

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

| | | |
|--------------------------|---|----------------|
| COLLETTE R. JOHNSON | : | CIVIL ACTION |
| | : | |
| v. | : | |
| | : | |
| CITY OF PHILADELPHIA and | : | |
| DAWN MIDDLETOWN-BRYANT | : | NO. 08-CV-1894 |

ORDER

AND NOW, this 10th day of September 2009, upon consideration of defendants City of Philadelphia and Dawn Middletown-Bryant's motion for summary judgment on plaintiff Collette R. Johnson's Title VII claim against the City (Count I), her § 1983 claims against the City (Counts III and IV) and her § 1983 claim against Bryant (Count IV), and plaintiff's response thereto, and for the reasons set forth in the accompanying memorandum of law, it is hereby ORDERED that:

1. Defendants' motion for summary judgment is DENIED with respect to plaintiff's Title VII claim against the City for disciplinary actions related to chain-of-command violations (Count I) and with respect to plaintiff's § 1983 claim against Bryant for disciplinary actions related to chain-of-command violations (Count IV);

2. Defendants' motion for summary judgment is GRANTED for plaintiff's Title VII claims against the City (Count I) and plaintiff's § 1983 claims against Bryant (Count IV) based on all other incidents and for all § 1983 claims against the City (Counts III and IV).

3. Counsel should inform my Chambers (215-597-2750) within 10 business days of this date if a settlement conference before Magistrate Judge Restrepo might be productive.

/s/ THOMAS N. O'NEILL, JR
THOMAS N. O'NEILL, JR., J