned that the true reasons for her termination included “stealing money from the fire school” and “falsifying records to the state.” Pl. Aff. ¶¶ 4-5 (attached as Exhibit X to Docket No. 23); accord Pl. Dep. at 111-112. Although Plaintiff’s complaint alleges that Mr. Weer is the source of these statements, see Compl. ¶ 76, that fact is not entirely clear from either her affidavit or deposition testimony. However, it bears noting that Plaintiff’s position and duties were not filled after her discharge; rather, the responsibilities were given to her male supervisor, and her position eliminated entirely. See Campbell Dep. at 32-34 (attached as Exhibit O to Docket No. 9); Rothermel Aff. ¶ 16.

Plaintiff’s complaint alleges a total of eight claims, seven of which appear to be directed solely at the County and its commissioners, three of which appear to be directed against all the defendants (the County, its commissioners, and Mr. Weer), and only one of which is directed at Mr. Weer alone. In Count I, Plaintiff asserts a claim of discriminatory discharge on the basis of gender in violation of Title VII against the County and its commissioners. In Count II, she asserts a claim of retaliatory discharge in violation of Title VII against the County and its commissioners. Count III asserts the same allegations of Counts I and II under the PHRA against the same defendants. In Count IV, Plaintiff alleges a deprivation of her First and Fourteenth Amendment rights in violation of 42 U.S.C. § 1983 against the County and its commissioners. In Count V, she expands her allegations to include the County, its commissioners, and Mr. Weer as a co-conspirators in violation of 42 U.S.C. § 1985, presumably subsection (3). Count VI is an action brought under 42 U.S.C. § 1986 against all the defendants for negligence or refusal to prevent the aforementioned violations. In Count VII, Plaintiff asserts a claim for tortious

interference with contract against Mr. Weer alone. And finally, in Count VIII, Plaintiff alleges an action for libel and defamation against all the defendants.

II. DISCUSSION

A. Standard of Review

Summary judgment is appropriate “if the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law.” Fed. R. Civ. P. 56(c). The moving party has the burden of demonstrating the absence of any genuine issue of material fact. See Celotex Corp. v. Catrett, 477 U.S. 317, 323 (1986). A factual dispute is “material” if it might affect the outcome of the case under the governing substantive law. See Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 248 (1986). Additionally, an issue is “genuine” “if the evidence is such that a reasonable jury could return a verdict for the nonmoving party.” Id.

On summary judgment, it is not the court’s role to weigh the disputed evidence and decide which is more probative; rather, the court must consider the evidence of the non-moving party as true, drawing all justifiable inferences arising from the evidence in favor of the non-moving party. See id. at 255. If a conflict arises between the evidence presented by both sides, the court must accept as true the allegations of the non-moving party. See id. “This standard does not change when the issue is presented in the context of cross-motions for summary judgment.” Appelmans v. City of Philadelphia, 826 F.2d 214, 216 (3d Cir. 1987). When the non-moving party will bear the burden of proof at trial, the moving party’s burden can

be “discharged by ‘showing’ -- that is, pointing out to the district court -- that there is an absence of evidence to support the non-moving party’s case.” Celotex, 477 U.S. at 325.

If the moving party establishes the absence of a genuine issue of material fact, the burden shifts to the non-moving party to “set forth specific facts showing that there is a genuine issue for trial.” Fed. R. Civ. P. 56(e). In doing so, the non-moving party must “do more than simply show that there is some metaphysical doubt as to the material facts.” Matsushita Elec. Indus. Co. v. Zenith Radio Corp., 475 U.S. 574, 586 (1986). If the evidence of the non-moving party is “merely colorable,” or is “not significantly probative,” summary judgment may be granted. Anderson, 477 U.S. at 249-50.

In granting summary judgment to all of the defendants, the Court notes that a running theme fatal to many of Plaintiff’s claims is her fundamental misunderstanding of the inquiry under the anti-discrimination and civil rights statutes. The issue is not whether the County can legally prove a case of sexual harassment committed by Plaintiff under the standards articulated by the United States Supreme Court and the United States Court of Appeals for the Third Circuit but rather, whether the County had a good faith, reasonable belief that Plaintiff had engaged in inappropriate conduct sufficient to warrant her termination, as opposed to articulated reasons which were merely a pretext for unlawful discrimination.

B. Discriminatory Discharge (Count I)

To establish a prima facie case of discriminatory discharge under Title VII, a plaintiff must show that: (1) she is a member of a protected class or minority group; (2) she was qualified for the position at issue; (3) she was discharged; and (4) the position was ultimately filled by a person not of the protected class, see Sheridan v. E.I. Dupont de Nemours and Co.,

100 F.3d 1061, 1066 n.5 (3d Cir. 1996) (en banc), cert. denied, 117 S. Ct. 2532 (1997), or that similarly situated non-protected persons were treated more favorably, see Josey v. John R. Hollingworth Corp., 996 F.2d 632, 638 (3d Cir. 1993). The burden of production then shifts to the defendant to articulate a legitimate, non-discriminatory reason for the discharge. See Texas Dep't of Community Affairs v. Burdine, 450 U.S. 248, 254 (1981). Even if the defendant meets that burden, the plaintiff may still prevail by demonstrating that the reason for the discharge was merely pretextual. See id. at 256. Such a showing is sufficient to grant summary judgment in favor of the plaintiff. See Sheridan, 100 F.3d at 1066-69. The ultimate burden of persuasion, however, remains at all times with the plaintiff. See United States Postal Serv. Bd. of Governors v. Aikens, 460 U.S. 711, 716 (1983).

Plaintiff has established a prima facie case of discriminatory discharge.

Notwithstanding that Plaintiff's former position was eliminated and her duties subsumed into the responsibilities of her male supervisor, the record supports shifting the burden of rebuttal to Defendants.

After receiving Mr. Weer's complaint of sexual harassment against Plaintiff, Defendants conducted a thorough investigation of the allegations contained therein. Based upon the evidence collected through multiple interviews, Ms. Dampman came to the conclusion that Mr. Weer's allegations were sufficiently corroborated and recommended Plaintiff's termination. Ms. Dampman communicated her recommendation to the County's commissioners, who then officially terminated Plaintiff, after holding an executive session meeting. On this record, Defendants possessed a good faith, reasonable belief that Plaintiff had engaged in inappropriate conduct sufficient to warrant her termination. Thus, Defendants have met their burden of

production to articulate a legitimate, non-discriminatory reason for Plaintiff's discharge. Moreover, in attempting to prevail on her discrimination claim, Plaintiff has not proffered any relevant evidence, direct or circumstantial, based upon which a fact finder could reasonably either (1) disbelieve defendants' articulated legitimate reason; or (2) believe that an invidious discriminatory reason was more likely than not a motivating or determinative cause of defendants' action. Fuentes v. Perskie, 32 F.3d 759, 764 (3rd Cir. 1994).

Accordingly, because Plaintiff has failed to meet her burden of persuasion, or alternatively, demonstrate genuine issues of material fact in dispute sufficient to deny summary judgment, the Court concludes that Defendants are entitled to judgment on this count.

C. Retaliatory Discharge (Count II)

To establish a prima facie case of retaliatory discharge under Title VII, a plaintiff must show that: (1) he was engaged in a protected activity; (2) the employer took an adverse action against him; and (3) a causal link exists between the protected activity and the employer's adverse action. See E.E.O.C. v. L. B. Foster Co., 123 F.3d 746, 754 (3d Cir. 1997), cert. denied, 118 S. Ct. 1163 (1998). As in the case of an action for discriminatory discharge, the burden of production then shifts to the defendant to articulate a legitimate, non-discriminatory reason for the discharge, and the plaintiff may prevail by demonstrating that the reason for the discharge was merely pretextual if the defendant meets its burden of production. The ultimate burden of persuasion, of course, remains at all times with the plaintiff.

Plaintiff has sufficiently established a prima facie case of retaliatory discharge. The temporal proximity between her complaint of unequal pay and the date of her discharge -- a span of just under four months -- in conjunction with other facts in the record suffice to raise the

inference of a causal link between her protected activity and the County's termination decision. However, for the reasons discussed above in Part II.B., Defendants have articulated a legitimate, non-discriminatory reason for the termination, to which Plaintiff has not proffered any relevant evidence suggesting that the reason was pretextual.

Accordingly, because Plaintiff has failed to meet her burden of persuasion, or alternatively, demonstrate genuine issues of material fact in dispute sufficient to deny summary judgment, the Court concludes that Defendants are entitled to judgment on this count.

D. PHRA Claims (Count III)

Liability under the PHRA follows the standards set out under Title VII. See Knabe v. Boury Corp., 114 F.3d 407, 410 n.5 (3d Cir. 1997). Therefore, Defendants are entitled to judgment on this count for the reasons discussed above in Part II.B.-C.

E. 42 U.S.C. §§ 1983, 1985, 1986 (Count IV, V, and VI)

As this Court remarked on another occasion in dismissing a plaintiff's constitutional claims after dismissing a discriminatory discharge claim, "[b]ecause the Court finds that Plaintiff has failed to make a prima facie showing of discriminatory animus in Defendant[s'] termination of Plaintiff, this has a domino effect on Plaintiff's other claims." Lacey v. Dana Corp., Civ. A. No. 97-6403, 1998 WL 966013, at *4 (E.D. Pa. Nov. 20, 1998) (Buckwalter, J.). A similar result is warranted here.

To state a claim under § 1983, a plaintiff must establish: (1) that the alleged conduct was committed by a person acting under color of state law; and (2) that the conduct deprived the plaintiff of rights, privileges, and immunities secured by the United States Constitution or federal law. See St. Germain v. Pennsylvania Liquor Control Bd., Civ. A. No.

98-5437, 1999 WL 79500, at *5 (E.D. Pa. Jan. 15, 1999) (Buckwalter, J.). Furthermore, to maintain an action against a municipality and its employees, a plaintiff must initially show that the governmental entity's actions amounted to a policy, ordinance or custom, or alternatively, that the actions were committed by an official high enough within the entity such that the actions can fairly be attributed to a governmental decision. See Monell v. Department of Soc. Servs., 436 U.S. 658, 691-95 (1978). Thus, a municipality may be held liable for acts that it has ordered, or by virtue of actions taken by its own officials who have "final authority to establish municipal policy with respect to the action ordered." Pembauer v. City of Cincinnati, 475 U.S. 469, 480-81 (1986).

Here, the record is devoid of any evidence even suggesting that the County and its commissioners have violated Plaintiff's rights in the manner delineated by the Monell-Pembauer line of cases. For example, Plaintiff has not established any county-wide policy or custom resulting in deprivations of constitutional rights; rather, her sole proof rests on unsupported assertions.

In any event, Plaintiff cannot succeed on the merits of her allegations that she was deprived of her rights to free speech, equal protection, and procedural due process. First, notwithstanding that Plaintiff appears to have abandoned her allegations under the First Amendment, see Docket No. 23 at 33-34 (stating that "Plaintiff's claim for relief under sections 1983, 1985, and 1986 is" for procedural due process "based on the Fourteenth Amendment . . ."), Plaintiff would have been terminated "without regard for [her] protected First Amendment activity," Larson v. Senate of the Commonwealth of Pennsylvania, 154 F.3d 82, 95 (3d Cir. 1998), cert. denied sub nom. Nix v. Larson, 119 S. Ct. 1037 (1999). Second, Plaintiff has failed

to demonstrate that Defendants intentionally discriminated against her such that she did not receive equal protection under the laws. And finally, Plaintiff has not substantiated any liberty or property interest in her at-will employment sufficient to trigger due process protection, and in any case, the record demonstrates that Defendants' investigation of her complaint afforded Plaintiff ample notice and opportunity to be heard.

As for her claim under section 1985(3), Plaintiff must establish: (1) a conspiracy; (2) motivated by a class-based discriminatory animus designed to deprive a person or class of persons to equal protection of the laws; (3) an act in furtherance of the conspiracy; and (4) injury to person or property or the deprivation of any right or privilege of a citizen of the United States. See Lake v. Arnold, 112 F.3d 682, 684 (3d Cir. 1997). There is no evidence in the record of the alleged conspiracy between the named defendants and thus, Plaintiff's mere reliance on her unsupported allegations cannot maintain a § 1985 claim. Moreover, "[t]he claim under 42 U.S.C. § 1986 also fails because the section 1985(3) claim is needed to sustain it." Lacey, 1998 WL 966013, at *4.

Accordingly, Defendants are entitled to judgment on counts IV, V, and VI.

F. Tortious Interference with Contract (Count VII)

To state a claim for tortious interference with contractual relations, a plaintiff must establish: (1) the existence of a contractual relationship; (2) the defendant's intent to harm the plaintiff by interfering with that relationship; (3) the absence of a privilege or justification for such interference; and (4) damages. See Hennessey v. Santiago, 708 A.2d 1269, 1278 (Pa. Super. 1998).

Plaintiff was an at-will employee. There is no action for an interference with such an employment relationship as there is no cognizable contract. See id. at 1279. Accordingly, Mr. Weer is entitled to judgment on this count.

G. Libel and Defamation (Count VIII)

All defendants are also entitled to judgment on Plaintiff's claim for libel and defamation, but for different reasons.

Pursuant to the Pennsylvania Political Subdivision Tort Claims Act, 42 Pa. Cons. Stat. Ann. § 8541 et seq. (West 1998), the County and its commissioners are absolutely immune from liability for a claim of libel and defamation.

Plaintiff's allegations of libel and defamation against Mr. Weer can be divided into: (1) those statements published by Mr. Weer prior to Plaintiff's termination, to wit, the complaint of sexual harassment; and (2) those statements published by Mr. Weer after Plaintiff's termination, to wit, "stealing money from the fire school" and "falsifying records to the state."

First, an action for libel or defamation based on statements published by Mr. Weer concerning his complaint of sexual harassment is time-barred. The applicable statute of limitations for libel and defamation claims is one year. See 42 Pa. Cons. Stat. Ann. § 5523(1) (West 1981 & Supp. 1998). Although Mr. Weer published these statements in June 1996, Plaintiff only filed her complaint on July 15, 1998. Accordingly, these statements are no longer legally actionable.

Second, an action for defamation based on statements made by Mr. Weer after Plaintiff's termination must fail because it is not supported by competent, admissible evidence. Plaintiff's sole evidence is found in her affidavit and deposition testimony, relating a chain of

inadmissible double hearsay to support the allegation in her complaint attributing the defamatory statement to Mr. Weer. See Fed. R. Evid. 801(c), 802. Moreover, Leroy Klingler, the individual whom Plaintiff claims allegedly overheard Mr. Weer make these statements, see Pl. Aff. ¶ 5, specifically denied this allegation during his deposition, see Klingler Dep. at 19-21, 43-44 (attached as Exhibit J to Docket No. 12). Thus, Plaintiff's defamation claim utterly lacks any evidentiary foundation.

H. Request for Sanctions (Fed. R. Civ. P. 56(g))

In responding to Plaintiff's motion, Defendants County of Chester, Colin A. Hanna, Karen L. Martynick, and Andrew E. Dinniman requested sanctions pursuant to Fed. R. Civ. P. 56(g), see Docket No. 16 at 13-14, based on Plaintiff's submission of two affidavits, which Defendants claim are wholly irrelevant and were filed in bad faith. See Lacey Aff. (attached as Exhibit K to Docket No. 13); Clinton Aff. (attached as Exhibit L to Docket No. 13).

The Court agrees that the affidavits are irrelevant to the issues in this action, but it not satisfied that they were "presented in bad faith or solely for the purpose of delay." Fed. R. Civ. P. 56(g). Accordingly, the request for sanctions is denied.

III. CONCLUSION

Viewing each of the respective summary judgment motions in the light most favorable to the non-moving party, Plaintiff's motion is DENIED and Defendants' motions are GRANTED. Accordingly, all the defendants are entitled to judgment in their favor on all claims. Additionally, the request for sanctions against Plaintiff pursuant to Fed. R. Civ. P. 56(g) is DENIED. An appropriate order follows.

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

CATHERINE PARVENSKY-BARWELL,	:	CIVIL ACTION
	:	
Plaintiff,	:	NO. 98-3664
	:	
v.	:	
	:	
COUNTY OF CHESTER, and	:	
COLIN A. HANNA,	:	
KAREN L. MARTYNICK, and	:	
ANDREW E. DINNIMAN, in their official	:	
capacity as Commissioners of the County	:	
of Chester, and JOHN A. WEER,	:	
	:	
Defendants.	:	

ORDER

AND NOW, this 13th day of April, 1999, upon consideration of Plaintiff's Motion for Summary Judgment (Docket Nos. 10, 11, and 13), Defendants' responses thereto (Docket No. 16 and 20), it is hereby ORDERED that the motion is DENIED, and further that the request for sanctions by Defendants County of Chester, Colin A. Hanna, Karen L. Martynick, and Andrew E. Dinniman is DENIED, in accordance with the accompanying opinion.

IT IS FURTHER ORDERED that, upon consideration of the Motion for Summary Judgment of Defendants County of Chester, Colin A. Hanna, Karen L. Martynick, and Andrew E. Dinniman (Docket Nos. 8 and 9) and Plaintiff's response thereto (Docket No. 23), it is hereby ORDERED that the motion is GRANTED, in accordance with the accompanying opinion.

IT IS FURTHER ORDERED that, upon consideration of Defendant John A. Weer's Motion for Summary Judgment (Docket No. 12) and Plaintiff's response thereto (Docket

Nos. 25 and 26), it is hereby ORDERED that the motion is GRANTED, in accordance with the accompanying opinion.

Accordingly, judgment is entered in FAVOR of Defendants County of Chester, Colin A. Hanna, Karen L. Martynick, Andrew E. Dinniman, and John A. Weer, and AGAINST Plaintiff Catherine Parvensky-Barwell on all claims.

The Clerk of Court shall mark this case CLOSED.

BY THE COURT:

RONALD L. BUCKWALTER, J.